

RESOLUTION PC2019-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A CONDITIONAL USE PERMIT TO CONDITIONALLY ALLOW FOR A HEMP EXTRACTION FACILITY IN AN I-1 (GENERAL INDUSTRIAL) ZONE, LOCATED AT 520 ATEN ROAD; IMPERIAL, CA 92251

WHEREAS, Badlands Provisions submitted an application for a Conditional Use Permit; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on March 13, 2019; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Conditional Use Permit.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorically Exempt under Section 15303 of the California Environmental Quality Act; and
- E) That the "Hemp Biomass Extraction Facility" is consistent with those uses allowed in the I-1 General Industrial Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby conditionally **APPROVES** the "Hemp Biomass Extraction Facility" at 520 Aten Road, via the granting approval of a Conditional Use Permit and Conditions of Approval outlined in EXHIBIT A .

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13th day of March 2019.

Charles Lucas,
Planning Commission Chairman

ATTEST:

Debra Jackson, City Clerk/Planning Secretary

EXHIBIT A

RESOLUTION #PC2019-07 CONDITIONS OF APPROVAL

For

Conditional Use Permit: CUP (19-04)

**Badland Provisions
Hemp Extraction Facility
520 West Aten Boulevard
Imperial, CA 92251**

1. Conditional Use Permit: CUP (19-04) is hereby approved to allow the use and operations of a Hemp Extraction Facility. The use may be subject to additional approvals subject to the requirements of the Zoning Ordinance.
2. The provisions of this Conditional Use Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
3. The Facility must implement an "Odor Control" ventilation system that meets all current California Building and Fire Code standards.
4. The Facility must also operate within the outlined noise standards found within the City of Imperial's "Noise Element".
5. All signage shall comply with the provisions of the Zoning Ordinance.
6. The proprietor/owner shall be responsible for the removal of all graffiti from the walls, fences, pavement, or buildings within 72 hours of its appearance on the property.
7. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times.
8. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.

9. The conditional approval of the Conditional Use Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
10. The City reserves the right to periodically review the operation for potential problems. If problems (on-site or within the immediate area) including, but not limited to, , the illegal sale or use of narcotics, drugs or alcohol, lewd and/or disorderly conduct, and disturbing the peace result from the proposed land use, etc., the conditional use permit may be subject to review and revocation by the City of Imperial per the procedures outlined in the Imperial Municipal Code.
11. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
12. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
13. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.