

# EXHIBIT K

**RESOLUTION NO. 2017-42**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL  
AMENDING THE CONDITIONS OF APPROVAL OUTLINED IN  
RESOLUTION NO. 2016-06 FOR THE JUSTO FELIX ANNEXATION**

**WHEREAS**, the Planning Commission adopted Resolution No. 2016-06 approving the Felix Annexation subject to Conditions of Approval; and

**WHEREAS**, neighboring residents have expressed concerns to LAFCO and City Council with the project including but not limited to safety issues of school children in the vicinity of school bus stop on Clark Road, hours of operation of the business, speed travel of trucks entering and exiting the business and truck traffic; and

**WHEREAS**, based on these concerns, it is recommended to place additional Conditions of Approval on the project; and

**WHEREAS**, the City Council recommended additional Conditions of Approval therefore referring this project back to the Planning Commission; and

**WHEREAS**, a duly notified public hearing was conducted by the Planning Commission on April 18, 2016 and continued to May 11, 2016; and August 9, 2017; and

**WHEREAS**, a duly notified public hearing was also held by the City Council during its regular meeting on June 1, 2016; May 3, 2017; May 17, 2017; June 7, 2017; June 21, 2017 and September 20, 2017


**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** an amendment of the Conditions of Approval for Resolution No. 2016-06 as outlined in Exhibit A.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Imperial, this 20<sup>th</sup> day of September, 2017.

  
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Mayor

ATTEST:

  
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Debra Jackson, City Clerk

## EXHIBIT A

### CONDITIONS OF APPROVAL

For

#### FELIX ANNEXATION AND PRE-ZONE

1. The Applicant shall dedicate a twenty-foot (20') right-of-way along the frontage of the project site in conformance with the requirements of the General Plan Circulation Element to ensure that Clark Road / "P" Street is developed as a Major Arterial.
2. The Applicant shall widen the center turn lane to a minimum of 15' in width and extend the center turn lane to the north to provide sufficient merging distance for trucks.
3. Acceleration and deceleration lanes shall be provided along the frontage of the project site. These lanes shall be provided with a 10:1 taper to the existing roadway and shall be a minimum of 12' width.
4. The Applicant shall install sidewalk, and curb and gutter along the frontage of the project site.
5. A new 80' east-west roadway shall be created to provide emergency secondary access to all portions of the properties. This shall be accomplished through the granting of an irrevocable offer of 40' right-of-way from the northern portion on APN 044-200-079 and a 40' right-of-way from the southern portion on APN 044- 200-077.
6. All gates shall be located a minimum of 100' from the edge of right-of-way to ensure sufficient truck cueing space away from roadways
7. Drought-tolerant landscaping shall be installed along the project frontage. At a minimum, landscaping shall include one 24-inch box tree for every 30' of street frontage and shrubs. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the issuance of a building permit. All landscaped areas shall be irrigated with automatic sprinkler systems.
8. All storage areas shall be screened from view of the public. No double-stacking of cargo containers is allowed.
9. Hours of operation shall be limited to between 7:00 a.m. and 8:30 p.m. Mondays through Fridays. No trucks shall enter or exit the project site outside of these hours. This shall include arrivals and departures. No storage containers or materials inside the facility shall be moved outside of these hours.
10. A six-foot high, solid wall, stucco or wood frame shall be installed along the street frontage of the project site.
11. The Imperial County Fire Department shall conduct a ministerial review of the Tentative Tract Map and may provide additional requirements consistent with applicable standards. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), roadway access, storage limitations related to highly flammable materials, and the installation of fire sprinklers 60 days following the approval of the

Imperial Valley Local Agency Formation Commission (LAFCo), the following Conditions of Approval shall apply:

**Fire Protection Water Supply**

- a. Private Fire Service main and water supply shall meet the California Fire Code Chapter 5 Section 507.
- b. All plans shall be reviewed and approved by Imperial County Fire Department before construction of the private fire protection water supply is started.
- c. All construction of underground fire lines will be inspected by Imperial County Fire Department.
- d. All components will be reviewed and approved by Imperial County Fire Department before any construction of the private fire protection water supply is started.

**Firefighting Access**

- e. Access to the property shall meet the requirements set forth in the 2013 California Fire Code, and all City of Imperial codes and ordinances.
- f. Firefighting Access shall meet all requirements of the 2013 California Fire Code Chapter 5 Sec. 503.
- g. Access Gates should meet all requirements of the 2013 California Fire Code Chapter 5 sec. 503.6.
- h. An approved KNOX Box/Lock will be required to be installed at all access points to the property.
- i. Secondary Access to the property shall be installed in accordance with the 2013 California Fire Code Chapter 5 Sec. 503.1.2 and local requirements, codes, and ordinances.
- j. An annual fire inspection will be conducted at the facility, in accordance with the California Fire Code 106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

**Hazardous Materials**

- k. Developer shall comply with Chapter 50 of the California Fire Coded for Hazardous Material and submit a hazardous material management plan and hazardous material inventory statement to Imperial County Fire Department and local CUPA.
12. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department. The Planning Department may require light reducing techniques such as the installation of fencing, mature landscaping, or directing of lighting toward the ground;

13. Developer/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.
14. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
15. The City Council shall have final approval of the Pre-Zone, Annexation and Environmental Review.
16. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the project. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
17. The Developer/Applicant shall pay all applicable impact and capacity fees.
18. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Subdivision Map shall record until such costs have been paid to the City.
19. All maps, plans, studies, cost estimates; designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to issuance of building permit.
20. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Subdivision Map.
21. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.
22. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.
23. Prior to the start of any construction activity, a qualified biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows will be destroyed to prevent the return of the owls to these burrows during the next mating season.

24. The project shall comply with ICAPCD's standard mitigation measures for construction combustion equipment and mandatory Rule VIII to ensure that adequate air quality is maintained.
25. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
26. A Hydrology Study shall be submitted to the City Engineer for review and approval during the design phase of this project. The Hydrology Study shall determine the need for a pump station and must adequately address drainage for all proposed parcels in compliance with the City's adopted standards.
27. The proposed project and design criteria must provide for the storage capacity of a 100-year storm. If the 100 year storm retention basin is unable to be drained within a 72-hour detention time, a Mosquito Abatement Plan shall also be required.
28. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution.
29. The developer shall reduce potential impacts to the nearby noise- sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
30. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.
31. The conditional approval of the Pre-Zone and Annexation 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.
32. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.
33. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.

34. All Conditions of Approval, with the exception of #11, must be completed and met within twelve (12) months following the approval of the Imperial Valley Local Agency Formation Commission (LAFCo).
35. The applicant shall post a performance bond to guarantee satisfactory completion of the project. Performance bond shall include the cost of improvements plans and the cost estimate approved by the city.

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**STATE OF CALIFORNIA)**  
**COUNTY OF IMPERIAL )ss**  
**CITY OF IMPERIAL )**

I, the undersigned City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2017-42 was duly and regularly adopted at a Regular meeting of the City Council of the City of Imperial held on the 20<sup>th</sup> day of September 2017, by the following vote:


AYES: DALE, PECHTL, SAMPSON, AND TUCKER

NAYES: AMPARANO

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 4-1

  
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DEBRA JACKSON, CITY CLERK  
CITY OF IMPERIAL, CALIFORNIA