

**RESOLUTION PC2018-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A VARIANCE (VAR 18-01) FOR THE DEVIATION OF THE ORDAINED MAXIMUM HEIGHT LIMIT OF 6' TO A MAXIMUM OF 8' THROUGHOUT THE IMPERIAL IRRIGATION FACILITY LOCATED AT 333 BARION BLVD.; IMPERIAL, CA 92251**

**WHEREAS**, Imperial Irrigation District submitted a request for a Variance in order to deviate from the maximum height limit of 6' to a maximum of 8' for a fence replacement project throughout the IID Facility; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission during a regular meeting on March 28, 2018 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 Variance.

**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) Installation and alteration of fences are ministerial and therefore exempt from CEQA.
- D) 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
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance #**VAR18-01** for the Imperial Irrigation District (IID) for the deviation of the ordained fence height to a maximum of 8' based on the following findings:
  - 1. That granting the Variance of its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.
  - 2. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

3. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.
4. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Imperial this 28<sup>th</sup> day of March, 2018.

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Planning Commission Chairman

ATTEST:

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Planning Secretary

## **EXHIBIT A**

**RESOLUTION PC2018-05  
CONDITIONS OF APPROVAL  
Variance Permit #VAR 18-01  
Imperial Irrigation District Facility  
APN#s: 063-130-005 & 063-130-001  
333 E. Barioni Blvd.;  
Imperial, CA 92251**

1. An encroachment and building permit from the City of Imperials' Community Development Department must be obtained before any fencing be placed.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit. Applicant is full responsible for advertising signs and flags and any happenings that may transpire while they are in use.
3. The provisions of this Variance 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. The Variance Permit is only valid for 2 years from date of resolution approval.
4. The proprietor/owner shall be responsible for the removal of all graffiti and or damaged/dilapidated fencing within 72 hours of its appearance on the property (if ever to occur).
5. Per Imperial County Fire Department a Knox locks/box are required at all vehicle gates for emergency vehicle and personnel access.
6. The proprietor/owner shall be responsible for maintaining the locations where the fence is placed/replaced and adjacent areas within 10 feet from the fence free of litter at all times.
7. 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.
8. The conditional approval of the Variance 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.
9. Applicant must maintain fenced area clean and up to code while the fence is in usage.
10. The Applicant shall pay all impact and capacity or associated permit fees as required by the city.
11. All applicable Conditions of Approval shall be completed prior to replacement of the fence occur.

12. 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 Variance, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the Variance Permit, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
13. 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.
14. 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.