

PROJECT REPORT

TO: **Planning Commission**

AGENDA DATE: August 28, 2024

FROM: **PLANNING & DEVELOPMENT SERVICES**

AGENDA TIME: 9:00am/ No.3

PROJECT TYPE: Earthrise Nutritionals, LLC
Time Extension #24-0006 for CUP #1194-95 SUPERVISOR DIST #4

LOCATION: 113 E. Hooper Rd APNS: 022-140-015-000

Calipatria, CA 92233 PARCEL SIZE: +/- 188.6

GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A
A-2-G (General Agriculture w/ Geothermal Overlay)

ZONE (existing) A-3-G (Heavy Agriculture w/ Geothermal Overlay) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: August 28, 2024

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: N/A

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: N/A

INITIAL STUDY: N/A

NEGATIVE DECLARATION MITIGATED NEGATIVE DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG. COMMISSIONER	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
DEH/EHS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE/OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER: <u>N/A</u>				

STAFF RECOMMENDATION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU TAKE THE FOLLOWING ACTIONS:

- 1) FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES AND THAT NO FURTHER DOCUMENTATION IS NECESSARY.
- 2) FIND THAT THE TIME EXTENSION #24-0006 FOR CONDITIONAL USE PERMIT #1194-95 IS CONSISTENT WITH APPLICABLE ZONING, STATE LAWS, AND COUNTY BUILDING ORDINANCES; AND
- 3) APPROVE TIME EXTENSION #24-0006 FOR CONDITIONAL USE PERMIT #1194-95 FOR A NEW 15-YEAR TERM, SUBJECT TO THE EXISTING CONDITIONS.

STAFF REPORT
Planning Commission
August 28, 2024

Time Extension #24-0006 for CUP #1194-95

Applicant: **Earthrise Nutritionals, LLC**
113 E. Hooper Rd.
Calipatria, CA 92233

Project Location:

The existing hay tableting and packaging facility is located at 113 E. Hooper Rd., Calipatria, CA; also known as Assessor's Parcel Number #022-140-015-000 and legally described as Parcel 1 of Lot Merger #00109 being also the Southeast Quarter, of Section 33, and the Southwest Quarter, of Section 34, lying West, of the West line, of the Southern Pacific Railroad, T11S, R14E, 188.60 acres, S.B.B.M.

Project Summary:

The applicant, Earthrise Nutritionals, is requesting a fifteen (15) year re-entitlement time extension for Conditional Use Permit #1194-95 for a tableting and packaging facility located at the Earthrise Nutritionals algae farm. The tableting and packaging facility is located on the A-3-G portion of the parcel within an existing building. Upon approval of the fifteen (15) year time extension, CUP #1194-95 will be subject to 4 (four), three (3) year time extensions with a new fifteen (15) year time extension request and fees will be required by September 18, 2026, as the project was behind on its time extensions. After a thorough review of the project file, compliance report and the payment of all required fees, it can be determined that CUP #1194-95 complies with the CUP's conditions of approval and applicable County land use regulations.

Project Background:

CUP #1194-95 was approved by the Planning Commission on February 28, 1996. The applicant then applied for and received the first two (2) time extensions before falling out of compliance by no longer extending the CUP. The applicant wishes to be in compliance and as such has met all requirements including the payment of all relative fees of all past due time extensions.

Land Use Analysis:

According to the Imperial County General Plan, the land use designation for the parcel is "Agriculture" and zoned A-2-G (General Agriculture with Geothermal Overlay) and A-3-G (Heavy Agriculture with Geothermal Overlay) on the east portion of the parcel approximately 1/8 of the property, pursuant to Zone Map #48. CUP #1194-95 is located within a building in the A-3-G portion of the project where processing facilities are an allowed use with an approved CUP per §90509.02 of Title 9 division 5.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Algae Farm	A-2-G (General Ag w/Geothermal Overlay / A-3-G (Heavy Ag w/ Geothermal Overlay)	Agriculture
North	Agriculture	A-2-G (General Ag w/Geothermal Overlay / A-3-G (Heavy Ag w/ Geothermal Overlay)	Agriculture
South	Agriculture	A-2-G (General Ag w/Geothermal Overlay / A-3-G (Heavy Ag w/ Geothermal Overlay)	Agriculture
East	Calipatria State Prison	City of Calipatria	Special Purpose Facility
West	Agriculture	A-2-G (General Ag w/Geothermal Overlay)	Agriculture

Environmental Determination:

Time Extension #24-0006 is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

Staff Recommendation:

Staff recommends that the Planning Commission hold a public hearing, hear all the proponents and opponents of the proposed project, and then take the following actions:

1. Find that the project is categorically exempt from CEQA under the Government Code, Section 15301 and that no further environmental documentation is necessary; and,
2. Find that Time Extension #24-0006 for Conditional Use Permit #1194-95 is consistent with applicable zoning and building ordinances; and

3. Approve Time Extension #24-0006 for Conditional Use Permit #1194-95 for a new 15-year term, subject to the existing conditions.


PREPARED BY: Derek Newland, Planner III
Planning & Development Services



REVIEWED BY: Michael Abraham, AICP, Assistant Director of
Planning & Development Services



APPROVED BY: Jim Minnick, Director of
Planning & Development Services

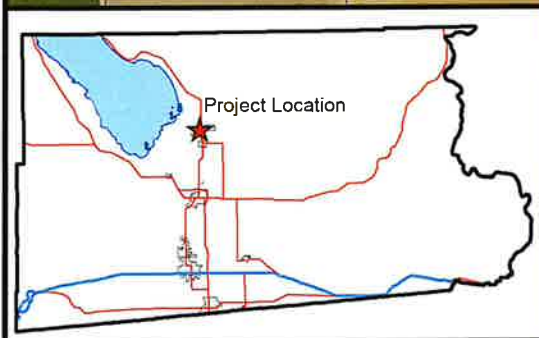


ATTACHMENTS:




- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolution
- D. Conditional Use Permit #1194-95
- E. Time Extension Request Documents

ATTACHMENT "A"
Vicinity Map

PROJECT LOCATION MAP

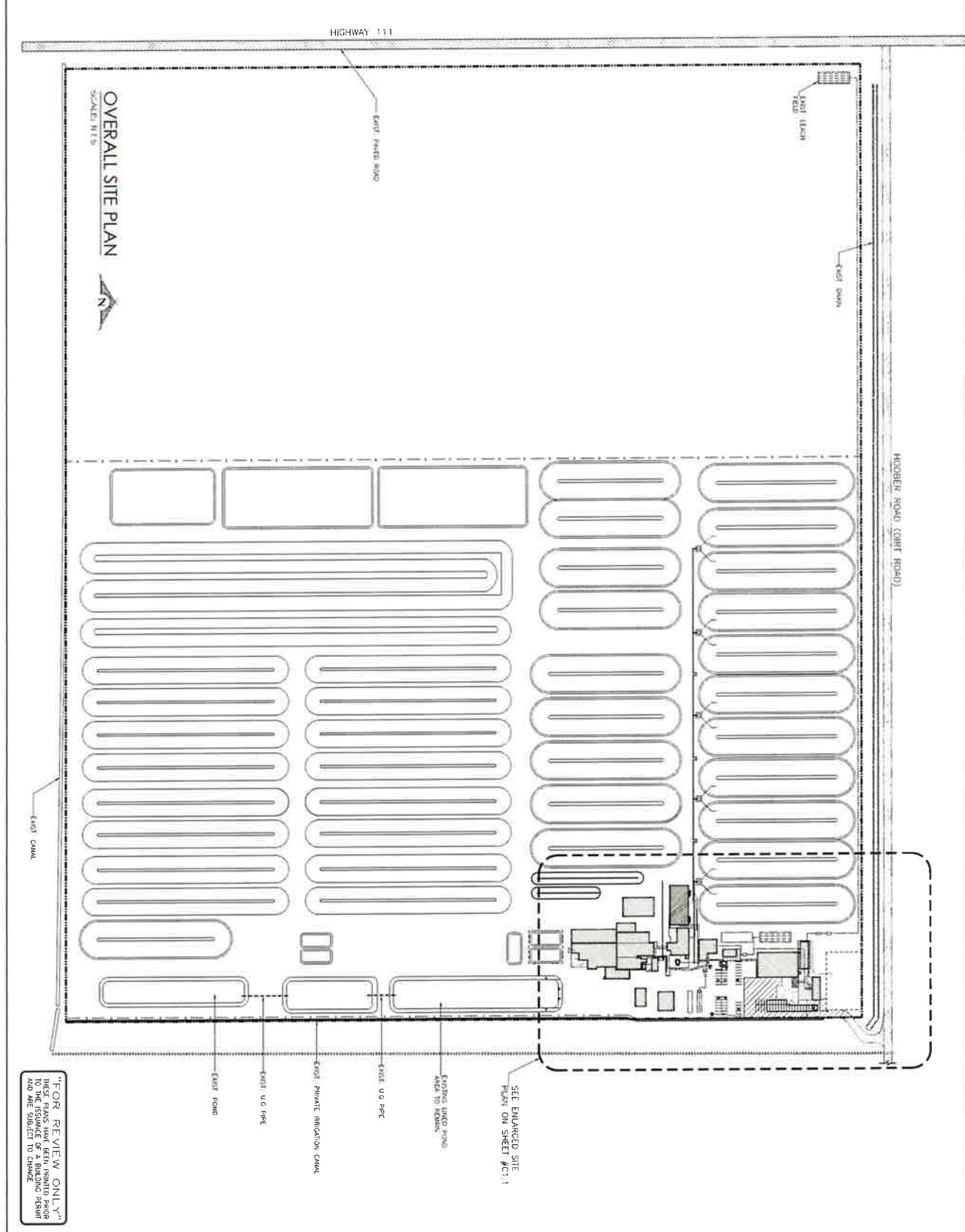


**EARTHRISE NUTRITIONALS
TIME EXTENSION #24-0006
FOR CUP #1194-95
APN 022-140-015-000**

 Project Location
 City of Calipatria
 Parcels



ATTACHMENT "B"
Site Plan



FOR REVIEW ONLY!
 THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF OBTAINING PERMITS AND IS SUBJECT TO CHANGE.

REVISION REVISION DESCRIPTION DATE 1. AS SHOWN 10/27/2022 W.C. OVERALL SITE PLAN DRAWING NO. 2020-040 SHEET NO. 01.0 / -	PROJECT EARTHRISE HARVEST PLANT SHELL 111 HOOPER RD. CALVERTON, CA 92233 CLIENT AS SHOWN DATE 10/27/2022 SCALE W.C. DATE 2020-040 PROJECT EARTHRISE HARVEST PLANT SHELL 111 HOOPER RD. CALVERTON, CA 92233	DISCLAIMER THE DESIGN PROFESSIONAL'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE PROJECT AS SHOWN ON THESE PLANS. THE DESIGN PROFESSIONAL DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER SOURCE. THE DESIGN PROFESSIONAL IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE DESIGN PROFESSIONAL IS NOT RESPONSIBLE FOR ANY DELAYS OR COST INCREASES. THE DESIGN PROFESSIONAL IS NOT RESPONSIBLE FOR ANY INJURY OR DAMAGE TO PERSONS OR PROPERTY. THE DESIGN PROFESSIONAL IS NOT RESPONSIBLE FOR ANY VIOLATION OF ANY APPLICABLE LAWS OR REGULATIONS. THE DESIGN PROFESSIONAL IS NOT RESPONSIBLE FOR ANY BREACH OF CONTRACT. THE DESIGN PROFESSIONAL IS NOT RESPONSIBLE FOR ANY OTHER MATTER. THE DESIGN PROFESSIONAL IS NOT RESPONSIBLE FOR ANY OTHER MATTER. THE DESIGN PROFESSIONAL IS NOT RESPONSIBLE FOR ANY OTHER MATTER.	ENGINEER OF WORK JOSE J. AVILA P.C.E. #6-706 BJ ENGINEERING EXP. 09/30/2024 DATE: 11/7/22 DATE: 11/7/22	
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ATTACHMENT "C"

Planning Commission Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING “TIME EXTENSION #24-0006” FOR A NEW (15-YEAR) TERM UNDER “CONDITIONAL USE PERMIT #1194-95” FOR EARTHRISE NUTRITIONALS, LLC.

WHEREAS, Earthrise Nutritionals has submitted Time Extension #24-0006 requesting a new 15-year term for an existing tableting and packaging facility; and,

WHEREAS, this tableting and packaging facility was previously approved under Conditional Use Permit #1194-95; and,

WHEREAS, the project is categorically exempt in accordance with section 15301 of the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA as Amended”; and,

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of CEQA determinations, and adoptions and certifications of CEQA documents; and,

WHEREAS, public notice of said request has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on August 28, 2024; and,

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Time Extension #24-0006 request for Conditional Use Permit #1194-95 prior to approval. The Planning Commission finds and determines that the Time Extension for Conditional Use Permit #1194-95 is adequate and prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for approving Time Extension #24-0006 have been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as “Agriculture”. The CUP #1194-95 project site is located on a portion of the parcel that is zoned A-3-G (Heavy Agriculture with Geothermal Overlay)

pursuant to Title 9, Division 5, Section 90508.00. The Time Extension request is found consistent with the approved Conditional Use Permit #1194-95 and with the goals/policies of the General Plan.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The Project could be found consistent with the purpose of the zone it is located within. The proposed use could be considered a compatible use with a Conditional Use Permit pursuant to Title 9 Division 5 Section 90509.2 "Uses permitted only with a conditional use permit", Subsection I) Processing facilities.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.

The existing tableting and packaging facility is listed as a use subject to a Conditional Use Permit in Land Use Ordinance, Title 9, Division 5, Section 90509.2, Subsection I) Processing facilities.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.

The Project complies with the minimum requirements of this Title. The project complies with the applicable laws by obtaining a CUP pursuant to Title 9, Division 5, and Section 90509.02. The Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project meets the minimum requirements of the Land Use Ordinance, Section 90509.02.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The project is located on a portion of the parcel zoned A-3-G (Heavy Agriculture with Geothermal Overlay). The project site is surrounded in its majority by actively farmed agricultural land as well as the Calipatria State Prison to the east; the tableting and packaging facility is within an existing building and does not appear to create potential impacts near or around the project site. The tableting and packaging facility appears not to be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

F. The proposed use does not violate any other law or ordinance.

The project will continue to be subject to the Conditional Use Permit and current Federal, State, and Local regulations; the subject use does not violate any law or ordinance.

G. The proposed use is not granting a special privilege.

The project is a permitted use subject to approval of a Conditional Use Permit #1194-95 under Land Use Ordinance, Section 90203.00 and 90508.00 *et. seq.* and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Time Extension #24-0006 for a new 15-year term under Conditional Use Permit #1194-95, subject to the existing Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **August 28, 2024**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

ATTACHMENT "D"

CUP #1194-95

RECORDING REQUIRED BY AND

BOOK 1861 PAGE 1684
6021918

When Recorded Return To:

DOLORES PROVENCIO

Imperial County Planning/Building Department

COUNTY RECORDER

BOOK 1861 PAGE 1684

939 Main Street

HOLD

'96 SEP 18 AM 11 23

El Centro, California 92243

OFFICIAL RECORDS
IMPERIAL COUNTY, CA

TL\$	24
RG	9
RF	7
MC	1
IX	1
TF	6
NL	-
PY	-
PR	-

**AGREEMENT FOR CONDITIONAL USE PERMIT #1194-95
FOR TABLETING/PACKAGING FACILITY
EARTHRISE FARMS**

This Agreement is made and entered into on this 28th day of February, 1996, by and between Earthrise Farms, hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County identified as Assessor's Parcel Number(s) 022-140-10-01, 022-140-07-01.

WHEREAS, County, after a noticed public hearing, agreed to issue Conditional Use Permit #1194-95 to Permittee, and/or his or her successor in interest subject to the following conditions:

Earthrise Farms intends to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit.

GENERAL CONDITIONS:

G-1. ACQUISITION OF PERMITS/LICENSES AND COMPLIANCE WITH GENERAL LAWS:

The Permittee shall obtain, comply with, and maintain all applicable County, State, and Federal permits, licenses, and/or approvals, including, but not limited to those required by Imperial County Planning/Building Department, Air Pollution Control District (APCD), County Division of Environmental Health Services (EHS), and Public Works Department. Additionally, Permittee agrees to comply with all applicable laws, ordinances, and/or regulations promulgated by County, State, and Federal jurisdictions whether specified herein or not. Furthermore, Permittee shall submit a copy of such

1 additional permit(s)/license(s) to the Planning/Building Department within thirty (30)
2 days of receipt, including amendments or alterations thereto.

3 **G-2 RECORDATION:**

4 This permit shall not be effective until it is recorded at the Imperial County Recorders
5 Office, and payment of the recordation fee shall be the responsibility of the Permittee.
6 If the Permittee fails to pay the recordation fee within six (6) months of the approval
7 date, this permit shall be deemed null and void.

8 **G-3 INDEMNIFICATION:**

9 Permittee shall defend at his/her sole expense any action brought against the County
10 because of issuance of this permit or, in the alternative, the relinquishment of such
11 permit. Permittee shall reimburse the County for any court costs and attorney's fees
12 which the County may be required by a court to pay as a result of such action. County
13 may, at its sole discretion, participate in the defense of any such action, but such
14 participation shall not relieve applicant of his/her obligations under this condition.

15 **G-4 RIGHT OF ENTRY:**

16 The County reserves the right to enter the premises to make the appropriate
17 inspection(s) and to determine if the condition(s) of this permit are complied with.
18 Access to authorized enforcement agency personnel shall not be denied.

19 **G-5 PROVISION TO RUN WITH THE LAND/PROJECT:**

20 The provisions of this permit are to run with the land/project and shall bind the current
21 and future owner(s) successor(s) of interest, assignee(s) and/or transferer(s) of said
22 project. Permittee shall not without prior notification to the Planning/Building
23 Department assign, sell, or transfer, or grant control of project or any right or privilege
24 therein. The Permittee shall provide a minimum of 60 days written notice prior to such
25 proposed transfer becoming effective. In the event that the new owner or assignee or
26 transferer has a history of non compliance with environmental laws or is not of
27 substantial equivalent or superior financial capability and/or responsibility or is not
28 willing to or has not agreed to in writing to abide by the terms or conditions of this
permit, the Planning/Building Department shall bring this matter to the Planning
Commission for either revocation or modification to the permit.

G-6 RESPONSIBLE AGENT:

All operations shall be conducted under the direction of a responsible agent. The
name and telephone number of this individual shall be provided to the
Planning/Building Department. The agent shall insure that the project's activities
comply with the conditions contained herein.

G-7 CONDITION PRIORITY:

This project shall be constructed/operated as described in the Conditional Use Permit
application, site plan, support documentation, the Environmental Assessment, the
project description, and as specified in these conditions. Where a conflict occurs, the
Conditional Use Permit conditions shall govern and take precedence.

G-8 TIME LIMIT:

Unless otherwise specified within the project's specific conditions this permit/project
shall be limited to a maximum of (3) three years from the recordation of the CUP. The
CUP may be extended for successive (3) three year period by the Planning Director
upon a finding by the Planning/Building Department that the project is in compliance
with all conditions of the CUP as stated herein and any applicable Land Use regulation
of the County of Imperial. Unless otherwise specified herein, no Conditional Use

1 Permit(s) shall be extended for more than (4) four consecutive periods by the
2 Planning/Building Department. If an extension is necessary or is requested beyond
3 (15) fifteen years the Permittee shall file a written extension request with the Planning
4 Director at least (60) sixty days prior to the expiration date of the Permit. Such an
5 extension request shall include the appropriate extension fee. If the original approval
6 was granted by the Planning Commission and/or the Board of Supervisors, such an
7 extension shall only be considered by the Planning Commission and/or the Board of
8 Supervisors, after a noticed Public Hearing. Nothing stated or implied within this permit
9 shall constitute a guarantee that an extension shall be granted. An extension may not
10 be granted if the project is in violation of any one or all of the conditions or if there is a
11 history of non-compliance with the permit conditions.

12 **G-9 PERMIT/MONITORING-RELATED FEES:**

13 The Permittee shall pay any and all amounts determined by the County Planning
14 Department to defray any and all cost(s) for the review of reports, field investigations,
15 monitoring, and other activities directly related to the enforcement/monitoring for
16 compliance of this Conditional Use Permit, County Ordinance or any other applicable
17 law. All County Departments, directly involved in the monitoring/enforcement of this
18 project may bill Permittee under this provision, however said billing shall only be
19 through and with the approval of the Planning/Building Department.

20 **G-10 DEFINITIONS:**

21 In the event of a dispute the meaning(s) or the intent of any word(s) phrase(s) and/or
22 conditions or sections herein shall be determined by the Planning Commission of the
23 County of Imperial. Their determination shall be final unless an appeal is made to the
24 Board of Supervisors 10 days from the date of their decision.

25 **G-11 INSURANCE:**

26 The Permittee shall secure and maintain Workers Compensation Insurance as required
27 by the State of California. The Permittee shall also secure liability insurance and such
28 other insurance as may be required by the State and/or Federal Law. A certificate of
insurance is to be provided to the Planning/Building Department by the Insurance
Carrier and said insurance and certificate shall be kept current for the life of the project.
Certificate(s) of insurance shall be sent directly to the Planning Department by the
insurance carrier and shall name the Department as a recipient of both renewal and
cancellation notices. Failure to maintain required insurance shall result in the
immediate revocation of this permit.

G-12 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the
public or employees, the County Health Officer may require appropriate measures and
the Permittee shall implement such measures to mitigate the health hazard. If the
hazard to the public is determined to be imminent, such measures may be imposed
immediately and may include temporary suspension of the subject operations.
However, within 45 days (maximum) of any such suspension of operations, the
measures imposed by the County Health Officer must be submitted to the Planning
Commission for review. Nothing shall prohibit Permittee from requesting a special
Planning Commission meeting, provided Permittee submits a fee equal to the cost of
holding such special meetings.

G-13 NOTICE OF REGULATORY ACTIVITIES:

Permittee shall provide to the Planning/Building Department copies of all notices and/or
submissions to any State, Federal, or local regulatory authority initiated by Permittee

1 concerning or relating to operations under this permit, concurrently with submission to
2 these authorities.

3 **G-14 CONSTRUCTION STANDARDS:**

4 All structures, facilities, buildings, etc. shall be constructed in accordance with County
5 Ordinance(s) and the Uniform Codes, as adopted by the County, for Seismic Zone 4,
6 and in compliance with State and Federal regulations. Permits (electric, plumbing,
7 grading, among others) shall be secured for all facilities prior to any construction being
8 commenced.

9 **G-15 LIGHTING:**

10 On-site lighting shall be shielded to confine direct rays to the site. Lighting shall be
11 installed to provide a safe working environment in and around the facility and/or
12 equipment meeting OSHA standards.

13 **G-16 ENFORCEMENT AND TERMINATION:**

14 (a) If the Planning/Building Department finds and determines that the Permittee
15 or successor-in-interest has not complied or cannot comply with the terms and
16 conditions of the CUP, or the Planning/Building Department determines that the
17 permitted activities constitute a nuisance, the Planning Director shall provide
18 Permittee with notice and opportunity to comply with the enforcement or
19 abatement order.

20 (b) If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee
21 cannot comply with the conditions set forth in the CUP, then the matter shall be
22 referred to the Planning Commission for permit modification, suspension, or
23 termination, or to the appropriate enforcement authority.

24 (c) If the Planning Commission determines to proceed with modification,
25 suspension or termination of the CUP, the Planning Commission shall give at
26 least thirty (30) days notice to Permittee, and such other public notice as
27 required by law, of its intention to do so.

28 The notice shall contain:

1. The time and place of the hearing;
2. A statement as to the reasons why the Planning Commission proposes to modify suspend or terminate the CUP;
3. Any proposed modification to the CUP and other information which the Planning Commission considers necessary or desirable to inform Permittee the public of the nature of the hearing.

(d) Any action by the Planning Commission shall be documented by written findings. In the event the Planning Commission chooses to suspend or revoke the CUP, the Commission must specifically find that such revocation is necessary because prior governmental efforts to get Permittee to comply with the terms and conditions of the permit have failed and Permittee has failed to demonstrate to the Planning Commission's satisfaction the willingness or ability to comply with the terms and conditions of the use permit, or to abate a nuisance, or to prevent an immediate threat to the public health or safety.

1 (e) After the hearing concerning enforcement, modification or termination of the
 2 CUP, the Planning Commission shall make its determination within seventy-five
 3 (75) days, unless Permittee and the Planning Director agree by mutual written
 4 consent to extend the time for decision.

5 **G-17 NUISANCE PER SE/NUISANCE:**

6 As between the County and the Permittee, any violation of this permit may be a
 7 "nuisance per se". The County may enforce the terms and conditions of this permit in
 8 accordance with its Codified Ordinances and/or State law. The provisions of this
 9 paragraph shall not apply to any claim of nuisance per se brought by a third party.

10 In addition, Permittee shall not be permitted to maintain a "nuisance", which is anything
 11 which: (1) is injurious to health, or is indecent or offensive to the senses, or an
 12 obstruction to the free use of property, so as to interfere with the comfortable enjoyment
 13 of life or property, and/or (2) affects at the same time an entire community or
 14 neighborhood, or any considerable number of persons, although the extent of the
 15 annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs
 16 during or as a result of the tableting/packaging operation.

17 **PROJECT SPECIFIC CONDITIONS**

18 **S-1.** In order to reduce dust emissions, permittee shall meet all requirements (e.g.,
 19 paving/graveling, use of dust palliatives on site, etc.) of the Air Pollution Control District
 20 (APCD) and submit to the County Planning/Building Department copies of all permits
 21 received from APCD.

22 **S-2.** Permittee shall provide an adequate fire protection system, equipment,
 23 accessibility to all facilities on site in accordance with the National Fire Protection Act
 24 (NFPA), Uniform Fire Code 1991 California edition; and the Imperial County Fire
 25 Department rules and regulations, and requirements. A copy of the inspector's report
 26 shall be submitted to this Department within ten days following the site inspection.

27 **S-3.** Permittee shall provide to the Planning/Building Department copies of all notices
 28 and violations and/or orders for corrections from any federal, state, or local regulatory
 agencies of authority relating to this operation. These notices and orders shall be
 submitted to the Planning/Building Department within a maximum of fifteen days upon
 receipt by the permittee.

S-4a. If operation of the tableting/packaging facility ceases for a period of twenty four
 (24) consecutive months, the Permittee shall remove the building and all related
 equipment on site within six (6) months. Permittee may request in writing to the
 Planning Director a one time extension; such extension shall be limited to a maximum
 of one year.

S-4b. Permittee shall file (with the County) an initial bond in the amount of \$25,000, or
 other forms of security acceptable to Imperial County, and in a form acceptable to
 County Counsel. Said bond (security) shall be filed within six (6) months of the
 approval of this CUP; and shall guarantee restoration of the land to its condition prior to
 construction of the tableting/packaging facility on site.

S-5. The operator shall meet with the Department of Environmental Health Services for
 their review and approval of the water supply/treatment system on site prior to the
 issuance of the Conditional Use Permit.

S-6. Permittee shall obtain the necessary easements of all new and existing driveways.

S-7. This permit shall be null and void if any information submitted by the Permittee is found false, and/or if Permittee is not operating the tableting/packaging facility as specified in their application, support documentation, and site plan on file in the Planning Department.

S-8. Within six months from the issuance date of this permit, Permittee shall submit a letter to the Planning/Building Department stating the degree of compliance with all conditions stated within Conditional Use Permit #1194-95.

NOW THEREFORE, County hereby issues Conditional Use Permit #1194-95 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

Permittee

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA

Yoshinichi Ota
YOSHINICHI OTA RE EARTHSEE FARMS

By: *Jurg Herberger*
Jurg Herberger, AICP, Planning Director

Dated May 17, 1996

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

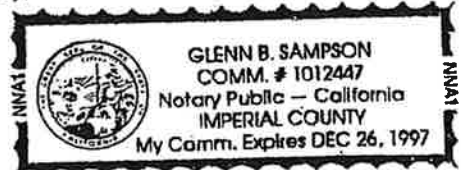
On May 17, 1996
Glenn B. Sampson

for said County and State,
YOSHINICHI OTA * * * * *

before me, a Notary Public in and personally appeared personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (his/her/their) authorized capacity(ies), and that by (his/her/their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature *Glenn B. Sampson*



Recorder's Memo - Prior Record 12

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

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Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

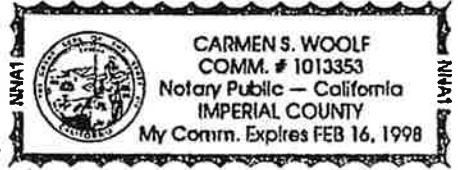
Dated _____

STATE OF CALIFORNIA
COUNTY OF Imperial } S.S.

On 9-16-96 before me,
Carmen S. Woolf a Notary Public in and
for said County and State, personally appeared
Jurg Heuberger, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that
~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by
~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Carmen S. Woolf



ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

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Recorder's Memo: Poor Record Is

ATTACHMENT "E"
Time Extension Request
Documents



Earthrise Numerals

3333 Michelson Dr, Suite# 300
Irvine, CA 92612
Tel 949-623-0980

113 E. Hooper Rd
Calipatria, CA 92233 USA
Tel 760-348-5027

Request Letter for the Renewal of the CUP

3/13/2024

Derek Newland
County of Imperial
Planning and Development Services
801 Main Street
El Centro, CA 92243

Dear Derek Newland,

I hope this letter finds you well. I am writing on behalf of Earthrise to formally express our intention to renew the Conditional Use Permit (CUP1194-95) for Tableting/Packaging Facility Earthrise Farms, located at 113 E. Hooper Rd. Calipatria CA 92233, within Imperial County.

We acknowledge the required fees for the renewal process, as outlined in your recent communication. Enclosed with this letter, you will find the necessary documentation and fees for all outstanding Time Extensions based on your current fee structure, effective October 01, 2023.

Required fees:

'05 - \$600 (3 year)
'08 - \$600 (3 year)
'11 - \$2000 (15 year intermediate CUP re-entitlement)
'14 - \$600 (3 year)
'17 - \$600 (3 year)
'20 - \$600 (3 year)
'23 - \$600 (3 year)

Total: \$5,600

Here we are glad to submit our related documents as evidence for compliance in the following pages with certificates as evidence.



Earthrise Nutritionals LLC

3333 Michelson Dr, Suite# 300
Irvine, CA 92612
Tel 949-623-0980

113 E Hooper Rd
Calipatria, CA 92233 USA
Tel 760-348-5027

We appreciate your attention to this matter and thank you for your continued support. We look forward to the opportunity to continue our partnership with the county and to contribute positively to the local community.

Should you have any questions or require further information, please do not hesitate to contact me directly at 949-378-0171 or the Plant Manager Tomo Maguchi at 760-784-5488.

Sincerely,

A handwritten signature in black ink that reads "T. Ono".

March 14, 2024

Takaaki Ono
CEO
Earthrise Nutritionals LLC
Tel. 949-378-0171



Earthrise® Nutritionals LLC
 Corporate Headquarters
 3333 Michelson Dr. Suite 300
 Irvine, CA 92612, USA
 TEL 949-623-0980
 EMAIL information@earthrise.com

Production Facility
 113 E. Hooper Road
 Calipatria, CA 92233, USA
 TEL 760-348-5027

February 15, 2024

Ms. Bryanna Allen
 California Regional Water Quality Control Board
 Colorado River Basin Region
 73-720 Fred Waring Drive
 Suite 100
 Palm Desert, CA 92260

Subject: 2023 Annual Detection Monitoring Report

Site: EARTHRISE NUTRITIONALS FACILITY
 113 East Hooper Avenue, Calipatria, Imperial County, California
California Integrated Water Quality System (CIWQS) No. CW-727317; Order No. R7-2021-0011; Global ID WDR 7A130133001;

Dear Ms. Allen:

Enclosed please find the 2023 Annual Detection Monitoring Report for the Earthrise Nutritionals (EN) facility located near Calipatria, California. This letter summarizes any violations noted since the previous report submittal, corrective actions, time schedule or plan for corrective actions, progress reports, and a statement that the report is true, complete, and correct. There were no violations during the reporting period of January 1, 2023 through December 31, 2023. Subsequently there were no corrective actions, time schedule, plan, or progress reports generated during the reporting period. The below certification statement is being provided in accordance with the language in the California Regional Water Quality Control Board Colorado River Basin *Waste Discharge Requirements For Earthrise Nutritionals, LLC Owner/Operator Microalgae Production Facility Class II surface Impoundments Calipatria, Imperial County* executed on February 15, 2021.

"I declare under penalty of law, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

Executed on the 15 day of February 2024 at Headquarter

T. Ono Takaaki Ono (Signature)

 _____ President and CEO (Title)

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH
FOOD AND DRUG BRANCH
PROCESSED FOOD REGISTRATION

EARTHRISE NUTRITIONALS LLC
113 EAST HOOBER RD.
CALIPATRIA, CA 92233

REGISTRATION NUMBER: 7274
EXPIRATION DATE: 7/1/2025

Industrial Hemp Authorization
(FIH) IH Food

THE PERSON NAMED HEREIN IS REGISTERED TO MANUFACTURE, PACK, OR HOLD PROCESSED FOOD IN THE STATE OF CALIFORNIA THROUGH THE EXPIRATION DATE. THIS REGISTRATION IS ISSUED IN ACCORDANCE WITH THE CALIFORNIA HEALTH AND SAFETY CODE AND IS NOT TRANSFERABLE TO ANY OTHER PERSON OR PLACE. THE REGISTRANT IS REQUIRED BY LAW TO IMMEDIATELY NOTIFY THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH OF ANY CHANGE IN THE INFORMATION REPORTED IN THE APPLICATION.

Food and Drug Branch, 1500 Capitol Avenue, MS 7602, PO Box 997435, Sacramento, CA 95899-7435 (916) 650-6500

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH
FOOD AND DRUG BRANCH
PROCESSED FOOD REGISTRATION

EARTHRISE NUTRITIONALS LLC
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Food and Drug Branch, 1600 Capitol Avenue, MS 7002, PO Box 997435, Sacramento, CA 95899-7435 (916) 850-6560



**Air Pollution Control District
2024 APCD Permit Renewal**

Facility name and mailing address:
Earthrise Nutritionals
3333 Michelson Dr., Suite 300
Irvine, CA 92612

Permit Number: 1610 PTO
PAID Active

Permit Type: Manufacturing

Fee For The Year: \$12,345.00

Facility address:
113 E. Hooper Road
Calipatria, CA 92233

Balance Due: \$12,345.00

Resp. Agent: Tomoatsu Maguchi
Phone: 760-348-5027

Issued: 1/1/2024
Expires: 12/31/2024

Certification by Authorized Agent:

The permit presented here is correct. The authorizations, certifications, and information from the application and permit being renewed, remain valid and will be kept with this ANNUAL PERMIT RENEWAL.

Date 3/4/2024

Signature 

Certification by APCD Officer:

This permit becomes valid when signed by authorized agent.



This permit, or an approved facsimile, shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises. (Rule 201D)

RETURN THIS COPY WITH PAYMENT FEES TO:
Imperial County Air Pollution Control District
150 South 9th Street
El Centro, CA 92243-2801