



City of El Centro Planning Commission

Staff Report

April 8, 2014

Project-	Wilbur Ellis Neg. Dec. 13-07, Pre-Zone 13-02 & Annex.EC 1-13
Objective-	Pre-Zone 24.02 AC of land to ML (Light Manufacturing) and concurrent Annexation
Applicant-	George Arkoosh, Wilbur-Ellis Operations Manager
Property Owner-	Wilbur-Ellis Company
Location	45 W. Danenberg Avenue (Approx. 450' west of the southwest corner of Dogwood Avenue and Danenberg Avenue)
Legal Description-	APN 054-360-069; Portion of the Northeast quarter of Tract 140, Town 16 South, Range 14 of San Bernardino Meridian
Zoning Designation-	Existing- County M2U (Medium Industrial) Proposed- ML (Light Manufacturing)
Land Use Designation-	Existing- General Industrial Proposed- No change

BACKGROUND & PROJECT DESCRIPTION

The proposed project involves the annexation and pre-zoning of approximately 24.02 acres of land, owned by Wilbur-Ellis and situated at approx. 450' west of the southwest corner of Dogwood Avenue and Danenberg Avenue. The site consists of a hay processing facility that includes a hay processing shed, office building, and hay storage barns. The proposed annexation and pre-zone will not involve new construction or expansion of existing facilities with the exception of connecting to the City's potable water system.

The applicant is requesting the project site be annexed to the City to receive potable water from the City as they have received a Notice of Violation from the Imperial County Public Health Department for the operation of an unpermitted public water system. The applicant would be allowed to connect to the City's potable water system upon annexation and payment of water capacity fees. The Applicant would be able to connect to a 20-inch PVC water pipeline that runs in an east/west orientation along Danenberg Avenue. Upon receiving water services from the City, the applicant will no longer be in violation of the State's Health and Safety Code §116525(a). If the annexation is not approved by the City and LAFCo, the Applicant would be required to construct a water treatment plant for the hay processing facility which is very costly. The applicant also intends to connect to the City's sewer system, when the service becomes available to the area. Sewer services will not be available until the City extends sewer pipelines near the project.

Surrounding Area- The subject property is comprised of a hay storage facility with various shade structures and appurtenant structures located throughout the site. Surrounding land uses are as follows: to the north, J.R. Simplot Chemical Company, to the south, KC Welding Rentals, to the east, truck scales, and to the west, Union Pacific railroad tracks, followed by another hay storage facility being used by Wilbur-Ellis. The sites abutting the site have all been designated for general industrial land uses under the Land Use Plan. The existing land use is consistent with the surrounding land uses. Roadways abutting the site include Danenberg Avenue to the north, and Dogwood Avenue, approximately 450 feet to the east.

City Impacts- City impacts as a result of annexation of the 24.02 acres would be a greater demand for City public services and utilities. The site consists of a hay processing and storage facility and has been a victim of arson in previous years (2008, 2009). There are currently four (4) fire hydrants along the length of the project site, however, there are no hydrants onsite. Thus, the Fire Department has requested that the Applicant construct a dry fire hydrant near the center of the property, upon issuance of the building permit to construct the water pipeline. In addition to required site improvements, greater demand for fire and police services would be partially offset through the payment of property taxes.

Land Use Compatibility- The adopted General Plan Land Use Map has designated the land for General Industrial land uses, (Refer to Exhibit C). The site requires Pre-Zoning to ML (Light Manufacturing), as pre-zoning unincorporated territory determines the zoning that will be applied to the property subsequent to annexation to the City. Pre-Zoning to ML is appropriate as the zoning designation would be consistent with the City's General Plan Land Use Map designation of General Industrial.

ENVIRONMENTAL COMPLIANCE & NOTICING REQUIREMENTS

The proposed Annexation and Pre-Zoning of property is subject to the California Environmental Quality Act (CEQA). The Environmental Assessment Committee (EAC) reviewed the Initial Study on February 13, 2014 and determined that a Negative Declaration would be appropriate for compliance with CEQA. (A summary of the Negative Declaration is attached hereto as Exhibit D.) The Negative Declaration was circulated for a period of 20-days, beginning on February 18, 2014 through March 10, 2014. During the public review process, letters were received from Imperial County Public Works and Imperial County Air Pollution Control District noting that they did not have any comments. The public hearing scheduled for April 8, 2014 was duly noticed in the Imperial Valley Press, a newspaper of general circulation on March 28, 2014 and a Notice of Public Hearing was also sent to all property owners within 500-feet of the property.

REQUIRED FINDINGS & ANALYSIS:

1. Proposed zone change is in conformity with the City's General Plan, and other development policies of the City.

The proposed Wilbur-Ellis facility is in conformity with the City's General Plan specifically, the following goals and policies:

- *"Land Use Goal 2: Control and direct growth so that new development is compatible with existing development and occurs in appropriate locations when adequate public services and facilities are available." **The Wilbur-Ellis facility is***

located in an appropriate location surrounded by similar industrial land uses. Additionally, there are adequate public services and facilities available and where there aren't conditions have been imposed to ensure the adequate provision of public services.

- *“Policy 2.2: Ensure that development corresponds with the provision of public facilities and services.” The existing Wilbur-Ellis facility is requesting to be annexed into the City to receive potable water service that is unavailable through Imperial County. The El Centro has adequate public services, such as police and fire that can adequately serve the site.*
2. Proposed zone change is appropriate for the affected subject site with consideration given to access, size of parcel, relationship to similar or related land uses, and other considerations deemed relevant.
 - *The site is comprised of 24.02 acres of land which is large enough to accommodate the hay processing and storage facilities, has adequate driveways along Danenberg Avenue, and is surrounded by similar industrial land uses.*
 3. Proposed zone change is proper at this time and not likely to be detrimental to the adjacent properties or residents.
 - *The pre-zoning of land to ML (Light Manufacturing) will not be detrimental to the adjacent land uses which consist of similar agricultural-related industrial land uses. There are no single-family residences nearby; as such, residents will not negatively be impacted by the pre-zoning and annexation of the existing Wilbur-Ellis facility.*

Options:

1. Motion to recommend approval of the negative declaration, pre-zoning of the site to ML (Light Manufacturing), and annexation subject to the adoption of the required findings.
2. Motion to disapprove the negative declaration, pre-zoning of the site to ML (Light Manufacturing) and annexation with the adoption of the required findings against the proposal.
3. Motion to continue the hearing for further study.

Action Requested:

It is staff recommendation that the Commission open the public hearing and allow input from all proponents and the opponents of the proposed project. Because the annexation and pre-zoning of property to ML (Light Manufacturing) is compatible with the General Plan and adjacent uses and zones, it is staff recommendation that the annexation and pre-zone be recommended for approval by taking the following action:

1. Motion to adopt Planning Commission Resolution No. 14 -_____, (Exhibit E) finding that Negative Declaration No. 13-07 was considered for the proposal.
2. Motion to adopt the applicable findings under Planning Commission Resolution No. 14 - _____ (Exhibit F), and recommend Pre-Zone 13-02, recommending approval of Pre-Zoning the property to ML (Light Manufacturing).
3. Motion to adopt the applicable findings under Planning Commission Resolution No. 14 - _____ (Exhibit G), and recommend Annexation EC 1-13, recommending approval of annexing 24.02 acres of land, commonly known as APN 054-360-069.

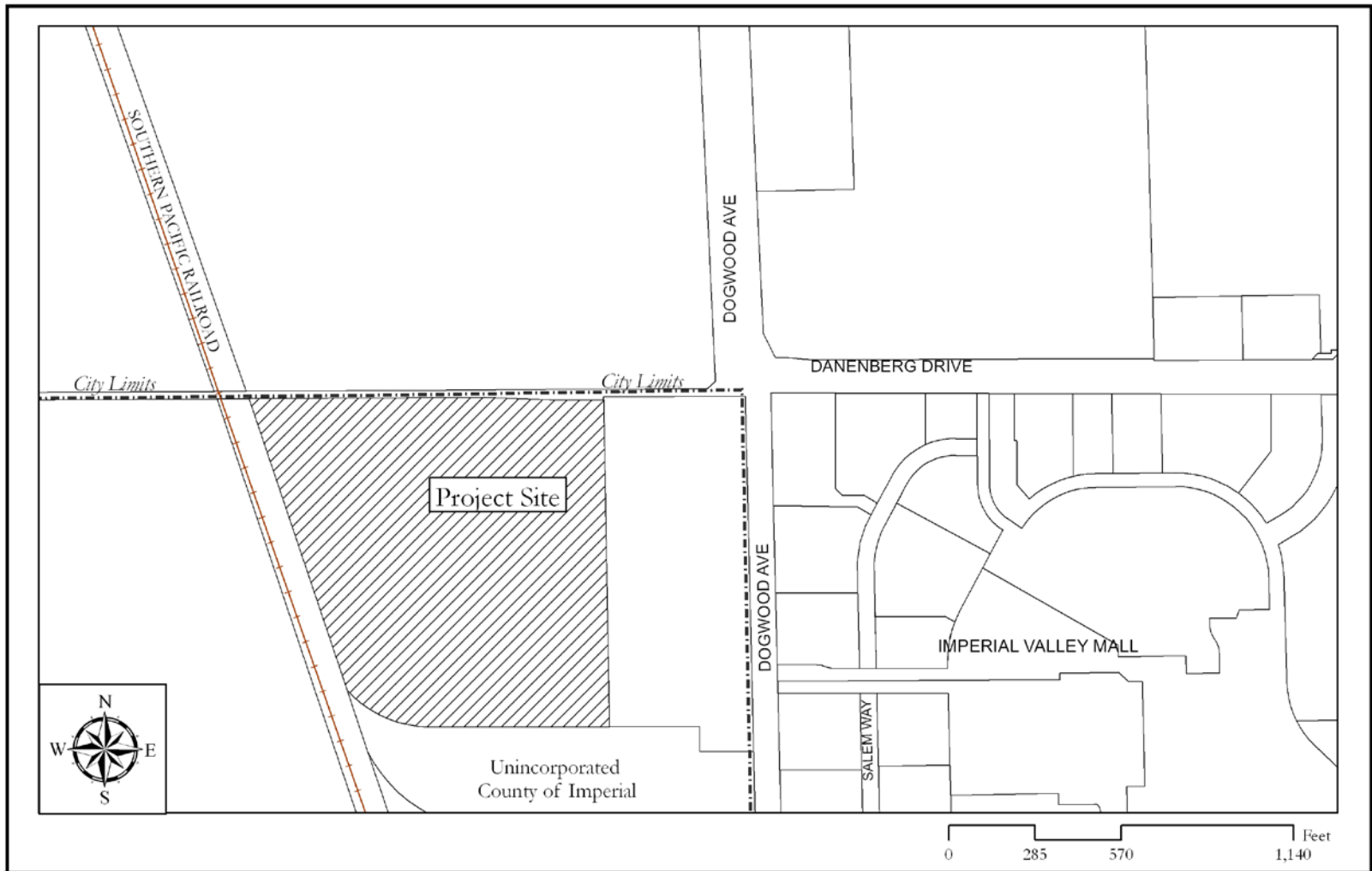
Prepared by: Adriana C. Nava, AICP, Associate Planner

Norma M. Villicaña, AICP
Community Development Director

Attachments

- Exhibit A- Location Map
- Exhibit B- Photographs
- Exhibit C- General Plan Land Use Map
- Exhibit D- Negative Declaration 13-07 Summary
- Exhibit E- Resolution 14-__ Approving Negative Declaration ND 13-07
- Exhibit F- Resolution 14-__ Approving Pre-Zone 13-02
- Exhibit G- Resolution 14-__ Approving Annexation EC 1-13

EXHIBIT A – LOCATION MAP



Change of Zone No. 13-02
LAFCO Annexation EC 1-13
54 W. Danenberg Rd.
APN 054-360-069
Wilbur-Ellis Company

City of El Centro Location Map



EXHIBIT B – PHOTOGRAPHS

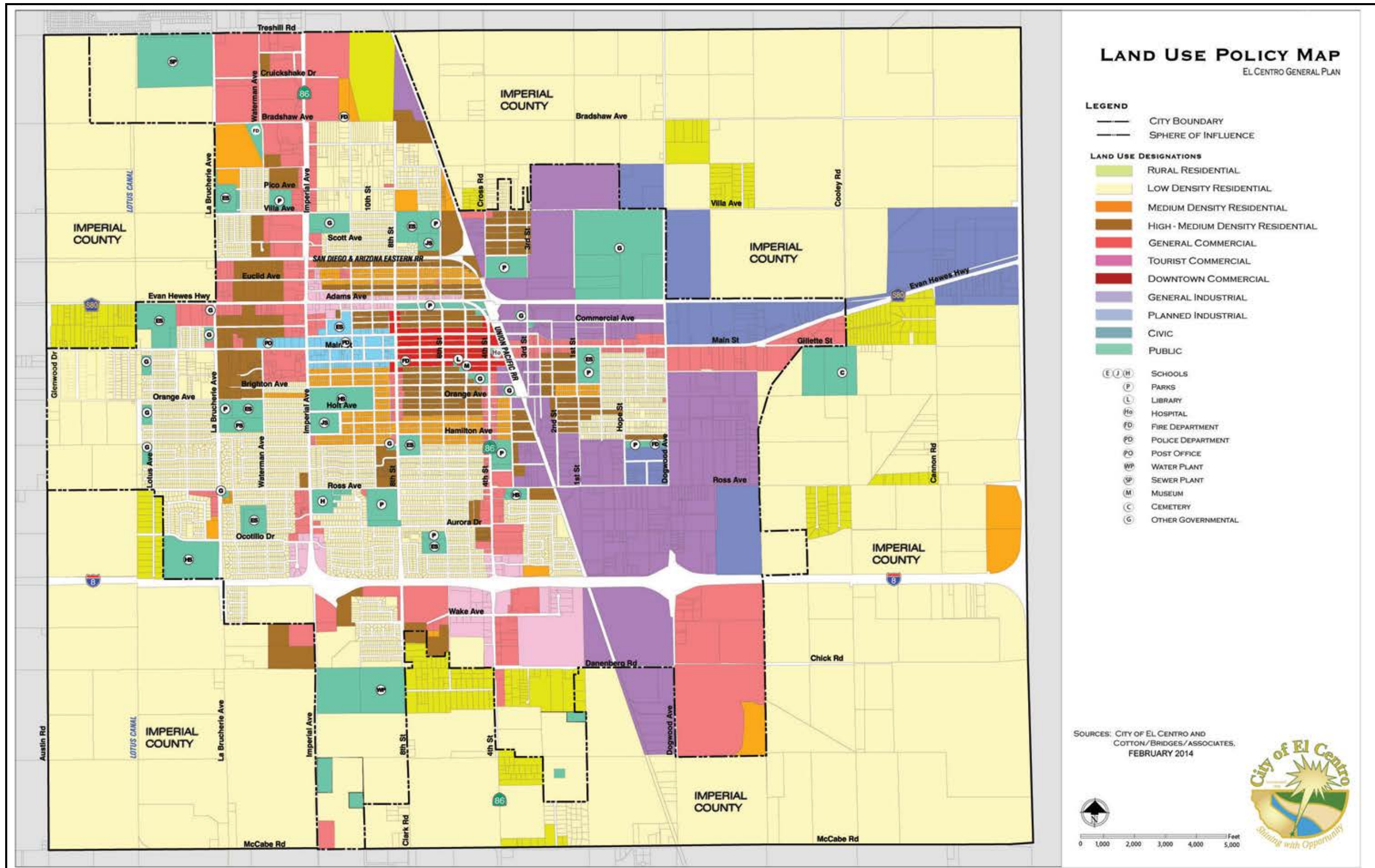


View of Office and Warehouse Area



View of typical hay barn [seven (7) onsite]
100- feet of separation between hay barns

EXHIBIT C – LAND USE MAP



LAND USE POLICY MAP
EL CENTRO GENERAL PLAN

- LEGEND**
- CITY BOUNDARY
 - - - SPHERE OF INFLUENCE
- LAND USE DESIGNATIONS**
- RURAL RESIDENTIAL
 - LOW DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - HIGH - MEDIUM DENSITY RESIDENTIAL
 - GENERAL COMMERCIAL
 - TOURIST COMMERCIAL
 - DOWNTOWN COMMERCIAL
 - GENERAL INDUSTRIAL
 - PLANNED INDUSTRIAL
 - CIVIC
 - PUBLIC
- Public Facilities**
- (E J H) SCHOOLS
 - (P) PARKS
 - (L) LIBRARY
 - (H) HOSPITAL
 - (FD) FIRE DEPARTMENT
 - (PD) POLICE DEPARTMENT
 - (PO) POST OFFICE
 - (WP) WATER PLANT
 - (SP) SEWER PLANT
 - (M) MUSEUM
 - (C) CEMETERY
 - (G) OTHER GOVERNMENTAL

SOURCES: CITY OF EL CENTRO AND
COTTON/BRIDGES/ASSOCIATES,
FEBRUARY 2014

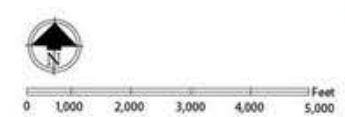


EXHIBIT D

CITY OF EL CENTRO

NEGATIVE DECLARATION NO. 13-07
PRE-ZONE 13-02 & ANNEXATION EC 1-13

DESCRIPTION OF PROJECT: The proposed project involves the annexation and pre-zoning of approximately 24.02 acres of land, owned by Wilbur-Ellis and situated approx. 450' west of the southwest corner of Dogwood Avenue and Danenberg Avenue. The site consists of a hay processing facility that includes a hay processing shed, office building, and hay storage barns. The proposed annexation and pre-zone will not involve new construction or expansion of existing facilities with the exception of connecting to the City's potable water system. The applicant is requesting the project site be annexed to the City to receive potable water from the City as they have received a Notice of Violation from the Imperial County Public Health Department for the operation of an unpermitted public water system. The applicant would be allowed to connect to the City's potable water system upon annexation and payment of water capacity fees.

DESCRIPTION OF ENVIRONMENTAL SETTING: The subject property is comprised of a hay storage facility with various shade structures and appurtenant structures located throughout the site. The hay storage and processing facility is located within an urban site and consists of disturbed land. Surrounding land uses are as follows: to the north, the J.R Simplot chemical company, to the south, KC Welding Rentals, to the east, truck scales, and to the west, the railroad tracks followed by another hay storage facility. The sites abutting the project site have all been designated for general industrial land uses under the Land Use Plan. The existing land use is consistent with the surrounding land uses. Roadways abutting the site include Danenberg Avenue to the north, and Dogwood Avenue, approximately 450 feet to the east.

ENVIRONMENTAL IMPACT AND PHYSICAL EFFECT:

1. Proposed project is consistent with environmental plans and goals of the community.
2. Will not have a demonstrable negative aesthetic effect.
3. No rare or endangered species of plant, animal or their habitat is affected.
4. Presents no material interference with movement of resident or migratory fish or wildlife.
5. Presents no breach to any published, state, or local standards relating to solid waste or litter control.
6. Presents no substantial detrimental effect to air, water quality, or materially add to the ambient noise level of adjoining areas.
7. Presents no involvement in the contamination of a public water supply.
8. Presents no cause for substantial flooding or erosion of land.
9. No apparent geological hazard.

The Environmental Assessment Committee met on February 13, 2014 to assess the possible significant impacts that would result from the proposed project. The Committee determined that the project would have no significant deleterious effects on the environment. **NEGATIVE DECLARATION STATUS IS THEREFORE GRANTED FOR THIS PROJECT.**

NORMA M. VILLICAÑA, AICP
Director of Community Development

EXHIBIT E

**PLANNING COMMISSION RESOLUTION NO. 14-____
FOR
NEGATIVE DECLARATION NO. 13-07**

WHEREAS, the City's Environmental Assessment Committee conducted an initial study for the proposed project on February 13, 2014, pursuant to CEQA and the CEQA Guidelines of 1970, as amended; and

WHEREAS, Negative Declaration No. 13-07 was prepared for Wilbur-Ellis Annexation EC 1-13 and Pre-Zone 13-02; and

WHEREAS, findings of the initial study indicated that the proposed project would not create significant impacts to Aesthetics, Agriculture & Forest Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Land Use/Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities/Services Systems, and Water Quality/Hydrology, and;

WHEREAS, a public hearing notice was sent to property owners within 500-feet of the subject property and was legally and duly noticed on March 28, 2014 in the *Imperial Valley Press*, a newspaper of general circulation; and

WHEREAS, a public hearing was conducted on April 8, 2014 for the proposed project and there were no objections filed with the Commission; and

WHEREAS, the proposed project would not be detrimental to the general health, safety and welfare of the community.

NOW, THEREFORE, be it resolved that the Planning Commission has considered Negative Declaration No. 13-07, attached hereto, and has determined that the project would have no significant deleterious effect on the environment and orders that Negative Declaration No. 13-07 be filed pursuant to CEQA and the CEQA Guidelines of 1970, as amended, for Annexation EC 1-13, and Pre-Zone 13-02 to allow the annexation of approximately 24.02 acres of land and connection to the City's potable water system, and located at 45 W. Danenberg Avenue.

PASSED AND ADOPTED on April 8, 2014 by the following vote:

ROLL CALL: Ayes:
 Noes:
 Absent:
 Abstaining:

CITY OF EL CENTRO
PLANNING COMMISSION

By _____
Harold M. Walk, Chairperson

ATTEST:

APPROVED AS TO FORM:

By _____
Norma M. Villicaña, AICP
Secretary-Director

By _____
Kris Becker
City Attorney

EXHIBIT F
PLANNING COMMISSION RESOLUTION NO. 14-XX
FOR
PRE-ZONE 13-02

WHEREAS, George Arkoosh, on behalf of Wilbur-Ellis has initiated a request for a Pre-Zone to accommodate an industrial land use, located at 45 W. Danenberg Avenue, on parcel 054-360-069, proposed to be annexed into the City of El Centro; and

WHEREAS, the subject property is within the City of El Centro's sphere of influence and has a current land use designation per the adopted General Plan of General Industrial, which is consistent with the existing land use, a hay processing and storage facility; and

WHEREAS, Government Code 56375 requires that the City Pre-Zone any area which it proposes to annex, and as such the Planning Commission recommends Pre-Zoning the subject property to ML (Light Manufacturing), consistent with the adopted Land Use Map;

WHEREAS, a public hearing notice was sent to property owners within 500-feet of the subject property and was legally and duly noticed on March 28, 2014; and

WHEREAS, a public hearing was conducted on April 8, 2014 and the petitioner was present and heard and no one was present to object to the petition nor were any objections filed with the Commission; and

WHEREAS, the proposed change is in conformity with the City's General Plan; and

WHEREAS, the proposed change is appropriate for the affected subject site; and

WHEREAS, the proposed change is proper at this time and is not likely to be detrimental to the adjacent properties or residents; and

WHEREAS, the proposed change will have no significant deleterious effect on the environment; and

WHEREAS, Negative Declaration No. 13-07 was prepared and considered for the proposal pursuant to California Environmental Quality Act (CEQA) and the CEQA Guidelines of 1970, as amended; and

WHEREAS, the proposed change could not adversely affect the general health, safety and welfare of the community.

NOW, THEREFORE, be it resolved that the Planning Commission recommends approval of Pre-Zone 13-02 and Pre-Zoning the Wilbur-Ellis facility to ML (Light Manufacturing), identified by APN 054-360-069, and further described as a portion of the Northeast quarter of Tract 140, Town 16 South, Range 14 of San Bernardino Base and Meridian.

PASSED AND ADOPTED on April 8, 2014 by the following vote:

ROLL CALL: Ayes:
 Noes:
 Absent:
 Abstaining:

CITY OF EL CENTRO
PLANNING COMMISSION

By _____
Harold M. Walk, Chairperson

ATTEST:

APPROVED AS TO FORM:

By _____
Norma M. Villicaña, AICP
Secretary-Director

By _____
Kris Becker
City Attorney

EXHIBIT G

PLANNING COMMISSION RESOLUTION NO. 14-XX FOR

ANNEXATION EC 1-13

WHEREAS, George Arkoosh, on behalf of Wilbur-Ellis has petitioned for the annexation of 24.02 acres of land, located at 45 W. Danenberg Avenue, on parcel 054-360-069, and having a legal description as follows:

THAT PORTION OF THE NORTHEAST QUARTER OF TRACT 140, TOWNSHIP 16 SOUTH, RANGE 14 EAST, S.B.M., COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AND A PORTION OF PARCEL 1 OF PARCEL MAP NO M-916 ON FILE IN BOOK 3, PAGE 57 OF PARCEL MAPS IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CONER OF SAID TRACT 140; THENCE ALONG THE NORTH LINE OF SAID TRACT 140 NORTH 89°53'00" WEST (RECORD NORTH 89°53'00" WEST) 428.05 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°57'01" EAST 1054.79 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID PARCEL 1 OF PARCEL MAP NO. M-916; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 1 NORTH 89°54'21" WEST (RECORD NORTH 89°54'45" WEST) 593.94 FEET TO THE BEGINNING OF A TANGENT 382.24 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF 45°46'37" (RECORD 45°48'50") AN ARC DISTANCE OF 305.39 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF THE SOUTH PACIFIC RAILROAD RIGHT OF WAY, A RADIAL TO SAID POINT BEARS SOUTH 15°52'16" WEST; THENCE NON-TANGENT TO SAID CURVE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 18°47'37" WEST (RECORD NORTH 18°48'00" WEST) 992.89 FEET TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF SAID NORTHEAST QUARTER OF TRACT 140; THENCE ALONG SAID NORTH LINE SOUTH 89°53'00 EAST (RECORD SOUTH 89°53'00" EAST) 1170.05 TO THE TRUE POINT OF BEGINNING.

WHEREAS, the Local Agency Formation Commission for the County of Imperial (hereinafter referred to as "LAFCO") has reviewed the application and deemed it complete. A Certificate of Filing was issued by LAFCO, in conformance with Government Code §56658 and became effective on October 21, 2013; and

WHEREAS, the proposed parcel to be annexed currently consists of a hay processing and storage facility and is zoned Medium Industrial (M2U) by Imperial County and when annexed will be zoned Light Manufacturing (ML) and is currently designated as General Industrial by El Centro's Land Use Map, thus being consistent with El Centro's General Plan; and

WHEREAS, the City of El Centro is a municipal corporation organized and operating under the laws of the State of California and is authorized to annex within the boundaries of the contiguous real property, as provided by Government Code §56741; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF EL CENTRO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the foregoing is true, correct and adopted.
2. That based on the evidence presented at the public hearing, the Planning Commission hereby recommends approval to the City of Council to annex approximately 24.02 acres of land, commonly known as APN 054-360-069.

3. The proposed project has been reviewed in conformance with the California Environmental Quality Act (CEQA) and Negative Declaration No. 13-07 was prepared and adopted for the proposal pursuant to CEQA.

PASSED AND ADOPTED on April 8, 2014 by the following vote:

ROLL CALL: Ayes:
 Noes:
 Absent:
 Abstaining:

CITY OF EL CENTRO

PLANNING COMMISSION

By _____
Harold M. Walk, Chairperson

ATTEST:

APPROVED AS TO FORM:

By _____
Norma M. Villicaña, AICP
Secretary-Director

By _____
Kris Becker
City Attorney