

EXECUTIVE OFFICER'S REPORT

To The
Local Agency Formation Commission

Commissioner David H. West [Public] Commissioner Michael W. Kelley [Supervisor]
Commissioner Jason Jackson [City] (Vice-Chair) Commissioner Ray Castillo [Supervisor] (Chair)
Commissioner Maria Nava-Froelich [City]

Alternate Commissioner Jesus E. Escobar [Supervisor]
Alternate Commissioner Jim Predmore [City]
Alternate Commissioner Ed Snively [Public]

REPORT DATE: July 1, 2019
FROM: Jurg Heuberger, Executive Officer
 By: Paula Graf, Analyst *Paula Graf*
PROJECT: EC 2-17 ICOE ANNEXATION/SOI AMENDMENT

HEARING DATE: July 25, 2019 **TIME:** 08:30 a.m.

AGENDA ITEM NO: 7

HEARING LOCATION: El Centro City Council Chambers, 1275 Main St., El Centro, CA 92243

RECOMMENDATION(S) BY THE EXECUTIVE OFFICER (In Summary & Order)

- OPTION #1:** Approve the proposed Annexation/SOI amendment as presented by the Executive Officer.
- OPTION #2:** Approve the proposed Annexation/SOI amendment as requested with modifications, following the hearing by the Commission.
- OPTION #3:** Continue the hearing for not to exceed 70 days.
- OPTION #4:** Deny the Annexation/SOI amendment

Project Data:

| | | |
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| Project ID: | EC 2-17 | |
| Project Name: | ICOE Annexation/Sphere of Influence Amendment | |
| Applicant/Proponent: | Imperial County Office of Education | |
| Application Type: | Petition | EXHIBIT A |
| Application Received: | 10/19/17 | |
| Certificate of Filing: | 10/19/17 | EXHIBIT B |
| Area/Size: | APN 054-510-001 +/- 80 acres | |
| Location/Legal Description: | Southwest corner of McCabe Rd. & Sperber Rd. See attached Map & Legal description | EXHIBIT C |
| Current Sphere of Influence: | Current SOI Map | EXHIBIT D |
| Proposed Sphere of Influence: | Proposed SOI Map | EXHIBIT E |
| Proposed Project: | Annexation of approximately 80 acres to the City of El Centro/SOI Amendment | |

ANAYLSIS

I: Project Description:

The Imperial County Office of Education (ICOE) submitted a petition on 10/19/17 for a sphere of influence amendment and annexation of approximately 80 acres into the City of El Centro. The location of the project, also known as "County Center II" is at the southwest corner of Sperber Rd. and McCabe Rd., APN #054-510-001.

5.9 of the 80 acres will be developed for the construction of a 17,566 square foot administration building that would be constructed in a campus like manner and would include offices, a staff lounge, conference rooms, restrooms, exercise room, storage spaces, a parking lot, outdoor plaza and other appurtenant facilities.

No development is proposed for the remaining 74 acres. When development plans for any of the remaining parcels are submitted to the City in the future, subsequent environmental review under CEQA will be required for the proposed development within the 74 acres. A detailed project description is included in the attached Mitigated Negative Declaration.

ICOE and the City of El Centro entered into a Pre-Annexation agreement dated June 24, 2019. This agreement addresses several improvements and fees related to sewer, water, and transportation facilities. Detailed information is included in the agreement and is attached hereto.

II: City Council Approvals:

- 1) 06/18/19 **Resolution #19-49** Adopting a Mitigated Negative Declaration with Mitigation Monitoring Program **EXHIBIT F**
- 2) 06/18/19 **Resolution #19-50** Approving General Plan Amendment Changing Land Use Designation to Public Usage **EXHIBIT G**
- 3) 06/24/19 **Ordinance #19-04** Amending the Zoning Map **EXHIBIT H**
- 4) 06/24/19 **Resolution #19-55** Approving Annexation **EXHIBIT I**
- 5) 06/24/19 **Resolution #19-54** Approving a Pre-Annexation Agreement **EXHIBIT J**
- 6) 06/24/19 **Resolution #19-53** Approving a Tax & Fiscal Agreement **EXHIBIT K**
(NOTE: THIS IS A PUBLIC AGENCY AGREEMENT)

III: Tax Agreement:

| | | |
|-------------------------------------|--|------------------|
| Board of Supervisors Action: | Tax & Fiscal Impact Agreement | EXHIBIT L |
| City Resolution: | Resolution #19-53 dated 06/24/19 | EXHIBIT M |
| Tax Split: | Auditor-Controller letter dated 01/15/19 | EXHIBIT N |

IV: County Land Use:

County General Plan: Under the County's General Plan, the area being proposed for annexation is shown to be County Agriculture and within the urban area adjacent to special purpose for the future expansion of the City of El Centro.

Proposed: City Public Use

County Zoning: County A2 (General Agriculture)

Proposed: City LU (Limited Use)

Surrounding Land Uses: The site is bounded on the north by residential development and to the south, and west by agricultural land and on the east by the Imperial County Office of Education offices, Imperial County Sheriff's Office, and other administrative offices.

V: Sphere of Influence:

The proposed annexation requires a SOI amendment to include the entire 80 acres to the City of El Centro.

VI: CEQA:

Lead Agency: City of El Centro

Documentation: Mitigated Negative Declaration
State Clearing House No. 2018061021

EXHIBIT O

VII: State Law:

Cortese Knox Hertzberg Reorganization Act of 2000:

Government Code Section 56668 specifically requires that certain factors be considered in the review of any proposal, and shall include but not limited to Items A through P.

- (A) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area; and in adjacent incorporated and unincorporated areas, during the next 10 years.

Comment: The project will not induce substantial population growth in the area, either directly or indirectly and is not a substantial job generator inducing the construction of additional housing. The site is bounded on the north by residential development and to the south, and west by agricultural land and on the east by the Imperial County Office of Education offices, Imperial County Sheriff's Office, and other administrative offices.

- (B) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or

exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

'Services', as used in this subdivision, refers to governmental services whether or not the services would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

Comment: The City has addressed the proposed service demand impacts in the Mitigated Negative Declaration and has the capacity to serve the project. The applicant will be required to pay impact fees to offset any impacts as required by the City.

- (C) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

Comment: The proposed project is not likely to affect social or economic interest.

- (D) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.

Comment: The proposed project will remove 80 acres of land that is identified as Farmland of Statewide Importance pursuant to the California Important Farmland Finder. Under Imperial County's Agricultural Element of the General Plan, the policy is that no agricultural land shall be removed from the agricultural category except where needed for use by a public agency. The removal of agricultural land by the Imperial County Office of Education is acceptable and consistent with the County's policy because the land is being used by a public agency to improve educational services to the general public. The project is considered to be in line with the Commissions adopted policies.

- (E) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

Comment: The proposed project site is identified as Farmland of Statewide Importance pursuant to the California Important Farmland Finder. Under Imperial County's Agricultural Element of the General Plan, the policy is that no agricultural land shall be removed from the agricultural category except where needed for use by a public agency. The removal of agricultural land by the Imperial County Office of Education is acceptable and consistent with the County's policy because the land is being used by a public agency to improve educational services to the general public.

- (F) The definiteness and certainty of the territory, the nonconformance of proposed boundaries with lines of assessment of ownership, the creation of islands or of corridors of unincorporated territory and other similar matters affecting the proposed boundaries.

Comment: The annexation does not create an island and is contiguous to the City of El Centro.

(G) A regional transportation plan adopted pursuant to Section 65080.

Comment: N/A

(H) The proposal's consistency with city or county general and specific plans.

Comment: The project is considered consistent with the Imperial County General Plan and with the General Plan of the City.

(I) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

Comment: The proposed annexation requires a SOI amendment to include the entire 80 acres to the City of El Centro.

(J) The comments of any affected local agency which may be applicable to the proposal being reviewed.

Comment: No significant adverse comments have been received for this project by any responsible agency.

(K) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Comment: The City has indicated that it has adequate capacity to service this project area.

(L) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

Comment: The project as analyzed by the City of El Centro indicates that the City does have adequate water for this project.

(M) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

Comment: This project will not have an effect on the regional housing plans or needs.

(N) Any information or comments from the landowner or landowners, voters, or residents in the affected territory.

Comment: None received as of the writing of this report.

(O) Any information relating to existing land use designations.

Comment: N/A

- (P) The extent to which the proposal will promote environmental justice. As used in this subdivision “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

Comment: The proposed project is not considered to have an impact on environmental justice.

- (Q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is subject of the proposal.

Comment: N/A

VIII: Public Notice

Public notice for the proposed annexation hearing before the LAFCO Commission has been given, according to Section 56660 and 56661. Notice was issued in the form of a publication in the Imperial Valley Press at least 21-days prior to said hearing and posted on our webpage. In addition, direct mail notices were at least sent to all property owners within 500 ft in the incorporated territory and within ½ mile of the unincorporated area.

IX: Report:

In accordance with Section 56665, the Executive Officer has prepared a report, and presented said report to your Commission and to any public member requesting such report.

X: Conflict of Interest Statement:

To date, (at the writing of this report) no Commissioner has indicated that there is any conflict of interest with regard to this project. The Executive Officer does not have any known conflict of interest, does not own any property within the project area.

EXECUTIVE OFFICERS RECOMMENDATION

It is the recommendation of the Executive Officer that LAFCO conduct a public hearing and consider all information presented in both written and oral form. The Executive Officer then recommends, assuming no significant public input warrants to the contrary, that LAFCO take the following action:

- 1: Certify the Mitigated Negative Declaration (SCH#2018061021) as prepared by the City of El Centro and certified by the City of El Centro in June 2019.
- 2: Make the finding that this project with the conditions imposed herein (or as modified) is in substantial compliance with the provisions of the Cortese-Knox-Hertzberg Reorganization Act of 2000 and the Imperial LAFCO policy and procedures.
- 3: **Make the findings pursuant to Gov. Code Section 56375 that:**
 - a. The project has been pre-zoned under the City of El Centro's current zoning ordinance.
 - b. The project is prohibited per section 56375(e) from being "re-zoned" for a period of two years following annexation.
 - c. The project is contiguous to the City, does not create an island, and is a logical extension of the City and urban plan area.
 - d. The protest proceedings pursuant to Part 4 commencing with Section 57000 are hereby initiated, and in compliance with the resolution of approval by the Commission.
4. **Approve the Annexation subject to the following conditions:**
 - A. Authorize the Executive Officer to forward the Resolution of approval to the City, as an informational item and for compliance with all relevant conditions imposed herein. (Pursuant to the CKH Act of 2000, enacted through AB 2838, a conducting authority process, i.e. the City being the Conducting Authority, no longer exists and the LAFCO has been delegated the Conducting Authority Process).
 - B. Pursuant to CKH, authorize the Executive Officer to record the annexation with the County Recorder and the State Board of Equalization, **ONLY** upon compliance by the applicant and the City, with all applicable conditions, payment of requisite fees, and receipt of all documents necessary required from the proponents, the City and/or other agencies.
 - C. The Annexation boundary shall be as per map and legal description attached hereto as **Exhibit C**. The annexation shall include all contiguous Roads; Road Right of Ways; Canals, Canal Right of Ways; and Public Easements. The final annexation map shall be prepared by a California Licensed Engineer licensed to practice in the Category of work to be performed. Said final map shall be reviewed by the Surveyor of the County of Imperial and the Public Works Director of the City to assure that the map complies

with the correct boundary and surveying requirements, as well as legal descriptions. Project shall not record until both County and City Public Works Directors have provided a letter stating compliance.

- D: The Sphere of Influence boundary shall be as per the SOI map attached hereto as **Exhibit E**.
- E: The City shall transmit to the Executive Officer certified copies of all approvals given or required to be given by the City in approving the land use projects reported herein, including tax agreements unless that information has already been submitted.
- F: The City shall within 90 days of the hearing by LAFCO, approving the annexation, submit to LAFCO a full **City Boundary Map** depicting the new annexation as part of the overall City Boundary. This City Boundary map shall be signed by a Licensed Engineer and shall be submitted as follows:
 - a. A digital copy in AutoCAD 2009 or later format
 - b. A 24"x 36" copy
 - c. A pdf copy
- G: The annexation shall not be recorded until all conditions have been completed and all costs paid in full. The applicant (petitioner) and/or the City as appropriate shall provide to LAFCO the following items in order to complete the processing of the annexation:
 - 1) Eight (8) copies of the Annexation maps and Legal descriptions prepared by the licensed engineer, and one **(1) Mylar copy meeting the size established by the County Recorder's office**.
 - 2) One (1) copy of a Vicinity Map size 8 ½ x 11 and a pdf
 - 3) Check made payable to the **State Board of Equalization** in the amount of **\$1,200** as required by Statute.
 - 4) Check made payable to LAFCO as determined by the Executive Officer to fully offset the cost of processing the application, including all costs incurred by the County or City departments charged with the responsibility to review any portion of this project.
 - 5) A letter from the applicant (petitioners) agreeing to the terms and conditions of the LAFCO and waiving all rights to an appeal, or reconsideration of the LAFCO decision, unless petitioner can show that a technical error occurred that would have or could have altered the decision of the LAFCO.
 - 6) The City shall provide to LAFCO a hard copy as well as a digital copy of the "mitigation" measures that will be required to be implemented for this project. These mitigation measures will be made a part of the Resolution of approval by LAFCO and to the extent applicable will be required to be implemented or bonded for as appropriate.

- I: The City shall not change any of the zone(s) within the boundary of the project annexation area for a period of two years from the date of recordation, subject to CKH. The City shall notify the LAFCO and the County of any proposed change of zone within the boundary area at least 90 days prior to any such Council Hearing, if such is requested prior to the termination of 24 months from recordation. If the City does change the zone or the envisioned land use analyzed within this land use process, in the future and it affects any tax split agreements with other agencies, then the City shall be required to make the appropriate adjustments with the County.
- J: The City shall not enter this property into any type of “redevelopment” program or such other program that would adversely change the Fiscal impacts or in any way affect the fiscal impacts or tax sharing agreements with other agencies. If the City, following annexation and after recordation, does change the project so as to change the Fiscal information/outcome upon with LAFCO and/or other agencies relied, the City shall be required to fund any deficit that may occur as a result of their change.
- K: All conditions of approval made by or given by the City as evidenced by the Resolutions of Ordinances adopted by the City shall be part of the Conditions of LAFCO in this annexation as if written herein.
- L: The City shall require all IID canals and drains that are within or contiguous to the project, to be undergrounded (or eliminated), except for the Canals and Drains identified by the IID as not feasible, such as the Central Main Canal. Applicant and/or IID shall provide to LAFCO assurance acceptance to the Executive Officer which may include bonds or other certificates that said conditions shall be complied with. If IID determines that a canal shall not be undergrounded, it must do so in writing to LAFCO, stating the reasons for its decision and accepting full responsibility in the event a safety issue shown in the MND as a possibility occurs.

LAFCO Policy

The proposed Annexation appears to be consistent with the Cortese-Knox-Hertzberg Reorganization Act of 2000, the Imperial LAFCO Policies and Procedures and the County of Imperial General Plan. Furthermore, the City has (according to the Plan) the ability to supply the necessary public services and has assured LAFCO that it has the capacity to service the areas.

Note: All “cc” submittals are the Executive Officer’s Report only and submitted via e-mail. Attachments are generally too voluminous and are only supplied on CD. Information about the project may also be found on the LAFCO web page at www.iclafco.com.

Attachments:

- EXHIBIT A:** Application
- EXHIBIT B:** Certificate of Filing
- EXHIBIT C:** Map & Legal Description
- EXHIBIT D:** Current SOI Map
- EXHIBIT E:** Proposed SOI Map
- EXHIBIT F:** City Resolution #19-49
- EXHIBIT G:** City Resolution #19-50
- EXHIBIT H:** City Ordinance #19-04
- EXHIBIT I:** City Resolution #19-55
- EXHIBIT J:** City Resolution #19-54
- EXHIBIT K:** City Ordinance #19-53
- EXHIBIT L:** Tax & Fiscal Impact Agreement
- EXHIBIT M:** City Resolution #19-53
- EXHIBIT N:** Auditor-Controller letter
- EXHIBIT O:** Mitigated Negative Declaration

- CC:** Project File EC 2-17
- Applicant
- City of El Centro
- County of Imperial, CEO
- County of Imperial, Public Works
- County of Imperial, Planning
- County of Imperial, Assessor
- County of Imperial, Auditor-Controller
- County of Imperial, County Counsel
- County of Imperial, Clerk to the Board of Supervisors
- County of Imperial, Fire/OES
- County of Imperial, Sheriff