

EXECUTIVE OFFICER'S REPORT

To The
Local Agency Formation Commission

TO:

COMMISSIONERS:

*Michael W. Kelley, Supervisor, Chair
Ray Castillo, Supervisor
David H. West, Public, Vice-Chair
Maria Nava-Froelich, City
Javier Moreno, City*

ALTERNATE COMMISSIONERS:

*Jesus E. Escobar, Alternate Supervisor
(Vacant) Alternate Public
Robert Amparano, Alternate City*

REPORT DATE: May 3, 2021

FROM: Jurg Heuberger, Executive Officer

Paula Graf, Analyst

PROJECT: EC 1-19 South Dogwood Annexation

HEARING DATE: May 27, 2021 **TIME:** 08:40 a.m.

AGENDA ITEM NO: 10

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 as presented by the Executive Officer.
- OPTION #2:** Approve the proposed Annexation 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.

Project Data:

Project ID:	EC 1-19	
Project Name:	South Dogwood Annexation	
Applicant/Proponent:	GS Lyon Consultants	
Application Type:	Petition by Landowners	EXHIBIT A
Application Received:	May 2, 2019	
Certificate of Filing:	May 20, 2019	EXHIBIT B
Area/Size:	67.78 +/- acres	
Location/Legal Description:	See attached Map & Legal description	EXHIBIT C
Proposed Project:	Annexation to the City of El Centro	
CEQA:	Mitigated Negative Declaration	
APN's:	054-360-058, 054-360-032, 054-360-052, 054-360-053, 054-360-054, 054-360-055, 054-360-056, 054-360-057, 054-360-036, 054-390-044, 054-390-089, 054-390-050, 054-390-051, 054-390-052	
SOI:	Within the City of El Centro's Sphere of Influence	

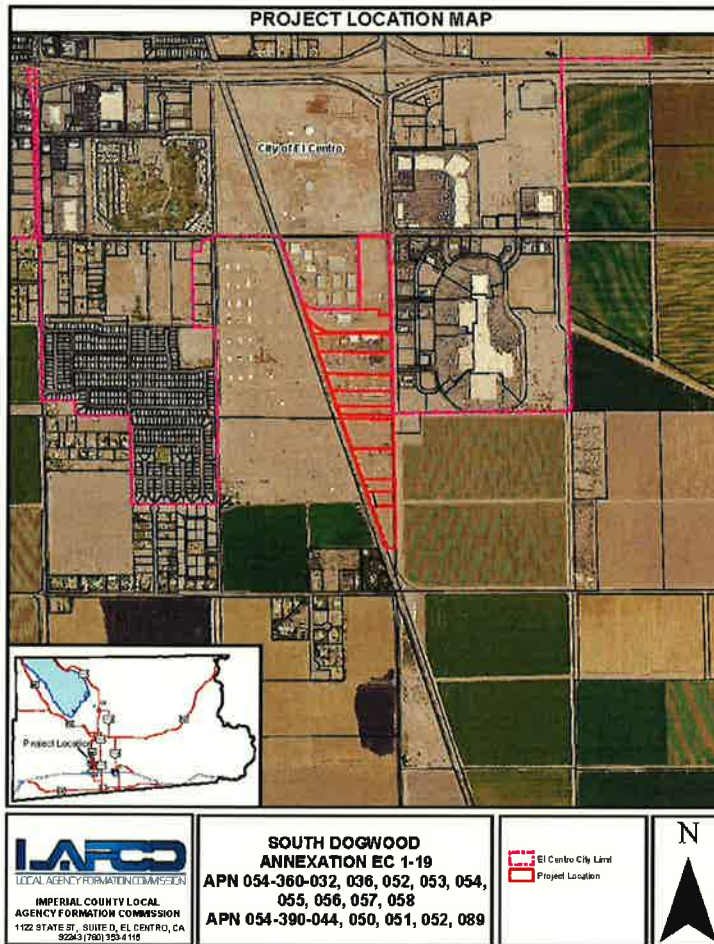
ANALYSIS

I: Project Description:

Annexation to the City of El Centro EC 1-19 South Dogwood

GS Lyon Consultants on behalf of the property owners (listed below) submitted an application on May 2, 2019 to annex approximately 68 acres of land. The project is located at the west side of South Dogwood Avenue, from Danenberg Drive to 600 feet north of McCabe Road.

The annexation area has been pre-zoned by the City of El Centro to General Commercial, except for the southern 11.97 acres which has been pre-zoned High Density Residential. The southern area proposed for High Density Residential consists of assessor parcel numbers 054-390-089, 054-390-050, 054-390-051, and 054-390-052.



APN #	Acres	Owner	Proposed Zoning
054-360-058	12	Menvielle Sharon Trustee	General Commercial
054-360-032	9.15	Rolfe Roger H & Stacy K Trustees	General Commercial
054-360-053	7.06	Mostrong Michael Trustee	General Commercial
054-360-054	7.77	Mostrong Michael Trustee	General Commercial
054-360-055	5.27	Mostrong Michael Trustee	General Commercial
054-360-056	4.7	Rooshar Enterprises LLC	General Commercial
054-360-057	2.39	Sylvester Sharon Trustee	General Commercial
054-360-036	1.44	Sylvester Sharon Trustee	General Commercial
054-390-044	7.28	Mostrong Michael Trustee	General Commercial
054-390-089	6.21	Sylvester Richard Allen & Sharon Gail Trustees	High Density Residential
054-390-050	1.94	Mostrong Michael C & Julie L Trustees	High Density Residential
054-390-051	2.01	Sylvester Sharon Trustee	High Density Residential
054-390-052	3.83	Sylvester Sharon Trustee	High Density Residential

II: City Council Approvals:

- 1) Resolution # 21-15:** dated March 16, 2021 approving annexation **EXHIBIT D**
- 2) Resolution # 21-14:** dated March 16, 2021 approving a General Plan Amendment and Land Use Designation **EXHIBIT E**
- 3) Resolution #21-13:** dated March 16, 2021 adopting a Mitigated Negative Declaration **EXHIBIT F**
- 4) Pre-Annexation Agreement** **EXHIBIT G**

III: Tax & Fiscal Impact Agreement:

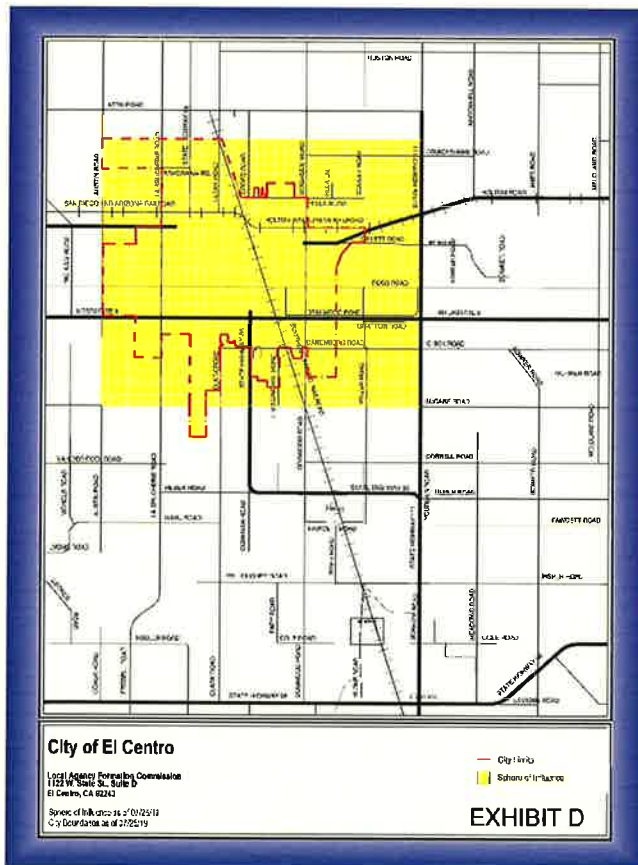
- 1) Board of Supervisors Action:** Minute Order dated March 23, 2021 approving a Tax and Fiscal Impact Agreement between the City of El Centro and the County of Imperial. **EXHIBIT H**
- 2) Tax Split:** Auditor-Controller letter dated May 1, 2020 **EXHIBIT I**

IV: County Land Use:

- 1) County General Plan:** Under the County’s General Plan, the area being proposed for annexation is shown to be Urban for the future expansion of the City of El Centro.
- 2) Surrounding Land Uses:** Fertilizer storage/distribution to the north, hay storage and compress facility to the west, mall to the east, light to medium industrial developments within the project area, and two rural residences.

V: Sphere of Influence:

The proposed annexation is within the Sphere of Influence of the City of El Centro.



VI: CEQA:

Lead Agency: City of El Centro

Documentation: Mitigated Negative Declaration

EXHIBIT J

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 proposed project as identified in the staff analysis and the MND prepared by the City of El Centro would rezone the southern 11.97 acres of the project from Medium Industrial Development to High Density Residential.

The project would have the potential to add 191 dwelling units, with an estimated increase of 697 in population at a density of 3.65 people per household.

The current land uses of the project area include vacant land, developed land with light to medium industrial properties, a mini-storage facility and two rural single-family residences.

The natural boundary of the project is; Danenberg Drive to the north, Dogwood Avenue and Imperial Valley Mall to the east, McCabe Road and agricultural land to the south, and Farnsworth Ln to the West.

- (B) Need for municipal 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 of El Centro would assume municipal service responsibilities for the affected territory and the anticipated development thereafter and has indicated that it has the capacity and sufficient and available financial resources to provide services to the annexation area without adversely impacting existing ratepayers.

- (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 annexation area lies within the City of El Centro's sphere of influence, and as such has established relevant economic and social ties with respect to other services provided by the city. Approving the annexation would recognize these existing ties and formally establish El Centro as the single governing body responsible for municipal services.

- (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 is considered consistent with the Commission policies on providing planned, orderly, and efficient patterns of urban development.

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

Comment: The annexation area does not convert agricultural land. The current land uses of the project area include vacant land, developed land with light to medium industrial properties, a mini-storage facility and two rural single-family residences.

- (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: LAFCO is in receipt of a draft map and geographic description of the annexation area that details metes and bounds consistent with the standard of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on submittal of a final map and description conforming to the referenced standards and addressing any proposal area modifications enacted by the Commission. The final map shall be reviewed by the Surveyor of the County of Imperial and the Public Works Director of the City to of Holtville 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.

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

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

- (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 GPA by the City, the project will be consistent with the City's plan.

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

Comment: The annexation is within the Sphere of Influence of 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 of El Centro would assume municipal service responsibilities for the affected territory and the anticipated development thereafter and has indicated that it has the capacity and sufficient and available financial resources to provide services to the annexation area without adversely impacting existing ratepayers.

- (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 and available 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: The proposed project would add 191 dwelling units to the City of El Centro. The City's Housing Element (2013-2021) shows adequate land capacity for an additional 191 R-3 zoned dwelling units.

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

Comment: No comments received as of the writing of this report.

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

Comment: The current land uses of the project area include vacant land, developed land with light to medium industrial properties, a mini-storage facility and two rural single-family residences.

- (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: To the knowledge of LAFCO, the proposed project has no imposed conditions or proposed development standards that adversely affect any group of individuals.

- (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: Page 64-65 of the MND identifies the project site and surrounding areas as designated by the California Department of Forestry and Fire Protection as Moderate Fire Hazard Severity Zone (2007).

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:

OPTION #1: Approve the proposed Annexation as presented by the Executive Officer.

- 1: Certify the CEQA Document as prepared and certified by the City.
- 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 within the sphere of influence, and an 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 and required from the proponents, the City and/or other agencies.
 - C. The Annexation boundary shall be as per map and legal description attached hereto. 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 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.
- E: The City shall within 90 days of the hearing by LAFCO, approving the annexation, submit to LAFCO a full **City Boundary Map & Legal Description** 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
- F: 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, including a letter from the Surveyor of the County of Imperial and Public Works Director of the City to assure the map complies with the correct boundary and surveying requirements, as well as legal descriptions.
 - 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 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.
- H: The annexation shall not be recorded until all conditions have been completed and all costs paid in full.
- 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.

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.

Note: All “cc” submittals are the Executive Officer’s Report only. 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: Annexation Map
EXHIBIT D: Resolution #21-15
EXHIBIT E: Resolution #21-14
EXHIBIT F: Resolution #21-13
EXHIBIT G: Pre-Annexation Agreement
EXHIBIT H: Tax & Fiscal Impact Agreement
EXHIBIT I: Auditor-Controller Letter
EXHIBIT J: Mitigated Negative Declaration

CC:

Applicant
City of El Centro, City Manager
City of El Centro, Planning
County of Imperial, CEO
County of Imperial, County Counsel
County of Imperial, Auditor-Controller
County of Imperial, Planning & Development Services
County of Imperial, Public Works