

EXECUTIVE OFFICER'S REPORT

To The
Imperial Local Agency Formation Commission

TO:

COMMISSIONERS:

Michael W. Kelley, Supervisor, Vice-Chair
Ray Castillo, Supervisor
David H. West, Public
Maria Nava-Froelich, City
(Vacant) City

ALTERNATE COMMISSIONERS:

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

REPORT DATE: February 4, 2021

FROM: Jurg Heuberger, Executive Officer
Paula Graf, Analyst 



PROJECT: HV 2-14 Melon Properties Annexation

HEARING DATE: February 25, 2021

TIME: 08:40 a.m.

AGENDA ITEM NO: 15

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:

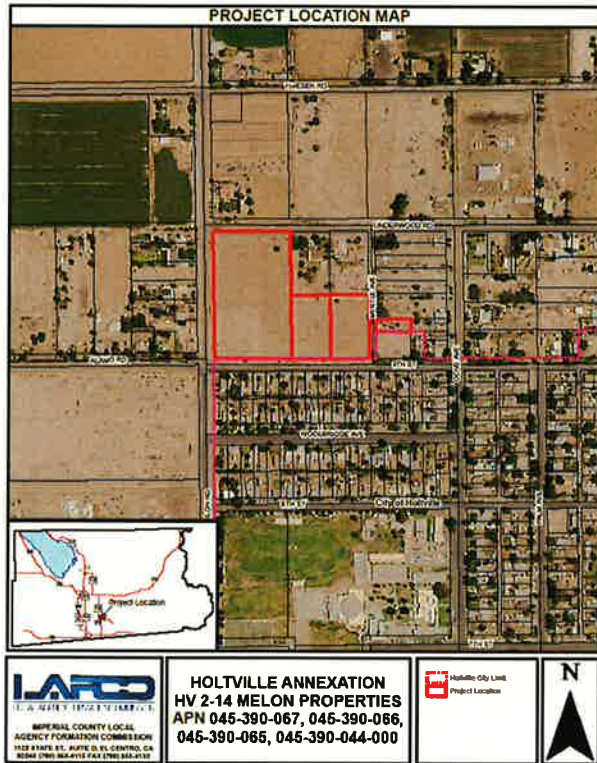
Project ID:	HV 2-14	
Project Name:	Melon Properties Annexation	
Applicant/Proponent:	Development Design and Engineering	
Application Type:	Annexation Petition by Landowners	EXHIBIT A
Application Received:	October 21, 2016	
Certificate of Filing:	December 6, 2016 (Conditional)	EXHIBIT B
Area/Size:	7.75 +/- acres	
Location/Legal Description:	See attached Map & Legal description	EXHIBIT C
Proposed Project:	Annexation to the City of Holtville	
CEQA:	Mitigated Negative Declaration	
APN's:	045-390-067, 045-390-066, 045-390-065, 045-390-044, 045-390-006	
SOI:	Within the City of Holtville's Sphere of Influence	EXHIBIT D

ANAYLSIS

I: Summary:

The Imperial Local Agency Formation Commission will consider a proposal filed by Melon Properties LLC on October 21, 2016 for the annexation of approximately 7.75 acres of unincorporated territory to the City of Holtville. The annexation is to facilitate the planned development of a 152-unit apartment complex.

The annexation area consists of APN's 045-390-065, 045-390-066, 045-390-067, 045-390-044 and is located at the northeast corner of East Alamo and Melon Rd, within the City of Holtville's Sphere of Influence. The site is vacant, undeveloped land comprised of five parcels and is surrounded by low density residential development. The site has historically been used for agriculture but has remained vacant and undeveloped for more than twenty years.



II: City Council Approvals:

Resolution # 20-23 dated November 23, 2020 approving the following:

EXHIBIT E

1. Annexation of APN #'s 045-390-065, 045-390-066, 045-390-067, 045-390-044
2. General Plan Amendment MDR (Medium Density Residential)
3. Tax and Fiscal Impact Agreement between the City of Holtville and the County of Imperial
4. Pre-Zone to R-2 (Two-Family Residential) for APN's 045-390-067, 045-390-065, 045-390-066, and 045-390-006,
5. Zone Change to R-2 (Two-Family Residential) for APN 045-390-006

III: Tax Agreement:

Board of Supervisors Action: Minute Order #30, January 5, 2021

EXHIBIT F

City Resolution: Resolution #20-23, November 23, 2020

Tax Split: Auditor-Controller letter, September 1, 2020

EXHIBIT G

IV: County Land Use:

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 Holtville.

Surrounding Land Uses: Properties to the north and west consist of rural single-family homes. Properties to the east and south consist of single-family residences.

V: Sphere of Influence:

The proposed annexation is within the Sphere of Influence of the City of Holtville.

VI: CEQA:

Lead Agency: City of Holtville

Documentation: Mitigated Negative Declaration

EXHIBIT H

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: As of 2018, Holtville had an estimated population of 6,678. The proposed development would add an estimated 618 in population at a density of 4.06 people per household.

The affected territory is a vacant undeveloped site comprised of five parcels and is surrounded by low density residential development. The site has historically been used for agriculture but has remained vacant and undeveloped for more than twenty years.

The current assessed value of the annexation area is \$320,710.

The affected territory and surrounding topography are flat. The natural boundary is; Tenth Street to the north, Myrtle Avenue to the east, Ninth Street and Pear Canal to the South, and Melon Road to the West.

No significant growth is anticipated in the surrounding area within the next 10-year period.

- (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 Holtville 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.

The City of Holtville's Service Area Plan was adopted by the Commission in 2017. The Plan identified the following services at or near capacity:

Fire Protection

The cities performance standard is 1.2 full time firefighters per 1,000 in population. Based on this standard, the city should have 9 full time firefighters. The city currently employs 3 full time firefighters. Based on this standard, the city is at capacity.

Sheriff

The City of Holtville contracts with the Imperial County Sheriff's Office for law enforcement services. The cities performance standard is 1 officer per 500 in population. Based on this standard, the city should have 12.5 full time officers. The city currently employs 6 full time officers. Based on this standard, the city is at capacity.

See the Executive Officer's recommendation on page 11 (M).

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.

Comment: The annexation area lies within the City of Holtville'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 Holtville 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 consistent with 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 project site has historically been used for agriculture but has remained vacant and undeveloped for more than twenty years. The site is designated as "Other Land" or "Urban and Built-Up Land" on the Imperial County Important Farmland 2016 Map. The project does not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

- (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 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.

Approval of the annexation would not create service islands or corridors.

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

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 plans.

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

Comment: The annexation area is currently designated Urban Area on the Imperial County General Plan and is zoned R-1-U (Single-Family-Urban) and R-1 (Single-Family Residential).

A General Plan Amendment to change the land use designation from Low Density Residential to High Density Residential and a Pre-Zone was approved by the City of Holtville on November 23, 2020.

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

Comment: The annexation is entirely within the Sphere of Influence of the City of Holtville.

- (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 Holtville would assume municipal service responsibilities for the annexation area.

The City 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: Existing water infrastructure is located within the right-of-way surrounding the annexation area. A 12-inch water line is located to the west of the site within Melon Road and a 12-inch water line is within 9th street to the south.

The city has indicated it has the capacity to provide water services.

- (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 project would have the potential to add 152 dwelling units, with an estimated increase of 618 in population at a density of 4.06 people per household. The annexation would not impact any local agencies in accommodating their regional housing needs.

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

Comment: The annexation area is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowner has initiated proceedings for the proposed annexation and has provided written consent to the annexation.

(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: 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: The City of Holtville General Plan contains a hazard mitigation plan for potential fire, flooding, and earthquakes. The annexation area lies outside any identified threat designations.

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 annexation 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 CEQA Document as prepared by the City of Holtville.
- 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 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 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 shown in the EIR as a possibility occurs.
- M: The City shall commence the preparation of a Service Area Plan/Municipal Service Review/Sphere of Influence update addressing Fire and Law Enforcement Services fiscal health and capacities.

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. 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: Sphere of Influence Map
EXHIBIT E: City of Holtville Resolution 20-23
EXHIBIT F: Tax Agreement
EXHIBIT G: Auditor-Controller Letter
EXHIBIT H: Mitigated Negative Declaration

CC:

Applicant
City of Holtville, Nick Wells, City Manager
City of Holtville, George Galvan, The Holt Group
Development Design & Engineering, Annette Leon
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



APPLICATION

PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Local Agency Formation Commission of Imperial County for approval of a proposed change of organization, and stipulate(s) as follows:

OWNER INFORMATION	
NAME Walter Robert Sager	COMPANY Melon Properties, LLC
MAILING ADDRESS 605 State St.	TELEPHONE NUMBER 760-353-1001
CITY, STATE, ZIP El Centro, CA, 92243	EMAIL ADDRESS Same as Applicant
APPLICANT INFORMATION (IF DIFFERENT FROM THE OWNER)	
NAME Melon Properties, LLC	COMPANY Melon Properties, LLC
MAILING ADDRESS 605 State Street	TELEPHONE NUMBER 760-960-1473
CITY, STATE, ZIP El Centro, CA, 92243	EMAIL ADDRESS jshawk8@msn.com
PROJECT INFORMATION	
NAME OF PROPOSAL Melon Properties Multi Family Residential Project	DATE 9/30/16
PROJECT ADDRESS 2316 Melon Rd., Intersection of Melon & Ninth St.	APN(S) 045-390-067, -066, -065, -044, -006
CITY, STATE, ZIP Holtville, CA, 92250	TOTAL LAND AREA (ACRES) 8.19 acres
THIS PROPOSAL IS MADE PURSUANT TO CALIFORNIA GOVERNMENT CODE (COMMENCING WITH SECTION 56000, CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000).	
1	PROPOSED CHANGE(S) OF ORGANIZATION <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> ANNEXATION <input type="checkbox"/> DETACHMENT <input type="checkbox"/> INCORPORATION </div> <div> <input type="checkbox"/> SPHERE OF INFLUENCE <input type="checkbox"/> CONSOLIDATION <input type="checkbox"/> FORMATION OF _____ </div> <div> <input type="checkbox"/> OTHER <input type="checkbox"/> EXTENSION OF SERVICES </div> </div>
2	NAME OF THE CITY/SPECIAL DISTRICT BEING AFFECTED City of Holtville
3	THE PROPOSED BOUNDARIES OF THE TERRITORY(IES) INCLUDED IN THE PROPOSAL ARE AS DESCRIBED IN THE EXHIBIT(S) ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN <input checked="" type="checkbox"/> YES, BOUNDARY EXHIBITS ARE ATTACHED

4	PLEASE LIST ANY OTHER DOCUMENTS BEING SUBMITTED WITH THE APPLICATION (EXCEPT THOSE ALREADY REQUIRED BY LAFCO) Submittal to Holtville, Submittal to the County of Imperial, Environmental Information Form _____ _____	
5	THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE <input checked="" type="checkbox"/> UNINHABITED <input type="checkbox"/> INHABITED (12 OR MORE REGISTERED VOTERS)	
6	CURRENTLY, THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE <input type="checkbox"/> DEVELOPED <input checked="" type="checkbox"/> UNDEVELOPED	
7	IS THIS PROPOSAL CONSISTENT WITH THE SPHERE OF INFLUENCE OF THE AFFECTED CITY AND/OR DISTRICT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
8	PLEASE DESCRIBE IN DETAIL THE REASONS FOR THE PROPOSED CHANGE OF ORGANIZATION (ANNEXATION, DETACHMENT, ETC). USE ATTACHED SHEET IF NECESSARY. Please see Project Description. _____ _____	
9	THE PROPOSED CHANGE OF ORGANIZATION IS REQUESTED, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS: At this time there are no known terms and conditions. The applicant is currently seeking a Lot Merger, Zone Change, Site Plan Review and a General Plan Amendment contingent upon Annexation. _____ _____	
10	WOULD THIS PROPOSAL CREATE AN ISLAND OF UNINCORPORATED TERRITORY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE EXPLAIN _____ _____	
11	IS THERE A GOOD LIKELIHOOD OF A SIGNIFICANT INCREASE IN POPULATION IN THE SUBJECT AREA WITHIN THE NEXT TEN YEARS? IN UNINCORPORATED AREAS? <input type="checkbox"/> YES <input type="checkbox"/> NO IN INCORPORATED AREAS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO ESTIMATED ADDITIONAL POPULATION <u>20 DU/acre</u>	
12	WHAT IS THE EXISTING ZONING? <u>City of Holtville: R1, County of Imperial: R1U</u> WHAT IS THE PROPOSED ZONING? <u>R3: within the City of Holtville HDR.</u>	
13	HAS OR IS THE AREA BEEN/BEING PRE-ZONED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO WHAT IS THE PRE-ZONING CLASSIFICATION? <u>R1U</u> WHAT DATE WAS THIS PRE-ZONED? _____	

14	WHAT IS THE PLANNED GENERAL PLAN DESIGNATION OF THE AREA BY THE AFFECTED CITY? R1: Detached single family dwellings. Allows up to 6 dwelling units per gross acre. <hr/> <hr/>			
15	DESCRIBE ANY SPECIAL LAND USE CONCERNS EXPRESSED IN THE ABOVE PLANS Storm Water Drainage capacity <hr/> <hr/>			
16	SPECIFY ANY AND ALL EXISTING LAND USES <u>Jurisdiction of County of Imperial: R1U, Jurisdiction of the City of Holtville</u> <hr/> WHAT ARE THE PROPOSED LAND USES? <u>R3-within City of Holtville</u> <hr/> DESCRIBE YOUR PROJECT IN DETAIL <u>Please see Project Description.</u> <hr/> <hr/>			
17	DOES THE APPLICATION CONTAIN 100% WRITTEN CONSENT OF EACH PROPERTY OWNER IN THE SUBJECT TERRITORY?	<input checked="" type="checkbox"/>	YES	
		<input type="checkbox"/>	NO	
18	WILL THE ANNEXED TERRITORY BE LIABLE FOR ITS SHARE OF EXISTING BONDED INDEBTEDNESS?	<input checked="" type="checkbox"/>	YES	
		<input type="checkbox"/>	NO	
19	WILL THE ANNEXED TERRITORY BE INCLUDED WITHIN ANY PARTICULAR TAX DIVISION OR ZONE OF THE ANNEXING TERRITORY? PLEASE SPECIFY. Yes, tax-share agreement will be made between City of Holtville and County of Imperial. <hr/> <hr/>			
20	IF THE PROPOSAL INCLUDES THE CONSOLIDATION OF SPECIAL DISTRICTS, THE PROPOSED NAME OF THE CONSOLIDATED DISTRICT IS: No special district. <hr/> <hr/>			
21	IF AN INCORPORATION IS INCLUDED IN THE PROPOSAL: (A) THE NAME PROPOSED FOR THE NEW CITY IS: <u>N/A</u> <hr/> (B) PROVISIONS ARE REQUESTED FOR APPOINTMENT OF: (i) CITY MANAGER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (ii) THE CITY CLERK AND CITY TREASURER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

DATE 10-12-16

PERSON 1	<input type="checkbox"/> AGENDA COPIES <input type="checkbox"/> HEARING PACKAGE HARD COPY	<input type="checkbox"/> PUBLIC NOTICE OF HEARING <input type="checkbox"/> HEARING PACKAGE ON CD
NAME	COMPANY	
Development Design and Engineering: attn: Annette Leon	Development Design and Engineering, Inc.	
MAILING ADDRESS	TELEPHONE NUMBER	
1065 State Street	760-353-8110	
CITY, STATE, ZIP	EMAIL ADDRESS	
El Centro, CA, 92243	aleon@dde-inc.net	

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IMPERIAL LOCAL AGENCY FORMATION COMMISSION (LAFCO) ♦ JURG HEUBERGER, AICP, CEP, EXECUTIVE OFFICER
1122 STATE STREET, SUITE D ♦ EL CENTRO, CA 92243 ♦ PHONE (760) 353-4115 ♦ WWW.ILAFCO.COM

NOTICE:

*Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, **BY RESOLUTION**, to accept the negotiated exchange of property tax revenues.*

NOTE:

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

FOR LAFCO USE ONLY

APPLICATION RECEIVED BY _____

DATE RECEIVED _____

CHECK THE DOCUMENTS SUBMITTED WITH THE APPLICATION:

- | | |
|--|---|
| <input type="checkbox"/> DEPOSIT | <input type="checkbox"/> LEGAL DESCRIPTION |
| <input type="checkbox"/> INDEMNIFICATION AGREEMENT | <input type="checkbox"/> ANNEXATION MAP (10 COPIES) |

PROJECT NO. ASSIGNED _____

DATE ACCEPTED _____

NOTICE OF FILING AND TRACKING FORM

STEPS FOR LAFCO PROJECTS

LAFCO ANNEXATION (S)

DEPARTMENTAL USE ONLY

Date: December 6, 2016 City: Holtville Annexation #: HV 2-14 Melon Properties

1. ☐ Resolution of Applicant by affected local agency
☒ Petition with acquired signatures of landowners or registered voters

2. APPLICATION RECEIVED BY LAFCO ON: **10/21/16**

3. THE LAFCO EXECUTIVE OFFICER herewith provides "Notice of Filing" to ASSESSOR, AUDITOR, CEO, and issues a "CERTIFICATE OF FILING" to APPLICANT and other parties of interest, dated; **12/06/16**

4. ASSESSOR:

Within twenty **20 days** of the above notice of filing date, **(step 3)**, provides report to Auditor which identifies assessed valuation for territory subject to jurisdictional changes and tax rate area(s).

DUE TO AUDITORS OFFICE BY: **12/26/16**

5. AUDITOR:

A: Estimates amounts if property tax revenue generated in territory subject to jurisdictional changes during the current fiscal year.

B: Estimates proportion of Property tax revenue.

C: Within forty **40 days** of the above notice filing **(step 3)**, Auditor notifies governing body of each service area is altered, of the amount of property tax revenue estimated, and the exchange pursuant to the master agreement of subject to a negotiated exchange.

DUE TO SUPERVISOR & CITY BY: **01/15/17**

6. Each governing body transmits within thirty **(30) days** of receipt of notification from Auditor, **(step 5)** a resolution of acceptance of the exchange of property tax revenue to the LAFCO Executive officer.

DUE TO LAFCO EXECUTIVE OFFICER BY: **02/14/17**

7. Tentative Notice of LAFCO Hearing given by LAFCO EXECUTIVE OFFICER: **03/23/17**

8. After the LAFCO public hearing is held the decision is final.

Copy to: ☒ Assessor ☒ Auditor ☒ CEO ☒ PW ☒ County Counsel ☒ Applicant ☐ Other _____

CONDITIONAL

CERTIFICATE OF FILING

(Government Code 56658 (g) Cortese-Knox-Hertzberg Reorganization Act of 2000)

I, JURG HEUBERGER, AICP, CEP, as the Executive Officer to the Local Agency Formation Commission of the County of Imperial (LAFCO), do hereby certify that:

1. The APPLICATION referenced and described below has been submitted to me and has been found to be in the form prescribed by the Local Agency Formation Commission of Imperial County, and in substantial conformity with the Act.
2. The APPLICATION contains the information and the data and signatures as required by this Commission and applicable provisions of State law and has been accepted for filing.

EFFECTIVE DATE: **December 6, 2016**

APPLICATION TITLE: Melon Properties
LAFCO File No. HV 2-14

APPLICANT(S): Melon Properties, LLC
(by Petition)

LEGAL DESCRIPTION: APN: 045-390-067, 045-390-066, 045-390-065, 045-390-044, 045-390-006 (See map and legal description)

GENERAL LOCATION: Project is located at the Intersection of Melon & Ninth Street, Holtville, CA 92250

DATE OF HEARING: **Tentative date is unknown-dependant on City land use time**
[NOTE: Hearing date is tentative and may vary.]

AFFECTED AGENCIES: **(See listing at the end of notice)**

CEQA LEAD AGENCY: The City of Holtville and LAFCO are Co-Lead agency for CEQA!

This certificate of filing is issued pursuant to Section 56658 of the Government Code, State of California. All time requirements and limitations for processing and consideration of this application specified by State law and/or rules and the regulations of the Imperial County

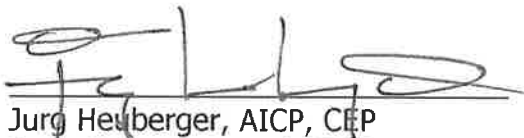
Local Agency Formation Commission shall become effective on the date of issuance of this certificate.

NOTICE TO READER & EACH SUBJECT AGENCY & RESPONSIBLE AGENCY:

Under the provisions of the CORTESE-KNOX-HERTZBERG REORGANIZATION ACT OF 2000 (Gov. Code 56000 et. seq.) you have certain responsibilities as well as opportunities to respond to this application. You must respond to the Executive Officer in a timely manner in order for your concerns or comments to be addressed!

SPECIAL NOTE:

This application was originally received by LAFCO on September 09, 2014. It was deemed incomplete due to the fact that certain items required by LAFCO were missing/incomplete upon initial application submission. The applicant was notified of the documents missing/incomplete and an additional application was submitted.


Jurg Heuberger, AICP, CEP
Executive Officer to LAFCO

Notification listing:

County Planning Commission	[with copies]
Clerk of the Board of Supervisors	[with copies]
Clerk of IID Board of Directors	[with copies]
City of Holtville City Clerk	[with copies]
City of Holtville City Manager	
City of Holtville Planning Director	
City of Holtville Public Works Director	
IID General Manager	
California Highway Patrol Office	
Calif. Dept. of Transportation (CALTRANS)	
Superintendent of ICOE	
Southern California Gas Company	
County Sheriff Department, Ray Loera	
County Executive Officer, Ralph Cordova	
County Counsel, Michael Rood	
County Counsel Assistant, Katherine Turner	
County Public Works, Director	
County Assessor's Office	
County Auditor's Office, Doug Newland	
County Planning, Jim Minnick	
LAFCO File: HV 2-14, 50.005	
Applicant	

OCT 21 2016

Imperial County
Local Agency Formation Commission

APPLICATION

PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Local Agency Formation Commission of Imperial County for approval of a proposed change of organization, and stipulate(s) as follows:

OWNER INFORMATION	
NAME Walter Robert Sager	COMPANY Melon Properties, LLC
MAILING ADDRESS 605 State St.	TELEPHONE NUMBER 760-353-1001
CITY, STATE, ZIP El Centro, CA, 92243	EMAIL ADDRESS Same as Applicant
APPLICANT INFORMATION (IF DIFFERENT FROM THE OWNER)	
NAME Melon Properties, LLC	COMPANY Melon Properties, LLC
MAILING ADDRESS 605 State Street	TELEPHONE NUMBER 760-960-1473
CITY, STATE, ZIP El Centro, CA, 92243	EMAIL ADDRESS jshawk8@msn.com
PROJECT INFORMATION	
NAME OF PROPOSAL Melon Properties Multi Family Residential Project	DATE 9/30/16
PROJECT ADDRESS 2316 Melon Rd., Intersection of Melon & Ninth St.	APN(S) 045-390-067, -066, -065, -044, -006
CITY, STATE, ZIP Holtville, CA, 92250	TOTAL LAND AREA (ACRES) 8.19 acres
THIS PROPOSAL IS MADE PURSUANT TO CALIFORNIA GOVERNMENT CODE (COMMENCING WITH SECTION 56000, CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000).	
1	PROPOSED CHANGE(S) OF ORGANIZATION <input checked="" type="checkbox"/> ANNEXATION <input type="checkbox"/> SPHERE OF INFLUENCE <input type="checkbox"/> OTHER <input type="checkbox"/> DETACHMENT <input type="checkbox"/> CONSOLIDATION <input type="checkbox"/> EXTENSION OF SERVICES <input type="checkbox"/> INCORPORATION <input type="checkbox"/> FORMATION OF _____
2	NAME OF THE CITY/SPECIAL DISTRICT BEING AFFECTED City of Holtville
3	THE PROPOSED BOUNDARIES OF THE TERRITORY(IES) INCLUDED IN THE PROPOSAL ARE AS DESCRIBED IN THE EXHIBIT(S) ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN <input checked="" type="checkbox"/> YES, BOUNDARY EXHIBITS ARE ATTACHED

4	PLEASE LIST ANY OTHER DOCUMENTS BEING SUBMITTED WITH THE APPLICATION (EXCEPT THOSE ALREADY REQUIRED BY LAFCO) Submittal to Holtville, Submittal to the County of Imperial, Environmental Information Form	
5	THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE	<input checked="" type="checkbox"/> UNINHABITED <input type="checkbox"/> INHABITED (12 OR MORE REGISTERED VOTERS)
6	CURRENTLY, THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE	<input type="checkbox"/> DEVELOPED <input checked="" type="checkbox"/> UNDEVELOPED
7	IS THIS PROPOSAL CONSISTENT WITH THE SPHERE OF INFLUENCE OF THE AFFECTED CITY AND/OR DISTRICT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
8	PLEASE DESCRIBE IN DETAIL, THE REASONS FOR THE PROPOSED CHANGE OF ORGANIZATION (ANNEXATION, DETACHMENT, ETC.). USE ATTACHED SHEET IF NECESSARY. Please see Project Description.	
9	THE PROPOSED CHANGE OF ORGANIZATION IS REQUESTED, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS: At this time there are no known terms and conditions. The applicant is currently seeking a Lot Merger, Zone Change, Site Plan Review and a General Plan Amendment contingent upon Annexation.	
10	WOULD THIS PROPOSAL CREATE AN ISLAND OF UNINCORPORATED TERRITORY? IF YES, PLEASE EXPLAIN	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
11	IS THERE A GOOD LIKELIHOOD OF A SIGNIFICANT INCREASE IN POPULATION IN THE SUBJECT AREA WITHIN THE NEXT TEN YEARS? IN UNINCORPORATED AREAS? <input type="checkbox"/> YES <input type="checkbox"/> NO IN INCORPORATED AREAS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO ESTIMATED ADDITIONAL POPULATION 20 DU/acre	
12	WHAT IS THE EXISTING ZONING? City of Holtville: R1, County of Imperial: R1U WHAT IS THE PROPOSED ZONING? R3: within the City of Holtville HDR.	
13	HAS OR IS THE AREA BEEN/BEING PRE-ZONED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO WHAT IS THE PRE-ZONING CLASSIFICATION? R1U WHAT DATE WAS THIS PRE-ZONED?	

14	WHAT IS THE PLANNED GENERAL PLAN DESIGNATION OF THE AREA BY THE AFFECTED CITY? R1: Detached single family dwellings. Allows up to 6 dwelling units per gross acre.			
15	DESCRIBE ANY SPECIAL LAND USE CONCERNS EXPRESSED IN THE ABOVE PLANS Storm Water Drainage capacity			
16	SPECIFY ANY AND ALL EXISTING LAND USES: <u>Jurisdiction of County of Imperial: R1U, Jurisdiction of the City of Holtville</u> WHAT ARE THE PROPOSED LAND USES? <u>R3-within City of Holtville</u> DESCRIBE YOUR PROJECT IN DETAIL: <u>Please see Project Description.</u>			
17	DOES THE APPLICATION CONTAIN 100% WRITTEN CONSENT OF EACH PROPERTY OWNER IN THE SUBJECT TERRITORY?	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
18	WILL THE ANNEXED TERRITORY BE LIABLE FOR ITS SHARE OF EXISTING BONDED INDEBTEDNESS?	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
19	WILL THE ANNEXED TERRITORY BE INCLUDED WITHIN ANY PARTICULAR TAX DIVISION OR ZONE OF THE ANNEXING TERRITORY? PLEASE SPECIFY Yes, tax-share agreement will be made between City of Holtville and County of Imperial.			
20	IF THE PROPOSAL INCLUDES THE CONSOLIDATION OF SPECIAL DISTRICTS, THE PROPOSED NAME OF THE CONSOLIDATED DISTRICT IS No special district.			
21	IF AN INCORPORATION IS INCLUDED IN THE PROPOSAL (A) THE NAME PROPOSED FOR THE NEW CITY IS <u>N/A</u> (B) PROVISIONS ARE REQUESTED FOR APPOINTMENT OF: (i) CITY MANAGER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (ii) THE CITY CLERK AND CITY TREASURER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

22	IF THE FORMATION OF A NEW DISTRICT(S) IS INCLUDED IN THE PROPOSAL:	
	(A) THE PRINCIPAL ACT(S) UNDER WHICH SAID DISTRICT(S) IS/ARE PROPOSED TO BE FORMED IS/ARE N/A	
	(B) THE PROPOSED NAME(S) OF THE NEW DISTRICT(S) IS/ARE N/A	
	(C) THE BOUNDARIES OF THE PROPOSED NEW DISTRICT(S) ARE AS DESCRIBED IN EXHIBITS N/A, INCORPORATED HEREIN	
23	THE PERSON(S) SIGNING THIS PETITION HAVE SIGNED AS: (CHECK ONLY ONE) <input type="checkbox"/> REGISTERED VOTERS <input type="checkbox"/> OWNERS OF LAND	
24	AS REQUIRED, THE FOLLOWING ITEMS ARE ENCLOSED WITH THIS APPLICATION: <input checked="" type="checkbox"/> DEPOSIT <input checked="" type="checkbox"/> LEGAL DESCRIPTION <input checked="" type="checkbox"/> INDEMNIFICATION AGREEMENT <input checked="" type="checkbox"/> ANNEXATION MAP (10 COPIES)	


APPLICANT SIGNATURE

10-12-16
DATE

*Please complete the names and addresses of **additional** persons (not including the owner/applicant previously listed at the beginning of the application) who are requesting to have furnished copies of the agenda and Executive Officer's Report and/or mailed notices of the hearing of this proposal. Please attach additional pages if necessary.*

PERSON 1	REQUESTS: <input type="checkbox"/> AGENDA COPIES <input type="checkbox"/> HEARING PACKAGE HARD COPY	<input type="checkbox"/> PUBLIC NOTICE OF HEARING <input type="checkbox"/> HEARING PACKAGE ON CD
NAME Development Design and Engineering: attn: Annette Leon		COMPANY Development Design and Engineering, Inc.
MAILING ADDRESS 1065 State Street		TELEPHONE NUMBER 760-353-8110
CITY, STATE, ZIP El Centro, CA, 92243		EMAIL ADDRESS aleon@dde-inc.net

PERSON 2	REQUESTS: <input type="checkbox"/> AGENDA COPIES <input type="checkbox"/> HEARING PACKAGE HARD COPY	<input type="checkbox"/> PUBLIC NOTICE OF HEARING <input type="checkbox"/> HEARING PACKAGE ON CD
NAME John Hawk, Melon Properties, LLC		COMPANY Melon Properties, LLC
MAILING ADDRESS		TELEPHONE NUMBER
CITY, STATE, ZIP		EMAIL ADDRESS

NOTICE:

*Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, **BY RESOLUTION**, to accept the negotiated exchange of property tax revenues.*

NOTE:

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

SITE

EXHIBIT "A"

ANNEXATION NO. HV 2-14

TO THE CITY OF HOLTVILLE, CALIFORNIA
A PORTION OF TRACT 79, T13 S, R15 E, S34, AND A PORTION OF TRACT 87, T13 S, R15 E, S34,
COUNTY OF IMPERIAL STATE OF CALIFORNIA

COUNTY OF IMPERIAL

TOWNSHIP OF HOLTVILLE - MAP #408
PER OR 1-12

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EXHIBIT "A"
ANNEXATION NO. HV 2-14

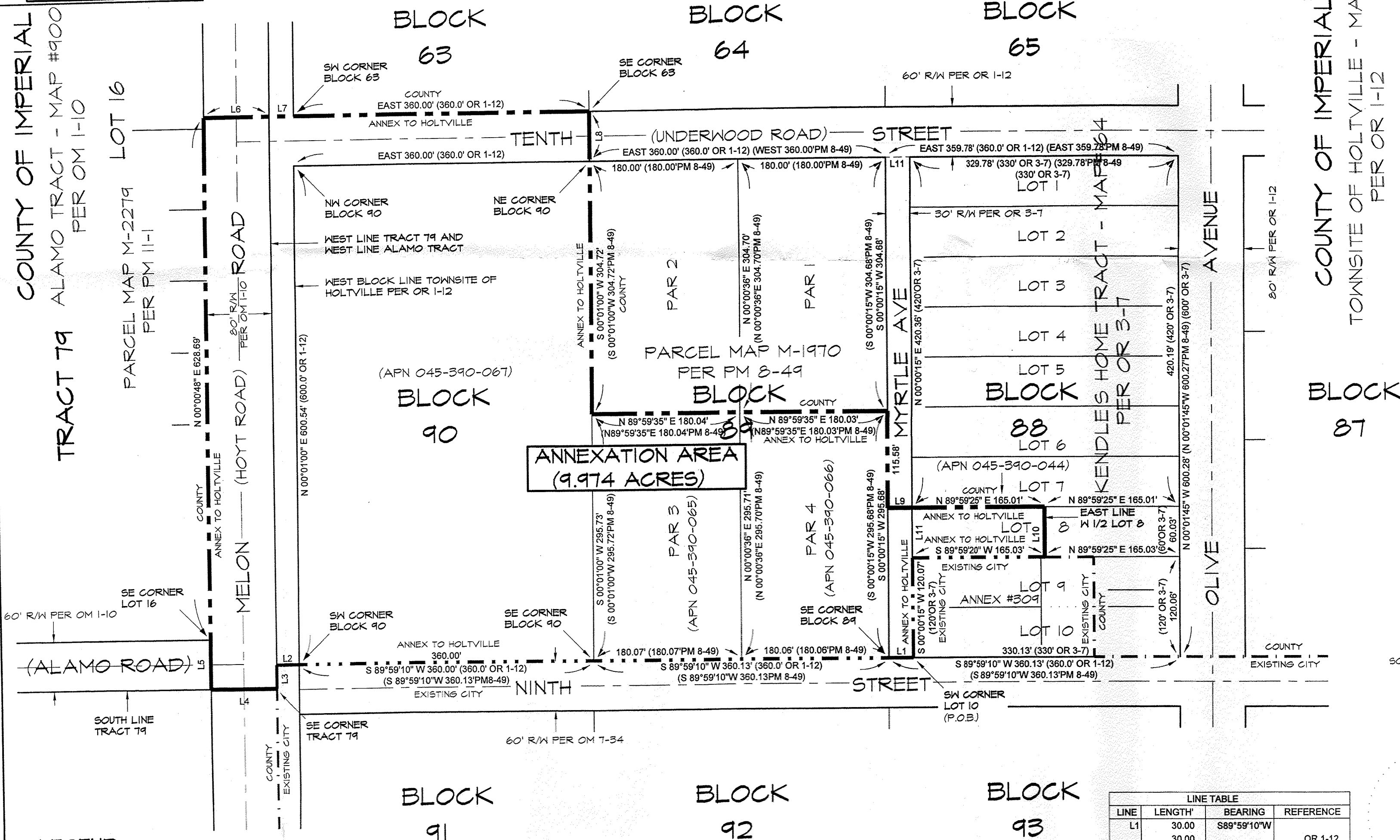
TO THE CITY OF HOLTVILLE, CALIFORNIA
A PORTION OF TRACT 79, T.15 S., R. 15 E., S.B.M. AND A PORTION OF TRACT 87, T.15 S., R. 15 E., S.B.M.
COUNTY OF IMPERIAL, STATE OF CALIFORNIA

COUNTY OF IMPERIAL

TRACT 87

TOWNSITE OF HOLTVILLE - MAP #908
PER OR 1-12

COUNTY OF IMPERIAL
TOWNSITE OF HOLTVILLE - MAP #908
PER OR 1-12



LEGEND:

- OR RECORD DATA PER OFFICIAL RECORD RECORDED IN BOOK & PAGE AS SPECIFIED.
- OM RECORD DATA PER OFFICIAL MAP RECORDED IN BOOK & PAGE AS SPECIFIED.
- PM RECORD DATA PER PARCEL MAP RECORDED IN BOOK & PAGE AS SPECIFIED.
- ANNEX #309 RECORD DATA PER ANNEXATION TO CITY OF HOLTVILLE RECORDED IN BK 285 PG 767 O.R.
- ANNEX TO HOLTVILLE LIMITS OF PARCEL TO E ANNEXED
- COUNTY
- EXISTING CITY EXISTING CITY LIMITS ADJACENT TO PARCEL TO BE ANNEXED
- ANNEX TO HOLTVILLE
- EXISTING CITY EXISTING CITY LIMITS BEYOND PARCEL TO BE ANNEXED
- COUNTY

LINE TABLE			
LINE	LENGTH	BEARING	REFERENCE
L1	30.00	S89°59'10"W	OR 1-12
L2	30.00		
L3	28.41	S00°00'48"W	OM 1-10
L4	80.00	N89°49'00"W	
L5	60.00	N00°00'48"E	OM 1-10
L6	80.00	EAST	
L7	29.99	EAST	OR 1-12
L8	60.00	S00°01'00"W	
L9	30.00	N89°59'25"E	OR 3-7
L10	60.03	S00°00'45"E	
L11	60.04	S00°00'15"W	OR 3-7

GEOGRAPHIC DESCRIPTION:

THAT PORTION OF TRACT 79 AND TRACT 87, T.15S, R.15E, S.B.M., COUNTY OF IMPERIAL, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER THE SOUTHWEST CORNER OF LOT 10 OF KENDLE'S HOME TRACT, ACCORDING TO MAP NO. 164, ON FILE IN BOOK 3 PAGE 7 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, SAID POINT BEING THE SOUTHWEST CORNER OF ANNEXATION NO. 309 OF 1969 TO THE CITY OF HOLTVILLE PER "CITY OF HOLTVILLE LEGAL BOUNDARY MAP" DATED 02-02-2016 ON FILE IN THE OFFICE OF THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) OFFICES IN EL CENTRO, CA;

THENCE SOUTH 89°59'10" WEST, ALONG THE EXISTING CITY LIMITS, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF PARCEL 3 OF PARCEL MAP NO. M-1970 ACCORDING TO MAP NO. 908, ON FILE IN BOOK 1 PAGE 12 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER;

THENCE SOUTH 89°59'10" WEST, ALONG SAID EXISTING CITY LIMITS, A DISTANCE OF 180.06 FEET TO THE SOUTHEAST CORNER OF BLOCK 89 OF THE TOWNSITE OF HOLTVILLE, ACCORDING TO MAP NO. 908;

THENCE SOUTH 89°59'10" WEST, ALONG SAID EXISTING CITY LIMITS, A DISTANCE OF 180.07 FEET TO THE SOUTHWEST CORNER OF BLOCK 90 OF SAID TOWNSITE OF HOLTVILLE ACCORDING TO MAP NO. 908;

THENCE CONTINUING SOUTH 89°59'10" WEST, ALONG SAID EXISTING CITY LIMITS AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 90, A DISTANCE OF 29.95 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 79 AND THE WEST LINE OF ALAMO TRACT, ACCORDING TO MAP NO. 900, ON FILE IN BOOK 1 PAGE 10 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER;

THENCE SOUTH 00°00'48" WEST, ALONG SAID EXISTING CITY LIMITS AND WEST LINES OF TRACT 79 AND ALAMO TRACT, A DISTANCE OF 28.41 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 79;

THENCE NORTH 89°49'00" WEST, DEPARTING SAID EXISTING CITY LIMITS AND ALONG THE SOUTH LINE OF SAID TRACT 79, A DISTANCE OF 80.00 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 16 OF SAID ALAMO TRACT ACCORDING TO MAP NO. 900;

THENCE NORTH 00°00'48" EAST A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16 OF ALAMO TRACT ACCORDING TO MAP NO. 900;

THENCE CONTINUING NORTH 00°00'48" EAST, ALONG SAID EAST LINE OF LOT 16 OF ALAMO TRACT, A DISTANCE OF 628.69 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 63 OF SAID TOWNSITE OF HOLTVILLE ACCORDING TO MAP NO. 908;

THENCE EAST, ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 63, A DISTANCE OF 80.00 FEET TO A POINT ON SAID WEST LINE OF SAID TRACT 79 AND ALAMO TRACT;

THENCE EAST A DISTANCE OF 29.99 FEET TO THE SOUTHWEST CORNER OF BLOCK 63 OF SAID TOWNSITE OF HOLTVILLE ACCORDING TO MAP NO. 908;

THENCE EAST A DISTANCE OF 360.00 FEET TO THE SOUTHEAST CORNER OF BLOCK 63 OF SAID TOWNSITE OF HOLTVILLE ACCORDING TO MAP NO. 908;

THENCE SOUTH 00°01'00" WEST A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF BLOCK 90 OF SAID TOWNSITE OF HOLTVILLE ACCORDING TO MAP NO. 908;

THENCE SOUTH 00°01'00" WEST, ALONG THE EAST LINE OF SAID BLOCK 90, A DISTANCE OF 304.72 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 3 OF PARCEL MAP NO. M-1970;

THENCE NORTH 89°59'35" EAST A DISTANCE OF 180.04 FEET TO THE NORTHWEST CORNER OF PARCEL 4 OF PARCEL MAP NO. M-1970;

THENCE NORTH 89°59'35" EAST A DISTANCE OF 180.03 FEET TO THE NORTHEAST CORNER OF PARCEL 4 OF PARCEL MAP NO. M-1970 ON THE EAST LINE OF SAID BLOCK 89;

THENCE SOUTH 00°00'15" WEST, ALONG THE EAST LINE OF SAID BLOCK 89, A DISTANCE OF 115.58 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 8 OF KENDLE'S HOME TRACT;

THENCE NORTH 89°59'25" EAST A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 8 OF KENDLE'S HOME TRACT;

THENCE NORTH 89°59'25" EAST A DISTANCE OF 165.01 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID LOT 8 OF KENDLE'S HOME TRACT;

THENCE SOUTH 00°00'45" EAST A DISTANCE OF 60.03 FEET TO THE EXISTING CITY LIMITS AND THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID LOT 8 OF KENDLE'S HOME TRACT;

THENCE SOUTH 89°59'20" WEST, ALONG SAID EXISTING CITY LIMITS, A DISTANCE OF 165.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8 OF KENDLE'S HOME TRACT;

THENCE SOUTH 00°00'15" WEST, ALONG SAID EXISTING CITY LIMITS, A DISTANCE OF 120.07 FEET TO THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 10 OF KENDLE'S HOME TRACT.

SAID AREA CONTAINING 9.974 ACRES MORE OR LESS.

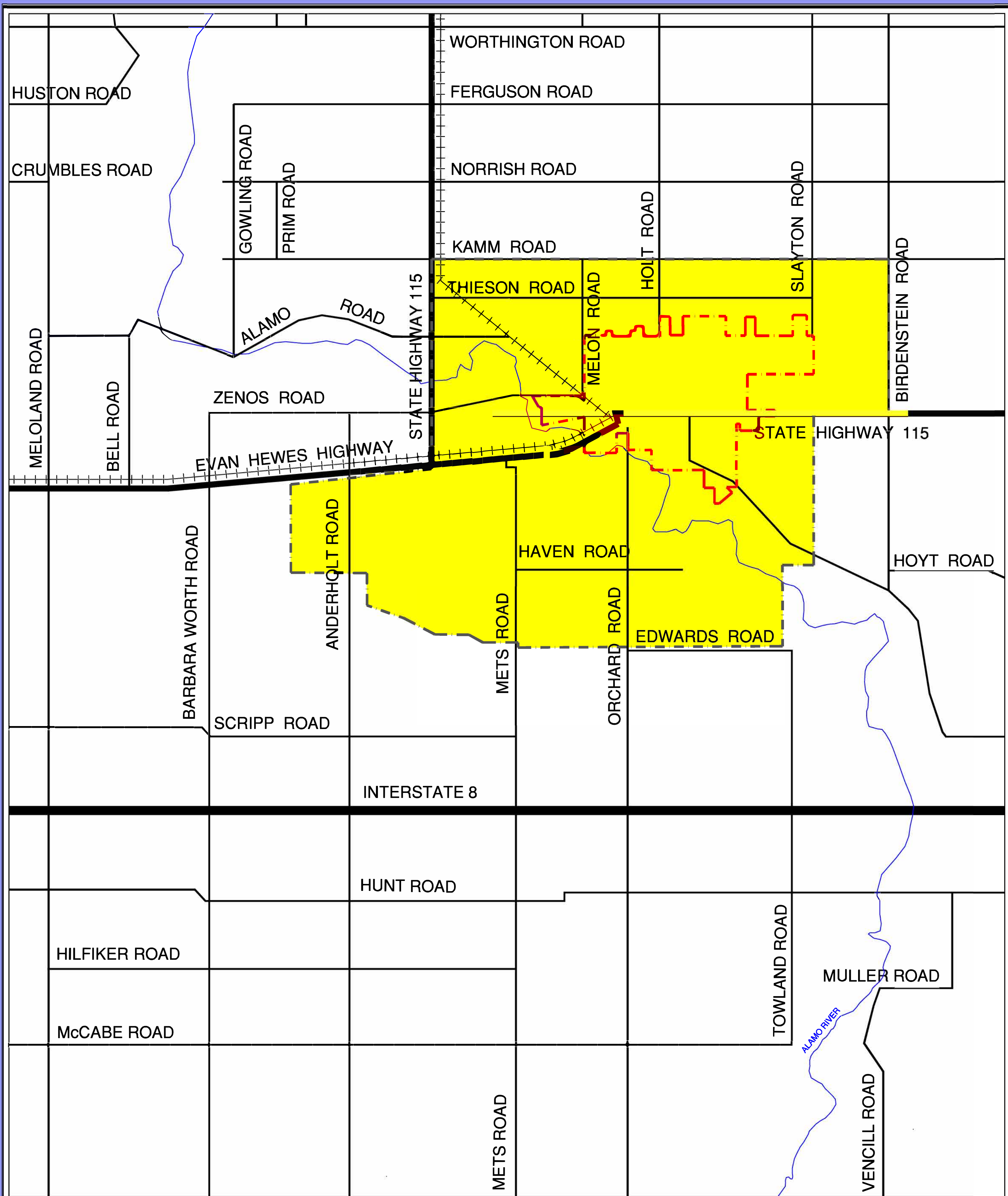
SURVEYOR'S NOTE:

THIS MAP IS BASED ON FIELD SURVEY AND WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF MELON PROPERTIES, LLC ON JULY 6, 2016.

GORDON O. OLSON, L.S. 7107
LICENSE EXPIRATION DATE: 12/31/2016

DATE:

Development		ANNEXATION NO. HV 1-14		SHEET	
DESIGN				1	
ENGINEERING					
planning - civil engineering - land surveying - project management		HOLTVILLE, CALIFORNIA		DATE: 07-07-2016	
t:760-353-8110 f:760-352-6408		1065 STATE STREET EL CENTRO, CA 92243		BY: G.O.	
info@dde-inc.net www.dde-inc.net		CLIENT: MELON PROPERTIES, LLC		JOB NUMBER: 16029-00	



City of Holtville

Imperial County Local Agency Formation Commission 1122 W. State St., Suite D, El Centro, CA

92243

Sphere of Influence Revised and Adopted 07/27/17

City Boundaries as of 05/31/17



— City Limits

■ Sphere of Influence

EXHIBIT E

**HOLTVILLE CITY COUNCIL
RESOLUTION NO. 20-23**

A RESOLUTION OF THE HOLTVILLE CITY COUNCIL CERTIFYING A MITIGATED NEGATIVE DECLARATION (MND) AND APPROVING THE ANNEXATION, PRE-ZONE TO R-2 (TWO FAMILY RESIDENTIAL) FOR APN'S 045-390-067, 045-390-065, 045-390-066, AND 045-390-044, A ZONE CHANGE TO R-2 (TWO FAMILY RESIDENTIAL) FOR APN 045-390-006, AND GENERAL PLAN AMENDMENT TO MDR (MEDIUM DENSITY RESIDENTIAL), AND APPROVING A TAX SHARING AGREEMENT BETWEEN THE COUNTY OF IMPERIAL AND THE CITY OF HOLTVILLE FOR THE MELON, LLC DEVELOPMENT AT THE NORTHEAST CORNER OF MELON ROAD AND NINTH STREET

WHEREAS, the City of Holtville received an application from Melon Properties, LLC ("Applicant / Developer") for an Annexation, Pre-Zone, and General Plan Amendment to allow the development of a residential project at the northeast corner of Melon Road and Ninth Street (APN's 045-390-006, 045-390-044, 045-390-065, 045-390-066, and 045-390-067); and

WHEREAS, the 8.2-acre project site is comprised of four individual parcels located in an unincorporated area adjacent to the incorporated boundaries of the City of Holtville; and

WHEREAS, the current Holtville General Plan Land Use Designation for the project site is Low Density Residential (LDR) which is intended for single family housing up to 6.0 units per acre; and

WHEREAS, the Applicant's original request was to allow for the development of 152 multi-family residential units but decreased the number of units due to public testimonies received during the Planning Commission public hearing; and

WHEREAS, the Holtville General Plan Housing Element encourages the development of a variety of housing types and densities to meet the Regional Housing Needs Assessment Allocation; and

WHEREAS, an Environmental Initial Study and Mitigated Negative Declaration (MND) were prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) to determine the extent of any potential impacts to the environment; and

WHEREAS, Mitigation Measures and a Mitigation Monitoring Plan were prepared to minimize the environmental impacts to levels that are less than significant; and

WHEREAS, the Draft Mitigated Negative Declaration was made available for public review for a period of 30 days from July 27, 2020 to August 25, 2020 and circulated through the State Clearinghouse from August 27, 2020 to September 25, 2020; and

WHEREAS, it is necessary for the Holtville City Council to approve a Tax and Fiscal Impact Agreement between the City of Holtville and Imperial County for the exchange of property tax revenues upon annexation of territory to the City of Holtville; and

WHEREAS, the Notice of Public Hearing before the November 23rd City Council meeting was posted at City Hall on October 27, 2020 and circulated to property owners within 300 feet on October 27, 2020 for the referenced Public Hearing scheduled; and

WHEREAS, the City Council reviewed the Final Mitigated Negative Declaration and all maps, exhibits, and written documents presented for this project, and has considered the oral presentations given at the public hearing; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comments received, the City Council considered all the facts relating to the certification of the Final Mitigated Negative Declaration; and

**NOW, THEREFORE, THE HOLTVILLE CITY COUNCIL DOES HEREBY
RESOLVE, DETERMINE AND AUTHORIZE AS FOLLOWS:**

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council of the City of Holtville certifies a Mitigated Negative Declaration; and

- C) That based on the evidence presented at the public hearing, the City Council approves a General Plan Amendment changing the Land Use Designation for the subject site to **Medium Density Residential (MDR)** with a maximum density of 12.0 units per acre; and
- D) That based on the evidence presented at the public hearing, the City Council approves a Pre-Zone for APN's 045-390-067, 045-390-065, 045-390-066, and 045-390-044 as **Two Family (R-2)**; and
- E) That based on the evidence presented at the public hearing, the City Council approves a Zone Change for APN 045-390-006 to **Two Family (R-2)**; and
- F) That based on the evidence presented at the public hearing, the City Council approves the proposed annexation; and
- G) That the City Council does hereby approve the Tax Share Agreement between the City of Holtville and the County of Imperial for the exchange of property tax revenues due to annexation to the City; and
- H) That the Mayor of the City of Holtville is hereby authorized to sign the Tax Share Agreement on behalf of the City; and
- I) That all actions taken by the City Council related to this project are based on the following findings:
1. The project has been reviewed in accordance with the requirements set forth by the City of Holtville for implementation of the California Environmental Quality Act.
 2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
 3. The proposed draft Mitigated Negative Declaration shows that any potentially significant impact on the environment will be mitigated to a level below significance.
 4. The proposed project is consistent with and in furtherance of the Goals, Objectives, and Policies of the City of Holtville General Plan.

PASSED, APPROVED AND ADOPTED by Holtville City Council at a regular meeting held on the 23rd of November, 2020, by the following roll call vote:


AYES: *Pacheco, Goodsell, Layton, Ward, Predmore*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

Attest:


Nicholas D. Wells, City Manager
(Acting City Clerk)


Jim Predmore, Mayor

CONDITIONS OF APPROVAL

MELON PROPERTIES, LLC
Northeast Corner of East Alamo Road (9th Street) and Melon Road
(APNs) 045-390-006, -044, -065, -066, and -067.

1. **Project Description.** The Developer is proposing a project consisting of the development of a 152-unit apartment complex at the northeast corner of Melon Road and Ninth Street. Minor changes to the site plan and decrease in density may be allowed subject to the approval of the City Planner if found to be in substantial conformance to these Conditions of Approval. The General Plan Land Use Designation for the project site is High Density Residential (HDR) and the Zoning Designation is City Zone Two-Family Residential (R-2). The General Plan Land Use Designation and Zoning Designation shall be effective upon the approval of the annexation.
2. **Lot Merger.** The project site currently consists of four separate parcels and will require a new parcel map combining all four lots within the project site to be prepared in conformance with the Subdivision Map Act. The Developer will be required to submit an application to the City of Holtville and Imperial County, with legal descriptions prepared by a professional Engineer/Surveyor.

REQUIRED PERMITS AND AUTHORIZATIONS

3. **Building Permit.** The applicant shall secure a building permit with the City of Holtville and pay all applicable Development Impact Fees. A building permit shall be obtained for all building construction and on-site improvements including permanent and temporary signs. Inspections for compliance shall be obtained prior to issuance of a Certificate of Occupancy and opening the business operation.
4. **Air Pollution Control District Permit.** Any person or organization proposing to construct, modify, or operate a facility or equipment that may emit pollutants from stationary source into the atmosphere.

OFFSITE IMPROVEMENTS

5. **Streets, Curb and Gutter, and Sidewalk.**
 - i. The Developer shall include half width improvements to the portions of 10th Street, and 9th Street abutting the project site. Improvements shall be consistent with the pavement width shown in S101 of the City of Holtville City Standard Details.
 - ii. Full width improvements to Melon Avenue abutting the project site to the west shall be included. Improvements shall be consistent with the pavement width shown in S101 of the City of Holtville City Standard Details.
 - iii. A new curb and gutter along the portions of 10th Street, Melon Avenue, and 9th Street abutting the project site shall be constructed as necessary.
 - iv. A new sidewalk shall be installed on the portions of 10th Street, Melon Avenue, and 9th Street abutting the project site in accordance with City standards.
6. **Domestic Water.** The Developer's engineer shall prepare a hydraulic study during the project design and complete required improvements to the Holtville Water Distribution System to provide the required fire flow demand to the project site.
7. **Sanitary Sewer.**
 - i. Prior to the issuance of a building permit, the Developer shall submit a sewer plan consistent with the approved site plan and conditions of approval. The sewer plan shall be based on an approved Sanitary Sewer Study. If the existing sewer line within the vicinity of the project site is deemed insufficient, the Developer is responsible for the construction of the larger diameter pipeline.
 - ii. All sewer lines must maintain the minimum slope requirements and must be buried a minimum of three feet underground in accordance with City of Holtville standards and specifications.
8. **Stormwater.**
 - i. The Developer shall construct a stormwater force main along Alamo Road to Tamarack Road to the City's outfall pipe at the Alamo River.
 - ii. An onsite retention basin shall be adequately sized to store the volume of a 25 year, 24 hour storm (2.54 inches over the 24-hour period) on-site per City of Holtville Standard Details and

Specification requirements. The retention basin shown on the plans may need to be resized to accommodate the required stormwater volume.

- iii. A stormwater pump station shall be installed at the retention basin to transport stormwater from the retention basin to the stormwater conveyance system.
- iv. All stormwater infrastructure shall be completed prior to the issuance of any certificate of occupancy.

9. **Pear Canal.** The Developer shall agree to a lien on the property to construct a mixture of town homes and apartments on the project site in exchange for the City to front the 25% grant match required to underground Pearl Canal located on the southern side of the project site.

ACCESS/ROADWAYS/CIRCULATION

10. **Traffic Control Plan.** All driveway and City roadway improvements shall require a traffic control plan and be consistent with Holtville's Standards Details and Specification. An encroachment permit shall be obtained prior to commencement of work and issuance of a building permit.

PARKING/PARKING LOTS/ON SITE LIGHTING

11. **Residential Use Parking Required.** The residential development requires 1.5 standard parking spaces per unit and at least five (5) of the parking spaces must be ADA accessible parking spaces. All ADA requirements shall meet Caltrans Standard Plan A88A, A90A and the California Building Code. The minimum slopes acceptable shall be designed per Caltrans Standards (i.e. cross slopes, 1.5 percent, 7.5 percent on ramps, and 4.5 percent on path of travel). The required parking spaces for the 152 unit project are determined in accordance to Chapter 17.52 of the City Zoning Code as follows:

One Bedroom Unit = Requiring 1.5 Spaces/Unit

Two Bedroom Unit = Requiring 1.75 Spaces/Unit

Three or more Bedroom Unit = Requiring 2.00 Spaces/Unit

Total = 152 Units

12. **Parking Lot.** The parking facilities shall be paved with a durable dust-free surface pursuant to section 17.52.100 of the Zoning Ordinance.
13. **Parking Lot Lighting.** The parking lot lighting (pole lighting) shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The building and public walkways must be well lit.
14. **Fencing.** Per Section 17.52.120 of the Zoning Code, each parking facility containing four or more spaces abutting a City street shall be separated from such street by a decorative wall, view obscuring fence, permanently maintained, compact hedge, berm or combination thereof not less than 30-inches and not more than 42-inches, except that the following area shall be left clear of planting and improvements from a point of thirty inches above the ground: at the intersection of each driveway with a street, a triangular area where corners are defined by two point on the right of way line, fifteen feet on each side of the centerline of the driveway or alley and a point on said centerline ten feet outside of the right of way (Section 17.10.090). Chain-link fencing is not allowed

ON-SITE BUILDING(S) AND STRUCTURES

15. **Building Height.** All buildings, shall be limited to two stories or 30' in height.
16. **Finished Floor Elevation.** The finished floor elevation of all structures shall be constructed 18" above the top of curb (top of curb and gutter of adjoining streets).
17. **Equipment Screening.** All mechanical equipment such as HVAC equipment shall be screened for visual and noise attenuation.
18. **Trash Enclosure.** All trash and garbage bins shall be stored in an approved enclosure. Refuse containers and service facilities shall be screened from view by solid masonry walls with wood or metal doors. Chain Link fencing with slating is prohibited.
19. **Signage.** A maximum of one unlighted identification sign, or one freestanding sign is permitted for the entire project site. The sign shall not exceed 15 square feet or 6 feet in height (17.56.260). All sign designs shall be constructed in conformance with Section 17.56 of the Holtville Municipal Code. The proposed sign shall be submitted to the City of Holtville to be reviewed for consistency applicable codes.

- 20. ADA Compliance.** Entrances to buildings, main facility, and/or any other entrance, and restroom facilities shall comply with current ADA requirements.
- 21. Walls and Fences.** All walls and fencing within the project shall be consistent with the main building to prevent a fragmented design that may result from the use of too many materials and textures. Graffiti resistant coating shall be applied to all masonry walls.
- 22. Lighting.** The project shall use low source lighting with lights directed downward to minimize illumination of the nighttime sky and all light sources shall be shielded to prevent light trespass outside the project boundary.
- 23. Noise Reduction.**
- i. Prior to commencing earth-moving and construction activities, the project contractor shall install noise attenuating barriers/acoustic shields along the perimeter of the Project site. The barrier must prevent the "line-of-sight" between the noise source and the receptor.
 - ii. Equipment shields shall be used for stationary pieces of equipment (i.e. metal containers) placed near the Project site property line to reduce noise levels. Alternatively, the project contractor shall construct plywood barriers around stationary equipment.
 - iii. The Project contractor shall comply with the City of Holtville's Zoning Ordinance which requires construction work or related activity which is adjacent to or across a street or right-of-way from a residential use, except between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or between 8:00 a.m. and 7:00 p.m. on Saturday and Sunday. No such construction is permitted on federal holidays.
 - i. The project contractor shall turn off equipment when not in use (i.e. not left idling for more than 10 minutes) and shall use equipment that is no older than 10 years old to achieve the lowest levels of noise and air emissions.
- 24. Air Quality.** Project contractor shall erect fencing around the entire perimeter site prior to beginning construction, and vehicle speeds for all vehicles shall be limited to 15 miles per hour (mph) on any unpaved surface at the construction site. In addition to the previously mentioned mitigation measures, the project shall abide by Regulation VIII of the Imperial County Air Pollution Control District CEQA Air Quality Handbook.
- 25. Biological Resources.**
- i. A pre-construction survey for nesting birds shall be performed by a qualified biologist within 3 days prior to initiating ground disturbance if construction starts between January 1 and August 31. A survey report should be submitted to the appropriate agency.
 - ii. Prior to starting work, construction foremen, workers and on-site employees shall be given Worker Environmental Awareness Program (WEAP) Training by a qualified biologist regarding the burrowing owl. WEAP training shall include the following:
 - a. Description of owl/nesting bird
 - b. Biology
 - c. Regulations (CDFW/USFWS)
 - d. Wallet card with owl picture/guidelines for protecting owl and wildlife
 - e. Notification procedures if avian species (dead, alive, or injured) if found on or near site.
- 26. Cultural resources.** The Viejas Band of Kumeyaay Indians shall be notified prior to commencing ground disturbing activities so that one or more members of the Tribe are present when ground disturbance begins. If evidence of human remains is discovered, construction activities within 200 feet of the discovery shall be halted or diverted and the Imperial County Coroner shall be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC which will designate a Most Likely Descendant (MLD) for the Project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).

27. Geology and Soils.

- i. Subsurface exploration and evaluation of the subsurface soils shall be required to determine the potential for, and magnitude of, liquefaction induced settlements at the Project site. If the risk for liquefaction is found then ground improvement methods such as deep soil mixing (cement), vibro-compaction, vibro-replacement, geo-piers, stone columns, compaction grouting, or deep dynamic compaction shall be used. Other means to mitigate liquefaction damage include either a deep foundation system, rigid mat foundations and grade-beam reinforced foundations that can withstand some differential movement or tilting. Results should be submitted as part of the project design and prior to issuance of building permits.
- ii. A site-specific Geotechnical Investigation shall be conducted prior to site development to provide geotechnical criteria for the design and construction of this project and should be submitted as part of the project design and prior to issuance of building permits.
- iii. Paleontological monitoring shall take place during construction when ground disturbance is at a depth of 5 feet and deeper. If paleontological sensitive soils (as defined per the Society of Vertebrate Paleontology) or paleontological resources (per significance criteria of the San Bernardino County Museum) are encountered, monitoring shall be increased to full-time within a radius of 100 meters of the location of the find. Full-time monitoring may become necessary if the earth-moving operations continuously impact undisturbed paleontologically sensitive soils. A program to mitigate impacts on paleontological resources that are exposed shall be developed and implemented.

28. Hazard and Hazardous Materials. The Project owner shall prepare and submit a Mosquito Abatement Plan to the Imperial County Environmental Health Services Department (ICEHSD). The Plan must be approved by the ICEHSD and implemented by the project owner following a 100-year storm event/when the basin fails to drain within 72-hours.

LANDSCAPING.

29. Landscaping – The following landscaping Conditions of Approval shall apply to this project:

- i. Trees shall be planted around the perimeter of the project site spaced at a maximum of 50' apart.
- ii. Additional trees shall be installed along all parking areas at a rate of one tree per six parking spaces.
- iii. All trees required by these Conditions of Approval shall be a minimum size of a 24" box.
- iv. All shrubbery required by these Conditions of Approval shall be a minimum of 5-gallons.
- v. All trees must be installed with support staking. All nursery stakes shall be removed from trees.
- vi. All undeveloped areas shall be improved with drought-tolerant landscaping. The species, size, and number of plants shall be shown on the Landscaping Plans.
- vii. Low-maintenance, drought-tolerant landscaping shall be installed along the side slopes of the retention basin. The bottom of the basin shall be improved with drought tolerant landscaping with a 3" minimum rock treatment. Plants shall be capable of surviving 72 hours under water.
- viii. All landscaping shall be irrigated with an automatic sprinkler system.
- ix. The project shall comply with the State Model Water Efficiency Landscape Ordinance (MWELO).

UTILITY & SERVICE SYSTEMS

30. Utility Service. The applicant shall obtain, pay for and comply with all utility service requirements from the Imperial Irrigation District for power and water.

31. Fire. The project shall comply with the latest edition of the Fire Code. The project shall be reviewed by the Fire Department and additional requirements may be imposed in furtherance of the Fire Code. The following additional Conditions of Approval shall also apply.

- i. All driveways and interior drive aisles must be 24' wide to accommodate a fire truck.
- ii. Additional truck turn-arounds may be required by the Fire Department.
- iii. Fire sprinklers shall be installed in all units as required by the Fire Code.

- iv. Additional fire hydrants must be installed within the interior of the project site to ensure all units and structures can be protected by the Fire Department.

GENERAL REQUIREMENTS AND PROVISIONS AND TIME LIMITS

- 32. All mitigation measures outlined in the Mitigated Negative Declaration shall be implemented whether or not restated in these Conditions of Approval.
- 33. **Completion of Conditions.** All Conditions of Approval shall be completed prior to occupation of the thirty-two (32) unit multi-family housing apartment complex.
- 34. **Compliance.** Applicant must comply with all State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. These conditions of approval shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for an exemption or variance.
- 35. **Impact Fees.** Applicant must pay all applicable City of Holtville Connection Fees, Development Impact Fees and School Impact Fees prior to issuance of a building permit.
- 36. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the Developer to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
- 37. The provisions of the permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
- 38. If the City finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the conditions in Resolution 20-08, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in Resolution 20-08, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
- 39. As between the City and the Permittee, any violation of this Resolution may be a "nuisance per se". The City may enforce the terms and conditions of this Resolution in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
- 40. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the project.

TAX AND FISCAL IMPACT AGREEMENT

Annexation HV 2-14

THIS TAX AND FISCAL IMPACT AGREEMENT ("Agreement"), made and entered into by and between the COUNTY OF IMPERIAL, a political subdivision of the state of California ("County"), and the CITY OF HOLTVILLE, a municipal corporation of the state of California ("City") (individually, "Party;" collectively, "Parties") shall be as follows:

WHEREAS, Section 99 of the California Revenue and Taxation Code provides that in case of a jurisdictional change, the governmental bodies of all agencies whose service areas or responsibilities would be altered by such jurisdictional change must agree, by resolution, to accept the negotiated exchange of property tax revenues; and

WHEREAS, Section 56668 of the California Government Code requires that certain factors be considered in reviewing any Proposal before the Local Agency Formation Commission ("LAFCO"), including the, "effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interests and on the local government structure of the county;" and

WHEREAS, Section 56069 of the California Government Code defines "Proposal" as a request or statement of intention made by petition, or by resolution of application of a legislative body, proposing proceedings for the Change of Organization or reorganization described in the request or statement of intention; and

WHEREAS, Section 56021 of the California Government Code defines "Change of Organization" to mean any of the following: (a) a city incorporation; (b) a district formation; (c) an annexation to, or detachment from, a city or district; (d) a disincorporation of a city; (e) a district dissolution; (f) a consolidation of cities or special districts; or (g) a merger or establishment of a subsidiary district; and

WHEREAS, Annexation HV 2-14 involves the annexation of approximately 8.19 acres of vacant land currently within the County's jurisdiction to the City of Holtville (APNs 045-390-067, 045-390-066, 045-390-065, 045-390-044, 045-390-006) at the intersection of Melon & Ninth Street and more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by this reference; and

1 **WHEREAS**, the current assessed value for the territory within Annexation HV 2-14 is three hundred
2 twenty thousand seven hundred ten dollars (\$320,710); and

3 **WHEREAS**, LAFCO requires a written agreement between the affected governmental bodies
4 prior to the approval of any annexation to offset any negative fiscal impacts; and

5 **WHEREAS**, in order to offset the negative fiscal impacts to County resulting from Annexation
6 HV 2-14, the Parties are entering into this Agreement, in which City agrees to exchange property tax
7 revenues and make certain payments to County, as further detailed below.

8 **NOW, THEREFORE**, the Parties agree as follows:

9 1. **DEFINITIONS.**

10 1.1. “Base year revenues” means property tax revenues accruing to each agency in the current
11 fiscal year, being defined as the fiscal year in which the annexation is accepted by the State
12 Board of Equalization.

13 1.2. “Tax increment” means that the amount of property tax revenues in excess of base year
14 revenues accruing to each agency (by Tax Rate Area) and resulting from the increase in
15 assessed valuation from one year to the next.

16 2. **APPORTIONMENT.**

17 2.1 When a special district, including County Fire and Library Districts, gives up its service
18 responsibility in a territory, upon annexation of such territory to a City, the affected special
19 districts shall transfer to the City all of its base year revenues and tax increment attributable
20 to the annexed territory, effective in the fiscal year following the calendar year in which
21 annexation is completed.

22 2.2 For jurisdictional changes where the proposed area is agreed to by County and City to be
23 substantially developed, no transfer of the base year revenues is required. The aggregate
24 amount of the tax increment that would accrue to County, as a result of the aforesaid base
25 year revenue apportionment, shall be distributed in the amount of fifty percent (50%) of the
26 increment to the City and fifty percent (50%) of the increment to the County.

27 2.3 For all other jurisdictional changes, the County shall transfer to the City forty percent (40%)
28 of the base year revenues. The aggregate amount of the tax increment that would accrue to

County and City, as a result of the aforesated base year revenue apportionment, shall be distributed in the amount of fifty percent (50%) of the increment to the City and fifty percent (50%) of the increment to the County.

3. APPLICATION.

The provisions of this Agreement shall apply to the apportionment of all secured and unsecured property tax revenues resulting from Annexation HV 2-14.

4. FISCAL IMPACT PAYMENT.

4.1. To offset the negative impact to County resulting from Annexation HV 2-14, City, as compensation for the discounted negative impacts for the first twenty (20) years of project development, agrees to pay County certain impact fees pursuant to the *Schedule of Fiscal Impact Fees Per Unit (residential) and per Square Foot (nonresidential) – Countywide* ("Fee Schedule"), attached hereto as **EXHIBIT "B."** Said Fee Schedule is made pursuant to the Impact Fee Study prepared for the County of Imperial, California, by Tischler Bise dated August 17th, 2006. A copy of said Impact Fee Study is available upon request.

4.2. Payment of impact fees shall be made to County by City either:

4.2.1. In a lump sum upon annexation or recordation of the Final Map, or issuance of permits, as applicable; or

4.2.2. Based upon the number of building permits issued by City on a quarterly basis including October 1, January 1, April 1 and July 1 beginning the first quarter following the issuance of any building permit related to Annexation HV 2-14.

4.3. All payments shall be sent to County at the following address:

County of Imperial
County Executive Office
Attn: County Executive Office
940 Main Street, Suite 208
El Centro, CA 92243

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1 **5. TERM OF AGREEMENT.**

2 This Agreement shall become effective upon execution by both Parties. The terms and conditions
3 for Annexation HV 2-14 shall remain in full force and effect until each term or condition is completely and
4 fully satisfied.

5 **6. ADVERSE PROPERTY TAX IMPACTS.**

6 Prior to the City including any portion of Annexation HV 2-14, in the next twenty (20) years
7 covered by this Agreement, into any program which adversely fiscally impacts County, the Parties shall
8 renegotiate and enter into a new and separate agreement which addresses said negative fiscal impacts.

9 **7. INTENT OF AGREEMENT.**

10 By entering into this Agreement, the parties mutually assume the continuation of a statutory scheme
11 for the distribution of tax revenues that is compatible with the provisions contained herein, and such
12 assumption is a basic intent of this Agreement.

13 **8. SEVERABILITY.**

14 If any term or provision of this Agreement is held by a court of competent jurisdiction to be void,
15 invalid or otherwise unenforceable, the remaining terms and provisions shall continue in full force and effect.

16 **9. GOVERNING LAW.**

17 This Agreement is made and entered into in Imperial County, California. This agreement shall be
18 construed and enforced in accordance with the laws of the State of California, except that the Parties agree
19 that any action brought by either Party regarding this Agreement shall be brought in a court of competent
20 jurisdiction in Imperial County, or if appropriate, in the Federal District Court serving Imperial County.

21 **10. GOOD FAITH.**

22 The Parties hereto agree to act in good faith and deal fairly with the other Party in the performance
23 of this Agreement.

24 **11. NOTICES.**

25 Notices required hereunder shall be in writing and may be given either personally or by registered
26 or certified mail, postage prepaid, return receipt requested. If given by registered or certified mail, such
27 notice shall be addressed as indicated below, and shall be deemed given and received upon the earlier of
28 actual receipt by the Party to whom the notice was sent, or return of the requested receipt to the Party

1 giving notice. Notice personally given shall be deemed given when delivered to the Party to whom the
2 notice is addressed. Any party may upon ten (10) days written notice to the other Party, change the
3 address where notices are to be sent.

4
5 **Notice to County**

6 County of Imperial
7 County Executive Office
8 Attention: County Executive Officer
9 940 Main Street, Suite #208
10 El Centro, CA 92243

11 **With Copies To**

12 Imperial County LAFCO
13 Attention: Executive Officer
14 1122 State St., Suite D
15 El Centro, CA 92243

16 **Notice to City**

17 City of Holtville
18 Attention: City Manager
19 121 W. 5th Street
20 Holtville, CA 92250

21 **12. COUNTERPARTS.**

22 The Parties herein agree that this Agreement may be executed in counterparts.

23 **13. AUTHORITY.**

24 The Parties herein each warrant and represent that they are authorized to execute this Agreement and
25 bind City or County to the terms and conditions of this Agreement.

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1 **IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be executed the
2 day and year written below.

3
4 **COUNTY OF IMPERIAL:**

5
6 By: Michael W. Kelley
7 MICHAEL W. KELLEY, Chairman
8 Imperial County Board of Supervisors

9 Date: 01-13-21

10
11 **ATTEST:**

12
13 By: Blanca Acosta
14 BLANCA ACOSTA, Clerk
15 of the Board of Supervisors

16
17 **Approved as to Form:**

18
19 ADAM G. CROOK
20 County Counsel

21 By: Eric Havens
22 Eric Havens
23 Assistant County Counsel

24 **CITY OF HOLTVILLE**

25 By: James Predmore
26 JAMES PREDMORE, Mayor
27 Holtville City Council

28 Date: 12-14-20

ATTEST:

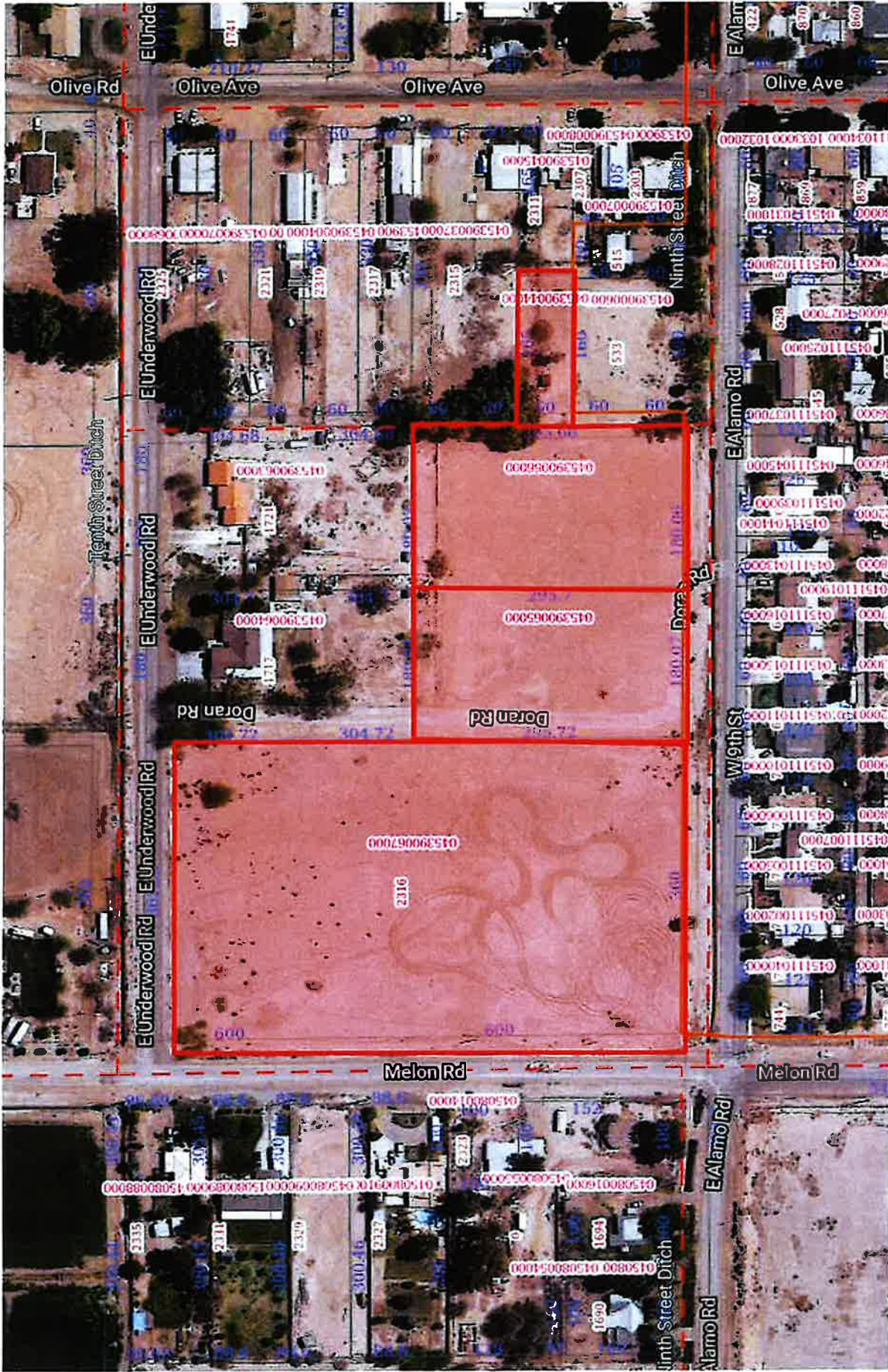
 By: Nicholas Wells
 NICHOLAS WELLS, Clerk
 of the City of Holtville

Approved as to Form:

 By: Steve Walker
 STEVE WALKER
 City Attorney

Exhibit “A”

Exhibit "A"




1" = 188 ft	12/29/2020	
<p>This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up to date information.</p>		

Exhibit “B”

COUNTY OF IMPERIAL
FISCAL IMPACT FEES
EFFECTIVE JANUARY 20, 2007

Exhibit A

	Total Impact Fee Per Unit	Per Fiscal Impact Studies	Surcharge for Developable Land	Total
Units		Per Housing Unit		
Residential				
Single Family	\$2,420	\$225	\$72.60	\$2,718
Multi Family	\$1,895	\$276	\$56.85	\$2,228
Mobile Home	\$1,624		\$48.72	\$1,673
	Countywide Impact Fee Per 1,000 Square Foot			
Non-Residential				
Com/Shop Ctr (50,000 or less sq ft)	\$671.00	\$80.00	\$20.00	\$771
Com/Shop Ctr (50,001-100,000 sq ft)	\$587.00	\$80.00	\$17.00	\$684
Com/Shop Ctr (100,001-200,000 sq ft)	\$513.00	\$80.00	\$15.00	\$608
Com/Shop Ctr over (200,000 sq ft)	\$449.00	\$80.00	\$13.00	\$542
Office/Inst (25,000 or less sq ft)	\$549.00	\$80.00	\$16.00	\$645
Office/Inst (25,000-50,000 sq ft)	\$502.00	\$80.00	\$15.00	\$597
Office/Inst (50,001-100,000 sq ft)	\$461.00	\$80.00	\$13.00	\$554
Medical-Dental Office	\$700.00	\$80.00	\$21.00	\$801
Hospital	\$470.00	\$80.00	\$14.00	\$564
Business Park	\$407.00	\$80.00	\$12.00	\$499
Light Industrial	\$276.00	\$80.00	\$8.00	\$364
Manufacturing	\$199.00	\$80.00	\$5.00	\$284
Warehousing	\$162.00	\$80.00	\$4.00	\$246
Elementary School	\$216.00	\$80.00	\$6.00	\$302
Other Non-Residential				
Lodging (per room)	\$91.00		\$2.00	\$93
Day Care (per student)	\$55.00		\$2.00	\$57
Nursing Home (per bed)	\$54.00		\$1.00	\$55

Prepared 11/14/2006

Based on TischlerBise Fiscal Impact Fee Study dated August 17, 2006 &
Proposed Fiscal Impact Fee Ordinance

Josue Mercado, CPA
Auditor-Controller
josuemercado@co.imperial.ca.us

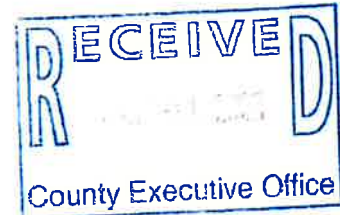


County Administration Center
940 Main Street, Suite 108
El Centro, California 92243
Telephone: 442-265-1277
FAX: 442-265-1296

AUDITOR-CONTROLLER

September 1, 2020

Tony Rouhotas Jr.
County Executive Officer
County of Imperial
Administration Center
El Centro, CA 92243



Subject: Annexation - LAFCO File No. HV 2-14
(Melon Properties)

Dear Mr. Rouhotas:

Pursuant to Section 99(B) of the Revenue and Taxation Code the estimated amount of property tax revenue generated within the territory which is subject to jurisdictional change for the current fiscal year are as follows:

County General Fund	\$	609
County Library	\$	32
County Fire Protection	\$	192

The estimated proportion of property tax revenue are:

County General Fund	19%
County Library	1%
County Fire Protection	6%

The estimated total assessed valuation for the territory subject to jurisdictional change is \$320,710.

Sincerely,

Josue Mercado, CPA
Auditor-Controller

By:

Ivonne Ramirez
Ivonne Ramirez
Special Accounting Manager

cc: LAFCO Executive Officer
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

**HOLTVILLE CITY COUNCIL
RESOLUTION NO. 20-23**

**A RESOLUTION OF THE HOLTVILLE CITY COUNCIL CERTIFYING A MITIGATED
NEGATIVE DECLARATION (MND) AND APPROVING THE ANNEXATION, PRE-ZONE
TO R-2 (TWO FAMILY RESIDENTIAL) FOR APN'S 045-390-067, 045-390-065, 045-390-066,
AND 045-390-044, A ZONE CHANGE TO R-2 (TWO FAMILY RESIDENTIAL) FOR
APN 045-390-006, AND GENERAL PLAN AMENDMENT TO MDR (MEDIUM DENSITY
RESIDENTIAL), AND APPROVING A TAX SHARING AGREEMENT BETWEEN THE
COUNTY OF IMPERIAL AND THE CITY OF HOLTVILLE FOR THE MELON, LLC
DEVELOPMENT AT THE NORTHEAST CORNER OF MELON ROAD AND NINTH STREET**

WHEREAS, the City of Holtville received an application from Melon Properties, LLC ("Applicant / Developer") for an Annexation, Pre-Zone, and General Plan Amendment to allow the development of a residential project at the northeast corner of Melon Road and Ninth Street (APN's 045-390-006, 045-390-044, 045-390-065, 045-390-066, and 045-390-067); and

WHEREAS, the 8.2-acre project site is comprised of four individual parcels located in an unincorporated area adjacent to the incorporated boundaries of the City of Holtville; and

WHEREAS, the current Holtville General Plan Land Use Designation for the project site is Low Density Residential (LDR) which is intended for single family housing up to 6.0 units per acre; and

WHEREAS, the Applicant's original request was to allow for the development of 152 multi-family residential units but decreased the number of units due to public testimonies received during the Planning Commission public hearing; and

WHEREAS, the Holtville General Plan Housing Element encourages the development of a variety of housing types and densities to meet the Regional Housing Needs Assessment Allocation; and

WHEREAS, an Environmental Initial Study and Mitigated Negative Declaration (MND) were prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) to determine the extent of any potential impacts to the environment; and

WHEREAS, Mitigation Measures and a Mitigation Monitoring Plan were prepared to minimize the environmental impacts to levels that are less than significant; and

WHEREAS, the Draft Mitigated Negative Declaration was made available for public review for a period of 30 days from July 27, 2020 to August 25, 2020 and circulated through the State Clearinghouse from August 27, 2020 to September 25, 2020; and

WHEREAS, it is necessary for the Holtville City Council to approve a Tax and Fiscal Impact Agreement between the City of Holtville and Imperial County for the exchange of property tax revenues upon annexation of territory to the City of Holtville; and

WHEREAS, the Notice of Public Hearing before the November 23rd City Council meeting was posted at City Hall on October 27, 2020 and circulated to property owners within 300 feet on October 27, 2020 for the referenced Public Hearing scheduled; and

WHEREAS, the City Council reviewed the Final Mitigated Negative Declaration and all maps, exhibits, and written documents presented for this project, and has considered the oral presentations given at the public hearing; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comments received, the City Council considered all the facts relating to the certification of the Final Mitigated Negative Declaration; and

**NOW, THEREFORE, THE HOLTVILLE CITY COUNCIL DOES HEREBY
RESOLVE, DETERMINE AND AUTHORIZE AS FOLLOWS:**

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council of the City of Holtville certifies a Mitigated Negative Declaration; and

- C) That based on the evidence presented at the public hearing, the City Council approves a General Plan Amendment changing the Land Use Designation for the subject site to **Medium Density Residential (MDR)** with a maximum density of 12.0 units per acre; and
- D) That based on the evidence presented at the public hearing, the City Council approves a Pre-Zone for APN's 045-390-067, 045-390-065, 045-390-066, and 045-390-044 as **Two Family (R-2)**; and
- E) That based on the evidence presented at the public hearing, the City Council approves a Zone Change for APN 045-390-006 to **Two Family (R-2)**; and
- F) That based on the evidence presented at the public hearing, the City Council approves the proposed annexation; and
- G) That the City Council does hereby approve the Tax Share Agreement between the City of Holtville and the County of Imperial for the exchange of property tax revenues due to annexation to the City; and
- H) That the Mayor of the City of Holtville is hereby authorized to sign the Tax Share Agreement on behalf of the City; and
- I) That all actions taken by the City Council related to this project are based on the following findings:
 - 1. The project has been reviewed in accordance with the requirements set forth by the City of Holtville for implementation of the California Environmental Quality Act.
 - 2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
 - 3. The proposed draft Mitigated Negative Declaration shows that any potentially significant impact on the environment will be mitigated to a level below significance.
 - 4. The proposed project is consistent with and in furtherance of the Goals, Objectives, and Policies of the City of Holtville General Plan.

PASSED, APPROVED AND ADOPTED by Holtville City Council at a regular meeting held on the 23rd of November, 2020, by the following roll call vote:


AYES: *Pacheco, Goodsell, Layton, Ward, Predmore*


NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

Attest:


Nicholas D. Wells, City Manager
(Acting City Clerk)


Jim Predmore, Mayor

CONDITIONS OF APPROVAL

MELON PROPERTIES, LLC
Northeast Corner of East Alamo Road (9th Street) and Melon Road
(APNs) 045-390-006, -044, -065, -066, and -067.

1. **Project Description.** The Developer is proposing a project consisting of the development of a 152-unit apartment complex at the northeast corner of Melon Road and Ninth Street. Minor changes to the site plan and decrease in density may be allowed subject to the approval of the City Planner if found to be in substantial conformance to these Conditions of Approval. The General Plan Land Use Designation for the project site is High Density Residential (HDR) and the Zoning Designation is City Zone Two-Family Residential (R-2). The General Plan Land Use Designation and Zoning Designation shall be effective upon the approval of the annexation.
2. **Lot Merger.** The project site currently consists of four separate parcels and will require a new parcel map combining all four lots within the project site to be prepared in conformance with the Subdivision Map Act. The Developer will be required to submit an application to the City of Holtville and Imperial County, with legal descriptions prepared by a professional Engineer/Surveyor.

REQUIRED PERMITS AND AUTHORIZATIONS

3. **Building Permit.** The applicant shall secure a building permit with the City of Holtville and pay all applicable Development Impact Fees. A building permit shall be obtained for all building construction and on-site improvements including permanent and temporary signs. Inspections for compliance shall be obtained prior to issuance of a Certificate of Occupancy and opening the business operation.
4. **Air Pollution Control District Permit.** Any person or organization proposing to construct, modify, or operate a facility or equipment that may emit pollutants from stationary source into the atmosphere.

OFFSITE IMPROVEMENTS

5. **Streets, Curb and Gutter, and Sidewalk.**
 - i. The Developer shall include half width improvements to the portions of 10th Street, and 9th Street abutting the project site. Improvements shall be consistent with the pavement width shown in S101 of the City of Holtville City Standard Details.
 - ii. Full width improvements to Melon Avenue abutting the project site to the west shall be included. Improvements shall be consistent with the pavement width shown in S101 of the City of Holtville City Standard Details.
 - iii. A new curb and gutter along the portions of 10th Street, Melon Avenue, and 9th Street abutting the project site shall be constructed as necessary.
 - iv. A new sidewalk shall be installed on the portions of 10th Street, Melon Avenue, and 9th Street abutting the project site in accordance with City standards.
6. **Domestic Water.** The Developer's engineer shall prepare a hydraulic study during the project design and complete required improvements to the Holtville Water Distribution System to provide the required fire flow demand to the project site.
7. **Sanitary Sewer.**
 - i. Prior to the issuance of a building permit, the Developer shall submit a sewer plan consistent with the approved site plan and conditions of approval. The sewer plan shall be based on an approved Sanitary Sewer Study. If the existing sewer line within the vicinity of the project site is deemed insufficient, the Developer is responsible for the construction of the larger diameter pipeline.
 - ii. All sewer lines must maintain the minimum slope requirements and must be buried a minimum of three feet underground in accordance with City of Holtville standards and specifications.
8. **Stormwater.**
 - i. The Developer shall construct a stormwater force main along Alamo Road to Tamarack Road to the City's outfall pipe at the Alamo River.
 - ii. An onsite retention basin shall be adequately sized to store the volume of a 25 year, 24 hour storm (2.54 inches over the 24-hour period) on-site per City of Holtville Standard Details and

Specification requirements. The retention basin shown on the plans may need to be resized to accommodate the required stormwater volume.

- iii. A stormwater pump station shall be installed at the retention basin to transport stormwater from the retention basin to the stormwater conveyance system.
 - iv. All stormwater infrastructure shall be completed prior to the issuance of any certificate of occupancy.
9. **Pear Canal.** The Developer shall agree to a lien on the property to construct a mixture of town homes and apartments on the project site in exchange for the City to front the 25% grant match required to underground Pearl Canal located on the southern side of the project site.

ACCESS/ROADWAYS/CIRCULATION

10. **Traffic Control Plan.** All driveway and City roadway improvements shall require a traffic control plan and be consistent with Holtville's Standards Details and Specification. An encroachment permit shall be obtained prior to commencement of work and issuance of a building permit.

PARKING/PARKING LOTS/ON SITE LIGHTING

11. **Residential Use Parking Required.** The residential development requires 1.5 standard parking spaces per unit and at least five (5) of the parking spaces must be ADA accessible parking spaces. All ADA requirements shall meet Caltrans Standard Plan A88A, A90A and the California Building Code. The minimum slopes acceptable shall be designed per Caltrans Standards (i.e. cross slopes, 1.5 percent, 7.5 percent on ramps, and 4.5 percent on path of travel). The required parking spaces for the 152 unit project are determined in accordance to Chapter 17.52 of the City Zoning Code as follows:

One Bedroom Unit = Requiring 1.5 Spaces/Unit

Two Bedroom Unit = Requiring 1.75 Spaces/Unit

Three or more Bedroom Unit = Requiring 2.00 Spaces/Unit

Total = 152 Units

12. **Parking Lot.** The parking facilities shall be paved with a durable dust-free surface pursuant to section 17.52.100 of the Zoning Ordinance.
13. **Parking Lot Lighting.** The parking lot lighting (pole lighting) shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The building and public walkways must be well lit.
14. **Fencing.** Per Section 17.52.120 of the Zoning Code, each parking facility containing four or more spaces abutting a City street shall be separated from such street by a decorative wall, view obscuring fence, permanently maintained, compact hedge, berm or combination thereof not less than 30-inches and not more than 42-inches, except that the following area shall be left clear of planting and improvements from a point of thirty inches above the ground: at the intersection of each driveway with a street, a triangular area where corners are defined by two point on the right of way line, fifteen feet on each side of the centerline of the driveway or alley and a point on said centerline ten feet outside of the right of way (Section 17.10.090). Chain-link fencing is not allowed

ON-SITE BUILDING(S) AND STRUCTURES

15. **Building Height.** All buildings, shall be limited to two stories or 30' in height.
16. **Finished Floor Elevation.** The finished floor elevation of all structures shall be constructed 18" above the top of curb (top of curb and gutter of adjoining streets).
17. **Equipment Screening.** All mechanical equipment such as HVAC equipment shall be screened for visual and noise attenuation.
18. **Trash Enclosure.** All trash and garbage bins shall be stored in an approved enclosure. Refuse containers and service facilities shall be screened from view by solid masonry walls with wood or metal doors. Chain Link fencing with slating is prohibited.
19. **Signage.** A maximum of one unlighted identification sign, or one freestanding sign is permitted for the entire project site. The sign shall not exceed 15 square feet or 6 feet in height (17.56.260). All sign designs shall be constructed in conformance with Section 17.56 of the Holtville Municipal Code. The proposed sign shall be submitted to the City of Holtville to be reviewed for consistency applicable codes.

20. ADA Compliance. Entrances to buildings, main facility, and/or any other entrance, and restroom facilities shall comply with current ADA requirements.

21. Walls and Fences. All walls and fencing within the project shall be consistent with the main building to prevent a fragmented design that may result from the use of too many materials and textures. Graffiti resistant coating shall be applied to all masonry walls.

22. Lighting. The project shall use low source lighting with lights directed downward to minimize illumination of the nighttime sky and all light sources shall be shielded to prevent light trespass outside the project boundary.

23. Noise Reduction.

- i. Prior to commencing earth-moving and construction activities, the project contractor shall install noise attenuating barriers/acoustic shields along the perimeter of the Project site. The barrier must prevent the "line-of-sight" between the noise source and the receptor.
- ii. Equipment shields shall be used for stationary pieces of equipment (i.e. metal containers) placed near the Project site property line to reduce noise levels. Alternatively, the project contractor shall construct plywood barriers around stationary equipment.
- iii. The Project contractor shall comply with the City of Holtville's Zoning Ordinance which requires construction work or related activity which is adjacent to or across a street or right-of-way from a residential use, except between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or between 8:00 a.m. and 7:00 p.m. on Saturday and Sunday. No such construction is permitted on federal holidays.
- i. The project contractor shall turn off equipment when not in use (i.e. not left idling for more than 10 minutes) and shall use equipment that is no older than 10 years old to achieve the lowest levels of noise and air emissions.

24. Air Quality. Project contractor shall erect fencing around the entire perimeter site prior to beginning construction, and vehicle speeds for all vehicles shall be limited to 15 miles per hour (mph) on any unpaved surface at the construction site. In addition to the previously mentioned mitigation measures, the project shall abide by Regulation VIII of the Imperial County Air Pollution Control District CEQA Air Quality Handbook.

25. Biological Resources.

- i. A pre-construction survey for nesting birds shall be performed by a qualified biologist within 3 days prior to initiating ground disturbance if construction starts between January 1 and August 31. A survey report should be submitted to the appropriate agency.
- ii. Prior to starting work, construction foremen, workers and on-site employees shall be given Worker Environmental Awareness Program (WEAP) Training by a qualified biologist regarding the burrowing owl. WEAP training shall include the following:
 - a. Description of owl/nesting bird
 - b. Biology
 - c. Regulations (CDFW/USFWS)
 - d. Wallet card with owl picture/guidelines for protecting owl and wildlife
 - e. Notification procedures if avian species (dead, alive, or injured) if found on or near site.

26. Cultural resources. The Viejas Band of Kumeyaay Indians shall be notified prior to commencing ground disturbing activities so that one or more members of the Tribe are present when ground disturbance begins. If evidence of human remains is discovered, construction activities within 200 feet of the discovery shall be halted or diverted and the Imperial County Coroner shall be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC which will designate a Most Likely Descendant (MLD) for the Project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).

27. Geology and Soils.

- i. Subsurface exploration and evaluation of the subsurface soils shall be required to determine the potential for, and magnitude of, liquefaction induced settlements at the Project site. If the risk for liquefaction is found then ground improvement methods such as deep soil mixing (cement), vibro-compaction, vibro-replacement, geo-piers, stone columns, compaction grouting, or deep dynamic compaction shall be used. Other means to mitigate liquefaction damage include either a deep foundation system, rigid mat foundations and grade-beam reinforced foundations that can withstand some differential movement or tilting. Results should be submitted as part of the project design and prior to issuance of building permits.
- ii. A site-specific Geotechnical Investigation shall be conducted prior to site development to provide geotechnical criteria for the design and construction of this project and should be submitted as part of the project design and prior to issuance of building permits.
- iii. Paleontological monitoring shall take place during construction when ground disturbance is at a depth of 5 feet and deeper. If paleontological sensitive soils (as defined per the Society of Vertebrate Paleontology) or paleontological resources (per significance criteria of the San Bernardino County Museum) are encountered, monitoring shall be increased to full-time within a radius of 100 meters of the location of the find. Full-time monitoring may become necessary if the earth-moving operations continuously impact undisturbed paleontologically sensitive soils. A program to mitigate impacts on paleontological resources that are exposed shall be developed and implemented.

28. Hazard and Hazardous Materials. The Project owner shall prepare and submit a Mosquito Abatement Plan to the Imperial County Environmental Health Services Department (ICEHSD). The Plan must be approved by the ICEHSD and implemented by the project owner following a 100-year storm event/when the basin fails to drain within 72-hours.

LANDSCAPING.

29. Landscaping – The following landscaping Conditions of Approval shall apply to this project:

- i. Trees shall be planted around the perimeter of the project site spaced at a maximum of 50' apart.
- ii. Additional trees shall be installed along all parking areas at a rate of one tree per six parking spaces.
- iii. All trees required by these Conditions of Approval shall be a minimum size of a 24" box.
- iv. All shrubbery required by these Conditions of Approval shall be a minimum of 5-gallons.
- v. All trees must be installed with support staking. All nursery stakes shall be removed from trees.
- vi. All undeveloped areas shall be improved with drought-tolerant landscaping. The species, size, and number of plants shall be shown on the Landscaping Plans.
- vii. Low-maintenance, drought-tolerant landscaping shall be installed along the side slopes of the retention basin. The bottom of the basin shall be improved with drought tolerant landscaping with a 3" minimum rock treatment. Plants shall be capable of surviving 72 hours under water.
- viii. All landscaping shall be irrigated with an automatic sprinkler system.
- ix. The project shall comply with the State Model Water Efficiency Landscape Ordinance (MWELO).

UTILITY & SERVICE SYSTEMS

30. Utility Service. The applicant shall obtain, pay for and comply with all utility service requirements from the Imperial Irrigation District for power and water.

31. Fire. The project shall comply with the latest edition of the Fire Code. The project shall be reviewed by the Fire Department and additional requirements may be imposed in furtherance of the Fire Code. The following additional Conditions of Approval shall also apply.

- i. All driveways and interior drive aisles must be 24' wide to accommodate a fire truck.
- ii. Additional truck turn-arounds may be required by the Fire Department.
- iii. Fire sprinklers shall be installed in all units as required by the Fire Code.

- iv. Additional fire hydrants must be installed within the interior of the project site to ensure all units and structures can be protected by the Fire Department.

GENERAL REQUIREMENTS AND PROVISIONS AND TIME LIMITS

32. All mitigation measures outlined in the Mitigated Negative Declaration shall be implemented whether or not restated in these Conditions of Approval.
33. **Completion of Conditions.** All Conditions of Approval shall be completed prior to occupation of the thirty-two (32) unit multi-family housing apartment complex.
34. **Compliance.** Applicant must comply with all State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. These conditions of approval shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for an exemption or variance.
35. **Impact Fees.** Applicant must pay all applicable City of Holtville Connection Fees, Development Impact Fees and School Impact Fees prior to issuance of a building permit.
36. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the Developer to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
37. The provisions of the permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
38. If the City finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the conditions in Resolution 20-08, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in Resolution 20-08, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
39. As between the City and the Permittee, any violation of this Resolution may be a "nuisance per se". The City may enforce the terms and conditions of this Resolution in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
40. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the project.



AUDITOR-CONTROLLER

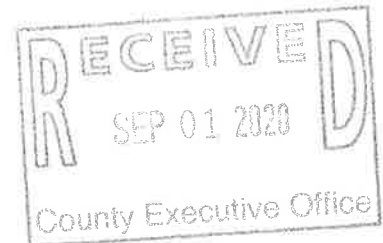
RECEIVED

SEP 8 2020

September 1, 2020

Imperial County
Local Agency Formation Commission

Tony Rouhotas Jr.
County Executive Officer
County of Imperial
Administration Center
El Centro, CA 92243



Subject: Annexation - LAFCO File No. HV 2-14
(Melon Properties)

Dear Mr. Rouhotas:

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Sincerely,

Josue Mercado, CPA
Auditor-Controller

By:


Ivonne Ramirez
Special Accounting Manager

cc: LAFCO Executive Officer

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

**FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
FOR
Melon Properties, LLC
Annexation, General Plan Amendment and Pre-Zone**



Prepared By:

City of Holtville
Planning & Building Department
121 West Fifth Street
Civic Center
Holtville, CA 92250
760-356-2912

October 2020

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1.0 INTRODUCTION

INTRODUCTION/OVERVIEW

The City of Holtville distributed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Melon Properties, LLC, Annexation, General Plan Amendment and Pre-Zone for public review on August 27, 2020, with the public review period ending on September 25, 2020. Four comment letters were received during the comment period.

This Final IS/MND has been prepared pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000 et seq.), and in accordance with the Guidelines for Implementation of CEQA (14 CCR 15000 et seq.). This Final IS/MND will be used by the City (as the lead state agency), in conjunction with other information developed in the City's formal record, to act on Melon Properties, LLC's proposal for an Annexation, General Plan Amendment and Pre-Zone in support of the development of an 8.19-acre site with a 152-unit multi-family residential project along the northern city limits of the City of Holtville. Under CEQA requirements, the City will adopt this Final MND if, based on the whole record, including the Initial Study and comments received, it determines that there is no substantial evidence that the Project will have a significant effect on the environment (CEQA Guidelines, Section 15074(b)).

CONTENTS OF THE FINAL IS/MND

The Final IS/MND contains all comments received on the IS/MND and responses thereto. In addition, errata changes that were made to the IS/MND based on comments received are also included. Revisions to clarify information presented in the IS/MND and minor technical changes or additions have been made and are included in Section 3.0, Errata of this Final EIR. These changes and additions to the IS/MND do not raise important new issues related to significant effects on the environment. Lastly, this Final IS/MND includes the Mitigation Monitoring and Reporting Program (MMRP).

1.0 INTRODUCTION

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2.0 COMMENTS AND RESPONSE TO COMMENTS

1.0 INTRODUCTION

This chapter includes all comments received on the IS/MND during the 30-day public and agency review period. No new significant environmental impacts or issues, beyond those already identified in the IS/MND for the Melon Properties, LLC, Annexation, General Plan Amendment and Pre-Zone were raised during the public review period. Acting as lead agency under CEQA, the City of Holtville directed responses to the comments received on the IS/MND.

LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the IS/MND.

TABLE 2.0-1
LIST OF COMMENTERS ON THE EIR

COMMENTS RECEIVED BY THE CITY OF HOLTVILLE			
Letter or E-mail	Individual or Signatory	Affiliation	Date
1	Paula Graf, Analyst	Imperial County Local Agency Formation Commission	August 10, 2020
2	Bill Kennedy, Planning Associate	SoCal Gas	August 11, 2020
3	Donald Vargas, Compliance Administrator II	Imperial Irrigation District	August 17, 2020
4	Curtis Blondell, Environmental Coordinator	Imperial County Air Pollution Control District	August 17, 2020

REQUIREMENTS FOR RESPONDING TO COMMENTS ON AN IS/MND

CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the IS/MND and prepare a written response. CEQA Guidelines Section 15088 also recommends that where the response to comments results in revisions to the IS/MND, those revisions should be noted as a revision to the IS/MND or in a separate section of this Final IS/MND. Revisions are reflected in the Errata, Section 3.0 of this Final IS/MND.

COMMENTS AND RESPONSE TO COMMENTS

Written comments on the IS/MND are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the letters are coded using numbers (e.g., Comment Letter 1) and each issue raised in the comment letter is assigned a number that correlates with the letter (e.g. 1-1, 1-2, 1-3, etc.).

Where changes to the IS/MND text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strike-out~~ for deleted text). Comment-initiated text revisions to the IS/MND and minor staff-initiated changes are compiled in their entirety and are demarcated with revision marks in Chapter 3.0, Errata, of this Final IS/MND.

2.0 COMMENTS AND RESPONSE TO COMMENTS



Executive Officer
Jurg Heuberg, CEP

August 10, 2020

LETTER 1

City of Holtville
George Galvan
City Planner, AICP
121 W. 5th Street
Holtville, CA 9220

Re: Draft Initial Study/Mitigated Negative Declaration for HV 2-14 Melon Properties Annexation

Mr. Galvan:

We are in receipt of your letter dated July 24, 2020 requesting comments on the May 2020 Draft Initial Study/Mitigated Negative Declaration for the HV 2-14 Melon Properties proposed annexation.

The project proposes the annexation of 7.75 acres located at the northwest corner of Melon and Ninth Street in the City of Holtville for the future development of a 152 residential housing complex. The complex would include a recreation center, stormwater retention basin, and 266 parking spaces.

The annexation has the potential to increase the City of Holtville's population by 618 persons, increasing the demand for public services. Some of these services are operating at or over capacity.

We have reviewed the IS/MND and offer the following comments:

1. Fire Protection

Page 62 XV (a) (1) identifies Fire Protection as Potentially Significant Unless Mitigation Incorporated (PSUMI), however, page 64 identifies Fire Protection as Less than Significant Impact, thus, contradicting each other.

The cities 2017 Service Area Plan identifies the following:

Standard: 1.2 Full-Time Firefighters per 1,000 population
Capacity: 3 Full-Time Firefighters
Demand: 9 Full-Time Firefighters
Adequacy: Deficient 6 Full Time Firefighters

How does the City plan to mitigate the deficit (s)? The City needs to identify solutions.

2. Police Protection

Page 62 XV (a) (2) identifies Police Protection as Potentially Significant Unless Mitigation Incorporated (PSUMI), however, page 64 identifies Police Protection as Less than Significant Impact, thus, contradicting each other.

The cities 2017 Service Area Plan identifies the following:

Standard: 1 Officer per 500 population
Capacity: 6 (1 Administrative Sergeant/5 Deputies)
Demand: 12.5 Full-Time Officers
Adequacy: Deficient 6.5 Full-Time Officers

How does the City plan to mitigate the deficit (s)? The City needs to identify solutions.

1122 STATE STREET, SUITE D, EL CENTRO, CA 92243 (760) 353-4115 Fax: (760) 353-4132
www.iclafco.com e-mail: jurgh@iclafco.com An equal opportunity employer

2.0 COMMENTS AND RESPONSE TO COMMENTS

3. Parks

Page 62 XV (a) (4) identifies Parks as Potentially Significant Unless Mitigation Incorporated (PSUMI), however, page 65 identifies Parks as Less than Significant Impact, thus, contradicting each other.

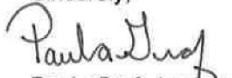
The cities 2017 Service Area Plan identifies the following:

Standard: 3 acres per 1,000 population
Capacity: 14 acres
Demand: 18 acres
Adequacy: Deficient 4 acres

How does the City plan to mitigate the deficit (s)? The City needs to identify solutions.

Thank you for the opportunity to comment. If you have any questions, please contact my office at 760-353-4115 or jurgh@iclafoo.com/pg@iclafoo.com.

Sincerely,


Paula Graf, Analyst

CC: 50.018, HV 2-14

1-4

1-5

2.0 COMMENTS AND RESPONSE TO COMMENTS

LETTER 1

Paula Graf, Analyst
Imperial County Local Agency Formation Commission
August 10, 2020

Response to Comment 1-1: The comment provides introductory remarks and summarizes the details of the Project. The comment does not address the adequacy of the environmental analysis. No response is necessary.

Response to Comment 1-2: The commentor states that impacts to Fire Protection are identified as Potentially Significant Unless Mitigation is Incorporated but later identifies the impact as Less than Significant thereby resulting in a contradiction. The box in the checklist identifying the impact as “Potentially Significant Unless Mitigation is Incorporated” was incorrectly checked. The discussion in the analysis identifies the reasons that the impacts would be less than significant. Page 64 of the IS/MND states that fire protection services “are financed through sales and use taxes, property tax, and utility user tax. The City also charges user fees to offset the cost of the building permit review and inspections by the HFD. In addition, the City charges development impact fees specifically for fire protection facilities. These fees may be used to fund development and improvement projects and acquisitions related to City fire facilities and equipment (Michael Baker 2017, p. 20).” Thus, the increase in demand for fire protection services would be off-set by taxes and fees. Likewise, increased property taxes from development of the project would also serve to off-set increased demand for fire protection services.

Response to Comment 1-3: The commentor states that impacts to Police Protection are identified as Potentially Significant Unless Mitigation is Incorporated but later identifies the impact as Less than Significant thereby resulting in a contradiction. The box in the checklist identifying the impact as “Potentially Significant Unless Mitigation is Incorporated” was incorrectly checked. The discussion in the analysis identifies the reasons that the impacts would be less than significant. Page 65 of the IS/MND states that “The City’s contract for law enforcement is financed by the General Fund, primarily through sales and use taxes, property tax, and utility user tax. The City also charges user fees to offset the cost of specific services provided under the contract. The City charges development impact fees specifically for law enforcement facilities. These fees may be used to fund development and improvement projects and acquisitions related to City law enforcement facilities and equipment.”

Thus, the increase in demand for police protection services would be off-set by taxes and fees. Likewise, increased property taxes from development of the project would also serve to off-set increased demand for police protection services.

Response to Comment 1-4: The commentor states that impacts to Park are identified as Potentially Significant Unless Mitigation is Incorporated but later identifies the impact as Less than Significant thereby resulting in a contradiction. The box in the checklist identifying the impact as “Potentially Significant Unless Mitigation is Incorporated” was

2.0 COMMENTS AND RESPONSE TO COMMENTS

incorrectly checked. The discussion in the analysis identifies the reasons that the impacts would be less than significant. Page 66 of the IS/MND states that “The development of park facilities is financed by the General Fund, grants and participation with other agencies, donations, and impact fees. The mitigation for impacts to park facilities and recreation programs due to population growth is the expansion of park facilities by acquisition through dedication and purchase of park land and its development with park impact fees and other funding sources. City staff has indicated that the Project will be required to pay in-lieu fees to offset the short-fall in park acreage within the Project.”

Thus, the increase in demand for police protection services would be General Fund, grants and participation with other agencies, donations, and impact fees. Likewise, payment of in-lieu fees would also serve to off-set offset the short-fall in park acreage within the Project.

2.0 COMMENTS AND RESPONSE TO COMMENTS



LETTER 2

Southern California
Gas Company
1981 W. Lugonia Ave
Redlands, CA 92374
Attn: Planning Dept. - M.L.8031
1-800-427-2200

Date: 08/11/2020

ATTN: **George Galvan**
City Planner, AICP

The purpose of this letter is to inform you that SoCalGas has received the notice pertaining to the project at Melon and 9th St in the city of Holtville. Thank you for the advanced notice of the project.

So far, based on the plans that we received, we understand there are several SoCalGas facilities near the proposed work area. If conflicts are assumed, SCG would like to have the requestor propose a meet, and/or call, for all utility company reps to discuss the full scope of the project and any possible construction that might affect the existing utilities and to determine what should be done to avoid any delays or conflicts. Any cost of relocating existing facilities due to conflict with proposed construction will be at the requestors cost unless determined otherwise by land and right of way rulings. Protect in place is best practice preferred.

Public safety is our highest priority and it is still extremely important that you utilize the Underground Service Alert (Dig Alert) One-Call System, 811, before beginning any construction or excavation project. A physical excavation of the utility in question by the requestor would be the most accurate way of obtaining location and depth information. Please inform SoCalGas as soon as possible if there are any changes to plans or work areas, thank you.

If, for any reason, there are SoCalGas facilities in conflict and a request to be relocated is needed, it is important to send the request in writing. Please include all required information below:

- A Signed "Notice to Owner" request on Official Letterhead from the City, County, Agency and/or Development company.
- Name, Title and Project Number.
- Address, Location, Parameters & Scope of Entire Job/Project, Including Start Date.
- Copy of Thomas Guide Page and/or Google Map Screenshot Highlighting Project Area.
- Requestor Company's Contact Name, Title, Phone Number, Email, and other pertinent information.

Please furnish us with "signed" final plans and subsequent plan revisions as soon as they are available. A minimum of twelve weeks is needed to analyze plans (at least 90% plans acceptable) and to design required alterations to any conflicting Medium Pressure SoCalGas facilities. Minimum **Six Months** for **High Priority** facilities. Please keep us informed of any and all pre-construction meetings, construction schedules, etc., so that our work can be scheduled accordingly.

Contact information below If you have any questions or require additional information.

SCG SE Region Redlands Utility Request SCGSERegionRedlandsUtilityRequest@semprautilities.com

Bill Kennedy
Planning Associate
SoCalGas
Redlands, CA
wkennedy@socalgas.com
(909) 335-3949

2.0 COMMENTS AND RESPONSE TO COMMENTS

LETTER 2

Bill Kennedy, Planning Associate
So Cal Gas
August 11, 2020

Response to Comment 2-1: The comment provides introductory remarks. No response is necessary.

Response to Comment 2-2: The comment acknowledges that there are several SoCalGas facilities near the Project. The commenter requests a meeting to discuss the project to discuss the scope of the project and any actions that may be necessary to avoid delays or conflicts. If relocation of existing facilities is necessary, the Project Proponent will be responsible for these costs. Protecting existing utilities in place is the preferred best practice. These comments do not address the adequacy of the environmental analysis but are noted for the decision-makers' consideration.

Response to Comment 2-3: This commenter requests that Underground service Alert (Dig alert) One-Call System be called prior to construction. The commenter also request that SoCalGas be informed if there are any changes to pans or work areas. These comments do not address the adequacy of the environmental analysis but are noted for the decision-makers' consideration.

Response to Comment 2-4: The commentor states that if a relocation is necessary it request must be sent in writing. Detail to include with the request are provided. This comment is noted.

Response to Comment 2-5: The comment requests that the Project Proponent furnish SoCalGas with signed final plans and informed of any pre-construction meetings, schedules, etc. so that work can be scheduled accordingly. This comment is noted.

Response to Comment 2-6: The commenter provides contact information for questions and if additional information is needed. No response is necessary.

2.0 COMMENTS AND RESPONSE TO COMMENTS



www.iid.com

Since 1911

August 17, 2020

LETTER 3

Mr. George Galvan
City Planner
City of Holtville
121 West Fifth Street
Civic Center
Holtville, CA 92250

SUBJECT: Melon Properties, LLC Annexation, General Plan Amendment and Pre-Zone; IS & Draft MND

Dear Mr. Galvan:

On August 4, 2020, the Imperial Irrigation District received from the City of Holtville Planning & Building Department, a request for agency comments on the Initial Study and draft Mitigated Negative Declaration for the Melon Properties, LLC Annexation, General Plan Amendment and Pre-Zone. The project proposes to support the development of an 8.19-acre site with a 152-unit multi-family residential development project along the northern city limits of the City of Holtville. Approximately 7.75 acres of the site require annexation into the City limits. The project also includes the possible construction of a 2,370 linear foot 3-inch polyvinylchloride force main storm drain pipe along East Alamo Road connecting to the City of Holtville Drainage System. The project site is located at the northeast corner of East Alamo Road (9th Street) and Melon Road in Holtville, California.

3-1

The Imperial Irrigation District has reviewed the information and has the following comments:

1. The IID Water Department Engineering Services section should be contacted prior to final project design to assess the development project's impacts to IID water facilities and determine the appropriate mitigation. IID WDES section can be contacted at (760) 339-9265 for further information.
2. To request electrical service for the development project, the developer should be advised to contact Joel Lopez, IID Customer Project Development Planner, at (760) 482-3300 or e-mail Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available at <http://www.iid.com/home/showdocument?id=12923>), the developer will be required submit a complete set of approved plans (including CAD files), construction schedule, completion date, one-line electrical diagrams, electrical

3-2

3-3

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251

2.0 COMMENTS AND RESPONSE TO COMMENTS

George Galvan
August 17, 2020
Page 2

loads, panel sizes, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the development project. The developer shall be responsible for all costs and mitigation measures related to providing electrical service to the development project.	3-3 Con't
3. Please note that electrical capacity is limited in the area. A circuit study may be required. Any improvements identified in the circuit study to allow electrical service to the development project shall be the financial responsibility of the developer.	3-4
4. The 2019 California Energy Code, adopted by the California Energy Commission on May 9, 2018; applies to projects constructed after January 1, 2020 such as the proposed project. The 2019 code requires all new residences and multi-family units to install solar photovoltaic panels sized to offset all electricity needs for each residential unit (CCR, Title 24, Part 6, Section 150.19(c)4). The code is enforced through local plan check and building permit processes. For further information on this matter, the developer should contact Raquel Pena, IID Energy distribution interconnection administrator, at (760) 482-3300 or e-mail Ms. Pena at rpena@IID.com for details on the interconnection application process. The developer shall be responsible to provide all required documentation (approved set of PV solar interconnection plans, etc.) with the application submittal.	3-5
5. In order for IID to implement the new rooftop solar interconnection requirements stated above, as of January 1, 2020, all Customer Service Development Project applications (CSPs) that includes the construction of new residential buildings must incorporate the distributed interconnection process for solar installation. The new requirements will apply for	
5.1 Any CSP that includes a new residential home or new subdivisions for residential homes, inclusive of all phases, and multi-family apartment complexes with 10 units or more, and having been approved and stamped by the Authority Having Jurisdiction (AHJ) on or after January 1, 2020 .	
The following items will be required to process the CSP application:	3-6
(a) Subdivision Map for the project.	
(b) Site Improvement Plans (AutoCAD format) with main panel size and voltage identified within the drawing.	
(c) Panel Schedules (pdf format).	
(d) Distribution Electrical One-Line Diagram (pdf format).	
(e) Main Electrical Panel Specifications (pdf format).	
(f) PV or Solar Electrical One-Line Diagram reflecting the interconnection of the solar system for each new residential home/ multi-family unit (new requirement).	

2.0 COMMENTS AND RESPONSE TO COMMENTS

George Galvan
August 17, 2020
Page 3

(g) PV Site Plan reflecting the location of the PV related equipment for each new residential home/ multi-family unit (new requirement).	
5.2 Modifications & revisions to previously approved residential subdivision plans that require an updated approval and plan check by the AHJ on or after January 1, 2020.	3-6 Con't
6. Along with the submittal of a CSP application package for any new residential development project, a distributed interconnection package with the items listed below will also be required for submittal and must be submitted to solar@iid.com .	
(a) Interconnection Application Form (see attached) – completed with customer's and solar contractor's information and signed by the customer. (b) Net Billing Interconnection Agreement (available at https://www.iid.com/home/showdocument?id=14301) completed with customer's information and signed by the customer. (c) Bill of Materials for the project. (d) Inverter Manuals for the project. (e) AC PV Disconnect Specifications for the project. (f) Battery Storage Specification and how it is to be operated (if applicable).	3-7
If the solar facility is greater than 10kW, you will need the following:	
(a) Completion of a Regulation 21 application (available at https://www.iid.com/home/showdocument?id=7257). (b) Single-Line Diagram approved by the City or County and stamped by a Professional Electrical Engineer. (c) Site Plan and Diagram approved by the City or County and stamped by a Professional Electrical Engineer.	
7. IID's interconnection unit will review all PV Single-Line Diagram & Site Plans and all related interconnection documentation and determine if it meets the new Title 24 requirements.	3-8
8. The Title 24 minimum qualifying size of a solar system is based on the projected annual electrical usage that considers conditioned floor area and weather zone as found in the formula below:	
<u>PV System Size</u> Formula: $kWPV \text{ required} = (CFA \cdot A) / 1000 + (Ndwell \cdot B)$	3-9

2.0 COMMENTS AND RESPONSE TO COMMENTS

George Galvan
August 17, 2020
Page 4

kWpv Required		
CFA		The Conditioned Floor Area
A	1.56	CFA Adjustment Factor
NdWell	1	Number of Dwelling Units
B	1.47	Dwelling Unit Adjustment Factor
kWPV		kWdc PV System Size

Imperial & Coachella Valley's Climate Zone is 15 (outlined in red)

Table 7-1 – CFA and Dwelling Adjustment Factors		
Climate Zone	A - CFA	B - Dwelling Units
1	0.793	1.27
2	0.621	1.22
3	0.628	1.12
4	0.586	1.21
5	0.585	1.06
6	0.594	1.23
7	0.572	1.15
8	0.586	1.37
9	0.613	1.36
10	0.627	1.41
11	0.836	1.44
12	0.613	1.40
13	0.894	1.51
14	0.741	1.26
15	1.56	1.47
16	0.59	1.22

3-9
Con't

9. Additional information on distributed generation interconnection (rooftop solar) is available at <https://www.iid.com/energy/rooftop-solar/interconnection>
10. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions are available at <http://www.iid.com/departments/real-estate>. The IID

3-10

3-11

2.0 COMMENTS AND RESPONSE TO COMMENTS

George Galvan
August 17, 2020
Page 5

Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.

3-11
Con't

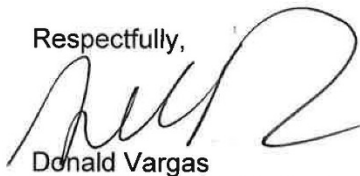
11. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

3-12

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

3-13

Respectfully,



Donald Vargas
Compliance Administrator II

Attachment

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Sandra Blain – Deputy Manager, Energy Dept.
Constance Bergmark – Mgr. of Planning & Eng./Chief Elc. Engineer, Energy Dept.
Jamie Asbury – Asst. General Counsel
Vance Taylor – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

2.0 COMMENTS AND RESPONSE TO COMMENTS

IMPERIAL IRRIGATION DISTRICT

Application for the Interconnection of a Solar or Wind Powered Electrical Generating Facility

Customer-Generator

Applicant		
Contract Account No.		
Meter No.		
Street Address		
City, State, Zip		
Mailing Address (if different from above)		
City, State, Zip		
Phone Numbers	Work	Home
Fax Numbers (optional)		
E-mail Address (optional)		

Contractor or Installer

Name of Contractor or Installer	
Contact Person	
Street Address	
City, State, Zip	
Phone Numbers	
Fax Numbers (optional)	
E-mail Address (optional)	

3-14

Installation Description

Rated Capacity (kilowatts)	Solar	Wind	Total
Brand Name and Model of Solar and/or Wind Generation Equipment			
Manufacturer of Inverter/Controller			
Inverter Model Number			
Type of Visible Open Disconnect			
Estimated Monthly KW Production			
Estimated Date of Parallel Operation			

Signature

Date

2.0 COMMENTS AND RESPONSE TO COMMENTS

LETTER 3

Donald Vargas, Compliance Administrator II
Imperial Irrigation District
August 17, 2020

Response to Comment 3-1: The comment provides introductory remarks and brief description of the Project. No response is necessary.

Response to Comment 3-2: The commenter states that the IID Water Department Engineering Services Section should be contacted prior to the final project design. This comment is noted.

Response to Comment 3-3: This commenter provides a contact to request electrical service and provides instruction on submitting an application. This comment is noted.

Response to Comment 3-4: The commenter states that electrical capacity is limited in the area. This comment is noted.

Response to Comment 3-5: The commenter states that the 2019 California Energy Code request all new residences and multi-family units to install solar photovoltaic panels sized to offset all electricity needs for each residential unit. The commenter also provides contact information and construction on how to submit the application. This comment is noted.

Response to Comment 3-6: The commenter outlines new requirements for rooftop solar on new developments. This comment is noted.

Response to Comment 3-7: The commenter outlines the requirements of a distributed interconnection package to be submitted along with the CSP application. This comment is noted.

Response to Comment 3-8: The commenter states that IID's interconnection unit will review all PV Single-Line Diagram & Stie Plans and all related interconnection documentation and determine if it meets the new Title 24 requirements. This comment is noted.

Response to Comment 3-9: The commenter states that the Title 24 minimum qualifying size of a solar system is based on the projected annual electrical usage that considers conditioned floor area and weather zone. Formulas are provided. This comment is noted.

Response to Comment 3-10: The comment provides a link for a website that gives additional information on distributed generation interconnection. This comment is noted.

Response to Comment 3-11: The comment identifies action that will require an encroachment permit or agreement from IID. The commenter provides a website where an application and further instructions can be obtained as well as a contact number. This comment is noted.

Response to Comment 3-12: The commenter states that any new, relocated, modified or reconstructed IID facilities need to be included as part of the project's CEQA/NEPA documentation. The IS/MND included a discussion of the undergrounding of the Pear Canal as part the analysis. The Canal would be undergrounded either in its existing

2.0 COMMENTS AND RESPONSE TO COMMENTS

alignment or shifted 5 to 10 feet to the north within the Imperial Irrigation District (IID) right-of-way. The IS/MND includes mitigation measures to address any impacts resulting from the Project, including undergrounding the Pear Canal.

Response to Comment 3-13: The commenter provides contact information. This comment is noted.

Response to Comment 3-14: An Application for the Interconnection of a Solar or Wind Powered Electrical Generating Facility is attached. This comment is noted.

2.0 COMMENTS AND RESPONSE TO COMMENTS

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

TELEPHONE: (442) 265-1800
FAX: (442) 265-1799



August 17, 2020

LETTER 4

George Galvan, City Planner
City of Holtville
121 W. Fifth Street
Holtville, CA 92250

SUBJECT: Initial Study and Environmental Analysis for Melon Properties, LLC Annexation,
General Plan Amendment and Pre-Zone

Dear Mr. Galvan:

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity to review and comment on the Initial Study and Environmental Analysis (Draft Mitigated Negative Declaration) for Melon Properties, LLC Annexation, General Plan Amendment and Pre-Zone ("Project"). The Project will support the development of an 8.19 acre site with 152 multi-family dwelling units among 13 buildings.

4-1

Upon review, the Air District feels that the Project air quality impacts in subsections "b)" and "c)"¹ could be reclassified from "Potentially Significant Unless Mitigated" to "Less than Significant" so long as the Project adheres to Regulation VIII—Fugitive Dust Rules and Tier 1 Discretionary Mitigation Measures for Fugitive PM₁₀ Control as found in Section 7.1 of the Imperial County APCD CEQA Air Quality Handbook (2017 ed.). Additionally, the Project must abide by Rules 400.5—Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters and Rule 400.6—Natural Gas-Fired Water Heaters, and Rule 428—Wood Burning Appliances. Rule 310—Operational Development Fee can help to reduce mitigation to less than significant as current fee adjustments allow for a 10% reduction on NOx and VOC (volatile organic compound) emissions.

4-2

4-3

¹ Initial Study and Mitigated Negative Declaration. City of Holtville Planning and Building Department. May 2020. Pg. 18.
Initial Study and Environmental Analysis for Melon Properties, LLC Annexation, General Plan Amendment and Pre-Zone

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

2.0 COMMENTS AND RESPONSE TO COMMENTS

However, the "Less than Significant" impact is predicated on the following clarifications. Mitigation Measure AQ-1 calls for the developer to "construct permanent blockage to all dirt roads and open areas bordering the Project prior to construction."² Since the Project appears to be bounded by paved roads, the Air District feels erecting fencing around the entire perimeter of the Project will be a more effective mitigation control. Also, the Air District asks for the construction equipment staging area to be identified on a map as this area will also need to be mitigated. Finally, the "MM AQ-3"³ is referenced but not discussed in the document. If there is such a mitigation measure it needs to be discussed in detail.

4-4

4-5

4-6

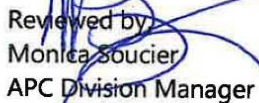
Air District rules and regulations and the ICAPCD CEQA Air Quality Handbook can be found online at <https://apcd.imperialcounty.org>. The Air District office can be reached at (442) 265-1800.

4-7

Respectfully,



Curtis Blondell
Environmental Coordinator



Reviewed by:
Monica Soucier
APC Division Manager

² Initial Study and Mitigated Negative Declaration. Section B. City of Holtville Planning and Building Department. May 2020. Pg. 25.

³ *Ibid.*, pg. 25.

Initial Study and Environmental Analysis for Melon Properties, LLC Annexation, General Plan Amendment and Pre-Zone

2.0 COMMENTS AND RESPONSE TO COMMENTS

LETTER 4

Curtis Blondell, Environmental Coordinator
Imperial County Air Pollution Control District
August 17, 2020

Response to Comment 4-1: The comment provides introductory remarks and brief description of the Project. No response is necessary.

Response to Comment 4-2: The comment states that air quality impacts in subsections “b” and “c” on page 18 of the IS/MND can be reclassified from “Potentially Significant Unless Mitigation Incorporated” to “Less than Significant” as long as the Project adheres to Regulation VIII-Fugitive Dust Rules and Tier 1 Discretionary Mitigation Measures for Fugitive PM10 Control as found in Section 7.1 of the Imperial County APCD CEQA Air Quality Handbook.

The Project will adhere to Regulation VIII as specified in the comment. Accordingly, page 18 of the IS/MND has been revised as directed by the comment.

III. AIR QUALITY. <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to the following determinations. Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response to Comment 4-3: The comment states that the Project must abide by Rule 400.5, 400.6, 428 and 310. Compliance with these rules is subject to building codes and/or required as Conditions of Project Approval. This comment is noted for the decision-makers consideration.

Response to Comment 4-4: The commenter states that the “Less than Significant Impact” is predicated on clarifying Mitigation Measure AQ-1. The APCD suggests that the mitigation measure be modified to include fencing around the project site instead of blocking all dirt roads. Accordingly, Mitigation Measure AQ-1 on IS/MND page 25 has been modified as follows:

“AQ-1: Block Dirt Roads Erect Fencing Around Project Site

~~The developer will construct permanent blockage to all dirt roads and open areas bordering Project~~ Contractor shall erect fencing around the entire perimeter of the

2.0 COMMENTS AND RESPONSE TO COMMENTS

site prior to beginning construction.”

Timing/Implementation: Prior to beginning construction/Project Contractor Developer.

Enforcement/Monitoring: City of Holtville.”

Response to Comment 4-5: The commenter request that the construction equipment staging area be identified on a map as this area will need to be mitigated. This comment is noted. Construction plans have not yet been prepared. This requirement should be included as part of the Conditions of Approval for the Project.

Response to Comment 4-6: The commenter notes that MM AQ-3 is referenced but not discussed in the document. There is no MM AQ-3. Accordingly, the following revision has been made to the paragraph preceding Table AQ-3 on page 26 of the IS/MND.

“**Table AQ-3** shows construction emissions after implementing MM AQ-1; and MM AQ-2 ~~and MM AQ-3~~. As shown, PM₁₀ emissions would be reduced below the 150 pounds per day threshold.”

Response to Comment 4-7: The commenter provides a link to the CEQA Air Quality Handbook and contact information. This comment is noted.

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SECTION 3.0 - ERRATA

INTRODUCTION

This Errata has been prepared to address minor errors or revisions which came about as a result of comments received during the 30-day public review period (August 27, 2020 to September 25, 2020) in compliance with CEQA Guidelines 15073. The minor modifications to the text of the IS/MND detailed in the Errata reflect corrections and/or clarifications that do not constitute significant new information and do not change any of the impact conclusions of the IS/MND. In addition, these minor revisions to the text, as described below, would not cause a substantial increase in the severity of any environmental impacts. Rather, these changes merely clarify or correct portions of the text. Amended text is identified by page number. Revisions adding new text to the IS/MND are shown with underline and deleted portions of text are shown with ~~strikethrough~~.

CHANGES AND EDITS TO THE IS/MND

The following changes and edits represent revisions to information included in the IS/MND based upon: (1) additional or revised information required to prepare a response to a specific comment; (2) updated information required due to the passage of time; and/or (3) typographical errors.

A brief description of the change or edit is provided as well as a reference to where the change or edit occurs in the document (page number, paragraph, sentence, table, etc.). Changes to the portion of text are included in quotes ("").

SECTION 3.0 - ERRATA

SECTION II. ENVIRONMENTAL CHECKLIST

Page 18 of the IS/MND has been revised to change the checked box from “Potentially Significant Unless Mitigation Incorporated” to “Less than Significant Impact.”

III. AIR QUALITY. <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to the following determinations. Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Page 25 of the IS/MND, Mitigation Measure AQ-1 has been modified as follows:

“AQ-1: Block Dirt Roads Erect Fencing Around Project Site

~~The developer will construct permanent blockage to all dirt roads and open areas bordering the Project~~ Contractor shall erect fencing around the entire perimeter of the site prior to beginning construction.

Timing/Implementation: ~~Prior to beginning construction/Project~~ Contractor Developer.

Enforcement/Monitoring: City of Holtville.

Page 26 of the IS/MND, the following revision has been made to the paragraph preceding Table AQ-3 to eliminate the reference to MM AQ-3.

“Table AQ-3 shows construction emissions after implementing MM AQ-1, ~~and~~ MM AQ-2 ~~and MM AQ-3~~. As shown, PM₁₀ emissions would be reduced below the 150 pounds per day threshold.”

Page 34 of the IS/MND , Enforcement/Monitoring for Mitigation Measure MM CR-2 has been revised as follows:

“Enforcement/Monitoring: NAHC, Imperial County Coroner, and City of Holtville Planning & Building Department ~~Imperial County Department of Planning and Development Services.~~

SECTION 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for Melon Apartments Annexation, General Plan Amendment, and Pre-Zone Project. This MMRP has been prepared pursuant to California Public Resources Code §21081.6, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the proposed project because the Mitigated Negative Declaration (MND) identified significant adverse impacts and mitigation measures have been identified to address these impacts. The numbering of the individual mitigation measures follows the numbering sequence as found in the MND. All revisions to mitigation measures that were necessary, as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this MMRP.

MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in the MND. The City of Holtville will be the primary agency, but not the only agency responsible for implementing the mitigation measures. In some cases, other public agencies will implement measures. The City may choose to require the construction contractor to implement specific mitigation measures prior to and/or during construction. The City will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

Mitigation Measures: The mitigation measures are taken from the MND, in the same order that they appear in the MND.

Mitigation Timing: Identifies at which stage of the project mitigation must be completed.

Monitoring Responsibility: Identifies the department within the City or other entity responsible for mitigation monitoring.

Compliance Verification Responsibility: Identifies the department of the City or other State agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

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SECTION 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

MM #	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
AIR QUALITY				
AQ-1	<u>Erect Fencing Around Project Site</u> The Project Contractor shall erect fencing around the entire perimeter of the site prior to beginning construction.	City of Holtville	Prior to beginning construction/ Project Contractor.	
AQ-2	Discretionary Measure for Fugitive PM10 Control <ul style="list-style-type: none"> Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. 	City of Holtville Planning & Building Department	During construction/ Project Contractor.	
BIOLOGICAL RESOURCES				
BIO-1	Conduct Pre-Construction Survey <ul style="list-style-type: none"> If construction starts between January 1 and August 31, a pre-construction survey for nesting birds shall be performed by a qualified biologist within 3 days prior to initiating ground disturbance. A report should be submitted to the appropriate agency. 	City of Holtville Planning & Building Department/ Qualified biologist.	Three days prior to commencing construction/ Qualified biologist.	

SECTION 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

MM #	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
BIO-2	Conduct WEAP Training Prior to starting work, construction foremen, workers and on-site employees shall be given Worker Environmental Awareness Program (WEAP) training by a qualified biologist regarding burrowing owl. WEAP training shall include the following: <ul style="list-style-type: none"> • Description of owl/nesting birds • Biology • Regulations (CDFW/USFWS) • Wallet card with owl picture/guidelines for protecting owl and wildlife • Notification procedures if avian species (dead, alive, injured) is found on or near site. 	City of Holtville Planning & Building Department/Qualified biologist.	Prior to starting work/Qualified biologist.	
CULTURAL RESOURCES				
CR-1	Tribal Notification The Viejas Band of Kumeyaay Indians shall be notified prior to commencing ground disturbing activities so that one or more members of the Tribe are present when ground disturbance begins.	City of Holtville Planning & Building Department/Viejas Tribe.	Prior to commencing construction.	
CR-2	Discovery of Human Remains	NAHC,	During	

SECTION 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

MM #	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	If evidence of human remains is discovered, construction activities within 200 feet of the discovery shall be halted or diverted and the Imperial County Coroner shall be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC which will designate a Most Likely Descendant (MLD) for the Project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).	Imperial County Coroner, and City of Holtville Planning & Building Department.	construction.	

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