



# Staff Report

Agenda Item No.

D-2

**To:** City of Imperial Planning Commission

**From:** Lisa Nichole Tylanda, Planner

**Date:** June 18, 2021

**Subject:** Zone Change and General Plan Amendment (ZC/GPA 21\_02)  
Town Site Park Project  
618 Barioni Blvd, Imperial, CA 92251

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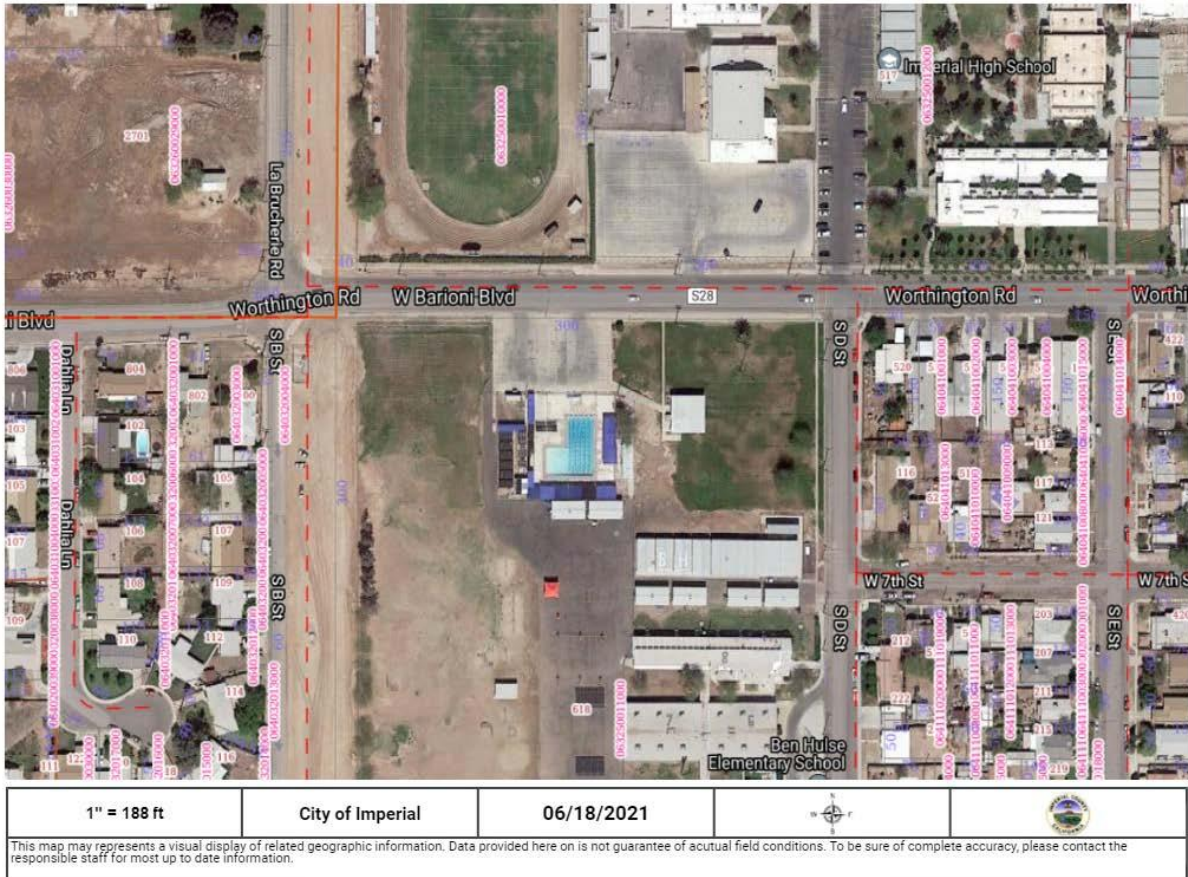
## Summary:

<b>Applicant:</b>	City of Imperial
<b>Project Location:</b>	618 Barioni Blvd; Imperial, CA 92251
<b>Current Zoning:</b>	R-1 (Residential Single-Family)
<b>Proposed Zoning:</b>	OP (Open Space)
<b>General Plan:</b>	Residential
<b>Environmental:</b>	Mitigated Negative Declaration

## Background:

Town site park project is a community driven project that would be funded by Prop 68 funds available in round 4 of California state parks grant. City of Imperial in partnership with Imperial High school District and has submitted an application to the state seeking the maximum funds available to develop new recreational features for this proposed park project site. The rezone is proposed to be approximately 4.16 AC.

## Town Site Park Project



### Discussion:

The City of Imperial is proposing to utilize the property as open space recreational. The proposed Zone Change and General Plan Amendment from R-1 (Residential Single Family) to OP (Open Space), is to allow for the conversion of “educational uses” to “outdoor recreational uses”. The proposed use of the site is a Community Park. If the grant is awarded to the City, construction is expected to include, but is not limited to the following proposed and existing items:

- Proposed new playground area to include canopy shade and ADA compliant Wood fibers.
- Proposed new skate park features.
- Proposed ADA compliant multiuse walking trails surrounding the perimeter and connecting amenities.
- Proposed basketball court and volley ball courts.
- Demolition, renovation and expansion of existing pool amenities and parking to include LED lighting, grand stand seating, canopy shading, rinse/ shower station.

- Pool will be built to be competition size.
- Parking is proposed to be expanded in order to create additional spaces to support amenities being built for this project.
- Support/lighting amenities will also be included in way of benches, gazebos, security LED lighting for park features and parking areas.
- Repurposing of the current band storage room to an ADA compliant bathroom for men and women.
- Landscape will be placed throughout the project to include drought tolerant trees, shrubs, and will be placed on a type of “drip irrigation” system
- The project will require the mobilization of grading, excavating and trenching equipment as well as trucking in materials.
- Onsite improvements of electrical, plumbing and other foreseen and possibly unforeseen items will be needs.

**Environmental Compliance:**

The project is proposed to be a Mitigated Negative Declaration in regards to the California Environmental Quality Act (CEQA). Please see attached the proposed Mitigated Negative Declaration prepared for the study.

**Recommendation:**

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approval of **Resolution No. PC2021-09** approving a zone change and general plan amendment from R-1 (Residential Single Family) to OP (Open Space) for 4.16 AC on parcel number 063-250-011.

Respectfully Submitted,

Lisa Nichole Tylenda  
Planner

**Attachments:**

- Open Space Element of the City of Imperial
- Open Space Ordinance of the City of Imperial
- Resolution No. PC2021-09 with Conditions of Approval
- Project Site Plan

**OPEN SPACE ELEMENT**

## OPEN SPACE ELEMENT

### I. INTRODUCTION

California planning law regarding open space is extensive and explicit about what an Open Space Element should do. Article 10.5 of the California Government Code (commencing with Section 65560) states that an open space plan should address the following:

- Preservation of natural resources.
- Preservation of land used for resource production such as agriculture.
- Preservation of open space land used for recreation.
- Avoidance of land that poses a public health and safety hazard.
- Discouragement of premature and unnecessary conversion of open space.
- Definition of an orderly pattern of growth and development that takes into consideration open space requirements.

### II. OPEN SPACE LANDS

Open Space Land is any parcel or area of land or water which is essentially unimproved and devoted to an Open Space Use. Open Space Land may include any of the following areas:

- A. Open Space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- B. Open Space used for the managed production of resources, including but

not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

- C. Open Space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- D. Open Space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.

The Open Space Element is a plan for the comprehensive and long-range preservation and conservation of open space land. Next to the Land Use Element, the Open Space Element is broadest in scope. Because of this breadth, Open Space issues overlap those of several other General Plan Elements. For instance, the Land Use Element's issues pertaining to agricultural land, natural resources, recreation, enjoyment of scenic beauty and (to a certain extent) public grounds are covered by Open Space provisions. "Open Space for the preservation of natural resources", and "open space used for the managed production of resources" encompasses the concerns of the Conservation Element. "Open Space for public health and safety" covers issues similar to those found in the Safety Element. The

Open Space Element must therefore be consistent with all other applicable General Plan Elements.

Public open space areas within the City include primarily the City's parks. The public schools also contain considerable open space areas that are used for outdoor activities by the City's school age children. The agricultural areas surrounding the City within the Sphere of Influence comprise the largest quantity of open space lands.

The agricultural areas should be protected from premature and unnecessary encroachment by development until such time as there is the need to expand the developed area of the City to accommodate new homes or jobs.

#### Open Space Goal

Preservation of open space in the community should be coordinated with conservation of significant resources of general public interest and benefit.

#### Objective 1

*Open space should be preserved through appropriate land use policies that recognize the valuable natural resources in the City.*

#### Policy 1

- A. Open space lands are a valuable natural resource that enhances Imperial's rural character.
- B. All land use changes should be consistent with the need to preserve Imperial's open space area.

C. Discontinuous land use patterns which encroach into open space areas shall not be approved.

D. In-fill development shall be encouraged to preserve outlying open space areas.

### Agricultural Lands

#### Objective 2

*Agriculture is an important aspect of the economy of the City and region. Its continuation within the area should be promoted, encouraged and protected.*

#### Policy 2

A. Agriculture should be encouraged as a part of a rural residential area.

B. Preservation of existing agricultural production shall be maintained as long as it remains economically viable.

C. Appropriate setbacks from existing and planned industrial, commercial and residential land uses shall be established.

D. The City Council shall consider the adoption of a "right-to farm" ordinance to diminish nuisance impacts of urban uses.



- E. Urban growth should be on lands of lower quality soils in order to protect prime agricultural land.
- F. Encourage the usage of Williamson Act contracts on lands currently under agricultural production.

### Public and Private Recreation Land

#### Objective 3

*The preservation of open space through public and private recreational land is encouraged as the best means of long-term protection and management.*

#### Policy 3

- A. The City shall encourage public and private recreational uses and areas as a means of preserving large amounts of open space land.
- B. The City shall require provision of adequate open space areas when private development projects are approved.
- C. The City shall maintain and preserve public parks and other public open space areas.

## Airport Runway Protection Zones

### Objective 4

*Maintain the land off the ends of the Imperial County Airport runways as permanent open space areas to the extent feasible.*

### Policy 4

- A. *Private development within the runway protection zones should include uses such as parking lots and landscaping areas.*
- B. *Permanent structures should be located to minimize exposure of the public to potential aircraft crash hazards.*

## Wildlife Habitat

### Objective 5

*Maintain the agricultural drains within the Sphere of Influence Planning Area as permanent open space for wetland wildlife habitat.*

### Policy 5

- A. *Prevent premature undergrounding of agricultural drains when development occurs.*
- B. *Preserve agricultural drains as open space to the maximum extent feasible through innovative project*

design.

- C. Coordinate with California Department of Fish and Game to develop mitigation measures when wildlife habitat open space is proposed to be eliminated.

**ORDINANCE NO. 785**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, APPROVING THE PRE-ZONING OF THE IMPERIAL REGIONAL PARK AND EQUESTRIAN CENTER PROJECT AREA IN CONFORMANCE WITH THE LAND USE POLICIES OF THE IMPERIAL GENERAL PLAN AND IN PREPARATION OF AN APPLICATION FOR AN ANNEXATION INTO THE CITY OF IMPERIAL**

**WHEREAS**, the City Council of the City of Imperial, California considered all of the evidence, including, but not limited to, the City Planning Commission Resolution, staff report and attachments, and public testimony at a duly notified public hearing on June 17, 2015; and

**WHEREAS**, the City Council finds that the Pre-zoning is consistent with the goals, objectives and policies of the City of Imperial General Plan and will not conflict with the General Plan; and

**WHEREAS**, the City Council finds that the Pre-zoning will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

**WHEREAS**, the proposed action complies with the provisions of the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was adopted for the project.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES ORDAIN AS FOLLOWS:**

**Section 1.** In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves the Pre-zoning of the Imperial Regional Park and Equestrian Center Project Area as shown on the attached map (Exhibit A), for the purpose of establishing applicable zoning districts in accordance with the land use policies of the Imperial General Plan, in preparation for submission of an application to the Imperial County Local Area Formation Commission seeking annexation of the project area into the City of Imperial.

**Section 2.** Chapter 24 of the City of Imperial Municipal Code (Zoning Code) is hereby amended as follows:

**Section 24.20.100 - O-S OPEN SPACE ZONE**

**24.20.110 - Intent and purpose.** It is the intent of this chapter to provide for the preservation, maintenance and enhancement of valuable natural, environmental and recreational resources while permitting reasonable and compatible uses of land. In order to properly manage these resources, criteria and regulations must be formulated to guide uses in the following open space capacities as defined in the open space element: productive, protective, structural, recreational and scenic preservation. The purpose and intent of this chapter shall be the advancement of the following objectives:

1. To protect and preserve land areas for the managed production of natural resources;
2. To protect, maintain and enhance air quality;
3. To assure the continued availability of open space lands for the enjoyment of outdoor recreation;

4. To preserve and enhance areas of significant scenic amenity, unique natural features, and areas of educational and scientific research;
5. To implement the conservation and open space elements of the general plan;

**24.20.120 - Uses permitted.** Uses permitted within the open space zone are as follows:

1. Agricultural uses as follows:
  - a. Trees for fruit, nut or timber;
  - b. Bushes or vines for berries and grapes;
  - c. Field, vegetable, and truck or row crops;
  - d. Orchards, vineyards, and bushes for fruit or nuts;
  - e. Drying of crops, hay, straw and seed;
  - f. Storage and wholesaling of crops grown on the property;
  - g. Animal breeding, pasturing or ranching;
  - h. The growing and harvesting of flowers, ornamentals and turf;
  - i. The keeping of farm animals and fowl for recreation, agricultural and school projects;
  - j. Agricultural stand on forty or more acres of land is permitted for the sale of agricultural, horticultural, floricultural or farming products, grown or produced on the premises.
2. Parks and Recreational facilities owned by public agencies;
3. Nurseries and greenhouses without retail sales;
4. Commercial or private stables and riding academies; boarding and care of horses, including living quarters for grooms and caretakers located within the same building;
5. Year-round roadside produce stands and Certified Farmers Market.
6. Seasonal stands (including Christmas trees and pumpkins).
7. Eating Establishments as an accessory use
8. Equestrian Facilities
9. Outdoor Recreation Facilities
10. RV Parks
11. Campsites

**24.20.130 - Uses subject to a conditional use permit.** The following uses may be permitted if a conditional use permit is obtained in the manner provided in the zoning ordinance and such use conforms to every term and condition of the permit. A permit for any of these uses may be granted by the planning commission if the applicant produces sufficient proof that the use will not be injurious or detrimental to the public health, safety or welfare, or to the property in the vicinity or zone in which the use will be situated; that the effects can be prevented with the imposition of conditions, and that the permit is necessary for the owner of the property to make reasonable use of the property:

1. Radio and television towers and related facilities excluding studios;
2. Hotels and Motels
3. Retail Facilities

4. Eating Establishments as a primary use
5. Residential Structures

**24.20.140 - Development standards.**

The following development standards shall apply to all developments within the O-S open space zone and all buildings or structures hereinafter erected shall conform to the following:

1. **Lot Area.** No minimum required
2. **Setbacks.** All buildings shall be setback a minimum of twenty feet.
3. **Building Height.** Buildings and structures located within 50' of any public right-of-way shall not exceed 25' in height. There are no height limits when the building or structure is located more than 50' away from any public right-of-way.
4. **Utilities.** All utilities shall be placed underground. This requirement may be waived where the utility agency will not allow the installation of their facilities underground.
5. **Signs.** Signs shall specifically relate to the use of the parcel and shall be approved by the Planning Commission.
6. **Animals and Fowl Maintenance.** The keeping of animals and fowl shall be maintained in accordance with the following:
  - a. The area where animals and fowl are maintained shall not create a nuisance in relation to adjoining property and shall be kept in a healthful manner.
  - b. The animals and fowl shall be contained in such a manner to restrict their movement onto the public right-of-way or adjoining property.
  - c. The area where animals or fowl are maintained shall be a minimum of fifty feet from any building used for human habitation excepting domestic pets such as dogs or cats.

**Section 3.** Effective Date: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Imperial ordinance.

**PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk


**STATE OF CALIFORNIA)  
COUNTY OF IMPERIAL )ss  
CITY OF IMPERIAL )**

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 785 had its 1<sup>st</sup> reading on June 17, 2015 and was passed by the following roll call vote:

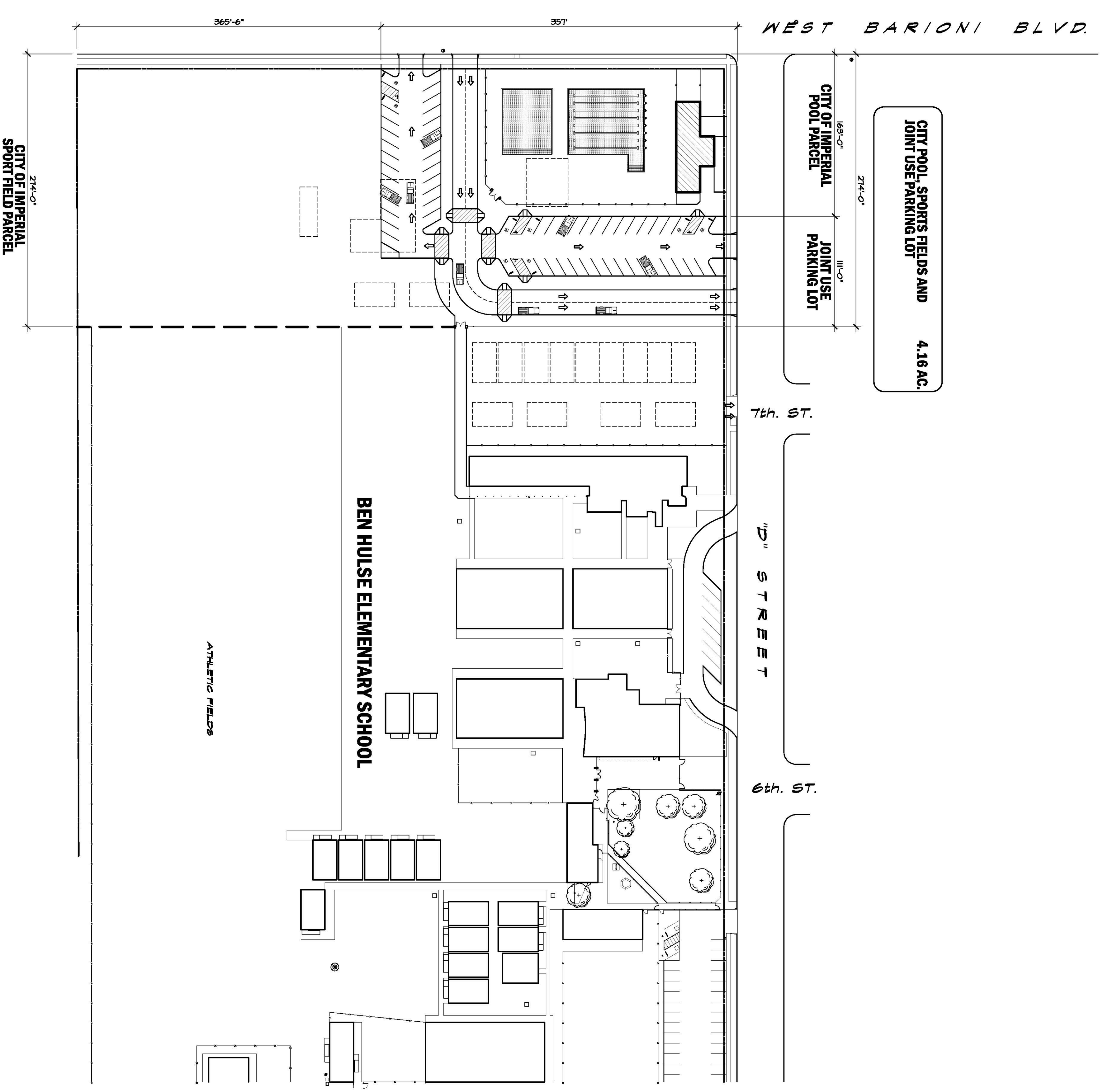
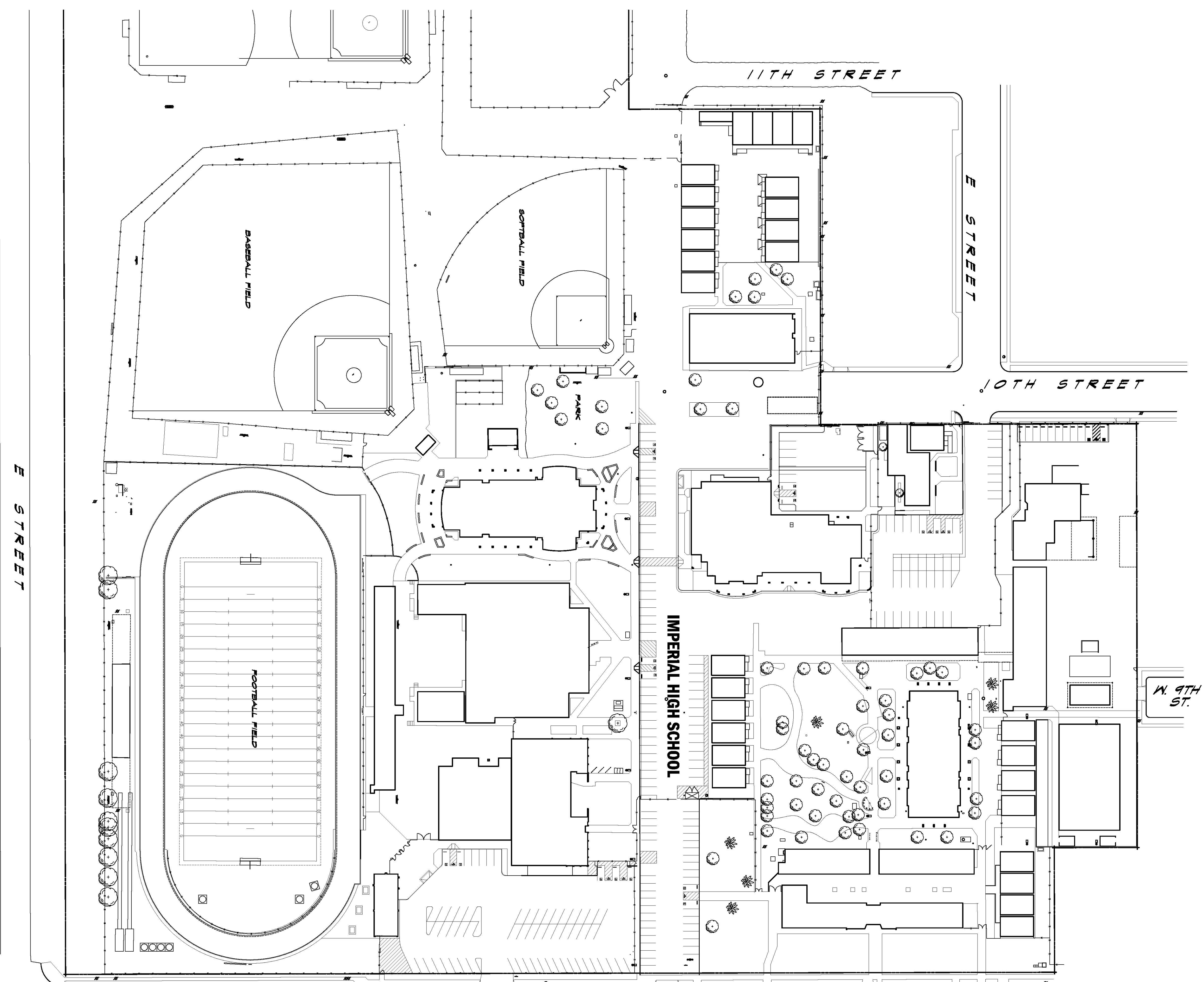
**AYES: COX, SAMPSON, AND GRAN  
NOES: NONE  
ABSENT: DALE AND TUCKER  
ABSTAIN: NONE** **MOTION CARRIED 3-0**

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 785 had its 2<sup>nd</sup> reading on July 15, 2015 and was passed by the following roll call vote:

**AYES: COX, SAMPSON, TUCKER, AND GRAN  
NOES: NONE  
ABSENT: DALE  
ABSTAIN: NONE** **MOTION CARRIED 4-0**

  
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DEBRA JACKSON, CITY CLERK  
CITY OF IMPERIAL, CALIFORNIA

IMPERIAL UNIFIED SCHOOL DISTRICT  
 IMPERIAL HIGH SCHOOL  
**CITY OF IMPERIAL POOL AND  
 SPORT FIELD PARCEL**



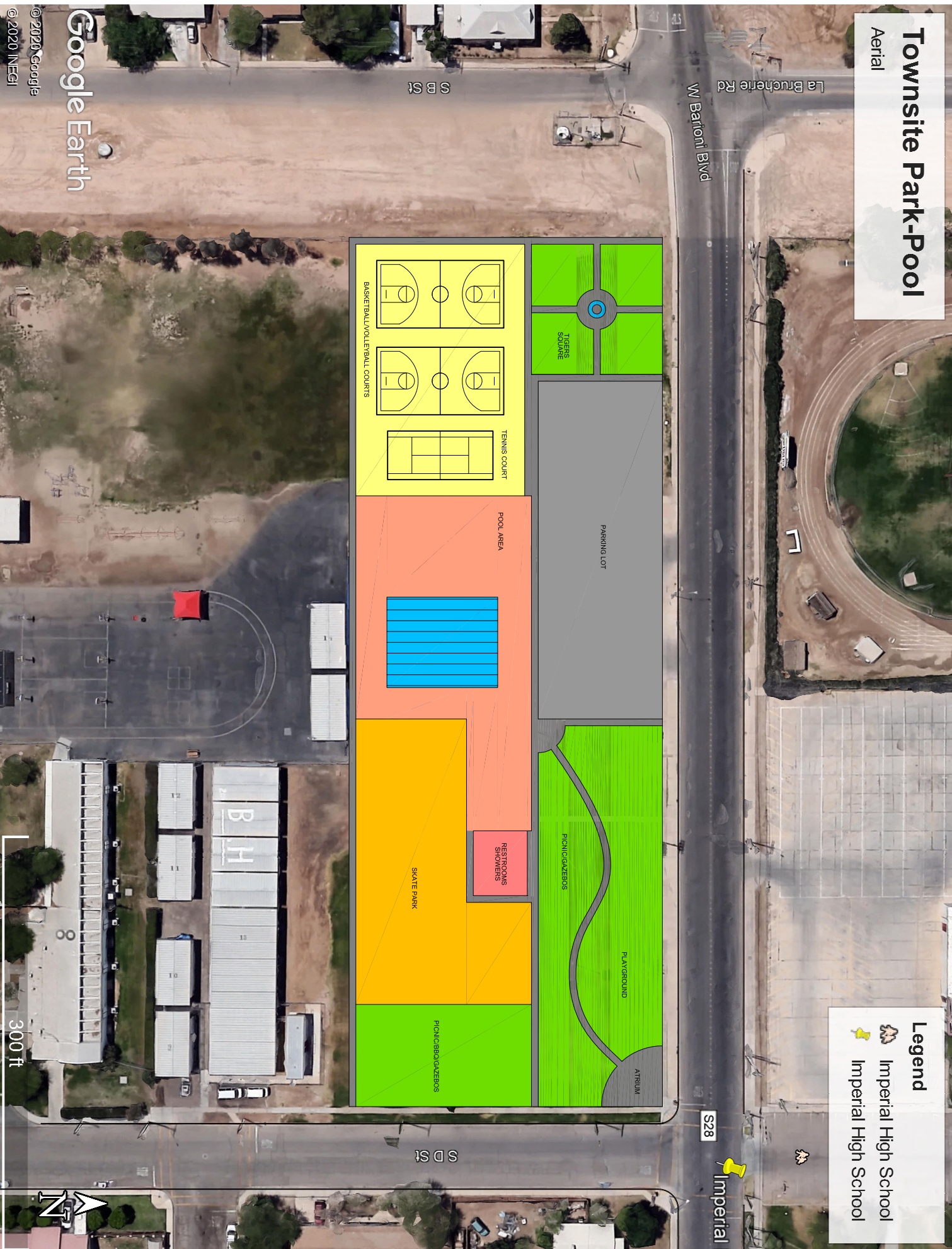
**Sanders, Inc.**  
 Architecture/Engineering  
 102 INDUSTRIAL WAY, SUITE A  
 EL CENTRO, CA. 92243  
 760 383 5440  
 FAX 760 383 5442



# Townsite Park-Pool

Aerial

- Legend**
- Imperial High School
  - Imperial High School



Google Earth

@2020 Google  
@2020 INEGI

**RESOLUTION NO. PC 2021-09**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL OF THE ZONE CHANGE AND GENERAL PLAN AMENDMENT FOR 4.16 AC OF THE FOLLOWING ASSESSOR PARCEL NUMBER 063-250-011 FROM R-1 (RESIDENTIAL SINGLE FAMILY) TO OP(OPEN SPACE) TO ALLOW FOR THE DEVELOPMENT OF A NEW OUTDOOR RECREATIONAL PARK SITE.**

**WHEREAS**, the Imperial Unified School District jointly with the City of Imperial have submitted an application for a General Plan Amendment and Zone Change from R-1 (Residential Single Family) to OP (Open Space) **4.16 AC** for certain real property described as follows:

ASSESSOR PARCEL NUMBER: 063-250-011

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on June 23, 2021; and

**WHEREAS**, upon hearing and considering all testimony and arguments, examining the Initial Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the General Plan Amendment and Zone Change.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby finds as follows:
  - 1. The proposed zone change and general plan amendment are consistent with the goals, objectives and policies of the General Plan;
  - 2. The proposed zone change, general plan amendment, mitigated negative declaration and proposed new outdoor recreational park are compatible with the surrounding environment;
  - 3. Public facilities and services can be provided to the proposed new outdoor recreational park development without placing undue additional burden on existing residents and businesses; and

- C) That on the findings made above, the Planning Commission recommends **APPROVAL** of the zone change and general plan amendment; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends **APPROVAL** of the zone change and general plan amendment from R-1 (Residential Single Family) to OP (Open Space) and;
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends **APPROVAL** of a Mitigated Negative Declaration; and
- F) All recommendations made by the Planning Commission are based on the following findings:
1. The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act.
  2. The project is following and in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
  3. The initial environmental assessment shows that there is no substantial evidence that the zone change and general plan amendment may **NOT** have a significant impact on the environment.
  4. There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project.
  5. The proposed Zone Change and General Plan Amendment are consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
  6. The proposed Zone Change and General Plan Amendment are consistent with the policies and the land uses of the existing City of Imperial General Plan.
  7. The proposed General Plan Amendment and Zone Change are consistent with the objective of the City of Imperial's General Plan Guidelines and Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 23<sup>rd</sup> day of June 2021.

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Planning Commission Chairman

ATTEST:

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City Clerk

**RESOLUTION PC2021-09**

**CONDITIONS OF APPROVAL**

**for**

**ZONE CHANGE AND GENERAL PLAN AMENDMENT #21\_02**

**(ZC/GPA 21\_02)**

**R-1 (Residential Single Family) to OP (OPEN SPACE)**

**FOR 4.16 AC OF ASSESSOR PARCEL NUMBER 063-250-011**

1. The Zone Change and General Plan amendment approve 4.16 AC of assessor parcel number: 063-250-011 from R-1 (Residential Single Family) to OP (Open Space) contingent upon receipt of official lot split “legal descriptions” and “meets-and-bounds” prepared by a certificated land surveyor and submitted to the City of Imperial’s Community Development Department for review, approval, and recording the approved “Legal Descriptions” at the Imperial County Recorder’s Office.
2. These conditions of approval only cover the zone change and general plan amendment. Applicant must still apply for Site Plan Review and Building Permit Process prior to the commence of any work and can be bound by future conditions of approval if required by the City of Imperial’s Community Development Department
3. The Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
4. The Developer/Applicant shall pay all applicable impact and capacity fees.
5. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of this zone change and general plan amendment. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney’s fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the zone change and general plan amendment including any claim for private attorney general fees claimed by, or awarded to any party from the City.
6. All conditions of approval for this zone change and general plan amendment 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, at all times, all grading,

landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. 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.

7. 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.
8. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the zone change and general plan amendment, 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 the then the matter shall be referred to the Planning Commission for modification to conditions of approval, suspension, or termination, or to the appropriate enforcement authority.
9. As between the City and the Permittee, any violation of the conditions of approval may be a "nuisance per se". The City may enforce the terms and conditions of this permit 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.
10. 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.