

# REPORT TO CITY OF VISALIA PLANNING COMMISSION



**HEARING DATE:** February 10, 2025

**PROJECT PLANNER:** Brandon Smith, Principal Planner  
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**SUBJECT:** **Shirk-Riggin Industrial Project**, for the development of an industrial park with a total building footprint of approximately 3,720,149 square feet on 284 acres, and consisting of the following actions:

**Recommend Certification of the Final Environmental Impact Report (EIR) prepared for the Shirk & Riggin Industrial Park (State Clearinghouse Number 2022080658).**

**Initiation of Proceedings for Annexation No. 2024-03:** A request to annex three parcels totaling approximately 284 acres into the City limits of Visalia. Upon annexation the area will be zoned Industrial (I) and I-L (Light Industrial) consistent with the land use designations of the Visalia General Plan Land Use Map. The annexation request includes authorizing the detachment from County Service Area No. 1 in accordance with State and County requirements and authorizing the City Manager to sign and enter into a Pre-Annexation Agreement and a Development Agreement.

**General Plan Amendment No. 2025-01:** A request to decrease the Light Industrial land use designation and to increase the Industrial land use designation on the project site consisting of approximately 284 acres.

**Tentative Parcel Map No. 2024-08:** A request to subdivide approximately 284 acres into 14 parcels to facilitate industrial and supportive service-oriented development.

**Conditional Use Permit No. 2024-26:** A request to allow a planned development that includes the creation of lots without public street frontage, reduced lot sizes, and the establishment of two pads with drive-through lanes, convenience store, and car wash.

Project Applicant: Seefried Industrial Properties, Inc.

Project Location: The proposed Project is located on approximately 284 acres, on the north side of Riggin Avenue between Shirk Street and Kelsey Street. (APN: 077-840-004, 005, 006)

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions.

**Final Environmental Impact Report:** Adopt Resolution No. 2025-05, recommending that the City Council certify the Final Environmental Impact Report (State Clearinghouse Number 2022080658), including a Finding of Fact and Statement of Overriding Considerations, for the project, based upon the findings in said resolution.

**General Plan Amendment No. 2025-01:** Recommend that City Council approve the General Plan Amendment, based on the findings in Resolution No. 2025-08. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance, and the required findings.

**Annexation No. 2024-03:** Recommend that City Council initiate the Annexation, as conditioned, including authorization to enter into a Pre-Annexation Agreement, based on the findings in Resolution No. 2025-06. Staff’s recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and the required findings.

**Development Agreement:** Recommend that City Council authorize to enter into the Development Agreement attached herein, based on the findings in Resolution No. 2025-07. Staff’s recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance, and the required findings.

**Tentative Parcel Map No. 2024-08:** Approve Tentative Parcel Map No. 2024-08, as conditioned, based on the findings and conditions in Resolution No. 2025-09. Staff’s recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances, and the required findings.

**Conditional Use Permit No. 2024-26:** Approve Conditional Use Permit No. 2024-26, as conditioned, based on the findings and conditions in Resolution No. 2025-10. Staff’s recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance, and the required findings.

**RECOMMENDED MOTION**

I move to recommend that the City Council certify the **Shirk & Riggin Industrial Park** (State Clearinghouse Number 2022080658), according to Resolution No. 2025-05.

I move to recommend the initiation of **Annexation No. 2024-03**, based on the findings in Resolution No. 2025-06.

I move to recommend the initiation of a **Development Agreement pertaining to the Shirk and Riggin Industrial Park**, based on the findings in Resolution No. 2025-07.

I move to recommend approval of **General Plan Amendment No. 2025-01**, based on the findings in Resolution No. 2025-08.

I move to approve **Tentative Parcel Map No. 2024-08**, based on the findings and conditions in Resolution No. 2025-09.

I move to approve **Conditional Use Permit No. 2024-26**, based on the findings and conditions in Resolution No. 2025-10.

**PROJECT DESCRIPTION**

The applicants, Seefried Industrial Properties, Inc., have filed entitlement applications for the development of a 284-acre industrial park, containing primary industrial uses as well as commercial elements, on property located outside of City limits and within the Tier I urban development boundary.

The property is planned to be developed with industrial buildings of varying sizes and functions. According to the site plan, attached as Exhibit “A”, a majority of the site will be developed with eight industrial buildings intended for warehouse, distribution, and light manufacturing use, with building sizes shown between 109,890 and 1,078,440 square feet. Other uses shown on the site plan are flex industrial space consisting of six identical buildings totaling 80,960 square feet, a self-storage facility totaling 133,000 square feet, and a commercial cluster consisting of a convenience store with drive-through lane, gas station, car wash, and restaurant pad with drive-through lane. Entitlements for this project consist of an annexation, development agreement, commercial tentative parcel map, conditional use permit, and a general plan amendment. Development is anticipated to occur over three phases as shown in Exhibit “B”. The project site is currently vacant.

The land use entitlement issues are addressed and incorporated into the project's Environmental Impact Report, and the land use entitlements are being processed concurrently with the CEQA review process. No entitlement is required for the industrial buildings in accordance with the Industrial and Light Industrial zoning designations, which allow such uses as permitted by right.

**Annexation No. 2024-03** is a request to annex three parcels totaling approximately 284 acres located outside the city limits and within Tulare County (see Annexation Plat Map included in the Resolution). Upon annexation, the Zoning designations for the project area will consist of Industrial (I) and Light Industrial (I-L) zones, consistent with the underlying General Plan land use designation as proposed through the General Plan Amendment. The site also includes area designated as Conservation, though upon annexation, the property's zoning will conform to the adjacent land use designations.

In conjunction with the annexation, the property will be subject to a Pre-Annexation Agreement, and is being entered into a **Development Agreement** at the discretion of the applicant. The Development Agreement seeks to establish terms and understandings on subjects including but not limited to post-entitlement approvals, vested rights, commitments toward providing infrastructure, project phasing, and establishment of project fees.

**General Plan Amendment No. 2025-01** is requested to change land use designations between the Industrial and Light Industrial land use designations. The objective of the General Plan Amendment is to align the property's existing land use split between Industrial and Light Industrial with the tentative parcel map's proposed property lines that separate the large-scale industrial uses from the small-scale industrial and commercial uses. This results in an overall reduction of 21.12 acres of Light Industrial designation and an equal increase in the Industrial designation. All acreage is located within the Tier I urban development boundary.

Current and proposed land use designations for parcels being annexed are summarized as follows:

<u>Land Use Designation</u>	<u>Zoning Designation</u>	<u>Existing ac.</u>	<u>Proposed ac.</u>
Industrial	I designation	225.79	246.91
Light Industrial	I-L designation	50.35	29.23
Conservation	N/A	8.44	8.44

**Tentative Parcel Map No. 2024-08** is a request to subdivide the 280 gross acres among the three subject parcels into 14 parcels, which includes one parcel created to accommodate a ponding basin (see Exhibit "C"). The map coincides with the commercial development layout depicted in the site plan (Exhibit "A"). This includes establishment of warehouse buildings on Parcels 1 through 8, flex industrial and self-storage on Parcels 9 and 10, commercial uses on Parcels 11 through 13, and a ponding basin on Parcel 6A. Reciprocal access and utility easements are established between the parcels and for the creation of access points to the adjacent arterial and collector streets. An 84-foot wide irrevocable offer of dedication is also shown for the extension of Clancy Street, which is a planned collector roadway.

Public Hearing Notice: The above project description corrects an error discovered in the public hearing notice published and mailed to adjacent property owners within 300 feet of the project site. The notice incorrectly identified the number of parcels being created as 13 instead of 14. Staff notes that the discrepancy did not result in any deficiencies with notification to members of the public, nor does it affect the analysis provided within this report.

**Conational Use Permit No. 2024-26** is a request to allow a planned development in conjunction with the development plan and tentative parcel map. The planned development will result in one parcel without public street frontage (Parcel 7) and parcels that are less than the Zoning Ordinance’s minimum site area of five (5) acres in the Light Industrial zone. Access would be provided via three access points along Shirk Street, three access points along Riggin Avenue, and five access points along Kelsey Street. Access points will also be provided along Clancy Street, which will be extended to replace the existing private road and would traverse south to north of the site.

The conditional use permit further considers two pads with drive-through lanes, a convenience store, and a car wash, which are all conditionally permitted in the Light Industrial zone. An operational statement associated with these uses is included as Exhibit “D”.

<b>BACKGROUND INFORMATION</b>
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General Plan Land Use Designation:	Industrial, Light Industrial, Conservation
Existing Zoning:	County AE-40
Zoning upon annexation to City:	Industrial (I), Light Industrial (I-L)
Surrounding General Plan & Land Use:	North: Industrial & Light Industrial / Vacant land, dairy
	South: Industrial & Light Industrial / Vacant land, warehouse and distribution centers, non-operational dairy
	East: Low, Medium & High Densit Residential, Commercial Mixed Use, Parks/Recreation / Agriculture land entitled for master-planned community including a 30-acre commercial center
	West: Industrial / Warehouse and distribution centers
Environmental Review:	Draft and Final Environmental Impact Report for Shirk & Riggin Industrial Park Project, State Clearinghouse #2022080658
Special Districts:	None
Site Plan Review:	SPR No. 24-096, preceded by SPR 21-074

**RELATED PLANS & POLICIES**

Please see attached summary of related plans and policies.

**RELATED PROJECTS**

None.

## PROJECT EVALUATION

Staff supports the annexation based on the project's consistency with the Land Use Element of the General Plan.

Specifically, Annexation No. 2024-03 will facilitate a new industrial park on a 284-acre site in a manner that is consistent with the General Plan land use designations that exist within the project site, and will complement existing development to the south and west.

Furthermore, staff recommends approval of Tentative Parcel Map No. 2024-08, Conditional Use Permit No. 2024-26, and General Plan Amendment No. 2025-01, based on the project's consistency with the Land Use Element of the General Plan and the Zoning and Subdivision Ordinances.

### **Annexation to City limits**

The project area is made up of three properties totaling 280 acres. The annexation further includes an additional 4 acres of public right-of-way to capture the remaining overall width of Riggan Avenue located between the existing two-lane roadway and the private property (see plat map included in Resolution).

The proponent of the annexation owns all three parcels. The parcels are surrounded on three sides by the City limits; only the property to the north, across from Modoc Ditch, is outside of the City limits.

A majority of the parcels are currently developed with an orchard, with small portions containing vacant land and a ponding basin. Surrounding land uses include industrial development to the south and west and agricultural operations to the north and east.

The easternmost portion of the site, consisting of about 50 acres, contains a land use and pre-zoning designation of Light Industrial and is closest to the Residential land use designations as identified in the General Plan. The remaining portion on the westerly side of the site, consisting of about 226 acres, contains a land use and pre-zoning designation of Industrial.

### **Plan for City Services**

City Services, including Police and Fire protection, will be provided to the project site area upon annexation. Sanitary sewer service is available to all three parcels, as is water service through the California Water Service Company. Following annexation and development, the full complement of city services and programs will be provided, including but not limited to Solid Waste and maintenance of any future streets.

### **General Plan Consistency**

Being that the General Plan Land Use Diagram designates the project area as Light Industrial and Industrial, annexation of the area will thus result in the parcels being zoned Light Industrial (I-L) and Industrial (I).

All parcels are within the Tier I Urban Development Boundary. Annexation of these parcels is consistent with Land Use Policy LU-P-20, which states *"allow annexation and development of residential, commercial, and industrial land to occur within the "Tier I" Urban Development Boundary (UDB) at any time, consistent with the City's Land Use Diagram."*

The site can be serviced with all the requisite utility and infrastructure available to serve the site upon development. Cities can approve tentative maps prior to final approval of the annexation by the local agency formation commission (i.e., LAFCO) but cannot approve a final subdivision or parcel map until after the land is annexed and the annexation is recorded through the Tulare County Recorder. Staff has included this requirement as a condition of approval for Tentative Parcel Map No. 2024-08.

While the City finds the annexation of the parcels totaling 280 acres consistent with City policies, Tulare County Local Agency Formation Commission (LAFCO) will need to analyze that the annexation will not cause an impact towards exceeding a 20-year supply of industrial land within the existing City limits, as a guideline for determining conformance with State Government Code 56377.

The project is otherwise consistent with the General Plan. Specifically, the project constitutes a master planned concept for an industrial park located within the Tier I Urban Development Boundary. The project is consistent with General Plan Land Use Policy LU-P-99 calls for allowing warehousing and distribution and other industrial related uses with supporting commercial services within the Industrial land use designation. Furthermore, the project upholds Land Use Policy LU-P-103 which calls for incorporating buffering land uses and is implemented through the planned development of smaller scale flex space, storage, and commercial.

### **Consistency of General Plan Amendment with City's General Plan**

The proposed General Plan Amendment will result in an overall reduction of 21.12 acres of Light Industrial land use designation, wherein this area will be added to the Industrial land use designation.

The Light Industrial land use designation is called out on the General Plan on the west side of Shirk between Doe Avenue and Avenue 320 for the purpose of creating a transition between the Industrial land use designations further to the west and the residential land use designations directly east of Shirk Street. At the project site, the depth of the Light Industrial designation is approximately 1,000 feet from Shirk Street after dedication is taken for the full right-of-way.

The General Plan Amendment will reduce the Light Industrial designation in order to create a separation between the large warehouse / distribution type buildings and the smaller industrial buildings. The area of designation being changed from Light Industrial to Industrial is shown on the project as being planned for warehouse / distribution type buildings, which is a use allowed by right in the Light Industrial zone designation.

Although the area of Light Industrial is being reduced, the site still provides Light Industrial in a manner that assigns with the original intent of this land use at this location. A majority of the remaining Light Industrial designation calls for the use of small-scale flex industrial space, self-storage, and commercial uses in this space, to provide a transition to residential uses. The inclusion of an arterial road right-of-way, landscape setbacks, and building placement continues to provide separation between the Industrial and Residential land use designations.

### **Active Agriculture Preserve and Land Conservation Contract**

The property currently contains Agriculture Preserve No. 293 and Land Conservation Contract No. 2735. In accordance with the Williamson Act (California Government Code Section 51200), the contract must be cancelled or shall expire from its contract prior to development.

In 2022, the property owner applied to the County of Tulare to cancel the portion of the contract that covers the site. Tentative cancellation was granted by the Board of Supervisors on November 29, 2022, in accordance with State law, wherein a full Certificate of Cancellation will be issued upon payment of a cancellation fee and applying for cancellation of the Agricultural Preserve.

The property owner may complete the cancellation process prior to the annexation into City limits, or may be required by the Local Agency Formation Commission to finalize the cancellation prior to the annexation being recorded and taking effect. Staff is therefore recommending conditions of approval in the entitlements stating that no permits shall be issued for grading or development on the site until the site is completely removed from the Land Conservation Contract and Agricultural Preserve.

### **Development Standards for Planned Development**

The Conditional Use Permit will allow for the property to be subdivided as a planned development with lots below the minimum site area requirement of five (5) acres and a lot to be developed without public street frontage. Notwithstanding, the existing Zoning Ordinance development standards in the I-L and I zones (Municipal Code Section 17.22.060) adequately address setbacks for all parcels. These setbacks are prescribed as being zero feet from all property lines excepting where parcels are fronting along roadways, wherein the amount of setback is determined by the roadway classification as defined on the Circulation Element Map. The site plan depicts compliance with all setback requirements of the I-L and I zones.

### **Analysis of Commercial Uses at Shirk & Riggin Intersection**

The project includes a convenience store with drive-through lane, fueling station, restaurant pad with drive-through lane, and a car wash. All uses are conditionally allowed in the I-L zone excepting the fueling station which is permitted by right. The project's phasing plan anticipates these uses together with the self-storage facility to be developed in Phase 2, following the Phase 1 development of two large industrial buildings fronting Kelsey Street.

Detailed architectural drawings of the commercial uses have not been prepared given the premature nature of the uses and confirmation of the final tenants, although conceptual design drawings have been submitted by the applicant as Exhibit "E". Finalized site plans will be required to be submitted to the City and evaluated by Site Plan Review prior to issuing building permits.

Staff has determined that the submittal of actual architectural drawings and an additional noise study, per Mitigation Measure MM NOI-1, may be deferred based upon the circumstances of the proposed project, its location, and the project Environmental Impact Report's mitigation measure pertaining to noise impacts. The uses are considered supporting commercial uses toward the larger proposed industrial park and are shown on the tentative parcel map and site plan to have substantial lot sizes to accommodate on-site circulation. Recommended conditions of approval in the Conditional Use Permit require the uses to be developed at the same location, quantity and scale as shown on the site plan and described in the operational statement. Further, any deviation to the quantity and scale would require a new or amended conditional use permit.

Surrounding land uses will be future industrial land uses to the north, west, and south, future commercial uses to the east, and existing residential uses to the southeast. The existing residential uses (i.e., an established senior housing community at the southeast corner of Shirk & Riggin) are considered a sensitive receptor and would be located, measuring between property lines, approximately 200 feet to the restaurant with drive-through and approximately 500 feet to the car wash. The project's acoustic analysis (Appendix H of the EIR) concludes potentially significant impacts from the car wash though not from the drive-through lane. Mitigation Measure NOI-1 would require an in-depth study of the car wash prior to the issuance of building permits to ensure that the design, mechanical equipment, and hours of operation would be compatible with Municipal Code requirements.

## **Subdivision Map Act Findings**

California Government Code Section 66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven “negative” findings have come to light through a recent California Court of Appeal decision (*Spring Valley Association v. City of Victorville*) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff’s analysis are below. Recommended findings in response to this Government Code section are included in the recommended findings for the approval of the tentative parcel map.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed maps and its affiliated development plan, which is designated as Industrial and Light Industrial, and is developed at densities that are within the allowed ranges of the specified land use designations. This is included as recommended Finding No. 3 of the Tentative Parcel Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Industrial and Light Industrial. This is included as recommended Finding No. 4 of the Tentative Parcel Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvements of the map has not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This finding is further supported by the project’s determination of no new effects under the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 7 of the Tentative Parcel Map.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has not been found to cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 4 of the Tentative Parcel Map.



## **Traffic Impact Study**

A Traffic Impact Study (TIS) was prepared for the proposed project (ref.: Shirk Riggin Industrial Park, Kimley Horn, February 2024), attached as Appendix I of the EIR. The purpose of the study is to analyze traffic conditions related to buildout of the project and its projected level of service (LOS) at multiple traffic scenarios, including Existing conditions, Near-Term opening year projection, and at Long Term operating scenarios at 5, 10, and 20 years beyond buildout, and the corresponding environmental impact as required by the California Environmental Quality Act (CEQA).

The TIS concluded that various intersection improvements are needed at the different buildout scenarios and timeframes. Intersection improvements are summarized in Section 3.14.7 in the EIR.

Mitigation measures have been included in the Environmental Impact Report to address the roadway deficiencies described above, addressing various intersections.

For the Near-Term conditions, the following improvements are specified as mitigation measures, to be completed in association with various phases. Certain improvements, while required to be constructed, would coincide with the City's Transportation Impact Fee program wherein construction costs can be paid back over time.

- Measures TRANS-3 and TRANS-4 require extending turn lanes or adding turning lanes to the intersections of Plaza Drive / Riggin Avenue and Shirk Street / Riggin Avenue. These improvements will be tied to the completion of project phases 1 and 2.
- Measure TRANS-5 requires signaling the Shirk Street and Ferguson Avenue intersection prior to the issuance of final occupancy of any portion of project area. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.
- Measure TRANS-6 requires that prior to the final occupancy of any portion of Phase 3, a fair share contribution be made towards the signalization of Roeben Street / Ferguson Avenue. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.
- Measure TRANS-7 requires restriping the Akers Street / Riggin Avenue intersection to incorporate additional turn lanes and through lanes. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.
- Measure TRANS-8 requires restriping the Akers Street / Ferguson Avenue intersection to incorporate additional turn lanes and through lanes. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.
- Measure TRANS-9 requires extending turn lanes in the southbound lanes of the Akers Street / Goshen Avenue intersection. This would include pro rata cost sharing with the adjacent Carleton Acres Specific Plan project.

It should be noted that the City of Visalia is expected to break ground on a grant-funded Riggin Avenue widening project between Kelsey and Shirk Streets (1.0 miles), encompassing all of the project's Riggin Avenue frontage. Utility pole relocation is expected to occur in the first half of 2025, while the roadway widening will be completed by the end of 2025.

The proposed project is expected to increase VMT (Vehicle Miles Travelled) per employee within the Traffic Analysis Zone (TAZ) it is located by approximately 0.15 miles, or 1.54 percent of the total miles traveled. Therefore, the proposed project would result in a significant VMT impact, requiring additional Mitigation Measures in order to assist with reducing the project's VMT impact.

These measures consist of dedicating land and constructing a bike path along the south side of Modoc Ditch, installing secured bicycle storage lockers.

As a result, with implementation of all feasible mitigation measures, the project EIR concludes that full buildout of the Project will result in a less than significant impact with mitigation incorporated.

### **Environmental Review**

A Draft and Final Environmental Impact Report (EIR) (State Clearinghouse Number 2022080658), incorporated herein by reference, has been prepared in association with the Shirk and Riggin Industrial Park project, in accordance with the California Environmental Quality Act (CEQA).

It should be noted that this project would not be subject to Assembly Bill 98 pertaining to logistic uses, passed by California Legislature on September 30, 2024, since this project was initiated and had its Draft Environmental Impact Report circulated for review prior to the effective date of the bill, and is therefore considered to be currently in a local entitlement process per the law.

#### *Significant and Unavoidable Impacts*

The EIR has determined that all project impacts were either less than significant or could be mitigated to a less than significant level with the exception of the following impacts that are considered significant and unavoidable:

- **Agriculture & Forestry Resources** – Conversion of prime farmland (project level)
- **Agriculture & Forestry Resources** – Conversion of prime farmland (cumulative level)
- **Air Quality** – Implementation of the applicable Air Quality Plan (project level)
- **Air Quality** – Cumulatively considerable net increase of nitrogen oxide (NOX) during construction, and reactive organic gas (ROG), NOX, and particulate matter 10 micrometers or less in diameter (PM10) during operation (project level)
- **Air Quality** – Exceeding certain identified construction and operational significance thresholds (cumulative level)
- **Noise** – Mobile source operational noise (project level)
- **Noise** – Exceeding certain identified operational significance threshold (cumulative level)

Pursuant to CEQA Guidelines sections 15043, 15091 and 15092, the City, as the Lead Agency, may still approve a project for which the EIR identifies significant and unavoidable environmental impacts resulting from the project. This requires the adoption of a Statement of Overriding Considerations for each environmental impact that falls into the category of significant and unavoidable.

The decision to adopt a Statement of Overriding Considerations must be supported by factual documentation that supports the decision that:

1. There is no feasible way to lessen or avoid the significant impact; and,
2. Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.

The findings and recommended conclusions for each of the seven environmental analysis areas noted above are contained in the resolution recommending certification of the EIR.

#### *Mitigation Measures*

The EIR further disclosed mitigation measures that are incorporated into the project to reduce or

avoid significant effects on the environment. The measures address the following resources:

- Seven (7) mitigation measures pertaining to **Air Quality** for impacts of the project having a considerable net increase of a critical pollutant for which the project region is nonattainment.
- Seven (7) mitigation measures pertaining to **Biological Resources** for impacts of the project to special-status wildlife species possible to occur on-site (i.e., Swainson's hawk, burrowing owl, San Joaquin Kit Fox).
- Four (4) mitigation measures pertaining to **Cultural Resources** to reduce the impacts of the project on the potential of exposing historical or archaeological materials during construction.
- Three (3) mitigation measures pertaining to **Geology and Soils** to address potential impacts related to grading, the potential for on-site erosion due to project construction and operation, and the potential of exposing a fossil during construction.
- Two (2) mitigation measures pertaining to **Greenhouse Gas Emissions** to address the potential for the project to conflict with an agency plan adopted for the purpose of reducing the emissions of greenhouse gases.
- One (1) mitigation measure pertaining to **Hazardous Materials** to address the potential presence of abandoned or unrecorded wells.
- Two (2) mitigation measures pertaining to **Noise** to address the impacts of drive-through lane and car wash noise upon noise-sensitive land uses, and the potential of any other specific uses that could result in a noise-related conflict.
- Eleven (11) mitigation measures pertaining to **Transportation** for addressing impacts to Vehicle Miles Travelled, Level Of Service, and construction traffic.
- One (1) mitigation measure pertaining to **Utilities and Service Systems** for addressing the potential to attain solid waste reduction goals.

### *Project Alternatives*

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed Project that could feasibly attain most of the objectives of the proposed Project. This Draft EIR analyzed the following alternatives:

- **Reduced Footprint Alternative:** Under this Alternative, the site would be developed in a manner largely similar to the Project, except that the project would have a reduced overall footprint of development consisting of 142 acres of developable land and 142 acres preserved in agriculture use.
- **Alternative Location:** Under this Alternative, the site would be developed like the Project Concept at a different location, on 290 acres west of Plaza Drive and Riggins Avenue.
- **No Project Alternative:** Under this Alternative, the Project would not be constructed, and the site would remain in agricultural production.

### *Public Review and Recommendation*

Circulation of the Draft EIR followed a Notice of Availability period wherein the Draft EIR was duly noticed and conducted for the project for a 45-day public review and comment period from April 11 to May 28, 2024. The City of Visalia is the lead agency for the preparation of the EIR. Seven comment letters were received during this public review period. City staff and the preparer of the EIR have prepared responses to the comments received (refer to the Final EIR, dated January

2025). The Draft Program EIR, including the technical appendices, all the comments received and the responses to these comments, constitute the Final EIR.

The Planning Commission is asked to review the overall content of the Final EIR, the responses to the comments received to date, and consider any further testimony received during the public hearing. At the conclusion of the public hearing, the Planning Commission will make its recommendations on the Final EIR and entitlements, including recommendations to the City Council where they have final authority. The recommendations will be forwarded to the City Council in Resolution form to be included in the materials presented to the City Council for its final determination. The certification of the EIR for this project rests with the final approving body, which is the City Council.

## **RECOMMENDED FINDINGS**

### **Environmental Impact Report (State Clearinghouse Number 2022080658)**

The findings are incorporated into Resolution No. 2025-05.

*If the Planning Commission finds that the Annexation, GPA, and Agreement are consistent with the intent of the General Plan, staff recommends that the following findings be made:*

### **Annexation No. 2024-03**

1. That the Annexation is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Annexation, which will re-designate 280 acres of AE-40 (Agricultural Exclusive 40-acre) County zone district to Industrial (I) and Light Industrial (I-L) zone, will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the parcel is located within an Agricultural Preserve and a Land Conservation Contract, for which a Notice of Non-Renewal has been filed, and which has been approved for Tentative Cancellation by the Tulare County Board of Supervisors subject to the payment of a penalty fee.
4. That the parcel will be annexed into Voting District 3 per the Council Election Voting District Map.
5. That this Annexation is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggin Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this Annexation request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

### **Development Agreement**

1. That the proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan, any applicable specific plan, and/or any proposed amendment to the general plan or applicable specific plan submitted simultaneously and in conjunction with the proposed development agreement. The agreement speaks toward the development and operation of the project by the developer in a manner that is consistent with applicable city law in accordance with phasing and the payment of fees as described therein. No specific plans are applicable to the project.

2. That the proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located. The development is predicated upon the project's underlying General Plan land use designation of Industrial and Light Industrial, and the corresponding pre-zoning of Industrial and Light Industrial that is detailed and confirmed in the project's Pre-Annexation Agreement.
3. That the proposed development agreement is in conformity with public convenience, general welfare and good land use practice. As stated in Recital J of the Agreement, it eliminates or reduces uncertainty regarding project approvals, including the subsequent approvals, thereby encouraging planning for, investment in and commitment to the contemplated uses and development of the property as envisioned by the project.
4. That the proposed development agreement will not be detrimental to the public health, safety and general welfare. The City has made the findings, in connection with the project's entitlements and environmental analysis as required under California Environmental Quality Act, regarding the project as it relates to public health, safety and general welfare, based upon its compliance with the General Plan, Zoning Ordinance, and project mitigation measures. This development agreement does not enact terms beyond the scope of the project that would put at risk any public health, safety, and general welfare.
5. That the proposed development agreement will not adversely affect the orderly development of property or the preservation of property values. The development agreement reinforces the project phasing as described in Section 5.1 and addresses any potential default against a mortgage lien in Section 8.1.
6. That this Development Agreement is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggan Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this General Plan Amendment request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

### **General Plan Amendment No. 2025-01**

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment, which results in an overall reduction of 21.12 acres of Light Industrial designation and an equal increase in the Industrial designation, will not impose new land uses or development that will adversely affect the subject site or adjacent properties. While the site already incorporates adjoining residential and industrial land use designations that are separated by an arterial street, the proposed General Plan Amendment does not significantly increase the disparity of the use of Light Industrial land use designation as a buffer from residential uses, based upon the site development plan which calls for the use of small-scale flex industrial space, self storage, and commercial uses.
3. That the General Plan Amendment will continue to help facilitate the development of a master planned industrial park within the Tier I Urban Development Boundary, consistent with General Plan Policies, including Policy LU-P-99 which calls for allowing warehousing and distribution and other industrial related uses with supporting commercial services, and including Policy LU-P-103 which calls for incorporating buffering land uses and is implemented through the planned development of smaller scale flex space, storage, and commercial.

4. That this General Plan Amendment is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggan Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission and City Council's consideration of this General Plan Amendment request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

#### **Tentative Parcel Map No. 2024-08**

1. That the proposed location and layout of the tentative parcel map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site does not directly abut any existing developed uses, and development standards contained within the City's Zoning Ordinance such as setbacks and landscaping will address land use conflicts.
3. That the site is physically suitable for the proposed tentative parcel map. The project is consistent with the intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is situated on land designated for Industrial and Light Industrial use.
4. That the site is physically suitable for the proposed tentative parcel map which is consistent with the underlying Industrial and Light Industrial Land Use Designation and zone. The design of the proposed parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed industrial / commercial map. The industrial / commercial parcel map is designed to comply with the City's Engineering Improvement Standards. Areas of dedication will be obtained as part of the tentative map recording for new street improvements, including the construction of curb, gutter, curb return, sidewalk, parkway landscaping, and pavement.
5. That the proposed location of the tentative parcel map is in accordance with the Visalia General Plan and the objectives of the Zoning and Subdivision Ordinances. The proposed location of the parcel map is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Certain General Plan policies, such as LU-P-100, identify the implementation of development standards to ensure that new industrial / commercial development will contribute to positive land use compatibility.
6. That there is no evidence that the project would cause quantifiable significant unavoidable impacts on public health and safety. The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance and development standards.
7. That the design of the parcel map or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
8. That the proposed parcel sizes resulting from the parcel map are consistent with the Zoning Ordinance's Planned Development and Industrial zone standards since they are part of a master planned development as identified in Site Plan Review Item No. 2024-096 and in the Shirk and Riggan Industrial Park Project Environmental Impact Report.

9. That this Tentative Parcel Map is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggan Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission's consideration of this Tentative Parcel Map request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

### **Conditional Use Permit No. 2024-26**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That this Conditional Use Permit is consistent with the project description and the analysis contained in the Final Environmental Impact Report (FEIR) (SCH# 2022080658), specifically for development that is identified and described in the Shirk and Riggan Industrial Park Project, and for which said FEIR is recommended to be certified by the City Council precedent to the Planning Commission's consideration of this Conditional Use Permit request, consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

## **RECOMMENDED CONDITIONS**

### **Annexation No. 2024-03**

1. Upon annexation, the territory shall be zoned Industrial (I) and Light Industrial (I-L) zone, consistent with the underlying General Plan land use designations as proposed through the General Plan Amendment.
2. That the applicant(s) enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The draft Pre-Annexation Agreement is attached herein as Attachment "B" of Resolution No. 2025-06. The agreement is subject to final approval by the City Council of the City of Visalia.
3. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
4. That the parcel will be annexed into Voting District 3 per the Council Election Voting District Map.

### **Tentative Parcel Map No. 2024-08**

1. That the parcel map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2024-096 incorporated herein by reference.
2. That Tentative Parcel Map No. 2024-08 be prepared in substantial compliance with the parcel map in Exhibit "C".

3. That a common access, maintenance, and landscaping agreement be entered into for all project parcels. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, stormwater basins and related infrastructure, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
4. That Conditional Use Permit No. 2024-26 be approved, and that requirements of the use permit that relate to this map shall be fulfilled.
5. That approval of Tentative Parcel Map No. 2024-08 shall not become effective unless Annexation No. 2024-03, placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO) and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2024-03.
6. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
7. That all applicable federal, state, regional, and city policies and ordinances be met.
8. That the mitigation monitoring and reporting program and its mitigation measures adopted with the Final Environmental Impact Report certified for the project (State Clearinghouse 2022080658) and all conditions of this project be met during construction and upon final occupancy and ongoing operation of the project.

### **Conditional Use Permit No. 2024-26**

1. That the project be developed in substantial compliance with Site Plan Review No. 2024-096.
2. That the commercial uses illustrated on the site plan in Exhibit "A" and described in the operational statement in Exhibit "D", consisting of a convenience store with drive-through lane, gas station, car wash, and restaurant pad with drive-through lane, shall be separately submitted to and evaluated by the Site Plan Review group as described in Visalia Municipal Code Chapter 17.28 prior to proceeding with applying for the necessary city permits. No additional conditional use permit nor an amendment to a conditional use permit is required for these uses if they are developed at the same quantity and scale shown on the site plan and described in the operational statement.
3. That the project shall be developed in general conformity with the site plan in Exhibit "A", with specific details of the development layout to be confirmed through Site Plan Review as described in Condition No. 2. Any subsequent changes to the development plan layout depicted in Exhibit "A" shall be reviewed and approved by the Site Plan Review Committee and may be subject to an amendment of the Conditional Use Permit.
4. That a queuing analysis shall be submitted, accepted, and implemented for each of the drive-through lanes associated with the commercial uses.



5. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, stormwater basins and related infrastructure, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
6. That the car wash and drive-through queue lanes shall not be visible from the public right-of-way. This shall be achieved by designing the site in a manner such that the queue lane is not located parallel with public street frontages, or by incorporating screening along a queue lane to a minimum height of three feet utilizing a combination of berms, hedges, and/or landscape materials, or solid walls if necessary.
7. That a noise analysis addressing noise impacts pertaining to the car wash, in conformance with the City of Visalia's Noise Ordinance (Chapter 8.36) shall be required and accepted by the City Planner prior to issuance of any building permit. Compliance of the noise levels, subject to the Visalia Noise Ordinance, shall be verified by the acoustical consultant or their designee prior to operation and building final for the carwash use.
8. That any car wash hours of operation beyond 7:00 p.m. shall only be permissible if supported by a noise analysis that confirms the car wash will not be inconsistent with the City of Visalia's Noise Ordinance (Chapter 8.36).
9. That adequate means of eliminating grease and oils from drainage systems shall be incorporated into the car wash facility, such as through the installation of a sand-oil separator.
10. That a separate Conditional Use Permit shall be obtained for any additional conditionally-allowed uses not already shown on the site plan attached as Exhibit "A" that subsequently locate on the site.
11. That no permits shall be issued for grading or development on the site until the site is completely removed from any applicable Land Conservation Contracts and Agricultural Preserves encumbering the site.
12. That all applicable federal, state, and city laws and codes and ordinances be met.
13. That all of the conditions and responsibilities of Conditional Use Permit No. 2024-26 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
14. That the mitigation measures found within the Mitigation Monitoring Reporting Program for the Shirk and Riggin Industrial Park Project Environmental Impact Report (SCH# 2022080658) are hereby incorporated as conditions of this Conditional Use Permit.

## APPEAL INFORMATION

### **Annexation No. 2024-03 and General Plan Amendment No. 2025-01**

For the Annexation and General Plan Amendment, the Planning Commission's recommendation is advisory only. The final decision will be by the Visalia City Council following a public hearing. Therefore, the Planning Commission's recommendation in this matter is not appealable.

### **Tentative Parcel Map No. 2024-08 and Conditional Use Permit No. 2024-26**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.28.080, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the City's website at:

[https://www.visalia.city/government/committees/planning\\_commission/default.asp](https://www.visalia.city/government/committees/planning_commission/default.asp).

#### **Attachments:**

- Related Plans and Policies
- Resolution No. 2025-05 – Recommendation of certification of Final EIR
- Resolution No. 2025-06 – Annexation No. 2024-03
  - Attachment "A" – Annexation Area
  - Attachment "B" – Pre-Annexation Agreement
- Resolution No. 2025-07 – Development Agreement for Shirk-Riggin Industrial Park
- Resolution No. 2025-08 – General Plan Amendment No. 2025-01
- Resolution No. 2025-09 – Tentative Parcel Map No. 2024-08
- Resolution No. 2025-10 – Conditional Use Permit No. 2024-26
- Exhibit "A" – Site Plan
- Exhibit "B" – Phasing Map
- Exhibit "C" – Tentative Parcel Map
- Exhibit "D" – Operational Statement
- Exhibit "E" – Conceptual Design Plans
- Draft Environmental Impact Report (for EIR Appendices, refer to website link below)

The Draft EIR is also found at <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=55426>

- Final Environmental Impact Report

The Final EIR is also found at <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=57144>

- Comments from Site Plan Review No. 2024-096
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

#### **Available online via City of Visalia Website:**

- EIR Appendices: <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=55428>

## RELATED PLANS AND POLICIES

**General Plan and Zoning:** The following General Plan and Zoning Ordinance policies apply to the proposed project:

### **General Plan Land Use Policies:**

- LU-P-19** Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.
- LU-P-99** Update the Zoning Ordinance to reflect the Industrial designation on the Land Use Diagram, to allow for primary manufacturing, processing, refining, and similar activities including those with outdoor facilities and also accommodate warehousing and distribution with supporting commercial services and office space. Retail is not permitted.
- LU-P-100** Establish zoning standards to assure high quality design and site planning for largescale industrial development.
- Standards should include requirements for landscaping in parking lots, along perimeters and along building foundations visible from the street; visual screening of loading and parking areas visible from the street and adjacent residential neighborhoods; and basic requirements to break up large building masses and provide a unified façade treatment.*
- LU-P-101** As part of industrial developments, allow secondary uses such as restaurants, cafes, small convenience stores and day care facilities, to serve area employees.
- LU-P-102** Ensure the timely completion of necessary infrastructure to support new industrial development.
- LU-P-103** Require buffering land uses adjacent to existing or planned residential areas adjacent to industrial designations. Such uses may include parks, drainage ponds, open space, or other such uses.
- LU-P-104** Preserve land designated for light and heavy industrial uses by limiting the intrusion of free-standing retail commercial or service commercial uses.
- LU-P-105** Assist, on a case by case basis, in the relocation of older, existing service commercial and industrial uses from East Downtown or other redevelopment project areas to areas designated for similar uses.
- LU-P-106** Develop performance standards to supplement and augment design standards to minimize the negative impacts (glare, signage, noise, dust, traffic) associated with the establishment of new or expansion of existing service commercial and industrial development.
- LU-P-107** Reserve adequate sewage treatment plant capacity and sewerage capacity to meet the projected needs of industrial growth, and allow "package plants" where they represent a more fiscally appropriate solution if approved by the Department of Public Works.

## **Zoning Ordinance:**

### **Chapter 17.22 INDUSTRIAL ZONES**

#### **17.22.010 Purposes.**

- A. The two types of industrial zones included in this chapter are designed to achieve the following:
1. Encourage the location of new industries that do not generate substantial amounts of pollutant emissions, impacts on air quality, or other natural resources;
  2. Ensure compatibility between industrial lands and adjacent dissimilar land uses;
  3. Retain and strengthen the city's role as a regional manufacturing center in the Southern Central San Joaquin Valley;
  4. Provide appropriate industrial areas to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment;
  5. Provide adequate space to meet the needs of industrial development, including off-street parking and loading;
  6. Direct industrial uses to and encourage expansion of the northwest industrial areas;
  7. Protect areas appropriate for industrial use from intrusion by dwellings and other conflicting uses;
  8. Protect residential and commercial properties and nuisance-free nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, fire, explosion, noxious fumes, radiation and other hazards and objectionable influence incidental to certain industrial uses;
  9. Preserve land designated for light and heavy industrial uses by limiting the intrusion of commercial or service commercial uses.
- B. The purpose of the industrial land use zones are as follows:
1. Light Industrial Zone—( I-L). The purpose and intent of the Light Industrial zone district is to provide an area for uses that are characterized by low intensity research and development, warehousing and limited manufacturing and production, processing, assembling and packaging or treatment of food products from previously prepared materials. Uses that may restrict the operation of the above due to sensitivity to noise, truck traffic, etc., are not provided in this district.
  2. Industrial Zone—( I). The purpose and intent of the Industrial zone district is to provide an area for uses that are characterized by the manufacturing, processing or assembling of semi-finished or finished products from raw materials. Uses that may restrict the operation of the above due to sensitivity to noise, truck traffic, etc., are not provided in this district. (Ord. 2017-01 (part), 2017: prior code § 7392)

#### **17.22.015 Applicability.**

The requirements in this chapter shall apply to all property within the I and I-L zone districts. (Ord. 2017-01 (part), 2017)

#### **17.22.020 Permitted uses.**

Permitted uses in I and I-L zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017: prior code § 7393)

#### **17.22.030 Conditional and temporary uses.**

Conditional and temporary uses in the I and I-L zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017: prior code § 7393)

#### **17.22.040 Required conditions.**

- A. No use shall be permitted and no process, equipment or materials shall be employed which is determined by the planning commission to be injurious to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinder, refuse, noise, vibration, illumination, glare or heavy truck traffic or to involve any hazard of fire or explosion or to emit electrical disturbances that adversely affect commercial or electronic equipment outside the boundaries of the site;
- B. No use shall emit visible smoke of a shade equal to or darker than No. 2 on a standard Ringelmann Chart issued by the United States Bureau of Mines or smoke of an equivalent opacity, except that smoke of a shade equal to No. 3 on the Ringelmann Chart may be emitted for four minutes in any thirty (30) minute period;
- C. A site plan review permit must be obtained for all development in an I-L or I zone, subject to the requirements and procedures in [Chapter 17.28](#). (Ord. 2017-01 (part), 2017: prior code § 7395)

**17.22.050 Off-street parking and loading facilities.**

Off-street parking facilities and off-street loading facilities shall be provided on the site of each use as prescribed in [Chapter 17.34](#). (Ord. 2017-01 (part), 2017: prior code § 7396)

**17.22.060 Development standards in the I-L and I zones.**

- A. The I-L and I zone districts include streets of varying width, carrying capacity and intended service. The development standards vary by type of street in order to maintain a consistent streetscape and achieve a high quality visual impact necessary to sustain an attractive and viable industrial area. The following development standards shall apply to property located in the I-L and I zones:
  - A. Minimum site area: five (5) acres.
  - B. Maximum building height: seventy-five (75) feet.
  - C. Minimum required yards (building setbacks):
    - 1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);
    - 2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);
    - 3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);
    - 4. Rear: zero (0) feet;
    - 5. Rear yards abutting an R-1 or R-M zone district: twenty (20) feet;
    - 6. Side: zero (0) feet;
    - 7. Side yards abutting an R-1 or R-M zone district: twenty (20) feet;
    - 8. Side abutting railroad right-of-way: twenty-five (25) feet.
  - D. Minimum required landscaped yard (setback) areas:
    - 1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);
    - 2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);
    - 3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);

4. Rear: zero (0) feet;
5. Rear yards abutting an R-1 or R-M zone district: ten (10) feet;
6. Side: zero (0) feet;
7. Side yards abutting an R-1 or R-M zone district: ten (10) feet;
8. Side abutting railroad right-of-way: twenty-five (25) feet.

E. Additional standards:

1. Properties subdivided into parcels of less than five acres shall provide a common or joint storm drainage facility or pond, to be maintained through a private property owners' association formed at the time of subdivision.
2. An eight-foot masonry wall is required along property line where a site abuts an R-1 or R-M zone district. (Ord 2017-01 (part), 2017)