



AGENDA

SPECIAL CITY COUNCIL MEETING

CITY OF BANNING, CALIFORNIA

February 28, 2023

4:00 p.m.

In Chambers and via Zoom

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

This meeting is being held via Zoom so that members of the public may observe and participate in this meeting electronically. If you participate in this meeting via Zoom, you are agreeing to abide by the City's Zoom Community Standards for Public Meetings (provided in full on the last page of the agenda). Esta reunión se lleva a cabo en la Cámara y a través de Video/Teleconferencia en Zoom para que los miembros del público puedan observar y participar en esta reunión de manera electrónica. Si elige participar en esta reunión a través de Zoom, acepta cumplir con los Estándares comunitarios de Zoom para reuniones públicas de la ciudad (que se proporcionan en su totalidad en la última página de la agenda).

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/81007280759?pwd=d0JCK0oyeGhOQk5Cek1kd3FJUmlsQT09>

**Meeting ID: 810 0728 0759
Password: 092220**

Dial in: +1 669 900 9128 • Meeting ID: 810 0728 0759

1. CALL TO ORDER

Roll Call

2. PUBLIC COMMENT – Agenda Items Only

3. WORKSHOP

3.1. Discussion of Possible Annexation of Unincorporated Areas into the City of Banning..... **4**

Recommendation: City Council conduct a workshop to review and discuss future annexations into the City.

4. ADJOURNMENT

Zoom Community Standards for Public Meetings

By participating in this meeting on Zoom, you are agreeing to abide by the City of Banning's Community Standards for Public Meetings. Zoom attendees that fail to adhere to these standards may be removed from the meeting room.

- Your microphone must remain on mute, and you may only unmute your microphone when/if you are recognized by the Mayor.
- Your camera must be turned off unless/until you are recognized by the Mayor.
- To indicate a desire to make Public Comment, you must use the Raise Hand function. The Mayor will not recognize those who have not used the Raise Hand function.
- Public Comment from Zoom attendees will immediately follow in person comment from members of the public in Council Chambers.
- If you fail to adhere to these community guidelines, **you may be removed** for disrupting the meeting occurring in Council Chambers. You may rejoin the meeting but may be removed for each violation of these community standards.
- The chat function will be disabled for all City Council meetings on Zoom.

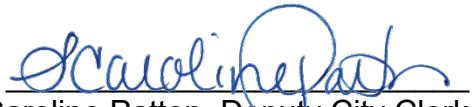
Estándares comunitarios de Zoom para Reuniones Públicas

Al participar en esta reunión en Zoom, usted acepta cumplir con los Estándares Comunitarios para Reuniones Públicas de la ciudad de Banning. Los que atienden por Zoom que no cumplan con estos estándares pueden ser retirados de la sala de reuniones.

- Su micrófono debe permanecer en silencio, y solo puede reactivar su micrófono cuando / si es reconocido por el alcalde.
- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
- Para indicar el deseo de hacer un Comentario Público, debe utilizar la función Levantar la mano. El alcalde no reconocerá a quienes no hayan utilizado la función Levantar la mano.
- Los comentarios públicos de lo que atienden por Zoom seguirán inmediatamente los comentarios en persona de los miembros del público en las Cámaras del Consejo.
- Si no cumple con estas pautas de la comunidad, es posible que lo destituyan por interrumpir la reunión que tiene lugar en las Cámaras del Consejo. Puede volver a unirse a la reunión, pero es posible que lo eliminen por cada violación de estos estándares de la comunidad.
- La función de chat estará deshabilitada para todas las Reuniones del Ayuntamiento en Zoom.

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 4:00 P.M. on the 23rd day of February 2023.



Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through Notify Me (<https://banningca.gov/list.aspx>). Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website (www.banningca.gov/archive).

Public Comment

Agenda Items

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person. *Special meetings do not have public comment periods for non-agenda items.*

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the Office of the City Clerk. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

¿Necesita servicios de traducción para participar? Contacto Oficina del Secretario de la Ciudad.

CONTACT • CONTACTO

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99 East Ramsey Street, Banning, California 92220



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director

MEETING DATE: February 28, 2023

SUBJECT: Discussion of Possible Annexation of Unincorporated Areas into the City of Banning

RECOMMENDATION:

City Council conduct a workshop to review and discuss future annexations into the City.

BACKGROUND:

The municipal boundary of the City extends northerly in a “stair-step” fashion that follows the alignment of the San Gorgonio River up into areas of the National Forest. Within this boundary are two unincorporated communities adjacent to the City’s boundary: more commonly known as the “Banning Bench” and the “Black Bench” communities (hence forth known as “the Project”). Combined, these unincorporated areas include approximately 282 parcels over 872 gross acres.

The Project area is defined as a “Unique Unincorporated Community”, which is defined by Government Code Section 56751 and 56857. The Project area has remained unincorporated due to the direct requests of the area residents, wishing to remain outside the City’s boundaries. The City continues to respect the residents’ desire to remain unincorporated; however, new circumstances have arisen that create an advantage for both the City and the residents to open discussions of potential annexation.

JUSTIFICATION:

The purpose of this Council Workshop is to introduce possible annexation of the Bench area. The primary purpose of annexation is to extend water availability, supply, and infrastructure to existing residents and those wishing to develop their vacant parcels with single-family homes and ancillary structures for light animal keeping, farming, and similar rural residential activities.

LOCATION AND DESCRIPTION OF SURROUNDINGS:

The Bench area is located approximately ½ mile north of Wilson Street and terminates approximately 330-feet northerly of Sing Street, which is located at the terminus of the

Bench community. The distance, north-to-south, is approximately 4.5-miles in length. The widest part of the Bench is approximately 1.7-miles wide, with the narrowest portion is approximately 941-feet.

The study area is depicted in greater detail by the exhibit below:



Figure 1: Aerial Base Map – Banning Bench Unincorporated Areas

LAND USE/ZONING:

The County of Riverside has Land Use and Zoning authority over the Bench area. The County's zoning and land use identify the residential parcels as Residential Agriculture (R-A), along with several density restrictions upon them. The majority of residential parcels are located on either side of Bluff Street, adjacent to both Gilman and Mesa Streets, and also located westerly of Bluff Street in the northerly portions of the Bench, which are also accessible from Doriana Lane and Sing Road.

There are three subcategories of the R-A zone, which designate minimum lot sizes, such as (a) "R-A" half-acre lot minimum, (b) "R-A (0-1 du/ac) one (1) acre lot minimum, and (c) R-A-20,000, 20,000 sq. ft. lot size minimum. The Bench area has approximately 225 lots zoned some variation of the Residential Agricultural zone, which permits single-family dwelling and a wide array of light-agricultural and "homestead" farming activities. The R-A zone also allows light to medium animal keeping such as horses, poultry, rabbits, and other small animals. The zone establishes a maximum of two horses for every 20,000 sq. ft. and two additional horses for each additional acre of property.

The non-residential portions of the unincorporated parcels are zoned "Controlled Development Areas" or "W-2". This zone allows single-family dwellings and has similar standards for agriculture and light animal keeping as the R-A zone, but requires a minimum of one gross acre versus the 20,000 sq. ft. lot required in R-A. There are 33 lots zoned W-2, located in the southerly section of the Bench area. A majority of the W-2 zoned lots are larger parcels and are vacant; however, there are 16 lots zoned W-2 that take access from Sunset Avenue and are south of the "hair-pin" turn at Mesa St.

As part of any annexation process, the City is required to prepare a Pre-Zoning exhibit which demonstrates the possible changes in zoning upon the affected parcels. In this vein, City staff analyzed the Bench properties, reviewed the potential for future development, and evaluated the need for additional infrastructure. Through this effort, each parcel within the Bench area was assigned a zoning classification that most closely matches the existing and planned development anticipated for the newly incorporated parcels. The pre-zoning process also considered the long-standing desires of the existing residents, property owners, and Banning Heights shareholders, and the City is committed to preserve the existing development patterns of the area.

The study area is depicted in greater detail by the exhibit below:

Staff Report: Annexations Workshop

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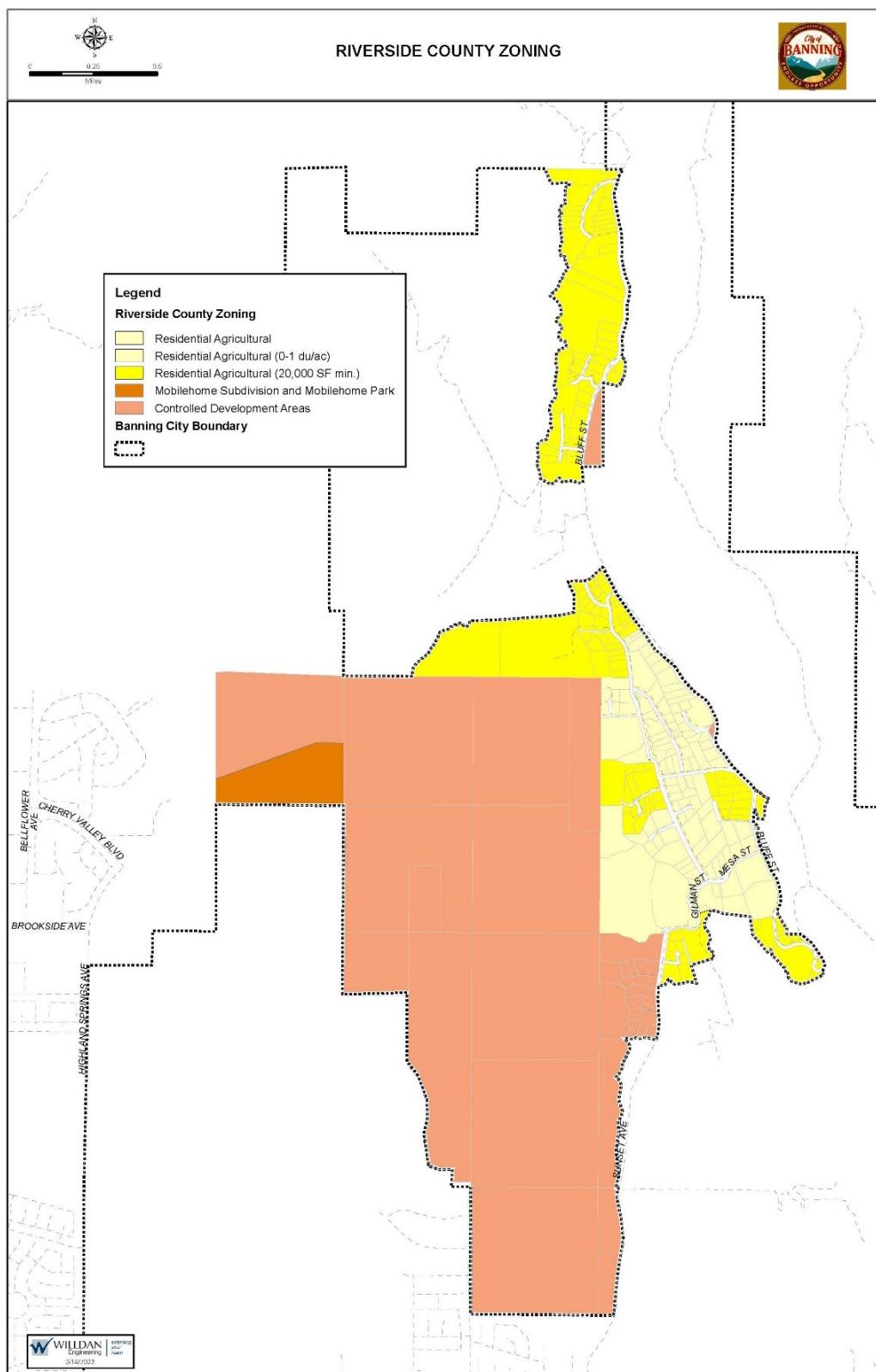


Figure 2: Riverside County Zoning Map

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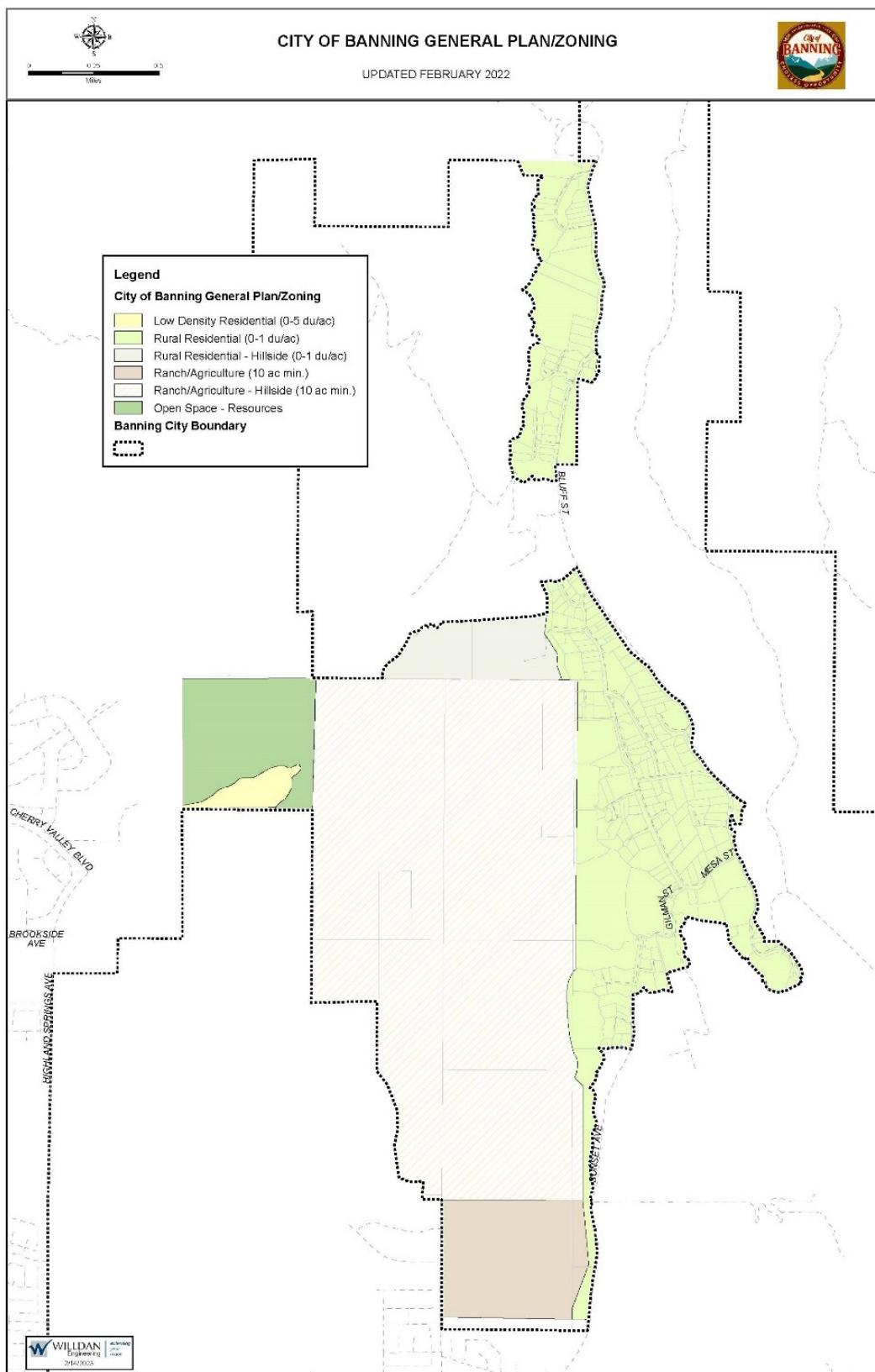


Figure 3: City of Banning General Plan/Pre-Zoning Map

Furthermore, the City does not intend to increase zoning capacity, thereby increasing the number of expected units. The City does not intend to establish growth-inducing infrastructure, such as municipal sewer lines, reclaimed water lines for street and park irrigation, or undertake significant increases in roadway capacity, the realignment of existing roads, or the addition of new collectors or arterial roadways that could accommodate more housing. If annexation is approved, the parcels within the Bench area will be rezoned under the City's Municipal Code and any change to increase residential density, or change residentially zoned parcels to either Commercial or Industrial, must require both a General Plan Amendment, a Zone Change, and a Development Application. The City does not support a zone change without a complete development application, which requires significantly more investment than what is considered a "paper change" on the map.

The City intends to preserve and protect the existing development patterns, current density standards, and prevent any major growth inducing projects. The City does intend to work with the residents in achieving upgrades to existing infrastructure that is currently below a reasonable and safe standard. For example, the City understands that Mias Canyon Rd. may require upgrades and improvements or the existing water system and backbone infrastructure might require upgrades to meet new City standards.

WATER SUPPLY/AVAILABILITY:

The Project area is served by the *Banning Mutual Heights Water Company* ("Banning Heights"), a privately owned water company with service to approximately 200 domestic water meter connections. Banning Heights is a non-profit mutual water company owned by the property owners in the service area who are also shareholders. The Company is within the San Gorgonio Integrated Regional Water Management (IRWM) Group, which also includes the City of Banning, Banning Heights Mutual Water Company, Cabazon Water District, High Valleys Water District, RCFCWCD, and the San Gorgonio Pass Water Agency.

Banning Heights receives a majority of water from the Whitewater Flume ("the Flume"), which was built to provide water and power to the City and Banning Heights. The Flume utilizes approximately 1,000 AF/yr. of the Whitewater River diversions in the Flume (See Figures 3.11 and 3.12 of the City's 2020 UWMP), and the remainder of the diverted water flows into the San Gorgonio River below the Banning Heights extraction point. As the Council is aware, the Flume suffered significant damage along sections of the Whitewater Flume. As such, surface flow is being diverted into Burnt Canyon to the north, and then back to the Whitewater Flume upstream of Powerhouse No. 1.

The long-term supply of water from the Flume is unpredictable due to the age of the facility, the ongoing threat of additional wildfires, and the lack of any redundant infrastructure for back-up or emergency situations. Furthermore, Banning

Heights has established a moratorium upon the issuance of new potable water meters within their service boundary. The inability to obtain potable water effectively halts all new development by property owners that pay annual levies in the form of company shares. Approximately 114 parcels of the 282 parcels in the Project area, are vacant or underdeveloped. Property owners, which are the same Shareholders, continue to pay annual assessments without enjoying the property rights benefits afforded to them underlaw.

ATTACHMENTS:

1. Workshop Exhibits
<https://banningca.gov/DocumentCenter/View/12293/Att-1-Workshop-Exhibits>
2. Draft Plan of Services Checklist
<https://banningca.gov/DocumentCenter/View/12294/Att-2-DRAFT-PLAN-OF-SERVICES-CHECKLIST>

Approved by:



Douglas Schulze
City Manager