



## Legislation Details (With Text)

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<b>Type:</b>	Public Hearing Item	<b>Status:</b>	Agenda Ready
<b>File created:</b>	6/17/2025	<b>In control:</b>	Visalia City Council
<b>On agenda:</b>	7/21/2025	<b>Final action:</b>	
<b>Title:</b>	Prezone Ordinance Adoption - An Introduction and first Reading of Ordinance No. 2025-04, a request by the City of Visalia to adopt a prezone of the property related to Annexation No. 2024-03, undergoing annexation into the City limits of Visalia. The prezone will change zones on the Official Zoning Map of the City of Visalia from 284 acres of unzoned to approximately 253 acres of Industrial (I) zone designation and approximately 31 acres of I-L (Light Industrial), consistent with the land use designations of the Visalia General Plan Land Use Map and consistent with Section 17.06.050 of the Visalia Municipal Code. The proposed Project is located on approximately 284 acres, on the north side of Riggan Avenue between Shirk Street and Kelsey Street. (APN: 077-840-004, 005, 006).		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Attachment 1 Ordinance 2025-04 Prezone for Annex 2024-03, 2. Attachment 2 Staff Report - Shirk-Riggan Industrial Project 3-17-2025, 3. Attachment 3 Related Plans and Policies, 4. Prezone Powerpoint - City Council		

Date	Ver.	Action By	Action	Result
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### Agenda Item Wording:

**Prezone Ordinance Adoption** - An Introduction and first Reading of Ordinance No. 2025-04, a request by the City of Visalia to adopt a prezone of the property related to Annexation No. 2024-03, undergoing annexation into the City limits of Visalia. The prezone will change zones on the Official Zoning Map of the City of Visalia from 284 acres of unzoned to approximately 253 acres of Industrial (I) zone designation and approximately 31 acres of I-L (Light Industrial), consistent with the land use designations of the Visalia General Plan Land Use Map and consistent with Section 17.06.050 of the Visalia Municipal Code. The proposed Project is located on approximately 284 acres, on the north side of Riggan Avenue between Shirk Street and Kelsey Street. (APN: 077-840-004, 005, 006).

### Prepared by:

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**Department Recommendation:** Staff recommends that the City Council approve the first reading of an Ordinance to adopt Prezone to Annexation No. 2024-03 (pertaining to the Shirk-Riggan Industrial Park), based upon the findings that the proposed prezone is consistent with the Visalia General Plan and its goals, policies, and objectives, as adopted by the City, and that the proposed prezone is consistent with Annexation No. 2024-03.

### Summary:

The proposed Prezone action upon Annexation No. 2024-03 is a city-initiated request being made to

confirm the zone designations of Light Industrial and Industrial for property undergoing annexation into the City limits of Visalia.

### **Background Discussion:**

Annexation No. 2024-03 is an annexation proposed by Seefried Industrial Properties, Inc. to annex three parcels totaling approximately 284 acres into the City limits of Visalia. The City Council held a public hearing on March 17, 2025, and approved the recommendation to initiate proceedings toward filing the annexation application with the Tulare County Local Agency Formation Commission (LAFCO). The application was filed, and a public hearing was scheduled for June 4, 2025, and continued at the request of the proponent, now currently scheduled for August 6, 2025.

The City Council Resolution initiating the annexation proceedings, as described above, confirmed the Light Industrial and Industrial zone designations to be assigned to the property upon annexation to the City, consistent with General Plan Amendment No. 2025-01 that was approved together with the Initiation of Proceedings for the Annexation. This confirmation of zone designations was done following past practices wherein the City relied upon its adopted General Plan Land Use Map together with Visalia Municipal Code Section 17.06.050(A) to effectuate the zoning on the project prior to filing with LAFCO. City staff have decided to revise the prezoning process and formally adopt an ordinance that establishes specific prezoning of each proposed annexation.

The City has voluntarily initiated this action for the purpose of formally “prezoning” this project site through the adoption of an ordinance, using the City’s established Zoning Amendment process outlined in Visalia Municipal Code Chapter 17.44. Under this chapter, the City Council, based upon a recommendation by the Planning Commission, will make findings and will take final action on the proposal by enacting an Ordinance. Going forward, all annexation requests will be accompanied with a Prezoning ordinance action for Council adoption.

The zone designations in this Prezone are synonymous with the previous actions of City Council and Planning Commission on the corresponding annexation. This Prezone does not make any new change to the zoning upon the project site, nor does it result in any change to the underlying project (i.e., the Shirk-Riggin Industrial Park) associated with the annexation.

### **Prezone language in State law:**

The City of Visalia’s past practice of exercising a prezone for annexed property by classifying it to a zone consistent with the existing General Plan designation, as stated in Visalia Municipal Code section 17.06.050(A), or initiating a General Plan amendment prior to recommending annexation has been based upon State Government Code Section 65859, which states:

- (a) A city may, pursuant to this chapter, prezone unincorporated territory to determine the zoning that will apply to that territory upon annexation to the city.

The zoning shall become effective at the same time that the annexation becomes effective.

- (b) Pursuant to Section 56375, those cities subject to that provision shall complete prezoning proceedings as required by law.
- (c) If a city has not prezoned territory which is annexed, it may adopt an interim ordinance pursuant to Section 65858.

Subsections (a) and (c) both use the permissive wording “may”, not the more typical mandatory wording of “shall” and in addition state laws concerning zoning requirements are typically limited in application to charter cities under Section 65803. Furthermore, the City’s past practice has followed

Subsection (b) because it is completing a process that has been long accepted by Tulare County LAFCO as sufficient to prezone territory prior to annexation.

Government Code Section 56375, concerning powers of local agency formation commissions, includes subsection (a)(7) that refers to the approval of municipal annexations, requires a rezoning process or presentation of evidence that the development entitlements are consistent with the General Plan, but it doesn't specify a specific manner or process of rezoning:

- (7) The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be zoned.

Visalia's Zoning Ordinance Section 17.06.050 explains the rezoning process which relies upon utilization and being consistent with the City's General Plan Land Use Map and upon City Council resolutions that approve an annexation and affirm the proposed zoning, which is then presented to LAFCO for adoption.

#### **Updating Process to Adopt a Specific Zoning Amendment Ordinance:**

While the City maintains that its manner of rezoning prescribed in Section 17.06.050 complies with State law by meeting Government Code Sections 56375 and 65859, a more explicitly formal procedure could also be utilized. Such procedure would be to enact an ordinance reviewing the General Plan designation for the property proposed for annexation, the proposed usage of that property, then, by ordinance, direct the change from "unzoned" to the equivalent zoning as prescribed by the General Plan land use map (substantiated in the Implementation chapter of the General Plan).

This additional step for the City Council to adopt an ordinance declaring rezoning on a project-by-project basis is beneficial in that it requires a specific review and record of the underlying project and the proposed zoning by a project-specific ordinance rezoning the property instead of relying on the general city-wide ordinance for rezoning. The more formal project specific ordinance is commonly used by municipalities throughout the State of California, and following statewide practices can simplify working with developers that have projects in other areas of California.

**Planning Commission Review and Action:** At the July 14, 2025 meeting, staff presented the item as described in this report to the Planning Commission. After receiving the staff presentation, the Planning Commission recommended approving the prezone by a 4-0 vote. No public comments were made.

**Fiscal Impact:** No impact to the City. Future development of the property will require the developer to pay development impact fees.

**Prior Council Action:** The City Council had previously acted on entitlements related to the Shirk-Riggin Industrial Park. On March 17, 2025, the Council voted (4-0) to certify an EIR, approve General Plan Amendment No. 2025-01, initiate Annexation No. 2024-03, and conduct the First Reading of Ordinance No. 2025-02 for authorization to enter into a Development Agreement. On April 7, 2025, the City Council voted to approve the Second Reading of Ordinance No. 2025-02.

**Other:** On February 10, 2025, the Planning Commission held a public hearing regarding the Shirk-Riggin Industrial Park. The Planning Commission recommended approval of the annexation initiation request to the City Council and recommended approval of other entitlements by a 5-0 vote.

**Alternatives:** None.

**Recommended Motion (and Alternative Motions if expected):**

I move to approve the first reading of an Ordinance No. 2025-04, a request by the City of Visalia to adopt a Prezone to Annexation No. 2024-03 (pertaining to the Shirk-Riggin Industrial Park).

**Environmental Assessment Status:** 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). This EIR was certified by the City Council on March 17, 2025 by Resolution No. 2025-09. The City Council's action included the adoption of a Finding of Fact, Statement of Overriding Considerations, and Mitigation and Monitoring Plan. This certified EIR is being utilized for consideration of the prezone's environmental analysis in accordance with CEQA. The proposed Prezone action, which was considered by the EIR, has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Shirk & Riggin Industrial Park Project EIR. The Environmental Impact Report adequately analyzed and addressed this proposed project and determined that there would be significant impacts resulting from the development of the Shirk & Riggin Industrial Park Project. A Mitigation and Monitoring Plan adopted with the EIR includes mitigation measures that reduce or eliminate the severity of some of these impacts to a level that is less than significant.

**CEQA 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). This EIR was certified by the City Council on March 17, 2025 by Resolution No. 2025-09. The City Council's action included the adoption of a Finding of Fact, Statement of Overriding Considerations, and Mitigation and Monitoring Plan. This certified EIR is being utilized for consideration of the prezone's environmental analysis in accordance with CEQA. The proposed Prezone action, which was considered by the EIR, has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Shirk & Riggin Industrial Park Project EIR. The Environmental Impact Report adequately analyzed and addressed this proposed project and determined that there would be significant impacts resulting from the development of the Shirk & Riggin Industrial Park Project. A Mitigation and Monitoring Plan adopted with the EIR includes mitigation measures that reduce or eliminate the severity of some of these impacts to a level that is less than significant.

**Deadline for Action:** 7/21/2025

**Attachments:**

1. Ordinance No. 2025-04

- Exhibit "A" of Ordinance No. 2025-04: Zoning Map illustrating zone designations of the project site upon Annexation

2. City Council Staff Report from March 17, 2025
3. Related Plans and Policies