



## Legislation Text

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File #: 25-0266, Version: 1

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### Agenda Item Wording:

**Prezone Ordinance Adoption** - An Introduction and first Reading of Ordinance No. 2025-05, a request by the City of Visalia to adopt a prezone of the property related to Annexation No. 2024-05, undergoing annexation into the City limits of Visalia. The prezone will change zones on the Official Zoning Map of the City of Visalia from 62 acres of unzoned to approximately 55 acres of R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) and approximately 7 acres of C-MU (Mixed Use Commercial) zone designation, 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 site is located on approximately 62 acres, on the southeast corner of South Santa Fe Street and East Caldwell Avenue (APNs: 123-400-005 and 123-400-001).

### 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. 2024-05, 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. 2024-05.

### Summary:

The proposed Prezone action upon Annexation No. 2024-05 is a city-initiated request being made to confirm the zone designations of Single-Family Residential, 5,000 square foot minimum site area (R-1-5) and Mixed Use Commercial (C-MU) for property undergoing annexation into the City limits of Visalia.

### Background Discussion:

Annexation No. 2024-05 is an annexation proposed by San Joaquin Valley Homes to annex two parcels totaling approximately 62 acres into the City limits of Visalia. This annexation will facilitate the development of a 203-lot single-family residential development and provide for a future mixed use commercial zone, although that 7 acre area is not being developed together with the residential project. The Planning Commission held a public hearing on April 28, 2025, and recommended that City Council initiate this annexation request. The City Council subsequently held a public hearing on June 2, 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 is scheduled for August 6, 2025.

The City Council Resolution initiating the annexation proceedings, as described above, confirmed the R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) and C-MU (Mixed Use Commercial) zone designations to be assigned to the property upon annexation to the City is consistent with the General Plan Land Use Map. This confirmation of zone designations was done

following past practices wherein the City relied upon its adopted General Plan Land Use Map together with the Visalia Municipal Code Section 17.06.050(A) to effectuate the zoning on the project prior to filing with LAFCO. City staff, based on an internal review of our processes, have decided to revise the prezoning process to incorporate a formal adoption of an ordinance that establishes the 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 Planning Commission will make findings and a recommendation to the City Council. The City Council will take final action on the proposal. 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 Planning Commission and City Council 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. Blankenship subdivision) 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 prezoning 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 prezoning:

- (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 prezoning 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 prezoned.

Visalia's Zoning Ordinance Section 17.06.050 explains the prezoning 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 prezoning 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 prezoning 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 prezoning the property instead of relying on the general city-wide ordinance for prezoning. 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, and taking public comment, the Planning Commission approved, the prezone by a 4-0 vote.

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

**Prior Council Action:** On June 2, 2025, the City Council held a public hearing regarding the Blankenship Project for Annexation No. 2024-05. The item was approved by the City Council with the recommendation to initiate proceedings toward filing the annexation application with the Tulare County local Agency Formation Commission (LAFCO).

**Other:** On April 28, 2025, the Planning Commission held a public hearing regarding Annexation No. 2024-05, and the Blankenship Tentative Subdivision Map No. 5602. The Planning Commission recommended approval of the annexation initiation request to the City Council and approved the subdivision map by a 5-0 vote.

**Alternatives:** None.

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

I move to approve for first reading Ordinance No. 2025-05, a request by the City of Visalia to adopt a Prezone to Annexation No. 2024-05.

**Environmental Assessment Status:** An Initial Study and Mitigated Negative Declaration were prepared for the proposed project.

**CEQA Review:** An Initial Study was prepared for this project, consistent with the California

Environmental Quality Act (CEQA). The Initial Study / Mitigated Negative Declaration No. 2024-63 (SCH 2025040063) was certified by City Council on June 2, 2025, by Resolution No. 2025-31. This Initial Study / Mitigated Negative Declaration is being utilized for consideration of the prezone's environmental analysis in accordance with CEQA.

**Deadline for Action:** 7/14/2025

**Attachments:**

1. Ordinance No. 2025-05
  - Exhibit "A" of Ordinance No. 2025-05: Zoning Map illustrating zone designations of the project site upon Annexation
2. City Council Staff Report from June 2, 2025
3. Related Plans and Policies