

RESOLUTION NO. 2023-60

A RESOLUTION OF APPLICATION BY THE CITY OF VISALIA REQUESTING THE CITY OF VISALIA TO INITIATE PROCEEDINGS FOR FILING WITH THE TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION ANNEXATION NO. 2022-02 AND DETACHMENT OF PROPERTY FROM COUNTY SERVICE AREA NO. 1, PERTAINING TO ONE PARCEL TOTALING 59.84 ACRES. THE SITE WOULD BE ZONED R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM), R-M-2 (MULTI-FAMILY RESIDENTIAL, 3,000 SQ. FT. MINIMUM SITE AREA PER DWELLING), R-M-3 (MULTI-FAMILY RESIDENTIAL, 1,200 SQ. FT. MINIMUM SITE AREA PER DWELLING), AND C-N (COMMERCIAL NEIGHBORHOOD), WHICH IS CONSISTENT WITH THE GENERAL PLAN LAND USE DESIGNATIONS OF RESIDENTIAL LOW DENSITY, RESIDENTIAL MEDIUM DENSITY, RESIDENTIAL HIGH DENSITY, AND COMMERCIAL NEIGHBORHOOD. THE PROJECT SITE IS LOCATED AT THE NORTHWEST CORNER OF NORTH DEMAREE STREET AND WEST PRATT AVENUE WITHIN THE JURISDICTION OF THE COUNTY OF TULARE (APN: 077-050-018, 019).

WHEREAS, Annexation No. 2022-02 is a proposed annexation of a total of 59.84 acres into the city limits ("Project"). The project site is located at the northwest corner of North Demaree Street and West Pratt Avenue within the jurisdiction of the County of Tulare (APN: 077-050-018, 019); and

WHEREAS, the City Council of the City of Visalia desires to initiate proceedings for annexation to said city of territory described on the attached legal description and map herein as Exhibit "C"; and

WHEREAS, the Council of the City of Visalia desires to annex said property to the City of Visalia for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

WHEREAS, the territory proposed to be annexed is uninhabited per Government Code Section 56046; and

WHEREAS, the property proposed to be annexed is adjacent to City Limits; and

WHEREAS, the territory proposed to be annexed is located in Voting District 1 as identified in the Election District Map adopted by the City Council on February 22, 2022, per Resolution No. 2022-11; and

WHEREAS, the Council of the City of Visalia, after a ten day public notification period, held a public hearing on December 18, 2023, and found the project consistent with the General Plan; and

WHEREAS, the City Council hereby makes the following findings with regard to the project:

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. The subject property is within Tier 2 Urban Development Boundary as defined by the City of Visalia General Plan and is designated Very Low Density Residential by the General Plan Land Use Map.
3. That the proposed Annexation, which changes 59.84 acres of Tulare County/AE-40 (Exclusive Agriculture, 40 Acre Minimum) zone to R-1-5 (Single Family Residential, 5,000 sq. ft. minimum), R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per dwelling), R-M-3 (Multi-Family Residential, 1,200 sq. ft. minimum site area per dwelling), and C-N (Commercial Neighborhood), will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
4. That the property is located within Voting District 1 per the Council Election Voting District Map.
5. That the property is not located within an Agricultural Preserve.
6. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Mitigated Negative Declaration No. 2022-39, is hereby adopted.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds that Mitigated Negative Declaration No. 2022-39 prepared for the proposed project was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and hereby adopts the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Council of the City of Visalia requests the following actions:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission (LAFCO), County of Tulare, State of California, for an annexation of territory illustrated in the map attached as Exhibit "C".
2. Proceedings shall be taken for this annexation proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
3. In conjunction with the proceedings being taken for this annexation proposal, application is also hereby being made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, for detachment from County Service Area No. 1.
4. The Council hereby requests waiver of the conducting authority proceedings in accordance with Government Code Section 56663(c).
5. Upon annexation, the territory shall be zoned R-1-5 (Single Family Residential, 5,000 sq. ft. minimum), R-M-2 (Multi-Family Residential, 3,000 sq. ft minimum site area per dwelling), R-M-3 (Multi-Family Residential, 1,200 sq. ft. minimum site area per dwelling), and C-N (Commercial Neighborhood), consistent with the Residential Low Density, Residential Medium Density, Residential High Density, and Commercial Neighborhood pre-zonings designated by the General Plan Land Use Map.
6. Upon annexation, the territory shall be assigned to Voting District 1 and the Election District Map adopted on February 22, 2022, per Resolution No. 2022-11 shall be amended to reflect the new territory assigned to Voting District 3.
7. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.
8. The applicant(s) shall enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The Pre-Annexation Agreement is attached herein as Exhibit "D". The agreement is subject to approval as to form by the City Attorney and subject to clerical and form modifications as approved by the City Manager.