

RESOLUTION NO. 2022-35

A RESOLUTION OF APPLICATION BY THE CITY OF VISALIA REQUESTING THE TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR ANNEXATION NO. 2021-03 AND DETACHMENT OF PROPERTY FROM COUNTY SERVICE AREA NO. 1, PERTAINING TO ONE PARCEL TOTALING 32.35 ACRES. THE SITE WOULD BE ZONED R-1-5 (SINGLE FAMILY RESIDENTIAL 5,000 SQUARE FOOT MINIMUM) WHICH IS CONSISTENT WITH THE GENERAL PLAN LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL. THE SITE IS LOCATED ON THE SOUTHEAST CORNER OF SOUTH LOVERS LANE AND EAST CHERRY AVENUE (APN: 127-030-018)

WHEREAS, Annexation No. 2021-03 is a proposed annexation of a total of 32.35 acres into the city limits (“Project”). The property is located on the southeast corner of South Lovers Lane and East Cherry Avenue, within the County of Tulare (APN: 127-030-018); 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 “B”; and

WHEREAS, the Council of the City of Visalia desires to annex said property to the City of Visalia for the following reasons: 1) The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; 2) 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 3) 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 2 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 June 20, 2022, 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 Low Density Residential by the General Plan Land Use Map.
3. That the proposed Annexation changing 32.35 acres of County/AE-20 (Exclusive Agriculture, 20 Acre Minimum) zone to R-1-5 (Single Family Residential 5,000 square foot minimum) zone, 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 2 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 Negative Declaration No. 2021-49, is hereby adopted. Furthermore, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish, wildlife or their habitat.

BE IT RESOLVED that the Council of the City of Visalia requests the following actions:

1. The potential environmental effects of the proposed annexation have been reviewed and the Environmental Coordinator of the City of Visalia has determined that the proposed project has no effects that could occur as addressed within Negative Declaration No. 2021-49, and therefore the City Council adopts Negative Declaration No. 2021-49.
2. 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 "B".
3. 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.

4. 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.
5. The Council hereby requests waiver of the conducting authority proceedings in accordance with Government Code Section 56663(c).
6. Upon annexation, the territory shall be zoned R-1-5 (Low Density Residential) consistent with the pre-zoning designated by the General Plan Land Use Map.
7. Upon annexation, the territory shall be assigned to Voting District 2 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 2.
8. 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.
9. 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 "C". 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.

PASSED AND ADOPTED: June 20, 2022

LESLIE B. CAVIGLIA, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie B. Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2022-35 passed and adopted by the Council of the City of Visalia at a regular meeting held on June 20, 2022.

Dated: June 21, 2022

LESLIE B. CAVIGLIA, CITY CLERK

By Michelle Nicholson, Chief Deputy City Clerk