



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church Street, Suite B, Visalia 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

LAFCO MEETING AGENDA October 4, 2023 @ 2:00 P.M. BOARD OF SUPERVISORS CHAMBERS COUNTY ADMINISTRATIVE BUILDING 2800 West Burrel Avenue Visalia, CA 93291

COMMISSIONERS:
Dennis Townsend, Chair
Richard Feder, V. Chair
Liz Wynn
Pete Vander Poel
Maribel Reynosa

ALTERNATES:
Larry Micari
Fred Sheriff
Steve Harrell

EXECUTIVE OFFICER:
Ben Giuliani

I. Call to Order

II. Approval of Minutes from September 6, 2023

(Pages 01 - 02)

III. Public Comment Period

At this time, members of the public may comment on any item not appearing on the agenda and that is within the scope of matters considered by the Commission. Under state law, matters presented under this item cannot be discussed or acted upon by the LAFCO Commission at this time. So that all interested parties have an opportunity to speak, any person addressing the Commission may be limited at the discretion of the chair. At all times, please use the microphone and state your name and address for the record.

IV. Action Items and Presentations

1. Annexation to the City of Visalia and Detachment from County Service Area #1, (Pearl Woods Annexation) Case 1573-V-459 (Pages 03 - 32)
[Public Hearing] Recommended Action: Approval

The City of Visalia has submitted a request for an annexation of approximately 67.7 acres of land located in between South Lovers Land and Road 148, just south of East Cherry Avenue. The proposal is intended to facilitate the development of approximately 273 single-family residential units. The City of Visalia has prepared a Mitigated Negative Declaration for use in this project.

2. Annexation to the City of Visalia and Detachment from County Service Area #1, (Shepherds Ranch II Annexation) Case 1574-V-460 (Pages 33 - 62)
[Public Hearing] Recommended Action: Approval

The City of Visalia has submitted a request for an annexation of approximately 40.46 acres of land located on the east side of Road 88, approximately ¼ mile south of West Goshen Avenue. The proposal is intended to facilitate the development of approximately 200 single-family residential units. The City of Visalia has prepared a Mitigated Negative Declaration for use in this project.

NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291

3. Annexation to the City of Visalia and Detachment from County Service Area #1, (Crenshaw Annexation) Case 1575-V-461 **(Pages 63 - 80)**
[Public Hearing] Recommended Action: Approval

The City of Visalia has submitted a request for an annexation of approximately 7.11 acres of land located at 125 North Crenshaw Street, on the west side of Crenshaw Street between West Mineral King Avenue and West Oak Avenue. The proposal is intended to facilitate the development of approximately 34-lot single family residential units. The City of Visalia has prepared a Negative Declaration for use in this project.

4. Annexation to the City of Visalia and Detachment from County Service Area #1, (Barr & Wood Annexation) Case 1576-V-462 **(Pages 81 - 110)**
[Public Hearing] Recommended Action: Approval

The City of Visalia has submitted a request for an annexation of approximately 69.35 acres of land located at the northwest corner of South Roeben Street and West Whitendale Avenue. The proposal is intended to facilitate the development of approximately 136-lot single family residential units. The City of Visalia has prepared a Mitigated Negative Declaration for use in this project.

V. Executive Officer's Report

1. Legislative Update **(Pages 111 - 123)**
Enclosed is a listing of bills that CALAFCO is tracking.
2. Upcoming Projects **(No Page)**
The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

VI. Correspondence

1. None

VII. Other Business

1. Commissioner Report **(No Page)**
2. Request from LAFCO for items to be set for future agendas **(No Page)**

VIII. Setting Time and Place of Next Meeting

1. November 8, 2023 @ 2:00 P.M in the Tulare County Board of Supervisors Chambers, 2800 W. Burrell Ave., Visalia, CA 93291.

IX. Adjournment

NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
2500 W. Burrel Avenue, Visalia, CA 93291
Tulare County Human Resources and Development
September 6, 2023 – Meeting Minutes**

Members Present:	Townsend, Feder, Wynn, Vander Poel, and Reynosa
Members Absent:	
Alternates Present:	Micari and Sheriff
Alternates Absent:	Harrell
Staff Present:	Giuliani, Kane, and Gallo recording
Counsel Present:	Matthew Pierce

I. Call to Order

Chair Townsend called the meeting to order at 2:00 p.m.

II. Approval of the June 7, 2023 Meeting Minutes

Upon motion by Commissioner Vander Poel and seconded by Commissioner Feder, the Commission unanimously approved the LAFCO minutes.

III. Public Comment Period

Chair Townsend opened/closed the Public Comment Period at 2:01 p.m. No public comments received.

IV. Action Items and Presentations:

1. Presentation by Tulare County Resource Management Agency

Ross Miller, Chief Engineer with the Tulare County Resource Management Agency, gave a presentation regarding the East Orosi Water System Administration and Consolidation Project.

2. Annexation to the City of Porterville and Detachment from County Service Area #1, (Gray Annexation) Case 1572-P-326

Staff Analyst Kane reported that the City of Porterville is requesting an annexation of approximately 0.62 acres of land located at the southeast corner of River Avenue and Plano Street. Staff Analyst Kane noted that the staff report was amended to state that Porter Vista Public Utilities District would continue to provide sewage disposal services.

Chair Townsend opened the Public Hearing at 2:16 p.m. Jason Ridenour, Director of Community Development at the City of Porterville, and Jeannie Chavez, District Manager of the Porter Vista Public Utilities District, spoke in favor of the proposal.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Reynosa, the Commission unanimously approved the annexation to the City of Porterville and Detachment from County Service Area #1 as recommended.

3. Request to Reschedule November LAFCO Meeting

Upon motion by Commissioner Feder and seconded by Commissioner Wynn, the Commission unanimously approved the rescheduling of the November 1 LAFCO meeting to November 8, 2023.

V. Executive Officer's Report

1. Extraterritorial Service Agreements

EO Giuliani reported that an Extraterritorial Service Agreement between the City of Porterville and two existing residences was approved by the EO pursuant to LAFCO Policy C-6. The agreements permit the City of Porterville to provide domestic water service to two existing developments to two residences in Tulare County.

2. Legislative Update

EO Giuliani stated there were no legislative updates.

3. Upcoming Projects

EO Giuliani reviewed projects that would be presented at upcoming meetings such as annexations from cities and Municipal Service Reviews.

VI. Correspondence:

None

VII. Other Business:

1. Commissioner Report:

None

2. Request from LAFCO for items to be set for future agendas:

None

1. Setting Time and Place of Next Meeting:

The next Local Agency Formation Commission (LAFCO) meeting is scheduled for **October 4, 2023, at 2:00 p.m.** in the Board of Supervisors Chambers in the Board of Supervisors Chambers, 2800 W. Burrell Ave., Visalia, CA 93291.

2. Adjournment:

The Tulare County LAFCO meeting adjourned at 2:23 p.m.

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

October 4, 2023

**LAFCO Case Number 1573-V-459
Annexation 2022-05 to the City of Visalia
(Pearl Woods Annexation)**

PROPOSAL: Annexation to the City of Visalia, detachment from CSA #1.

PROPONENT: The City of Visalia by resolution of its City Council.

SIZE: Approximately 68.7 acres

LOCATION: In between South Lovers Lane and Road 148, just south of East Cherry Avenue (**Figure 1**)

NOTICE: Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.

SUMMARY: The proposal is intended to facilitate the development of a 273-lot single family residential subdivision that will ultimately be developed with low density residential units (**Figure 2**).

APNs: 127-030-038

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing	Proposed (City)
Zoning Designation	County - AE-20	Single-family residential, 5,000 sq. ft. minimum site area (R-1-5) and Quasi Public (QP)
General Plan Designation	Low Density Residential (LRD) Parks/Recreation (PR)	No Change
Uses	Undeveloped land, pecan & walnut orchard, no structures onsite	273 single-family lots, and 8.96 acre park / retention basin

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Zoning Designation	General Plan Designation	Existing Use
North	R-1-5 (Single-family residential, 5,00 sq. ft. min. site area)	Residential Low Density	Single Family Subdivision
South	AE-20 (Agricultural Exclusive 20-acre) County Zoning	Residential Low Density, Residential Medium Density, Public Institutional	Undeveloped and Agricultural Use
East	AE-20 (Agricultural Exclusive 20-acre) County Zoning	Undeveloped and Agricultural Use	Undeveloped and Agricultural Use
West	R-1-5 (Single-family residential, 5,00 sq. ft. min. site area)	Residential Low Density	Walnut Orchard to soon become Single Family Residential Subdivision

C. Topography, Natural Features and Drainage

The site is generally flat. Cameron Creek crosses the eastern portion of the site and a Tulare Irrigation District owned and operated ditch is located at the western edge of the site.

D. Conformity with General Plans and Spheres of Influence:

The project is entirely inside of the City Sphere of Influence. It is also inside the City's Tier 2 Urban Development Boundary (UDB).

2. Impact on Prime Agricultural Land, Agriculture and Open Space:

The site is not under Williamson Act contract.

3. Population:

The estimated population of the proposal area is 1. The County Elections Division has indicated that there are fewer than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

4. Services and Controls - Need, Cost, Adequacy and Availability:

Agency providing service

Service	Now	After	Method of finance
Police Protection	County of Tulare	City of Visalia	General Fund
Fire Protection	City of Visalia Fire Department (Contracted with County of Tulare)	City of Visalia Fire Department	General Fund
Water Supply	Private Wells	Cal Water	User Financed
Sewage Disposal	None	City of Visalia	Impact / User Fees
Street Lighting	None	City of Visalia	General Fund
Street Maintenance	County of Tulare	City of Visalia	General Fund
Planning/Zoning	County of Tulare	City of Visalia	General Fund
Garbage Disposal	None	City of Visalia	User Fees
Storm Drain	None	City of Visalia	Impact / User Fee
Ground Water	None	City of Visalia	Impact / User Fee

The City can provide urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services.

The City has more than enough sewer capacity in its treatment plant to accommodate this annexation proposal. Visalia's wastewater treatment plant has a capacity of 22 million gallons per day. Current estimated average daily flow is about 13 million gallons per day. Other undeveloped areas already within the city limits add a potential for another 0.5 to 1.0 million gallons per day. Based on coefficients for sewer flow per acre of a particular land use found in the City's Sewer Master Plan, this annexation proposal would add an estimated 0.05530 million (55,300) gallons per day if undeveloped lands within the annexation area were to develop. This plus the existing flows, plus anticipated future flows already in the city, would be well under the current capacity of the treatment plant.

The City has indicated that the wastewater treatment plant is nearing capacity for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) when considering approved and planned development. The City is conducting a comprehensive capacity study that is expected to be completed by the end of the year.

Water is to be provided by the California Water Service. A will-serve letter from Cal Water has been provided (Figure 4).

The City currently maintains South McAuliff Street, which is a north/south collector. South McAuliff Street provides access to the annexation area and will allow the right of way to be developed and maintained by the City.

Services which would be extended to the area, including police and fire safety services and development permit services, will be funded primarily through the City General Fund and user permit fees. Road improvements are funded through a combination of various source including, but not limited to, the General Fund, development fees, and Measure R.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership.

6. Assess Value, Tax Rates and Indebtedness:

Upon completion of this annexation the area will be assigned to a new tax rate area. The total assessed valuation of the proposal area is as follows:

Land: \$706,167

Improvements: \$59,278

Other: \$175,954

7. Environmental Impacts:

The City of Visalia is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents a Mitigated Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

8. Landowner Consent:

The landowner has provided signed consent to the annexation. Notice was mailed to all landowners and registered voters within 300 feet of the reorganization area. Since this reorganization has received 100%, the protest hearing can be waived in accordance with Government Code §56662.

9. Regional Housing Needs Assessment (RHNA):

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments.

273-lot single family residential subdivision proposed for development that are intended to serve the "Moderate" income category. A tentative subdivision map has been filed with the City of Visalia. The 6th Cycle of RHNA began on 6/30/23 and runs to 12/31/31. The table below shows the current RHNA cycle allocation.

6th Cycle City of Visalia RHNA allocation

Very Low	Low	Moderate	Above Moderate	Total
3,741	2,306	1,321	3,423	10,791

This annexation and the three other annexations on the agenda for this meeting will make the following progress towards providing its fair share of regional housing.

Very Low	Low	Moderate	Above Moderate	Total
0	0	537	136	673

The table below shows the total remaining fair share of regional housing for the City of Visalia.

Very Low	Low	Moderate	Above Moderate	Total
3,741	2,306	784	3,287	10,118

10. Discussion:

Residential Land Supply and Development

The City currently has approximately a three and a half year supply of residential land. This assumes the remaining 1,052 acres of undeveloped residential land within the City develops at the current City population density of 11.2 persons per acre of developed residential land at a growth rate of 2.17% per year which is the growth rate for the City from 2000 to 2020.

With the addition of the proposed annexation and development of the 273 single family units the city would add approximately an additional 3 months of residential land supply, assuming the growth rate estimates noted above stay consistent for the City.

It should be noted that if the additional three proposed annexations and development on today's agenda (totaling 643 units) were to be approved a total of approximately 7 months of residential land supply would be added assuming the growth rate estimates stay consistent.

Akers/Ferguson Islands

As a result of the annexation in LAFCO case 1561-V-456 (Sycamore Heights), a fully surrounded County island was split into two smaller County islands [Figure 5]. A condition of approval was included for the annexation as follows:

“Within one year of the recording of the Certificate of Completion for this reorganization, the City of Visalia shall submit an application for annexation of

the remainder of the Akers/Ferguson islands under the streamlined island annexation procedures.”

The Sycamore Heights annexation was recorded on 10/7/21 which put the application date for the submission of the Akers/Ferguson Islands at 10/7/22. This annexation is still in process at the City. City staff has indicated that the annexation will be submitted to LAFCO by the end of this December.

For future Visalia annexations until the Akers/Ferguson Islands annexation is submitted, LAFCO staff will recommend the following condition of approval:

The Certificate of Completion will not be recorded until the City of Visalia submits the annexation application for the Akers/Ferguson Islands.

Goshen CSD – Sewer Capacity

The Goshen Community Services District (CSD) operates and maintains a sewer collection system that discharges into the Visalia Water Reclamation Facility (WRF). The CSD has an agreement with the City to treat the wastewater with defined limits. The original agreement was executed on June 5, 1995 and was last amended on April 26, 2017. The following are the average and maximum flows from Goshen CSD’s sewer system per a District commissioned report from QK [Figure 6] that was presented to the District on February 21, 2023 and the current average and maximum flows currently allowed in the City/District agreement:

Type	2022 Average	Agreement Average	2022 Maximum	Agreement Maximum
Wastewater Flow	.326 MGD	.360 MGD	.411 MGD	.540 MGD
BOD	796 PPD	1,180 PPD	2,725 PPD	1,770 PPD
SS	676 PPD	950 PPD	2,780 PPD	1,425 PPD

BOD = Biochemical Oxygen Demand, SS = Suspended Solids, PPD = Pounds per Day, MGD = Millions of Gallons per Day

The City had requested the information from the District regarding effluent flows and loadings due to exceedances of maximum BOD and suspended solids in 2022 and concerns regarding the impact of a potential annexation (Fowler Packing). The District does have the ability to request additional capacity from the City. The QK report included three scenarios for the District to consider for amending the agreement:

Scenario	Flow Avg (MGD)	Flow Max (MGD)	BOD Avg (PPD)	BOD Max (PPD)	SS Avg (PPD)	SS Max (PPD)
Fowler Packing	.468	.702	1,180	1,770	950	1,425
District Build-Out	.859	1.289	2,096	3,144	1,780	2,670
SOI Build-Out	1.655	2.483	4,029	6,059	3,430	5,145

Goshen CSD requested an amendment to the City/District sewer agreement for additional capacity from the City at their April 27th, 2023 meeting. The City denied the request on May 6th, 2023 [Figure 7]. In the denial letter, the City notes that they are in the process of completing a comprehensive capacity study that would be completed by the end of the year. At their June 22nd, 2023 meeting, Goshen CSD adopted a 6 month moratorium on new sewer connections [Figure 8].

RECOMMENDED ACTIONS:

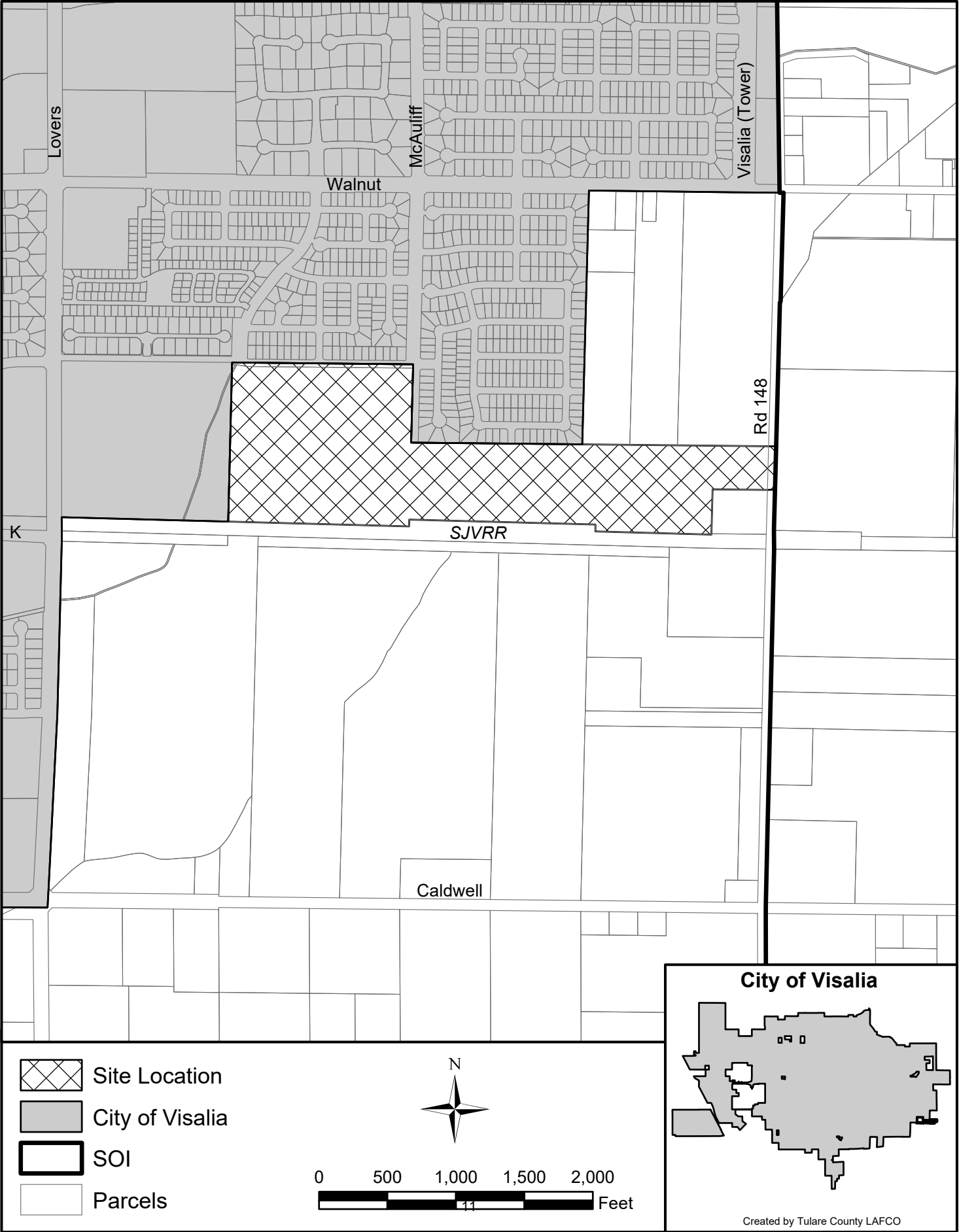
It is recommended that this proposal be approved and that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Visalia for this project and determine that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.
2. Find that the proposed reorganization of the City of Visalia complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
 - a. The boundaries of the proposed reorganization are definite and certain.
 - b. The proposed annexation is compatible with the city's General Plan.
 - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
 - f. Domestic water is to be provided by the California Water Service.
 - g. All urban services and infrastructure can be provided for by the city.
4. Find that the annexation does not contain any Williamson Act contract land.
5. Find that the territory proposed for this reorganization is uninhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1573-V-459, City of Visalia Reorganization, Annexation 2022-05 (Pearl Woods Annexation) subject to the following conditions:

- a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
 - b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
- 7. Waive the protest hearing for this proposal in accordance with Government Code §56662 and order the reorganization without an election.
- 8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

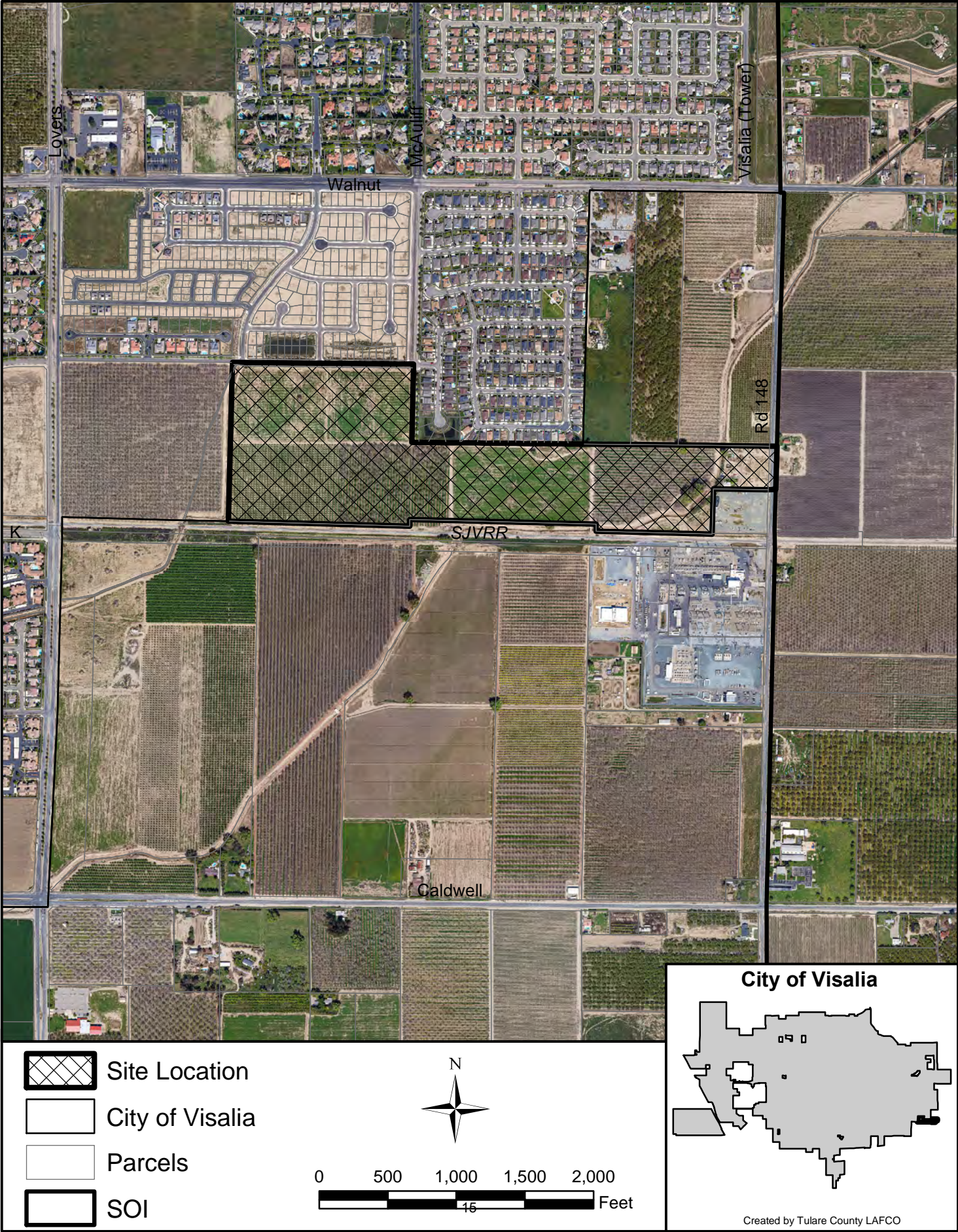
Figures:

- Figure 1 Site Location Map
- Figure 2 Pearl Woods Subdivision
- Figure 3 Aerial
- Figure 4 Cal Water Will-Serve Letter
- Figure 5 Site Location 1561-V-456
- Figure 6 QK Goshen Sewer Report
- Figure 7 City of Visalia Denial Letter
- Figure 8 Goshen CSD Sewer Connection Moratorium
- Figure 9 Resolution, Annexation to City of Visalia and Detachment from CSA #1



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CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 **Tel:** (559) 624-1600

ITEM: IV-1

FIG. 4: WILL-SERVE LETTER

August 18, 2023

Josh Dan
City of Visalia
315 E Acequia Ave
Visalia, CA 93291

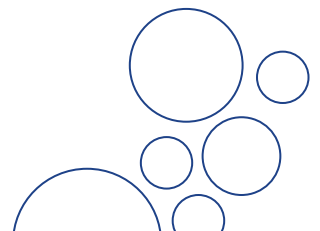
Will Serve Letter
Annexation No. 2022-05
Pearl Woods

Dear Mr. Dan:

As a regulated utility, California Water Service Company Visalia district ("Cal Water") has an obligation to provide water service in accordance with the rules and regulations of the California Public Utility Commission (CPUC). Assuming you receive all required permits from Tulare County, Cal Water will provide water service to the above referenced project. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This will serve letter shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming our commitment to serve the above mentioned project. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells, in addition to the cost of mains and services. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.





CALIFORNIA WATER SERVICE

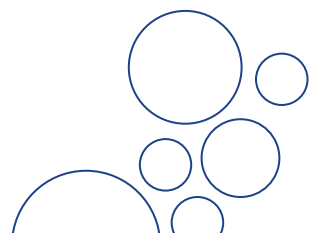
If you have any questions regarding the above, please call me Sedelia Sanchez at (559) 624-1621.

Sincerely,

Stephen Johnson

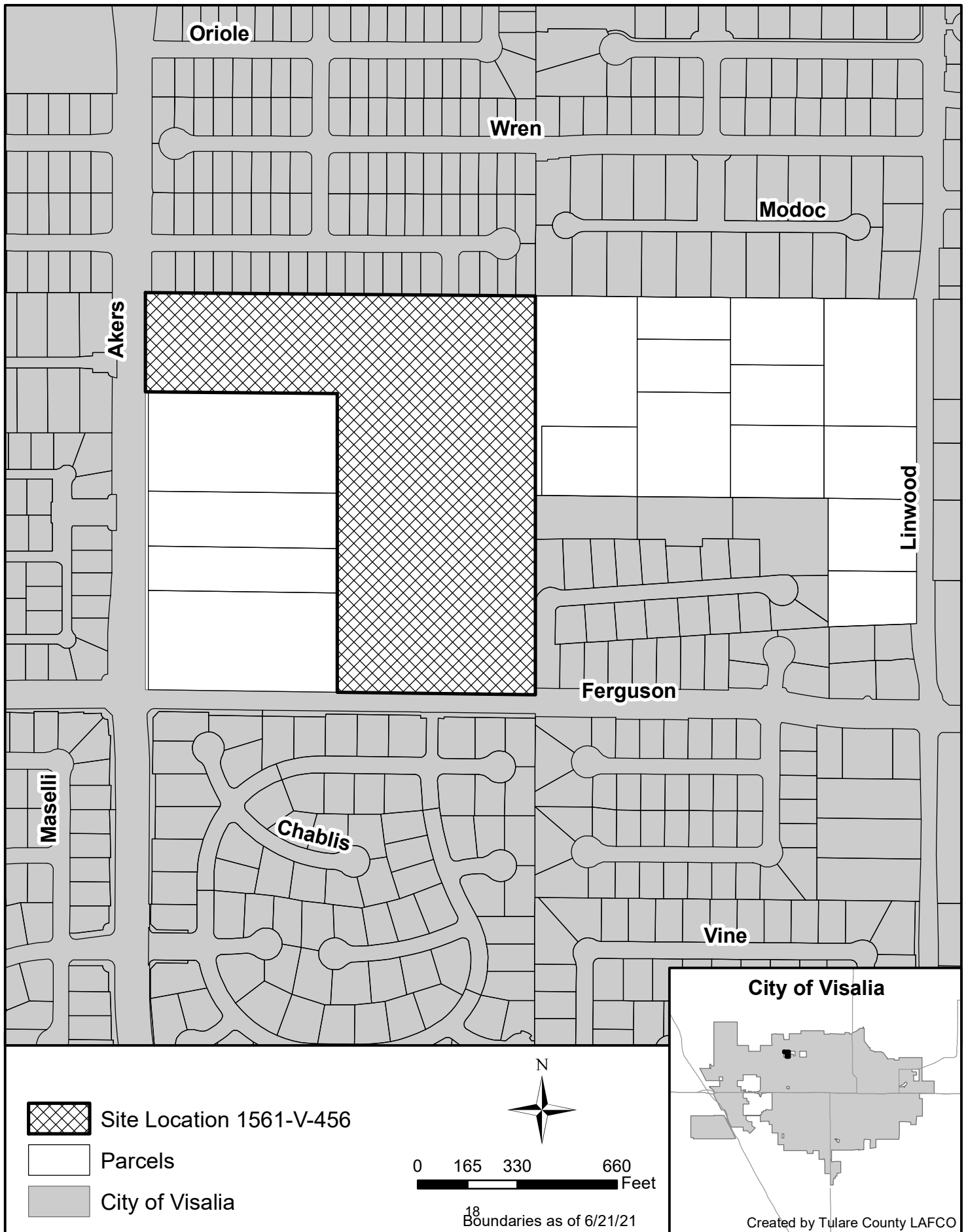
Stephen Johnson
District Manager

cc: Ting He – Cal Water Engineering Dept.
File



LAFCO Case 1561-V-456

ITEM: IV-1
FIG. 5: SITE LOCATION





MEMO

Date: February 21, 2023 **Project No.:** 230004
To: Manuel Fleming, District Manager, Goshen Community Services District
From: Brian Shoener, P.E.
Subject: Wastewater Loading to Visalia Evaluation

Background

The Goshen Community Services District (CSD) operates and maintains a sewer collection system that serves the District. Wastewater from the entire collection system is collected at a lift station near the intersection of Ave 305 and Effie Drive. From the lift station, wastewater is pumped into an eight-inch force main that eventually discharges to the City of Visalia Water Reclamation Facility (WRF).

The CSD had an agreement with the City of Visalia to treat the District wastewater. The agreement contains limits on the average daily (annual average) and maximum daily flow (MGD), biochemical oxygen demand (BOD) loading (lbs/day) and suspended solids (SS) loading (lbs/day). The original agreement was executed on June 5, 1995. There have been five amendments since. The last amendment, number five, was executed on April 26, 2017. Amendment five set the following limits on the District:

	Average	Maximum
Wastewater Flow	0.36 MGD	0.54 MGD
BOD	1,180 ppd	1,770 ppd
SS	950 ppd	1,425 ppd

Below are the 2022 data on the flows and loadings from the District:

	Average	Maximum
Wastewater Flow	0.326 MGD	0.411 MGD
BOD	796 ppd	2,725 ppd
SS	676 ppd	2,780 ppd

With planned growth within District boundaries and potential growth within the District Sphere of Influence (SOI), the District will require additional capacity from the City of Visalia. The City has asked the District for a formal request stating what additional capacity the District is considering.



This memo will evaluate the additional capacity request to accommodate the following three scenarios:

1. Fowler Packing
2. Current District Boundary
3. Buildout of the Sphere of Influence

Scenario 1: Fowler Packing

Fowler Packing is a proposed 80-acre development at the southwest corner of Goshen Ave and Road 68. The development is to be for light industrial/warehouse uses. The City of Visalia uses a flow of 600 gpd/acre for light industrial developments. Therefore, the flow from the developed 80-acres would be 48,000 gpd. Assuming a BOD and SS of 220 ppm (which is what the District allocates per Equivalent Dwelling Unit (EDU)), the built-out Fowler Packing development would contribute the following:

	Average
Wastewater Flow	0.048 MGD
BOD	89 ppd
SS	89 ppd

Adding the built-out flow and loading from Fowler Packing to the existing District flow and loading would result in the following:

	Average	Current City Contract	Difference
Wastewater Flow	0.374 MGD	0.36 MGD	-0.114 MGD
BOD	885 ppd	1,180 ppd	295 ppd
SS	765 ppd	950 ppd	185 ppd

Based on this information, Fowler Packing would exhaust the flow allowance. BOD and SS loading to the City would be exceeded.

The State Water Resources Control Board (SWRCB) governs wastewater discharges in the State. When treatment plants reach 80% of the design capacity, the State requires the owner of the plant to start designing for expansion of the treatment plant capacity. For analyzing the additional capacity, the District may need from the City, this 80% number will be used. This means that the proposed development will account for 80% of what is being requested from the City. For Fowler Packing, the District should request the following from the City:

	Average w/ Fowler Pkg	Proposed City Contract	Increase
Wastewater Flow	0.374 MGD	0.468 MGD	0.128 MGD
BOD	885 ppd	1,180 ppd	0 ppd
SS	765 ppd	950 ppd	0 ppd

**Scenario 2: Build Out with Current District Boundary**

There are current lots within the existing District boundaries that are vacant or currently under development. Most of these lots are on the north side and southeast side of the District (see Figure 1). To calculate potential wastewater flow from these lots, the General Plan zoning designation, acreage, and flow per acre was used. Below is a summary of the flow calculated:

Zoning	Acreage	gpda	Flow (gpd)
M-2	105.5	1200	126,600
M-1	14	600	8,400
M1-MU	14.6	600	8,760
M-1	96.5	600	57,900
R-2-MU	47	1300	61,100
R-3-MU	27.75	2000	55,500
R-2-MU	8	1300	10,400
M-1-MU	9.75	600	5,850
M-1-MU	24.2	600	14,520
R-1	14.7	800	11,760
TOTAL (gpd)			360,790

Assuming a BOD of 292.55 ppm and a SS of 248.47 ppm (which is based on the District discharge monitoring data to Visalia for 2022), the build-out within the existing District boundaries would contribute the following:

	Average
Wastewater Flow	0.361 MGD
BOD	880 ppd
SS	748 ppd

Adding the built-out flow and loading from development within the District flow to the existing District loading would result in the following:

	Average	Current City Contract	Difference
Wastewater Flow	0.687 MGD	0.36 MGD	-0.327 MGD
BOD	1,677 ppd	1,180 ppd	-497 ppd
SS	1,424 ppd	950 ppd	-474 ppd

Based on this information, the flow, BOD, and SS loading to the City would exceed the existing contract.



For the proposed development within the District, it is assumed the proposed development plus exiting loading will account for 80% of what is being requested from the City. For build-out in the District, the District should request the following from the City:

	Avg w/ District Build-out	Proposed City Contract	Increase
Wastewater Flow	0.667 MGD	0.859 MGD	0.499 MGD
BOD	1,223 ppd	2,096 ppd	916 ppd
SS	1,223 ppd	1,780 ppd	830 ppd

Scenario 3: Build Out of Sphere of Influence

There are current lots outside the existing District boundaries but within the Districts Sphere of Influence (SOI) that are vacant or currently under development. Most of these lots are on the west side of District, west of Highway 99 (see Figure 1). The development of this area was analyzed in the *Westside Wastewater Collection Study* (QK, November 2019). This study estimated a flow of 694,860 gpd from the westside. Since then, there has already been development on the westside which is account for in the District flow information from the lift station. For this analysis, a flow from the westside of 637,108 gpd will be used. Adding the westside development, development within existing District boundaries, and the existing loading results in the following:

	Average w/ SOI Build-out	Current City Contract	Difference
Wastewater Flow	1.304 MGD	0.36 MGD	-0.944 MGD
BOD	3,231 ppd	1,180 ppd	-2,051 ppd
SS	2,744 ppd	950 ppd	-1,794 ppd

Based on this information, the flow, BOD, and SS loading to the City would exceed the existing contract.

For the proposed development within the District, it is assumed the proposed development plus exiting loading will account for 80% of what is being requested from the City. For build-out in the District, the District should request the following from the City:

	Avg w/ SOI Build-out	Proposed City Contract	Increase
Wastewater Flow	1.304 MGD	1.655 MGD	1.30 MGD
BOD	3,231 ppd	4,039 ppd	2,859 ppd
SS	2,744 ppd	3,430 ppd	2,480 ppd

**SUMMARY**

Based on the analyses presented in this document, below is a summary of the proposed amended flow and loadings from the District for the three scenarios for average day:

Proposed Amendment Parameters (Avg Day)

Scenario		Flow	BOD	SS
		(MGD)	(ppd)	(ppd)
Fowler Packing		0.468	1,180	950
District Build-Out		0.859	2,096	1,780
SOI Build-Out		1.655	4,039	3,430

Current District Limits	0.36	1,180	950
-------------------------	------	-------	-----

Below is a summary of the proposed amended flow and loadings from the District for the three scenarios for maximum day:

Proposed Amendment Parameters (Max Day)

Scenario		Flow	BOD	SS
		(MGD)	(ppd)	(ppd)
Fowler Packing		0.702	1,770	1,425
District Build-Out		1.289	3,144	2,670
SOI Build-Out		2.483	6,059	5,145

Current District Limits	0.54	1,770	1,425
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BGS

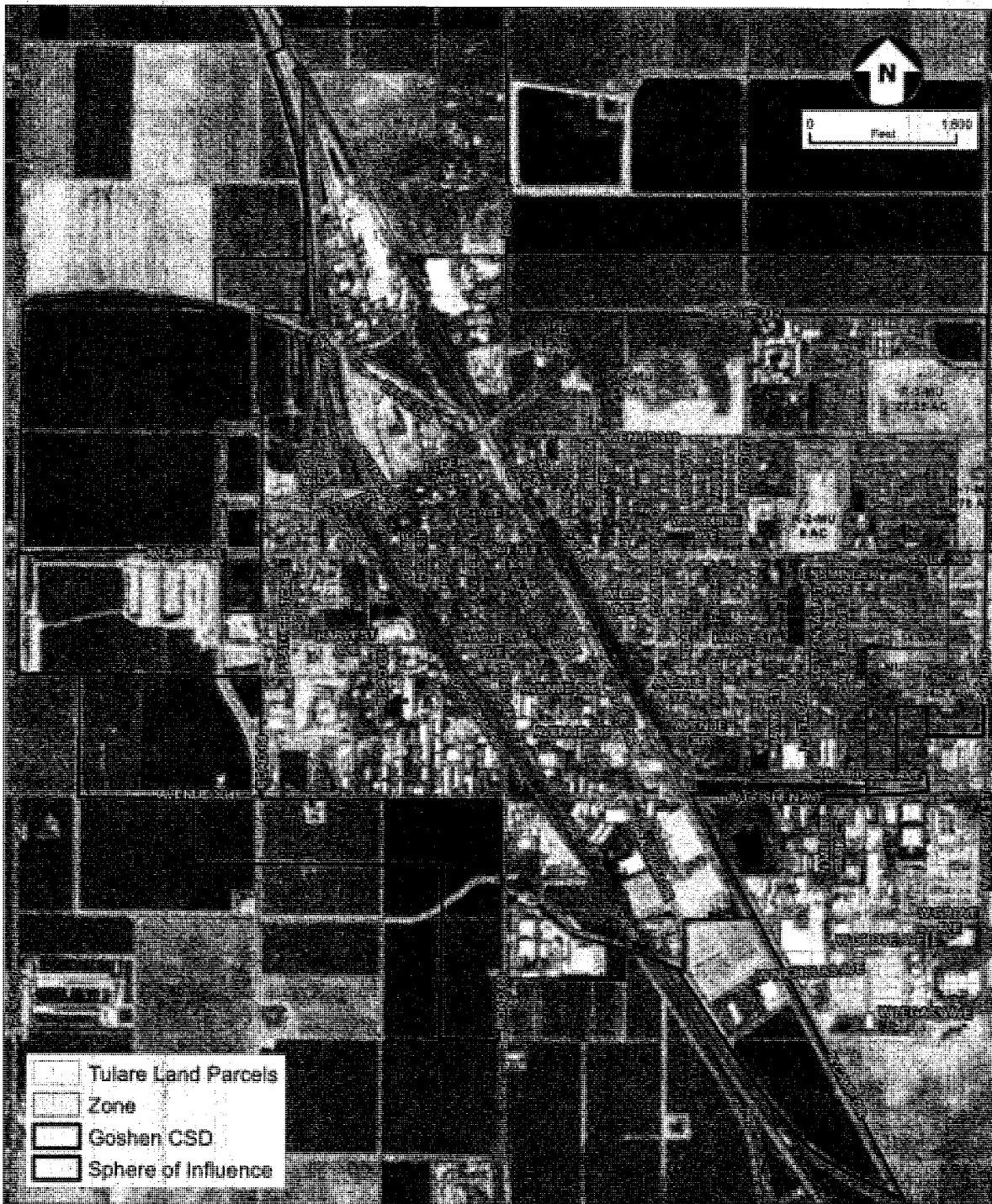


FIGURE 1 - GOSHEN CSD BOUNDARIES

Public Works Department
336 N Ben Maddox Way
Visalia, CA 93292



Tel: (559) 713-4428
Fax: (559) 713-4818

Goshen Community Services District
c/o Manuel Fleming
6678 Avenue 308
Visalia, CA 93291

May 16, 2023

Re: Proposed Amendment for Additional Capacity

Dear Mr. Fleming:

I am in receipt of your letter of April 27, 2023, enclosing a proposed Amendment No. 6 to the agreement between the City of Visalia and the Goshen Community Services District. The City is not in a position to accept your proposed Amendment No. 6 because the City has determined that there is no capacity available to accept additional wastewater discharge from Goshen CSD.

As we have previously relayed to the District staff, the City is in the process of completing a comprehensive capacity study, which we anticipate will confirm current in-house data that shows various capacity parameters, such as Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) capacities, are already near or at current state mandated reserve thresholds, especially when accounting for capacity committed to City approved and planned development. The City anticipates that more details regarding the capacity constraints, as well as specific projects to address them, will be available within six months. Until the study is complete, and plans for addressing the current constraints are arrived at, the City will not be in a position to accept any increase in contracted capacities.

It should be noted that the requested increases in capacities for the District represent between a 48% increase (BOD) and a 56% increase compared to current accepted quantities. The City had no prior reason to believe such large increases would be requested. It should also be noted that the Agreement specifically obligates the District to "make a good faith effort to notify the City of any potential increases in wastewater flow, biochemical oxygen demand, suspended solids and other potential pollutant levels, indicated by any commercial and/or industrial development inquiries, that would significantly affect the quantity and/or quality of the District's discharge to the City system as soon as such potential impacts are made known to the District." This does not appear to have occurred in this case. We encourage you to make this a regular practice so we can assist you in serving your customers.

The City has invited District staff to be involved in the City capacity study. The City continues to encourage the District to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Bartsch".

Nick Bartsch
Public Works Director
City of Visalia

CC: Leslie Caviglia, City Manager
Paul Bernal, Community Development Director

**BEFORE THE BOARD OF DIRECTORS
OF THE GOSHEN COMMUNITY
SERVICES DISTRICT**

Board Resolution 2023-06-02

**A RESOLUTION OF THE GOSHEN COMMUNITY SERVICES
DISTRICT ADOPTING A TEMPORARY MORATORIUM OF THE ISSUANCE OF
WILL SERVE LETTERS FOR NEW SEWER CONNECTIONS**

WHEREAS, the Goshen Community Services District ("District") operates and manages a sewer system which provides wastewater discharge service to the residential, industrial and commercial users in the unincorporated community of Goshen, California; and

WHEREAS, the City of Visalia and the District are parties to a Wastewater Service Agreement, most recently amended in 2007, whereby the District purchases capacity from the City of Visalia for the conveyance and treatment of the District's wastewater to the City of Visalia's wastewater treatment and disposal facility; and

WHEREAS, the City of Visalia recently notified the District that is currently unable to grant the District any additional capacity for increased wastewater discharge until the City completes a comprehensive capacity study and plans for addressing current capacity constraints are made and implemented; and

WHEREAS, the City of Visalia's inability to grant any increased capacity for increased wastewater discharge to the District significantly impairs the District's ability to approve any future applications for new sewer connections; and

WHEREAS, the moratorium imposed by this Resolution is intended to prevent the approval of any applications for service and issuance of Will Serve letters for new connections to the District's sewer system; and

WHEREAS, as additional capacity becomes available the District Board of Directors anticipates that future applications for service will be approved; however, because additional capacity may not become available within the next six months, the District Board of Directors anticipates it may need to extend the moratorium; and

WHEREAS, the District finds that this Resolution is necessary for the immediate preservation of the public peace, health, or safety and to ensure that the District can fulfill its obligations to its varied customers; and

WHEREAS, The District and the City of Visalia are pursuing long-term treatment capacity, but until the time when increased capacity is available, it is necessary to adopt a temporary moratorium on applications received for new sewer connections and the District's issuance of Will Serve letters.

NOW THEREFORE BE IT RESOLVED by the Goshen Community Services District as follows:

1. **Moratorium on Sewer Connections.** Except as provided in Sections 3 and 4 of this Resolution, the District shall not approve applications for sewer connections or issue Will Serve letters on or to properties located within the boundaries of the District to serve any of the following:
 - A. Any new structure that will increase its existing EDU requirements or entitlements; or
 - B. Any expansion or replacement of an existing structure that will increase its existing EDU requirements or entitlements.
2. **Duration of Moratorium.** This Resolution is effective on the date it is adopted by the Board of Directors of the Goshen Community Services District and shall remain in effect for a period of six months, unless renewed or repealed prior to its expiration date.
3. **Users with Vested Rights.** The Board of Directors reserves its rights to exercise its sole discretion to declare this Resolution inapplicable to users with vested rights to sewer connection.
 - A. Factors for demonstrating vested rights to sewer service which will be considered by the Board of Directors include the user being in possession of receipts for its payment to the District of the full amount of District sewer connection fees; Validly issued Will Serve letters from the District; receipt of all permits from other government agencies necessary for construction of the project for which sewer connection fees have been paid; and completion of substantial on site physical construction of the project.
4. **Hardship Application.** Any person aggrieved by this moratorium may file a hardship application with the Board of Directors for relief from such moratorium. The Board of Directors shall grant or deny the hardship application after public hearing and considering such factors as the Board may deem appropriate considering the purposes of the enactment of this Resolution and moratorium, including but not limited to:
 - A. Nature and extent of financial or other hardship;
 - B. Extent of proposed usage of sewer capacity;
 - C. The general magnitude of potential adverse impacts caused by this moratorium; and
 - D. Such other factors as may be significant relative to the individual property and circumstances.

The granting of any hardship shall remain in harmony with the general purpose and intent of this Resolution so that the goals hereof can be achieved and substantial justice done. In granting any hardship, the Board of Directors may impose such reasonable and additional stipulations and conditions as will in its judgment thus fulfill the purposes of this Resolution.

5. **Review and Repeal of Moratorium.** The Board of Directors reserves its rights to periodically review this Resolution, amend it, repeal it and replace it with an Ordinance or take any other such action which it deems appropriate in light of the facts and needs of the Goshen community.
6. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this Resolution. The Board of Directors of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

THE FOREGOING RESOLUTION was adopted upon the motion of Director _____ and seconded by Director _____ at a regular meeting of the Board of Directors of the Goshen Community Services District, held on June 22, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Board President/Chair
Goshen Community Services District

ATTEST:

Manuel Fleming
Clerk of the Board

BEFORE THE LOCAL AGENCY FORMATION COMMISSION
OF THE
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Proposed Annexation)
to the City of Visalia and Detachment from) **RESOLUTION NO. 23-XXX**
CSA #1. LAFCO Case 1573-V-459,)
City of Visalia Annexation No. 2022-05)
(Pearl Woods))

WHEREAS, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal to annex certain territories described in attached Exhibit “A” made a part hereof; and

WHEREAS, this Commission has read and considered the Resolution of Application and application materials, the report of the County Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on October 4, 2023 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The information, material and facts set forth in the application, the report of the County Assessor, and the report and recommendations of the Executive Officer (including any corrections), have been received and considered in accordance with

Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Visalia, as the Lead Agency, prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. And finds that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Visalia for this project and determines that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.

3. The Commission has reviewed and considered, in accordance with Government Code Section 56668, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXXXXXXXX
XXXXXXXXXXXXX

4. All notices required by law have been given and all proceedings heretofore and now taken in this matter have been and now are in all respects as required by law.

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

- a. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.
- b. The subject territory is within the Sphere of Influence of the City of Visalia.

- c. The proposed reorganization does not contain any Williamson Act contract land.

6. Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations:

- a. The boundaries of the proposed reorganization are definite and certain.
- b. The proposed annexation is compatible with the City's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. Domestic water is to be provided by the California Water Service.
- g. All other urban services and infrastructure can be provided for by the city.

7. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 and orders the annexation without an election.

8. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.

10. The following short form designation shall be used throughout these proceedings:

LAFCO Case No. 1573-V-459, City of Visalia Annexation No. 2022-05 (Pearl Woods)

11. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

12. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting held on this 4th day of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ak

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

October 4, 2023

**LAFCO Case Number 1574-V-460
Annexation 2022-04 to the City of Visalia
(Shepherds Ranch II Annexation)**

PROPOSAL: Annexation to the City of Visalia, detachment from CSA #1.

PROPONENT: The City of Visalia by resolution of its City Council.

SIZE: Approximately 40.46 acres

LOCATION: On the east side of Road 88, approximately ¼ mile south of West Goshen Avenue **(Figure 1)**

NOTICE: Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.

SUMMARY: The proposal is intended to facilitate the development of a 200-lot single family residential subdivision and 2.63 acre park. **(Figure 2)**

APNs: 081-030-036

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing	Proposed (City)
Zoning Designation	County - AE-20	R-1-5 (Single-Family Residential 5,000 sq. ft. minimum site area) – 38 acres, QP (Quasi-Public) – 2.6 acres
General Plan Designation	Low Density Residential (LRD) – 38 acres, Parks/Recreation (PR) – 2.6 acres	No Change
Uses	Orchard, accessory structures, no residences	Subdivision consisting of 200 single family lots, 2.63 acre park

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Zoning Designation	General Plan Designation	Existing Use
North	I-L (Light Industrial)	Light Industrial	Shops & warehouses, outdoor building material storage
South	AE-20 (Agricultural Exclusive 20-acre) County Zoning	Residential Very Low Density, Residential Low Density, Parks-Recreation, Neighborhood Commercial	Orchards
East	R-1-5 (Single-family residential) City Zoning & AE-20 (Agricultural Exclusive 20-acre) County Zoning	Residential Low Density	Rural residences, vacant land slated for future Shepherds Ranch I subdivision
West	R-1-5 (Single-family residential, 5,00 sq. ft. min. site area)	Industrial	Row crops

C. Topography, Natural Features and Drainage

The site is relatively flat and does not contain any natural topographical features.

D. Conformity with General Plans and Spheres of Influence:

The project is entirely inside of the City Sphere of Influence. It is also inside the City's Tier 2 Urban Development Boundary (UDB).

E. Designate and describe, generally, the major highways and streets adjacent to the subject territory.

Shirk Street, a north/south arterial street, is located ¼ mile to the east. The property will have access to Shirk from a local street being constructed on property to the east. Road 88, a north/south collector street, is located directly to the west. Goshen Avenue, an east/west arterial street, is located ¼ mile to the north. Mill Creek Ditch is located 300 feet to the south. State Route 198 and Mill Creek are located ½ mile to the south.

2. Impact on Prime Agricultural Land, Agriculture and Open Space:

The site is not under Williamson Act contract.

3. Population:

The estimated population of the proposal area is 0. The County Elections Division has indicated that there are fewer than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

4. Services and Controls - Need, Cost, Adequacy and Availability:

Agency providing service

Service	Now	After	Method of finance
Police Protection	County of Tulare	City of Visalia	General Fund
Fire Protection	City of Visalia Fire Department (Contracted with County of Tulare)	City of Visalia Fire Department	General Fund
Water Supply	Private Wells	Cal Water	User Financed
Sewage Disposal	None	City of Visalia	Impact / User Fees
Street Lighting	None	City of Visalia	General Fund
Street Maintenance	County of Tulare	City of Visalia	General Fund
Planning/Zoning	County of Tulare	City of Visalia	General Fund
Garbage Disposal	None	City of Visalia	User Fees
Storm Drain	None	City of Visalia	Impact / User Fee
Ground Water	None	City of Visalia	Impact / User Fee

The City can provide urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services. Cal Water will provide domestic water and has provided a will-serve letter (Figure 4).

The City has more than enough sewer capacity in its treatment plant to accommodate this annexation proposal in terms of flow rate. Visalia's wastewater treatment plant has a capacity of 22 million gallons per day. Current estimated average daily flow is about 13 million gallons per day. Other undeveloped areas already within the city limits add a potential for another 0.5 to 1.0 million gallons per day.

The City has indicated that the wastewater treatment plant is nearing capacity for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) when considering approved and planned development. The City is conducting a comprehensive capacity study that is expected to be completed by the end of the year.

The City currently maintains Clancey Street (Road 88 in the County), which is a north/south collector. Clancey Street will provide western access to the

annexation area. Right of way along the property's frontage will be improved and maintained by the City.

Services which would be extended to the area, including police and fire safety services and development permit services, will be funded primarily through the City General Fund and user permit fees. Road improvements are funded through a combination of various source including, but not limited to, the General Fund, development fees, and Measure R.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership.

6. Assess Value, Tax Rates and Indebtedness:

Upon completion of this annexation the area will be assigned to a new tax rate area. The total assessed valuation of the proposal area is as follows:

Land: \$1,529,388

Growing Improvements: \$317,322

Structural Improvements: \$26,010

7. Environmental Impacts:

The City of Visalia is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents a Mitigated Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

8. Landowner Consent:

The landowner has provided signed consent to the annexation. Notice was mailed to all landowners and registered voters within 300 feet of the reorganization area. Since this reorganization has received 100%, the protest hearing can be waived in accordance with Government Code §56662.

9. Regional Housing Needs Assessment (RHNA):

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments.

200-lot single family residential subdivision proposed for development that are intended to serve the "Moderate" income category. A tentative subdivision map has been filed with the City of Visalia. The table below shows the current RHNA cycle allocation.

6th Cycle City of Visalia RHNA allocation

Very Low	Low	Moderate	Above Moderate	Total
3,741	2,306	1,321	3,423	10,791

This annexation and the three other annexations on the agenda for this meeting will make the following progress towards providing its fair share of regional housing.

Very Low	Low	Moderate	Above Moderate	Total
0	0	537	136	673

The table below shows the total remaining fair share of regional housing for the City of Visalia.

Very Low	Low	Moderate	Above Moderate	Total
3,741	2,306	784	3,287	10,118

10. Discussion:

Residential Land Supply and Development

The City currently has approximately a three and a half year supply of residential land. This assumes the remaining 1,052 acres of undeveloped residential land within the City develops at the current City population density of 11.2 persons per acre of developed residential land at a growth rate of 2.17% per year which is the growth rate for the City from 2000 to 2020.

With the addition of the proposed annexation and development of the 200 single family units the city would add approximately an additional 3 months of residential land supply, assuming the growth rate estimates noted above stay consistent for the City.

It should be noted that if the additional three proposed annexations and development on today's agenda (totaling 643 units) were to be approved a total of approximately 7 months of residential land supply would be added assuming the growth rate estimates stay consistent.

Akers/Ferguson Islands

As a result of the annexation in LAFCO case 1561-V-456 (Sycamore Heights), a fully surrounded County island was split into two smaller County islands [Figure 5]. A condition of approval was included for the annexation as follows:

“Within one year of the recording of the Certificate of Completion for this reorganization, the City of Visalia shall submit an application for annexation of the remainder of the Akers/Ferguson islands under the streamlined island annexation procedures.”

The Sycamore Heights annexation was recorded on 10/7/21 which put the application date for the submission of the Akers/Ferguson Islands at 10/7/22. This annexation is still in process at the City. City staff has indicated that the annexation will be submitted to LAFCO by the end of this December.

For future Visalia annexations until the Akers/Ferguson Islands annexation is submitted, LAFCO staff will recommend the following condition of approval:

The Certificate of Completion will not be recorded until the City of Visalia submits the annexation application for the Akers/Ferguson Islands.

Goshen CSD – Sewer Capacity

The Goshen Community Services District (CSD) operates and maintains a sewer collection system that discharges into the Visalia Water Reclamation Facility (WRF). The CSD has an agreement with the City to treat the wastewater with defined limits. The original agreement was executed on June 5, 1995 and was last amended on April 26, 2017. The following are the average and maximum flows from Goshen CSD’s sewer system per a District commissioned report from QK [Figure 6] that was presented to the District on February 21, 2023 and the current average and maximum flows currently allowed in the City/District agreement:

Type	2022 Average	Agreement Average	2022 Maximum	Agreement Maximum
Wastewater Flow	.326 MGD	.360 MGD	.411 MGD	.540 MGD
BOD	796 PPD	1,180 PPD	2,725 PPD	1,770 PPD
Suspended Solids	676 PPD	950 PPD	2,780 PPD	1,425 PPD

BOD = Biochemical Oxygen Demand, PPD = Pounds per Day, MGD = Millions of Gallons per Day

The City had requested the information from the District regarding effluent flows and loadings due to exceedances of maximum BOD and suspended solids in 2022 and concerns regarding the impact of a potential annexation (Fowler Packing). The District does have the ability to request additional capacity from the City. The QK report included three scenarios for the District to consider for amending the agreement:

Scenario	Flow Avg (MGD)	Flow Max (MGD)	BOD Avg (PPD)	BOD Max (PPD)	SS Avg (PPD)	S Max (PPD)
Fowler Packing	.468	.702	1,180	1,770	950	1,425
District Build-Out	.859	1.289	2,096	3,144	1,780	2,670
SOI Build-Out	1.655	2.483	4,029	6,059	3,430	5,145

Goshen CSD requested an amendment to the City/District sewer agreement for additional capacity from the City at their April 27th, 2023 meeting. The City denied the request on May 6th, 2023 [Figure 7]. In the denial letter, the City notes that they are in the process of completing a comprehensive capacity study that would be completed by the end of the year. At their June 22nd, 2023 meeting, Goshen CSD adopted a 6 month moratorium on new sewer connections [Figure 8].

RECOMMENDED ACTIONS:

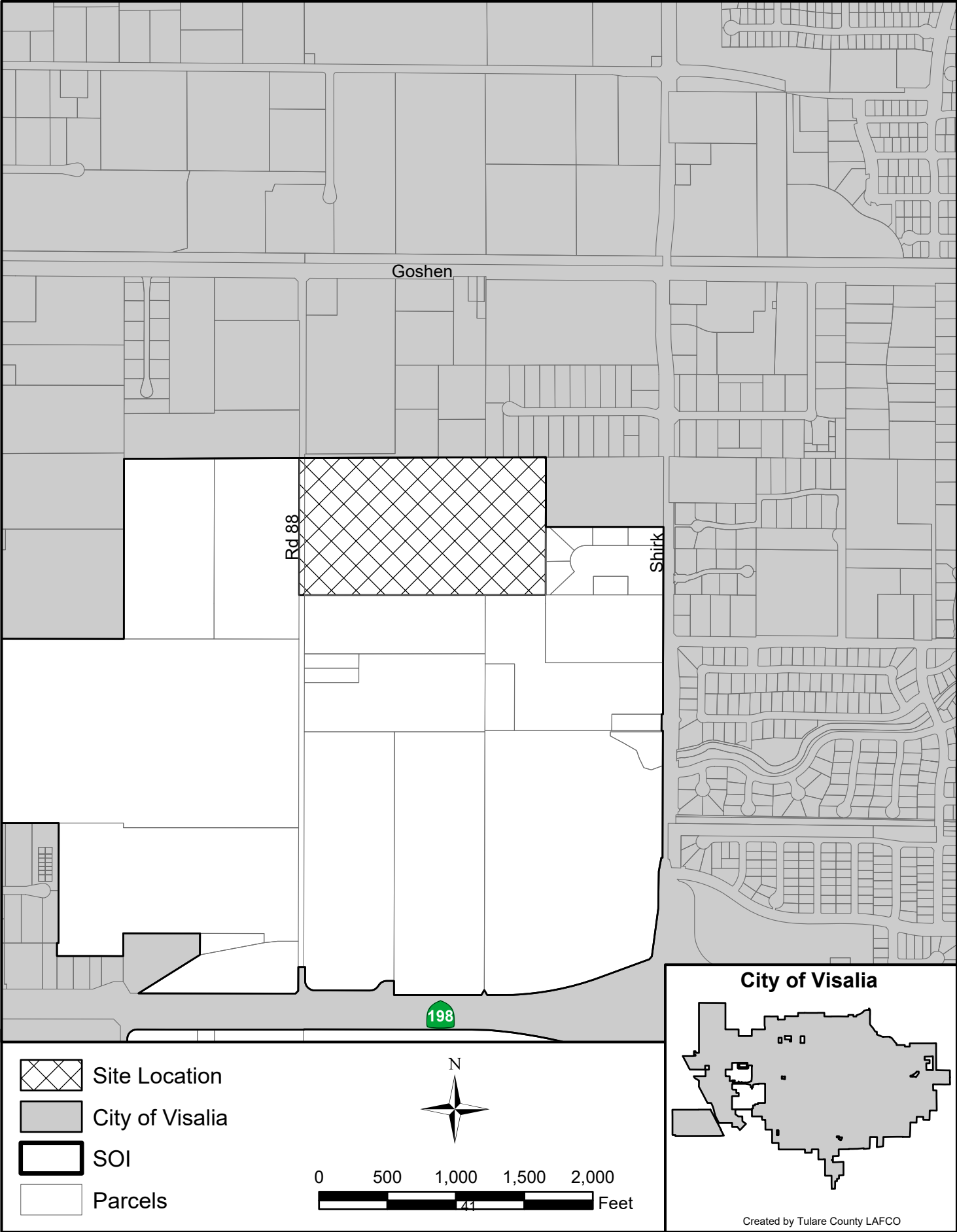
It is recommended that this proposal be approved and that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Visalia for this project and determine that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.
2. Find that the proposed reorganization of the City of Tulare complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
 - a. The boundaries of the proposed reorganization are definite and certain.
 - b. The proposed annexation is compatible with the city's General Plan.
 - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
 - f. Domestic water is to be provided by California Water Service.
 - g. All urban services and infrastructure can be provided for by the city.
4. Find that the annexation does not contain any Williamson Act contract land.

5. Find that the territory proposed for this reorganization is uninhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1574-V-460, City of Visalia Reorganization, Annexation 2022-04 (Shepherds Ranch II Annexation) subject to the following conditions:
 - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
 - b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
7. Waive the protest hearing for this proposal in accordance with Government Code §56662 and order the reorganization without an election.
8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

Figures:





- | | |
|----------|--|
| Figure 1 | Site Location Map |
| Figure 2 | Shepherds Ranch Tentative Subdivision Map |
| Figure 3 | Aerial |
| Figure 4 | Cal Water Will-Serve Letter |
| Figure 5 | Site Location 1561-V-456 |
| Figure 6 | QK Goshen Sewer Report |
| Figure 7 | City of Visalia Denial Letter |
| Figure 8 | Goshen CSD Sewer Connection Moratorium |
| Figure 9 | Resolution, Annexation to City of Visalia and Detachment from CSA #1 |

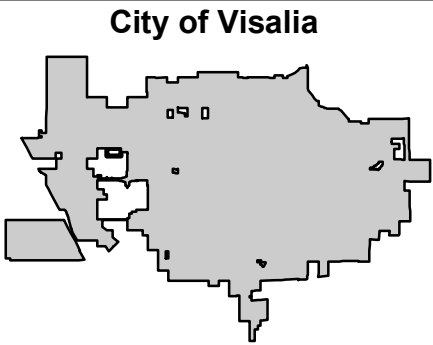
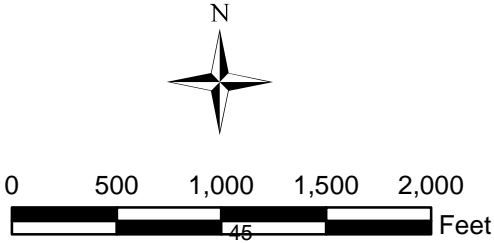


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-  Site Location
-  City of Visalia
-  SOI
-  Parcels





CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 Tel: (559) 624-1600

ITEM: IV-2

FIG. 4: WILL-SERVE LETTER

October 21, 2022

Brandon Smith
City of Visalia
315 E Acequia Ave
Visalia, CA 93291

Will Serve Letter
Annexation No. 2022-04
Tentative Subdivision Map. No. 5589
Shepherds Ranch (Iron Ridge II)-DR Horton

Dear Mr. Smith:

California Water Service Company, Visalia District, ("Cal Water") has determined that water is available to serve the above-referenced project based on the information provided. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This determination of water availability shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming water availability. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or in addition to the cost of mains and services. Developer will also be required to contribute towards Cal Water's water supply by paying facilities fees on a per lot basis as described in Rule 15. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.



CALIFORNIA WATER SERVICE

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.

If you have any questions regarding the above, please call (559) 624-1621.

Sincerely,

Stephen Johnson

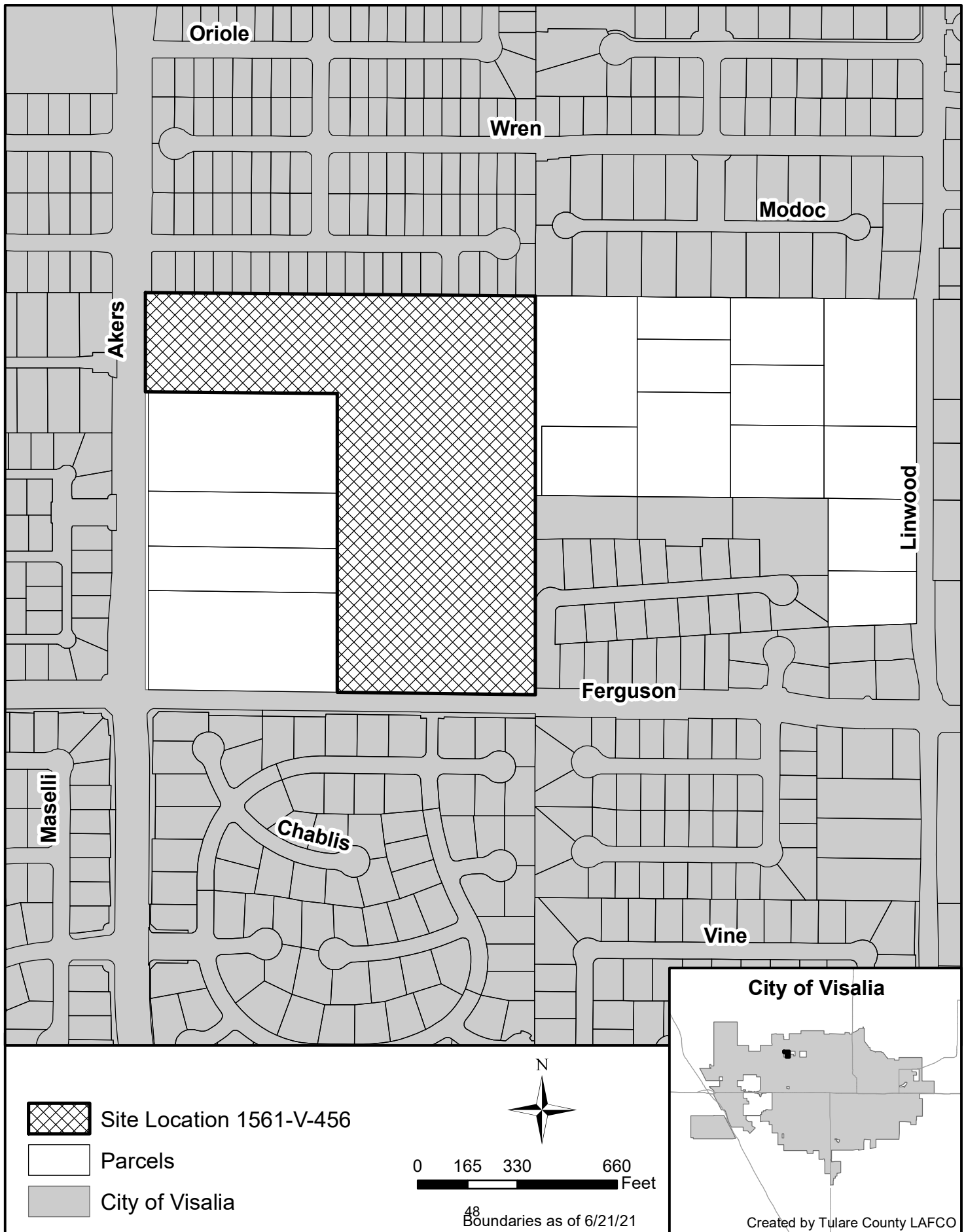
Stephen Johnson
District Manager

cc: Rashmi Kashyap – Cal Water Engineering Dept.
File

LAFCO Case 1561-V-456

ITEM: IV-2

FIG. 5: SITE LOCATION





MEMO

Date: February 21, 2023 **Project No.:** 230004
To: Manuel Fleming, District Manager, Goshen Community Services District
From: Brian Shoener, P.E.
Subject: Wastewater Loading to Visalia Evaluation

Background

The Goshen Community Services District (CSD) operates and maintains a sewer collection system that serves the District. Wastewater from the entire collection system is collected at a lift station near the intersection of Ave 305 and Effie Drive. From the lift station, wastewater is pumped into an eight-inch force main that eventually discharges to the City of Visalia Water Reclamation Facility (WRF).

The CSD had an agreement with the City of Visalia to treat the District wastewater. The agreement contains limits on the average daily (annual average) and maximum daily flow (MGD), biochemical oxygen demand (BOD) loading (lbs/day) and suspended solids (SS) loading (lbs/day). The original agreement was executed on June 5, 1995. There have been five amendments since. The last amendment, number five, was executed on April 26, 2017. Amendment five set the following limits on the District:

	Average	Maximum
Wastewater Flow	0.36 MGD	0.54 MGD
BOD	1,180 ppd	1,770 ppd
SS	950 ppd	1,425 ppd

Below are the 2022 data on the flows and loadings from the District:

	Average	Maximum
Wastewater Flow	0.326 MGD	0.411 MGD
BOD	796 ppd	2,725 ppd
SS	676 ppd	2,780 ppd

With planned growth within District boundaries and potential growth within the District Sphere of Influence (SOI), the District will require additional capacity from the City of Visalia. The City has asked the District for a formal request stating what additional capacity the District is considering.



This memo will evaluate the additional capacity request to accommodate the following three scenarios:

1. Fowler Packing
2. Current District Boundary
3. Buildout of the Sphere of Influence

Scenario 1: Fowler Packing

Fowler Packing is a proposed 80-acre development at the southwest corner of Goshen Ave and Road 68. The development is to be for light industrial/warehouse uses. The City of Visalia uses a flow of 600 gpd/acre for light industrial developments. Therefore, the flow from the developed 80-acres would be 48,000 gpd. Assuming a BOD and SS of 220 ppm (which is what the District allocates per Equivalent Dwelling Unit (EDU)), the built-out Fowler Packing development would contribute the following:

	Average
Wastewater Flow	0.048 MGD
BOD	89 ppd
SS	89 ppd

Adding the built-out flow and loading from Fowler Packing to the existing District flow and loading would result in the following:

	Average	Current City Contract	Difference
Wastewater Flow	0.374 MGD	0.36 MGD	-0.114 MGD
BOD	885 ppd	1,180 ppd	295 ppd
SS	765 ppd	950 ppd	185 ppd

Based on this information, Fowler Packing would exhaust the flow allowance. BOD and SS loading to the City would be exceeded.

The State Water Resources Control Board (SWRCB) governs wastewater discharges in the State. When treatment plants reach 80% of the design capacity, the State requires the owner of the plant to start designing for expansion of the treatment plant capacity. For analyzing the additional capacity, the District may need from the City, this 80% number will be used. This means that the proposed development will account for 80% of what is being requested from the City. For Fowler Packing, the District should request the following from the City:

	Average w/ Fowler Pkg	Proposed City Contract	Increase
Wastewater Flow	0.374 MGD	0.468 MGD	0.128 MGD
BOD	885 ppd	1,180 ppd	0 ppd
SS	765 ppd	950 ppd	0 ppd

**Scenario 2: Build Out with Current District Boundary**

There are current lots within the existing District boundaries that are vacant or currently under development. Most of these lots are on the north side and southeast side of the District (see Figure 1). To calculate potential wastewater flow from these lots, the General Plan zoning designation, acreage, and flow per acre was used. Below is a summary of the flow calculated:

Zoning	Acreage	gpda	Flow (gpd)
M-2	105.5	1200	126,600
M-1	14	600	8,400
M1-MU	14.6	600	8,760
M-1	96.5	600	57,900
R-2-MU	47	1300	61,100
R-3-MU	27.75	2000	55,500
R-2-MU	8	1300	10,400
M-1-MU	9.75	600	5,850
M-1-MU	24.2	600	14,520
R-1	14.7	800	11,760
TOTAL (gpd)			360,790

Assuming a BOD of 292.55 ppm and a SS of 248.47 ppm (which is based on the District discharge monitoring data to Visalia for 2022), the build-out within the existing District boundaries would contribute the following:

	Average
Wastewater Flow	0.361 MGD
BOD	880 ppd
SS	748 ppd

Adding the built-out flow and loading from development within the District flow to the existing District loading would result in the following:

	Average	Current City Contract	Difference
Wastewater Flow	0.687 MGD	0.36 MGD	-0.327 MGD
BOD	1,677 ppd	1,180 ppd	-497 ppd
SS	1,424 ppd	950 ppd	-474 ppd

Based on this information, the flow, BOD, and SS loading to the City would exceed the existing contract.



For the proposed development within the District, it is assumed the proposed development plus exiting loading will account for 80% of what is being requested from the City. For build-out in the District, the District should request the following from the City:

	Avg w/ District Build-out	Proposed City Contract	Increase
Wastewater Flow	0.667 MGD	0.859 MGD	0.499 MGD
BOD	1,223 ppd	2,096 ppd	916 ppd
SS	1,223 ppd	1,780 ppd	830 ppd

Scenario 3: Build Out of Sphere of Influence

There are current lots outside the existing District boundaries but within the Districts Sphere of Influence (SOI) that are vacant or currently under development. Most of these lots are on the west side of District, west of Highway 99 (see Figure 1). The development of this area was analyzed in the *Westside Wastewater Collection Study* (QK, November 2019). This study estimated a flow of 694,860 gpd from the westside. Since then, there has already been development on the westside which is account for in the District flow information from the lift station. For this analysis, a flow from the westside of 637,108 gpd will be used. Adding the westside development, development within existing District boundaries, and the existing loading results in the following:

	Average w/ SOI Build-out	Current City Contract	Difference
Wastewater Flow	1.304 MGD	0.36 MGD	-0.944 MGD
BOD	3,231 ppd	1,180 ppd	-2,051 ppd
SS	2,744 ppd	950 ppd	-1,794 ppd

Based on this information, the flow, BOD, and SS loading to the City would exceed the existing contract.

For the proposed development within the District, it is assumed the proposed development plus exiting loading will account for 80% of what is being requested from the City. For build-out in the District, the District should request the following from the City:

	Avg w/ SOI Build-out	Proposed City Contract	Increase
Wastewater Flow	1.304 MGD	1.655 MGD	1.30 MGD
BOD	3,231 ppd	4,039 ppd	2,859 ppd
SS	2,744 ppd	3,430 ppd	2,480 ppd

**SUMMARY**

Based on the analyses presented in this document, below is a summary of the proposed amended flow and loadings from the District for the three scenarios for average day:

Proposed Amendment Parameters (Avg Day)

Scenario		Flow	BOD	SS
		(MGD)	(ppd)	(ppd)
Fowler Packing		0.468	1,180	950
District Build-Out		0.859	2,096	1,780
SOI Build-Out		1.655	4,039	3,430

Current District Limits	0.36	1,180	950
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Below is a summary of the proposed amended flow and loadings from the District for the three scenarios for maximum day:

Proposed Amendment Parameters (Max Day)

Scenario		Flow	BOD	SS
		(MGD)	(ppd)	(ppd)
Fowler Packing		0.702	1,770	1,425
District Build-Out		1.289	3,144	2,670
SOI Build-Out		2.483	6,059	5,145

Current District Limits	0.54	1,770	1,425
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BGS

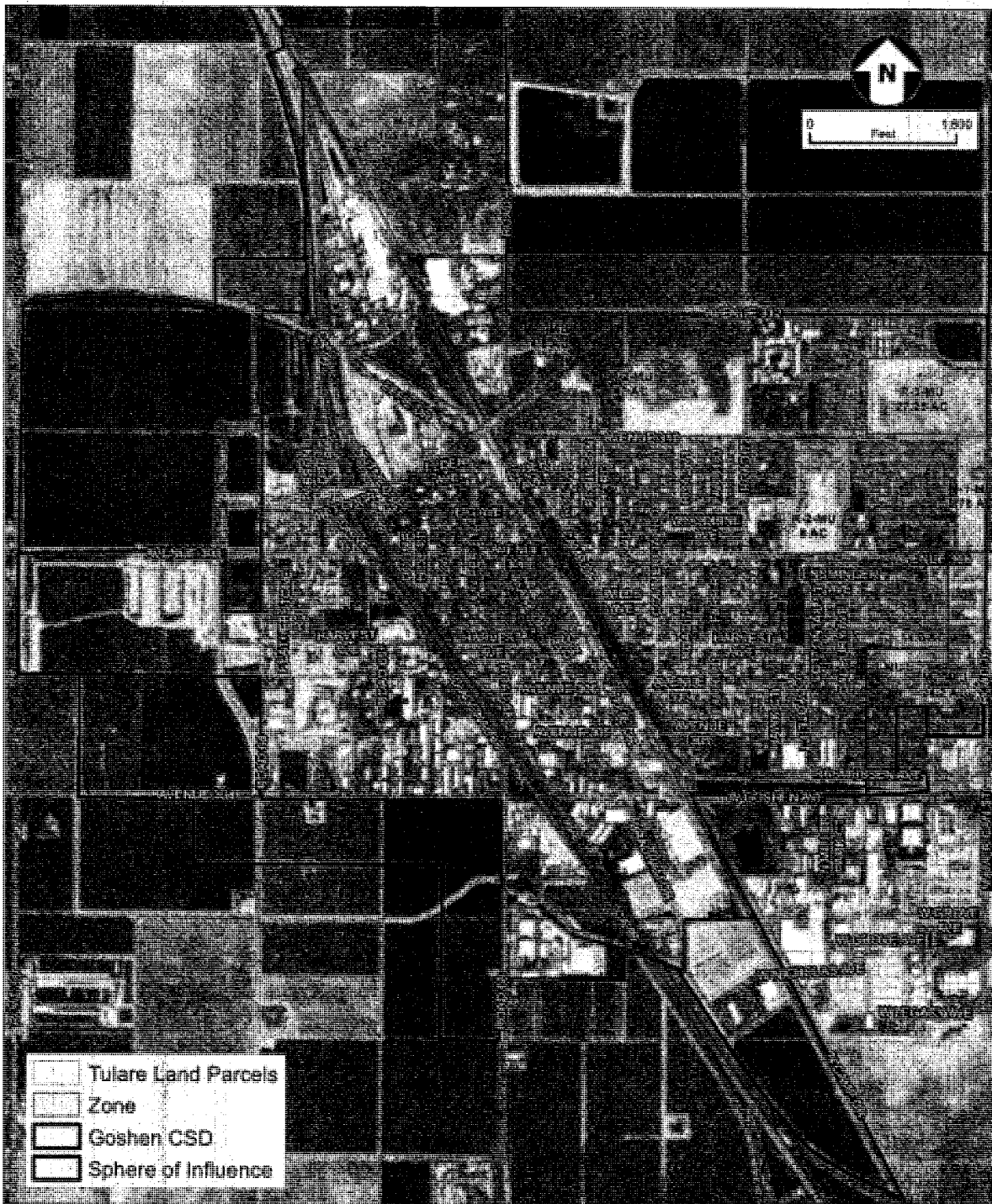


FIGURE 1 - GOSHEN CSD BOUNDARIES

FIG. 7: DENIAL LETTER

Public Works Department
336 N Ben Maddox Way
Visalia, CA 93292



Tel: (559) 713-4428
Fax: (559) 713-4818

Goshen Community Services District
c/o Manuel Fleming
6678 Avenue 308
Visalia, CA 93291

May 16, 2023

Re: Proposed Amendment for Additional Capacity

Dear Mr. Fleming:

I am in receipt of your letter of April 27, 2023, enclosing a proposed Amendment No. 6 to the agreement between the City of Visalia and the Goshen Community Services District. The City is not in a position to accept your proposed Amendment No. 6 because the City has determined that there is no capacity available to accept additional wastewater discharge from Goshen CSD.

As we have previously relayed to the District staff, the City is in the process of completing a comprehensive capacity study, which we anticipate will confirm current in-house data that shows various capacity parameters, such as Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) capacities, are already near or at current state mandated reserve thresholds, especially when accounting for capacity committed to City approved and planned development. The City anticipates that more details regarding the capacity constraints, as well as specific projects to address them, will be available within six months. Until the study is complete, and plans for addressing the current constraints are arrived at, the City will not be in a position to accept any increase in contracted capacities.

It should be noted that the requested increases in capacities for the District represent between a 48% increase (BOD) and a 56% increase compared to current accepted quantities. The City had no prior reason to believe such large increases would be requested. It should also be noted that the Agreement specifically obligates the District to "make a good faith effort to notify the City of any potential increases in wastewater flow, biochemical oxygen demand, suspended solids and other potential pollutant levels, indicated by any commercial and/or industrial development inquiries, that would significantly affect the quantity and/or quality of the District's discharge to the City system as soon as such potential impacts are made known to the District." This does not appear to have occurred in this case. We encourage you to make this a regular practice so we can assist you in serving your customers.

The City has invited District staff to be involved in the City capacity study. The City continues to encourage the District to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Bartsch".

Nick Bartsch
Public Works Director
City of Visalia

CC: Leslie Caviglia, City Manager
Paul Bernal, Community Development Director

**BEFORE THE BOARD OF DIRECTORS
OF THE GOSHEN COMMUNITY
SERVICES DISTRICT**

Board Resolution 2023-06-02

**A RESOLUTION OF THE GOSHEN COMMUNITY SERVICES
DISTRICT ADOPTING A TEMPORARY MORATORIUM OF THE ISSUANCE OF
WILL SERVE LETTERS FOR NEW SEWER CONNECTIONS**

WHEREAS, the Goshen Community Services District ("District") operates and manages a sewer system which provides wastewater discharge service to the residential, industrial and commercial users in the unincorporated community of Goshen, California; and

WHEREAS, the City of Visalia and the District are parties to a Wastewater Service Agreement, most recently amended in 2007, whereby the District purchases capacity from the City of Visalia for the conveyance and treatment of the District's wastewater to the City of Visalia's wastewater treatment and disposal facility; and

WHEREAS, the City of Visalia recently notified the District that is currently unable to grant the District any additional capacity for increased wastewater discharge until the City completes a comprehensive capacity study and plans for addressing current capacity constraints are made and implemented; and

WHEREAS, the City of Visalia's inability to grant any increased capacity for increased wastewater discharge to the District significantly impairs the District's ability to approve any future applications for new sewer connections; and

WHEREAS, the moratorium imposed by this Resolution is intended to prevent the approval of any applications for service and issuance of Will Serve letters for new connections to the District's sewer system; and

WHEREAS, as additional capacity becomes available the District Board of Directors anticipates that future applications for service will be approved; however, because additional capacity may not become available within the next six months, the District Board of Directors anticipates it may need to extend the moratorium; and

WHEREAS, the District finds that this Resolution is necessary for the immediate preservation of the public peace, health, or safety and to ensure that the District can fulfill its obligations to its varied customers; and

WHEREAS, The District and the City of Visalia are pursuing long-term treatment capacity, but until the time when increased capacity is available, it is necessary to adopt a temporary moratorium on applications received for new sewer connections and the District's issuance of Will Serve letters.

NOW THEREFORE BE IT RESOLVED by the Goshen Community Services District as follows:

1. **Moratorium on Sewer Connections.** Except as provided in Sections 3 and 4 of this Resolution, the District shall not approve applications for sewer connections or issue Will Serve letters on or to properties located within the boundaries of the District to serve any of the following:
 - A. Any new structure that will increase its existing EDU requirements or entitlements; or
 - B. Any expansion or replacement of an existing structure that will increase its existing EDU requirements or entitlements.
2. **Duration of Moratorium.** This Resolution is effective on the date it is adopted by the Board of Directors of the Goshen Community Services District and shall remain in effect for a period of six months, unless renewed or repealed prior to its expiration date.
3. **Users with Vested Rights.** The Board of Directors reserves its rights to exercise its sole discretion to declare this Resolution inapplicable to users with vested rights to sewer connection.
 - A. Factors for demonstrating vested rights to sewer service which will be considered by the Board of Directors include the user being in possession of receipts for its payment to the District of the full amount of District sewer connection fees; Validly issued Will Serve letters from the District; receipt of all permits from other government agencies necessary for construction of the project for which sewer connection fees have been paid; and completion of substantial on site physical construction of the project.
4. **Hardship Application.** Any person aggrieved by this moratorium may file a hardship application with the Board of Directors for relief from such moratorium. The Board of Directors shall grant or deny the hardship application after public hearing and considering such factors as the Board may deem appropriate considering the purposes of the enactment of this Resolution and moratorium, including but not limited to:
 - A. Nature and extent of financial or other hardship;
 - B. Extent of proposed usage of sewer capacity;
 - C. The general magnitude of potential adverse impacts caused by this moratorium; and
 - D. Such other factors as may be significant relative to the individual property and circumstances.

The granting of any hardship shall remain in harmony with the general purpose and intent of this Resolution so that the goals hereof can be achieved and substantial justice done. In granting any hardship, the Board of Directors may impose such reasonable and additional stipulations and conditions as will in its judgment thus fulfill the purposes of this Resolution.

5. **Review and Repeal of Moratorium.** The Board of Directors reserves its rights to periodically review this Resolution, amend it, repeal it and replace it with an Ordinance or take any other such action which it deems appropriate in light of the facts and needs of the Goshen community.
6. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this Resolution. The Board of Directors of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

THE FOREGOING RESOLUTION was adopted upon the motion of Director _____ and seconded by Director _____ at a regular meeting of the Board of Directors of the Goshen Community Services District, held on June 22, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Board President/Chair
Goshen Community Services District

ATTEST:

Manuel Fleming
Clerk of the Board

BEFORE THE LOCAL AGENCY FORMATION COMMISSION
OF THE
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Proposed Annexation)
to the City of Visalia and Detachment from) RESOLUTION NO. **23-XXX**
CSA #1. LAFCO Case 1574-V-460,)
City of Visalia Annexation No. 2022-04)
(Shepherds Ranch II))

WHEREAS, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal to annex certain territories described in attached Exhibit “A” made a part hereof; and

WHEREAS, this Commission has read and considered the Resolution of Application and application materials, the report of the County Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on October 4, 2023 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The information, material and facts set forth in the application, the report of the County Assessor, and the report and recommendations of the Executive Officer (including any corrections), have been received and considered in accordance with

Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Visalia, as the Lead Agency, prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. And finds that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Visalia for this project and determines that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.

3. The Commission has reviewed and considered, in accordance with Government Code Section 56668, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXXXXXXXX
XXXXXXXXXXXXX

4. All notices required by law have been given and all proceedings heretofore and now taken in this matter have been and now are in all respects as required by law.

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

- a. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.
- b. The subject territory is within the Sphere of Influence of the City of Visalia.

- c. The proposed reorganization does not contain any Williamson Act contract land.

6. Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations:

- a. The boundaries of the proposed reorganization are definite and certain.
- b. The proposed annexation is compatible with the City's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. Domestic water is to be provided by the California Water Service.
- g. All other urban services and infrastructure can be provided for by the city.

7. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 and orders the annexation without an election.

8. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.

10. The following short form designation shall be used throughout these proceedings:

LAFCO Case No. 1574-V-460, City of Visalia Annexation No. 2022-04
(Shepherds Ranch II)

11. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

12. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting held on this 4th day of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ak

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

October 4, 2023

**LAFCO Case Number 1575-V-461
Annexation 2022-06 to the City of Visalia
(Crenshaw Annexation)**

PROPOSAL: Annexation to the City of Visalia, detachment from CSA #1.

PROPONENT: The City of Visalia by resolution of its City Council.

SIZE: Approximately 7.11 acres

LOCATION: 125 North Crenshaw Street, on the west side of Crenshaw Street between West Mineral King Avenue and West Oak Avenue. **(Figure 1)**

NOTICE: Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.

SUMMARY: The proposal is intended to facilitate the development of a 34 single family lots and trail extension in riparian setback area. **(Figure 2)**

APNs: 085-130-002, 085-130-001

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing	Proposed (City)
Zoning Designation	County R-1	R-1-5 (Single-Family Residential 5,000 sq. ft. minimum site area), C (Conservation)
General Plan Designation	Low Density Residential Conservation	No Change
Uses	Mostly undeveloped land with one single family home on each lot	34 single-family lots and trail extension in riparian setback area

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Zoning Designation	General Plan Designation	Existing Use
North	R-1-20 (Single-Family Residential, 20,000 sq. ft. min. site area)	Residential Very Low Density, Conservation	Single Family Residential Uses
South	R-1-5 (Single-family residential, 5,000 sq. ft. min. site area)	Residential Low Density	Single-Family Residential Subdivision
East	R-1-5 (Single-family residential, 5,000 sq. ft. min. site area)	Residential Low Density	Single Family Residential Subdivision
West	O-P-A (Professional Office Administrative)	Office	Office Complex

C. Topography, Natural Features and Drainage

The site is relatively flat, Mill Creek crosses the northern portion of the site.

D. Conformity with General Plans and Spheres of Influence:

The project is entirely inside of the City Sphere of Influence. It is also inside the City's Tier 1 Urban Development Boundary (UDB).

E. Designate and describe, generally, the major highways and streets adjacent to the subject territory.

The City currently maintains North Crenshaw Street, which is a north/ south local street. An approved 34-lot subdivision has been entitled on the 6.77-acre site which is the impetus for this annexation. This subdivision will connect the roadway network to local roads within in the subdivision.

2. Impact on Prime Agricultural Land, Agriculture and Open Space:

The site is not under Williamson Act contract.

3. Population:

The estimated population of the proposal area is 2. The County Elections Division has indicated that there are fewer than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

4. Services and Controls - Need, Cost, Adequacy and Availability:

Agency providing service

Service	Now	After	Method of finance
Police Protection	County of Tulare	City of Visalia	General Fund
Fire Protection	City of Visalia Fire Department (Contracted with County of Tulare)	City of Visalia Fire Department	General Fund
Water Supply	Private Wells	Cal Water	User Financed
Sewage Disposal	None	City of Visalia	Impact / User Fees
Street Lighting	None	City of Visalia	General Fund
Street Maintenance	County of Tulare	City of Visalia	General Fund
Planning/Zoning	County of Tulare	City of Visalia	General Fund
Garbage Disposal	None	City of Visalia	User Fees
Storm Drain	None	City of Visalia	Impact / User Fee
Ground Water	None	City of Visalia	Impact / User Fee

The City can provide urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services.

The City has more than enough sewer capacity in its treatment plant to accommodate this annexation proposal in terms of flow. Visalia's wastewater treatment plant has a capacity of 22 million gallons per day. Current estimated average daily flow is about 13 million gallons per day. Other undeveloped area already within the city limits add a potential for another 0.5 to 1.0 million gallons per day. Based on coefficients for sewer flow per acre of a particular land use found in the City's Sewer Master Plan, this annexation proposal would add an estimated 0.00711 million (7,000) gallons per day if undeveloped lands within the annexation area were to develop. This plus the existing flows, plus anticipated future flows already in the city, would be well under the current capacity of the treatment plant.

The City has indicated that the wastewater treatment plant is nearing capacity for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) when considering approved and planned development. The City is conducting a comprehensive capacity study that is expected to be completed by the end of the year.

Water is to be provided by the California Water Service. A will-serve letter from Cal Water has been provided (Figure 4).

The City currently maintains North Crenshaw Street, which is a north/south local street. North Crenshaw Street provides access to the annexation area and will allow the right of way to be developed and maintained by the City.

Services which would be extended to the area, including police and fire safety services and development permit services, will be funded primarily through the City General Fund and user permit fees. Road improvements are funded through a combination of various source including, but not limited to, the General Fund, development fees, and Measure R.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership.

6. Assess Value, Tax Rates and Indebtedness:

Upon completion of this annexation the area will be assigned to a new tax rate area. The total assessed valuation of the proposal area is as follows:

Land: \$32,467 & \$765,000
Improvements: \$78,464 & \$0.00

7. Environmental Impacts:

The City of Visalia is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents a Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

8. Landowner Consent:

The landowner has provided signed consent to the annexation. Notice was mailed to all landowners and registered voters within 300 feet of the reorganization area. Since this reorganization has received 100%, the protest hearing can be waived in accordance with Government Code §56662.

9. Regional Housing Needs Assessment (RHNA):

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments.

34-lot single family residential subdivision proposed for development that are intended to serve the "Moderate" income category. A tentative subdivision map has been filed with the City of Visalia. The table below shows the current RHNA cycle allocation.

6th Cycle City of Visalia RHNA allocation

Very Low	Low	Moderate	Above Moderate	Total
3,741	2,306	1,321	3,423	10,791

This annexation and the three other annexations on the agenda for this meeting will make the following progress towards providing its fair share of regional housing.

Very Low	Low	Moderate	Above Moderate	Total
0	0	537	136	673

The table below shows the total remaining fair share of regional housing for the City of Visalia.

Very Low	Low	Moderate	Above Moderate	Total
3,741	2,306	784	3,287	10,118

10. Discussion:

Residential Land Supply and Development

The City currently has approximately a three and a half year supply of residential land. This assumes the remaining 1,052 acres of undeveloped residential land within the City develops at the current City population density of 11.2 persons per acre of developed residential land at a growth rate of 2.17% per year which is the growth rate for the City from 2000 to 2020.

With the addition of the proposed annexation and development of the 34 single family units the city would add just under an additional 1 month of residential land supply, assuming the growth rate estimates noted above stay consistent for the City.

It should be noted that if the additional three proposed annexations and development on today's agenda (totaling 643 units) were to be approved a total of approximately 7 months of residential land supply would be added assuming the growth rate estimates stay consistent.

RECOMMENDED ACTIONS:

It is recommended that this proposal be approved and that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the Negative Declaration prepared by the City of Visalia for this project and determine that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the City of Visalia complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
 - a. The boundaries of the proposed reorganization are definite and certain.
 - b. The proposed annexation is compatible with the city's General Plan.
 - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
 - f. Domestic water is to be provided by the California Water Service.
 - g. All urban services and infrastructure can be provided for by the city.
4. Find that the annexation does not contain any Williamson Act contract land.
5. Find that the territory proposed for this reorganization is uninhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1575-V-461, City of Visalia Reorganization, Annexation 2022-06 (Crenshaw Annexation) subject to the following conditions:
 - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.

- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
- 7. Waive the protest hearing for this proposal in accordance with Government Code §56662 and order the reorganization without an election.
- 8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

Figures:

- Figure 1 Site Location Map
- Figure 2 Crenshaw Subdivision Map
- Figure 3 Aerial
- Figure 4 Cal Water Will-Serve Letter
- Figure 5 Resolution, Annexation to City of Visalia and Detachment from CSA #1

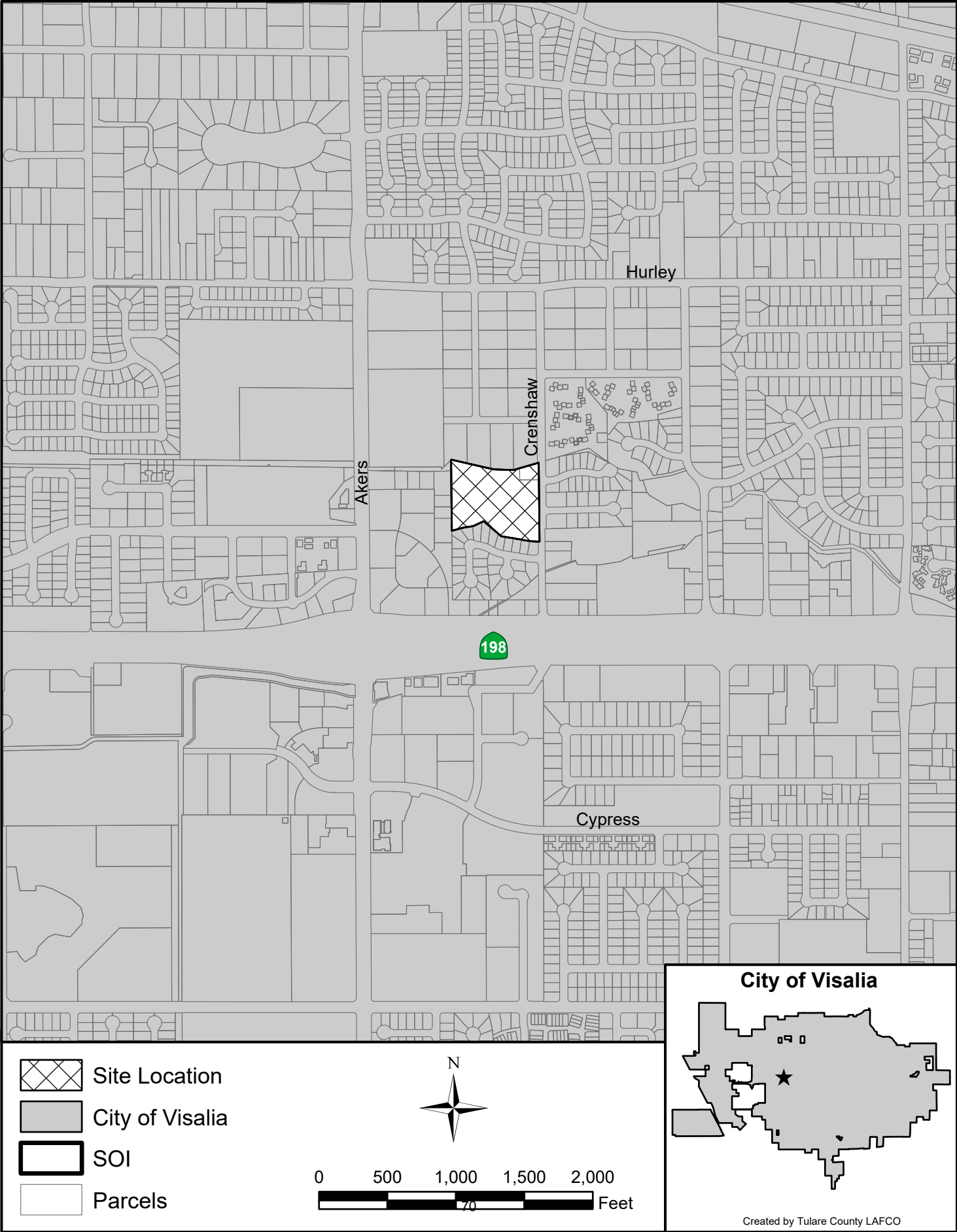


FIG. 2: CRENSHAW SUBDIVISION

CRENSHAW SUBDIVISION
TENTATIVE SUBDIVISION MAP

OWNER/DEVELOPER

BITTA TOOR
810 W. ACQUA AVE.
VISALIA, CA 93271
PHONE: (509) 715-6139

PREPARED BY:

ANNE SHERRING
810 W. ACQUA AVE.
VISALIA, CA 93271
PHONE: 509-715-6139

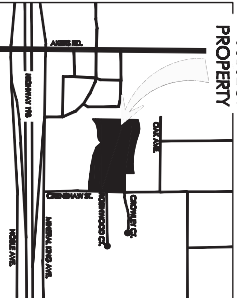
OUTLOTS

OUTLOTS A, B, C & D TO BE
DEDICATED TO CITY OF VISALIA

PROJECT INFO

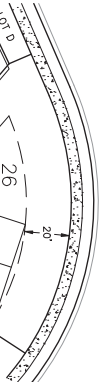
A.P.N.	088-150-02
APPROX.	6.77 AC.
FLOOD ZONE	AE
ZONING	R-1-5
GENERAL PLAN	LOW DENSITY RESIDENTIAL
ELECTRIC	SEE
WATER	CAL. WATER
TELEPHONE	ATTN
WASTE	CITY OF VISALIA
GAS	SCG
EXISTING USES	VACANT
PROPOSED USES	SINGLE FAMILY RES.
TOTAL LOTS	34
DENSITY	5.56 UNITS/AC

SUBJECT
PROPERTY



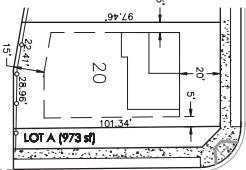
VICINITY MAP

N.T.S.



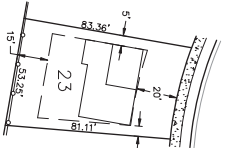
LOT 26 DETAIL

N.T.S.



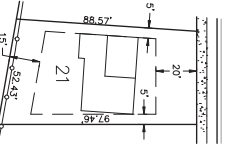
LOT 20 DETAIL

N.T.S.



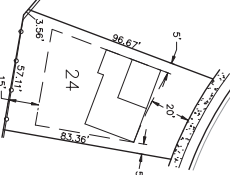
LOT 23 DETAIL

N.T.S.



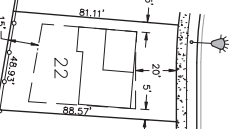
LOT 21 DETAIL

N.T.S.



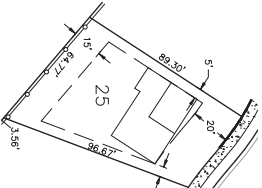
LOT 24 DETAIL

N.T.S.



LOT 22 DETAIL

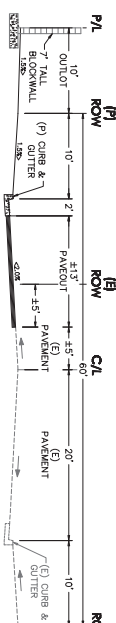
N.T.S.



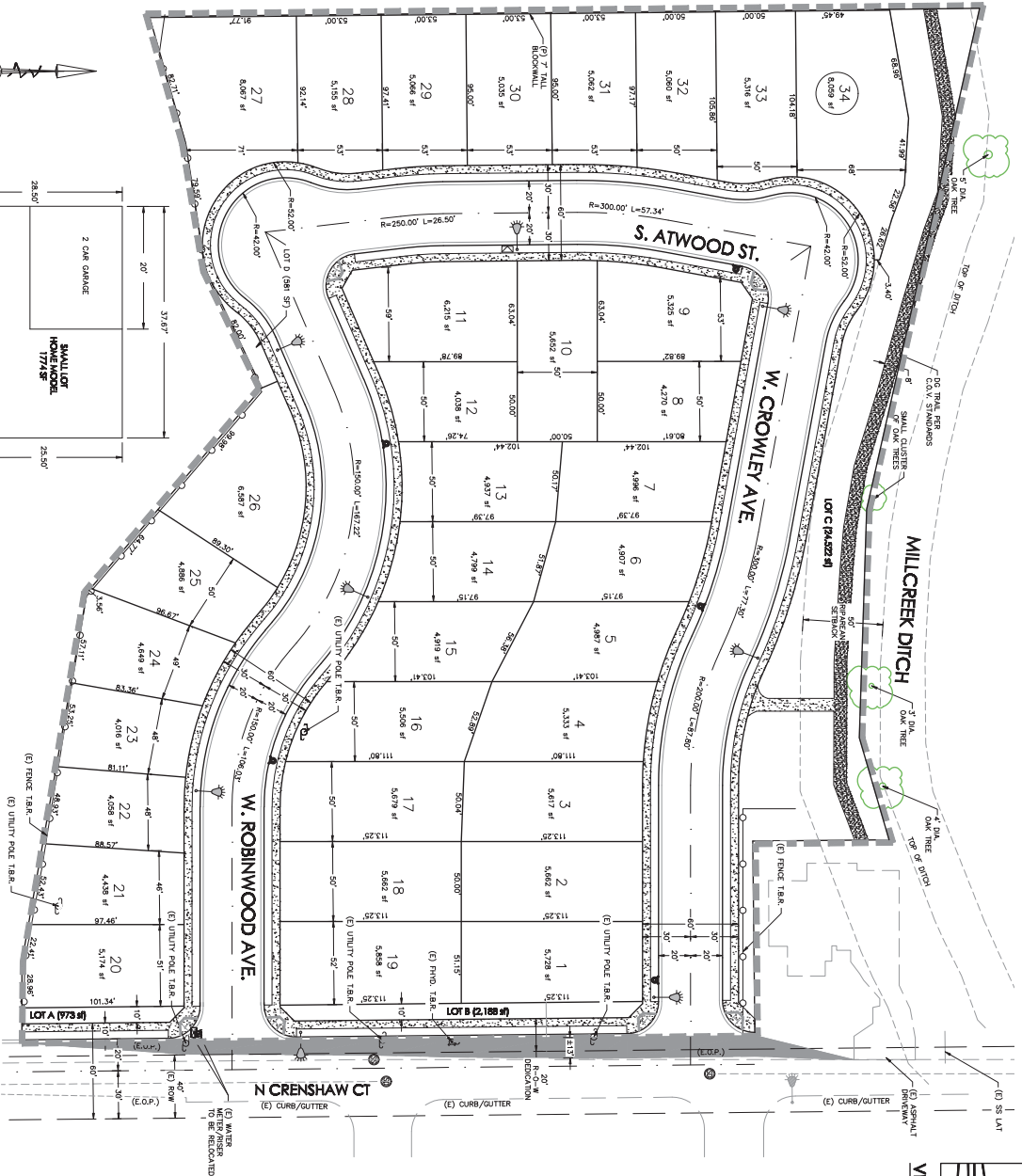
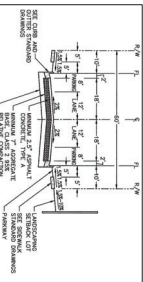
LOT 25 DETAIL

N.T.S.

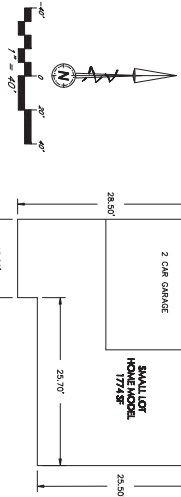
CRENSHAW X-SECTION



LOCAL STREETS



SMALL LOT HOME MODEL



REVISIONS

REV	BY	DATE

APPROVED

810 W. ACQUA AVE.
VISALIA, CA 93271
PHONE: (509) 715-6139

CRENSHAW SUBD.

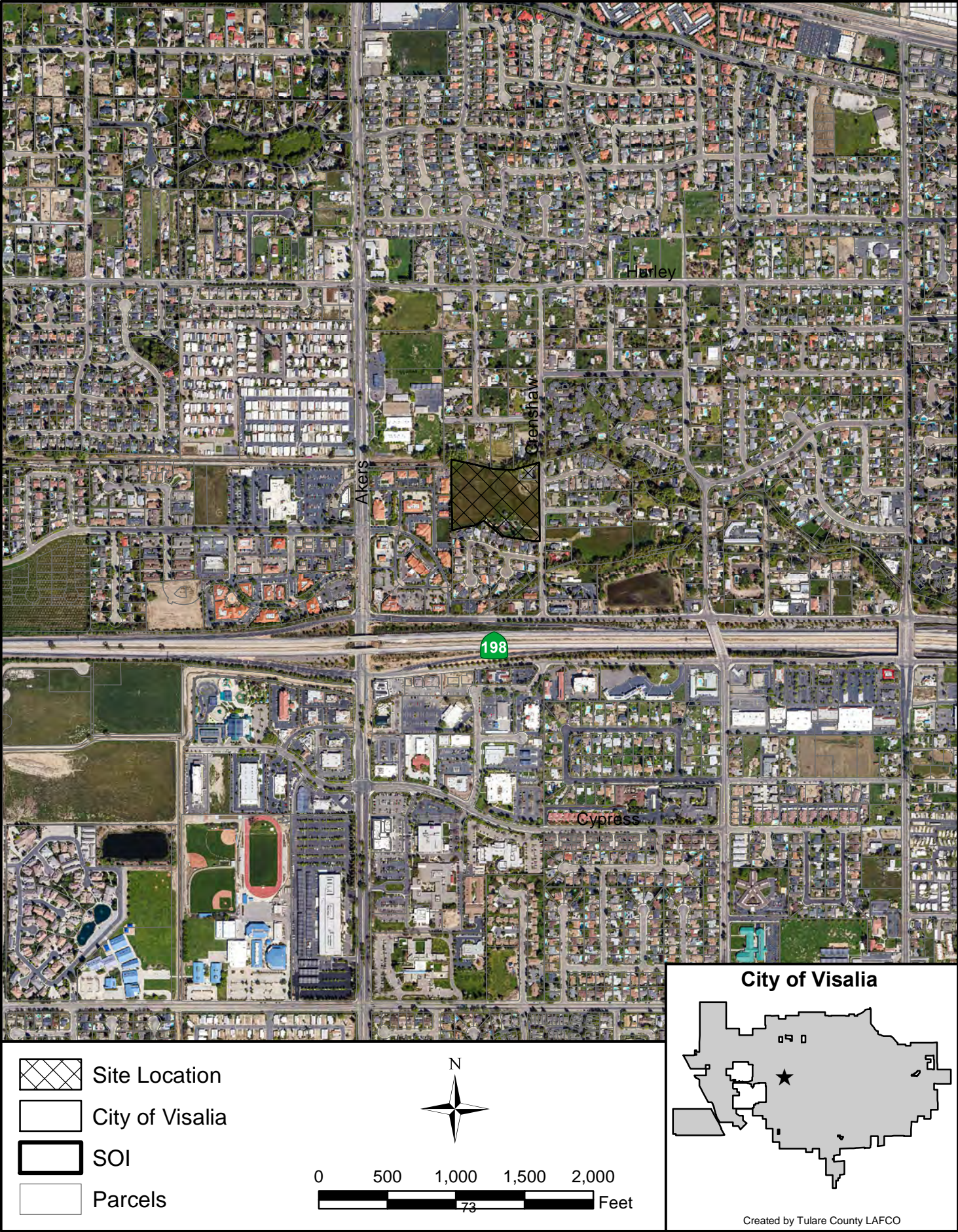
CRENSHAW ST.

VISALIA, CA. 93277

SCALE
1" = 40'

JOB #	FLOOD ZONE	SHEET
21083	X	1
DRAWN BY	SHADED	OF 1

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CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 **Tel:** (559) 624-1600

ITEM: IV-3

FIG. 4: WILL-SERVE LETTER

August 18, 2023

Josh Dan
City of Visalia
315 E Acequia Ave
Visalia, CA 93291

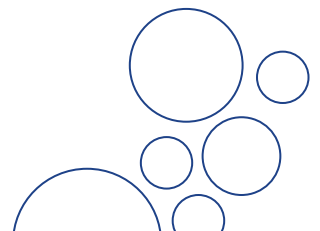
Will Serve Letter
Annexation No. 2022-06
Crenshaw Tentative Subdivision

Dear Mr. Dan:

As a regulated utility, California Water Service Company Visalia district ("Cal Water") has an obligation to provide water service in accordance with the rules and regulations of the California Public Utility Commission (CPUC). Assuming you receive all required permits from Tulare County, Cal Water will provide water service to the above referenced project. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This will serve letter shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming our commitment to serve the above mentioned project. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells, in addition to the cost of mains and services. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.





CALIFORNIA WATER SERVICE

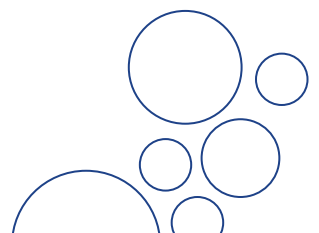
If you have any questions regarding the above, please call me Sedelia Sanchez at (559) 624-1621.

Sincerely,

Stephen Johnson

Stephen Johnson
District Manager

cc: Ting He – Cal Water Engineering Dept.
File



BEFORE THE LOCAL AGENCY FORMATION COMMISSION
OF THE
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Proposed Annexation)
to the City of Visalia and Detachment from) **RESOLUTION NO. 23-XXX**
CSA #1. LAFCO Case 1575-V-461,)
City of Visalia Annexation No. 2022-06)
(Crenshaw Annexation))

WHEREAS, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal to annex certain territories described in attached Exhibit “A” made a part hereof; and

WHEREAS, this Commission has read and considered the Resolution of Application and application materials, the report of the County Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on October 4, 2023 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The information, material and facts set forth in the application, the report of the County Assessor, and the report and recommendations of the Executive Officer (including any corrections), have been received and considered in accordance with

Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Visalia, as the Lead Agency, prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Negative Declaration was approved for use with this proposal. And finds that the Commission has reviewed and considered the Negative Declaration prepared by the City of Visalia for this project and determines that the project will not have a significant effect on the environment.

3. The Commission has reviewed and considered, in accordance with Government Code Section 56668, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXXXXXXXX
XXXXXXXXXXXXX

4. All notices required by law have been given and all proceedings heretofore and now taken in this matter have been and now are in all respects as required by law.

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

- a. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.
- b. The subject territory is within the Sphere of Influence of the City of Visalia.
- c. The proposed reorganization does not contain any Williamson Act contract land.

6. Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations:

- a. The boundaries of the proposed reorganization are definite and certain.
- b. The proposed annexation is compatible with the City's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. Domestic Water is to be provided by the California Water Service.
- g. All urban services and infrastructure can be provided for by the city.

7. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 and orders the annexation without an election.

8. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.

10. The following short form designation shall be used throughout these proceedings:

LAFCO Case No. 1575-V-461, City of Visalia Annexation No. 2022-06
(Crenshaw)

11. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

12. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting held on this 4th day of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ak

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**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

October 4, 2023

**LAFCO Case Number 1576-V-462
Annexation 2022-03 to the City of Visalia
(Barr and Wood Annexation)**

PROPOSAL: Annexation to the City of Visalia, detachment from CSA #1.

PROPONENT: The City of Visalia by resolution of its City Council.

SIZE: Approximately 69.35 acres

LOCATION: At the northwest corner of South Roeben Street and West Whitendale Avenue **(Figure 1)**

NOTICE: Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.

SUMMARY: The proposal is intended to facilitate the development of a 136-lot single family residential subdivision and 3.7 acre park. **(Figure 2)**

APNs: 119-022-041

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing	Proposed (City)
Zoning Designation	County - AE-20	R-1-20 (Single-Family Residential 20,000 sq. ft. minimum site area) – 69.35 acres
General Plan Designation	Very Low Density Residential – 69.35 acres	No Change
Uses	Agricultural, no residences	Private subdivision consisting of 136 single family lots, 3.7 – acre park

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Zoning Designation	General Plan Designation	Existing Use
North	R-1-20 (Single-Family Residential, minimum 20,000 square foot lot size) zone)	Very Low Density Residential	Oak Meadows Estates and Roeben Ranch residential subdivision
South	AE-20 (Agricultural Exclusive 20-acre) County Zoning	Reserve	Shirk Dairy, undeveloped agricultural land
East	R-1-5 (Single Family Residential, 5,000 square foot minimum site area), QP (Quasi-Public)	Residential Low Density	Roeben Ranch and Lisendra Heights residential subdivisions, Sunset Park
West	AE-20 (Agricultural Exclusive 20-acre) County Zoning	Reserve	Orchard, agricultural uses (possible dairy)

C. Topography, Natural Features and Drainage

The site is relatively flat and does not contain any natural topographical features.

D. Conformity with General Plans and Spheres of Influence:

The project is entirely inside of the City Sphere of Influence. It is also inside the City's Tier 2 Urban Development Boundary (UDB).

E. Designate and describe, generally, the major highways and streets adjacent to the subject territory.

Shirk Street, a north/south arterial street, is adjacent to the project site to the west. Roeben Street, a north/south collector street, is adjacent to the project site from the east. Whitendale Avenue, a east/west collector street, is adjacent to the project site from the south and will connect both Shirk and Roeben. Caldwell Avenue, an east/west arterial street, is located a ½ mile to the south. Walnut Avenue, an east/west arterial street, is located a ¼ mile to the north. The South Fork Persian Ditch traverses north/south through the eastern portion of the project site. State Route 198 is located 1¼ miles to the north and State Route 99 is located 1¼ miles to the west. and Mill Creek are located ½ mile to the south. Lastly the Watson Ditch is located a ¼ of a mile to the north.

2. Impact on Prime Agricultural Land, Agriculture and Open Space:

The site is not under Williamson Act contract.

3. Population:

The estimated population of the proposal area is 0. The County Elections Division has indicated that there are fewer than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

4. Services and Controls - Need, Cost, Adequacy and Availability:

Agency providing service

Service	Now	After	Method of finance
Police Protection	County of Tulare	City of Visalia	General Fund
Fire Protection	City of Visalia Fire Department (Contracted with County of Tulare)	City of Visalia Fire Department	General Fund
Water Supply	Private Wells	Cal Water	User Financed
Sewage Disposal	None	City of Visalia	Impact / User Fees
Street Lighting	None	City of Visalia	General Fund
Street Maintenance	County of Tulare	City of Visalia	General Fund
Planning/Zoning	County of Tulare	City of Visalia	General Fund
Garbage Disposal	None	City of Visalia	User Fees
Storm Drain	None	City of Visalia	Impact / User Fee
Ground Water	None	City of Visalia	Impact / User Fee

The City can provide urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services. Cal Water will provide domestic water and has provided a will-serve letter (Figure 4).

The City has more than enough sewer capacity in its treatment plant to accommodate this annexation proposal in terms of flow rate. Visalia's wastewater treatment plant has a capacity of 22 million gallons per day. Current estimated average daily flow is about 13 million gallons per day. Other undeveloped areas already within the city limits add a potential for another 0.5 to 1.0 million gallons per day.

The City has indicated that the wastewater treatment plant is nearing capacity for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) when considering approved and planned development. The City is conducting a comprehensive capacity study that is expected to be completed by the end of the year.

The City currently maintains Roeben Street, a north/south collector, and Shirk Road (Road 92 in the County), which is a north/south arterial. Roeben Street will provide access to the annexation area from the east, while Shirk Street will

provide access from the west. Right of way along the property's frontage will be improved and maintained by the City.

Services which would be extended to the area, including police and fire safety services and development permit services, will be funded primarily through the City General Fund and user permit fees. Road improvements are funded through a combination of various sources including, but not limited to, the General Fund, development fees, and Measure R funds.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership.

6. Assess Value, Tax Rates and Indebtedness:

Upon completion of this annexation the area will be assigned to a new tax rate area. The total assessed valuation of the proposal area is as follows:

Land: \$443,764

Structural Improvements: \$33,465

7. Environmental Impacts:

The City of Visalia is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents a Mitigated Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

8. Landowner Consent:

The landowner has provided signed consent to the annexation. Notice was mailed to all landowners and registered voters within 300 feet of the reorganization area. Since this reorganization has received 100%, the protest hearing can be waived in accordance with Government Code §56662.

9. Regional Housing Needs Assessment (RHNA):

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments.

136-lot single family residential private subdivision proposed for development that are intended to serve the "Above Moderate" income category. A tentative subdivision map has been filed with the City of Visalia. The table below shows the current RHNA cycle allocation.

6th Cycle City of Visalia RHNA allocation

Very Low	Low	Moderate	Above Moderate	Total
3,741	2,306	1,321	3,423	10,791

This annexation and the three other annexations on the agenda for this meeting will make the following progress towards providing its fair share of regional housing.

Very Low	Low	Moderate	Above Moderate	Total
0	0	537	136	673

The table below shows the total remaining fair share of regional housing for the City of Visalia.

Very Low	Low	Moderate	Above Moderate	Total
3,741	2,306	784	3,287	10,118

10. Discussion:

Residential Land Supply and Development

The City currently has approximately a three and a half year supply of residential land. This assumes the remaining 1,052 acres of undeveloped residential land within the City develops at the current City population density of 11.2 persons per acre of developed residential land at a growth rate of 2.17% per year which is the growth rate for the City from 2000 to 2020.

With the addition of the proposed annexation and development of the 136 single family units the city would add approximately an additional 1 month of residential land supply, assuming the growth rate estimates noted above stay consistent for the City.

It should be noted that if the additional three proposed annexations and development on today's agenda (totaling 643 units) were to be approved a total of approximately 7 months of residential land supply would be added assuming the growth rate estimates stay consistent.

Akers/Ferguson Islands

As a result of the annexation in LAFCO case 1561-V-456 (Sycamore Heights), a fully surrounded County island was split into two smaller County islands [Figure 5]. A condition of approval was included for the annexation as follows:

“Within one year of the recording of the Certificate of Completion for this reorganization, the City of Visalia shall submit an application for annexation of the remainder of the Akers/Ferguson islands under the streamlined island annexation procedures.”

The Sycamore Heights annexation was recorded on 10/7/21 which put the application date for the submission of the Akers/Ferguson Islands at 10/7/22. This annexation is still in process at the City. City staff has indicated that the annexation will be submitted to LAFCO by the end of this December.

For future Visalia annexations until the Akers/Ferguson Islands annexation is submitted, LAFCO staff will recommend the following condition of approval:

The Certificate of Completion will not be recorded until the City of Visalia submits the annexation application for the Akers/Ferguson Islands.

Goshen CSD – Sewer Capacity

The Goshen Community Services District (CSD) operates and maintains a sewer collection system that discharges into the Visalia Water Reclamation Facility (WRF). The CSD has an agreement with the City to treat the wastewater with defined limits. The original agreement was executed on June 5, 1995 and was last amended on April 26, 2017. The following are the average and maximum flows from Goshen CSD’s sewer system per a District commissioned report from QK [Figure 6] that was presented to the District on February 21, 2023 and the current average and maximum flows currently allowed in the City/District agreement:

Type	2022 Average	Agreement Average	2022 Maximum	Agreement Maximum
Wastewater Flow	.326 MGD	.360 MGD	.411 MGD	.540 MGD
BOD	796 PPD	1,180 PPD	2,725 PPD	1,770 PPD
Suspended Solids	676 PPD	950 PPD	2,780 PPD	1,425 PPD

BOD = Biochemical Oxygen Demand, PPD = Pounds per Day, MGD = Millions of Gallons per Day

The City had requested the information from the District regarding effluent flows and loadings due to exceedances of maximum BOD and suspended solids in 2022 and concerns regarding the impact of a potential annexation (Fowler Packing). The District does have the ability to request additional capacity from the City. The QK report included three scenarios for the District to consider for amending the agreement:

Scenario	Flow Avg (MGD)	Flow Max (MGD)	BOD Avg (PPD)	BOD Max (PPD)	SS Avg (PPD)	SS Max (PPD)
Fowler Packing	.468	.702	1,180	1,770	950	1,425
District Build-Out	.859	1.289	2,096	3,144	1,780	2,670
SOI Build-Out	1.655	2.483	4,029	6,059	3,430	5,145

Goshen CSD requested an amendment to the City/District sewer agreement for additional capacity from the City at their April 27th, 2023 meeting. The City denied the request on May 6th, 2023 [Figure 7]. In the denial letter, the City notes that they are in the process of completing a comprehensive capacity study that would be completed by the end of the year. At their June 22nd, 2023 meeting, Goshen CSD adopted a 6 month moratorium on new sewer connections [Figure 8].

RECOMMENDED ACTIONS:

It is recommended that this proposal be approved and that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Visalia for this project and determine that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.
2. Find that the proposed reorganization of the City of Visalia complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
 - a. The boundaries of the proposed reorganization are definite and certain.
 - b. The proposed annexation is compatible with the city's General Plan.
 - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
 - f. Domestic water is to be provided by the California Water Service.
 - g. All urban services and infrastructure can be provided for by the city.
4. Find that the annexation does not contain any Williamson Act contract land.
5. Find that the territory proposed for this reorganization is uninhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1576-V-462, City of Visalia Reorganization, Annexation 2022-03 (Barr and Wood Annexation) subject to the following conditions:

- a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
 - b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
- 7. Waive the protest hearing for this proposal in accordance with Government Code §56662 and order the reorganization without an election.
- 8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

Figures:

- Figure 1 Site Location Map
- Figure 2 Barr & Wood Subdivision Map
- Figure 3 Aerial
- Figure 4 Cal Water Will-Serve Letter
- Figure 5 Site Location 1561-V-456
- Figure 6 QK Goshen Sewer Report
- Figure 7 City of Visalia Denial Letter
- Figure 8 Goshen CSD Sewer Connection Moratorium
- Figure 9 Resolution, Annexation to City of Visalia and Detachment from CSA #1



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ITEM: IV-4
FIG. 2: BARR & WOOD SUBDIVISION

MAY 2023

BARR-WOOD SUBDIVISION
TENTATIVE SUBDIVISION MAP
PLANNED DEVELOPMENT (PD)

DEVELOPMENT OF THE PORTWORTH QUARTERS OF SECTION 13, TOWNSHIP 19
SOUTH RANGE EAST MOUNTAIN BASIN AND URBAN IN THE CITY OF
VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA

ENGINEER/PLANNER: 4CREKS INC.
APN: 19-022-041
ACREAGE: 69.35 ±
X
FLOOD ZONE: R-1-20 PREZONE
EXISTING ZONING: VERY LOW DENSITY RESIDENTIAL
ELECTRICITY: SOUTHERN CALIFORNIA EDISON
WATER: CAL WATER
TELEPHONE: AT&T
REFUSE DISPOSAL: CITY OF VISALIA
NATURAL GAS: SOUTHERN CALIFORNIA GAS
EXISTING USE: AE-20
PROPOSED USE: VERY LOW DENSITY RESIDENTIAL

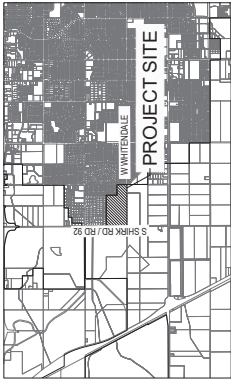
DENSITY: 136
LOTS: 136
GROSS ACREAGE: 69.35
GROSS DENSITY: 1.96 DU/AC
NET ACREAGE: 48.72
NET DENSITY: 2.79 DU/AC

PROPOSED SETBACKS (MINIMUM):

FRONT YARD: 30'
SIDE YARD: 5'
CORNER LOTS: 10' (22' GARAGE STREET SIDE)
REAR YARD: 25' SHORT SIDE OR 20' LONG SIDE

OUTLOTS

LOT A: LANDSCAPE DEDICATION, 7331 SQFT
LOT B: LANDSCAPE DEDICATION, 36,823 SQFT
LOT C: LANDSCAPE DEDICATION, 943 SQFT
LOT D: PATHWAY TO PARK, 12,205 SQFT
LOT E: PATHWAY TO PARK, 19,248 SQFT
LOT F: RECESSED PARK / OPEN SPACE, 37 ACRES
LOT G: LANDSCAPE DEDICATION, 4,226 SQFT
LOT H: LANDSCAPE DEDICATION, 5,998 SQFT
LOT I: LANDSCAPE DEDICATION, 3,372 SQFT
LOT J: LANDSCAPE DEDICATION, 2,200 SQFT
LOT K: STORMWATER BASIN, 1.6 ACRES
LOT L: CANAL, 22,332 SQFT
LOT M: CANAL, 13,913 SQFT
LOT N: PRIVATE STREETS, 79.2 ACRES

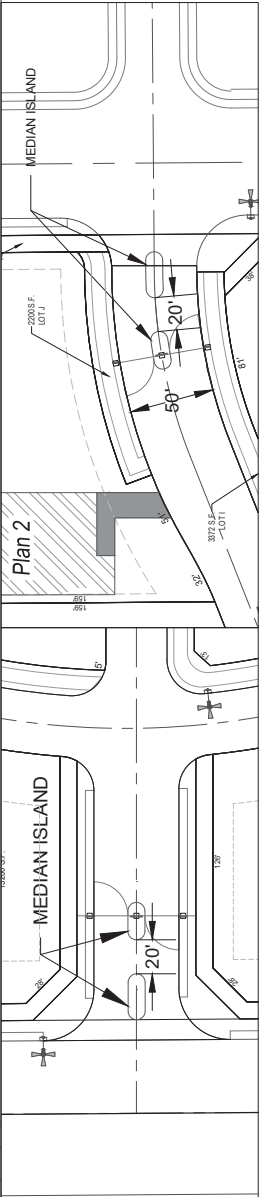
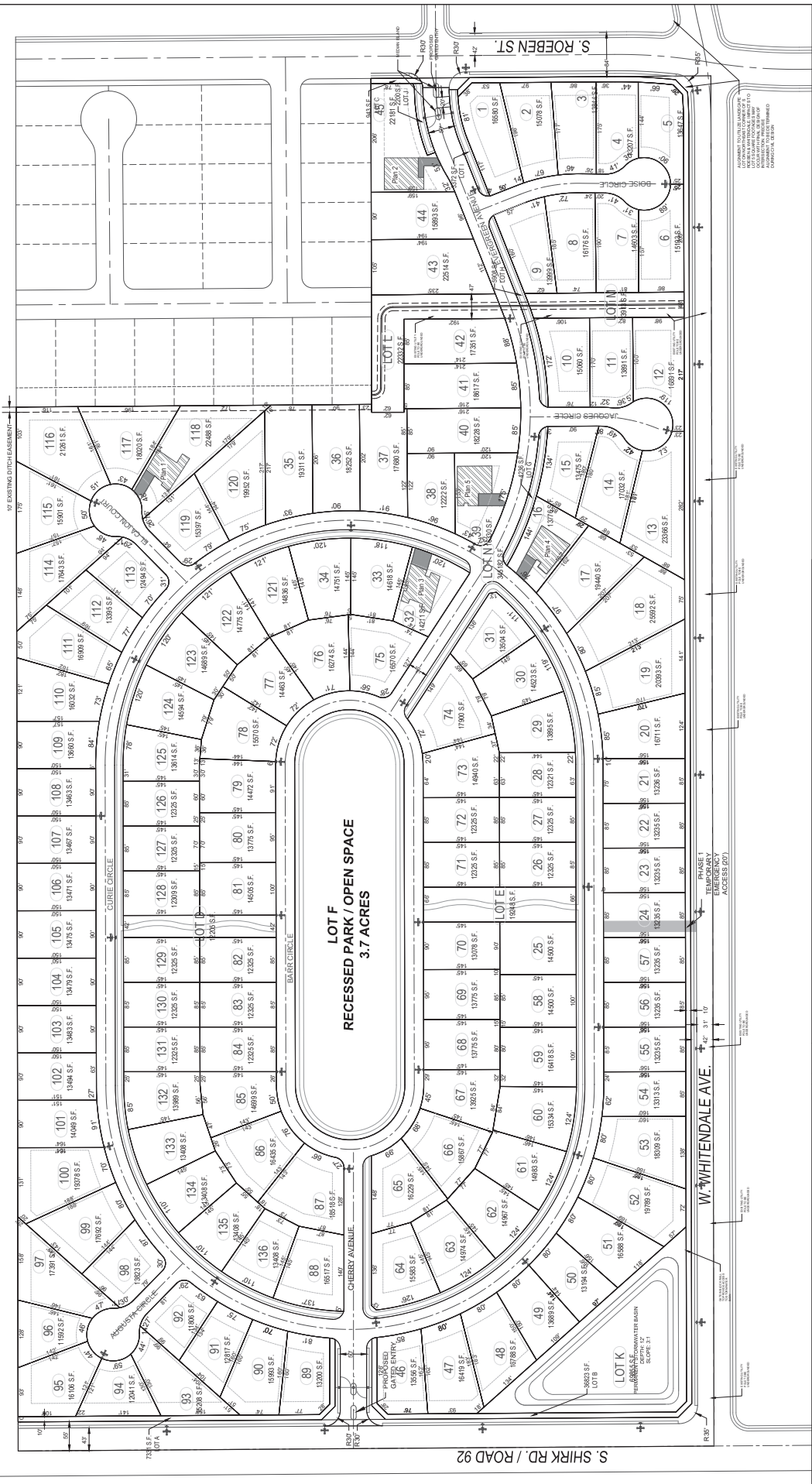


VICINITY MAP

PREPARED BY:



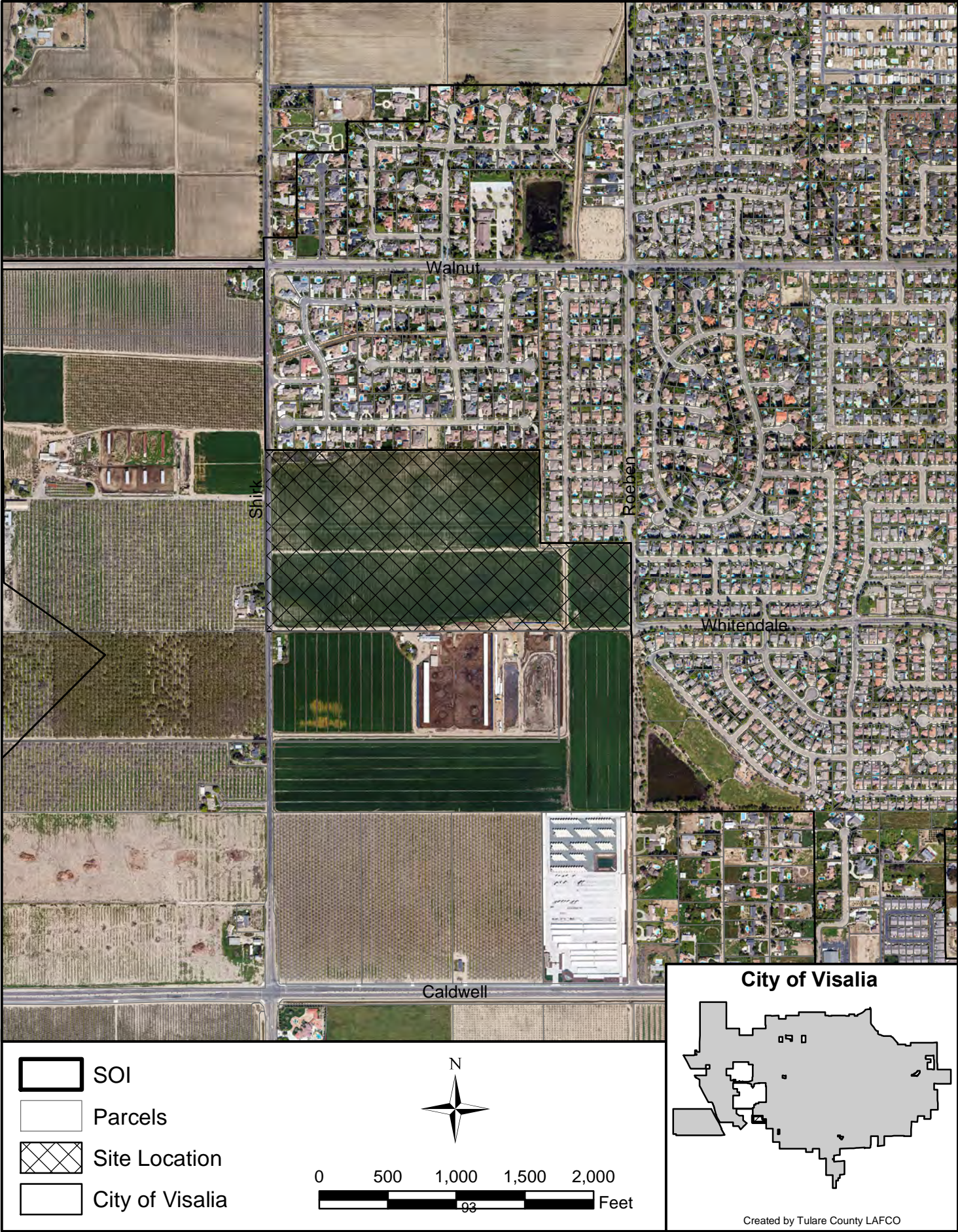
324 S SANTA FE, STE. A
P.O. BOX 7990
VISALIA, CA 93292
TEL: 559.862.5600
FAX: 559.862.5215



WEST GATE ENTRY
SCALE 1" = 40'

EAST GATE ENTRY
SCALE 1" = 40'

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CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 **Tel:** (559) 624-1600

ITEM: IV-4

FIG. 4: WILL-SERVE LETTER

June 29, 2023

Cristobal Carrillo
City of Visalia
315 E Acequia Ave
Visalia, CA 93291

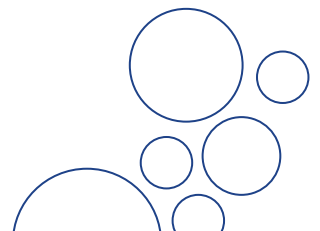
Will Serve Letter
Annexation No. 2022-02
Woodside Homes

Dear Mr. Carrillo:

As a regulated utility, California Water Service Company Visalia district ("Cal Water") has an obligation to provide water service in accordance with the rules and regulations of the California Public Utility Commission (CPUC). Assuming you receive all required permits from Tulare County, Cal Water will provide water service to the above referenced project. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This will serve letter shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming our commitment to serve the above mentioned project. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells, in addition to the cost of mains and services. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.





CALIFORNIA WATER SERVICE

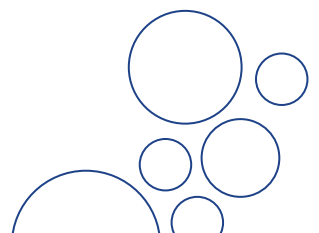
If you have any questions regarding the above, please call me Sedelia Sanchez at (559) 624-1621.

Sincerely,

Stephen Johnson

Stephen Johnson
District Manager

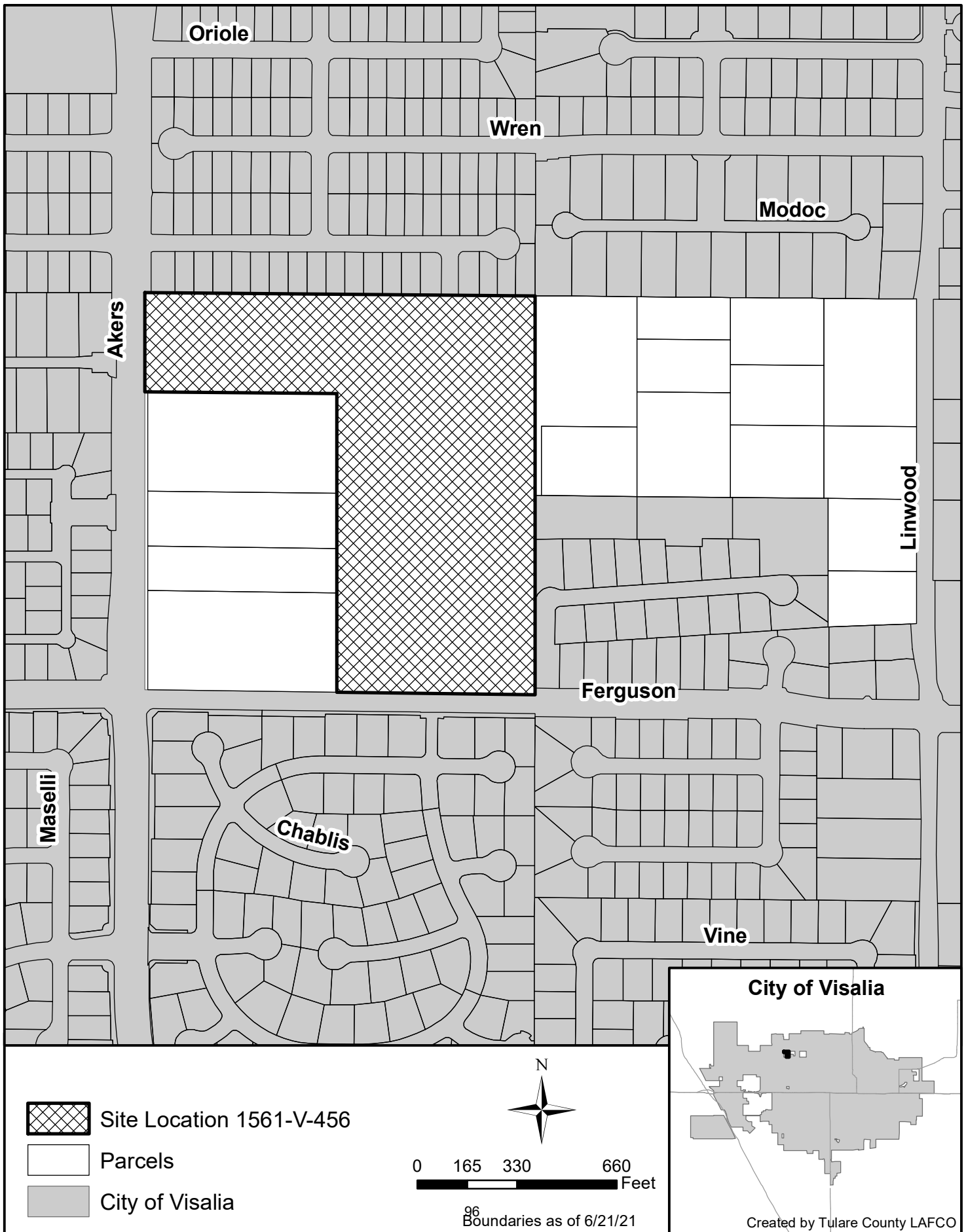
cc: Ting He – Cal Water Engineering Dept.
File



LAFCO Case 1561-V-456

ITEM: IV-4

FIG. 5: SITE LOCATION





MEMO

Date: February 21, 2023 **Project No.:** 230004
To: Manuel Fleming, District Manager, Goshen Community Services District
From: Brian Shoener, P.E.
Subject: Wastewater Loading to Visalia Evaluation

Background

The Goshen Community Services District (CSD) operates and maintains a sewer collection system that serves the District. Wastewater from the entire collection system is collected at a lift station near the intersection of Ave 305 and Effie Drive. From the lift station, wastewater is pumped into an eight-inch force main that eventually discharges to the City of Visalia Water Reclamation Facility (WRF).

The CSD had an agreement with the City of Visalia to treat the District wastewater. The agreement contains limits on the average daily (annual average) and maximum daily flow (MGD), biochemical oxygen demand (BOD) loading (lbs/day) and suspended solids (SS) loading (lbs/day). The original agreement was executed on June 5, 1995. There have been five amendments since. The last amendment, number five, was executed on April 26, 2017. Amendment five set the following limits on the District:

	Average	Maximum
Wastewater Flow	0.36 MGD	0.54 MGD
BOD	1,180 ppd	1,770 ppd
SS	950 ppd	1,425 ppd

Below are the 2022 data on the flows and loadings from the District:

	Average	Maximum
Wastewater Flow	0.326 MGD	0.411 MGD
BOD	796 ppd	2,725 ppd
SS	676 ppd	2,780 ppd

With planned growth within District boundaries and potential growth within the District Sphere of Influence (SOI), the District will require additional capacity from the City of Visalia. The City has asked the District for a formal request stating what additional capacity the District is considering.



This memo will evaluate the additional capacity request to accommodate the following three scenarios:

1. Fowler Packing
2. Current District Boundary
3. Buildout of the Sphere of Influence

Scenario 1: Fowler Packing

Fowler Packing is a proposed 80-acre development at the southwest corner of Goshen Ave and Road 68. The development is to be for light industrial/warehouse uses. The City of Visalia uses a flow of 600 gpd/acre for light industrial developments. Therefore, the flow from the developed 80-acres would be 48,000 gpd. Assuming a BOD and SS of 220 ppm (which is what the District allocates per Equivalent Dwelling Unit (EDU)), the built-out Fowler Packing development would contribute the following:

	Average
Wastewater Flow	0.048 MGD
BOD	89 ppd
SS	89 ppd

Adding the built-out flow and loading from Fowler Packing to the existing District flow and loading would result in the following:

	Average	Current City Contract	Difference
Wastewater Flow	0.374 MGD	0.36 MGD	-0.114 MGD
BOD	885 ppd	1,180 ppd	295 ppd
SS	765 ppd	950 ppd	185 ppd

Based on this information, Fowler Packing would exhaust the flow allowance. BOD and SS loading to the City would be exceeded.

The State Water Resources Control Board (SWRCB) governs wastewater discharges in the State. When treatment plants reach 80% of the design capacity, the State requires the owner of the plant to start designing for expansion of the treatment plant capacity. For analyzing the additional capacity, the District may need from the City, this 80% number will be used. This means that the proposed development will account for 80% of what is being requested from the City. For Fowler Packing, the District should request the following from the City:

	Average w/ Fowler Pkg	Proposed City Contract	Increase
Wastewater Flow	0.374 MGD	0.468 MGD	0.128 MGD
BOD	885 ppd	1,180 ppd	0 ppd
SS	765 ppd	950 ppd	0 ppd

**Scenario 2: Build Out with Current District Boundary**

There are current lots within the existing District boundaries that are vacant or currently under development. Most of these lots are on the north side and southeast side of the District (see Figure 1). To calculate potential wastewater flow from these lots, the General Plan zoning designation, acreage, and flow per acre was used. Below is a summary of the flow calculated:

Zoning	Acreage	gpda	Flow (gpd)
M-2	105.5	1200	126,600
M-1	14	600	8,400
M1-MU	14.6	600	8,760
M-1	96.5	600	57,900
R-2-MU	47	1300	61,100
R-3-MU	27.75	2000	55,500
R-2-MU	8	1300	10,400
M-1-MU	9.75	600	5,850
M-1-MU	24.2	600	14,520
R-1	14.7	800	11,760
TOTAL (gpd)			360,790

Assuming a BOD of 292.55 ppm and a SS of 248.47 ppm (which is based on the District discharge monitoring data to Visalia for 2022), the build-out within the existing District boundaries would contribute the following:

	Average
Wastewater Flow	0.361 MGD
BOD	880 ppd
SS	748 ppd

Adding the built-out flow and loading from development within the District flow to the existing District loading would result in the following:

	Average	Current City Contract	Difference
Wastewater Flow	0.687 MGD	0.36 MGD	-0.327 MGD
BOD	1,677 ppd	1,180 ppd	-497 ppd
SS	1,424 ppd	950 ppd	-474 ppd

Based on this information, the flow, BOD, and SS loading to the City would exceed the existing contract.



For the proposed development within the District, it is assumed the proposed development plus exiting loading will account for 80% of what is being requested from the City. For build-out in the District, the District should request the following from the City:

	Avg w/ District Build-out	Proposed City Contract	Increase
Wastewater Flow	0.667 MGD	0.859 MGD	0.499 MGD
BOD	1,223 ppd	2,096 ppd	916 ppd
SS	1,223 ppd	1,780 ppd	830 ppd

Scenario 3: Build Out of Sphere of Influence

There are current lots outside the existing District boundaries but within the Districts Sphere of Influence (SOI) that are vacant or currently under development. Most of these lots are on the west side of District, west of Highway 99 (see Figure 1). The development of this area was analyzed in the *Westside Wastewater Collection Study* (QK, November 2019). This study estimated a flow of 694,860 gpd from the westside. Since then, there has already been development on the westside which is account for in the District flow information from the lift station. For this analysis, a flow from the westside of 637,108 gpd will be used. Adding the westside development, development within existing District boundaries, and the existing loading results in the following:

	Average w/ SOI Build-out	Current City Contract	Difference
Wastewater Flow	1.304 MGD	0.36 MGD	-0.944 MGD
BOD	3,231 ppd	1,180 ppd	-2,051 ppd
SS	2,744 ppd	950 ppd	-1,794 ppd

Based on this information, the flow, BOD, and SS loading to the City would exceed the existing contract.

For the proposed development within the District, it is assumed the proposed development plus exiting loading will account for 80% of what is being requested from the City. For build-out in the District, the District should request the following from the City:

	Avg w/ SOI Build-out	Proposed City Contract	Increase
Wastewater Flow	1.304 MGD	1.655 MGD	1.30 MGD
BOD	3,231 ppd	4,039 ppd	2,859 ppd
SS	2,744 ppd	3,430 ppd	2,480 ppd

**SUMMARY**

Based on the analyses presented in this document, below is a summary of the proposed amended flow and loadings from the District for the three scenarios for average day:

Proposed Amendment Parameters (Avg Day)

Scenario		Flow	BOD	SS
		(MGD)	(ppd)	(ppd)
Fowler Packing		0.468	1,180	950
District Build-Out		0.859	2,096	1,780
SOI Build-Out		1.655	4,039	3,430

Current District
Limits

0.36

1,180

950

Below is a summary of the proposed amended flow and loadings from the District for the three scenarios for maximum day:

Proposed Amendment Parameters (Max Day)

Scenario		Flow	BOD	SS
		(MGD)	(ppd)	(ppd)
Fowler Packing		0.702	1,770	1,425
District Build-Out		1.289	3,144	2,670
SOI Build-Out		2.483	6,059	5,145

Current District
Limits

0.54

1,770

1,425

BGS



FIGURE 1 - GOSHEN CSD BOUNDARIES

FIG. 7: DENIAL LETTER

Public Works Department
336 N Ben Maddox Way
Visalia, CA 93292



Tel: (559) 713-4428
Fax: (559) 713-4818

Goshen Community Services District
c/o Manuel Fleming
6678 Avenue 308
Visalia, CA 93291

May 16, 2023

Re: Proposed Amendment for Additional Capacity

Dear Mr. Fleming:

I am in receipt of your letter of April 27, 2023, enclosing a proposed Amendment No. 6 to the agreement between the City of Visalia and the Goshen Community Services District. The City is not in a position to accept your proposed Amendment No. 6 because the City has determined that there is no capacity available to accept additional wastewater discharge from Goshen CSD.

As we have previously relayed to the District staff, the City is in the process of completing a comprehensive capacity study, which we anticipate will confirm current in-house data that shows various capacity parameters, such as Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) capacities, are already near or at current state mandated reserve thresholds, especially when accounting for capacity committed to City approved and planned development. The City anticipates that more details regarding the capacity constraints, as well as specific projects to address them, will be available within six months. Until the study is complete, and plans for addressing the current constraints are arrived at, the City will not be in a position to accept any increase in contracted capacities.

It should be noted that the requested increases in capacities for the District represent between a 48% increase (BOD) and a 56% increase compared to current accepted quantities. The City had no prior reason to believe such large increases would be requested. It should also be noted that the Agreement specifically obligates the District to "make a good faith effort to notify the City of any potential increases in wastewater flow, biochemical oxygen demand, suspended solids and other potential pollutant levels, indicated by any commercial and/or industrial development inquiries, that would significantly affect the quantity and/or quality of the District's discharge to the City system as soon as such potential impacts are made known to the District." This does not appear to have occurred in this case. We encourage you to make this a regular practice so we can assist you in serving your customers.

The City has invited District staff to be involved in the City capacity study. The City continues to encourage the District to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Bartsch".

Nick Bartsch
Public Works Director
City of Visalia

CC: Leslie Caviglia, City Manager
Paul Bernal, Community Development Director

**BEFORE THE BOARD OF DIRECTORS
OF THE GOSHEN COMMUNITY
SERVICES DISTRICT**

Board Resolution 2023-06-02

**A RESOLUTION OF THE GOSHEN COMMUNITY SERVICES
DISTRICT ADOPTING A TEMPORARY MORATORIUM OF THE ISSUANCE OF
WILL SERVE LETTERS FOR NEW SEWER CONNECTIONS**

WHEREAS, the Goshen Community Services District ("District") operates and manages a sewer system which provides wastewater discharge service to the residential, industrial and commercial users in the unincorporated community of Goshen, California; and

WHEREAS, the City of Visalia and the District are parties to a Wastewater Service Agreement, most recently amended in 2007, whereby the District purchases capacity from the City of Visalia for the conveyance and treatment of the District's wastewater to the City of Visalia's wastewater treatment and disposal facility; and

WHEREAS, the City of Visalia recently notified the District that is currently unable to grant the District any additional capacity for increased wastewater discharge until the City completes a comprehensive capacity study and plans for addressing current capacity constraints are made and implemented; and

WHEREAS, the City of Visalia's inability to grant any increased capacity for increased wastewater discharge to the District significantly impairs the District's ability to approve any future applications for new sewer connections; and

WHEREAS, the moratorium imposed by this Resolution is intended to prevent the approval of any applications for service and issuance of Will Serve letters for new connections to the District's sewer system; and

WHEREAS, as additional capacity becomes available the District Board of Directors anticipates that future applications for service will be approved; however, because additional capacity may not become available within the next six months, the District Board of Directors anticipates it may need to extend the moratorium; and

WHEREAS, the District finds that this Resolution is necessary for the immediate preservation of the public peace, health, or safety and to ensure that the District can fulfill its obligations to its varied customers; and

WHEREAS, The District and the City of Visalia are pursuing long-term treatment capacity, but until the time when increased capacity is available, it is necessary to adopt a temporary moratorium on applications received for new sewer connections and the District's issuance of Will Serve letters.

NOW THEREFORE BE IT RESOLVED by the Goshen Community Services District as follows:

1. **Moratorium on Sewer Connections.** Except as provided in Sections 3 and 4 of this Resolution, the District shall not approve applications for sewer connections or issue Will Serve letters on or to properties located within the boundaries of the District to serve any of the following:
 - A. Any new structure that will increase its existing EDU requirements or entitlements; or
 - B. Any expansion or replacement of an existing structure that will increase its existing EDU requirements or entitlements.
2. **Duration of Moratorium.** This Resolution is effective on the date it is adopted by the Board of Directors of the Goshen Community Services District and shall remain in effect for a period of six months, unless renewed or repealed prior to its expiration date.
3. **Users with Vested Rights.** The Board of Directors reserves its rights to exercise its sole discretion to declare this Resolution inapplicable to users with vested rights to sewer connection.
 - A. Factors for demonstrating vested rights to sewer service which will be considered by the Board of Directors include the user being in possession of receipts for its payment to the District of the full amount of District sewer connection fees; Validly issued Will Serve letters from the District; receipt of all permits from other government agencies necessary for construction of the project for which sewer connection fees have been paid; and completion of substantial on site physical construction of the project.
4. **Hardship Application.** Any person aggrieved by this moratorium may file a hardship application with the Board of Directors for relief from such moratorium. The Board of Directors shall grant or deny the hardship application after public hearing and considering such factors as the Board may deem appropriate considering the purposes of the enactment of this Resolution and moratorium, including but not limited to:
 - A. Nature and extent of financial or other hardship;
 - B. Extent of proposed usage of sewer capacity;
 - C. The general magnitude of potential adverse impacts caused by this moratorium; and
 - D. Such other factors as may be significant relative to the individual property and circumstances.

The granting of any hardship shall remain in harmony with the general purpose and intent of this Resolution so that the goals hereof can be achieved and substantial justice done. In granting any hardship, the Board of Directors may impose such reasonable and additional stipulations and conditions as will in its judgment thus fulfill the purposes of this Resolution.

5. **Review and Repeal of Moratorium.** The Board of Directors reserves its rights to periodically review this Resolution, amend it, repeal it and replace it with an Ordinance or take any other such action which it deems appropriate in light of the facts and needs of the Goshen community.
6. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this Resolution. The Board of Directors of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

THE FOREGOING RESOLUTION was adopted upon the motion of Director _____ and seconded by Director _____ at a regular meeting of the Board of Directors of the Goshen Community Services District, held on June 22, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Board President/Chair
Goshen Community Services District

ATTEST:

Manuel Fleming
Clerk of the Board

BEFORE THE LOCAL AGENCY FORMATION COMMISSION

OF THE

COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Proposed Annexation)	
to the City of Visalia and Detachment from)	RESOLUTION NO. 23-XXX
CSA #1. LAFCO Case 1576-V-462,)	
City of Visalia Annexation No. 2022-03)	
(Barr and Wood))	

WHEREAS, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal to annex certain territories described in attached Exhibit “A” made a part hereof; and

WHEREAS, this Commission has read and considered the Resolution of Application and application materials, the report of the County Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on October 4, 2023 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The information, material and facts set forth in the application, the report of the County Assessor, and the report and recommendations of the Executive Officer (including any corrections), have been received and considered in accordance with

Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Visalia, as the Lead Agency, prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. And finds that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Visalia for this project and determines that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent.

3. The Commission has reviewed and considered, in accordance with Government Code Section 56668, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXXXXXXXX
XXXXXXXXXXXXX

4. All notices required by law have been given and all proceedings heretofore and now taken in this matter have been and now are in all respects as required by law.

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

- a. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.
- b. The subject territory is within the Sphere of Influence of the City of Visalia.

- c. The proposed reorganization does not contain any Williamson Act contract land.

6. Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations:

- a. The boundaries of the proposed reorganization are definite and certain.
- b. The proposed annexation is compatible with the City's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. Domestic water is to be provided by the California Water Service.
- g. All other urban services and infrastructure can be provided for by the city.

7. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 and orders the annexation without an election.

8. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.

10. The following short form designation shall be used throughout these proceedings:

LAFCO Case No. 1576-V-462, City of Visalia Annexation No. 2022-03 (Barr and Wood)

11. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

12. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting held on this 4th day of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ak

CALAFCO Daily Legislative Report as of Monday, September 25, 2023

AB 68 (Ward D) Land use: streamlined housing approvals: density, subdivision, and utility approvals.

Current Text: Amended: 4/12/2023 [html](#) [pdf](#)

Introduced: 12/8/2022

Last Amended: 4/12/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/16/2023)(May be acted upon Jan 2024)

Summary:

Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region's sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

Position: Watch

Subject: Planning

CALAFCO Comments: This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023. It now seeks to set up ministerial approvals for developments and certain water and sewer service extensions for developments that meet certain parameters. Parameters include that the parcel must be in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one-mile of transit but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement.

3/31/2023: Watch position taken by Leg Committee.

4/21/2023: CALAFCO received word from the Assembly Housing and Community Development Committee, that this bill will not be heard this year.

Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 399 (Boerner D) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.

Current Text: Enrollment: 9/19/2023 [html](#) [pdf](#)

Introduced: 2/2/2023

Last Amended: 9/1/2023

Status: 9/19/2023-Enrolled and presented to the Governor at 4 p.m.

Summary:

The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit

is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Current law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion. This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require the ballot materials to include a fiscal impact statement, as described.

Attachments:

[CALAFCO Oppose as Amended Letter](#)

[AB 399 Fact Sheet](#)

Position: Oppose

Subject: Detachment Proceedings

CALAFCO Comments: AB 399 was previously AB 530, which did not pass out of policy committee before deadlines.

AB 399, originally addressed the Vehicle Code but was gutted and amended on 6/14/2023 to become: the Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure. A fast moving bill, this is proceeding as an urgency bill which would take effect upon passage. The action is being undertaken to counter two detachments that have been approved by the San Diego LAFCo, subject to exit fees.

Under the uncodified County Water Authority Act of 1943, detachment proceedings require a vote of the residents in the detaching district. This bill seeks to add a second vote among the larger population of the full county water authority. While the vote among the residents of the detaching district is essentially consistent with LAFCo laws, requiring a second vote among the larger population of the entire water authority is not. AB 399 would set many precedents including: legislative "fixes" for contested LAFCo decisions; the ability of the legislature to unilaterally change the exit terms for multi-government consortiums after entities join; and the permissibility of requiring double votes on matters.

Staff met with the author on 7/11/2023 who remained steadfast on the bill. The bill was heard the next day (7/12/23) by the Senate Gov & Finance Committee where CALAFCO provided lead opposition. The bill passed by a 5-3 vote and. The bill passed the Senate 23-10 on 9/6 and the Assembly 47-8 on 9/12.

[AB 557](#) ([Hart D](#)) **Open meetings: local agencies: teleconferences.**

Current Text: Enrollment: 9/15/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amended: 9/1/2023

Status: 9/15/2023-Enrolled and presented to the Governor at 4 p.m.

Summary:

The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to

promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative body has previously made that determination. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect.

Position: Watch

Subject: Brown Act

CALAFCO Comments: Similar in scope to SB 411, this bill is follow-on legislation to AB 361 (2022) and seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act and would change the timeline for legislative bodies to reaffirm an emergency from the current 30 days to 45 days. This bill is sponsored by CSDA.

[AB 805](#) ([Arambula](#) D) Drinking water consolidation: sewer service.

Current Text: Amended: 3/9/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/9/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Summary:

Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFcos must be consulted and their input considered in regards to the provision of water service but sewer systems seem to be lacking.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

[AB 817](#) ([Pacheco](#) D) Open meetings: teleconferencing: subsidiary body.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/16/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023)(May be acted upon Jan 2024)

Summary:

Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the

legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill appears to be a spot holder in that it currently only makes minor grammatical changes. The lack of substance raises concern regarding future changes to this bill.

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 828 (Connolly D) Sustainable groundwater management: managed wetlands.

Current Text: Amended: 4/17/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 4/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)

Summary:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term “managed wetland.”

Position: None at this time

Subject: Water

CALAFCO Comments: Adds definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a)(4).

Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code section 10733 to address groundwater sustainability plans.

Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

[AB 918](#) ([Garcia D](#)) Health care district: County of Imperial.

Current Text: Enrollment: 9/21/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 9/11/2023

Status: 9/21/2023-Enrolled and presented to the Governor at 3:30 p.m.

Summary:

Would form a local health care district in the County of Imperial, designated as the Imperial Valley Healthcare District, that includes all of the County of Imperial. The bill would require the initial board of directors of the Imperial Valley Healthcare District to be appointed from and by specified bodies, including among others, the Imperial County Board of Supervisors, the Pioneers Memorial Healthcare District Board of Directors, and the Heffernan Memorial Healthcare District Board of Directors. The bill would require the initial board of directors to recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The bill would require the initial board of directors to enter negotiations with El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. The bill would require the initial board of directors to finalize the terms of the acquisition by November 5, 2024. The bill would require the City of El Centro to negotiate in good faith with the Imperial Valley Healthcare District. The bill would require the board of directors to hold a minimum of 3 public meetings between the effective date of the bill and January 1, 2025, as specified. The bill would require the board of directors to recommend to the Imperial County Local Agency Formation Commission (LAFCO) dates for the dissolutions of the Pioneers Memorial Healthcare District and Heffernan Memorial Healthcare District and would authorize the board to recommend separate dates for each district's dissolution. The bill would require, by January 1, 2025, the Imperial County LAFCO to dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District and would transfer the assets, rights, and responsibilities of the dissolved districts to the Imperial Valley Healthcare District. The bill would require, until the dissolution of both of those districts, the Heffernan Memorial Healthcare District to hold a temporary clerical role for the Board of Directors of the Imperial Valley Healthcare District, as specified. The bill would extend the terms of the board members of the districts being dissolved until their respective dissolution date or January 1, 2025, whichever occurs first.

Attachments:

[CALAFCO 7-7-23 Letter in Opposition to 7-6-2023 amendments](#)

[CALAFCO Letter in Opposition to 4-17-2023 bill amendment](#)

[CALAFCO Oppose Letter](#)

Position: Oppose

Subject: Other

CALAFCO Comments: As introduced, this bill was merely a spotholder that stated an intent to create a countywide healthcare district in Imperial County.

March 23, 2023, the bill was amended with specifics. It now seeks to rename the Pioneer Memorial Healthcare District to the Imperial County Healthcare District (ICHHD) and then sets up what, in essence, is a ministerial process for the countywide expansion of the ICHD. The expansion process is first initiated by the ICHD Resolution of Application, which is required to be filed with LAFCo no later than January 5, 2024. The LAFCo then has 150 days to complete the entire process, including the vote. Protest proceedings for that expansion would be waived under this bill. The bill also does not allow the LAFCo to deny the application. The bill also notes that future changes of organization or reorganization of the resulting districts would need to follow the normal provisions of CKH. A copy of CALAFCO's letter in opposition can be found in the attachments section.

4/17/2023: the bill was amended to entirely remove LAFCo involvement. CALAFCO's second letter of opposition that addresses this amended version can be found in the attachments section.

5/15/2023: The bill was amended again with a return of LAFCo into the process. However, it does again require LAFCo approval. As amended, the bill would rename the Pioneers Memorial Healthcare District to the Imperial Valley Healthcare District, then authorizes the expansion of the newly formed Imperial Valley Healthcare District to include all of the County of Imperial. As before, the bill requires the newly formed district to submit

a resolution of application to the Imperial County LAFCo to initiate proceedings to expand the district, then requires the commission to order the expansion subject to a vote of the registered voters within the territory to be annexed. The bill provides for expansion of the district upon voter approval and providing that a funding source is also approved, if necessary. If expansion is approved, the Heffernan Memorial Healthcare District would transfer its assets, rights, and responsibilities to the Imperial Valley Healthcare District. The bill goes on to address other housekeeping issue such as the composition of the newly formed district board of directors.

7/12/2023, the bill was approved by the Senate Governance and Finance Committee, with the support of Imperial LAFCo.

Position change to Neutral will be recommended to the Legislative Committee on 7/28/2023.

Senate Appropriations hearing set for August 14, 2023.

7/13/2023, the bill was again amended. It still forms the new district outside of the LAFCo process and only considers LAFCo in a tangential way. Specifically, Imperial LAFCo is to collaborate with the new health district's board of directors to determine the voting districts and terms of the board positions, to determine the appropriate dates to dissolve the two healthcare districts (and that the dissolution shall occur by January 1, 2025), and to receive annual reports from the new district.

9/14/2023, the bill passed the Senate 40-0 and Assembly 78-0

[AB 930](#) ([Friedman D](#)) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.

Current Text: Amended: 4/26/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 4/26/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/25/2023)(May be acted upon Jan 2024)

Summary:

Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, and authorizes an authority to, among other things, provide for low- and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified.

Position: Neutral

Subject: Special District Principle Acts

CALAFCO Comments: This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process. As introduced, this bill (AB 930) is focused on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

[AB 1379](#) ([Papan D](#)) Open meetings: local agencies: teleconferences.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023)(May be acted upon Jan 2024)

Summary:

The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: Originally introduced as a spotholder to address "Local agencies: financial affairs", this bill was gutted and amended on March 23, 2023, and now seeks amendment of the Brown Act's teleconferencing provisions. If successful, GC Section 54953 (b)(3) would be amended to remove the requirement to post agendas for teleconferenced meetings at all locations, and would instead limit the posting to a newly defined "singular designated physical meeting location", which is required to have either two-way audiovisual capabilities, or two-way telephone service for the public to remotely hear and address the body. Additionally, the body would have to hold at least two meetings in person each year.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

[AB 1460](#) ([Bennett D](#)) Local government.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)

Summary:

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

Position: Neutral

Subject: CKH General Procedures, Other

CALAFCO Comments: As introduced, this bill makes only a minor nonsubstantive change to CKH in that it would merely add commas to Section 56000 so that it would read: "This division shall be known, and may be cited, as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000."

3/24/2023: No change since introduction. Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

[AB 1637](#) ([Irwin D](#)) Local government: internet websites and email addresses.

Current Text: Enrollment: 9/21/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 6/29/2023

Status: 9/21/2023-Enrolled and presented to the Governor at 3:30 p.m.

Summary:

Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a “.gov” or “.ca.gov” domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: As introduced, this bill would have required LAFCOs who do not already have website domains ending with the “.gov” extension to transition to it no later than January 1, 2027. This bill was not considered as having a broad impact on LAFCOs given that 12 of them already use the .gov extension.

5/18/2023: The bill was amended and is not longer applicable to LAFCOs as its definition of a local agency has been narrowly defined to only cities and counties. However, we are continue our Watch position to monitor for potential changes.

[AB 1753](#) (Committee on Local Government) Local government: reorganization.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 3/2/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 25, Statutes of 2023.

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified. Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, current law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Current law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Current law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified. This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

Attachments: [AB 1753 CALAFCO Letter of Support, 03-28-23](#)

Position: Support

Subject: CKH General Procedures

CALAFCO Comments: This is CALAFCO's Omnibus bill. It seeks to add two new provisions to CKH. The first, would add section (d)(1) to Government Code Section 56658 and would note that R&T Section 99(d)(b)(6) requires an property tax agreement for an application to be considered complete. The second adds language to GC Sec. 56882 allowing transmission of commission determination by email, providing that the executive officer confirms receipt through an electronic read receipt of other means.

[SB 360](#) ([Blakespear D](#)) California Coastal Commission: member voting.

Current Text: Chaptered: 7/21/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amended: 6/14/2023

Status: 7/21/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 108, Statutes of 2023.

Summary:

The California Coastal Act of 1976 establishes the California Coastal Commission and prescribes the membership and duties of the commission. The act provides that its provisions do not preclude or prevent any member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, or a member of specified associations or organizations, and who has in that designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon that matter as a member or employee of the commission. This bill would apply the latter provision to a member of a joint powers authority and a member of a local agency formation commission.

Attachments:

[SB 360 Fact Sheet](#)

[SB 360 CALAFCO Letter of Support](#)

Position: Support

Subject: Other

CALAFCO Comments: PRC 30318 currently holds a provision that allows members or employees of certain entities to sit on the California Coastal Commission. This bill would add members or employees of JPAs and LAFcos into that list.

3/24/2023: No change since introduction.

3/31/2023: Position changed to support. The Fact Sheet and a copy of CALAFCO's Support letter can be found in the attachments.

After two minor amendments, the bill was passed on 7/6/2023, Enrolled and presented to the Governor for signature at 11 a.m. on 07/11/2023.

[SB 411](#) ([Portantino D](#)) Open meetings: teleconferences: neighborhood councils.

Current Text: Enrollment: 9/11/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Last Amended: 8/14/2023

Status: 9/11/2023-Enrolled and presented to the Governor at 3 p.m.

Summary:

Would, until January 1, 2026, authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill would permanently add back provisions to Section 54953.4 of the Brown Act that had been temporarily enacted during the COVID-19 pandemic. The amendment would allow a legislative

body to use teleconferencing provisions, and would define the proper procedure for conducting such a meeting, would require the legislative body to take no further action in the event of a broadcasting disruption within the local agency's control until the broadcast can be resumed, would require time public comment periods to remain open until the public comment time has elapsed, and would not only prevent requiring comments in advance but would also require that the public be afforded the chance to comment in real time.

4/24/2023: The bill was amended to make it specific to neighborhood councils and is no longer a concern for CALAFCO. However, we continue to monitor in case of changes.

8/14/2023: Amended to require that a quorum of the members of the eligible legislative body must meet in person at a location open to the public at least once per year.

SB 537 (Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Current Text: Amended: 9/5/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 9/5/2023

Status: 9/14/2023-Ordered to inactive file on request of Assembly Member Bryan.

Summary:

Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This is a spotholder bill that states an intent to expand local government's access to hold public meetings through teleconferencing and remote access.

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of

local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023.

7/12/23: The bill passed the Assembly Local Government Committee.

Amended on August 14, 2023, to require eligible legislative bodies that receive compensation to participate from a physical location that is open to the public.

[SB 768](#) (Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/22/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project..

Position: Neutral

Subject: CEQA

CALAFCO Comments: Introduced as a spotholder bill that noted an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.

3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

[SB 865](#) ([Laird D](#)) **Municipal water districts: automatic exclusion of cities.**

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023)(May be acted upon Jan 2024)

Summary:

Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

Position: Neutral

Subject: Annexation Proceedings

CALAFCO Comments: Existing law authorizes a governing body of a municipal water district may adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, providing that the territory is annexed prior to the effective date of the formation of the municipal water district. If that happens, the Secretary of State must, within 10 days of receiving a certified copy, issue a certificate reciting the passage of the ordinance that excludes the area from the municipal water district. This bill would extend the Secretary of State's window to issue that certificate from 10 to 14 days.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

[SB 878](#) ([Committee on Governance and Finance](#)) **Validations.**

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 30, Statutes of 2023.

Summary:

Would enact the First Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Attachments: [Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.

[SB 879](#) ([Committee on Governance and Finance](#)) **Validations.**

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 31, Statutes of 2023.

Summary:

Would enact the Second Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Attachments: [Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.

[SB 880](#) (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 32, Statutes of 2023.

Summary:

Would enact the Third Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments: [Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.