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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:
*Pete Vander Poel, Chair
Juliet Allen, V-Chair
Cameron Hamilton
Rudy Mendoza
Steve Worthley*

PROTEST HEARING
October 2, 2017 @ 2:00 P.M.

Tulare County Association of Governments Building
210 N Church St, Suite B
Visalia CA 93291

ALTERNATES:
*Mike Ennis
Carlton Jones
Dennis Mederos*

EXECUTIVE OFFICER:
Ben Giuliani

I. Call to Order

II. 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 Executive Officer. At all times, please state your name and address for the record.

III. Protest Hearings

1. LAFCO Case# 1534-V-451 City of Visalia Reorganization 2017-01 (Reimer) (Pages 01-07)
[Public Hearing]

On August 30th, 2017, Tulare County LAFCO approved the reorganization of 21.6 acres consisting of 7 parcels; 123-090-008, -009, -011, -012, -013, -014, and 123-100-004 to the City of Visalia and detachment of the same area from County Service Area #1.

IV. 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.

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
PROTEST HEARING REPORT**

October 2, 2017

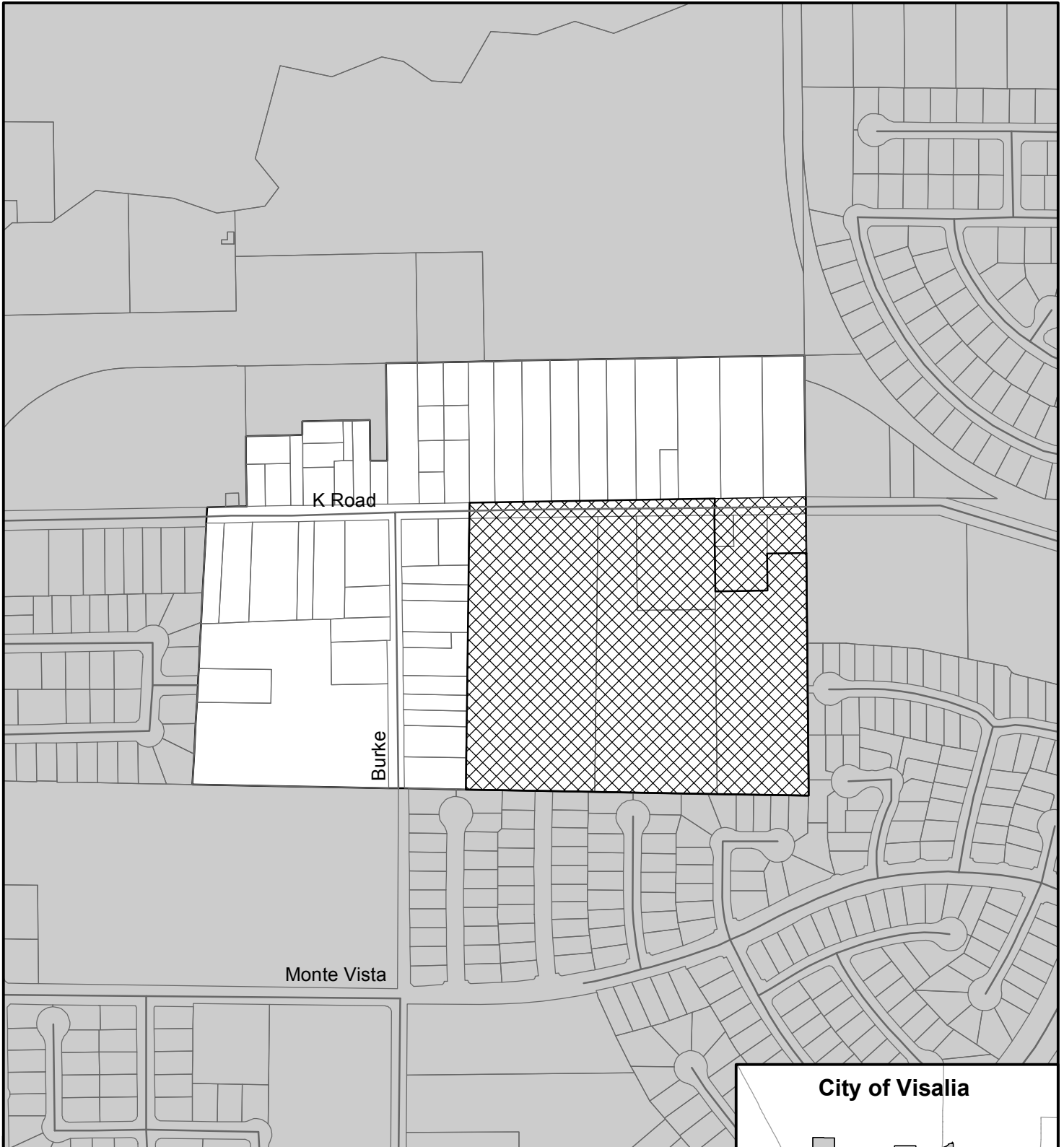
LAFCO Case# 1534-V-451 City of Visalia Reorganization, Annexation No. 2017-01 (Reimer)

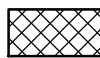


- PROPOSAL:** The Commission approved a request submitted by the City of Visalia, adding APNs 123-090-011, -012, and -013 to annex certain territory to the City of Visalia and detach the same area from CSA #1 on August 30th, 2017 (Resolution 17-015 – attached).
- LOCATION:** The site is southeast of K Road and Burke Street. Commission proceedings were initiated by resolution of application by the City of Visalia. **(Figure 1)**
- DESCRIPTION:** The reorganization consists of about 21.6 acres including 7 parcels 123-090-008, -009, -011, -012, -013, -014, and 123-100-004.
- CONSENT:** The reorganization was determined to be uninhabited and consent was not received from all property owners. Therefore, the protest rules set forth in Government Code (GC) Sections 57075(b) and 57078(a) shall apply.
- PROTEST HEARING:** The results of this protest hearing will be brought back to the Commission for action at the October 4th meeting. In accordance with GC §57075(b) and 57078(a), the Commission will adopt a resolution making a finding regarding the value of written protests filed and not withdrawn for an uninhabited change of organization and take one of the following actions:
- 1) Terminate proceedings if written protests are received from landowners owning 50% or more of the assessed value of land within the reorganization area, or;
 - 2) Order the reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the reorganization area.

ATTACHMENTS:

Reorganization Map
Resolution 17-015

LAFCO Case 1534-V-451

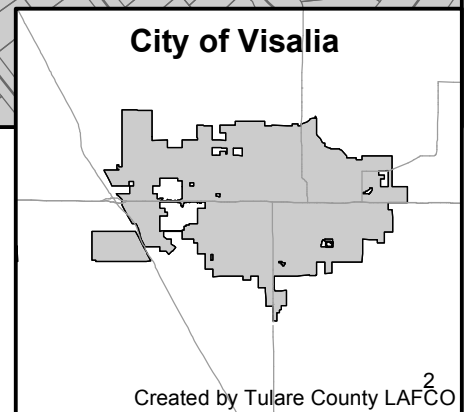


-  Approved Annexation Boundaries
-  Parcels
-  City of Visalia



0 500
Feet

Boundaries as of 7/27/17



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 CSA #1,) **RESOLUTION NO. 17-015**
LAFCO Case No. 1534-V-451, Annexation 2017-01)
(Reimer))

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 from the City of Visalia 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 and the report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on August 30, 2017 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 and the report of the Executive Officer (including any corrections), have been received and considered in accordance with GC §56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Visalia, as Lead Agency, filed a Negative Declaration in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Negative Declaration prepared by the City of Visalia for this project and find that the project will not have a significant effect on the environment.

3. The Commission has reviewed and considered, in accordance with GC §56668, the information, materials and facts presented by the following persons who appeared at the public hearing and commented on the proposal:

Paul Scheibel, City of Visalia
Diana Sullivan, Property Owner
Christopher Owsley, Neighboring Resident
Miguel Garcia, Neighboring Resident

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. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.
- b. Fewer than 12 registered voters reside in the affected territory and 100% landowner consent was not received.
- c. Cal-Water has provided a will-serve letter.
- d. The proposed annexation area 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 proposed annexation is compatible with the City's General Plan.
- b. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- c. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- d. The proposed annexation represents a logical and reasonable expansion of the annexing district.
- e. The proposal is consistent with the findings and declarations of GC §56001.

7. Waive the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election.

8. Approve the annexation as proposed by the City of Visalia with the inclusion of the identified 3 additional parcels (APNs 123-090-011, 123-090-012, and 123-090-013), to be known as LAFCO Case Number 1534-V-451, City of Visalia Annexation No 2017-01 (Reimer), with 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 Certificate of Completion shall not be recorded until the City enters into an operation and maintenance agreement with Tulare County for the segment of K Road between the project site and the existing city limits to the west (approximately 840 feet).

c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.

d. Within one year of the recording of the Certificate of Completion for Visalia Annexation 2017-01 (Reimer), the City of Visalia shall submit an application for annexation of the remainder of the K Road Island.

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

LAFCO Case Number 1534-V-451, City of Visalia Annexation No. 2017-01 (Reimer).

10. Determines, in accordance with CEQA, as a Responsible Agency, that it has considered the Negative Declaration prepared by the City of Visalia.

The foregoing resolution was adopted upon motion of Commissioner Allen, seconded by Commissioner Worthley, at a regular meeting held on this 30th day of August, 2017 by the following vote:

AYES: Vander Poel, Allen, Hamilton, Worthley

NOES:

ABSTAIN:

PRESENT: Mederos (A)

ABSENT: Mendoza, Jones (A), Ennis (A)

Ben Giuliani, Executive Officer

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