

**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