

ORDINANCE NO. 2026-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA AMENDING TITLE 16 (SUBDIVISIONS) OF THE VISALIA MUNICIPAL CODE PERTAINING TO A STREAMLINED APPROVAL PROCESS AND TO ESTABLISH PROCEDURES FOR URBAN LOT SPLITS AND STARTER HOME SUBDIVISIONS

**WHEREAS**, this ordinance amendment, as depicted in Exhibit “A” (“Ordinance”), is a request by the City of Visalia (“City”) to add to and amend regulations within the Visalia Municipal Code Title 16 (Subdivisions) pertaining to streamlining simple maps, and the ministerial approval of urban lot splits, and starter home subdivisions; and,

**WHEREAS**, this ordinance amendment, as depicted in Exhibit “A”, includes ordinances to implement the starter home subdivision provisions of the Starter Home Revitalization Act of 2021 (Chapter 8 of Division 2 of Title 7 of the California Government Code) and the urban lot split provisions of Senate Bill 9 (2021); and,

**WHEREAS**, as required by California law, the City has prepared an update (i.e., 6th Cycle Update) to its Housing Element to reflect the current Regional Housing Needs Allocation (RHNA) cycle of 2023-2031; and,

**WHEREAS**, Policy 5.8 adopted in the Housing Element is to work to remove governmental constraints to housing development; and,

**WHEREAS**, the City has initiated a subdivision ordinance amendment to update its existing ordinance pertaining to (1) streamline the decision-making process of simple subdivisions and (2) ministerial approvals of starter home subdivisions and urban lot splits; and,

**WHEREAS**, the Planning Commission of the City (“Planning Commission”), after duly published notice, held a public hearing before said Commission on May 11, 2026; and,

**WHEREAS**, the Planning Commission recommended approval of the Ordinance as presented in Exhibit “A”; and,

**WHEREAS**, the Planning Commission recommended that the City Council of the City of Visalia (“City Council”) find that the project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 66411.7(n), 66499.41(i), and California Code of Regulations Section 15061(b)(3) which exempts ordinances implementing Senate Bill 9 (2021) and the Starter Home Revitalization Act of 2021, as the proposed zone text amendment will not in and of themselves have an effect on the environment and recommended that the City Council approve the ordinance amendment; and,

**WHEREAS**, the City Council, after duly published notice, held a public hearing before said City Council on June 1, 2026, and introduced said Ordinance for first reading on that date; and,

**WHEREAS**, the City Council held a second reading of said Ordinance on June 15, 2026; and,

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to Government Code Sections 66411.7(n), 66499.41(i), and California Code of Regulations Section 15061(b)(3).

**NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA**, that:

1. Ordinance No. 2026-04 is consistent with the General Plan.
2. Adopting Ordinance No. 2026-04 is in the best interest of the City of Visalia.
3. Ordinance No. 2026-04, is approved, as contained in Exhibit "A" of this Ordinance.

**Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Construction.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Effective Date.** This Ordinance shall take effect thirty days after its adoption.

**Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

BRETT TAYLOR, MAYOR

ATTEST:

\_\_\_\_\_

LESLIE CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY

\_\_\_\_\_

STATE OF CALIFORNIA )

COUNTY OF TULARE ) ss.

CITY OF VISALIA )

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2026-04 passed and adopted by the Council of the City of Visalia at a regular meeting held on \_\_\_\_\_, and certify a summary of this ordinance will be published in a newspaper of general circulation.

Dated: \_\_\_\_\_

LESLIE CAVIGLIA, CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk

EXHIBIT "A"

Ordinance No. 2026-04

Section 1. Visalia Municipal Code Title 16 (Subdivisions) is hereby amended to read as follows, as specified by underline and italics for additions and ~~strikeout~~ for deletions:

Title 16  
SUBDIVISIONS

Chapters:

16.17 Urban Lot Splits

16.18 Starter Home Subdivisions

16.48 Environmental Impact Mitigation/Reserved.]

Chapter 16.04  
GENERAL PROVISIONS

Sections:

16.04.035 Review authorities for subdivision decisions.

16.04.010 Authority for local regulations.

This title is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the Subdivision Map Act, and may be referenced as the Subdivision Ordinance.

16.04.030 Responsibilities.

A. City Attorney. The city attorney shall be responsible for approving as to form all subdivision improvement agreements and subdivision improvements securities.

B. City Council. The City Council shall have final jurisdiction in the approval of final maps if the acceptance of land and improvements is proposed for dedication to the city.

C. City Engineer. The city engineer or his/her designee shall be responsible for:

1. Establishing design and construction details, standards and specifications;
2. Determining if proposed subdivision improvements comply with the provisions of this title and the Subdivision Map Act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the city planner;

3. The processing and checking of final maps, parcel maps, reversion to acreage maps, amended maps, subdivision improvement plans, lot line adjustment maps, mergers and certificates of compliance;

4. The inspection and approval of subdivision improvements;

5. The approval of private subdivision improvements (~~improvements not to be maintained by the city~~);

6. Determine that all public facilities and improvements required of land divisions are adequate and provided pursuant to City standards.

D. Planning Commission. The Planning Commission is the designated official body charged with the duty of conducting public hearings, making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, and shall approve, conditionally approve or disapprove tentative maps other than simple maps, notwithstanding tentative maps whose approval requires the certification of an Environmental Impact Report.

E. City Planner. The city planner shall be responsible for:

1. Investigating proposed subdivisions tentative maps and parcel maps for conformity to the general plan, specific plans, and zoning ordinances of the city and reporting his finding together with recommendations for approval, conditional approval, or disapproval to the ~~Planning Commission~~ Review Authority;

2. Examining and certifying that final maps and parcel maps in which a tentative map was required are in substantial conformance to the approved or conditionally approved tentative map.

3. Approving or denying urban lot splits and starter home subdivisions;

4. Approving, conditionally approving, or disapproving time extensions for tentative maps.

F. Site Plan Review Staff. The Site Plan Review Staff shall be responsible for the review of tentative ~~parcel maps, tentative subdivision maps, vesting tentative subdivision maps,~~ and vesting tentative ~~parcel maps~~ and shall provide the subdivider, City Planner, and the ~~Planning Commission~~ Review Authority with the ~~committee~~ staff's comments, and requirements for conformance to city ordinances and policies.

G. Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, design public improvements consistent with the public improvement standards of the city, and shall process said maps in accordance with the regulations set forth herein.

H. City Manager. The City Manager or their designee shall be the designated official charged with the duty of conducting hearings, making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, and shall approve, conditionally approve or disapprove simple maps.

16.04.035 Review authorities for subdivision decisions.

Table 16.04.035 identifies the Review Authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Subdivision Ordinance. Any reference to a City official or authority shall include their authorized representative(s). Authorities referenced below with respect to a certain type of application as "Appeal" shall be considered an Appeal Body.

**Table 16.04.035: Review authorities for subdivision decisions**

<b><u>Type of Subdivision Application</u></b>	<b><u>Role of Review Authority</u></b>					
	<b><u>City Planner</u></b>	<b><u>City Engineer</u></b>	<b><u>Site Plan Review Staff</u></b>	<b><u>City Manager</u></b>	<b><u>Planning Commission</u></b>	<b><u>City Council</u></b>
<b><u>Nonresidential Tentative Maps</u></b>						
<u>Simple maps</u>	<u>Advise</u>	<u>Advise</u>	<u>Advise</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>All other tentative maps</u>	<u>Advise</u>	<u>Advise</u>	<u>Advise</u>		<u>Decision</u>	<u>Appeal</u>
<b><u>Residential Tentative Maps</u></b>						
<u>Simple maps</u>	<u>Advise</u>	<u>Advise</u>	<u>Advise</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>All other tentative maps</u>	<u>Advise</u>	<u>Advise</u>	<u>Advise</u>		<u>Decision</u>	<u>Appeal</u>
<u>Urban lot splits</u>	<u>Decision</u>	<u>Advise</u>	<u>Advise</u>		<u>Appeal</u>	
<u>Starter home subdivisions</u>	<u>Decision</u>	<u>Advise</u>	<u>Advise</u>		<u>Appeal</u>	
<b><u>Condominium Conversions</u></b>	<u>Advise</u>	<u>Advise</u>	<u>Advise</u>		<u>Decision</u>	<u>Appeal</u>
<b><u>Final and Parcel Maps</u></b>	<u>Advise</u>	<u>Advise</u>				<u>Decision</u>
<b><u>Time Extensions</u></b>	<u>Decision</u>	<u>Advise</u>			<u>Appeal</u>	
<b><u>Lot Line Adjustments</u></b>	<u>Decision</u>		<u>Advise</u>		<u>Appeal</u>	

#### 16.04.040 Appeals.

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the City Council, appeal any decision, determination, or requirement of the Review Authority ~~Planning Commission~~ by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action that is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the Review Authority ~~Planning Commission~~.

B. Upon the filing of an appeal, the Appeal Body ~~City Council~~ shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member request. City clerk shall give notice of the hearing according to the procedure required for the initial action by the ~~Planning Commission~~, except that the timing of such notice shall be no less than ten (10) days before the hearing date.

C. In holding the hearing on the matter, the ~~council~~ Appeal Body may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the ~~Planning Commission~~ Review Authority. In the case of decisions by the ~~Planning Commission~~ Review Authority that followed a public hearing, the ~~City Council~~ Appeal Body shall hold a new public hearing on the matter.

D. Upon the close of the hearing, the ~~Council~~ Appeal Body shall vote to either:

1. ~~e~~ Confirm the decision of the ~~Planning Commission~~ Review Authority;
2. ~~e~~ Overturn the decision;
3. ~~e~~ Confirm the decision with modifications; or, and the ~~Council may e~~
4. Continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the ~~Council~~ Appeal Body at their next scheduled ~~Council~~-meeting.

~~In the case of tentative maps, the Council may also take any action identified in Section 16.16.120. Planning Commission.~~

#### 16.04.050 Exceptions.

A. Petition. The ~~Planning Commission~~ Review Authority may authorize conditional exceptions to any of the requirements and regulations set forth in this title. Application for any such exception shall be made by a petition of the subdivider stating fully the ground of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision and shall be on a form provided by the city. The application shall be accompanied by a fee as set forth from time to time by resolution of the City Council.

B. Findings.

1. In order for the property referred to in the petition to come within the provision of this section, it shall be necessary that the ~~Planning Commission~~Review Authority make the following findings:

- a. That there are special circumstances and conditions affecting this property;
- b. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- c. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

2. In approving such exceptions the ~~Planning Commission~~Review Authority shall secure substantially the objectives of the regulations to which exceptions are requested, and shall act to protect the public health, safety, convenience and general welfare.

3. In approving any exception under the provisions of this section, the ~~Planning Commission~~Review Authority shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth the exception recommended and conditions designated.

#### 16.04.080 Planned unit developments.

Where, in accordance with provisions of the zoning ordinance, a use permit has been granted authorizing a planned unit development on the land or a portion of the land proposed to be subdivided, the plan of the subdivision shall conform with the plan of the planned unit development as approved by the ~~Planning Commission and City Council~~Review Authority. Exceptions to the subdivision regulations that are necessary to execute the planned unit development ~~as approved by the Planning Commission and City Council~~ may be authorized by the ~~Planning Commission~~Review Authority in accordance with the provisions of Section 16.04.050.

#### 16.04.085 School site dedications and reservations.

A. In considering the approval or the conditions of approval of a ~~parcel map or subdivision map, as those terms are defined in the Subdivision Map Act~~tentative map, the ~~City Council or the Planning Commission~~Review Authority may require the reservation or dedication of school sites in a manner that is consistent with the provisions of Government Code sections 66478 and 66479, provided that the ~~council or the commission, as the case may be,~~Review Authority is able to determine that the conditions enumerated in those sections, ~~as they may from time to time be amended,~~ are applicable to the proposed ~~subdivision map or parcel~~tentative map.

B. The planning and community preservation director, in cooperation with the official designated by the Visalia Unified School District, shall develop and keep in place a policy establishing the manner in which this section shall be implemented by the City Planner and his or her designees. Such policy shall be established at the discretion of

the City Planner, provided the policy is consistent with the Government Code sections 66478 and 66479.

## Chapter 16.08 DEFINITIONS

### 16.08.010 Definitions.

A. The following definitions shall be used to define words or phrases in this title. Whenever any words or phrases used in this title are not defined herein, but are defined in the Subdivision Map Act or in Title 17 (Zoning Ordinance), such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

A person "acting in concert with the owner" means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

"Adjacent parcel" means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

"Appeal Body" means the Planning Commission in the event of an appealed decision of the City Manager or City Planner, or the City Council in the event of an appealed decision of the Planning Commission.

"Arterial streets" means streets intended to provide the majority of the city's traffic carrying capacity; provides connections to the freeway system and to collector streets; provides access to major travel generators; typically designed with four lanes for through traffic, two parking/transit/right-turn lanes, and a median with single left-turn lane at intersections.

"Block" means the area or parcels of land that is entirely bounded by subdivision boundaries, streets, highways or railroad tracks, excepting alleys.

"Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private care sharing company or organization and provides hourly or daily service.

"Collector streets" means streets intended to provide connectivity between local streets and the arterial street system; also provides access to adjacent land uses; typically designed with two lanes for through traffic, two parking/transit lanes and a median for left-turn access.

*“Common ownership or control” means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.*

"Condominium" means an estate in real property consisting of an undivided common interest in a parcel of real property together with a separate interest of space in a residential, industrial or commercial building on such real property. A condominium may include, in addition, a separate interest in other portions of such real property. Apartment cooperatives shall be defined as condominiums.

"Conversion" means the creation of separate ownership of existing real property together with a separate interest in the space of a residential, industrial or commercial building.

"Design" means street alignments, grades and widths; drainage and sanitary facilities, and utilities, including alignments and grades; location and widths of all required easements and right-of-ways; access drives and pedestrian ways; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational uses; and such other specific requirements as necessary to conform to the general plan or any adopted specific plan.

"Environmental impact report" means an informational document which, when its preparation is required, shall be considered by every public agency prior to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project, as specified in Section 21100 of the California Environmental Quality Act.

*“Extremely low-income household” has the meaning set forth in Health & Safety Code Section 50106.*

"Freeways" means streets intended exclusively for movement of high volumes of inter-city, regional, and longer local trips at high speeds.

"General Plan" means the general plan of the City of Visalia and any amendment thereto.

"Improvement" means and includes street construction, storm drainage facilities, utilities, culverts, landscaping, sanitary sewer facilities, traffic control devices and other facilities as necessary for the general use of the owners in the subdivision and local neighborhood traffic.

*“Improvement, private” means an improvement not maintained by the City of Visalia.*

"Local streets" means streets intended exclusively to provide access to adjacent land uses; typically designed with two through lanes with parking on both sides.

"Lot" means a parcel of land separated from other parcels of land as the result of a recorded subdivision map or parcel map.

"Lot line adjustment" means an adjustment of the lot line between four (4) or fewer adjoining parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided the lot line adjustment is approved by the city planner.

"Lower-income household" has the meaning set forth in Health & Safety Code Section 50079.5.

"Major arterial streets" means streets intended to provide a high level of capacity in selected high volume corridors; provides connections to the freeway system and to collector streets; provides access to major travel generators; typically designed with six lanes for through traffic, a parking/transit/right-turn lane, and a median with dual left-turn lanes at intersections.

"Merger" means the joining of two or more contiguous parcels of land, under one ownership, into one parcel.

"Moderate income household" has the meaning set forth in Health & Safety Code Section 50093.

"Net habitable square feet" has the meaning set forth in Government Code Section 66499.41(a)(6).

"Parcel map" means a map prepared to divide or consolidate in accordance with the provisions of this title and the map act.

"Planning and community preservation director" means the individual appointed by the City Manager to serve as the head of the City department responsible for planning, zoning, and subdivision functions, or such successor position or title as may be established by the City Manager or City Council, and includes any authorized designee of such individual.

"Qualified urban use" has the meaning set forth in Public Resources Code Section 21072.

"Reversion to acreage" means a map prepared for the purpose of reverting to acreage land previously subdivided.

"Review Authority" means the advisory agency responsible for deciding on the respective application as determined under Sections 16.04.030 and 16.04.035.

"Simple maps" means a tentative map that is any of the following:

1. Nonresidential tentative maps that do not otherwise require the recommendation or approval of another permit from Planning Commission or an exception to this Subdivision Ordinance.

2. Residential tentative maps equal to or less than 160 units or 160 lots for residential purposes whose overall approval does not require the recommendation or approval of Planning Commission or an exception to this Subdivision Ordinance.

"Specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that a housing development project application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

"Starter home subdivision" means a parcel map or tentative map for a housing development project that complies with the provisions of California Government Code section 66499.41.

"Street" means a thoroughfare, dedicated as such or acquired for public use as such, other than an alley, which afford the principal means of access to abutting land. "Street" includes streets, avenues, courts, drives, parkways, ways, or lands.

"Subdivider" means a person, firm, corporation, partnership, or associate who causes to be divided real property into a subdivision for himself, herself, or for others; except that employees and consultants of such persons or entities, acting in such capacity, are not subdividers.

"Subdivision" means the division of any improved or unimproved contiguous land for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. Subdivision includes a condominium project, as defined herein or in Section 1350 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels.

Subdivision does not include:

1. Buildings divided into apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks for the purpose of lease or financing;
2. Land divided by mineral, oil, or gas leases;
3. Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

"Subdivision improvement standards" means standard details, standard specifications, and other standards approved by the City Council shall govern the improvements to be constructed pursuant to this title and Subdivision Map Act.

"Subdivision Map Act" means the latest edition of the Subdivision Map Act of the state of California.

"Substantially surrounded" has the meaning set forth in Public Resources Code section 21159.25.

"Sufficient for separate conveyance" means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code section 4100 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

"Tentative map" means and refers to a map made for the purpose of showing the design of a proposed subdivision or parcel map and the existing conditions in and around it.

"Urban lot split" means a parcel map that complies with the provisions of California Government Code section 66411.7.

"Vacant" has the meaning set forth in Government Code Section 66499.41(a)(2)(A)(ii).

"Very low income household" has the meaning set forth in Health & Safety Code Section 50105.

"Vesting tentative map" means a tentative map for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed.

## Chapter 16.12 DESIGN AND CONSTRUCTION STANDARDS

16.12.010 Streets and highways.

Sections:

16.12.010 Streets and highways.

16.12.020 Alleys.

16.12.030 Street names.

16.12.040 Blocks.

16.12.050 Lots.

16.12.060 Reserve strips.

16.12.070 Grading and erosion control.

16.12.080 Watercourses.

16.12.090 Ponding lots.

16.12.100 Walls and Fences

**16.12.010 Streets and highways.**

A. The public street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the general plan or precise plans shall be dedicated to the city by the subdivider.

B. Streets and highways not otherwise designated on the Circulation Element of the General Plan shall not be less than those set forth in this title; except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes or transit stops when determined necessary by the ~~Planning Commission~~ Review Authority in the public interest. Approval or determination of street classification shall be made by the City Council by adopting improvement standards for:

- Divided arterial streets
- Undivided arterial streets
- Collector streets/local streets
- Minor loop streets
- Cul-de-sac streets
- Frontage road

C. Relationship to Existing Streets. The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

D. Centerlines. The centerlines of all streets, wherever practicable, shall be the continuations of the centerlines of existing streets or shall be offset at least one hundred fifty (150) feet.

E. Intersections. Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved unless necessitated by topographical conditions as determined by the city engineer.

F. Corners. At street intersections, the block corners shall be angled to provide sufficient right-of-way, and shall correspond to approved develop improvement standards.

G. Cul-de-sacs or Dead End Streets. No cul-de-sac or dead end street shall be more than eight hundred (800) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved with a temporary turn-around. In all other cases, a turn-around having a minimum radius of fifty-three (53)

feet, measured to the property line, and a minimum of forty-three (43) feet to curb face shall be required.

H. Curve Radius. The centerline curve radius on arterial streets shall be designed in accordance with acceptable safe engineering practices and in no case shall be less than five hundred (500) feet. Centerline curve radius on other streets shall not be less than two hundred (200) feet.

I. Frontage Streets. When any lot fronts or sides on any arterial street, expressway, or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots.

J. Private Road and Alleys. Private roads and alleys shall not be permitted unless approved by the Review Authority as part of a use permit authorizing a planned unit development, as set forth in Visalia Municipal Code Chapter 17.26, ~~approved by the Planning Commission.~~

K. Grades. Grades of streets shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent unless, because of topographical conditions or other exceptional conditions, the city engineer determines that a grade less than two-tenths (0.2) percent or in excess of seven (7) percent is necessary.

L. Access on Arterials. When the rear of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of ingress and egress from said arterial to said lot.

#### 16.12.020 Alleys.

A. Alleys shall be optional in residential subdivisions. The ~~Planning Commission~~ Review Authority for any one of the following reasons may require alleys. If alleys are required, they shall be constructed to city standards:

1. Unusual size, shape or topographical character of the property to be subdivided;
2. The relationship to existing or proposed commercial, industrial or high density residential development or adjacent railroad right-of-way;
3. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage;
4. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

B. Residential alleys shall have a minimum dedicated width of twenty (20) feet.

C. Alleys shall be provided where needed to serve existing or proposed commercial or industrial subdivisions and shall have a minimum dedicated width of thirty (30) feet with adequate provisions for ingress and egress.

D. A twenty (20) foot corner diagonal cut off measured along the property lines from the point of intersection will be required where two alleys intersect.

E. Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

F. Dead end alleys shall be prohibited.

#### 16.12.050 Lots.

##### A. Lot Width.

1. Each residential lot or parcel shall have frontage width not less than that required by the zoning ordinance, as set forth in Title 17 of the Municipal Code. Each residential lot or parcel on a dead end street, cul-de-sac, or on a curbed street, when the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width not less than that required by the zoning ordinance.

B. Lot Depth. The depth of all lots shall comply with the requirements of the zoning ordinance relative to each particular zoning district.

C. Lot Area. The area of all lots shall comply with the requirements of the zoning ordinance relative to each particular zoning district.

D. Lot Frontage. Lots shall have a single frontage on a street; new double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the ~~Planning Commission~~ Review Authority, topographic or unusual physical conditions justify a deviation from this rule.

E. Side Lines. The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

F. Lot Numbering and Dimensions. Lot numbers shall begin with the numeral "1" and shall continue consecutively through each unit of the tract with no omissions or duplications, and no block numbers shall be used.

G. Suitability of Lots. All lots shall be suitable for the purpose for which they are intended to be sold. Land subject to flooding or deemed by the ~~Planning Commission~~ Review Authority to be uninhabitable shall be indicated on the final map.

H. Land Remnants. All remnants of below minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

#### 16.12.080 Watercourses.

A. In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall dedicate rights-of-way or easements for storm drainage purposes conforming substantially with the lines of such watercourses, channels, streams or creeks or shall provide by dedication further and sufficient rights-of-way or easements as shall be required for structures or channel changes, or both, to dispose of such surface and storm waters.

B. The ~~Planning Commission~~ Review Authority may disapprove a tentative map of a subdivision because of flood hazard and inundation and require protective improvements to be constructed as a condition precedent to approval of the map.

#### 16.12.090 Ponding lots.

A. Detention or retention ponds will only be allowed in areas where it has been determined by the city engineer that other methods of drainage are not practical.

B. Permanent detention or retention ponds shall be a minimum of five (5) acres and dedicated to the city for maintenance. Landscaping and irrigation systems shall be installed as approved by the director of public services works.

C. Temporary detention or retention ponds may be approved until such time as drainage facilities are available for connection and shall be dedicated to the city in easement form.

#### 16.12.100 Walls and Fences.

A. For proposed residential subdivisions, security walls or fences that are proposed for residential developments along arterial or collector streets shall provide pedestrian access between the arterial or collector and the development to allow access when transit vehicles operating on an arterial or collector street.

B. Exceptions ~~consistent with Chapter 17.42~~ may be granted ~~during the Planning Commission approval process in accordance with 16.16.04.110-050 or subsequent Council action in accordance with 16.16.120.~~

### Chapter 16.16 TENTATIVE MAPS

#### Sections:

16.16.010 Preliminary review.

16.16.020 Review by site plan review staff.

16.16.030 Filing of ~~Tentative subdivision maps.~~

- 16.16.040 Subdivision filing fees.
- 16.16.050 Size of maps.
- 16.16.060 Information required.
- 16.16.070 Accompanying reports and statements.
- 16.16.080 Distribution of filed maps.
- 16.16.090 Staff reports.
- 16.16.100 Hearing and notice.
- 16.16.110 ~~Commission approval~~Decision.
- 16.16.115 Denial of tentative map ~~or parcel map~~.
- 16.16.120 ~~Council action~~[Reserved].
- 16.16.130 Expiration of maps and extensions.

16.16.010 Preliminary review.

Prior to filing of a tentative ~~subdivision~~ map, a conceptual map shall be submitted to the Site Plan Review Staff in accordance with Chapter 17.28 of the Zoning Ordinance. The map shall be drawn at a scale large enough to show all details clearly and enough sheets shall be used to accomplish this end. The map shall show the entire parcel proposed for subdivision including: approximate lot lines, street alignments, adjacent streets and adjacent land uses. The Site Plan Review Staff will prepare comments, recommendations, and requirements of the tentative ~~subdivision~~ map for the subdivider's review.

16.16.020 Review by site plan review staff.

A. All tentative ~~subdivision~~ maps shall be reviewed by the Site Plan Review Staff prior to the submission of a tentative map to the ~~Planning Commission~~Review Authority.

B. The Site Plan Review Staff shall examine and review the following:

1. The completeness and accuracy of the tentative map and the suitability of the land for purposes of subdivision;

2. Conformity of the overall design of the subdivision to the general plan and all pertinent requirements of this title and other laws and plans of the city;

3. The provisions for, and suitability of street improvements, underground utilities, fire hydrants, street lights, storm drains, streets, trees and sidewalks. The adequacy of

the water supply, solid waste collection, sewage disposal and easements for utilities and drainage;

4. Provisions for public areas, including parks, schools, public utilities facilities, etc.

C. If any portion of the subdivision is in conflict with any of the requirements of this title, other ordinances, or state law, the Site Plan Review Staff shall, to the best of their ability, advise the subdivider of such conflicts.

D. The Site Plan Review Staff may deem it advisable to recommend additional improvements, easements or dedications to be included; in which case, the subdivider shall be duly informed of the nature of the recommendations following the Site Plan Review Staff meeting.

E. The Site Plan Review Staff shall make a report of its recommendations to the ~~Planning Commission~~ Review Authority, and shall furnish a copy of that report to the subdivider, in accordance with Chapter 17.28.

#### 16.16.030 Tentative ~~subdivision~~ maps.

A. The tentative map shall be prepared by a ~~registered civil engineer or a licensed land surveyor~~ professional licensed to practice land surveying in California in accord with the provisions of the Subdivision Map Act and this title and shall be filed with the city planner. Such filing shall be prior to the completion of final surveys of streets and lots and before the start of any grading or construction work within the proposed subdivision.

B. ~~A minimum of thirty (30) copies of the tentative map, and a~~ Accompanying reports and statements shall be submitted to the city planner at the time of filing. Filing of required documents will be deemed official upon written receipt from the city planner.

#### 16.16.070 Accompanying reports and statements.

A. The tentative map shall contain or be accompanied by reports and/or written statements from the subdivider giving essential information regarding the following matters:

1. The source of water supply;
2. The type of street improvements and utilities that the subdivider proposes to install;
3. The proposed method of sewage disposal;
4. The proposed method of solid waste collection;
5. The proposed public bus stops and turnouts;
6. The proposed storm water sewer or other means of drainage;

7. The proposed tree planting and related landscaping;
8. Preliminary title reports of entire property;
9. A preliminary soils report. The preliminary soils report may be waived if the city engineer determines that, due to the knowledge he has of the quality of the soils of the subdivision, no preliminary analysis is necessary;

10. If a subdivision tentative map is to be developed as consecutive individual units, it shall be so stated on the tentative map, ~~and the order and approximate dates of completion of each unit shall be given at the time of filing of the tentative map;~~

~~—11. A map showing the properties within a three hundred (300) foot radius of the proposed tentative map and a property owners list keyed to the three hundred (300) foot radius map.~~

B. The information required in the written reports and statements may be shown on the tentative map itself if feasible.

#### 16.16.080 Distribution of filed maps.

A. When the tentative maps, accompanying reports and statements are filed, and the Site Plan Review Staff has approved the map, the city planner shall immediately forward copies of each to the following agencies when affected:

1. Caltrans;
2. Southern California Edison Company;
3. California Water Service;
4. Southern California Gas Company;
5. Visalia Unified School District;
6. United States Postmaster;
7. Tulare County Health Department;
8. Tulare County Public Works Department;
9. Federal Housing Authority;
10. Comcast Cable;
11. Water Quality Control Board;
12. AT&T;
13. Affected irrigation or drainage district.

B. With the exception of school districts, such agencies shall respond within fifteen (15) days after receipt of such tentative map for their comments to be considered by the ~~commission~~Review Authority. School districts shall respond within twenty (20) working days of the date on which the notice was mailed to the school district for comment.

#### 16.16.090 Staff reports.

Any report or recommendation on a tentative map ~~by the staff of the commission or council~~ shall be in writing and a copy thereof served on the subdivider ~~at least three days~~on the following number of days prior to any hearing or action on such map ~~by the commission or council~~.

1. Simple maps: Ten (10) days.
2. All other instances: Three (3) days.
3. All other instances: Three (3) days.

#### 16.16.100 Hearing and notice.

A. The ~~city Planning Commission~~Review Authority shall hold a ~~public hearing~~ on an application for a tentative ~~subdivision map~~ or vesting tentative ~~subdivision map~~, in the following fashion:-

1. Simple maps: Administrative hearing.
2. Tentative map extensions: Administrative hearing.
3. All other tentative maps: Public hearing.

B. Notice of a ~~public hearing~~ shall be given not less than ten (10) days or more than thirty (30) days prior to the date of the hearing by mailing ~~a notice of the time and place of the hearing~~ to property owners and residents within three hundred (300) feet of the boundaries of the area proposed for subdivision.

1. A notice of a public hearing shall contain all the information required in Government Code Section 65094 and be noticed in accordance with Government Code Section 65090.
2. A notice of an administrative hearing shall contain all of the following: (1) the identity of the Review Authority, (2) the date that the Review Authority will render a decision, (3) a general explanation of the matter considered, (4) a general description, in text and by diagram, of the location of the real property that is the subject of the administrative hearing, (5) instructions on how to review the staff report, (6) how to provide comments on the project, (7) how to request notification of the decision, (8) where a copy of the decision will be available for review after it is made, and (9) appeal procedures.

C. A request for notification of an administrative hearing decision must be made to the Review Authority at least two (2) days before the date of the administrative hearing. Persons that request notification of an administrative hearing decision shall be mailed a copy of the decision, the findings for which the decision was based on, instructions on how to appeal the decision, and the deadline by which an appeal must be received. Copies of the administrative decision shall also be posted on the City website. A request for notification of an administrative hearing is not required in order to seek an appeal.

16.16.110 ~~Commission approval~~Decision.

Within fifty (50) days after the tentative map has been filed with the city planner or at such later date as may be required to concurrently process the appurtenant environmental impact review documents required by state law and local ordinances, the ~~commission~~ Review Authority shall report in writing to the subdivider their decision regarding approval, conditional approval, or disapproval of the map and the conditions on which such action is based.

16.16.115 ~~Denial of tentative map or parcel map.~~

~~—This section shall apply to both tentative maps and parcel maps for which a tentative map is not required.~~

A. ~~The Planning Commission~~Review Authority shall deny approval of a tentative map, ~~or a parcel map for which a tentative map was not required,~~ if it makes any of the following findings:

1. The proposed map is not consistent with the General Plan;
2. The proposed map is not consistent with an applicable specific plan adopted in accordance with Government Code Section 65451;
3. The design or improvement of the proposed subdivision is not consistent with the General Plan or with an applicable specific plan.
4. The site is not physically suitable for the type of development.
5. The site is not physically suitable for the proposed density of development.
6. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
7. The design of the subdivision or type of improvements is likely to cause serious public health problems.

B. In determining whether to approve or deny a tentative map, the ~~Planning Commission~~Review Authority shall apply only those ordinances, policies, and standards

in effect at the date the City Planner has determined that the application is complete pursuant to Government Code Section 65943.

C. If the ~~Planning Commission~~Review Authority finds that the land is subject to any of the following, then the ~~Review Authority~~Planning Commission shall deny approval of a tentative map, or a parcel map for which a tentative map was not required if, after reviewing Government Code Section 66474.4, it finds that either the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.

1. A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.
2. An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5.)
3. An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.
4. A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

16.16.120 ~~Council action~~[Reserved].

~~—The City Council may overrule or modify any ruling or determination of the commission in regard to a tentative map and may make conditional exceptions if special circumstances pertaining to the property involved justify a variance from the provisions of this title.~~

16.16.130 Expiration of maps and extensions.

- A. Expiration. The approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved.
- B. Extension. The person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the city planner who shall forward it to the ~~Review Authority~~Planning Commission for action. Such application shall be filed before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension.
- C. Time Limit on Extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of three (3) years.

Chapter 16.17  
URBAN LOT SPLITS

Sections:

16.17.010 General.

16.17.020 Procedures.

16.17.010 General.

A. The purpose of this chapter is to provide objective standards for urban lot splits within single-family residential zones, to implement the provisions of state law as reflected in Government Code Section 65852.21 et seq. and Section 66411.7 et seq., and to facilitate the development of new residential housing units consistent with the City's General Plan and ensure sound standards of public health and safety.

16.17.020 Procedures.

A. The City Planner shall ministerially review an application for a parcel map that subdivides an existing parcel to create no more than two new parcels in an Urban Lot Split, and shall approve the application if the criteria in Government Code Section 66411.7 and this Chapter are satisfied.

B. Qualifying Criteria. Within the time required by the Subdivision Map Act, the City Planner shall determine if the parcel map for the Urban Lot Split meets all the following requirements:

1. The parcel is located within an R-S zone.

2. The parcel being subdivided is not located on a site that is any of the following:

i. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

iii. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the city/county, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

iv. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

v. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

vi. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the city shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the city; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

vii. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

viii. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

ix. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

x. Lands under conservation easement.

3. Both resulting parcels are no smaller than 1,200 square feet.

4. Neither resulting parcel shall be smaller than 40 percent of the lot area of the parcel proposed for the subdivision.

5. The proposed lot split would not require demolition or alteration of any of the following types of housing:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low-income.

ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

iii. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

iv. Housing that has been occupied by a tenant in the last three years.

6. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city landmark or historic property or historic district pursuant to a city ordinance.

7. The parcel being subdivided was not created by an Urban Lot Split as provided in this chapter.

8. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided in this chapter.

9. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:

i. The City Planner, or their designee, shall waive or modify any standard if the standard would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit

size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.

ii. Notwithstanding subsection (9)(i) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.

10. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way.

11. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.

12. Parking. One parking space shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where:

i. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or

ii. There is a designated parking area for one or more car-share vehicles within one block of the parcel.

13. Compliance with Subdivision Map Act. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410)), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights-of-way or the construction of offsite improvements may be required as a condition of approval for an Urban Lot Split, although easements may be required for the provision of public services and facilities.

14. The correction of nonconforming zoning conditions may not be required as a condition of approval.

15. Parcels created by an Urban Lot Split may be used for residential uses only and may not be used for rentals of less than 30 days.

16. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).

C. Owner-Occupancy Affidavit. The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the city attorney, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This

subsection shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

D. Additional Affidavit. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the city attorney, stating that none of the conditions listed in Section (4)(B)(5) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished) on a form prescribed by the City Planner. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.

E. Recorded Covenant. Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in the form prescribed by the city attorney, which shall run with the land and provide for the following:

1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section;

2. A limitation restricting the property to residential uses only; and

3. A requirement that any dwelling units on the property may be rented or leased only for a period longer than thirty (30) days.

The City Manager or designee is authorized to enter into the covenant and agreement on behalf of the City and to deliver any approvals or consents required by the covenant.

## Chapter 16.18

### STARTER HOME SUBDIVISIONS

#### Sections:

16.18.010 General.

16.18.020 Subdivision procedures.

16.18.030 Development procedures.

16.18.040 Building permit procedures.

16.18.010 General.

A. Purpose. The purpose of this chapter is to provide objective zoning standards for starter home subdivisions with 10 or fewer units, to implement the provisions of state law as reflected in Government Code Sections 65852.28, 65913.4.5, and 66499.41, and to facilitate the development of new residential housing units consistent with the City’s General Plan and ensure sound standards of public health and safety.

B. Specific Adverse Impacts. In addition to the criteria listed in this chapter, approval of a subdivision, development, or building permit under this chapter may be denied if the City Planner or Building Official, where applicable, make a written finding, based on a preponderance of the evidence, that the proposed subdivision or proposed housing development project would have a specific, adverse impact upon public health and safety, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

C. Enforcement. The City Attorney shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity.

#### 16.18.020 Subdivision procedures.

A. The City Planner shall ministerially review, without a hearing, an application for a parcel map or a tentative and final map for a housing development project, and shall approve the application if the criteria in Government Code Section 66499.41 and this section are satisfied.

B. Qualifying Criteria. Within 60 days from the receipt of a complete application, the City Planner shall determine if the parcel map or tentative and final map for the subdivision meets all the following requirements:

1. The parcel is one of the following:

a. Located within an R-M zone; or

b. Vacant and located within an R-S zone. A parcel shall be considered vacant if the area proposed to be subdivided, excepting a designated remainder, contains no dwellings.

2. The proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units, not including any permitted accessory dwelling units or junior accessory dwelling units. A remainder parcel may be designated that retains existing land uses or structures, including existing residence(s), but cannot be exclusively dedicated to serving the housing development project. A remainder parcel shall not count against the 10 parcel limit.

3. The lot is substantially surrounded by qualified urban uses and meets the following maximum lot area requirements:

a. No larger than five acres, if the lot is zoned for multi-family residential; or

b. No larger than one and one-half acres, if zoned for single-family residential.

4. The lot is a legal parcel.

5. The lot was not established pursuant to this chapter or an urban lot split pursuant to Government Code Section 66411.7 and Chapter 16.17.
6. The newly created parcels meet the following minimum lot area requirements:
  - a. No smaller than 600 square feet if zoned for multi-family residential; or
  - b. No smaller than 1,200 square feet if zoned for single-family residential.
7. The housing units on the lot proposed to be subdivided are one of the following:
  - a. Constructed on fee simple ownership lots;
  - b. Part of a common interest development;
  - c. Part of a housing cooperative, as defined in Civil Code Section 817;
  - d. Constructed on land owned by a community land trust meeting the requirements of Government Code Section 66499.41; or
  - e. Part of a tenancy in common, as described in Civil Code Section 685.
8. The proposed development must meet one of the following:
  - a. If the parcel is identified in the Housing Element for the current planning period, the development must result in at least as many units as projected for the parcel in the Housing Element. If the parcel is identified to accommodate low- or very-low income households, the development must result in at least as many low- or very-low income units as projected in the Housing Element. These units shall be subject to a recorded affordability restriction of at least 45 years.
  - b. If the parcel is not identified in the Housing Element for the current planning period, the area to be subdivided must result in at least 20 dwelling units per acre. The area of any designated remainder shall be excluded from the calculation of residential density.
9. The average total area of floor space for the proposed housing units on the lot proposed to be subdivided does not exceed 1,750 net habitable square feet.
10. The housing development project on the lot proposed to be subdivided would not require demolition or alteration of any of the following types of housing:
  - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low-, very low-, or extremely low-income.
  - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - c. Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.

d. A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code ("Ellis Act Eviction") to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

11. The lot being subdivided is not located on a site that is any of the following:

a. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

d. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to former Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

f. Within a special flood hazard area subject to inundation by the 1-percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the city shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the city; or

(2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

g. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

j. Lands under conservation easement.

12. The proposed subdivision shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410), except as otherwise expressly provided in this Chapter and Government Code Section 66499.41.

13. The proposed subdivision complies with all applicable standards established in Section 16.18.030 and Government Code Section 65852.28.

14. The parcels created pursuant to this Chapter must be served by a public water system and a municipal sewer system.

15. The proposed subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot.

16. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards

applicable to the parcel as provided in the zoning district in which the parcel is located, except that a proposed housing development is not required to comply with either a minimum requirement on size, width, depth, frontage, or dimensions of an individual parcel beyond the minimum parcel size specified in subparagraph (6) or the formation of a homeowners' association, except as required by the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

17. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).

C. Development on Each Lot. At least one residential structure in compliance with applicable provisions of the California Building Standards Code must be developed on each resulting parcel that does not already contain an existing legally permitted residential structure or is reserved for internal circulation, open space, or common area.

D. Prohibition of Urban Lot Splits. A parcel created under this chapter may not be further subdivided pursuant to an urban lot split under Chapter 16.17 or Government Code Section 66411.7.

E. Declaration of Prior Tenancies. If any existing housing is proposed to be demolished, the owner of the property proposed for the subdivision shall sign an affidavit, in the form approved by the City Planner, stating that none of the conditions listed in paragraph (11) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past five years on a form approved by the City Planner.

F. Declaration of Prior Tenancies. If any existing housing is proposed to be demolished, the owner of the property proposed for the subdivision shall sign an affidavit, in the form approved by the City Planner, stating that none of the conditions listed in paragraph (11) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past five years on a form approved by the City Planner.

#### 16.18.030 Development procedures.

A. The City Planner shall ministerially review, without a hearing, an application for a housing development project on a lot that is subdivided pursuant to Section 16.18.020 and Government Code Section 66499.41, and shall approve the application if the criteria in Government Code Section 65852.28 and this section are satisfied.

B. Qualifying Criteria. Within 60 days from the receipt of a complete application, the City Planner shall determine if the housing development project meets all the following requirements:

1. The proposed housing development is on a lot created in accordance with Section 16.18.020 and Government Code Section 66499.41.

2. The proposed housing development complies with all objective zoning standards, objective subdivision standards, and objective design review standards

applicable to the parcel as provided in the zoning district in which the parcel is located that do not conflict with Section 16.18.020 and Government Code Sections 65852.28 and 66499.41; provided, however:

a. The City Planner, or their designee, shall modify or waive any standard if the standard would have the effect of physically precluding the construction of the development project at 30 dwelling units per acre. Any modifications of development standards shall be the minimum modification necessary.

b. No setback between the units is required, except as provided in the California Building Code (Title 24 of the California Code of Regulations).

c. Required rear and side yard setbacks from the original lot line shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.

d. For development on a vacant lot zoned for single-family residences, no height limit may be applied that is less than what is allowed per the existing zoning designation applicable to the lot.

3. Parking. One parking space, which may be uncovered or not enclosed, shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where the parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3.

#### 16.18.040 Building permit procedures.

A. The Building Official shall issue a building permit for one or more residential units that are part of a housing development project on a lot that is subdivided pursuant to Chapter 16.18 and Government Code Section 66499.41, and shall approve the application if the criteria in Government Code Section 65852.28 and this section are satisfied and has met the following criteria:

1. The applicant has received an approval for the tentative map or parcel map for the subdivision.

2. The applicant has submitted a complete building permit application.

B. Any dedication, improvement, and sewer requirements identified in the approved tentative map or parcel map or its conditions of approval shall be guaranteed to the City's satisfaction.

C. The applicant must submit proof, to the satisfaction of the City Planner, of a recorded covenant and agreement enforceable by the city that the applicant agrees the building permit is issued on condition that a certificate of occupancy or equivalent final approval for the building will not be issued unless the final map has been recorded.

*D. The applicant shall comply with the improvement securities requirements of Section 16.24.060*

Chapter 16.20  
VESTING TENTATIVE MAPS

16.20.010 General.

A. Authority. This chapter is enacted pursuant to the authority granted by Article 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state of California (hereinafter referred to as the "Vesting Tentative Map Statute").

B. Purpose. It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and this title. Except as other noted, the provisions of this title shall apply to the vesting tentative map section.

C. Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose that is inconsistent with the general plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of the municipal code.

D. Application.

1. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this chapter, requires the filing of a tentative map or ~~tentative parcel map~~ for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

2. If a subdivider does not seek the right conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

16.20.030 Development rights.

A. Vesting on Approval of Vesting Tentative Map.

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2.

2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

3. Notwithstanding subsection (A) of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health, or safety, or both;

b. The condition or denial is required, in order to comply with state or federal law.

c. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection (A)(1) of this section expires. If the extension is denied, the subdivider may appeal that denial to the ~~City Council~~Appeal Body within fifteen (15) days.

4. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.20.020(C). If the final map is approved, these rights shall last for the following periods of time:

a. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

b. The initial time period set forth in subsection (A)(1) of this section shall be automatically extended by any time used for processing a complete application for a granting permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

c. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection (A)(1) of this section expires. If the extension is denied, the subdivider may appeal that denial to the ~~City Council~~Appeal Body within fifteen (15) days.

d. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (A)(4)(a)--(A)(4)(c) of this section, the rights referred to herein, as they apply to the lot for which the application is filed, shall continue until the expiration of that permit, or any extension of that permit.

B. Applications Inconsistent with Current Policies. Notwithstanding any provision of this title, a property owner or his or her designee may seek approvals or permits for development that depart from the ordinances, policies, and standards described in Section 16.20.030(A)(1), and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

## Chapter 16.24 FINAL MAPS

### 16.24.110 Amending of final maps.

After a final map is filed in the office of the county recorder, such a recorded final map may be modified by a certificate of correction or an amending map if the city finds that there are changes in circumstances that make any or all of the conditions of such a map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map and the local agency finds that the map, as modified, conforms to the provisions of Section 66474 of the Subdivision Map Act. Any such modifications shall be set for public hearing as provided for in Section 16.16.100. The ~~legislative body~~Review Authority shall confine the hearing to consideration of the action on the proposed modification.

## Chapter 16.28 PARCEL MAPS

### Sections:

- 16.28.010 ~~Reserved.~~ Purpose.
- 16.28.020 ~~Reserved.~~ Advisory agency.
- 16.28.030 ~~Reserved.~~ Review by site plan review staff.
- 16.28.040 ~~Reserved.~~ Tentative parcel maps.
- 16.28.050 ~~Reserved.~~ Form and content.
- 16.28.060 ~~Reserved.~~ Hearing and notice.
- 16.28.070 ~~Reserved.~~ Consideration of tentative parcel maps.
- 16.28.080 ~~Reserved.~~ Appeals.
- 16.28.090 ~~Reserved.~~ Time limit on tentative parcel map.
- 16.28.100 ~~Reserved.~~ Improvements.
- 16.28.110 ~~Reserved.~~ Right-of-way dedications.
- 16.28.120 ~~Final parcel maps~~ Filing.
- 16.28.125 ~~Filing~~ Parcel map submittal requirements.
- 16.28.130 Survey requirements.
- 16.28.140 Information on final parcel map.
- 16.28.150 Waiver of final parcel map.
- 16.28.160 Amending of parcel maps.
  
- 16.28.010 ~~Reserved.~~ Purpose.

~~—The council incorporates this chapter in its subdivision ordinance in order to establish the requirements and procedures for processing subdivisions that are authorized to be made through the parcel map procedure by Sections 66426 and 66428 of the Government Code of the state of California. Where a tentative parcel map is required, a vesting tentative parcel map may be filed conferring development rights as indicated in Chapter 16.20.~~

16.28.020 [Reserved.] ~~Advisory agency.~~

~~—The Planning Commission is designated as the advisory agency referred to in Article 2 of the Subdivision Map Act and is charged with the duty of making investigations and reports on the design and improvement of proposed divisions of land under this chapter. The city planner is designated as the clerk to the advisory agency with authority to receive parcel maps.~~

16.28.030 [Reserved.] ~~Review by site plan review staff.~~

~~—A.—All tentative parcel maps shall be reviewed by the Site Plan Review Staff prior to the submission of said tentative parcel map to the Planning Commission.~~

~~—B.—The Site Plan Review Staff shall examine and review the following:~~

~~—1.—The completeness and accuracy of the tentative parcel map and the suitability of the land for purposes of subdivision;~~

~~—2.—Conformity of the overall design of the subdivision to the general plan and all pertinent requirements of this chapter and other laws and plans of the city;~~

~~—3.—The provisions for, and suitability of street improvements, underground utilities, fire hydrants, street lights, storm drains, streets, trees and sidewalks. The adequacy of the water supply, solid waste collection, sewage disposal and easements for utilities and drainage;~~

~~—4.—Provisions for public areas, including parks, schools, public utilities facilities, public bus stops and turnouts, etc.~~

~~—C.—If any portion of the subdivision is in conflict with any of the requirements of this chapter, other ordinances, or state law, the Site Plan Review Staff shall, to the best of its ability, advise the subdivider of such conflicts.~~

~~—D.—The Site Plan Review Staff may deem it advisable to recommend additional improvements, easements, or dedications, to be included, in which case the subdivider shall be duly informed of the nature of the recommendations following the Site Plan Review Staff meeting.~~

~~—E.—The Site Plan Review Staff shall make a report of its recommendations to the Planning Commission, and shall furnish a copy of that report to the subdivider, in~~

writing, no less than three days prior to the Planning Commission meeting at which the tentative parcel map is to be considered by the commission.

16.28.040 ~~[Reserved.]~~ Tentative parcel maps.

~~—A.— The person or agency dividing land under this section shall file a tentative parcel map with the planning and community preservation director not less than thirty (30) days before the date of the commission meeting at which such map is to be considered. Such filing shall be prior to the start of any grading or construction work within the proposed division of land. The tentative parcel map shall be submitted in the same manner as provided for subdivisions as to area improvement and design, flood and water drainage control, and as to required public improvements.~~

~~—B.— A person desiring to divide land subject to the provisions of this chapter shall submit the tentative parcel map, therefore in accord with the following requirements:~~

~~—1.— Filing. Twenty five (25) copies of the tentative parcel map shall be filed with the planning and community preservation director. The tentative parcel map shall be legibly drawn, on eighteen (18) inch by twenty six (26) inch tracing paper suitable for reproduction, to a scale and in a manner to best illustrate the proposed division.~~

~~—2.— Fees. At the time of filing of the tentative parcel map, a fee shall be paid to the city in such amount as may be established by the City Council, on a yearly basis, by resolution.~~

~~—3.— Acceptance. The city engineer and planning and community preservation director shall examine any such tentative parcel map within five working days of presentation and shall not accept such map unless the map is in full compliance with the provisions of this chapter and the Subdivision Map Act of the state of California, as to form, data, information, and other matters required to be shown on or furnished therewith.~~

~~—4.— Distribution. The planning and community preservation director shall immediately forward copies of the tentative parcel map to each of the following when affected:~~

~~—a.— Southern California Gas Company;~~

~~—b.— Southern California Edison Company;~~

~~—c.— California Water Service;~~

~~—d.— AT&T;~~

~~—e.— Comcast Cable;~~

~~—f.— Visalia Unified School District.~~

~~—5.— Agency Action. With the exception of school districts, the agency receiving a copy of the tentative parcel map shall file a report within fifteen (15) days after the receipt thereof. School districts shall respond within twenty (20) working days of the date on which the notice was mailed to the school district for comment. If a reply is not received~~

~~prior to the meeting at which consideration of the map is made, it will be assumed that the map conforms to the requirements of the particular agency concerned.~~

16.28.050 ~~[Reserved.]~~ Form and content.

~~—The tentative parcel map shall contain the following information:~~

~~—A. The name and address of the engineer or surveyor preparing the map and the legal owner of record of the land, and the applicant, if different from the legal owner of record;~~

~~—B. The boundary lines of the entire parcel, including the area to be divided, with dimensions based on existing survey data or property descriptions;~~

~~—C. The proposed division lines, approximate dimensions, and approximate acreage or square footage of each proposed parcel;~~

~~—D. The identification of each parcel with a number designation;~~

~~—E. All existing surface and underground structures and improvements located on the original parcel, together with their dimensions, the distances between them, the distances to division and property lines, and the number of stories or the height of each structure;~~

~~—F. The names, widths and locations of all existing and proposed streets abutting or traversing the original parcel, and a statement if the street is private and/or a statement if the street does not actually exist on the ground;~~

~~—G. The location, purposes, width and recorded owners of all existing and proposed easements or private rights of way abutting or traversing any part of the original parcel easement boundaries shall be shown by means of dotted lines;~~

~~—H. An accurate description of the original parcel;~~

~~—I. The date of preparation, north arrow and scale of the drawing. Said scale shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end;~~

~~—J. The existing and proposed uses of the property;~~

~~—K. The proposed method of sewage disposal;~~

~~—L. The proposed domestic water supply;~~

~~—M. The assessor's parcel numbers;~~

~~—N. The proposed street names;~~

~~—O. The approximate location and width of watercourses or areas subject to inundation from floods, and the location of structures, irrigation ditches and other permanent fixtures;~~

- ~~—P. Any railroads;~~
- ~~—Q. The approximate radius of curves;~~
- ~~—R. A location map showing the original parcels and the surrounding area;~~
- ~~—S. The existing zone district designation of the original parcels;~~
- ~~—T. The proposed use of the property;~~
- ~~—U. Oak trees having a trunk diameter exceeding four inches, measured at a point five feet above the existing ground level;~~
- ~~—V. The proposed method of solid waste collection;~~
- ~~—W. The proposed public bus stops and turnouts, if any;~~
- ~~—X. A map showing the properties within a three hundred (300) foot radius of the proposed tentative parcel map and a property owners list keyed to the three hundred (300) foot radius map.~~

16.28.060 [Reserved.]Hearing and notice.

- ~~—A. The city Planning Commission shall hold a public hearing on an application for a tentative parcel map or vesting tentative parcel map.~~
- ~~—B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area proposed for subdivision.~~

16.28.070 [Reserved.]Consideration of tentative parcel maps.

- ~~—The commission shall review the tentative parcel map and approve, conditionally approve, or disapprove the map within thirty (30) days after the receipt of such map, or at such later date as may be required to concurrently process the appurtenant environmental documents required by state law and local regulations adopted in implementation thereof.~~

16.28.080 [Reserved.]Appeals.

- ~~—If the applicant is dissatisfied with the decision of the Planning Commission, he may, within ten days after the decision of the Planning Commission, appeal in writing to the council for a hearing thereon. Such hearing need not be concluded on the day thus set but may be continued.~~

16.28.090 ~~[Reserved.]Time limit on tentative parcel map.~~

~~—Failure to file a final parcel map with the county recorder within twenty four (24) months after the date of approval or conditional approval of the tentative parcel map shall automatically revoke said approval, and a final parcel map shall not be recorded until a new tentative parcel map has been filed and approved in accordance with the provisions of this chapter. However, upon application by the owner or his authorized agent, an extension of not more than an additional thirty six (36) months may be granted by the Planning Commission. If the Planning Commission denies an application for an extension of time, the owner or his authorized agent may appeal the action to the City Council in the manner set forth in Section 16.28.080.~~

16.28.100 ~~[Reserved.]Improvements.~~

~~—Pursuant to the provisions of the Subdivision Map Act, the subdivider shall install, construct and/or provide all on or off site improvements as recommended by the city engineer and as required by the commission. Such improvements shall be limited to the dedication of rights of way, easements and the construction of reasonable off site and on site improvements for the parcels being created. The nature, extent and design of such improvements and the guaranteeing of completion thereof shall be in full conformance with the provisions in Chapter 16.36.~~

16.28.110 ~~[Reserved.]Right of way dedications.~~

~~—A. Pursuant to the Subdivision Map Act, the subdivider shall provide such dedication of right of way and/or easements as may be required by the Planning Commission.~~

~~—B. The Planning Commission may, at its discretion, require that offers of dedication or dedication of streets include a waiver of direct access rights to any such streets from any property shown on the final map as abutting thereon, in accord with the provisions of the Subdivision Map Act.~~

16.28.120 Final parcel maps Filing.

Within the time limit designated in Section 16.16.130 ~~16.28.090~~ and upon the accomplishment of all dedications by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore, and the payment of all applicable fees and charges, the applicant may file a final parcel map with the city engineer and planning and community preservation director, who shall approve the final parcel map if it substantially conforms to the approved tentative parcel map and all applicable provisions of the Subdivision Map Act and this chapter. The appropriate certificates, as provided by the applicant in accordance with the provisions of the Subdivision Map Act, shall be signed by the city engineer and planning and community preservation director upon the parcel map, and

the final parcel map shall be transmitted by the city clerk to the clerk of the county board of supervisors for ultimate transmittal to the county recorder.

16.28.125 ~~Filing~~ Parcel map submittal requirements.

~~The subdivider may file the original and~~ Parcel map submittals shall contain three (3) copies of the final parcel map and ~~required accompanying data with the city engineer.~~ When a final parcel map is submitted to the city engineer in accordance with this code, it shall be accompanied by the following documents:

- A. Plans, profiles and specifications of the proposed public and private improvements, designed in accord with the requirements of the city engineer;
- B. A filing fee to cover the expense of checking in an amount to be established by the City Council from time to time by resolution;
- C. A preliminary subdivision guarantee issued by a title insurance company, in the name of the owner of the land, issued to or for the benefit and protection of the city, showing all parties whose consent is necessary and their interest therein, except where the land included in such subdivision is registered under the Land Registration Act. If the land is so registered, a copy of the certificate of title shall be furnished, certified.
- D. Calculation and traverse sheets, used in computing the distances, angles and courses shown on the final map and ties to existing and proposed monuments, and showing closures, within the allowable limits of error specified in the ordinance, for exterior boundaries of the subdivision and for each irregular block or lot of the subdivision.

F. A copy of the resolution of the approved tentative map, unless otherwise not required.

16.28.130 Survey requirements.

If the division of land creates four or less parcels, the final parcel map may be compiled from recorded or filed data when survey information exists on recorded or filed maps to sufficiently locate and retrace the exterior boundary lines of the final parcel map and when the location of at least one of these boundary lines can be established from an existing monumented line. In all other cases, the final parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor's Act of the state of California. All new lot corners shall be monumented and based on a field survey.

16.28.140 Information on final parcel map.

A. Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (0.01) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

B. Each ~~final~~ parcel map shall contain the following information:

1. The tentative ~~parcel~~ map number and date of preparation;
2. The tract name, date, north arrow and scale;
3. A general description of the land included;
4. Names and addresses of the owners of the property being divided;
5. The location, names without abbreviations, and right-of-way widths of all:
  - a. Proposed streets;
  - b. Proposed public areas and easements; and
  - c. Adjoining streets;
6. All dimensions shall be in feet and decimals of a foot to the nearest one-hundredth of a foot (0.01'); all necessary angles and bearings shall be provided to the nearest second of a degree (00°-00'-01");
7. The dimensions of all lots, including lot area in square feet, and a lot number for each lot;
8. The centerline data for streets including bearings and distances;
9. The radius, arc length, and central angle of curves;
10. Suitable primary survey control points;
11. The location and description of permanent monuments;
12. The boundaries of any public and/or private easement, whether an easement of record or a prescriptive easement, shall be shown; the party holding interest in the easement shall be shown on the map;
13. Location and widths of all easements to be dedicated, if required;
14. The location and widths of watercourses and areas subject to inundation and location of selected flood lines within the parcels being created; properties located in a Special Flood Hazard Area shall comply with all requirements of Chapter 15.60;
15. Ties to any city or county boundary lines involved;
16. Required Certifications;

- a. All required dedications of rights-of-way or easements shall be certified on the ~~final~~-parcel map in accordance with Section 66447 of the Subdivision Map Act;
- b. All parties having any record title interest in the real property subdivided shall sign a certificate on the ~~final~~-parcel map in accordance with Subsection 66445(e) of the Subdivision Map Act;
- d. A certificate for execution by the City Engineer/City Surveyor that complies with Section 66450 of the Subdivision Map Act;
- c. A certificate of the registered civil engineer or licensed land surveyor who prepared the survey and the ~~final~~-parcel map, in compliance with Section 66449 of the Subdivision Map Act;
- e. A certificate for execution by the city planner on behalf of the ~~parcel map committee~~Review Authority certifying that the ~~final~~-parcel map conforms to the approved tentative ~~parcel map~~; and

17. Any other requirements of the Subdivision Map Act.

B. The ~~final~~-parcel map shall contain survey information that only affects record title interest. However, additional survey and map information such as, but not limited to, building setback lines, flood hazard zones, seismic lines and setback, geologic mapping and archaeological sites, if appropriate, shall be shown on an additional map sheet that shall indicate its relationship to the ~~final~~-parcel map, and shall contain a statement that the additional information is for informational purposes, describes conditions as of the date of filing, and is not intended to affect record title interest. The additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the additional map sheet. The acceptance of the additional map sheet by the city, similarly does not imply the correctness or sufficiency of those records or reports. The additional map sheet shall be recorded simultaneously with the ~~final~~ parcel map.

#### 16.28.150 Waiver of ~~final~~-parcel map.

The ~~Planning Commission or City Council~~Review Authority may, at its discretion, waive the ~~final~~-parcel map when a finding is made that the proposed division of land complies with the requirements established by this chapter as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this chapter.

#### 16.28.160 Amending of parcel maps.

After a parcel map is filed in the office of the county recorder such a recorded parcel map may be modified by a certificate of correction or an amending map if the local

agency finds that there are changes in circumstances that make any or all of the conditions of such a map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded parcel map and the local agency finds that the map, as modified, conforms to the provisions of Section 66474 of the Subdivision Map Act. Any such modifications shall be set for public hearing as provided for in Section 16.28.16.060.100 of this chapter. The legislative body Review Authority shall confine the hearing to consideration of an action on the proposed modification.

## Chapter 16.32

### LOT LINE ADJUSTMENTS

#### 16.32.040 Consideration of lot line adjustment maps.

A. 1. The city planner shall limit the review and approval of lot line adjustment maps to a determination of whether or not the parcels resulting from the lot line adjustment will conform to zoning and building ordinances. The city planner shall not impose conditions or exactions on the approval of the lot line adjustment except to conform to local zoning and building ordinances, or except to facilitate the relocation of existing utilities, infrastructure, or easements.

2. Whenever the city planner determines that conditions or exactions may be necessary in order to carry out the provisions of Section 16.32.040(B), he shall immediately refer the lot line adjustment map to the Site Plan Review Staff. The Site Plan Review Staff shall review the map and determine what conditions or exactions, if any, should be placed on the application. The Site Plan Review Staff shall not require any conditions or exactions on the lot line adjustment except to conform to local zoning and building ordinances, or except to facilitate the relocation of existing utilities, infrastructures or easements. The Site Plan Review Staff shall thereafter advise the city planner what conditions or exactions are to be required. If the Site Plan Review Staff determines that conditions or exactions are required, the staff shall determine at what time such conditions or exactions are to be fulfilled under the same provisions of this chapter as they apply to parcel maps. Agreements for fulfilling such conditions or exactions, security for such agreements and all other matters pertaining to such conditions or exactions shall also be governed by the same provisions of this chapter as they apply to parcel maps.

B. The city planner shall approve the proposed lot line adjustment ~~whenever all of the following conditions are complied with:~~

~~1. If the lots that will result from the proposed lot line adjustment conform to all the applicable zoning and building ordinances in effect and comply with regulations set forth in this chapter pertaining to size, shape and dimensions of lots in subdivisions for which tentative and final maps are required.~~

~~2. The proposed lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or to the general welfare of the city.~~

3. C. In addition to any other basis for disapproval, the city planner may disapprove a lot line adjustment if he or she determines that there is no real relationship between the existing parcels and the proposed new parcels and that the proposal is more adequately processed as a merger and resubdivision pursuant to Section 66499.20-1/2 of the Government Code of the state of California.
4. D. 1. The city planner shall review the proposed lot line adjustment map and, within fifteen (15) days after the lot line adjustment map was filed, approve, conditionally approve, or disapprove the lot line adjustment map. However, if the lot line adjustment map is referred to the Site Plan Review Staff, pursuant to Section [16.32.040](#), the city planner shall have thirty (30) days after the map was filed to take such action. Said time limits may be extended by mutual consent of the city planner and the applicant.
5. 2. The city planner shall give written notice of his action to the applicant and to the affected city departments and to each public and private agency to which a copy of the lot line adjustment map was transmitted.
6. E. 1. If the city planner approved the lot line adjustment map, the written decision of the city planner approving the adjustment shall be filed for record with the county recorder. Such decision shall contain a legal description of each parcel resulting from the lot line adjustment and shall be recorded concurrently with the appropriate deed(s) or record of survey pursuant to Government Code Section 66412(d).
7. 2. The lot line adjustment shall not be effective until the decision of the city planner approving the map has been recorded as set forth in subsection (E)(1) of this section. Said decision shall not be recorded until the appeal period specified in Section [16.32.050](#) has expired without an appeal having been filed or until the applicant waives his right to appeal, whichever occurs first. If an appeal is filed, said decision shall not be recorded until the termination of the appeal proceedings.
8. 3. If conditions or exactions are required by the Site Plan Review Staff, the decision of the city planner shall not be recorded until the required conditions and exactions have been made fulfilled and, if required by the Site Plan Review Staff, an agreement with security is on file for fulfilling such conditions or exactions.
9. 4. The recording of the decision of the city planner and subsequent deed(s) or record of survey shall supersede all prior recorded parcel maps, subdivision maps or other documents that create the superseded parcels and the boundaries created by the decision of the city planner shall prevail over the earlier recorded boundaries, and the recorded decision of the city planner shall so state.

#### 16.32.050 Appeals.

After the action by the city planner on the lot line adjustment map, the applicant may appeal in writing to the ~~Planning Commission~~ Appeal Body within ten days after the decision of the city planner.

Chapter 16.48

~~[RESERVED]~~ ENVIRONMENTAL IMPACT MITIGATION

Sections:

~~16.48.010 Legislative findings.~~

~~16.48.020 Purpose.~~

~~16.48.030 Short title, authority and applicability.~~

~~16.48.040 Rules of construction.~~

~~16.48.050 Definitions.~~

~~16.48.060 Imposition of environmental impact mitigation—School overcrowding—Fee.~~

~~16.48.070 Fee schedule.~~

~~16.48.080 Computation of the amount of environmental impact mitigation—  
School—overcrowding—Fee.~~

~~16.48.090 Payment of fee.~~

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~~16.48.160 Severability.~~

~~16.48.010 Legislative findings.~~

~~—The City Council of the city finds, determines and declares that:~~

~~—A. Policy PSCU P-34 of the General Plan requires the city work with the Visalia Unified School District to coordinate land use and development with school location and site design to ensure that adequate facilities are available and integrated with neighborhoods;~~

~~—B. The school district has presented information to the city establishing that existing school facilities are overcrowded and that further growth and development in the city will have a significant adverse impact on the capacity of the school system;~~

~~—C.— The school district has presented information to the city that the fee, charge, dedication or other requirement the district is authorized to levy against a development project pursuant to Government Code Sections 53080 and 65995 is insufficient to adequately fund the construction of new school facilities to meet the needs of growth in the community;~~

~~—D.— The school district has presented information to the city that it does not have the financial or other resources available to fund new school facilities;~~

~~—E.— While it is also the State of California's responsibility to fund the construction of new school facilities to meet the needs of growth, the state has not provided the financial or other resources necessary to meet the growing demand for new school facilities;~~

~~—F.— Pursuant to Education Code Section 17718.5(a) the State Board of Education is to encourage school districts to utilize alternative methods to fund school facilities;~~

~~—G.— Education Code Section 17717.7 encourages the use of alternative funding sources by creating a six-tiered priority list for qualifying for state funding that effectively encourages school districts to request only a maximum of fifty (50) percent of total construction costs;~~

~~—H.— The school district must expand its classroom facilities in order to meet the needs of a growing community without decreasing the current level of education in order to promote and protect the public health, safety and welfare.~~

~~—I.— The imposition of an environmental impact mitigation fee is a preferred method of ensuring that new development bears a proportionate share of the cost of capital facilities necessary to accommodate the student population generated by such development and thereby promotes and protect the public health, safety and welfare.~~

~~—J.— The fees established by Section 16.48.070 are derived from, are based upon, and do not exceed the costs of providing additional school facilities necessitated by new development for which the fees are levied.~~

~~—K.— The report entitled "Environmental Impact Mitigation—School Overcrowding—Fee Justification Report", dated May 18, 1992, sets forth a reasonable methodology and analysis for determination of the impact on new development on the need for and cost of additional school facilities within the school district;~~

~~—L.— The adoption of this chapter is consistent with the General Plan of the city.~~

#### ~~16.48.020— Purpose.~~

~~—The purpose of this chapter is to assess environmental impact mitigation fees against all new residential construction, and all remodels adding additional area to existing residential buildings, all consistent with definitions found in state law, to mitigate the impacts of said construction on the ability of the Visalia Unified School District to house new students resulting from new development in the city. Furthermore:~~

~~—A. This chapter is intended to assist in the implementation of the land use element of the General Plan; and~~

~~—B. The purpose of this chapter is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide school facilities in the Visalia Unified School District.~~

~~16.48.030 Short title, authority and applicability.~~

~~—A. This chapter shall be known and may be cited as the "City of Visalia Environmental Impact Mitigation—School Overcrowding—Fee Ordinance."~~

~~—B. The City Council of the city has the authority to adopt this chapter pursuant to Article XI of Section 7 of the Constitution of the state of California, and pursuant to Government Code Sections 65300 et seq., 66000 et seq., and 66470 et. seq. and Public Resources Code Sections 21000 et seq. of California Statutes, and its Charter.~~

~~—C. This chapter shall apply in the incorporated area of the city to the extent permitted by Article XI of Section 7 of the Constitution of the state of California.~~

~~16.48.040 Rules of construction.~~

~~—A. The provisions of this chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.~~

~~—B. For the purpose of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:~~

~~—1. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.~~

~~—2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.~~

~~—3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the single, unless the context clearly indicates the contrary.~~

~~—4. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."~~

~~—5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.~~

~~—6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:~~

- ~~— a. "And" indicates that all the connected terms, conditions, provisions or events shall apply.~~
- ~~— b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.~~
- ~~— c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.~~
- ~~— 7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of little kind or character.~~
- ~~— 8. "City engineer" means the city engineer or city officials he/she may designate to carry out the administration of this chapter.~~

#### ~~16.48.050— Definitions.~~

~~— As used in this chapter, the following terms are defined in this section:~~

~~—"Assessable space" means the same as in Government Code Section 65995(b)(1).~~

~~—"Building permit" means an official document or certificate issued by the city authorizing the construction of any structure used or intended for supporting or sheltering any use or occupancy.~~

~~—"City" means the city of Visalia, a Charter Law city.~~

~~—"Development permit" means a regulatory approval by the city.~~

~~—"District" means the Visalia Unified School District.~~

~~—"Feepayer" means a person commencing a land development activity that requires the issuance of a building permit or permit for mobile home installation.~~

~~—"School development impact fee" means a fee, charge, dedication or other requirement the district is authorized to levy against a development project pursuant to Government Code Section 53080 and as said fee may be adjusted from time to time by the state Allocation Board pursuant to Government Code Section 65995(b)(2).~~

#### ~~16.48.060— Imposition of environmental impact mitigation— School overcrowding— Fee.~~

~~— A. Any person who, after the effective date of this chapter, seeks to develop land within the city by applying for: a building permit; an extension of a building permit issued prior to that date; a permit for manufactured home installations; or an extension of a permit for manufactured home installation issued prior to that date, is required to pay an environmental impact mitigation— school overcrowding— fee in the manner set forth in this chapter.~~

~~—B.— No new building permit or new permit for manufactured home installation for any activity requiring payment of an impact fee pursuant to Section 16.48.060(A) shall be issued unless and until the environmental impact mitigation—school over-crowding—fee required has been paid.~~

~~—C.— No extension of a building permit or permit for manufactured home installation issued prior to the effective date of this chapter, for any activity requiring payment of an impact fee pursuant to Section 16.48.060(A) shall be granted unless and until the environmental impact mitigation—school overcrowding—fee required has been paid. This subsection shall not apply if the applicant applying for an extension of a building permit or permit for manufactured home installation can demonstrate that a good faith effort has been applied to begin construction or that substantial completion has occurred in conformance with the approved building permit or permit for manufactured home installation.~~

#### ~~16.48.070— Fee schedule.~~

~~—A.— The council shall establish by resolution, a schedule of environmental impact mitigation—school overcrowding—fees calculated to provide the sum of money necessary to pay for the share of the new facilities estimated total construction cost identified to be funded with environmental impact mitigation—school overcrowding—fees, as set forth in the report entitled "Environmental Impact Mitigation—School Overcrowding—Fee Justification Report". Such schedule shall be conditional and based on the following findings by the council:~~

~~—1.— The planned school facilities are in conformity with the land use element of the general plan of the city;~~

~~—2.— The development of property will require construction or acquisition of additional school facilities and that the fees are fairly apportioned on the basis of benefit conferred on property developed or to be developed or on the need for planned school facilities created by proposed or existing development of property;~~

~~—3.— That school facilities planned, including the conversion of additional elementary schools to year-round education, are in addition to any existing school facilities serving the district at the time of adoption of the land use element and are necessary to complete the plan for school facilities.~~

~~—B.— The schedule of fees shall be those amounts in effect on July 1, 1995 as established by Resolution No. 92-76 of the council and as adjusted pursuant to ordinance provisions adopted prior to the effective date of the ordinance codified in this section and shall remain in effect until July 1, 1997. Effective July 1, 1997, and each succeeding July 1st thereafter, the schedule of fees shall be adjusted in accordance with the following criteria:~~

~~—1.— On April 1st of each year the city engineer shall review the current National Engineering News Record Construction Cost Index (ENRCCI). When such index differs from the index for the preceding April 1st, the factor of increase or decrease shall be~~

~~applied to the schedule of fees. Such factor shall be computed by dividing the ENRCGI for the current April 1st by that pertaining to the previous April 1st. The individual environmental impact mitigation—school overcrowding—fees may be multiplied by said factor to determine the adjusted schedule of fees. The engineer shall present the new fee schedule for adoption by resolution of council after at least one public hearing. The revised fees shall become effective on the July 1st following except in no case shall the revised fees become effective until sixty (60) days following the publication of the revised fees.~~

~~—2.— If in the determination of the city engineer the adjustments of the schedule of fees produced by the procedure in subdivision 1 of this subsection is not representative of the actual change in costs of the planned school facilities, the city engineer may, in lieu of the procedures set forth in said subdivision, compute a new schedule of fees for adoption by resolution of the council after at least one public hearing. In addition, the district may request that the City Council review the fees to ensure that they are representative of the actual change in costs of the planned school facilities.~~

~~—3.— In the event of the adoption of a new schedule of fees by resolution of the council, such new schedule shall become effective sixty (60) days after the adoption thereof by the council. The adjustment of such schedule provided in subdivision 1 of this subsection shall begin the April 1st next occurring after adoption of the new schedule.~~

#### ~~16.48.080— Computation of the amount of environmental impact mitigation—School overcrowding—Fee.~~

~~—A.— The environmental impact mitigation—school overcrowding—fee shall be equal to the difference between the fee established by the schedule of fees adopted or revised pursuant to Section 16.48.070 and the school development impact fee already assessed and collected by the district but in no case shall this difference be considered a credit to the feepayer.~~

~~—B.— Government Code Section 6599(b)(3) requires the State Allocation Board to review, at regular intervals, the school development impact fees. If within one hundred eighty (180) days of any action by the State Allocation Board to modify the school development impact fee either upward or downward, the district does not adjust the school development impact fee already assessed and collected by the district to reflect the action of the State Allocation Board, the city shall use the amount authorized by the State Allocation Board in its calculations to determine the amount of the environmental impact mitigation—school overcrowding—fee.~~

~~—C.— For new residential construction the fee paid pursuant to this chapter shall be equal to the product of the environmental impact mitigation—school overcrowding—fee identified in subsection (A) of this section and the assessable space for the building under consideration. For residential remodel construction the criteria imposed by Government Code Section 53080(a)(1) shall apply. For senior citizen housing, a residential care facility, or a multilevel facility for the elderly, criteria imposed by Government Code Section 65995.1 shall apply.~~

~~—D.— This chapter shall not apply to building permits issued for commercial, office or industrial projects.~~

#### ~~16.48.090— Payment of fee.~~

~~—A.— The feepayer shall pay the environmental impact mitigation — school overcrowding — fee required by this chapter prior to the issuance of a building permit or a permit for mobile home installation. This fee paid shall be in addition to and collected in the same manner as the school development impact fee already assessed and collected by the district.~~

~~—B.— All funds collected shall be properly identified and used solely for the purposes specified in Section 16.48.110.~~

#### ~~16.48.100— Timing of fee payment.~~

~~—A.— Notwithstanding the requirements of Section 16.48.090, the City Council may, by resolution, authorize the payment of the fee at a time other than that identified in Section 16.48.090.~~

~~—B.— In adopting the resolution identified in subsection (A) of this section the City Council shall make the following findings:~~

~~—1.— That the state of the economy in the city is such that the deferment of the fee required by this chapter will stimulate the economy and enhance the provision of jobs; and~~

~~—2.— That the deferment of the fee required by this chapter will not materially affect the ability of the city to deliver its five-year capital improvement program.~~

~~—C.— In adopting the resolution identified in subsection (A) of this section, the City Council shall:~~

~~—1.— Identify the point in time at which the fee shall be paid; provided, that in no event shall the deferral be extended beyond the time of the final inspection or issuance of the certificate of occupancy, whichever occurs first;~~

~~—2.— Identify to which major land use category (i.e., residential, commercial, office and/or industrial) the resolution applies;~~

~~—3.— Identify whether or not a contract shall be entered into by and between the property owner, or lessee if the lessee's interest appears of record, and the city prior to the issuance of the building permit. If a contract is required to be executed, it shall be processed and recorded in accordance with Government Code Section 66007(c). In lieu of entering into a contract, if one is required, the feepayer may provide such other form of surety instrument guaranteeing payment of the fee as may be acceptable to the city engineer or his/her designees and the city attorney;~~

~~—4. Impose a penalty, equal to one hundred (100) percent of the amount of the fees deferred on any party who fails to pay the deferred fee by the point in time specified in said resolution; and~~

~~—5. Provide that a party who fails to pay said deferred fees by the point in time specified in said resolution shall further forfeit the future right to defer such fees on parcels in which said party has a financial interest.~~

#### ~~16.48.110 Use of funds.~~

~~—A. Funds collected from environmental impact mitigation—school overcrowding—fees shall be used to fund or partially fund the construction or reconstruction of school facilities to meet the needs of new residential development in the district to include residential infill projects and residential remodel projects that meet the criteria of Section 16.48.080(B). The use of these fees shall be in accordance with Government Code Section 53080 et seq. and Government Code Section 65995 et seq.~~

~~—B. Funds may be used to provide refunds as described in Government Code Section 53080.3. Refunds shall be processed in accordance with Section 16.48.120.~~

~~—C. The city may retain a portion of the fee per building permit issued for which the fee is paid as compensation for the expense of collecting the fee and administering this chapter consistent with Government Code Section 53080(a)(5). The City Council shall establish this amount by resolution.~~

#### ~~16.48.120 Refund of fees paid.~~

~~—A. If a building permit or permit for manufactured home installation expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the fee paid plus a condition of its issuance; except, that the city and district shall retain three percent of the fee, to be shared equally, to offset a portion of the costs of collection and refund. The feepayer must submit an application for such refund to the city engineer within thirty (30) days of the expiration of the permit. Within ten working days of receipt of an application for refund the city engineer shall notify the district in writing of such refund request and the status of the building permit. The district shall issue a refund within twenty (20) working days or issue written findings as to why the refund shall not be made.~~

~~—B. Any funds not expended or encumbered by the end of the calendar quarter immediately following five years from the date the fee was paid shall, upon application of the then current landowner, be returned to such landowner with any interest incurred thereon; provided, that the landowner submits an application for a refund to the city engineer within one hundred eighty (180) days of the expiration of the six-year period. Within ten working days of receipt of an application for refund the city engineer shall notify the district in writing of such refund request. The district shall issue a refund within~~

~~twenty (20) working days or issue written findings as to why the refund shall not be made.~~

#### ~~16.48.130 Exemption and credits.~~

~~—A. The following shall be exempted from payment of the environmental impact mitigation — school overcrowding — fee. Any claim of exemption must be made no later than the time of application for a building permit or permit for mobile home installation. Any claim not so made shall be deemed waived.~~

~~—1. The reconstruction of any residential structure that is damaged or destroyed as a result of a disaster pursuant to Government Code Section 53080.6;~~

~~—2. An applicant for a development permit who has prepared and submitted a mitigation plan identifying how he/she plans to provide for the mitigation of the impacts the proposed project may have on the facilities of the district; provided that the district presents the city with a written statement signed by its superintendent, or his/her designee, indicating that the district accepts the mitigation plan. The phrase "mitigation plan" as used in this chapter shall include, but not be limited to, financing or construction measures that provides funds or structures (through purchase, sale, or lease back) for permanent school district facilities or any modification to the proposed project that reduces or eliminates the impact on the district.~~

~~—B. The District may grant a credit for land and facilities dedicated to the district consistent with the policies of the City's General Plan. The responsibility for negotiating such a credit shall rest with the district and the feepayer and any such credit granted shall not be considered by the city unless and until a written statement signed by the superintendent, or his/her designee, of the district indicating that the district grants the credit. The responsibility for managing the accounting of such credits shall rest with the district.~~

#### ~~16.48.140 Penalty provisions.~~

~~—A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution the city shall have the power to sue in civil court to enforce the provisions of this chapter.~~

#### ~~16.48.150 Sunset clause.~~

~~—This chapter shall terminate one hundred eighty (180) days following any action taken by the state of California to either eliminate the provisions of Government Code Section 53080 et seq., or the elimination of the caps on school development fees imposed by Government Code Section 65995 et seq.~~

~~16.48.160— Severability.~~

~~—If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.~~