



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** August 14, 2023

**PROJECT PLANNER:** Brandon Smith, Principal Planner  
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**SUBJECT: Pratt Family Ranch Tentative Subdivision Map No. 5583:** A request to subdivide 49.43 acres into 247 lots for residential use and additional lots for public and private parks, landscape / lighting district lots, and private streets with gated access, to be located within the R-1-5 (Single-Family Residential), R-M-2 (Multi-Family Residential), and QP (Quasi-Public) zone districts upon annexation.

**Specific Plan No. 2021-06:** A request to establish a new specific plan (Pratt Family Ranch Specific Plan) on 95.56 acres, including districts for low density residential, medium density residential, and parks and open space, and establishment of lots below minimum lot size. Full buildout of the plan will accommodate approximately 541 dwelling units and 8.3 acres of parks & open space, to be developed across Urban Development Boundary Tiers II and III.

**General Plan Amendment No. 2021-05:** A request to amend the location and acreage of General Plan land use designations within 95.56 acres, resulting in the elimination of Very Low Density Residential designation and redistribution of Low Density Residential, Medium Density Residential, and Parks / Recreation designations.

**Annexation No. 2021-04:** A request to annex 95.56 acres, located within the City of Visalia Urban Development Boundary Tiers II and III, into the Visalia city limits.

**Applicant:** D.R. Horton CA3, Inc.

**Location:** The project site is located north of Riverway Drive on the west and east sides of Mooney Boulevard. (APN: 078-010-025, 028, 029; 078-110-022, 023)

## STAFF RECOMMENDATION

### **Pratt Family Ranch Tentative Subdivision Map No. 5583:**

Staff recommends approval of the Pratt Family Ranch Tentative Subdivision Map No. 5583, as conditioned, based on the findings and conditions in Resolution No. 2023-36. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances, Housing Accountability Act (Government Code section 65589.5) and the Visalia Housing Element.

### **General Plan Amendment No. 2021-05, Specific Plan No. 2021-06, Annexation No. 2021-04:**

Staff recommends that the Planning Commission recommend that City Council approve these entitlements, as conditioned, based on the findings in Resolution Nos. 2023-37, 2023-38, and 2023-39. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan.

## RECOMMENDED MOTION

I move to approve **Pratt Family Ranch Tentative Subdivision Map No. 5583**, based on the findings and conditions in Resolution No. 2023-36.

I move to recommend approval of **General Plan Amendment No. 2021-05**, based on the findings in Resolution No. 2023-38.

I move to recommend approval of **Specific Plan No. 2021-06**, based on the findings and conditions in Resolution No. 2023-39.

I move to recommend approval of **Annexation No. 2021-04**, based on the findings in Resolution No. 2023-37.

## PROJECT DESCRIPTION

The applicant, D.R. Horton, CA3, Inc. has filed entitlement applications for the development of a private 541-lot single-family residential subdivision with both public streets and private gated streets, on parcels totaling 95.56 acres located outside of City Limits, within the Tier II and Tier III urban development boundaries. The property will be developed entirely with single-family dwellings on City standard-size lots and on small lots, including some gated small-lot communities. The project site is currently vacant except for one residence, and was previously employed for agricultural use. Entitlements for this project consist of an annexation, tentative subdivision map, adoption of a specific plan (which includes the establishment of a planned residential development), and a general plan amendment.

The request for development across the two growth tiers is being made in accordance with General Plan Land Use Policy LU-P-22, which allows for City Council approval of master plans (or, in this case, a specific plan), following Planning Commission review and recommendation, for sites under a single ownership, which includes developmental land within multiple development tiers.

**Annexation No. 2021-04** is a request to annex parcels totaling approximately 95-acres located outside the city limits and within Tulare County (see Exhibit “G”). Upon annexation, the Zoning designations for the project area will consist of R-1-5 (Single-Family Residential 5,000 square foot minimum site area), R-M-2 (Multi-Family Residential, one unit per 3,000 square foot site area) and Q-P (Quasi-Public), consistent with the underlying General Plan land use designations as proposed through the General Plan Amendment.

**General Plan Amendment No. 2021-05** is requested to redistribute land use designations that are located upon several sites that are under a single ownership. Current and proposed land use designations are summarized as follows:

<u>Land Use (Zoning) Designation</u>	<u>Existing</u>	<u>Proposed</u>
Very Low Density Residential (R-1-20 zone designation)	16 acres [all in Tier III]	0 acres
Low Density Residential (R-1-5 designation)	51 acres	57 acres (including R.O.W.)
Medium Density Residential (R-M-2 designation)	25 acres [all in Tier II]	31 acres (including R.O.W.)
Parks / Recreation (QP designation)	4 acres [all in Tier II]	8 acres

The property currently has a land use designation of Residential Very Low Density along its north side which abuts a large Parks/Recreation designation on the south side of the St. Johns River, and Residential Medium Density and Park/Recreation designations that are currently confined to Tier II (see Exhibit “H”). The changes in designation will eliminate the Residential Very Low Density Designation and spread the balance of the designations to create a community with mixtures of lot sizes and park and trail amenities, as explained further in the specific plan (see Exhibit “I”).

**Specific Plan No. 2021-04** establishes the Pratt Family Ranch Specific Plan ("Plan"), which is applicable to the subdivision area plus future development within Tier 3 northerly to Avenue 320 that is also held by the property owner. The purpose of the Plan is to carry out establish land use and development patterns over the Tier 2 and 3 areas in accordance with General Plan Policy LU-P-22. This is further done through the establishment of a Development Agreement, which sets criteria for development between growth tiers and specific improvements to be installed with each tier.

The Plan establishes a master land use plan (see Exhibit "A"), together with the approval of General Plan Amendment No. 2021-05. The Plan further provides design and development standards for the property's residential communities, providing deviations to City development standards (Section 4). For the gated neighborhoods that contain small lot single-family residences on property to be zoned R-M-2, elevations and floor plans for three home models to be associated with the development are provided, each with multiple exterior treatment options. The plans are all two-story units ranging in size from 1,378 square feet to 1,775 square feet of livable space (see Exhibits "E" and "F").

A key feature of the Specific Plan is the placement of parks in the center and southeast portions of the property (see Figure 4-12) and a pedestrian trail contained on minimum 20-foot-wide linear lots connecting the open and gated neighborhoods with St. Johns River and Mooney Boulevard on the south end. The Plan establishes parks and trails with uniform features and amenities, such as landscaping, lighting features, and open space features. The Plan goes into more clear detail in Sections 5, 6, and 7 on the development's circulation, infrastructure, administration and implementation. A separate phasing exhibit (see Exhibit "B") illustrates the order of development along with the placement of the City's growth tier boundary.

The **Pratt Family Ranch Tentative Subdivision Map** is a request to subdivide 49.43 acres into a 247-lot single-family residential subdivision at a density of 4.94 dwelling units per acre (see Exhibit "C"). The subdivision map covers the entirety of the project area that is within Tier II, with a small portion (estimated at 4 acres) that extends into Tier III due to the subdivision's lot and street configuration.

The subdivision, through dedication, will establish right-of-way necessary for curb-to-curb development of collector streets Pratt Avenue and Mooney Boulevard within the subdivision. A round-about, shown on the map in concept form, is proposed for the intersection at Mooney Boulevard & River Way Avenue, to allow Mooney Boulevard to transition easterly and align with the project's eastern boundary.

The subdivision contains three distinct lot types that are confined to different areas of the project site. Two lot types will correspond to the R-1-5 zone or Low Density Residential designation: the 50' x 100' lots (i.e., minimum 5,000 sq. ft.) and the 45' x 90' lots (i.e., minimum 4,050 square feet). These aforementioned lots will utilize public streets and will generally conform to the City's zoning standards, with zone exceptions as described in the Specific Plan. The densities of these two lot types will be 5.2 and 6.4 dwelling units per acre, consistent with the Low Density Residential land use classification of the General Plan, which notes density between 2 to 10 units per acre.

The lots within the R-M-2 zone or Medium Density Residential designation are sized 38' x 72' (i.e., minimum 2,736 square feet). The streets within this portion are gated and to be privately maintained by a homeowner association. No sidewalks will be installed along the private streets. Access to the subdivision will be via gated entries along Mooney Boulevard and via a local street accessible on the north side of Pratt Avenue. The density of this lot types within the subdivision will be 9.8 units per acre, however between the two Medium Density Residential neighborhoods depicted in the Specific Plan, the combined density of the two neighborhoods is 10.0 units per

acre (see Table 4-1). The density range of the Medium Density Residential land use classification of the General Plan is 10 to 15 units per acre.

The Specific Plan will enable deviation from the Visalia Municipal Code standards for lots within the R-1-5 and R-M-2 zones. The deviations are requested in the same manner as a planned residential development, where the deviations are sought in order to maximize benefits to the eventual residents of the development. The deviations are in the forms of setbacks, private streets and gated entries, and neighborhood parks. These deviations are explained further in the Project Evaluation section.

The development will be a gated private subdivision, with private streets, landscape outlots, walking trails, a neighborhood park, and additional amenities, all maintained by a homeowner's association (HOA).

The subdivision map will include the creation of several lettered lots maintained through a Landscaping and Lighting District (LLD). Outlots A through H will be established for purpose of containing landscaping and block walls along Pratt Avenue, Mooney Boulevard, other local streets, and portions of lots adjacent to interior street sides on the corner lots. Outlots C, E, F, and I are a minimum 20-feet in width to provide a trail connecting between the St. Johns River and Mooney Boulevard (see Figure 5-3 in Specific Plan). Outlot I will be a 0.71-acre lot that provides additional open space, and Outlot K will be a 1.61-acre dog park fronting on Mooney Boulevard and Riverway Avenue and thereby accessible to residents in the surrounding area. There will also be separate lots for the gated subdivision's private streets and HOA-maintained park.

The project site is within the City's Urban Development Boundary (UDB) Tier 2 and 3 and is subject to City's Agricultural Preservation Ordinance. This is discussed in greater detail in the Agricultural Preservation Ordinance section of the staff report below.

## BACKGROUND INFORMATION

Existing General Plan Land Use Designation:	Residential Very Low Density, Residential Low Density, Residential Medium Density, Parks / Recreation
Existing County Zoning:	AE-20 and AE-40
Zoning upon annexation to City:	R-1-5 (Single-family Residential, 5,000 square foot minimum lot size), R-M-2 (Multi-family Residential, one unit per 3,000 sf. Ft. site area), QP (Quasi-Public)
Surrounding General Plan and Land Use:	North: Parks/Recreation / Vacant land, St. Johns River South: Residential Low Density / Shannon Ranch single-family subdivision tract East: Residential Very Low Density, Residential Low Density, Residential Medium Density, Parks/Recreation / Row crops West: Residential Very Low Density, Residential Low Density / Vacant land, rural residence
Environmental Review:	Initial Study / Mitigated Negative Declaration No. 2023-37, State Clearinghouse #2023070368
Special Districts:	None

**RELATED PLANS & POLICIES**

Please see attached summary of related plans and policies.

**RELATED PROJECTS**

None.

<b>PROJECT EVALUATION</b>
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Staff supports the annexation based on the project's consistency with the Land Use Element of the General Plan.

Specifically, the annexation will facilitate a residential subdivision development on a 95-acre site in a manner that is consistent with the existing residential neighborhood in the area, particularly the Shannon Ranch subdivision to the south.

Furthermore, staff recommends approval of Pratt Family Ranch Tentative Subdivision Map No. 5583, General Plan Amendment No. 2021-05, and Specific Plan No. 2021-06, based on the project's consistency with the Land Use Element of the General Plan, the Zoning and Subdivision Ordinances, Housing Accountability Act (Government Code section 65589.5) and the Visalia Housing Element for approval of the tentative subdivision map. The subdivision map proposes to develop a parcel of land that is designated for residential development at a density prescribed in the 2030 Visalia General Plan.

**Annexation No. 2021-04**

The project proponents have filed an application to initiate annexation of the 96-acre project site into the Visalia City limits. The site will be pre-zoned to R-1-5, R-M-2, and QP classifications, consistent with the subject site's corresponding General Plan land use designations. The annexation can be supported on the basis that the proposal is consistent with **Land Use Policy LU-P-21**, which allows for the annexation and development of residential land to occur within the Tier II Urban Development Boundary consistent with the City's Land Use Diagram.

The annexation of the Tier III Urban Development Boundary portion is consistent with **Land Use Policy LU-P-22**, which allows for annexation before development is permitted in Tier III under Policy LU-P-21. The policy explicitly allows for a project to annex and develop while the City still limiting development approvals to land within the Tier II designation.

The site can be serviced with all the requisite utility and infrastructure available to serve the site upon development. Cities can approve tentative maps prior to final approval of the annexation by the local agency formation commission (i.e., LAFCO) but cannot approve a final subdivision map until after the land is annexed and the annexation is recorded through the Tulare County Recorder. Staff has included this requirement as Condition No. 6 of the Pratt Family Ranch Tentative Subdivision Map No. 5583.

**Development Agreement**

A Development Agreement has been prepared by staff to accompany the proposed project (see Exhibit "J", based upon the proposal of a master-planned site that spans between Tiers II and III.

Specifically, **Land Use Policy LU-P-22** allows for master-planned sites that are under a single ownership or unified control to be annexed and developed, subject to the City Council approval of a master plan (in this case, a specific plan) and a development agreement. The intent of the development agreement is to spell out "details regarding the overall development,

density/intensity and phasing, infrastructure needs and financing, and what each party would do". The development agreement, once entered into between the City and the landowner or developer, would enable the property to annex and develop within Tier III, subject to criteria, while the City is still limiting development approvals to land within the Tier II designation.

The project proponent, on behalf of DR Horton, has specifically requested to allow the Pratt Family Ranch Specific Plan development to begin growth in the Tier II area and to have continuous growth into the Tier III portion of the plan (see memo attached as Exhibit "K"). The proposal of "continuous growth" infers not being interrupted by the requirement of meeting citywide expansion criteria as stated in Land Use Policy LU-P-21. The memo cites how the property has been designed as one cohesive neighborhood with parks, a walking trail, and other amenities that connect development situated in Tiers II and III.

Staff's draft Development Agreement recommends that certain criteria be met before the City will process any subdivision map entitlement in the Tier III area. The intent is to ensure that substantial progress and investment is made in the Tier II area, such that no portion of the Tier II area is being passed over prior to the Tier III area. The criteria are summarized as follows:

- Prior to the processing of a Tier III tentative subdivision map, all phases and lots specified in the Pratt Family Ranch Tentative Subdivision Map No. 5583 shall have final maps recorded with the Tulare County Recorder.
- Prior to the processing of a Tier III tentative subdivision map, permits for new dwelling units shall be issued for approximately 85% of the lots in the Pratt Family Ranch Tentative Subdivision Map No. 5583, based on the following criteria:
  - All (100% of) lots located within Sub Phase 1 of Phase 1 (i.e., 94 lots). This is the Low Density Residential area south of Pratt Avenue.
  - All (100% of) lots located within Sub Phase 2 of Phase 1 (i.e., 60 lots). This is the Medium Density Residential gated community.
  - At least 56 (62% of) lots located within Sub Phases 3 and 4 of Phase 1.
- Prior to the processing of a Tier III tentative subdivision map, improvements for Circulation Element streets, the proposed pedestrian trail and landscaping, HOA parks, and other public areas shown in the Tier II area shall be completed.
- A tentative subdivision map for the Tier III area can be filed and reviewed by the Site Plan Review Committee, and can subsequently be filed with the City of Visalia, but cannot be scheduled for hearing until the above criteria are met.

## **General Plan Consistency**

### **Land Use Element Policies**

The subdivision's design pattern and lot pattern consisting of a minimum lot size of 5,000 square feet is consistent with the site's Residential Low Density land use designation. The entire site has been designated for residential land uses since the adoption of the Visalia General Plan in 2014.

The project is consistent with General Plan **Land Use Policies LU-P-55 and LU-P-56**. The policies allow for residential development consistent with the Low Density Residential designation at a density range between 2 to 10 dwelling units per gross acre, and the Medium Density Residential designation at a density range between 10 to 15 dwelling units per gross acre.

### **Low Density Residential**

Areas of the project designated as Low Density Residential will be developed at residential densities ranging between 5.0 and 6.4 units per acre consistent with the Low Density Residential

General Plan land use designation as well as the R-1-5 zoning district. The policy states: *“this designation is intended to provide for single-family subdivisions.”* Compatibility with the surrounding area is required by the General Plan in the decision to approve the proposed subdivision. The proposed subdivision meets all codified standards contained in the Zoning and Subdivision Ordinances, as well as all General Plan policies pertaining to residential development. Staff finds that the proposed tentative subdivision map is compatible with the surrounding area and the Low Density Residential land use designation.

#### Medium Density Residential

The two areas of the Specific Plan designated as Medium Density Residential will have a combined density of 10.0 units per acre consistent with the Medium Density Residential General Plan land use designation as well as the R-M-2 zoning district. The Medium Density Residential designated area within the tentative subdivision map will be 9.8 units per acre.

The policy states: *“this designation can accommodate a mix of housing types including small-lot single-family ... on infill lots or new development areas within walking distance of neighborhood nodes and corridors.”* A commercial node, located on the northeast and northwest corners of Mooney Blvd. and Riggan Ave., is within one-half mile of the southern boundary of the project site. The proposed subdivision meets all codified standards contained in the Zoning and Subdivision Ordinances, as well as all General Plan policies pertaining to residential development.

Currently there is no other development surrounding the Medium Density Residential portions of the project site, except for the balance of the Pratt Family Ranch Specific Plan development. The two areas designated for small lot subdivisions will only directly abut the Specific Plan’s R-1-5 zoned lots that are 4,250 sq. ft. in size (see Exhibit “A”), thereby providing a suitable transition between the Low and Medium Density areas. The balance of the Medium Density area will be bordered by arterial streets (Mooney and Avenue 320) on the north and east, and the landscape lots containing the pedestrian trail on the west and south.

The proposed subdivision does not meet all codified standards contained in the Zoning and Subdivision Ordinances. The applicant proposes setbacks that are smaller than what is required under the R-1-5 and R-M-2 standards, along with private streets. To address this, the applicant has submitted a Specific Plan which serves as a request for a Planned Residential Development, to permit deviations from Zoning Ordinance standards. The deviations are discussed in the Development Standards section of this report. As it stands, the proposal meets the intent of the Low and Medium Density Residential land use designations. The proposed deviations will still result in a development within the density limits of the land use designations.

#### Elimination of Very Low Density Residential

The existing General Plan land use map shows 16 acres of Residential Very Low Density designation (i.e., 0.1 to 2 dwelling units / gross acre) on the north sides of the property, at a depth of approximately 440 feet. The designation was implemented with the General Plan Update in 2014 and is intended to serve as a buffer on the outer perimeter of the City’s growth area as it approaches the St. John’s River, wherein residences would be permitted at a lesser density. **Land Use Policy LU-P-54** addresses the use of the Very Low Density Residential designation as an opportunity for a rural residential transition to surrounding agricultural areas.

The applicant has provided a response to the elimination of the designation, stating in Section 3.2 of the Specific Plan that *“the Very Low Density is starting to phase out in the housing market and with the ever-growing need of housing, high-density homes are a more desirable use of land.”*

Staff finds that the removal of the designation at this location would not be wholly inconsistent with the General Plan’s objectives and policies. At this location, the St. Johns River corridor serves as a natural boundary to growth and to agriculture uses on the other side, and a Parks /Recreation

designation further buffers the existing Very Low Density Designation from the St. Johns River. Thus, removal of the designation is not anticipated to result in growth inducing or intensification effects, given that there are other existing locations along the south side of the St. Johns River where development abuts directly to the St. John's River's riparian setback.

#### Housing Accountability Act (Government Code section 66589.5)

The Housing Accountability Act (HAA) requires local agencies to approve housing developments that are consistent with applicable general plan, zoning, and subdivision standards, including design review, if they were in effect at the time that the housing development application was deemed complete. A local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the evidence that the project would have a specific, adverse impact on public health or safety, and that there is no feasible way to mitigate or avoid the impact<sup>1</sup>.

With approval of the attached Planned Residential Development as detailed per the specific plan, the project is considered to be consistent, compliant, and in conformity with the General Plan, Zoning Ordinance, and single-family residential development standards. The lots proposed for Pratt Family Ranch subdivision meet density standards for the Very Low Density Residential land use designation and will be compatible with surrounding developed residential areas. Furthermore, the subdivision will develop a private network of local streets and improve adjacent Collector and Arterial public roadways, thereby facilitating increased street connectivity to accommodate future growth areas.

#### **Background on Specific Plans**

Specific plans are a type of guiding and policy utilized in California jurisdictions. Whereas general plans provide context, land uses, objectives and goals for an entire jurisdiction (i.e., county-wide or city-wide), a specific plan covers part of an area covered by the general plan. When being written for a particular document, a specific plan can also include zoning regulations for the mix of land uses within it, including architectural standards if desired. Specific plans may be voluntarily initiated by one or more property owners, or may be required or recommended by a general plan document. In this instance, the Pratt Family Ranch Specific Plan is being proposed based on Visalia General Plan Policy LU-P-22.

Specific plans are regulated by state law per Government Code Sections 65450 through 65457, and regulated by Visalia city law per Municipal Code Chapter 12.04 (see Related Plans and Policies for full text).

#### **Development Standards**

The Specific Plan (Table 4-1) and Tentative Subdivision Map (table at bottom of page 1) identify three unique minimum lot sizes that will be utilized in neighborhoods within the project area, summarized as follows:

- 50' x 100' (5,000 sq. ft.): Low Density Residential Designation / R-1-5 Zoning
- 45' x 90' (4,050 sq. ft.): Low Density Residential Designation / R-1-5 Zoning
- 38' x 72' (2,736 sq. ft.): Medium Density Residential Designation / R-M-2 Zoning

Setbacks and development standards for each neighborhood type are described below. Conformance of the development standards and any changes described herein will be enforced through Condition No. 1 of the Specific Plan.

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<sup>1</sup> Gov. Code Section 65589.5(j)(1).



### Low Density Residential, Lot size 50' x 100'

The lots with maximum size of 5,000 sq. ft. resemble City-standard R-1-5 zone district lots that would utilize standard single-family residential standards together with City standard street design.

Specific Plan Table 4-2 provides development standards for Low Density Residential lots, which comprise the 5,000 sq. ft. lots and the 4,050 sq. ft. lots. However, since the 5,000 sq. ft. lots have the ability to utilize typical City development standards for the single-family residential (R-1-5 zone) product, Staff is recommending that the City standards be utilized, excepting that rear yards for one-story dwellings may have a 20-foot setback to the rear property line. This is being recommended as conditions of approval in the TSM and Specific Plan.

Minimum Lot Area	Front	Side	Street Side	Rear
5,000 sq. ft.	15-ft. to habitable space. 22-ft. to garage	5-ft.	10-ft.	25-ft. for 2-story 20-ft. for 1-story

All lots will have lot depths ranging from approximately 100 feet to 113 feet, excepting lots located on knuckle street bulbs that account for roughly 10% of the total lot count. These lots will also be required to utilize standard single-family residential setback standards but are permitted to have a 20-foot setback for front-loading garages as identified in Section 17.12.080.C of the Zoning Ordinance.

It should be noted that these lots, which Staff is recommending that City standards be utilized, are the only lots that will be backing upon developed residential lots (i.e., Shannon Ranch), also within the R-1-5 zone and utilizing City standards.

### Low Density Residential, Lot size 45' x 90'

Lots with maximum size of 4,500 sq. ft. are proposed in one district of the Specific Plan and the Tentative Subdivision Map. The Map identities these as Lots 133 through 184 – in total, 52 lots. These lots will be located in the R-1-5 zone and will utilize City standard street design.

Specific Plan Table 4-2 provides development standards for Low Density Residential lots, which comprise the 5,000 sq. ft. lots and the 4,050 sq. ft. lots.

The applicant has specified that the same residential plans/models will be utilized in the 45' x 90' lots and in the 38' x 72' lots.

The Specific Plan may deviate from normal zoning regulations and standards. Staff will consider such deviations if it can be shown that the deviations maximize benefits to the eventual residents of a development. The Specific Plan request entails certain deviations from City standards. Below is a comparison of the City standard setback for the R-1-5 zone and the setbacks as proposed in Table 4-2.

Minimum Lot Area	Front	Garage	Side	Street Side	Rear	Minimum rear yard sq. feet
City Standard R-1-5 Setbacks 5,000 sq. ft. minimum lot size	15'	22'	5'	10'	25'	N/A
Proposed Setbacks 4,000 sq. ft. minimum lot size	15'	20'	5'	10'	15'	675 sq. ft. (45' x 15')

Staff is recommending that the Specific Plan's proposed setbacks be utilized. Staff's recommendation is on the basis that this neighborhood is joined and adjacent to the medium density residential neighborhood which also utilizes deviated setbacks. These lots do not share any property lines with the 5,000 square foot lots. Also, the Specific Plan and Tentative Subdivision Map provide additional open space areas and access to a pedestrian trail that links St. Johns River to Mooney Boulevard.

#### Medium Density Residential, Lot size 38' x 72'

The Medium Density Residential lots, anticipated to accommodate a detached single-family dwelling, are proposed in two districts of the Specific Plan. One such district is included in the Tentative Subdivision Map. The Map identifies these as Lots 185 through 244 – in total, 60 lots. These lots will be located in the R-M-2 zone and will utilize private streets with gated entry.

Specific Plan Table 4-3 provides development standards for these lots.

The applicant has specified that the same residential plans/models will be utilized in the 45' x 90' lots and in the 38' x 72' lots.

The Specific Plan may deviate from normal zoning regulations and standards. Staff will consider such deviations if it can be shown that the deviations maximize benefits to the eventual residents of a development. The Specific Plan request entails certain deviations from City standards.

- Setbacks. Below is a comparison of the City standard setback for the R-M-2 zone and the setbacks as proposed in Table 4-3.

Minimum Lot Area	Front	Garage	Side	Street Side	Rear	Minimum rear yard sq. feet
City Standard R-M-2 Setbacks One unit per 3,000 sq. ft.	15'	22'	5'	10'	25'	N/A
Proposed Setbacks 2,500 sq. ft. minimum lot size	12'	18'	4'	4'	10'	350 sq. ft. (35' x 10')

- Lot Width. City staff from Community Development and Public Works Departments have worked together with the applicant to achieve a subdivision design wherein individual roll-out cans for solid waste and recyclables can be placed on the street curbs, subject to conditions of approval enforced by the HOA.
- Private streets and gated entries. The streets serving the Medium Density Residential portion of the subdivision are proposed to be privately maintained by an HOA. No sidewalks will be installed along these private streets (refer to Exhibit "C" for a cross section for a typical private street). Public access to the subdivision will be via gated entries along Mooney Boulevard and local streets accessed via Pratt Avenue.
- HOA park. A 0.29-acre park, identified as HOA Park in the subdivision map in Exhibit "C", is proposed to be centrally located and privately maintained by the HOA.

#### **Medium Density Residential Building Elevations/Floor Plans**

Building elevations and floor plans for the development are included in Exhibits "E" and "F". Per the submittal, the applicant will be providing two-story residences, with 1,378, 1583, and 1775 square feet of livable space. Three floor plans are provided, with three to four bedrooms, each with three distinct design types and multiple façade colors to choose from. The proposed street

facing façades will feature various forms of architectural ornamentation depending on the style chosen, such as fiber cement board & batten siding, stone veneer over stucco columns or wood columns, and foam outlooker with knee brace.

The number of plan options provided and architectural detail incorporated support the applicants assertion that the development is unique and provides additional amenities above what is normally proposed. These architecture features will be standard on the frontages of all residences, and the rear sides and all second story windows of the residences will contain trim around the windows.

Consistency with the exterior elevations will be enforced through the Building Permit process. Conformance of the floor plans and elevations against the exhibits will be enforced through Condition No. 2 of the Specific Plan.

### **Landscape and Lighting Assessment District and Block Walls**

A Landscaping and Lighting District (LLD) will be required for the long-term maintenance of the out lots, including the linear park, which include blocks walls, streetlights, landscaping, and all park amenities as noted on Exhibit "A".

The block walls along street frontages will be typical City standard block walls. The subdivision map block wall heights will be reduced to three feet where the block wall runs adjacent to the front yard setback areas. The three-foot transition areas are applicable for the corner residential lots within the two subdivisions. Staff has included Map Condition No. 5 to require the stepped down walls.

### **Traffic Circulation and Street Improvements**

The developer of the Pratt Family Ranch subdivision will be required to construct street improvements to arterial and collector roadways as development progresses. The full circulation plan for the entire project, including street cross sections, is shown in Specific Plan Section 5.

Pratt Avenue and Mooney Boulevard are designated 84-foot wide collector streets. Both roadways are currently improved as two-lane County roadways with no frontage improvements on either side. The subdivision map will dedicate the rights-of-way for these roadways. The subdivision's initial development phase (shown in Exhibit "B" as Sub Phase 1 of Phase 1) will improve Pratt Avenue and Mooney Boulevard, south of Pratt Avenue, to their full width. Improvements being added by the subdivision will consist of a 6-foot sidewalk, 5-foot parkway, curb, gutter, parking lane, and Class II bike lane. The asphalt will be improved to accommodate two 12-foot travel lanes and one 8-foot park lane.

As part of the pedestrian trail improvements, there will be minimum 20-foot wide outlots on one side of each street connecting the path from the southern property line (to an existing 8-foot sidewalk) to Zachary Street. All portions of Pratt and Mooney that back to residential development will have 10-foot landscape lots outside of the public right-of-way dedicated through a Landscape and Lighting District. The district provides maintenance of the landscape lots, block walls, street pavement and street lighting.

Mooney Boulevard and Avenue 320. Future development in the Tier III portion will include the improvements of Mooney Boulevard and Avenue 320 on the perimeter of the project area. Mooney Boulevard will continue to be a 84-foot wide collector street with all street improvements on site. Avenue 320 is a designated arterial roadway that will be built with a 55-foot right-of-way, half of its ultimate width. Currently, there are no built segments of Avenue 320 in the vicinity, and until there is future development to the west towards Demaree Street, Avenue 320 would only serve the project area. Extension of Avenue 320 easterly, across the St. Johns River, is shown

as a deferred arterial in the City's General Plan but is not currently being contemplated since there is currently no planned growth across the river.

### **Traffic Round-About Design**

The subdivision map and specific plan show a round-about at the intersection at Mooney Boulevard & River Way Avenue. There is no City policy or regulation that specifies the placement of a round-about at this location, however this type of traffic control has been chosen to allow Mooney Boulevard to more swiftly transition easterly, north of River Way Avenue, to align with the project's eastern boundary.

It is important to note that City staff has not accepted or approved any design for this round-about, and that a fair amount of geometric design is still needed before the City can accept the round-about and lock down its final geometry and design.

Furthermore, it is important to note that the final design may result in reconfiguration of proposed residential lots that back onto the round-about, slight adjustments to the final re-alignments of Mooney Boulevard and Pratt Avenue, and modifications to existing street and landscape improvements at the Mooney and Riverway intersection, including additional right of way for Riverway the transition. The developer's civil engineer will continue to work with the City Engineer and Traffic Engineer to solidify the round-about design.

### **Traffic Impact Study**

A Traffic Impact Study (TIS) was prepared for the proposed project (ref.: Pratt Family Ranch Transportation Impact Study. VRPA Technologies, Inc., July 15, 2022). The purpose of the study is to analyze traffic conditions related to the development of the subdivision and its projected level of service (LOS) at opening year and at five-year increments, and the corresponding environmental impact as required by the California Environmental Quality Act (CEQA).

The TIS identified four intersections in the project vicinity that would experience unacceptable LOS in the long term.

- The TIS examined the intersections of Riggin and County Center and Riggin and Giddings and recommended the installation of traffic signals at these intersections. However, since the time of the preparation of the TIS, traffic signals have been installed at these intersections. The TIS and the environmental study's mitigation measures still recommend that the project contribute to the City's traffic impact fee program, which will directly or indirectly contribute to improvements.
- The intersection of Mooney and Ferguson is forecasted to operate at unacceptable levels under the existing and opening year scenarios (p.m. only). This intersection meets the peak hour signal warrant. With the installation of a traffic signal, the level of service will fall to acceptable levels. The TIS and the environmental study's mitigation measures therefore recommend that the project contribute to the City's traffic impact fee program, which will directly or indirectly contribute to improvements.
- The intersection of Riggin and Dinuba, specifically the eastbound turn lane, is forecasted to operate at unacceptable levels starting at the 10-year horizon. This intersection is already built out with a traffic signal and is managed by Caltrans. The TIS and the environmental study's mitigation measures therefore recommend that the project contribute to the City's traffic impact fee program, which will directly or indirectly contribute to improvements.

In addition, the TIS analyzed the intersection of Mooney and Riverway, which is proposed to have the installation of a roundabout. The TIS did not identify any level of service deficiencies, but due to the roundabout and the necessary transitions to existing roadways, the TIS recommended that

later stages of the project approval process include the preparation of a design for the roundabout that is acceptable to the City.

A Vehicle Miles Traveled (VMT) analysis was also conducted by comparing the project's expected VMT per capita to regional averages. Since the study concluded that the project's VMT will be 28.2% less than the regional average, meeting the 16% level of significance threshold, the impacts to VMT are concluded to be less than significant.

### **Agricultural Preservation Ordinance Requirements**

The 95-acre project site is in the City's Tier II and III urban development boundary and is designated as Prime Farmland as defined per the Tulare County Farmland Mapping and Monitoring Program. As a result, the development of this site is subject to the City's recently adopted Agricultural Preservation Ordinance.

On May 15, 2023, the City Council approved the second and final reading of Ordinance No. 2023-02, which adopts an addition to the Visalia Municipal Code referred to as Title 18 "Agricultural Land Preservation", Chapter 18.04 "Agricultural Land Preservation Program". This code creates an Agricultural Preservation Ordinance (APO) to implement Visalia General Plan Land Use Policy LU-P-34.

The APO established a process for the required preservation of agricultural land through the acquisition of agricultural conservation easements or the payment of an in-lieu fee for projects subject to the provisions of the ordinance.

The developer of the project is subject to complying with the requirements of the adopted APO since the site is located within the Tier II urban development boundary. The preserved land obligation shall be calculated at a ratio of one acre of preserved land for each acre of converted land. Converted land acreage shall be calculated by determining the applicable project acreage less the acreage of exclusions. In addition, the preserved land obligation, as established in Section 18.04.070(A), shall be preserved through acquisition of an agricultural easement in accordance with Section 18.04.080, unless eligible for payment of an in-lieu fee in accordance with Section 18.04.090.

The preserved land obligation shall be satisfied prior to issuance of any permit directly authorizing or resulting in disturbance to the project site. Compliance of the ordinance is achieved when either the approved agricultural conservation easement has been recorded or the applicant has remitted the approved in-lieu fee to the qualified entity.

### **Infrastructure**

Water Service: Staff has included Condition No. 5 that requires a valid Will Serve Letter from the California Water Service Company if, prior to development of the subdivision, the determination of water availability letter lapses.

Sanitary Sewer: The sewer system will have to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will be sized in order to service the entire subdivision. The sanitary sewer master plan for the entire development will be required to be submitted for approval prior to approval of any portion of the system. The City's Wastewater Treatment Plan has confirmed that it has capacity to effectively accommodate the project's two tiers of development.

Storm Drainage: The storm drainage system will have to be extended to the boundaries of the development where future connection and extension is anticipated. The storm drain system will be sized in order to service the entire subdivision. A storm drainage plan for each development proposal will be required to be submitted to the City for approval.

## **Subdivision Map Act Findings**

California Government Code Section 66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven “negative” findings have come to light through a recent California Court of Appeal decision (*Spring Valley Association v. City of Victorville*) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff’s analysis are below. Recommended findings in response to this Government Code section are included in the recommended findings for the approval of the tentative subdivision and tentative parcel map.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has been found to be consistent with the City’s General Plan and the proposed Pratt Family Ranch Specific Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision Map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the maps have been found to be consistent with the City’s General Plan and Pratt Family Ranch Specific Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision Map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Low Density Residential, Medium Density Residential, and Parks/Recreation, and is developed at densities that are within the allowed ranges of the specified land use designations. This is included as recommended Finding No. 3 of the Tentative Subdivision and Tentative Parcel Maps.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed maps and its affiliated development plan, which is designated as Low Density Residential. This is included as recommended Finding No. 4 of the Tentative Subdivision Map.
(e) That 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.	The proposed design and improvements of the map has not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This finding is further supported by the project’s determination of no new effects under the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 6 of the Tentative Subdivision Map.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has been found to not cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Subdivision Map.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 5 of the Tentative Subdivision Map.
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## **Environmental Review**

An Initial Study and Mitigated Negative Declaration were prepared for the proposed project. Initial Study and Mitigated Negative Declaration No. 2023-37 disclosed that environmental impacts are determined to be less than significant with the incorporation of mitigation to address significant impacts to the following resources:

- One (1) mitigation measure pertaining to Agricultural would reduce impacts of the Project's loss of agricultural land to a level that would be less than significant.
- Seven (7) mitigation measures pertaining to Biological Resources would reduce impacts of the Project to special-status wildlife species (i.e. Swainson's Hawk, San Joaquin Kit Fox, Western Burrowing Owl, American Badger) to a level that would be less than significant.
- Three (3) mitigation measures pertaining to Cultural Resources would reduce the impacts of the Project on the potential of exposing historical or archaeological materials during construction to a level that would be less than significant.
- Two (2) mitigation measures pertaining to submittal of plans for storm water pollution and pollutant discharge would reduce impacts to soil erosion or the loss of topsoil at the Project site to a level that would be less than significant.
- One (1) mitigation measure pertaining to Noise would reduce the impacts of the Project related to construction noise to a level that would be less than significant.
- Two (2) mitigation measures pertaining to payment of transportation impact fees would reduce impacts to traffic at the Project site to a level that would be less than significant.

With the mitigation incorporated into the project, staff concludes that Initial Study and Mitigated Negative Declaration No. 2023-37 adequately analyzes and addresses the proposed project and reduces environmental impacts to a less than significant level.

## **RECOMMENDED FINDINGS**

*If the Planning Commission finds that the Annexation, Specific Plan, and General Plan Amendment are consistent with the intent of the General Plan, staff recommends that the following findings be made:*

### **Annexation No. 2021-04**

1. That the Annexation is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Annexation, which will re-designate 95 acres of AE-20 (Agricultural Exclusive 20-acre) and AE-40 (Agricultural Exclusive 40-acre) County zone district to approximately 8 acres of QP (Quasi-Public), 57 acres of R-1-5 (Single-family Residential, 5,000 square feet minimum lot size) zone, and 31 acres of R-M-2 (Multi-family Residential, one unit per 3,000 square feet) will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the parcel is not located within an Agricultural Preserve.

4. That the parcel will be annexed into Voting District 4 per the Council Election Voting District Map.
5. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Mitigated Negative Declaration No. 2023-37, is hereby adopted. Furthermore, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

#### **General Plan Amendment No. 2021-05**

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment changing 16 acres of Residential Very Low Density designation to 6 acres of Residential Low Density designation, 6 acres of Residential Medium Density, and 4 acres of Parks / Recreation will not impose new land uses or development that will adversely affect the subject site or adjacent properties.
3. That the proposed land use designations under the proposed General Plan Amendment results in land uses that do not impact the rural residential transition at the City's outer limits of its growth boundary or cause growth inducing or intensification effects on the outer limits of the growth boundary, since the St. Johns River corridor serves as a natural boundary to growth and to agriculture uses on the other side, and a Parks/Recreation designation further buffers the existing Very Low Density Designation from the St. Johns River.
4. That the General Plan Amendment will help facilitate additional residential units within the Tier 2 and 3 Urban Development Boundaries. The proposed subdivision is compatible with the adjacent residential uses.
5. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Mitigated Negative Declaration No. 2023-37, is hereby adopted. Furthermore, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

#### **Specific Plan No. 2021-06**

1. That the Pratt Family Ranch Specific Plan has been prepared in accordance with adopted local ordinance – in particular, Chapter 12.04 of the Visalia Municipal Code.
2. That the Pratt Family Ranch Specific Plan has been prepared in accordance with adopted State law – in particular, Sections 65450 through 65457 of the California Government Code.
3. That the Pratt Family Ranch Specific Plan is consistent with the Visalia General Plan, and in particular, satisfactorily meets the intent of LU-P-22
4. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Mitigated Negative Declaration No. 2023-37, is hereby adopted. Furthermore, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
5. That the Pratt Family Ranch Specific Plan is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

#### **Pratt Family Ranch Tentative Subdivision Map No. 5583**



1. That the proposed location and layout of the Pratt Family Ranch Tentative Subdivision Map No. 5583, its improvement and design, and the conditions under which it will be maintained, is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance, and the proposed Pratt Family Ranch Specific Plan. The 49-acre project site, which is the site of the proposed 247 lot single-family residential subdivision, is consistent with Land Use Policy LU-P-19 of the General Plan. Policy LU-P-19 states “ensure that growth occurs in a compact and concentric fashion by implementing the General Plan’s phased growth strategy.”
2. That the proposed Pratt Family Ranch Tentative Subdivision Map No. 5583, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site is bordered by existing residential development to the west and south, and will be compatible with adjacent residential uses that are similarly zoned R-1-5.
3. That the site is physically suitable for the proposed tentative subdivision map. The project is consistent with the intent of the General Plan, Zoning Ordinance and Subdivision Ordinance, and the proposed Pratt Family Ranch Specific Plan, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is adjacent to land zoned for residential development, and the subdivision itself is designated as Low Density Residential and Medium Density Residential, and developed at densities that are within the allowed ranges of the specified land use designations.
4. That the site is physically suitable for the proposed tentative subdivision map and the project’s density, which is consistent with the proposed Low Density Residential General Plan Land Use Designation while being developed at densities between 5.0 and 6.4 units per acre, and the proposed Medium Density Residential General Plan Land Use Designation while being developed at 10.0 units per acre. The design of the proposed subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The 247-lot subdivision is designed to comply with the City’s Engineering Improvement Standards. Areas of dedication will be obtained as part of the tentative map recording for new street improvements, including the construction of curb, gutter, curb return, sidewalk, parkway landscaping, and pavement.
5. That the design of the proposed subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The 247-lot subdivision is designed to comply with the City’s Engineering Improvement Standards. Areas of dedication will be obtained as part of the tentative map recording.
6. The proposed location of the tentative subdivision map is in accordance with the Visalia General Plan and the objectives of the Zoning and Subdivision Ordinances. The proposed location of the subdivision is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Multiple General Plan policies identify the implementation of development standards to ensure that new single-family residential development will contribute to positive land use compatibility. The size of the property combined with the number of residential lots proposed is consistent and compatible with existing surrounding residential development.

The proposed project will result in the creation of new single-family residential developments which, for the Low Density Residential portion at a density between 5.0 and 6.4 units per acre, and for the Medium Density Residential portion at a density of 10 units per acre, is consistent with General Plan land use designations of Low and Medium Density Residential and the R-

1-5 and R-M-2 zoning designations that will be applied to the site when annexed into the city limits.

7. The Housing Accountability Act (Government Code Section 66589.5) requires local agencies to approve housing developments that are consistent with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete. A local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the evidence that the project would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate or avoid the impact. There is no evidence that the project would cause quantifiable significant unavoidable impacts on public health and safety. The project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance and development standards.
8. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Mitigated Negative Declaration No. 2023-37, is hereby adopted. Furthermore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

## **RECOMMENDED CONDITIONS**

### **Annexation No. 2021-04**

1. Upon annexation, the territory shall be zoned R-1-5 (Single-Family Residential 5,000 square foot minimum site area), R-M-2 (Multi-Family Residential, one unit per 3,000 square feet site area) and Q-P (Quasi-Public), consistent with the underlying General Plan land use designations as proposed through the General Plan Amendment.
2. That the applicant(s) enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The draft Pre-Annexation Agreement is attached herein as Attachment "B" of Resolution No. 2023-37. The agreement is subject to final approval by the City Council of the City of Visalia.

### **Specific Plan No. 2021-06**

1. That the Pratt Family Ranch Specific Plan be adopted in substantial compliance with the Specific Plan attached as Attachment "A" of Resolution No. 2023-39, except incorporating the following modifications:
  - a. That separate development standards be utilized for the Low Density Residential neighborhoods having minimum lot sizes of 4,000 and 5,000 square feet as follows:
    - i. For the minimum 5,000 square foot lots (i.e., 50-foot x 100-foot), City standards specified in Municipal Code Sections 17.12 080 through 17.12.100 be utilized, excepting that rear yards for one-story dwellings may have a minimum 20-foot setback to the rear property line.
    - ii. For the minimum 4,000 square foot lots (i.e., 45-foot x 90-foot), the Specific Plan's proposed setbacks in Table 4-2 be utilized.
2. That dwellings on the lots within the Medium Density Residential land use designations and having minimum 2,500 square foot lot area conform to the floor plans and elevations contained within Exhibits "E" and "F", which shall be included as an Appendix to the Pratt Family Ranch Specific Plan.

3. That the Pratt Family Ranch Specific Plan be developed in accordance with the development agreement, attached as Exhibit “J”, which shall be signed and recorded prior to the recording of any final maps.

### **Pratt Family Ranch Tentative Subdivision Map No. 5583**

1. That the subdivision map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2020-204 incorporated herein by reference.
2. That the Pratt Family Ranch Tentative Subdivision Map No. 5583 be prepared in substantial compliance with the subdivision map in Exhibit “C”.
3. That development standards for this map shall be in compliance with those defined in the Pratt Family Ranch Specific Plan.
4. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2023-37 are hereby incorporated as conditions of the Pratt Family Ranch Tentative Subdivision Map No. 5583.
5. That prior to the issuance of any residential building permit on the site, the applicant / developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
6. That approval of the Pratt Family Ranch Tentative Subdivision Map No. 5583 shall not become effective unless Annexation No. 2021-04, placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO) and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2021-04.
7. That the Project be null and void unless General Plan Amendment No. 2021-05 and Specific Plan No. 2021-06 are approved by the City of Visalia.
8. That all applicable federal, state, regional, and city policies and ordinances be met.

## **APPEAL INFORMATION**

### **Annexation No. 2021-04, General Plan Amendment No. 2021-05, Specific Plan No. 2021-06**

For the Annexation, General Plan Amendment, and Specific Plan, the Planning Commission’s recommendation is advisory only. The final decision will be by the Visalia City Council following a public hearing. Therefore, the Planning Commission’s recommendation in this matter is not appealable.

### **Pratt Family Ranch Tentative Subdivision Map No. 5583**

According to the City of Visalia Subdivision Ordinance Section 16.28.080, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe St., Visalia, CA, 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the City’s website [www.visalia.city](http://www.visalia.city) or from the City Clerk.

**Attachments:**

- Related Plans and Policies
- Resolution No. 2023-36 – Pratt Family Ranch Tentative Subdivision Map No. 5583
- Resolution No. 2023-37 – Annexation No. 2021-04
  - Attachment “A” – Annexation Area
  - Attachment “B” – Annexation Agreement
- Resolution No. 2023-38 – General Plan Amendment No. 2021-05
- Resolution No. 2023-39 – Specific Plan No. 2021-06
  - Attachment “A” – Pratt Family Ranch Specific Plan
- Exhibit "A" – Plan Area Concept (Figure 4.1 of Specific Plan)
- Exhibit “B” – Phasing Map between Tiers 2 & 3
- Exhibit “C” – Pratt Family Ranch Tentative Subdivision Map No. 5583
- Exhibit "D" – Gated Lot Fit Exhibit
- Exhibit “E” – Gated Lot Model Floor Plans
- Exhibit “F” – Gated Lot Model Elevations
- Exhibit “G” – Annexation Area
- Exhibit “H” – Existing General Plan designations (Figure 3.1 of Specific Plan)
- Exhibit “I” – Proposed General Plan designations (Figure 3.2 of Specific Plan)
- Exhibit “J” – Draft Development Agreement
- Exhibit “K” – Memorandum regarding request for Tier III development
- Initial Study / Mitigated Negative Declaration
- Appendices: IS/MND Technical Studies: Air Quality/GHG, Biological, Cultural Resources, Traffic Impact Study, Water Supply Assessment
- Comments from Site Plan Review Item No. 2020-204
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

## RELATED PLANS AND POLICIES

**General Plan and Zoning:** The following General Plan and Zoning Ordinance policies apply to the proposed project:

### **General Plan Land Use Policies:**

**LU-P-19:** Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy. The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012 city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern.

**LU-P-21:** Allow annexation and development of residential, commercial, regional retail, and industrial land to occur within the Urban Development Boundary (Tier II) and the Urban Growth Boundary (Tier III) consistent with the City's Land Use Diagram, according to the following phasing thresholds: • "Tier II": Tier II supports a target buildout population of approximately 178,000. The expansion criteria for land in Tier II is that land would only become available for development when building permits have been issued in Tier I at the following levels, starting from April 1, 2010:

Residential: after permits for 5,850 housing units have been issued.

**LU-P-22:** Allow for City Council approval of master plans, following Planning Commission review and recommendation, for sites under a single ownership or unified control, which may include developable land within both multiple development tiers. Allow for pre-zoning of this master planned land, subject to execution of a development agreement between the City and the land owner conforming to the requirements of Government Code Section 65864 et seq., with the project allowed to annex and develop while the City is still limiting development approvals to land within the Tier I or Tier II designation.

*An approved master-planned site then could be annexed before development is permitted in Tier II or Tier III under Policy LU-P-21. The development agreement would spell out details on overall development, density/intensity and phasing, infrastructure needs and financing, and what each party would do. This policy will allow large land owners, with Council approval, to have a longer time frame for development and infrastructure planning, consistent with the vision of the General Plan, and also "nail down" the numbers for their financial partners while still maintaining the City's interest in having concentric growth through a phasing plan.*

**LU-P-54:** Update the Zoning Ordinance to reflect the Very Low Density Residential designation on the Land Use Diagram and create opportunities for residential dwellings at 0.1 to 2 units per gross acre, providing for single-family detached housing on large lots and a rural residential transition to surrounding agricultural areas.

**LU-P-55:** Update the Zoning Ordinance to reflect the Low Density Residential designation on the Land Use Diagram for development at 2 to 10 dwelling units per gross acre, facilitating new planned neighborhoods and infill development in established areas. This designation is intended to provide for single-family detached housing with densities typical of single-family subdivisions. Duplex units, townhouses, and small-lot detached housing may be incorporated as part of Low Density Residential developments. Development standards will ensure that a desirable single-family neighborhood character is maintained.

**LU-P-56:** Update the Zoning Ordinance to reflect the Medium Density Residential designation on the Land Use Diagram for development at 10 to 15 dwelling units per gross acre.

This designation can accommodate a mix of housing types including small-lot single-family, townhouses, two- and four-plexes, and garden apartments, on infill lots or new development areas within walking distance of neighborhood nodes and corridors. Medium Density Residential development may also be permitted on corner lots in single-family zones and in infill areas where it can be made to be consistent with adjacent properties through the conditional use process. Development standards will ensure that new development contributes positively to the larger community environment. Projects on sites larger than five acres or involving more than 60 units will require discretionary review.

## **Municipal Code Chapter 12.04 ADOPTION OF SPECIFIC PLANS**

### **12.04.010 Adoption.**

A. The planning commission shall hold a public hearing on any specific plan, or amendment to any specific plan, and submit their findings and recommendation to city council.

B. City council shall reject or adopt by resolution the specific plan, or specific plan amendment, by a majority vote. (Prior code § 7197.0)

### **12.04.020 Application to ordinances of city council.**

Nothing in this chapter applies to the adoption or amendment of any ordinance by the legislative body, except ordinances expressly adopting or amending a specific plan initiated pursuant to this chapter. (Prior code § 7197.1)

### **12.04.030 Rules and regulations.**

The city council may determine and establish administrative rules and procedures for the application and enforcement of specific plans and regulations, and may assign or delegate such administrative functions, powers and duties to the planning or other agency as may be necessary or desirable. (Prior code § 7197.2)

### **12.04.040 Boards in aid of administration.**

The city council may create boards of review, appeal, and adjustment, in connection with any portion of the specific plan. (Prior code § 7197.3)

### **12.04.050 Street improvement--Conformance with plan.**

No street shall be improved and no sewers or connections or other improvements shall be laid or authorized in any street within any territory for which there is an adopted specific street or highway plan until the matter has been referred to the planning commission for a report as to conformity with such specific street or highway plan unless one of the following conditions applies:

A. The street has been accepted, opened or has otherwise received the legal status of a public street prior to the adoption of the plan;

B. It corresponds with streets shown on the plan;

C. It corresponds with streets shown on a subdivision map or record of survey approved by the legislative body;

D. It corresponds with streets shown on a subdivision map previously approved by the planning commission;

E. It is a local residential street not shown on the specific plan and is approved by the site plan review committee. (Prior code § 7197.4)

### **12.04.060 Open space and landscaping--Conformance with plan.**

No street shall be improved, no sewers or connections or other improvements shall be laid or public building or works, including school buildings, constructed within any territory for which the Council has adopted a specific plan regulating the development of the use of open-space land and landscaping until a finding has been made that the open space and landscaping are in substantial compliance with the adopted specific plan. (Prior code § 7197.5)

#### 12.04.070 Improvements--Cost distribution.

The cost of all public improvements of specific benefit to the area for which there is an adopted specific plan may be distributed among all properties in the plan area based on benefit. City council shall assess the cost of improvements to each property, based on the benefit to that property. The assessment process shall include public hearing affording each property owner affected an opportunity to be heard. The public hearing process may be waived on any parcel where the property owner has voluntarily agreed to the assessment. This agreement shall be recorded and run with the property ownership. The parcel assessment may be collected at the time of building permit issuance and may replace other existing fees where the same improvements are paid for through a new collection method. (Prior code § 7197.6)

### **Zoning Ordinance Chapter 17.12 R-1 SINGLE-FAMILY RESIDENTIAL ZONE**

#### **17.12.010 Purpose and intent.**

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use.

#### **17.12.015 Applicability.**

The requirements in this chapter shall apply to all property within R-1 zone districts.

#### **17.12.050 Site area.**

The minimum site area shall be as follows:

<b>Zone</b>	<b>Minimum Site Area</b>
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

<b>Zone</b>	<b>Interior Lot</b>	<b>Corner Lot</b>
R-1-5	50 feet	60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

#### **17.12.060 One dwelling unit per site.**

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section 17.12.020(J).

#### **17.12.080 Front yard.**

A. The minimum front yard shall be as follows:

<b>Zone</b>	<b>Minimum Front Yard</b>
R-1-5	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade

canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.

R-1-12.5 Thirty (30) feet

R-1-20 Thirty-five (35) feet

B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages.

#### **17.12.090 Side yards.**

A. The minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.

B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.

C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.

D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.

F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five-foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions.

#### **17.12.100 Rear yard.**

In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions:

A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.

B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits.



### **17.12.110 Height of structures.**

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12.100(B).

### **17.12.120 Off-street parking.**

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34.

### **17.12.130 Fences, walls and hedges.**

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030.

## **Chapter 17.60 DEVELOPMENT AGREEMENTS**

### **17.60.010 Authority for adoption and applications.**

These regulations are adopted under the authority of Government Code Sections 65864--65869.5.

#### **A. Applications.**

1. The city planner shall prescribe the form for each application, notice and documents provided for or required under these regulations for the preparation and implementation of development agreements.

2. The city planner may require an applicant to submit such information and supporting data as the city planner considers necessary to process the application.

B. Fees. The city council shall by separate resolution fix the schedule of fees and charges imposed for the filing and processing of each application and document provided for or required under these regulations.

C. Qualification as an Applicant. Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the development agreement. Applicant includes authorized agent. The city planner may require an applicant to submit proof of his interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the city planner may obtain the opinion of the city attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.

D. Proposed Form of Agreement. Each application shall be accompanied by the form of development agreement proposed by the applicant. This requirement may be met by designating the city's standard form of development agreement and including specific proposals for changes in or additions to the language of the standard form.

E. Review of Application. The city planner shall endorse on the application the date it is received. He shall review the application and may reject it if it is incomplete or inaccurate for processing. If he finds that the application is complete, he shall accept it for filing. The city planner shall review the application and determine the additional requirements necessary to complete the agreement. After receiving the required information, a staff report and recommendation shall be prepared, which shall state whether or not the agreement as proposed or in an amended form would be consistent with the general plan and any applicable specific plan. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7740)

### **17.60.020 Hearing and notice.**

A. The planning commission and city council shall each hold a public hearing on each application for a development agreement. The city planner shall give notice of intention to consider adoption of the development agreement. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice to all property owners within three hundred (300) feet of the property that is the subject of the proposed development agreement, and by publication in a newspaper of general circulation within the city. The form of the notice of intention to consider adoption of the development agreement shall contain:

1. The time and place of the hearing;
2. A general explanation of the matter to be considered including a general description of the area affected;
3. Other information required by specific provision of these regulations or which the city planner considers necessary or desirable.

B. The failure of any person entitled to notice required by law or these regulations to actually receive such notice, does not affect the authority of the city to enter into a development agreement. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is not presumption that error is prejudicial or that injury was done if error is shown. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7741)

#### 17.60.030 Action by planning commission.

A. After the public hearing, the planning commission shall make its recommendation in writing to the city council. The recommendation shall include the planning commission's determination whether or not the following findings can be made:

1. That the proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan, any applicable specific plan, and/or any proposed amendment to the general plan or applicable specific plan submitted simultaneously and in conjunction with the proposed development agreement;
2. That the proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. That the proposed development agreement is in conformity with public convenience, general welfare and good land use practice;
4. That the proposed development agreement will not be detrimental to the public health, safety and general welfare;
5. That the proposed development agreement will not adversely affect the orderly development of property or the preservation of property values.

B. The recommendation shall include the reasons for the recommendation. (Ord. 2017-01 (part), 2017: prior code § 7742)

#### 17.60.040 Action by city council.

A. After the city council completes the public hearing, it may accept, modify or disapprove the recommendation of the planning commission. It may, but need not, refer matters not previously considered by the planning commission during its hearing back to the planning commission for report and recommendation.

B. The planning commission may, but need not, hold a public hearing on matters referred back to it by the city council.

C. The city council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the general plan, and any applicable specific plan. Any proposed change in the general plan or applicable specific plan must be approved prior to, but simultaneously with, the approval of the development agreement.

D. If the city council approves the development agreement, it shall do so by the adoption of an ordinance. Upon the ordinance approving the development agreement taking effect, the city may enter into the agreement. (Ord. 2017-01 (part), 2017: prior code § 7743)

17.60.050 Amendment or cancellation of agreement by mutual consent.

Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. The procedure for such proposing and adoption of an amendment or cancellation is the same as the procedure for entering into an agreement in the first instance, as prescribed by Sections [17.60.010](#) through [17.60.040](#). However, where the city initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate such proceedings at least thirty (30) days in advance of the giving of notice of intention to consider the amendment or cancellation required by this section. (Ord. 2017-01 (part), 2017: prior code § 7744)

17.60.060 Recordation.

Within ten days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Section [17.60.050](#), or if the city terminates or modifies the agreement as provided in Section [17.60.050](#) for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the city clerk shall have notice of such action recorded with the county recorder. (Ord. 2017-01 (part), 2017: prior code § 7745)

17.60.070 Periodic review.

A. Time for and Initiation of Review. The city planning staff shall review the development agreement every twelve (12) months from the date the agreement is entered into. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:

1. Recommendation of the planning staff;
2. Affirmative vote of at least three members of the planning commission;
3. Affirmative vote of at least three members of the city council.

B. Notice of Periodic Review. The city planner shall begin the review proceeding by giving notice to the property owner that the city intends to undertake a periodic review of the development agreement. Following the review of the development agreement, the city planner shall make a determination that the property owner has made good faith performance and compliance with the terms of the agreement. If such finding is made by the city planner, no further action on the part of the city need be taken. If the city planner finds reasonable cause or evidence that the property owner has not demonstrated good faith performance and compliance with the terms of the agreement, such finding constitutes grounds for referring the matter of periodic review before the planning commission in public hearing. The city planner shall give the notice at least thirty (30) days in advance of the time at which the matter will be considered by the planning commission.

C. Public Hearing. The planning commission shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

D. Findings Upon Public Hearing. The planning commission shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

E. Procedure Upon Findings.

1. If the planning commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded;

2. If the planning commission finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the planning commission may recommend to the city council that the agreement be modified or terminated. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7746)

17.60.080 Modification or termination.

A. If, upon a finding under Section [17.60.070](#)(E)(2), the planning commission recommends the modification or termination of the agreement, the city council shall give notice to the property owner of its intention to consider such modification or termination. The notice shall contain:

1. The time and place of the council meeting at which the matter is to be considered;
2. A statement as to whether the city proposes to terminate or to modify the development agreement;
3. Other information that the city considers necessary to inform the property owner of the nature of the proceeding.

B. Action by City Council. At the time and place set for the consideration of modification or termination, the property owner shall be given an opportunity to be heard. The city council may modify or terminate the agreement. The council may, but need not, refer the matter back to the planning commission for further proceedings. The council may impose those conditions to the action it takes as it considers necessary to protect the interests of the city. The decision of the council is final. (Ord. 2017-01 (part), 2017: prior code § 7747)

#### 17.60.090 Moratorium on further development.

In the event that the applicant fails to complete the agreement as specified under Section [17.60.060](#), or the agreement is terminated as specified under Section [17.60.080](#), the city council shall enact an urgency ordinance placing a moratorium on further development activities on the property which is the subject of the agreement so terminated. The moratorium shall continue until such time as a new development agreement is executed; or until the property is rezoned or other regulations or controls on the development of the property are enacted that the city considers sufficient to protect its interests. (Ord. 2017-01 (part), 2017: prior code § 7748)

## GOVERNMENT CODE SECTION 65450 - 65457

65450. After the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan.

65451. (a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

- (1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
  - (2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
  - (3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
  - (4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).
- (b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

65452. The specific plan may address any other subjects which in the judgment of the planning agency are necessary or desirable for implementation of the general plan.

65453. (a) A specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body.  
(b) A specific plan may be repealed in the same manner as it is required to be amended.

65454. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.

65455. No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.

65456. (a) The legislative body, after adopting a specific plan, may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan. The fees shall be established so that, in the aggregate, they defray but as estimated do not exceed, the cost of preparation, adoption, and administration of the specific plan, including costs incurred pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. As nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. It is the intent of the Legislature in providing for such fees to charge persons who benefit from specific plans for the costs of developing those specific plans which result in savings to them by reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the specific plan.

(b) Notwithstanding Section 66016, a city or county may require a person who requests adoption, amendment, or repeal of a specific plan to deposit with the planning agency an amount equal to the estimated cost of preparing the plan, amendment, or repeal prior to its preparation by the planning agency.

(c) Copies of the documents adopting or amending the specific plan, including the diagrams and text, shall be made available to local agencies, and shall be made available to the general public as follows:

(1) Within one working day following the date of adoption, the clerk of the legislative body shall make the documents adopting or amending the plan, including the diagrams and text, available to the public for inspection.

(2) Within two working days after receipt of a request for a copy of the documents adopting or amending the plan, including the diagrams and text, accompanied by payment for the reasonable cost of copying, the clerk shall furnish the requested copy to the person making the request.

(d) A city or county may charge a fee for a copy of a specific plan or amendments to a specific plan in an amount that is reasonably related to the cost of providing that document.

65457. (a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the

exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.

(b) An action or proceeding alleging that a public agency has approved a project pursuant to a specific plan without having previously certified a supplemental environmental impact report for the specific plan, where required by subdivision (a), shall be commenced within 30 days of the public agency's decision to carry out or approve the project.