

# REPORT TO CITY OF VISALIA PLANNING COMMISSION



**HEARING DATE:** June 26, 2023

**PROJECT PLANNER:** Brandon Smith, Principal Planner  
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**SUBJECT: Shepherds Ranch II Tentative Subdivision Map No. 5589:** A request to subdivide a 40.44-acre parcel into 200 lots for single-family residential use and additional lots for landscaping, park, and trail purposes, to be located within the R-1-5 (Single-family Residential 5,000 square foot minimum lot area) and QP (Quasi-Public) zone designations. The Project would result in onsite infrastructure improvements including but not limited to new utilities, new public residential streets, and improvements to the frontage of Road 88.

**Tentative Parcel Map No. 2022-03:** A request to subdivide 40.44 acres into three parcels for phasing and financing purposes to be located within the R-1-5 (Single-family Residential 5,000 square foot minimum lot area) and QP (Quasi-Public) zone designations.

**Annexation No. 2022-04:** A request to annex one parcel totaling approximately 40.44 acres into the city limits of Visalia. Upon annexation, the area would be zoned R-1-5 (Single-family Residential 5,000 square foot minimum lot area) and QP (Quasi-Public) zone designations, consistent with the General Plan Land Use Designation of Residential Low Density and Parks/Recreation.

Applicant: D.R. Horton

Location: The project site is located on the east side of Road 88, approximately ¼ mile south of West Goshen Avenue. (APN: 081-030-080)

## STAFF RECOMMENDATION

### **Shepherds Ranch II Tentative Subdivision Map No. 5589**

Staff recommends approval of the Shepherds Ranch II Tentative Subdivision Map No. 5589, as conditioned, based on the findings and conditions in Resolution No. 2022-35. 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.

### **Tentative Parcel Map No. 2022-03**

Staff recommends approval of Tentative Parcel Map No. 2022-03, as conditioned, based on the findings and conditions in Resolution No. 2022-36. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning and Subdivision Ordinances.

### **Annexation No. 2022-04**

Staff recommends that the Planning Commission recommend that City Council approve Annexation No. 2022-04, as conditioned, based on the findings in Resolution No. 2022-34. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan.

## RECOMMENDED MOTION

I move to approve Shepherds Ranch II Tentative Subdivision Map No. 5589, based on the findings and conditions in Resolution No. 2022-35.

I move to approve Tentative Parcel Map No. 2022-03, based on the findings and conditions in Resolution No. 2022-36.

I move to recommend approval of Annexation No. 2022-04, based on the findings and conditions in Resolution No. 2022-34.

## PROJECT DESCRIPTION

The applicant, DR Horton, has filed entitlement applications for the annexation of a 40-acre parcel, a tentative subdivision map, and a tentative parcel map.

Annexation No. 2022-04 is a request to annex a 40-acre parcel located outside the city limits and within Tulare County (see Exhibit "B"). Upon annexation, the Zoning designations for the project area will include R-1-5 (Single-Family Residential 5,000 square foot minimum site area) and Q-P (Quasi-Public), consistent with the underlying General Plan land use designation. The Q-P zoning designation would be applied to Outlot C on the tentative subdivision map for the park and trail along the north side of the subdivision adjacent to the Industrial zoning designation.

The Shepherds Ranch II tentative subdivision map is a request to subdivide the 40-acre parcel into a 200-lot single-family residential subdivision at a density of 4.94 dwelling units per acre (see Exhibit "A"). All of the proposed 200 lots will conform to the zoning standards required within the R-1-5 zoning district for lot sizes of 5,000 square feet or greater. The residential lots will utilize standard R-1-5 zone lot and setback criteria, with standard lot sizes ranging between 5,000 to 6,801 square feet and knuckle lots being as large as 10,222 square feet. Ten contiguous lots within the subdivision are shown to serve as a temporary basin due to the area not having the regional basin established for this area. A regional basin will be established at a future date.

The proposed single-family subdivision will be serviced by 60-foot-wide public local streets containing full improvements (curb, gutter, parkway landscaping, sidewalks, and streetlights), sewer lines, storm drainage, and other public infrastructure, utilities, and services (i.e., electricity, gas, and water). Primary access to the subdivision will be at the northeast corner of the subdivision from Osse Drive, located within the previously approved Shepherds Ranch I

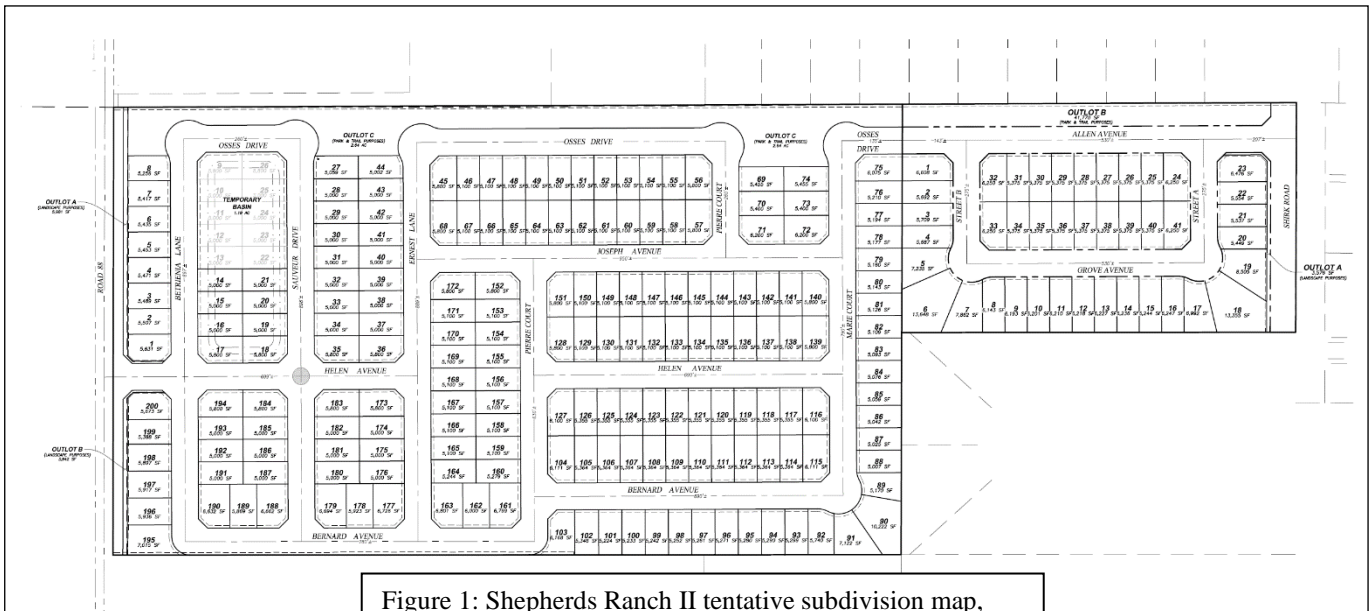


Figure 1: Shepherds Ranch II tentative subdivision map, with previously approved Shepherds Ranch I on east side

Tentative Subdivision Map. Access will also be obtained from a new street connection, Helen Avenue, to Road 88, which will be constructed in the first phase of the subdivision map.

The subdivision map will include the creation of three lettered lots. Outlots A and B will be established for Landscaping and Lighting District (LLD) purposes, containing landscaping and block walls along Road 88 and portions of lots adjacent to interior street sides on the corner lots (i.e.: Lots 1 & 200). Outlot C will be a 2.63-acre lot ranging from 41 to 138 feet in depth that constitutes a portion of a grater linear park spanning between the Shepherds Ranch I and II subdivisions.

The proposed Tentative Parcel Map will subdivide the subdivision site into three parcels that correspond to the subdivision’s phasing plan. The parcel lines are configured to create a public street connection between the west and east sides of the subdivision with the first phase of development. The three phases, in order, will establish 72 lots, 68 lots, and 60 lots.

The project site is within the City’s Urban Development Boundary (UDB) Tier 2 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.

The project, together with a 10-acre parcel to the east, is part of a larger 50-acre development collectively known as Shepherds Ranch. The 10-acre parcel received approval by the Planning Commission in August 2022 for a 41-lot subdivision, which also included an amendment to the land use designations on the two parcels to remove a Very Low Density Residential designation and add a Parks/Recreation designation adjacent to the neighboring industrial land uses (see Related Projects discussion below).

## **BACKGROUND INFORMATION**

General Plan Land Use Designation:	Residential Low Density, Parks / Recreation
Zoning (upon annexation to City):	R-1-5 (Single-family Residential, 5,000 square foot minimum lot size), QP (Quasi-Public)
Surrounding Zoning and Land Use:	North: Light Industrial / Shops & warehouses, outdoor building material storage South: Residential Very Low Density, Residential Low Density, Parks-Recreation, Neighborhood Commercial / Orchards East: Residential Low Density / Rural residences, vacant land slated for future Shepherds Ranch I subdivision West: Industrial / Row crops
Environmental Review:	Initial Study / Mitigated Negative Declaration No. 2023-32, State Clearinghouse #2023050712
Special Districts:	None
Site Plan Review:	SPR No. 2021-229

## **RELATED PLANS & POLICIES**

Please see attached summary of related plans and policies.

## **RELATED PROJECTS**

The three proposed entitlements pertaining to Shepherds Ranch II, together with three additional entitlements from 2022, constituted the “Shepherds Ranch” project which was scheduled for a public hearing of the Planning Commission on August 8, 2022. Due to the ruling released two weeks prior to the August 8, 2022 Planning Commission meeting that invalidated the City’s approach to remove the requirement to establish an agricultural mitigation program (AMP), the three proposed entitlements pertaining to Shepherds Ranch II were continued to a date uncertain to allow the City to formulate appropriate follow-up action regarding an AMP that would be applicable to Tier II areas.

On August 8, 2022, the Planning Commission recommended City Council approve General Plan Amendment No. 2021-03 and Change of Zone No. 2021-04, and approved Shepherds Ranch I Tentative Subdivision Map No. 5581. The GPA and COZ were an amendment to the land use designation on the two parcels and zoning on one parcel to remove a Very Low Density Residential designation and add a Parks/Recreation designation adjacent to the neighboring industrial land uses. The subdivision was a request to subdivide a 10-acre parcel in the Tier I boundary into 41 lots.

## **PROJECT EVALUATION**

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 40-acre site in a manner that is consistent with residential neighborhoods in the area, and particularly, the approved Shepherds Ranch I neighborhood to the east.

Furthermore, staff recommends approval of Shepherds Ranch II Tentative Subdivision Map No. 5589 and Tentative Parcel Map No. 2022-03 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. Furthermore, the project is providing housing that meets the City’s Regional Housing Needs Allocation for the moderate to above-moderate income level.

### **Annexation No. 2022-04**

The project proponents have filed an application to initiate annexation of the 40-acre project site (i.e., Annexation No. 2022-04). 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 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. 10 of the Shepherds Ranch II Tentative Subdivision Map No. 5589 and Tentative Parcel Map No. 2022-03.



## **General Plan Consistency**

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 Policy LU-P-55**. The policy allows for residential development consistent with the Low Density Residential designation at a density range between two to ten dwelling units per gross acre. The proposed development will be developed at a residential density of 4.94 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.

In 2022, General Plan Amendment No. 2021-03 was approved which replaced 13.8 acres of Residential Very Low Density land use designation on the site with approximately 3 acres of Parks/Recreation and the remaining balance as Residential Low Density. The GPA was approved on the basis that it upheld the General Plan's vision of providing a separation between existing industrial uses and future residential uses. In lieu of the Residential Very Low Density designation which would have created parcels with larger lot depths, a linear park resulting in depths ranging between 101 and 138 feet was created to serve as a buffer. The incorporation of buffering between industrial and residential land uses is further directed by the General Plan in the following **Policy LU-P-103**:

*Require buffering land uses adjacent to existing or planned residential areas adjacent to industrial designations. Such uses may include parks, drainage ponds, open space, or other such uses.*

As shown in Exhibit "E", the entire linear park will contain trees, landscaping, irrigation, and a ½-mile trail extending the entire width from Shirk to Road 88 (i.e., Clancy St.). Playground equipment (tot lot) and a picnic area are also identified in the linear park, and a seven-foot tall block wall will be placed along the abutting north property line.

West of the subdivision across from Road 88 is designated as Industrial land use designation, currently undeveloped and outside of City limits. According to the 2-lane collector cross section shown in Exhibit "A", the total separation from the industrial property line to the residential property lines will be 94 feet, comprised of the 84-foot ultimate right-of-way width for Road 88 and a 10-foot landscape lot (Outlots A and B). A concrete masonry unit block wall is included within Outlots A and B per City standards.

## **Street Improvements and Local Street Connectivity**

The developer of the Shepherds Ranch II subdivision will be required to construct certain street improvements pertaining to Road 88 (Clancy Street).

Road 88 (Clancy Street) is a designated 84-foot wide collector street. Road 88 is currently improved with asphalt that is unstriped but can accommodate one lane of traffic in each direction (i.e., southbound and northbound). No street frontage improvements exist on either side.

Phase 1 improvements along the right of way within the boundaries of the subdivision map include improving the street to its full width on the east side, which requires an approximately 22-foot wide dedication. 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. Future industrial development to the west, to be constructed by others, will consist of additional asphalt paving and street frontage improvements.

The portion of Road 88 immediately north of the subdivision will require improvements by the subdivider consisting of additional pavement and transitions from the portion fronting the subdivision, to be installed with Phase 1.

A 10-foot landscape lot outside of the public right-of-way will be dedicated as part of a Landscape and Lighting District which will be formed with the Shepherds Ranch II subdivision map. The Landscape and Lighting District lots are identified as Outlots "A" and "B" on the map (see Exhibit "A"). The establishment of the district provides maintenance of the landscape lots, block walls, street pavement and street lighting. Also, as noted in the Engineering Division's Site Plan Review comments, all new utilities that will service the residential subdivision will be placed underground.

The Shepherds Ranch II subdivision will not be constructed until the previously approved Shepherds Ranch I subdivision is constructed. Improvements along the Shepherds Ranch I subdivision frontage include improving Shirk Street to its ultimate right-of-way design, excepting a raised median due to constrained right-of-way width south of the property towards Highway 198. It is anticipated that a majority of the Shepherds Ranch II traffic will be accommodated via the Shepherds Ranch I access point on Shirk Street.

Shirk Street is a designated 110-foot wide arterial street. Shirk Street is currently improved with one southbound and one northbound lane, with partial street frontage improvements on the east side. Shepherds Ranch I will construct typical City Improvements along its frontage on the west side of Shirk Street along the right of way.

A separate capital improvement project (CIP) is planned for the widening of Shirk Street to four lanes between School Avenue (1/4-mile north of State Highway 198) and Riggin Avenue. This project will include buildout of both sides of Shirk between the Shepherds Ranch I site and Goshen Avenue and will include the installation of a two-way left turn lane for the street segment adjacent to the Shepherds Ranch I subdivision allowing for full turning movements. The first phase of the CIP is installation of a sewer trunkline within Shirk Street that will begin in Fall 2023 and will take six months. The second phase of the CIP will be the widening of Shirk to begin immediately after the sewer work, approximately Winter 2024.

Local Street Connectivity: The proposed subdivision includes local street connection to the east for access via the Shepherds Ranch I subdivision. The subdivision also can accommodate a future local street connection to the south from Bernard Avenue, which is aligned along a portion of the south property line in conformance with the City's Super Block Connectivity standard.

### **Traffic Impact Study**

A Traffic Impact Study (TIS) was prepared for the proposed project (ref.: Iron Ridge Residential Development Traffic Impact Study. VRPA Technologies, Inc., June 27, 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 intersections of Shirk and Hillsdale and Shirk and School are forecasted to operate at unacceptable levels under the existing (a.m. only) and opening year scenarios; however,

these intersections do not meet traffic signal warrants because the local streets do not carry enough traffic to justify signalization. The future planned widening of Shirk Street will assist in improving traffic flow and safety.

- The intersection of Shirk Street and the State Route 198 Eastbound ramp are forecasted to operate at unacceptable levels under the opening year scenario and at 5-year horizons. The intersection of Shirk Street and the State Route 198 Westbound ramp is currently operating at unacceptable levels, even without the project. Per discussions with Caltrans, a signalization improvement project is currently being planned, while an entire reconstruction of the interchange is planned in the long term (i.e., over 10 years out). 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 the intersection improvements.

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 32.8% less than the regional average, meeting the 16% level of significance threshold, the impacts to VMT are concluded to be less than significant.

### **Acoustical Analysis**

An Acoustical Analysis was prepared for the proposed project (ref.: Environmental Noise & Vibration Assessment, Iron Ridge Development I & II. Bollard Acoustical Consultants, March 29, 2022). The purpose of the study is to determine the proposed project's noise generating impacts pertaining to construction and additional traffic generation, and the corresponding environmental impact as required by the California Environmental Quality Act (CEQA).

In addition, the study was also to determine if existing noise levels associated with the adjacent industrial operations to the north would comply with the City's applicable noise level standards upon the proposed single-family residential uses. However, CEQA does not require an analysis of off-site impacts on the project itself.

The analysis concluded that an exterior noise level in excess of the daytime and nighttime noise level standards of 50 dB Leq/L50 and 45 dB Leq/L50, specified in the City's Noise Element, exists on the project site. The study identified one current noise generator in the industrial park, identified on a map (i.e., Figure 5) within the acoustical analysis, that attributed to exceeding the noise level requirements at the recording source. The noise level would be 58 dB at the property line of the nearest single-family residence proposed within the development, not accounting for the addition of a 7-foot tall concrete wall as required by the City Zoning Ordinance. To ensure that residents within the subdivision are familiar with the excess of City standards for noise, the developer will be required to record a covenant on all lots to disclose noise exposure from the stationary industrial equipment adjacent to the project site. This requirement is addressed as Condition No. 7 of the tentative subdivision map.

An additional mitigation measure is included within the project's environmental review for CEQA purposes, supported by the acoustical analysis, to address impacts from short-term construction activities.

### **Park / Open Space**

The subdivision will include the construction of a linear park. The park, which will have a Quasi-Public (QP) zoning designation, is planned to be open and accessible to the public and is not planned to be walled or gated along the street frontages. In addition, the park will include a trail that will be internal to the park only and will not connect with other City trails, as there are no other existing or planned trails in the vicinity. The park will not have on-site parking, though on-street parking will be available on the entire north side of the adjoining street. The park will be maintained

by a Landscaping and Lighting District assessment similar to pocket parks in other subdivisions, despite the fact that the total park area (2.6 acres within Shepherds Ranch II and over three acres in the entire Shepherds Ranch project) would be significantly larger than most pocket park sizes (generally 0.5 to 2 acres).

A public park is designated by the General Plan to be located directly south of the project, though there is no certain timeframe for annexation and development of this site. The nearest existing public parks to this site are Willow Glen Park and Lions Park, located 1.0 and 1.25 miles to the northeast and east.

### **Agricultural Preservation Ordinance Requirements**

The 40-acre project site is in the City's Tier II 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.

### **Development Standards**

All proposed lots will utilize standard single-family residential standards for lot size and setbacks. The lots will be required to meet R-1-5 zoning standard setback standards, described in further detail in VMC chapter 17.12 (see attached Related Plans and Policies).

All lots will have lot depths ranging from approximately 95 feet to 105 feet, excepting lots located on cul-de-sac or knuckle street bulbs that account for approximately 4% of the total lot count (i.e., approximately 7 lots). 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.

The setbacks within the R-1-5 zone for lots 5,000 square feet or greater are as follows:

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. (20-ft. if conditions are met)

**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.

**Infrastructure**

Water Service: Staff has included Condition No. 8 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.

Storm Drainage: The Road 88 alignment indicates installation of a 24” storm drain per the City’s Stormwater Master Plan, which is currently being updated and is subject to change. The subdivision will be required to provide a temporary retention basin which will measure 1.19 acres for storm water drainage, until said time that the City’s master trunk line and regional basis for the area are constructed. The temporary basin will include full improvements to street frontages surrounding the basin.

**Consistency with State 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, 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 (Government Code Section 65589.5(j)(1)).

Staff finds that the proposed project is consistent, compliant, and in conformity with the General Plan, Zoning Ordinance and single-family residential development standards. The lots proposed within the Shepherds Ranch II subdivision meet and/or exceed the minimum 5,000 square foot lot area. As depicted per the subdivision map, the average lot size is over 5,000 square feet. The subdivision will also comply with the required setbacks and height restrictions per the R-1 standards. The developer is not seeking any concessions and/or deviations to the required setbacks.

## **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 maps have been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 1 of the Tentative Subdivision and Tentative Parcel Maps. There are no specific plans applicable to the proposed maps.
(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. This is included as recommended Finding No. 1 of the Tentative Subdivision and Tentative Parcel Maps. There are no specific plans applicable to the proposed maps.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed maps and its affiliated development plan, which is designated as Low Density Residential and developed at a density of 4.94 units per acre. 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 and Tentative Parcel Maps.
(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 maps have 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 and Tentative Parcel Maps.
(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 and Tentative Parcel Maps.

(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 maps do 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 and Tentative Parcel Maps.
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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. 2023-32 disclosed that environmental impacts are determined to be less than significant with the incorporation of mitigation to address significant impacts to the following resources:

- Eight (8) mitigation measures pertaining to Biological Resources to reduce impacts of the Project to special-status wildlife species (i.e., Swainson's Hawk, San Joaquin Kit Fox, Western Burrowing Owl).
- Two (2) mitigation measures pertaining to Cultural Resources to reduce the impacts of the Project on the potential of exposing historical or archaeological materials during construction.
- One (1) mitigation measure pertaining to submittal of plans for storm water pollution and pollutant discharge to reduce impacts to Soil Erosion or the loss of topsoil at the Project site.
- Two (2) mitigation measures pertaining to Noise to reduce the impacts of the Project related to construction noise and existing nearby industrial uses.
- One (1) mitigation measure pertaining to payment of transportation impact fees to reduce impacts to Traffic at the Project site.

One mitigation measure will result in an impact to future residential property owners within the project, wherein covenants will be recorded on all lots to disclose noise exposure from stationary industrial equipment adjacent to the Project site. With the mitigation incorporated into the project, staff concludes that Initial Study and Mitigated Negative Declaration No. 2023-32 adequately analyzes and addresses the proposed project and reduces environmental impacts to a less than significant level.

**Environmental Review Correspondence**

The City received one comment letter in response to the Initial Study / Mitigated Negative Declaration circulated for this project. The letter was received from the San Joaquin Valley Air Pollution Control District and is attached as Exhibit "G". Upon City's review, the letter does not raise any concerns regarding the conclusions reached by environmental assessment. The letter does contain several comments and guidance to ensure that the project is meeting all applicable rules, regulations, and requirements. Based on the letter, the City concludes that the findings and conclusions of the Initial Study / Mitigated Negative Declaration are still applicable and that no additional conditions of approval are necessary for the project. The letter has been shared with the developer.



## **RECOMMENDED FINDINGS**

### **Annexation No. 2022-04**

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 40 acres of AE-20 (Agricultural Exclusive 20-acre) County zone district to approximately 2 acres of QP (Quasi-Public) and 38 acres of R-1-5 (Single-family Residential, 5,000 square feet minimum lot size) zone, 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 3 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. 2023-32, 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.

### **Shepherds Ranch II Tentative Subdivision Map No. 5589 & Tentative Parcel Map No. 2022-03**

1. That the proposed location and layout of the Shepherds Ranch II Tentative Subdivision Map No. 5589, 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. The 40-acre project site, which is the site of the proposed 200 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 Shepherds Ranch II Tentative Subdivision Map No. 5589, 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 proposed tentative subdivision map will be compatible with adjacent light industrial land uses based on the inclusion of improvements to the north that include a linear park and sound wall. The project site is bordered by existing residential development to the east and south.
3. That the site is physically suitable for the proposed tentative subdivision map. The project is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, 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 developed at a density of 4.94 units per acre.
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 and is being developed at a density of 5.29 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 200-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 200-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 a new single-family residential development at a density of 4.94 units per acre, which is consistent with General Plan land use designation of Low Density Residential and the R-1-5 zoning designation 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. 2023-32, 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. 2022-04**

1. Upon annexation, the territory shall be zoned R-1-5 (Single Family Residential, 5,000 sq. ft. minimum) and Q-P (Quasi-Public) consistent with the pre-zoning designated by the General Plan Land Use Map.
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. 2022-35. The agreement is subject to final approval by the City Council of the City of Visalia.

## **Shepherds Ranch II Tentative Subdivision Map No. 5589**

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. 2021-22\* incorporated herein by reference.
2. That the Shepherds Ranch II Tentative Subdivision Map No. 5589 be prepared in substantial compliance with the subdivision map in Exhibit "A".
3. That the subdivision map incorporate a linear park and 7-foot tall wall in Outlot C of the tentative subdivision map as depicted in Exhibit "E" that contains trees, landscaping, irrigation, playground equipment (tot lot), picnic area, and trail improvements. Park improvements shall be installed as follows:
  - a. A permit application for the improvement plans for the portion of the park and wall located north of Lots 69, 74, and 75 shall be submitted to the City prior to the issuance of the first building permit for a dwelling unit within Phase 1 of the subdivision (as depicted in Exhibit "A"), and the permit application shall be issued and installation of improvements shall commence prior to the final of the first building permit for a dwelling unit within the subdivision.
  - b. A permit application for the improvement plans for the remaining portion of the park and wall located within Phase 2 shall be submitted to the City prior to the issuance of the first building permit for a dwelling unit within Phase 2 of the subdivision (as depicted in Exhibit "D"), and the permit application shall be issued and installation of improvements shall commence prior to the final of the first building permit for a dwelling unit within Phase 2.
4. That all lots that are a minimum of 5,000 square feet in area shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) zone district standards for the front, side, street side yard, and rear yard setbacks.
5. That the block walls located within the landscape and lighting district Outlots A and B shall transition to three-foot height adjacent to the street side yard setbacks for Lots 1 and 200 of Exhibit "A".
6. That a concrete block or masonry wall shall be erected and/or improved along the north property line of the Project that is shared with adjacent Light Industrial-designated land uses to a height not less than seven (7) feet.
7. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2023-32 are hereby incorporated as conditions of the Shepherds Ranch II Tentative Subdivision Map # 5589, including but not limited to:
  - Prior to final map recordation, the Developer shall record a covenant on all lots to disclose noise exposure from the stationary industrial equipment adjacent to the Project site. The covenant will ensure future residential property owners are notified of the potential noise impacts as follows:

*"Property owner(s) of lots within the Shepherds Ranch I / Shepherds Ranch II Project are hereby notified that noise levels from adjacent industrial operations may exceed the City of Visalia 2030 General Plan and Municipal Code daytime and nighttime noise level standards of 50 dB Leq/L50 and 45 dB Leq/L50, respectively."*
8. 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.

9. That the Project shall have its final maps recorded in the phasing succession (i.e. Phase 1, Phase 2, Phase 3) shown on Exhibit "C", and that no final map shall record prior to the final map recording of all lots associated with the Shepherds Ranch I Tentative Subdivision Map #5581.
10. That approval of the Shepherds Ranch II Tentative Subdivision Map No. 5589 shall not become effective unless Annexation No. 2022-04, 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. 2022-04.
11. That all applicable federal, state, regional, and city policies and ordinances be met.

**Tentative Parcel Map No. 2022-03**

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2021-229.
2. That Tentative Parcel Map No. 2022-03 be prepared in substantial compliance with Exhibit "C".
3. That approval of the Tentative Parcel Map No. 2022-03 shall not become effective unless Annexation No. 2022-04, 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. 2022-04.
4. That all other federal, state and city codes, ordinances and laws be met.

**APPEAL INFORMATION**

**Annexation**

For the Annexation, 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.

**Shepherds Ranch II Tentative Subdivision Map No. 5589 and Tentative Parcel Map No. 2022-03**

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. 2022-34 – Annexation No. 2022-04
  - Attachment “A” – Annexation Area
  - Attachment “B” – Annexation Agreement
- Resolution No. 2022-35 – Shepherds Ranch II Tentative Subdivision Map No. 5589
- Resolution No. 2022-36 – Tentative Parcel Map No. 2022-03
- Exhibit "A" – Shepherds Ranch II Tentative Subdivision Map No. 5589
- Exhibit “B” – Annexation Area
- Exhibit “C” – Tentative Parcel Map No. 2022-03
- Exhibit "D" – Overall Development Plan
- Exhibit “E” – Linear Park Conceptual Exhibit
- Exhibit “F” – Project Description
- Exhibit “G” – Letter from San Joaquin Valley Air Pollution Control District in regards to Initial Study / Mitigated Negative Declaration
- Initial Study / Mitigated Negative Declaration [Appendices included as electronic attachments: Air Quality/GHG, Biological, Cultural Resources, Noise / Acoustical Analysis, Traffic Impact Study]
- Site Plan Review Item No. 2021-229
- 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-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-O-34** Ensure compatibility between industrial lands and adjacent dissimilar land uses.
- LU-P-103** Require buffering land uses adjacent to existing or planned residential areas adjacent to industrial designations. Such uses may include parks, drainage ponds, open space, or other such uses.

### **Zoning Ordinance Chapter for R-1 Zone**

#### **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.

RESOLUTION NO. 2022-34

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING APPROVAL OF ANNEXATION NO. 2022-04 AND DETACHMENT OF PROPERTY FROM COUNTY SERVICE AREA NO. 1, PERTAINING TO ONE PARCEL TOTALING APPROXIMATELY 40.44 ACRES INTO THE CITY LIMITS OF VISALIA. UPON ANNEXATION, THE AREA WOULD BE ZONED R-1-5 (SINGLE-FAMILY RESIDENTIAL 5,000 SQUARE FOOT MINIMUM LOT AREA) AND QP (QUASI-PUBLIC) ZONE DESIGNATIONS, CONSISTENT WITH THE GENERAL PLAN LAND USE DESIGNATION OF RESIDENTIAL LOW DENSITY AND PARKS/RECREATION. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF ROAD 88, APPROXIMATELY ¼ MILE SOUTH OF WEST GOSHEN AVENUE. (APN: 081-030-080)

**WHEREAS**, the project proponents approve to initiate proceedings for annexation to said city of territory described on the attached legal description and annexation map included as Attachments “A” and “B” of this resolution; and

**WHEREAS**, the Planning Commission of the City of Visalia, after a duly published notice, did hold a public hearing on June 26, 2023, and

**WHEREAS**, the proponent desires to annex said territory to the City of Visalia for the following reasons: 1) The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; 2) The annexation will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and 3) The annexation will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

**WHEREAS**, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

**WHEREAS**, the territory proposed to be annexed is uninhabited; and

**WHEREAS**, the territory proposed to be annexed is located in Voting District 3 as identified in the Election District Map adopted by the City Council on February 22, 2022 per Resolution No. 2022-11; and

**WHEREAS**, the Planning Commission reviewed this proposal on June 26, 2023, and found it to be consistent with the General Plan; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project; and

**WHEREAS**, the Planning Commission hereby makes the following findings with regard to the project:

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 40 acres of AE-20 (Agricultural Exclusive 20-acre) County zone district to approximately 2 acres of QP (Quasi-Public) and 38 acres of R-1-5 (Single-family Residential, 5,000 square feet minimum lot size) zone, 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 3 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. 2023-32, 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council adopt Mitigated Negative Declaration No. 2023-32 prepared for Annexation No. 2022-04, Tentative Parcel Map No. 2022-03, and Shepherds Ranch II Tentative Subdivision Map No. 5589 consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

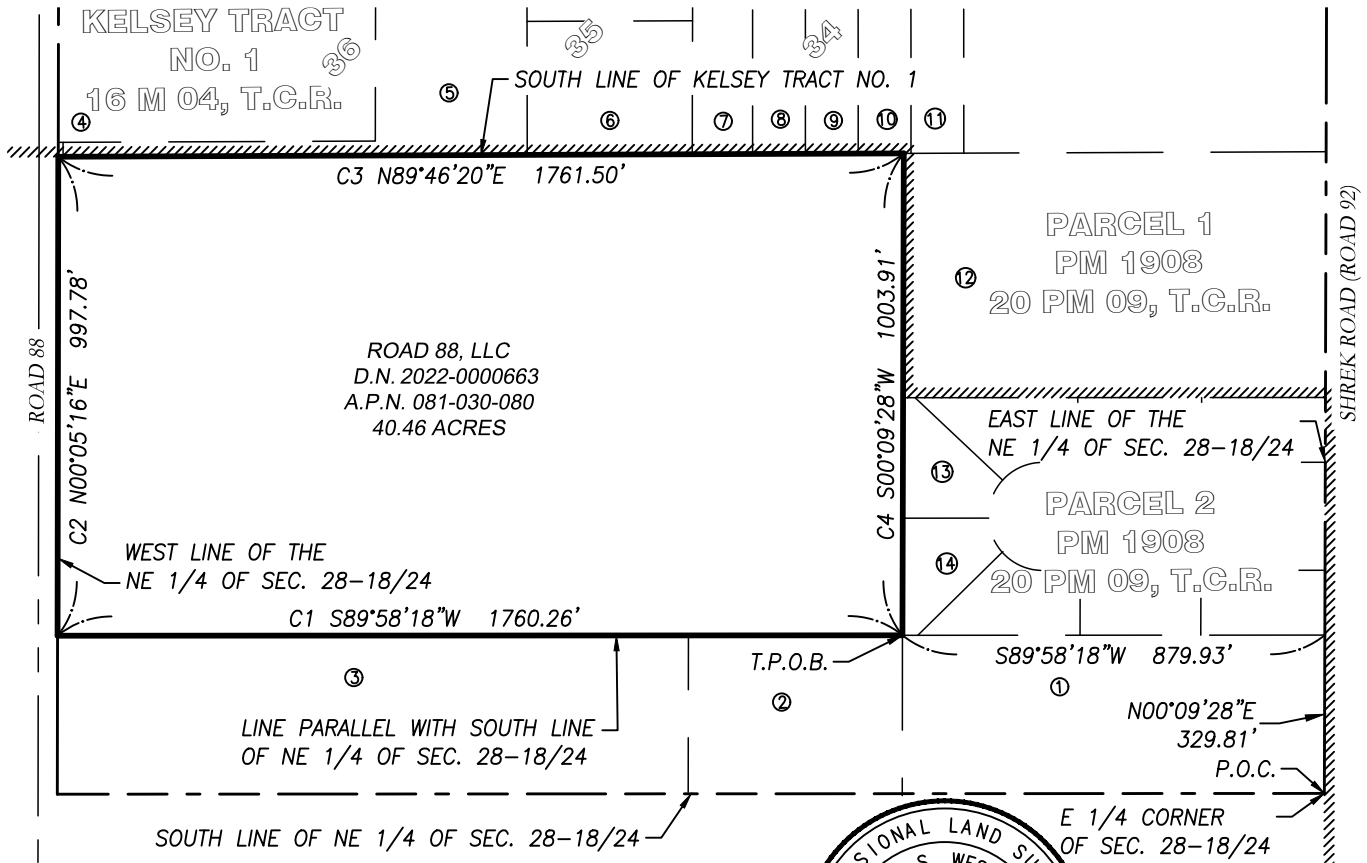
**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the Annexation described herein, subject to the following condition:

1. Upon annexation, the territory shall be zoned R-1-5 (Single Family Residential, 5,000 sq. ft. minimum) and Q-P (Quasi-Public) consistent with the pre-zoning designated by the General Plan Land Use Map.
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. 2022-35. The agreement is subject to final approval by the City Council of the City of Visalia.

**ANNEXATION NO. \_\_\_\_\_**

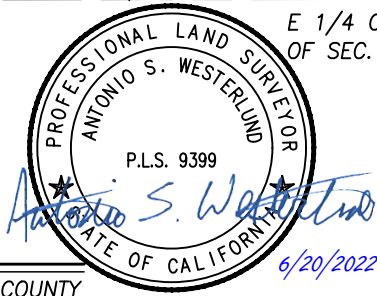
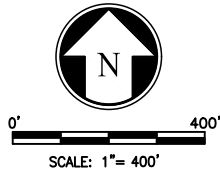
THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.  
 AREA: 40.46 ACRES

**ANNEXATION TO THE CITY OF VISALIA AND  
 DETACHMENT FROM TULARE COUNTY SERVICE  
 AREA # \_\_\_\_\_**



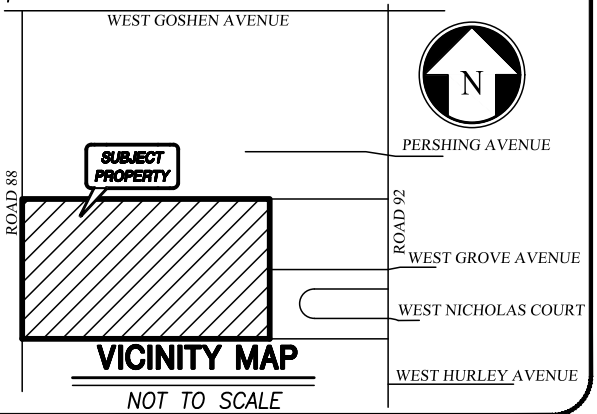
**NOTE:**

SEE SHEET 2  
 FOR ALL ADJACENT PROPERTY  
 ASSESSOR PARCEL NUMBERS



**LEGEND**

D.N.	DOCUMENT NUMBER PER OFFICIAL RECORD OF TULARE COUNTY
T.C.R.	TULARE COUNTY RECORDS
XX M YY	BOOK XX OF MAPS, PAGE YY, T.C.R.
XX PM YY	BOOK XX OF PARCEL MAPS, PAGE YY, T.C.R.
#	SEE SHEET 2 FOR APN TABLE
	EXISTING PARCEL LINES
	EXISTING CITY LIMITS
	AREA BEING ANNEXED
	RIGHT-OF-WAY
	POINT OF COMMENCEMENT
	TRUE POINT OF BEGINNING
	COURSE CALL




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PROJECT NO.: **210315**  
 DRAWN BY: **TKF**  
 QA/QC BY: **RCO**  
 SCALE: **1" = 400'**  
 SHEET NO.:  
**1 OF 2**

**Resolution 2022-34**  
**Exhibit "A"**

**PLAT TO ACCOMPANY DESCRIPTION  
 ANNEXATION  
 CITY OF VISALIA**



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 CLOVIS, CA 93612 WWW.QKINC.COM  
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**ANNEXATION NO. \_\_\_\_\_**

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.  
AREA: 40.46 ACRES

**ANNEXATION TO THE CITY OF VISALIA AND  
DETACHMENT FROM TULARE COUNTY SERVICE  
AREA #\_**

**ADJACENT PROPERTY OWNERS  
ASSESSOR PARCEL NUMBERS**

- 
- ① 081-040-005
  - ② 081-040-029
  - ③ 081-030-019
  - ④ 081-140-003
  - ⑤ 081-140-011
  - ⑥ 081-140-012
  - ⑦ 081-150-012
  - ⑧ 081-150-013
  - ⑨ 081-150-014
  - ⑩ 081-150-015
  - ⑪ 081-150-016
  - ⑫ 081-030-046
  - ⑬ 081-030-054
  - ⑭ 081-030-055

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PROJECT NO.: **210315**

DRAWN BY: **TKF**

QA/QC BY: **RCO**

SCALE: **1" = 400'**

SHEET NO.:

**2 OF 2**

**Resolution 2022-34  
Exhibit "A"**

**PLAT TO ACCOMPANY DESCRIPTION  
ANNEXATION  
CITY OF VISALIA**



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CLOVIS, CA 93612

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EXHIBIT

**Pre-Annexation Agreement**

This Pre-Annexation Agreement ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, by and among the City of Visalia, a charter law city ("City") and Road 88 LLC, (hereinafter "Owner"):

**RECITALS**

**WHEREAS**, Owners are the record owners of the property, currently located in the unincorporated area of the County of Tulare, legally described in Exhibit A and depicted in Exhibit B, which are attached hereto and incorporated herein by reference (hereinafter referred to as the "Property"); and

**WHEREAS**, the Property is adjacent to and contiguous to the existing corporate boundary of the City, but is not situated within the limits of any municipality; and

**WHEREAS**, Owner desires to have the Property annexed to the City and to have the Property zoned as R-1-5 (Single-family Residential, 5,000 square foot minimum lot size) and Q-P (Quasi-Public) which would permit the Property to be used for land uses consistent with the Low Density Residential and Parks/Recreation General Plan land use designations; and

**WHEREAS**, the Property consists of approximately 40.4 acres, and no electors reside thereon; and

**WHEREAS**, proper applications have been filed with the City for approval of the annexation and for the legal subdivision of the lot, as may be required for the Property; and

**WHEREAS**, the City has, by a resolution requesting initiation of proceedings to annex territory ("Resolution") adopted on \_\_\_\_\_, 2023, initiated proceedings to annex the Property; and

**WHEREAS**, in certain annexation proceedings Williamson Act issues arise which require indemnification of LAFCO, in said event, City requires indemnification from Developer; and

**WHEREAS**, finding \_\_ of Resolution No. 2023-\_\_ initiating annexation requires entry into this Annexation Agreement prior to the City submitting an application to the Local Area Formation Commission to commence the proposed annexation; and

**WHEREAS**, Owner acknowledges that during the term of this Agreement the Property will be subject to all ordinances, resolutions, and other regulations of

the City, as they may be amended from time to time, as well as state and federal statutes and regulations, as they may be amended.

**WHEREAS**, the City is authorized by its police powers to protect the health, safety and welfare of the community, and is entering into this Agreement and executing such authority for said purpose; and

**WHEREAS**, nothing contained in this Agreement shall constitute a waiver of the City's legislative, governmental, or police powers to promote and protect the health, safety and welfare of the City and its inhabitants, nor shall this Agreement prohibit the enactment or increase by town of any tax, fee, or charge.

**NOW, THEREFORE**, in consideration of the above Recitals and the following Covenants, it is agreed by and between the parties as follows:

### **I. AGREEMENT**

- A. Parties. The parties to this Agreement are the City and Owner.
- B. Incorporation of Recitals. The parties confirm and incorporate the foregoing Recitals into this Agreement.
- C. Purpose/Limits of Agreement. A specific purpose of this Agreement is to set forth specific terms and conditions of annexation of the Property to City.

### **II. TERMS AND CONDITIONS OF ANNEXATION; PURPOSE OF AGREEMENT**

Generally, each party to this Agreement is benefited and burdened by detachment from the County and annexation to the City. Owner will obtain a variety of services from City and City will obtain additional tax revenues. City has adopted ordinances, regulations, and policies concerning design, improvement, construction, development and use of property within the City. Nothing contained in this Agreement shall constitute a waiver of City's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of City and its inhabitants, nor shall this Agreement prohibit the enactment or increase by City of any tax or fee. The purpose of this Agreement is to spell out additional conditions to which Owner will be subject following annexation and prior to development within the City due to the burden placed on City by Owner's desired annexation:

- A. Water Acquisition Policy: Although City's current water service provider, California Water Service, continues to issue will-serve letters, City's Council is aware of the steadily decreasing level of water in the City's underground water aquifers and has determined that increasing development is contributing to this serious problem. Therefore, City's Council has studied the issue and investigated possible solutions in order that it may continue to assure citizens that there will be water



available to serve the community's needs. City's Council is actively engaged in water replenishment activities with the Kaweah Delta Water Conservation District and it has adopted a policy, as set forth in Chapter 16.54 of the Visalia Municipal Code, which requires annexation applicants to convey title to water rights to City upon annexation and/or to pay a fee to City (pursuant to an adopted fee schedule) so that City may acquire water for groundwater replenishment and storage in order to serve new development that comes with annexation, including development of the Property (the "Water Acquisition Policy"). Therefore, Owner agrees that, at the time that LAFCO issues a Certificate of Completion finalizing the annexation (and upon the running of all applicable statutes of limitation related thereto), Owner will comply with the Water Acquisition Policy by entering into an agreement with City to either (i) convey to City those water rights vested in the Property, if any, (ii) agree to pay City a fee in lieu thereof, (iii) agree to some combination of an in lieu fee payment and water right conveyance, or (iv) to comply by any other method allowed by the Water Acquisition Policy, provided that such agreement includes a condition precedent requiring City's water supplier to agree to serve the Property with potable water in amount sufficient to meet Owner's reasonably anticipated total water demand for the Property, as determined by a valid water supply assessment prepared pursuant to California Water Code § 10910 *et seq.* No post-annexation permit or entitlement approvals concerning the Property will be issued by City unless and until Owner complies with the Water Acquisition Policy in a manner consistent with this subsection II(A). Owner agrees that it shall identify all water rights which, to the best of Owner's knowledge, have been used by Owner or its agents in connection with the Property, regardless of whether they are considered "vested" in the Property, and shall comply with the Water Acquisition Policy by entering into an agreement with City to convey such rights, if any, to City. City shall cooperate with Owner in valuing such water rights for the purposes of determining the amount of offset to be applied against the in lieu fee as required pursuant of the Water Acquisition Policy. Owner further agrees that City shall have first right of refusal in acquiring upon mutually acceptable terms any water rights that Owner owns that may be in addition to those required to meet Owner's obligations under the Water Acquisition Policy. City agrees that water rights need not be conveyed and in lieu fees shall not be made payable until City's issuance of one or more parcel maps or final subdivision maps covering the Property and, in the event Owner applies to City for its approval of multiple final maps covering the Property, City agrees such water rights conveyance or fee payment obligation shall be allocated on a pro rata basis to each phase of development covered by each final subdivision map, with conveyance of water rights or payment to be made on a per map basis upon City's issuance of each final subdivision map covering the Property.

- B. General Plan Maintenance Fee: On June 21, 2004, the City adopted (by Resolution 2004-63, as corrected) a General Plan Maintenance Fee. Owner agrees that, at the time LAFCO issues a Certificate of Completion finalizing the annexation (and upon the running of all applicable statutes

of limitation related thereto), Owner will enter into an agreement with City to pay the General Plan Maintenance Fee in an amount equal to \$427 per acre and no post-annexation permit or entitlement approvals concerning the Property will be issued unless and until said agreement is executed. City agrees that such fee shall not be made payable until City's issuance of one or more final subdivision maps covering the Property and, in the event Owner applies to City for its approval of multiple final maps covering the Property, City agrees such fee payment obligation shall be allocated on a pro rata basis to each phase of development covered by each final subdivision map, with payment to be made on a per map basis upon City's issuance of each final subdivision map covering the Property. Owner's satisfaction of its obligations under this Section II(B) will satisfy any and all of Owner's obligations related to and arising under the General Plan Maintenance Fee.

- C. Plan For Providing Services. The parties agree to cooperate in, and to take such actions as may be necessary to ensure, the diligent preparation of a Plan For Providing Services to the Property, to be submitted to LAFCO along with City's annexation application, in accordance with Cortese-Knox-Hertzberg Act requirements.

Developer understands and agrees that building permits and other entitlements for development on the Property will not be issued unless and until each and every condition herein is met.

### **III. TERM**

The term of this Agreement shall become effective when fully executed by the parties hereto (the "Effective Date") and continue for a period of twenty (20) years. This Agreement shall terminate if (a) the annexation proceedings are terminated for any reason; or (b) the completion of the annexation (recording of a Certificate of Completion) does not occur on or before one (1) year from the Effective Date. Any indemnification provision included herewith shall survive termination and continue until expiration of the statute of limitations applicable to the subject matter thereof.

### **IV. DEFAULT, REMEDIES AND ENFORCEMENT**

In the event of breach or default of any term, condition, covenant or obligation of this Agreement by either party, the other party may exercise any rights available at law or in equity, including an action for specific performance or other injunctive relief, and all such remedies shall be cumulative. This Agreement shall be enforceable, unless lawfully terminated or cancelled, by any party to the Agreement or any party's successor in interest, notwithstanding any subsequent changes in any applicable law adopted by the City which alters or amends the laws, ordinances, resolutions, rules or policies frozen by this Agreement.

**V. INDEMNIFICATION**

Owner agrees to indemnify and hold harmless City and the City’s officers, employees, agents, and contractors, from and against all liability, claims, causes of actions, and demands, including attorney’s fees and court costs, which arise out of or are in any manner connected with this Agreement or its operation, or with any other action annexation or other action determined necessary or desirable by the City in order to effectuate the annexation of Owner’s property, or which are in any manner connected with the City’s enforcement of this Agreement. Owner further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the City’s option to pay the attorney’s fees and court costs, which arise out of or are in any manner connected with this Agreement or its operation.

**VI. MISCELLANEOUS**

- a. Binding Effect/Covenants to Run With Land. The Parties hereto agree to be bound by this Agreement. This Agreement shall be binding upon and shall inure to the benefit of the heirs, transferees, successors and assigns of the parties hereto. The terms and conditions stated herein shall constitute covenants running with the land.
- b. Assignment. Neither party shall assign, delegate or transfer their rights and duties in this Agreement without the written consent of the other party.
- c. Authorized Signatory. The individuals executing this Agreement, by their signature hereto, declare that they are authorized to, and have the legal power, right and actual authority to bind the party to the terms and conditions of this Agreement.
- d. Notices. All notices under this Agreement shall be effective upon personal delivery to City, or Owner, as the case may be, three (3) business days after deposit in the United States Mail, postage fully prepaid, addressed to the respective parties as follows:

To the City:                   City Manager  
   City of Visalia  
   220 N. Santa Fe Street  
   Visalia, CA 93292

With Copy to:               Kenneth J. Richardson  
   City Attorney  
   Peltzer & Richardson  
   3746 West Mineral King Avenue  
   Visalia, CA 93291

To Owner:                   Road 88 LLC  
   \_\_\_\_\_  
   \_\_\_\_\_

Or such other address as the parties may from time to time designate by giving notice as required hereunder.

- e. Entire Agreement. This Agreement represents the entire agreement between the City and Owner as to its subject matter and no prior oral or written understanding shall be of any force or affect.
- f. Amendment. No part of this Agreement may be modified without the written consent of both parties.
- g. Headings. Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning, or intent of the provisions under the heading.
- h. No Third Party Beneficiaries Intended. Except as provided herein, the parties of this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
- i. Exhibits and Recitals. The recitals and any exhibits to this Agreement are fully incorporated by reference and are integral parts of this Agreement.
- j. Conflict With Laws or Regulations/Severability. This Agreement is subject to all applicable laws and regulations. If any provision(s) of this Agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing this subject, the conflicting provision(s) shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the effected party. In all other cases, the remainder of the Agreement shall continue in full force and effect.
- k. Waiver. A waiver of any breach of this Agreement by any party shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other provision of this Agreement.
- l. Choice of Law - Venue. This Agreement shall be governed by the laws of the State of California and any questions arising hereunder shall be construed or determined according to such law. Venue for any legal action arising from or in connection with this Agreement or the Property shall be in Tulare County, California.
- m. Attorneys Fees. In the event either party commences any action, arbitration or legal proceedings for the enforcement of this Agreement, the prevailing party, as determined by the court or arbitrator, shall be entitled to recovery of its reasonable fees and costs, including attorneys fees, court costs and arbitration costs incurred in the action brought thereon.

- n. No Agency, Joint Venture or Partnership. It is understood that this Agreement is a contract that has been negotiated and voluntarily entered into by City and Owner and that Owner is not an agent of City. City and Owner hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection therewith shall be construed as making City and Owner joint venturers or partners.
  
- o. Excusable Delays; Extension of Time of Performance. In the event of delays due to strikes, inability to obtain materials, civil commotion, fire, war, terrorism, lockouts, third-party litigation or other legal challenges regarding the annexation, riots, floods, earthquakes, epidemic, quarantine, freight embargoes, failure of contractors to perform, or other circumstances beyond the reasonable control of the parties and which cause substantially interferes with the ability of either party to perform its obligations under this Agreement, then the time for performance of any such obligation shall be extended for such period of time as the cause of such delay shall exist but in any event not longer than for such period of time.
  
- p. Further Assurances. The parties will execute and deliver, upon demand by the other party, such further documents, instruments and conveyances, and shall take such further actions as such other party may request from time to time to document the transactions set forth herein.
  
- q. Recordation of Agreement; Counterparts. This Agreement, or an abstract of its material terms and conditions shall be recorded by either party in the Official Records of the Tulare County Recorder. This Agreement may be executed in counterparts and, when all counterparts are combined, shall constitute a single agreement.

//////

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date set forth next to their signature.

**CITY**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Leslie Caviglia, City Manager

Attest:

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Michelle Nicholson, City Clerk

Approved as to Form:

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Kenneth J. Richardson,  
City Attorney

**OWNER**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Road 88 LLC

## RESOLUTION NO 2022-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING SHEPHERDS RANCH II TENTATIVE SUBDIVISION MAP NO. 5589: A REQUEST TO SUBDIVIDE A 40.44-ACRE PARCEL INTO 200 LOTS FOR SINGLE-FAMILY RESIDENTIAL USE AND ADDITIONAL LOTS FOR LANDSCAPING, PARK, AND TRAIL PURPOSES, TO BE LOCATED WITHIN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL 5,000 SQUARE FOOT MINIMUM LOT AREA) AND QP (QUASI-PUBLIC) ZONE DESIGNATIONS. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF ROAD 88, APPROXIMATELY ¼ MILE SOUTH OF WEST GOSHEN AVENUE. (APN: 081-030-080)

**WHEREAS**, Shepherds Ranch II Tentative Subdivision Map No. 5589 is a request to subdivide a 40.44-acre parcel into 200 lots for single-family residential use and additional lots for landscaping, park, and trail purposes, to be located within the R-1-5 (Single-family Residential 5,000 square foot minimum lot area) and QP (Quasi-Public) zone designations. The project site is located on the east side of Road 88, approximately ¼ mile south of West Goshen Avenue. (APN: 081-030-080); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on June 26, 2023; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Shepherds Ranch II Tentative Subdivision Map No. 5589 in accordance with Chapter 16.16 of the Subdivision Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project; and

**NOW, THEREFORE, BE IT RESOLVED** that Mitigated Negative Declaration No. 2023-32 was prepared for Annexation No. 2022-04, Tentative Parcel Map No. 2022-03, and Shepherds Ranch II Tentative Subdivision Map No. 5589 consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed location and layout of the Shepherds Ranch II Tentative Subdivision Map No. 5589, 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. The 40-acre project site, which is the site of the proposed 200 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 Shepherds Ranch II Tentative Subdivision Map No. 5589, 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 proposed tentative subdivision map will be compatible with adjacent light industrial land uses based on the inclusion of improvements to the north that include a linear park and sound wall. The project site is bordered by existing residential development to the east and south.
3. That the site is physically suitable for the proposed tentative subdivision map. The project is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, 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 developed at a density of 4.94 units per acre.
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 and is being developed at a density of 5.29 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 200-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 200-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 a new single-family residential development at a density of 4.94 units per acre, which is consistent with General Plan land use designation of Low Density Residential and the R-1-5 zoning designation 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. 2023-32 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.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the tentative subdivision map on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.16.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

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. 2021-22\* incorporated herein by reference.
2. That the Shepherds Ranch II Tentative Subdivision Map No. 5589 be prepared in substantial compliance with the subdivision map in Exhibit "A".
3. That the subdivision map incorporate a linear park and 7-foot tall wall in Outlot C of the tentative subdivision map as depicted in Exhibit "E" that contains trees, landscaping, irrigation, playground equipment (tot lot), picnic area, and trail improvements. Park improvements shall be installed as follows:
  - a. A permit application for the improvement plans for the portion of the park and wall located north of Lots 69, 74, and 75 shall be submitted to the City prior to the issuance of the first building permit for a dwelling unit within Phase 1 of the subdivision (as depicted in Exhibit "A"), and the permit application shall be issued and installation of improvements shall commence prior to the final of the first building permit for a dwelling unit within the subdivision.
  - b. A permit application for the improvement plans for the remaining portion of the park and wall located within Phase 2 shall be submitted to the City prior to the issuance of the first building permit for a dwelling unit within Phase 2 of the subdivision (as depicted in Exhibit "D"), and the permit application shall be issued and installation of improvements shall commence prior to the final of the first building permit for a dwelling unit within Phase 2.

4. That all lots that are a minimum of 5,000 square feet in area shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) zone district standards for the front, side, street side yard, and rear yard setbacks.
5. That the block walls located within the landscape and lighting district Outlots A and B shall transition to three-foot height adjacent to the street side yard setbacks for Lots 1 and 200 of Exhibit "A".
6. That a concrete block or masonry wall shall be erected and/or improved along the north property line of the Project that is shared with adjacent Light Industrial-designated land uses to a height not less than seven (7) feet.
7. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2023-32 are hereby incorporated as conditions of the Shepherds Ranch II Tentative Subdivision Map # 5589, including but not limited to:
  - Prior to final map recordation, the Developer shall record a covenant on all lots to disclose noise exposure from the stationary industrial equipment adjacent to the Project site. The covenant will ensure future residential property owners are notified of the potential noise impacts as follows:

*"Property owner(s) of lots within the Shepherds Ranch I / Shepherds Ranch II Project are hereby notified that noise levels from adjacent industrial operations may exceed the City of Visalia 2030 General Plan and Municipal Code daytime and nighttime noise level standards of 50 dB Leq/L50 and 45 dB Leq/L50, respectively."*
8. 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.
9. That the Project shall have its final maps recorded in the phasing succession (i.e. Phase 1, Phase 2, Phase 3) shown on Exhibit "C", and that no final map shall record prior to the final map recording of all lots associated with the Shepherds Ranch I Tentative Subdivision Map #5581.
10. That approval of the Shepherds Ranch II Tentative Subdivision Map No. 5589 shall not become effective unless Annexation No. 2022-04, 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. 2022-04.
11. That all applicable federal, state, regional, and city policies and ordinances be met.

RESOLUTION NO. 2022-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2022-03, A REQUEST TO SUBDIVIDE 40.44 ACRES INTO THREE PARCELS FOR PHASING AND FINANCING PURPOSES TO BE LOCATED WITHIN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL 5,000 SQUARE FOOT MINIMUM LOT AREA) AND QP (QUASI-PUBLIC) ZONE DESIGNATIONS. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF ROAD 88, APPROXIMATELY ¼ MILE SOUTH OF WEST GOSHEN AVENUE. (APN: 081-030-080)

**WHEREAS**, Tentative Parcel Map No. 2022-03, is a request to subdivide 40.44 acres into three parcels for phasing and financing purposes to be located within the R-1-5 (Single-family Residential 5,000 square foot minimum lot area) and QP (Quasi-Public) zone designations. The project site is located on the east side of Road 88, approximately ¼ mile south of West Goshen Avenue. (APN: 081-030-080); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on June 26, 2023; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Tentative Parcel Map No. 2022-03, as conditioned, in accordance with Section 16.28.070 of the Visalia Municipal Code based on the evidence contained in the staff report and testimony presented at the public hearing; and,

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project; and

**NOW, THEREFORE, BE IT RESOLVED** that Mitigated Negative Declaration No. 2023-32 was prepared for Annexation No. 2022-04, Tentative Parcel Map No. 2022-03, and Shepherds Ranch II Tentative Subdivision Map No. 5589 consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed location and layout of the Shepherds Ranch II Tentative Subdivision Map No. 5589, 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. The 40-acre project site, which is the site of the proposed 200 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 Shepherds Ranch II Tentative Subdivision Map No. 5589, 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 proposed tentative subdivision map will be compatible with adjacent light industrial land uses based on the inclusion of improvements to the north that include a linear park and sound wall. The project site is bordered by existing residential development to the east and south.

3. That the site is physically suitable for the proposed tentative subdivision map. The project is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, 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 developed at a density of 4.94 units per acre.
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 and is being developed at a density of 5.29 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 200-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 200-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 a new single-family residential development at a density of 4.94 units per acre, which is consistent with General Plan land use designation of Low Density Residential and the R-1-5 zoning designation 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. 2023-32 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.

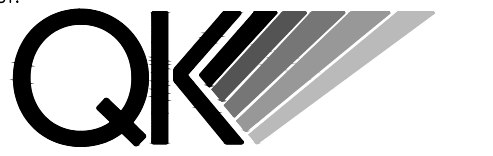
**BE IT FURTHER RESOLVED** that the Planning Commission hereby approved the parcel map on the real property herein above described in accordance with the terms of this resolution under the provision of Section 16.28.070 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2021-229.
2. That Tentative Parcel Map No. 2022-03 be prepared in substantial compliance with Exhibit "C".
3. That approval of the Tentative Parcel Map No. 2022-03 shall not become effective unless Annexation No. 2022-04, 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. 2022-04.
4. That all other federal, state and city codes, ordinances and laws be met.



# TENTATIVE SUBDIVISION MAP SHEPHERDS RANCH II

A PORTION OF THE NORTHEAST QUARTER OF SECTION 28, T.18S., R.24E., MOUNT DIABLO BASE AND MERIDIAN,  
IN THE UNINCORPORATED AREA OF THE COUNTY OF TULARE, STATE OF CALIFORNIA.



601 POLASKY AVE., STE. 301 TEL: (559) 449-2400  
CLONS, CA 95817 WWW.QK.COM  
LAND SURVEYOR: ANTONIO WESTERLUND, PLS

## PROJECT SITE INFORMATION

APN: 081-030-080-000

RECORD OWNERSHIP:  
ROAD 88, LLC  
P.O. BOX 964  
VISALIA, CA 93279

SUBDIVIDER/APPLICANT:  
D.R. HORTON CA3, INC.  
419 W. MURRAY AVENUE  
VISALIA, CA 93291  
(559) 636-9850

## LEGAL DESCRIPTION

PER PRELIMINARY TITLE REPORT ORDER NO. 0181-024447-II DATED MAY 18, 2022:

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF TULARE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:  
BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST,  
MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF TULARE, STATE OF CALIFORNIA:

COMMENCING AT THE EAST QUARTER CORNER OF ABOVE SAID SECTION 28, AS SHOWN ON THE MAP FILED IN BOOK 20 OF  
PARCEL MAPS, AT PAGE 9, TULARE COUNTY RECORDS; THENCE NORTH 0°00'04" WEST ALONG THE EAST LINE OF SAID SECTION 28,  
A DISTANCE OF 330.00 FEET; THENCE SOUTH 89°48'56" WEST PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF  
SAID SECTION 28, SAID PARALLEL LINE ALSO BEING THE SOUTH LINE OF PARCEL 2 SHOWN ON ABOVE SAID PARCEL MAP, A  
DISTANCE OF 880.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2 AND THE TRUE POINT OF BEGINNING; THENCE  
CONTINUING SOUTH 89°48'56" WEST, A DISTANCE OF 1,760.11 FEET TO THE POINT OF INTERSECTION WITH WEST LINE OF THE  
NORTHEAST QUARTER OF SAID SECTION 28; THENCE NORTH 0°03'55" WEST, A DISTANCE OF 897.48 FEET TO THE SOUTHWEST  
CORNER OF LOT 36 OF KELSEY TRACT NO. 1 AS SHOWN ON THE MAP FILED IN BOOK 16 OF MAPS, AT PAGE 4, TULARE COUNTY  
RECORDS; THENCE NORTH 89°39'56" EAST ALONG THE SOUTH LINE OF LOTS 36, 35 AND 34 OF SAID KELSEY TRACT NO. 1, A  
DISTANCE OF 1,761.26 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY PROJECTION OF THE WEST LINE OF PARCEL 1  
AS SHOWN ON THE MAP FILED IN BOOK 20 OF PARCEL MAPS AT PAGE 9, TULARE COUNTY RECORDS; THENCE SOUTH 0°00'04"  
EAST ALONG THE LAST SAID NORTHERLY PROJECTION AND THE WEST LINE OF PARCELS 1 AND 2 AS SHOWN ON SAID SAID  
PARCEL MAP, A DISTANCE OF 1,003.64 FEET TO THE POINT OF BEGINNING.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED JANUARY 4, 2022, AS  
INSTRUMENT NO. 2022-000663, OF OFFICIAL RECORDS.

APN: 081-030-036-000 (AFFECTS THIS AND OTHER PROPERTIES) AND 081-030-080-000 (NEW APN NOT YET ASSESSED)

## UTILITIES

SOUTHERN CALIFORNIA EDISON:  
MISAEI BARBA  
2425 S. BLACKSTONE STREET, TULARE, CA 93274  
O: 559-684-3532  
C: 559-801-1272  
misaei.barba@sce.com

SOUTHERN CALIFORNIA GAS COMPANY:  
JUAN MEJORADO  
404 N. TIPTON STREET, VISALIA, CA 93292  
O: 559-739-2317  
JMejorad@scg.com

AT&T:  
ERIN PECTOL  
217 W. ACEQUA AVENUE, VISALIA, CA 93291  
O: 559-739-6849  
C: 559-217-1637  
ep8545@att.com

COMCAST:  
MICHAEL CORRAL  
1031 N. PLAZA DRIVE, VISALIA, CA 93291  
O: 559-739-2104  
C: 559-217-9033  
mcorral@comcast.com

## PHASING & LOT INFORMATION

THE APPLICANT RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 OF THE  
SUBDIVISION MAP ACT. PHASES SHOWN HEREON ARE PLANNED, AND SUBJECT TO CHANGE.

PHASE 1	PHASE 2	PHASE 3
72	68	60
TOTAL LOTS - 200		

## SETBACKS

### 5,000 SF LOTS

FRONT: 15' TO LIVING  
22' TO GARAGE

SIDE: 10' FOR CORNER LOTS  
5' EVERYWHERE ELSE

REAR: 25'

## ACREAGE AND LAND USE

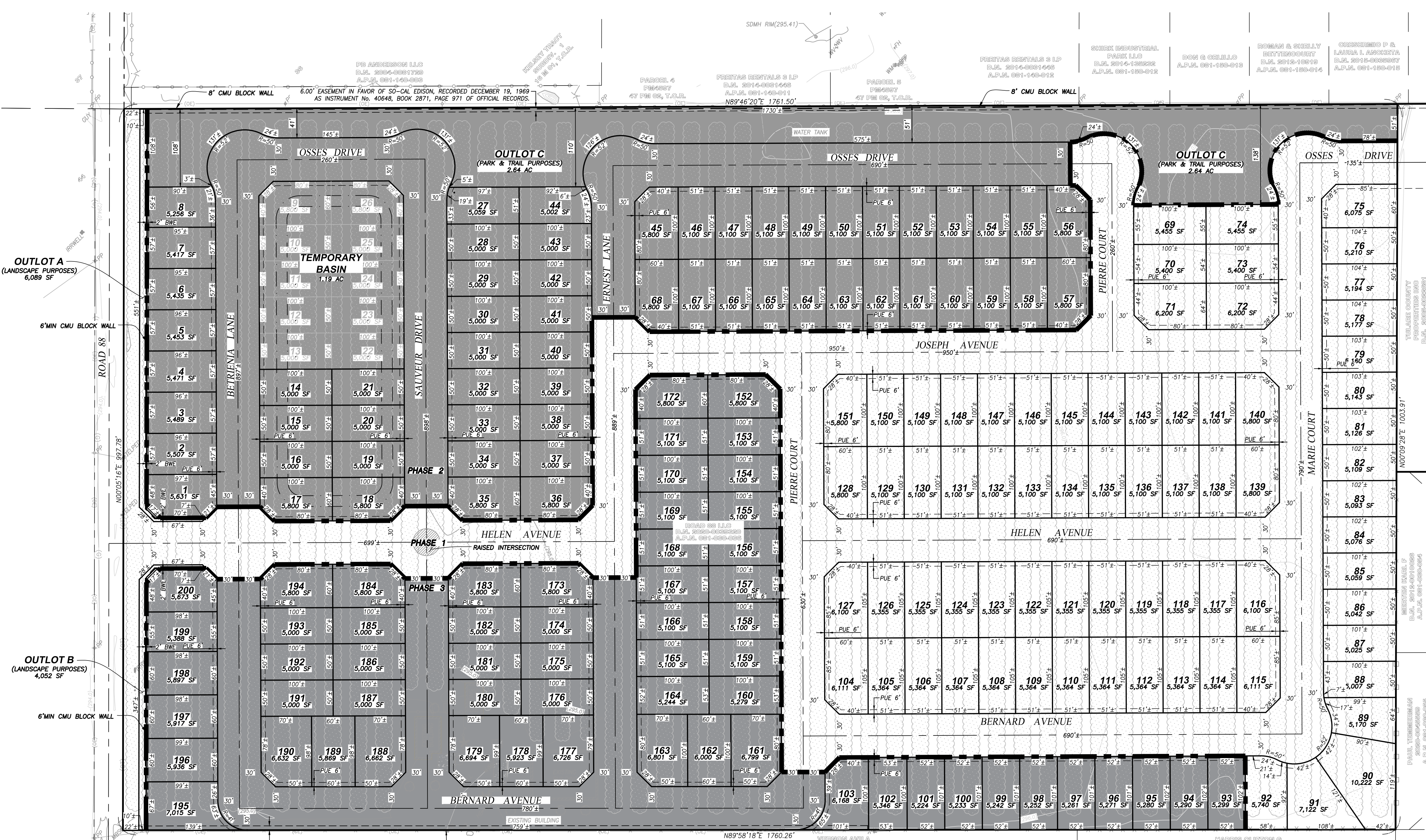
	NO. OF UNITS	GROSS ACRES	GROSS DENSITY UNITS/ACRE	PROPOSED ZONE
5,000 SF LOTS:	200	24.673	8.07	R-1-5
OUTLOTS A & B - LANDSCAPE:	2	0.233	N/A	VARIOUS
OUTLOT C - PARK & TRAIL (PUBLIC):	1	2.633	N/A	QP
RIGHT OF WAY:		12.919	N/A	VARIOUS
TOTALS:	203	40.458		

## NOTES

- DATE OF PREPARATION: MARCH 9, 2022 (UPDATED MAY 31, 2022)
- ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE
- EXISTING LAND USE: AG
- PROPOSED LAND USE: R-1-5 (100% OF SITE)
- IMPROVEMENTS TO CONFORM TO APPLICABLE ORDINANCES & STATUTES
- EASEMENTS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED
- AREA OF OUTLOT C = 10.7% OF AREA OF RESIDENTIAL LOTS PLUS OUTLOT C
- 8' CMU BLOCK WALL AT THE NORTHERN PROPERTY LINE.
- 6' MIN CMU BLOCK WALL ON THE EAST LINES OF OUTLOTS A AND B. THE BLOCK WALL WILL ALSO WRAP AROUND TO THE SIDE YARDS OF LOTS 1 AND 200.

## FLOOD ZONE NOTE

THE SUBJECT SITE IS WITHIN FLOOD ZONES AE AND X AS SHOWN ON FEMA FIRM PANEL 06107C0928E,  
EFFECTIVE 6/16/2009.

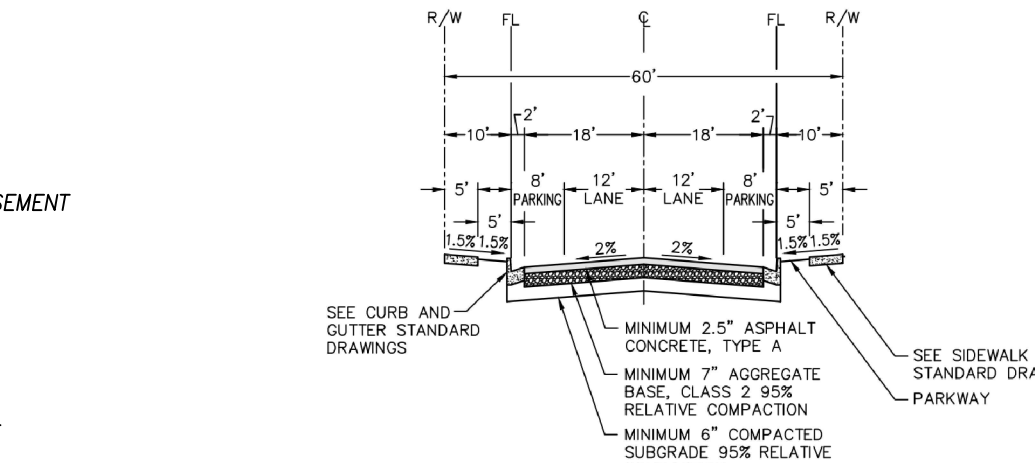


## LEGEND

- GUY WIRE
- IRRIGATION WELL
- HOSE BIB
- MAILBOX (SINGLE)
- PALM TREE
- POWER POLE
- STORM DRAIN MANHOLE
- STAND PIPE
- TELEPHONE PEDESTAL
- TELEPHONE POLE
- TREE
- DOMESTIC WELL
- WATER VALVE
- WATER METER
- WALNUT TREE ROW
- ASSESSOR'S PARCEL NUMBER
- BLOCK WALL EASEMENT
- CENTERLINE
- CONCRETE MASONRY UNIT
- DOCUMENT NUMBER PER OFFICIAL RECORDS OF TULARE COUNTY
- FLOW LINE
- POWER POLE
- PUBLIC UTILITY EASEMENT
- RIGHT OF WAY
- TULARE COUNTY RECORDS
- VOLUME XX OF M, PAGE YY, T.C.R.
- BOOK XX OF PARCEL MAPS, PAGE YY, T.C.R.

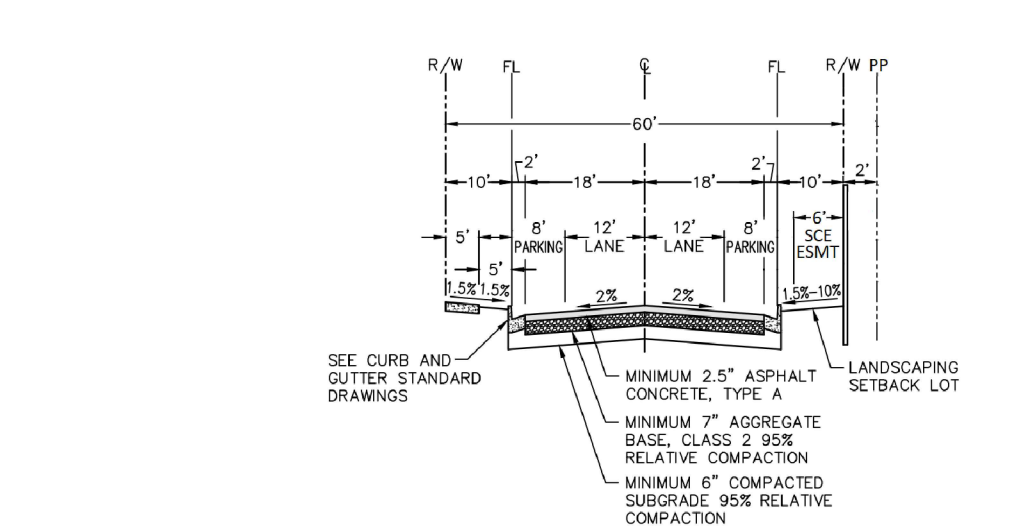
## INTERIOR STREETS

NOT TO SCALE  
PER CITY STD. P-1



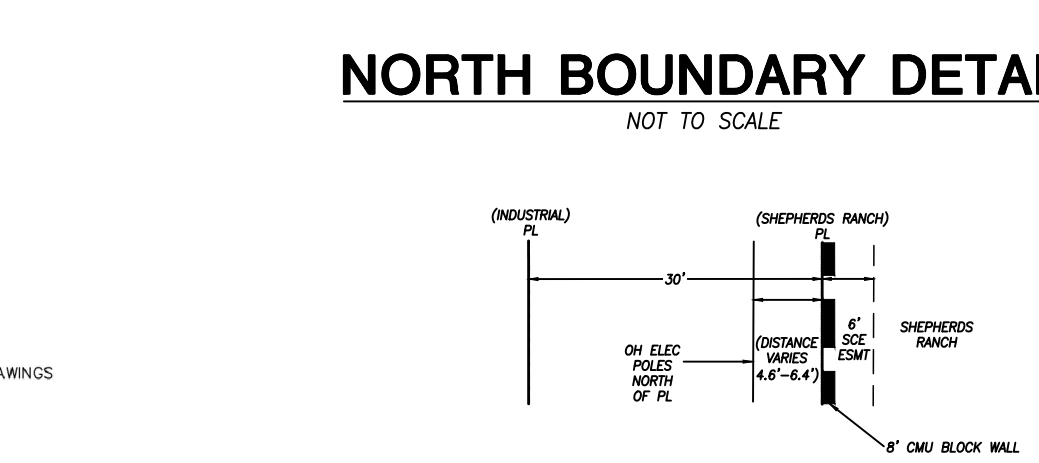
## BERNARD AVENUE

NOT TO SCALE



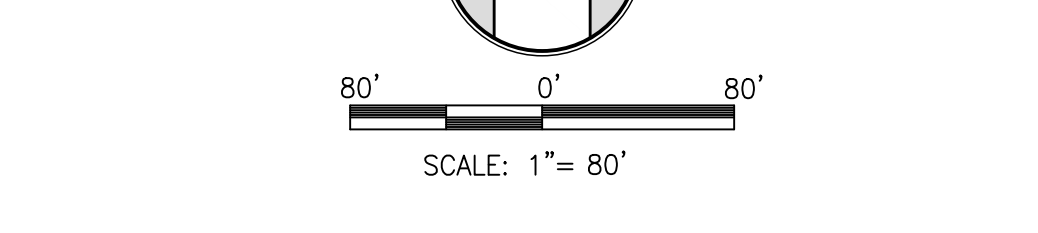
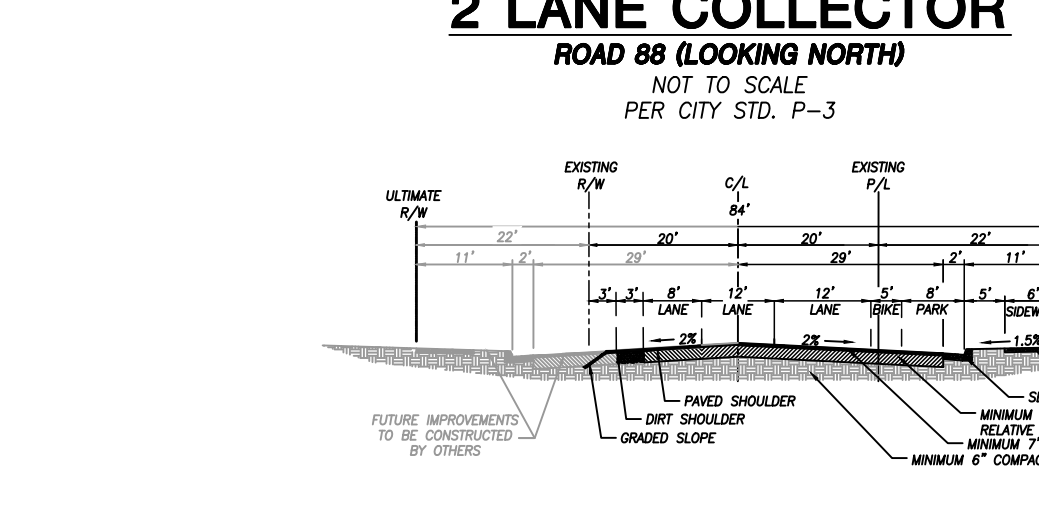
## NORTH BOUNDARY DETAIL

NOT TO SCALE



## 2 LANE COLLECTOR

ROAD 88 (LOOKING NORTH)  
NOT TO SCALE  
PER CITY STD. P-3



## LOCATION MAP

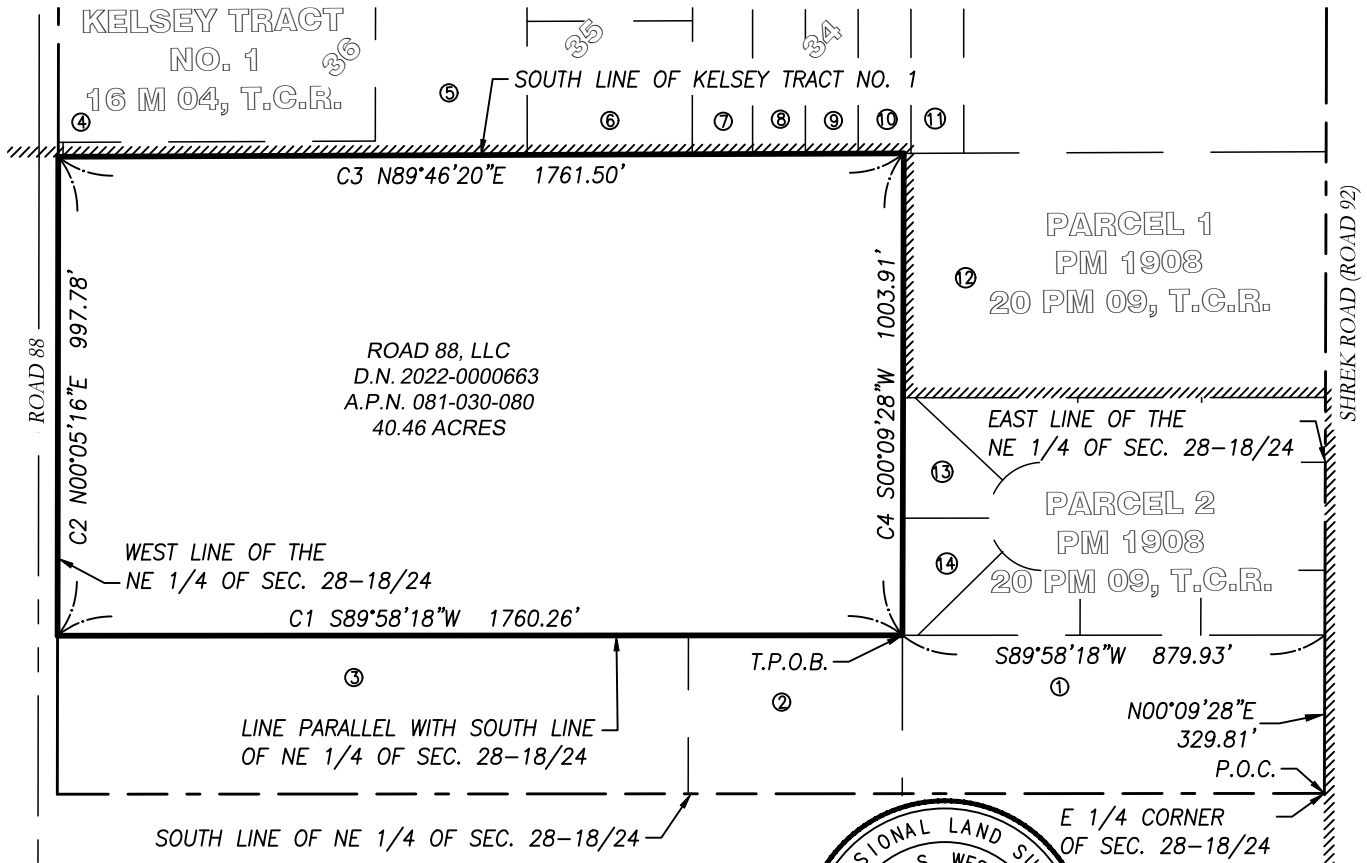
NOT TO SCALE



**ANNEXATION NO. \_\_\_\_\_**

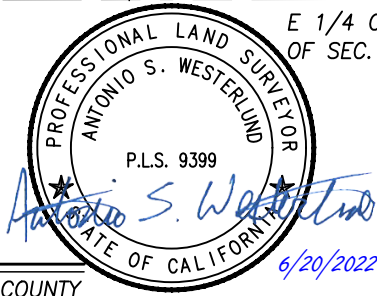
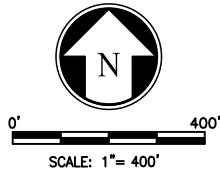
THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.  
 AREA: 40.46 ACRES

**ANNEXATION TO THE CITY OF VISALIA AND  
 DETACHMENT FROM TULARE COUNTY SERVICE  
 AREA # \_\_\_\_\_**



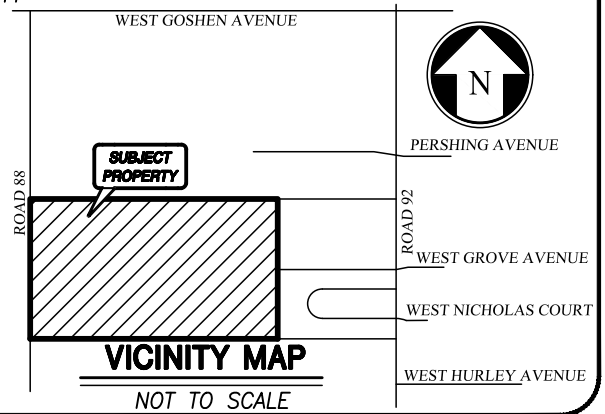
**NOTE:**

SEE SHEET 2  
 FOR ALL ADJACENT PROPERTY  
 ASSESSOR PARCEL NUMBERS



**LEGEND**

D.N.	DOCUMENT NUMBER PER OFFICIAL RECORD OF TULARE COUNTY
T.C.R.	TULARE COUNTY RECORDS
XX M YY	BOOK XX OF MAPS, PAGE YY, T.C.R.
XX PM YY	BOOK XX OF PARCEL MAPS, PAGE YY, T.C.R.
#	SEE SHEET 2 FOR APN TABLE
	EXISTING PARCEL LINES
	EXISTING CITY LIMITS
	AREA BEING ANNEXED
	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCEMENT
T.P.O.B.	TRUE POINT OF BEGINNING
C1	COURSE CALL



L:\PROJECTS\2021\210315\ACAD\LEGALS\ANNEXATION\210315-ANNEX.DWG 6/15/2022 4:45 PM

PROJECT NO.: 210315  
 DRAWN BY: TKF  
 QA/QC BY: RCO  
 SCALE: 1" = 400'  
 SHEET NO.:  
**1 OF 2**

**EXHIBIT B**

**PLAT TO ACCOMPANY DESCRIPTION  
 ANNEXATION**  
 CITY OF VISALIA

601 POLLASKY AVE., STE. 301 TEL: (559) 449-2400  
 CLOVIS, CA 93612 WWW.QKINC.COM  
 © COPYRIGHT BY QUAD KNOPF, INC. UNAUTHORIZED USE PROHIBITED.

Exhibit "B"



**ANNEXATION NO. \_\_\_\_\_**

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.  
AREA: 40.46 ACRES

**ANNEXATION TO THE CITY OF VISALIA AND  
DETACHMENT FROM TULARE COUNTY SERVICE  
AREA #\_**

**ADJACENT PROPERTY OWNERS  
ASSESSOR PARCEL NUMBERS**

- 
- ① 081-040-005
  - ② 081-040-029
  - ③ 081-030-019
  - ④ 081-140-003
  - ⑤ 081-140-011
  - ⑥ 081-140-012
  - ⑦ 081-150-012
  - ⑧ 081-150-013
  - ⑨ 081-150-014
  - ⑩ 081-150-015
  - ⑪ 081-150-016
  - ⑫ 081-030-046
  - ⑬ 081-030-054
  - ⑭ 081-030-055

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PROJECT NO.: **210315**

DRAWN BY: **TKF**

QA/QC BY: **RCO**

SCALE: **1" = 400'**

SHEET NO.:

**2 OF 2**

**EXHIBIT B**

**PLAT TO ACCOMPANY DESCRIPTION  
ANNEXATION  
CITY OF VISALIA**



601 POLLASKY AVE., STE. 301 TEL: (559) 449-2400

CLOVIS, CA 93612 WWW.QKINC.COM

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City of Visalia  
Annexation No. \_\_\_\_

ANNEXATION TO THE CITY OF VISALIA AND DETACHMENT FROM TULARE COUNTY SERVICE AREA #\_\_

Description for Annexation

That portion of the Southeast Quarter of the Northeast Quarter of Section 28, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows:

**COMMENCING** at the East Quarter corner of above said Section 28, as shown on the map filed in Book 20 of Parcel Maps, at Page 9, Tulare County Records; thence, along the east line of said Section 28, North 00°09'28" East, a distance of 329.81 feet, more or less; thence, parallel with the south line of the Northeast Quarter of said Section 28, said parallel line also being the south line of Parcel 2 shown on above said parcel map, South 89°58'18" West, a distance of 879.93 feet, more or less, to the southwest corner of said Parcel 2 and the **TRUE POINT OF BEGINNING**; thence,

- C1) continuing southerly along said course, South 89°58'18" West, a distance of 1760.26 feet, more or less, to the point of intersection with the west line of the Northeast Quarter of said Section 28; thence,
- C2) northerly along said west line, North 00°05'16" East, a distance of 997.78 feet, more or less, to the southwest corner of Lot 36 of Kelsey Tract No. 1 as shown on the map filed in Book 16 of Maps, at Page 4, Tulare County Records, said point also being a point on the existing City Limit line; thence,
- C3) easterly along the south line of Lots 36, 35 and 34 of said Kelsey Tract No. 1 and the City Limit line, North 89°46'20" East, a distance of 1761.50 feet, more or less, to the point of intersection with the northerly prolongation of the west line of Parcel 1 as shown on the map filed in Book 20 of Parcel Maps, at Page 9, Tulare County Records, said point also being a point on the existing City Limit line; thence,
- C4) southerly along said west line and City Limit line and the west line of Parcel 2 shown on above said parcel map, South 00°09'28" West, a distance of 1003.91 feet, more or less, to the **TRUE POINT OF BEGINNING**.

Containing 40.46 acres, more or less.





# TENTATIVE PARCEL MAP SHEPHERDS RANCH II

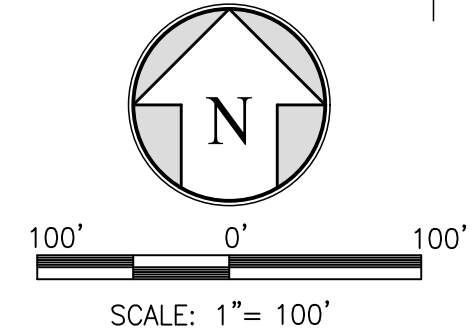
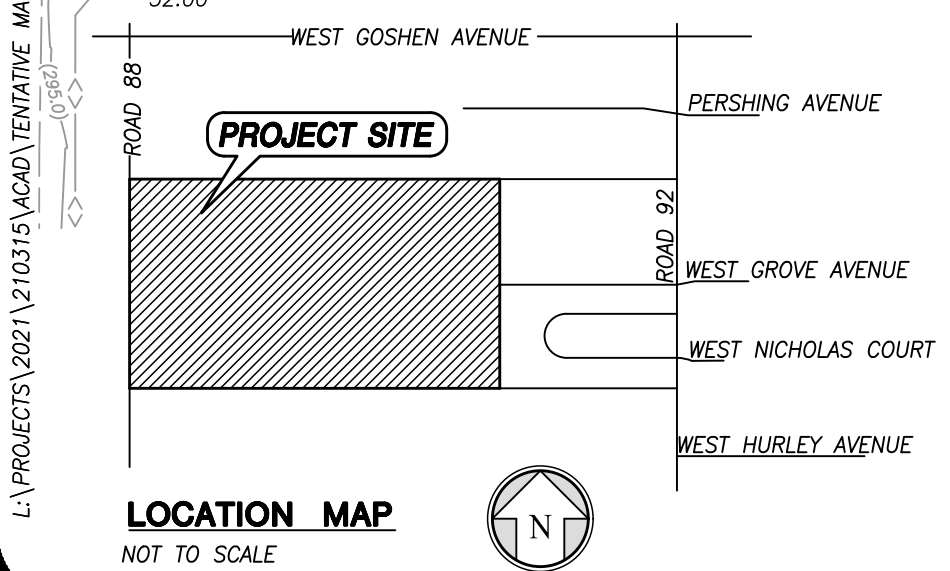
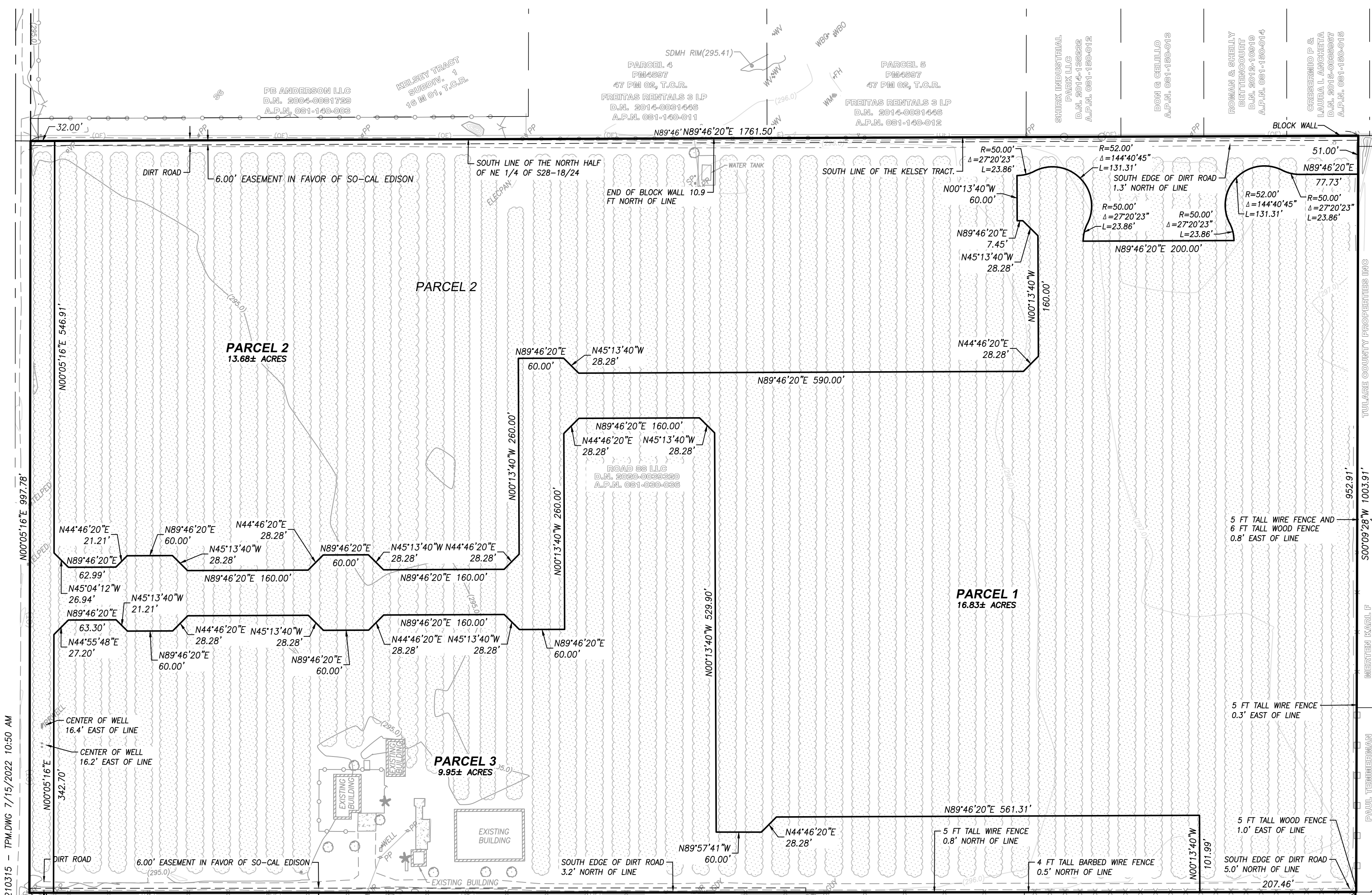
A PORTION OF THE NORTHEAST QUARTER OF SECTION 28, T.18S., R.24E.,  
MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE  
COUNTY OF TULARE, STATE OF CALIFORNIA.

FOR:  
D.R. HORTON, AMERICA'S BUILDER  
419 W. MURRAY AVENUE  
VISALIA, CA 93291  
(559) 636-9850



LEGEND	
GUY	GUY WIRE
IRRWELL	IRRIGATION WELL
HB	HOSE BIB
MBS	MAILBOX (SINGLE)
PALM	PALM TREE
PP	POWER POLE
SDMH	STORM DRAIN MANHOLE
SP	STAND PIPE
TEL PED	TELEPHONE PEDESTAL
TP	TELEPHONE POLE
TREE	TREE
WELL	DOMESTIC WELL
WV	WATER VALVE
WM	WATER METER
	WALNUT TREE ROW
A.P.N.	ASSESSOR'S PARCEL NUMBER
D.N.	DOCUMENT NUMBER PER OFFICIAL RECORDS OF TULARE COUNTY
T.C.R.	TULARE COUNTY RECORDS
XX M YY	VOLUME XX OF M, PAGE YY, T.C.R.
T.C.S. XX PM YY	BOOK XX OF PARCEL MAPS, PAGE YY, T.C.R.
	SITE BOUNDARY
	PROPOSED PARCEL LINE
	EXISTING RIGHT OF WAY LINE
	ADJACENT PARCEL LINES
	SECTION LINE
	PUBLIC UTILITY EASEMENT
	EXISTING CONTOUR
	EXISTING EDGE OF DIRT ROAD
	EXISTING EDGE OF PAVEMENT
	EXISTING OVERHEAD ELECTRIC LINE
	FENCE, BARBED WIRE
	FENCE, WIRE
	FENCE, CHAINLINK
	ELECTRICAL LINE (OVERHEAD)
	STORM DRAIN LINE
	TELEPHONE LINE (OVERHEAD)

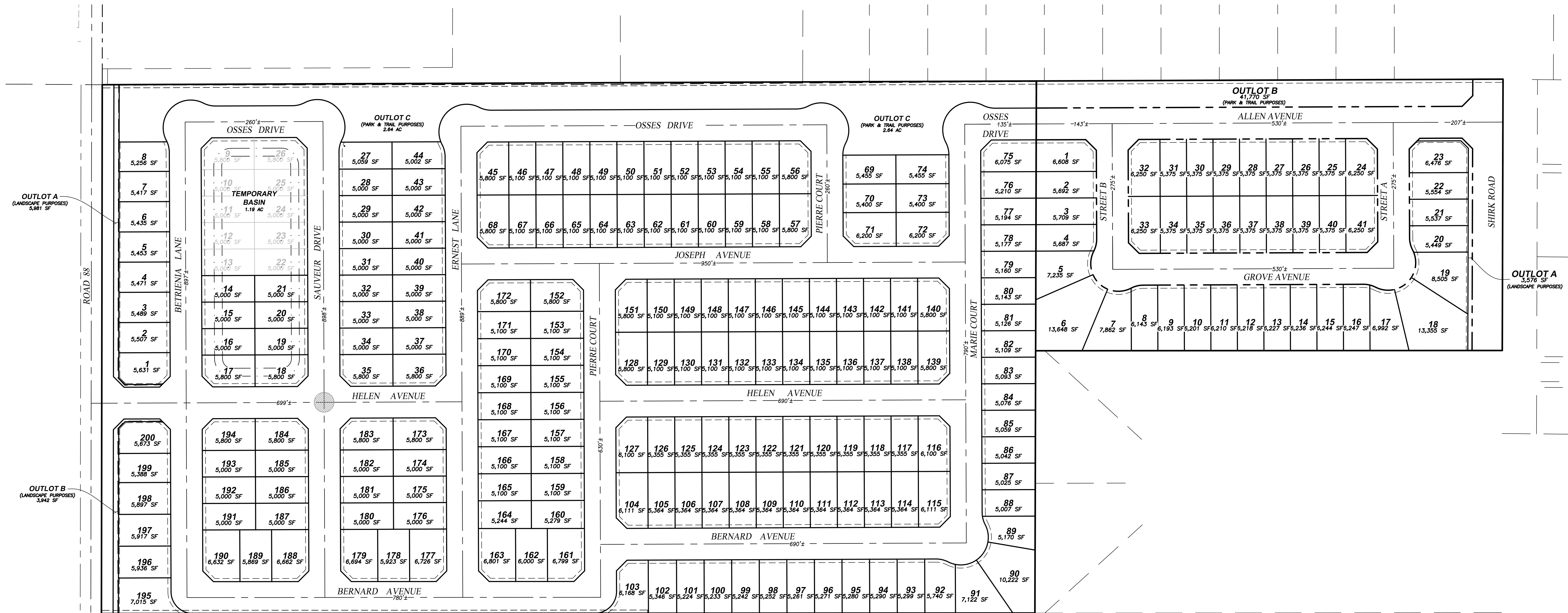
- NOTES**
- DATE: MARCH 10, 2022
  - APN: 081-030-036
  - EXISTING USE: AG
  - PROPOSED USE: SINGLE FAMILY RESIDENTIAL (R-1-5)
  - DOMESTIC WATER: CITY OF VISALIA
  - SEWAGE DISPOSAL: CITY OF VISALIA
  - INUNDATION OR OVERFLOW: FIRM ZONE AE
  - WILLIAMSON ACT CONTRACT: NONE
  - PRELIM. GEOLOGICAL-HYDROLOGICAL REPORT: WAIVER REQUESTED
  - PROPOSED IMPROVEMENTS, PUBLIC UTILITIES, & TIME OF COMPLETION: NONE



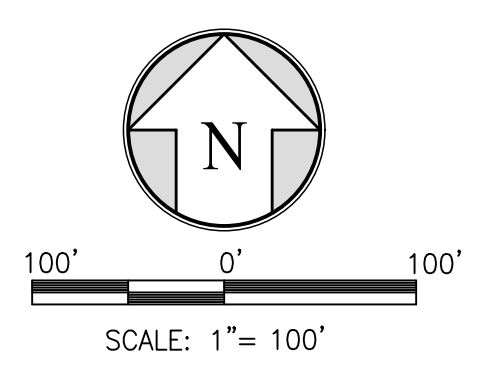


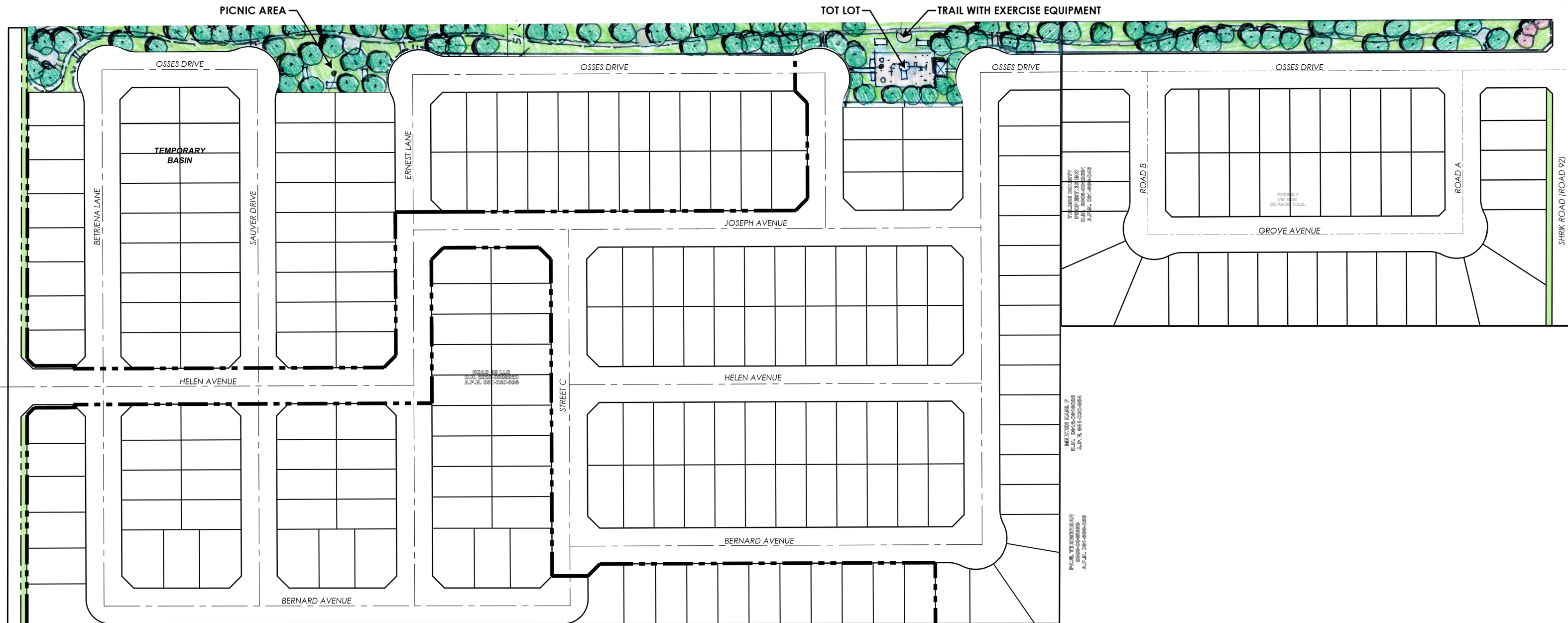
# VESTING TENTATIVE SUBDIVISION MAP SHEPHERDS RANCH

A PORTION OF THE NORTHEAST QUARTER OF SECTION 28, T.18S., R.24E., MOUNT DIABLO BASE AND MERIDIAN,  
IN THE UNINCORPORATED AREA OF THE COUNTY OF TULARE, STATE OF CALIFORNIA.



E:\PROJECTS\2021\210115\ACAD\TENTATIVE MAP\210115 - IS.MXD 6/3/2022 4:08 PM





NOTE: LINEAR PARK TO BE MAINTAINED THROUGH THE CITY'S LIGHTING AND LANDSCAPE DISTRICT (AS NOTED ONE ATTACHED). LINEAR PARK IS FOR CONCEPTUAL PURPOSED ONLY, PLAN WILL BE SUBJECT TO CHANGE DURING FINAL ENGINEERING DRAWINGS.

# IRON RIDGE I & II and LINEAR PARK CONCEPTUAL EXHIBIT

VISALIA, CA

DATE: 06-02-2022

Not-To-Scale



Exhibit "E"





## MEMO

---

**Date:** July 8, 2022  
**To:** City of Visalia Planning Division  
**From:** Ethan Davis, Associate Planner  
**Subject:** Shepherds Ranch I and II Project Description

## INTRODUCTION/BACKGROUND

The following information pertains to the proposed Shepherds Ranch I (Project 1) and Shepherds Ranch II (Project 2) subdivision projects being filed with the City of Visalia (City) Planning Department. The Shepherds Ranch I project includes a Tentative Subdivision Map, General Plan Amendment, and Change of Zone. Shepherds Ranch II includes an Annexation, General Plan Amendment, Prezone, Tentative Subdivision Map and a Tentative Parcel Map. For the purpose of this project description, the Shepherds Ranch I and II General Plan Amendment and Change of Zone/Prezone will be combined under one application.

This Project description describes the details of the proposal and expands on information not within the development application for the subdivision within the Project site. The proposed Project would allow the applicant, D.R. Horton, the ability to construct a single-family residential community.

The Change of Zone/Prezone and General Plan Amendment that will alter the land use designations and zoning districts of the Project 1 10.31-acre parcel (APN: 081-030-46) and the Project 2, 40.0-acre parcel (APN: 081-030-36) between Road 88 south of Goshen Avenue and Shirk Street, within the Tier One and Tier Two Urban Growth Boundary. The client will process one Tentative Subdivision Map as a part of Project 1. Project 2 will propose a Tentative Parcel Map that will create three parcels due in order to adequately finance restrictions when purchasing property. Direction from the City of Visalia staff includes environmental review of both Projects in a single document to satisfy California Environmental Quality Act (CEQA). The northern half of the 10.3-acre property (Project 1) is currently planned and zoned for Very Low Density (R-1-20) and the southern half is zoned for Low Density (R-1-5). Similarly, Project 2 is currently planned for Very Low Density along the northern and western property boundaries and on the interior, it is planned for Low Density Residential. The General Plan Amendment proposes to change the existing Very Low-Density Residential land use designation to Residential Low Density land use designation. In addition, a park strip will along the entire northern property lines will be designated as Park/Recreation. In order to maintain consistency with the General Plan a Change of Zone/Prezone is also proposed and will result in a change from all R-1-20 to R-1-5 and the addition of the Quasi-Public designation for the park strip, within the projects' site.

The R-1-20 zone was intended to be a buffer between residential development and the Light Industrial lots to the north. We are proposing to use the entry street to the proposed residential development along with a 51-foot wide linear park and landscape buffer (in a Landscaping and Lighting Maintenance District) as the buffer, instead of R-1-20 lots. Our intent is to screen the light industrial uses with a masonry wall, trees, and landscaping.

The western 40-acre parcel (Project 2) abutting Road 88 is located within the City of Visalia's sphere of influence and will require annexation. Once annexed the parcel will be zoned to R-1-5 along with Project 1.



## PROJECT LOCATION

The Project 1 is located adjacent to the current City limits in the western portion of the city. The Project is south of developed light industrial properties rural residential/ agricultural land to the east and west and south. The Project 1 area consists of APN 081-030-46.

Project 2 is located within the City of Visalia's sphere of influence on the east side of Road 88 South of Goshen extending to the western portion of Project 1. The combined area of both projects is located south of Goshen between Road 88 and Shirks Avenue. The total Project area consists of APN 081-030-46 and 081-030-36, which is approximately 50 acres.

## PROJECT CHARACTERISTICS

The Project intends to create residential lots and the appurtenant infrastructure consistent with the General Plan designation of Residential Low Density. Future zoning designations will be consistent with the aforementioned land use designations, respectively R-1-5. The Project will be evaluated by the city, through the scope of the General Plan, Municipal Code, and subsequently through the building permit submittal.

The approximate density for the Project 1 proposed subdivision is 3.97 dwelling units per gross acre. Both Projects propose to remove the Very Low Density Residential (and subsequent R-1-20 zone) and replace it with Low Density Residential (R-1-5 zone) in order to create a homogenous neighborhood. Along the adjacent streets, a ten-foot-wide landscaped strip with masonry wall and required building setbacks will serve as the buffer between residential development and the existing roadways (Road 88 and Shirk Street). The approximate density for the Project 2 proposed subdivision is 4.95 dwelling units per gross acre. In addition, Project 2 proposes to subdivide the overall 40-acre parcel into three separate parcels for the purpose of financing. Phase 1 will be approximately 16.83 acres, Phase 2 will be approximately 13.68 acres, and Phase 3 will be approximately 9.95 acres.

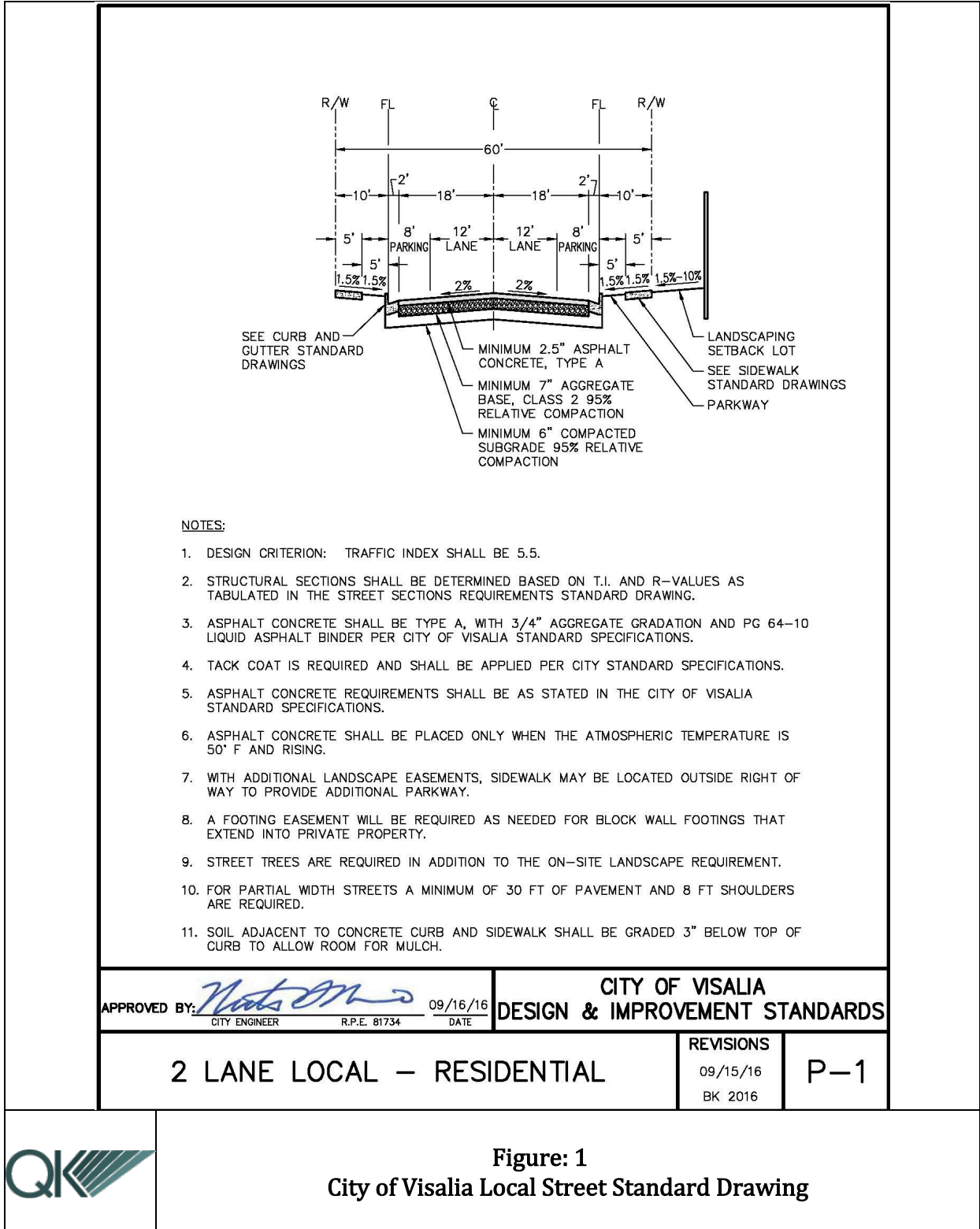
The 2.28-acre linear park will meander across both project sites which will include an approximately 2,000-foot trail with exercise stations. The linear park and adjacent light industrial properties will be separated by a 6-foot block wall as required by the City's Municipal Code.

The closest possible distance from the nearest light industrial structure to a proposed residential dwelling in the Project site, will be approximately 151 feet.

## CIRCULATION


Shirk Street is identified in the General Plan as a four-lane arterial roadway. The eastern site (Shepherds Ranch I) is two-thirds of a mile to State Route 198 along Shirk Street. Access to the 10-acre site would be along the main east-west entry drive and Shirk Street on the site's eastern boundary. We intend to include a stub street to the west in order to provide access to unsubdivided land to the west. Access to the western site (Shepherds Ranch II) site would be located on the east side of Road 88, which is identified as a 2-lane collector road in the General Plan. The site entry is approximately 1.25 miles from the nearest access point of State Route 198 along Shirk Street.





**NOTES:**

1. DESIGN CRITERION: TRAFFIC INDEX SHALL BE 5.5.
2. STRUCTURAL SECTIONS SHALL BE DETERMINED BASED ON T.I. AND R-VALUES AS TABULATED IN THE STREET SECTIONS REQUIREMENTS STANDARD DRAWING.
3. ASPHALT CONCRETE SHALL BE TYPE A, WITH 3/4" AGGREGATE GRADATION AND PG 64-10 LIQUID ASPHALT BINDER PER CITY OF VISALIA STANDARD SPECIFICATIONS.
4. TACK COAT IS REQUIRED AND SHALL BE APPLIED PER CITY STANDARD SPECIFICATIONS.
5. ASPHALT CONCRETE REQUIREMENTS SHALL BE AS STATED IN THE CITY OF VISALIA STANDARD SPECIFICATIONS.
6. ASPHALT CONCRETE SHALL BE PLACED ONLY WHEN THE ATMOSPHERIC TEMPERATURE IS 50° F AND RISING.
7. WITH ADDITIONAL LANDSCAPE EASEMENTS, SIDEWALK MAY BE LOCATED OUTSIDE RIGHT OF WAY TO PROVIDE ADDITIONAL PARKWAY.
8. A FOOTING EASEMENT WILL BE REQUIRED AS NEEDED FOR BLOCK WALL FOOTINGS THAT EXTEND INTO PRIVATE PROPERTY.
9. STREET TREES ARE REQUIRED IN ADDITION TO THE ON-SITE LANDSCAPE REQUIREMENT.
10. FOR PARTIAL WIDTH STREETS A MINIMUM OF 30 FT OF PAVEMENT AND 8 FT SHOULDERS ARE REQUIRED.
11. SOIL ADJACENT TO CONCRETE CURB AND SIDEWALK SHALL BE GRADED 3" BELOW TOP OF CURB TO ALLOW ROOM FOR MULCH.

APPROVED BY:  <small>CITY ENGINEER R.P.E. 81734</small>	<small>09/16/16</small> <small>DATE</small>	<b>CITY OF VISALIA</b> <b>DESIGN &amp; IMPROVEMENT STANDARDS</b>
<b>2 LANE LOCAL – RESIDENTIAL</b>	<b>REVISIONS</b> <small>09/15/16</small> <small>BK 2016</small>	<b>P-1</b>



**Figure: 1**  
**City of Visalia Local Street Standard Drawing**





## UTILITIES

### WATER

Water service will be provided by the California Water Service. The City of Visalia will provide sewer and storm drain services to the project. Both sewer and storm drain lines for (Project 1) are located within Shirk Street. Sewer and storm drain lines for (Project 2) will be extended on Road 88 to the project site.

### SANITARY SEWER

Project 1 will be served by an existing 8-inch sewer lateral located within Shirk Street. The sewer laterals will be extended north, until it reaches the Project's extent. Since the Project consists of only residential uses, sewer lateral upsizing will not be necessary. City standard 8-inch sewer lines will be required in all local streets depicted within the interior of the Plan Area. Each development proposal will be reviewed by the City of Visalia, and subsequent requirements will be conditioned for the development. These requirements shall supersede the Specific Plan.

Once developed, Project 2 will be required to connect to the nearest sewer lateral located in Road 88.

### STORM DRAIN

Storm drainage service is provided by the City of Visalia. There is an existing 12-inch storm drain trunk line in Shirk Street, adjacent to the Project site. The existing trunk line will be extended into the Project site in order to adequately serve each development. Similarly, since there are only residential uses being proposed, storm drain lateral upsizing will not be necessary. Each development proposal will be reviewed by the City of Visalia, and subsequent requirements will be conditioned for the development. These requirements shall supersede the Specific Plan.

In the event, that the project can not connect to the nearest adequately sized storm drain lateral, a onsite storm drain basin will be developed.

### SOLID WASTE

City of Visalia will provide Solid Waste removal services for the entire Project site. The standard three trash bin service will be provided.

June 21, 2023

Brandon Smith  
City of Visalia  
Visalia Planning and Zoning Department  
315 East Acequia Avenue  
Visalia, CA 93291

**Project: Initial Study and Mitigated Negative Declaration for Shepherds Ranch Project**

**District CEQA Reference No: 20230523**

Dear Mr. Smith:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) from the City of Visalia (City) for the above mentioned project. Per the IS/MND, the project consists of 241 single family residential homes and a 3.05 acre linear park on a total of 50.3 acres (Project). The Project is located approximately 0.25 miles south of the intersection of North Shirk Street and West Goshen Avenue in Visalia, CA

The District offers the following comments regarding the Project:

**1) Project Related Emissions**

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):

<https://www.valleyair.org/transportation/GAMAQI.pdf>.

**1a) Construction Emissions**

The District recommends, to further reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061  
[www.valleyair.org](http://www.valleyair.org)    [www.healthyairliving.com](http://www.healthyairliving.com)

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

**Exhibit "G"**

## 2) **Health Risk Screening/Assessment**

The MND states *“the proposed Project is a “Type B” project in that it may potentially place sensitive receptors in the vicinity of existing sources... For Type B projects, one type of screening tool is found in the California Air Resources Board Handbook: Air Quality and Land Use handbook: A Community Perspective. The screening tool indicates that new sensitive land uses should not be sited within 500 feet of a freeway/urban roads with 100,000 vehicles/day or rural roads with 50,000 vehicles/day. The Project is located more than 3,000 feet from the SR 198 highway”.*

Although the Project is not located within 500 feet of a freeway/urban roads, the Project’s potential health risk impact to sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area should be evaluated by the City and any potentially significant risk should be mitigated to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

### Prioritization (Screening Health Risk Assessment):

A “Prioritization” is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association’s (CAPCOA) methodology.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

[http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls)

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

### **3) Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential development, gas-powered residential lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm>.

### **4) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

### **5) Electric Vehicle Chargers**

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

### **6) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

#### **6a) District Rule 9510 - Indirect Source Review (ISR)**

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 50 of residential units.

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

#### **6b) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

The Project will be subject to District Rule 4002 since the Project will include demolition, renovation, and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough

inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements.

Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

### **6c) District Rule 4601 (Architectural Coatings)**

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <http://www.valleyair.org/rules/currnrules/r4601.pdf>

### **6d) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at: [http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

### **6e) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:  
<http://valleyair.org/rule4901/>

### **6f) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

## **7) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Harout Sagherian by e-mail at [Harout.Sagherian@valleyair.org](mailto:Harout.Sagherian@valleyair.org) or by phone at (559) 230-5860.

Sincerely,

Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager