



## Legislation Details (With Text)

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**On agenda:** 7/20/2026      **Final action:**

**Title:** Appeal of Planning Commission Action - An appeal of the Planning Commission's approval of Clements Ranch Tentative Subdivision Map No. 5606, Tentative Parcel Map No. 2025-13, and Conditional Use Permit No. 2025-24, with respect to conditions regarding curb, gutter, sidewalk, and related frontage improvements along Lovers Lane and sidewalks within the proposed gated subdivision. The project applicant and appellant is D.R. Horton. The project is located on a ±78.11-acre site located on the east side of South Lovers Lane Avenue, north of Caldwell Avenue (APN: 127-020-020 and -021).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Exhibit A - Planning Commission Staff Report, 2. Exhibit B - Appeal Letter, 3. Exhibit C - Entitlement Exhibits, 4. Exhibit D - Sidewalk Exhibit, 5. Exhibit E - Block Length Guidance, 6. Resolution No. 2026-46 - Mitigated Negative Declaration, 7. Resolution No. 2026-47 - Clements Ranch Tentative Subdivision Map, 8. Resolution No. 2026-48 - Tentative Parcel Map, 9. Resolution No. 2026-49 - Conditional Use Permit, 10. Public Comment Steve Brandt QK

| Date      | Ver. | Action By            | Action | Result |
|-----------|------|----------------------|--------|--------|
| 7/20/2026 | 1    | Visalia City Council |        |        |
| 7/20/2026 | 1    | Visalia City Council |        |        |

### Agenda Item Wording:

**Appeal of Planning Commission Action** - An appeal of the Planning Commission's approval of Clements Ranch Tentative Subdivision Map No. 5606, Tentative Parcel Map No. 2025-13, and Conditional Use Permit No. 2025-24, with respect to conditions regarding curb, gutter, sidewalk, and related frontage improvements along Lovers Lane and sidewalks within the proposed gated subdivision. The project applicant and appellant is D.R. Horton. The project is located on a ±78.11-acre site located on the east side of South Lovers Lane Avenue, north of Caldwell Avenue (APN: 127-020-020 and -021).

**Agenda Date:** 07/20/2026

### Prepared by:

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**Department Recommendation:** Staff recommends that the City Council receive the staff report and presentation, hold a public hearing, and adopt Resolution Nos. 2026-46 adopting the Mitigated Negative Declaration, and adopt Resolution Nos. 2026-47, 2026-48, and 2026-49, denying the appeal and upholding the Planning Commission's approval of Clements Ranch Tentative Subdivision

Map No. 5606, Tentative Parcel Map No. 2025-13, and Conditional Use Permit No. 2025-24, as conditioned for each entitlement.

**Summary:** D.R. Horton has filed entitlement applications for the development of a 78.11-acre site located on the east side of South Lovers Lane Avenue, north of Caldwell Avenue (APN: 127-020-020 and -021). The entitlements include a General Plan Amendment, Annexation, Tentative Subdivision Map, Tentative Parcel Map, and Conditional Use Permit. A Mitigated Negative Declaration was also prepared that analyzed and identify mitigation measures for the project. A full description of the project is provided in the Planning Commission staff report (Exhibit “A”) to this report but each entitlement is summarized below:

- **General Plan Amendment No. 2025-04:** A request to reconfigure the land use designations on the subject property to accommodate the land use entitlements described below, in addition to amending the Circulation Element to realign the “K” Avenue Collector alignment to follow the Sunnyside Avenue alignment.
- **Annexation No. 2025-02:** A request to prezone portions of the site R-1 (Single-Family Residential zone), R-M-2 (Multi-family residential zone - 3,000 square foot minimum site area), R-M-3 (Multi-family residential zone - 1,200 square foot minimum site area), and QP (Quasi-public zone) to be consistent with the proposed land use designation changes proposed in General Plan Amendment No. 2025-04, and annex the subject property into City limits.

*Please note that the General Plan Amendment and Annexation are separate public hearing items on the July 20, 2026, City Council agenda and will be considered when those matters are heard.*

- **Clements Ranch Tentative Subdivision Map No. 5606:** A request to subdivide parcels totaling ±78.11 acres into 292 lots for single-family residential uses and additional out lots for private streets, utilities, landscaping, lighting, trails, and parks, to be located within the proposed R-1, R-M-2, and QP zones. A ±20.81-acre designated remainder is also proposed.
- **Tentative Parcel Map No. 2025-13:** A request to subdivide the subject property into four parcels for phasing and financing purposes, and a ±20.81-acre designated remainder.
- **Conditional Use Permit No. 2025-24:** A request to allow a planned unit development on a ±15.3-acre portion of the site consisting of 153 single-family residential units, private streets, two gated entries, landscaping and lighting district lots, and park areas, to be located within the proposed R-M-2 zone.

On June 8, 2026, Planning Commission adopted a Mitigated Negative Declaration (MND) and conditionally approved the project entitlements, subject to City Council approving the associated General Plan Amendment, Prezone, and Annexation. Subsequently, the applicant filed a timely appeal with the City Clerk, citing an abuse of discretion with respect to the conditions requiring Lovers Lane frontage improvements along the property’s designated remainder and sidewalk requirements within the gated subdivision area (see Attachment “C” for the proposed tentative subdivision and parcel maps, and the site plan for the gated area).

This report supplements the Planning Commission staff report dated June 8, 2026 (see Exhibit “A”), which is incorporated herein by reference, and addresses only the issues raised in the appeal.

**Procedural History:** Below is a brief chronology of the project:

- June 11, 2025 - Site Plan Review staff issue a Revise and Proceed for the project.

- November 13, 2025 - Entitlement applications deemed complete.
- May 7, 2026 - After receipt of consultant-prepared technical studies and environmental document, a Notice of Intent to Adopt an MND published and circulated for public review.
- June 8, 2026 - Planning Commission conducted a public hearing, adopted the MND, and conditionally approved Tentative Subdivision Map No. 5606, Tentative Parcel Map No. 2025-13, and Conditional Use Permit No. 2025-24.
- June 18, 2026 - D.R. Horton timely filed an appeal of the Planning Commission's decision.
- July 20, 2026 - City Council conducts a *de novo* public hearing on the appeal.

### **Appeal:**

On June 18, 2026, the City Clerk received an appeal of the Planning Commission's approval of Clements Ranch Tentative Subdivision Map (TSM) No. 5606, Tentative Parcel Map No. 2025-13, and Conditional Use Permit No. 2025-24. The appeal was filed by D.R. Horton. The full text of the appeal is included in Exhibit "B". A summary of the items raised in the appeal are:

#### **1. CUP No. 2025-24 Condition 7(j)**

The requirement to incorporate sidewalk within a private subdivision is inconsistent with established City precedent for comparable projects. In the absence of a clear nexus or distinguishing project impact, we respectfully request that the City apply consistent development standards and allow Clements Ranch to proceed under the same criteria applied to comparable private developments.

#### **2. Clements Ranch TSM No. 5606 Condition 7(a) and Tentative Parcel Map No. 2025-13 Condition 2 - Lovers Lane Improvements**

These conditions require that D.R. Horton construct frontage improvements along Lovers Lane adjacent to the designated remainder parcel, which is not owned or controlled by D.R. Horton. We respectfully request that these improvements be deferred in accordance with the California Subdivision Map Act, ensuring the infrastructure is properly aligned with the ultimate use of the remainder parcel.

### **Analysis of Issues Raised in the Appeal:**

#### **1. Condition 7(j) - Sidewalks**

##### **Appellant's Position**

The appellant requests removal of Planning Commission Condition 7(j), requiring sidewalks throughout the planned residential development. The appellant contends that the condition is inconsistent with the City's historical application of development standards for comparable private subdivisions. Specifically, the appellant notes that Arbor Gates, Ashton Park, Southern Highlands, Avalon, DaVinci, Barr-Wood, and Pratt Family Ranch were approved without requiring sidewalks throughout their private street systems and asserts that, in the absence of a distinguishing project impact, Clements Ranch should be subject to the same standards.

##### **Staff Response:**

Staff acknowledges that the City has not consistently required sidewalks within previously approved Planned Residential Developments with private streets. Staff's review confirms that application of this requirement has varied among prior discretionary approvals. Staff also

recognizes that several of the developments identified by the appellant are comparable in size and design to the proposed development.

However, prior discretionary approvals do not establish mandatory development standards for future Planned Residential Developments. Rather, each Planned Residential Development is reviewed on its own merits under the applicable provisions of the Visalia Municipal Code and the City's adopted planning policies. Visalia Municipal Code Section 17.26.040, Development Standards, includes a provision which states, "*Pedestrian access and bicycle paths should be incorporated within planned developments. Such paths and bikeways [are] to be separated from vehicle streets when possible.*" This section establishes that the Planning Commission has the discretionary authority to impose sidewalks within a Planned Residential Development.

Likewise, the General Plan recognizes that the design of streets and pedestrian systems is one of the most important aspects of neighborhood design and establishes a clear objective of minimizing conflicts between pedestrians and vehicles while promoting pedestrian safety, accessibility, and connectivity. Although the General Plan allows flexibility through the Planned Residential Development process, it also provides that such flexibility should be balanced by public benefits. The applicant has proposed a development that includes approximately 727-foot-long residential blocks, an internal neighborhood park, private streets approximately 48.66 feet in width, and on-street parking throughout the development. While the General Plan's block-length guidance is advisory rather than regulatory (see Exhibit "E" - Block Length Guidance), it recognizes that longer residential blocks benefit from improved pedestrian connectivity, including mid-block pedestrian connections where appropriate. The proposed subdivision does not include mid-block pedestrian connections. Staff therefore finds that sidewalks throughout the development provide an appropriate means of improving pedestrian accessibility and connectivity consistent with the General Plan's objectives.

Because the applicant elected to utilize a wider street section than required by City standards, installation of sidewalks can be accommodated without materially affecting the subdivision layout, lot yield, curb and gutter, curbside parking, or overall project design. Therefore, staff found that requiring the pedestrian access path to be incorporated within the planned development, and separated from vehicle streets, was possible and conditioned by Planning Commission accordingly.

Staff further finds that sidewalks throughout the development help implement the City's longstanding planning objectives promoting pedestrian connectivity, accessibility, and active transportation, as discussed above. General Plan Policy T-P-10 directs the City to manage residential streets to maintain operating speeds between 15 and 25 mph. Sidewalks support this objective by providing pedestrians with a dedicated walkway separated from vehicular traffic, particularly where the applicant has proposed a wider-than-standard residential street section.

Sidewalks provide residents with a continuous pedestrian circulation system throughout the neighborhood, including access to the internal park and other common areas and to existing and planned schools, while reducing potential conflicts between pedestrians, parked vehicles, and moving vehicles. The Planning Commission therefore found that sidewalks represent an appropriate design feature for this Planned Residential Development and further the City's adopted objectives of pedestrian safety, accessibility, and connectivity.

Accordingly, staff continues to find that Planning Commission Condition 7(j) is appropriate and recommends that the City Council confirm the condition, as this condition promotes safe

accessibility for future residents.

## **2. Condition 7(a) and Condition 2 - Lovers Lane Improvements**

**Appellant Argument 1:** *The condition requires that D.R. Horton construct frontage improvements along Lovers Lane adjacent to the designated remainder parcel, which is not owned or controlled by D.R. Horton.*

**Staff Response:**

Staff agrees that D.R. Horton does not presently own the designated remainder. However, the City has already acquired the necessary public right-of-way, as demonstrated on the applicant's tentative map, for construction of the required frontage improvements. Accordingly, the condition does not require the applicant to dedicate additional right-of-way or acquire additional property. Rather, the condition requires construction of frontage improvements within existing public right-of-way concurrent with development of the subdivision.

**Appellant Argument 2:** *Per California Government Code Section 66424.6(a)(2)(B), infrastructure improvements are to be deferred until the parcel is developed.*

*While State law allows an exception if the City can make a specific finding that the improvements are a "necessary prerequisite to the orderly development of the surrounding area," the existing site conditions do not appear to support this requirement. When the remainder parcel is developed, that project should be conditioned to install the associated improvements along the property frontage.*

**Staff Response:**

Government Code Sections 66424.6(a)(2)(A) and (B) provide two exceptions that allow local agencies to require infrastructure improvements on a remainder parcel as part of a subdivision approval. When the improvements are necessary for (A) the public health and safety or (B) when the required construction is a necessary prerequisite to the orderly development of the surrounding area. The appellant is arguing that neither apply. Staff disagrees with the developer's argument and considers that Planning Commission had sufficient evidence to determine the frontage improvements are necessary for public health and safety and/or necessary for the orderly development of the surrounding area. The proposed subdivision represents the first phase of urban development on the project site. Construction of frontage improvements concurrent with the first phase extends public infrastructure along Lovers Lane as urban development occurs and avoids leaving a substantial portion of the project's arterial frontage unimproved for an indeterminate period pending future development of the designated remainder. Requiring the improvements provides a safer path of travel along Lovers Lane for pedestrians.

The remainder area is located between the existing residential developments along Lovers Lane to the north and the proposed residential development south of the remainder. While the designated remainder could ultimately construct the frontage improvements, if and when it develops, the timing of that development is unknown. Staff recommends that the City Council uphold the findings made by the Planning Commission and determine that constructing the improvements concurrent with the first phase is necessary for public health and safety and the orderly development of the surrounding area by connecting transportation, drainage, pedestrian, and other public infrastructure in this surrounding area.

Staff further notes that the City has previously required frontage improvements adjacent to designated remainder parcels. For example, the Pheasant Ridge subdivision located around the southeast corner of Shirk and Riggin included construction of frontage improvements at its corner. That designated remainder is now developed with the Vintage Visalia senior residential community.

Conversely, where frontage improvements have been deferred, they may remain unconstructed for many years. For example, the designated remainder within South Point Estates, approved in 2000, remained without frontage improvements until the City completed the improvements in 2026 as part of the grant-funded Caldwell Improvement Project. Staff finds that requiring frontage improvements concurrent with the first phase of development promotes the orderly extension of public infrastructure and avoids leaving significant gaps in arterial improvements for an indeterminate period.

**Appellant Argument 3:** *The surrounding area to the north and west are already developed and fully served by infrastructure, including curb, gutter, and sidewalks. The Clements Ranch subdivision will independently construct a complete and functional internal circulation system.*

**Staff Response:**

Staff generally agrees that surrounding neighborhoods are substantially developed and that the subdivision provides a complete internal circulation system.

However, the City's concern is not the adequacy of the subdivision's internal circulation. Rather, the condition addresses completion of the public arterial frontage along Lovers Lane. Internal streets and frontage improvements serve different planning purposes. Construction of frontage improvements provides curb, gutter, sidewalk, drainage, pavement widening, traffic-control devices, and related public infrastructure serving the subdivision, adjacent properties, and the traveling public.

The subdivision fronts on Lovers Lane, a four-lane divided arterial with a posted speed limit of 55 miles per hour. Completion of frontage improvements adjacent to the subdivision provides curb, gutter, sidewalk, drainage, and related public infrastructure immediately serving residents, visitors, pedestrians, bicyclists, and emergency responders. Furthermore, the applicant's traffic study indicates that a signalized intersection is not warranted at this time, thus guests and residents of the subdivision would have to travel over a quarter-mile along an unimproved shoulder to reach the nearest existing sidewalk on the east side of Lovers Lane (see Exhibit "D").

The required improvements are not limited to sidewalks, but also include pavement widening, curb, gutter, drainage, traffic-control devices, and related public improvements that immediately serve the subdivision.

**Appellant Argument 4:** *The project does not represent leapfrog development or a gap in infrastructure continuity; rather, it is a single site within an area that is already substantially developed or planned.*

**Staff Response:**

Staff does not agree that the project, without the required frontage improvements, would not create a gap in infrastructure continuity. The proposed subdivision fronts onto Lovers Lane, where approximately one-quarter mile of curb, gutter, and sidewalk remain unconstructed along the east side of the roadway between the project frontage and the next existing public improvements. Deferring frontage improvements would perpetuate that gap after the subdivision is occupied.

The proposed subdivision relies upon and extends the City's existing public infrastructure systems. Staff finds that pedestrian infrastructure should likewise be extended as urban development occurs so that the transportation network develops in a coordinated and orderly manner. Requiring completion of only certain public improvements, while deferring sidewalks, curb, and gutter until an unknown future date, would result in an incomplete urban streetscape along a major arterial serving the subdivision.

Accordingly, staff continues to find that Planning Commission Condition 7(a) promotes the orderly extension of public infrastructure and supports the finding required by Government Code section 66424.6.

**Appellant Argument 5:** *This condition imposes a disproportionate financial burden on D.R. Horton (estimated at approximately \$500,000) for improvements that primarily benefit future development of the remainder parcel.*

**Staff Response:**

Staff acknowledges that future development of the designated remainder will benefit from the completed frontage improvements. However, the improvements also provide immediate public benefits by completing arterial frontage improvements serving the subdivision, adjacent properties, pedestrians, bicyclists, emergency responders, and the traveling public.

In addition, future benefiting properties may be subject to reimbursement through a Area of Benefit or other reimbursement mechanism authorized by the City, allowing an equitable allocation of eligible improvement costs as additional development occurs.

Staff informed the appellant that an Area of Benefit could be considered to help recoup cost for doing the improvements when the designated remainder is developed; however, the appellant informed staff that an Area of Benefit was not feasible for their development.

**Appellant Argument 6:** *We respectfully request that these improvements be deferred in accordance with the California Subdivision Map Act, ensuring the infrastructure is properly aligned with the ultimate use of the remainder parcel.*

**Staff Response:**

Staff recognizes that the Subdivision Map Act authorizes deferred construction of designated remainder improvements under appropriate circumstances. However, it also authorizes a local agency to require earlier construction when supported by the required findings. For the reasons discussed above, staff continues to find that construction of the frontage improvements concurrent with development of the first phase is a necessary prerequisite for the orderly development of the area and provides immediate public health and safety benefits. Accordingly, staff recommends that Planning Commission's Condition 7(a) and Condition 2 be confirmed without modification.

**Conclusion:**

Based upon the foregoing, staff finds that the Planning Commission did not abuse its discretion and recommends that the City Council confirm the Planning Commission's conditional approval of the Clements Ranch Tentative Subdivision Map No. 5606, Tentative Parcel Map No. 2025-13, and Conditional Use Permit No. 2025-24.

**Fiscal Impact including annual maintenance and operating costs:** None.

**Prior and Other Council Actions:** No prior actions. A separate City Council public hearing item on the July 20, 2026, agenda pertains to other entitlements related to the Clements Ranch Subdivision wherein the City Council has the final authority on the following actions: Adoption of General Plan Amendment No. 2025-04; Introduce for first reading of Ordinance No. 2026-07; and Initiation of Annexation No. 2025-04.

**Recommended Motion (and Alternative Motions if expected):**

I move to deny the appeal and uphold the Planning Commission's adoption of Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program prepared for the Clements Ranch Tentative Subdivision Map No. 5606 and Conditional Use Permit No. 2025-24.

I move deny the appeal and uphold the Planning Commission's approval of Clements Ranch Tentative Subdivision Map No. 5606 per Resolution No. 2026-47.

I move to deny the appeal and uphold the Planning Commission's approval of Tentative Parcel Map No. 2025-13 per Resolution No. 2026-48.

I move to deny the appeal and uphold the Planning Commission's approval of Conditional Use Permit No. 2025-24 per Resolution No. 2026-49.

In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote.

**Alternatives:** The City Council may, in lieu of the recommended motion, consider any of the following alternatives:

1. Overturn the decision of the Planning Commission to conditionally approve Tentative Subdivision Map No. 5606 and Conditional Use Permit No. 2025-24; or
2. Confirm the Planning Commission's decision to conditionally approve Tentative Subdivision Map No. 5606, Tentative Parcel Map No. 2025-13, and Conditional Use Permit No. 2025-24 with conditions and/or modifications as specified by the City Council; or
3. Continue the matter to the next meeting, if necessary to direct staff to prepare conforming resolutions with the appropriate findings.

**CEQA Review:** An Initial Study and Mitigated Negative Declaration (MND) was prepared for the project. Following circulation for public review, staff determined that, with implementation of the adopted mitigation measures, the project would not result in significant environmental impacts. Staff recommends adoption of Resolution No. 2026-46.

**Deadline for Action:** 07/20/2026

**Attachments:**

Exhibit A - Planning Commission Staff Report  
Exhibit B - Appeal Letter  
Exhibit C - Tentative Maps and Site Plan  
Exhibit D - Sidewalk Exhibit  
Exhibit E - Block Length Guidance  
Resolution No. 2026-46 - Mitigated Negative Declaration  
Resolution No. 2026-47 - Tentative Subdivision Map  
Resolution No. 2026-48 - Tentative Parcel Map  
Resolution No. 2026-49 - Conditional Use Permit

**Strategic Goal:** Indicates which City Strategic Goal(s) this item supports. Check all that apply.

|                                                                                   |                                                                                   |                                                                                   |                                                                                    |                                                                                     |
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| <input checked="" type="checkbox"/>                                               | <input type="checkbox"/>                                                          | <input type="checkbox"/>                                                          | <input checked="" type="checkbox"/>                                                | <input checked="" type="checkbox"/>                                                 |
|  |  |  |  |  |
| <b>Economic Vitality</b>                                                          | <b>Organizational Excellence</b>                                                  | <b>Fiscal Strength</b>                                                            | <b>Infrastructure &amp; Growth</b>                                                 | <b>Quality of Life</b>                                                              |