



# LINDSAY CITY COUNCIL REGULAR MEETING AGENDA

April 8, 2025, 6:00 P.M.  
City Hall, 251 E. Honolulu St., Lindsay, CA 93247

**Mayor**  
Misty Villarreal  
**Mayor Pro Tem**  
Yolanda Flores  
**Councilmembers**  
Adriana Nave  
Rosaena Sanchez  
Joe Soria

Notice is hereby given that the Lindsay City Council will hold a Regular Meeting on Tuesday, April 8, 2025 at 6:00 p.m. in person and live via YouTube.

 **City of Lindsay YouTube Channel:** <https://www.youtube.com/@CityofLindsay>



Se anima a los hispanohablantes a asistir a las próximas reuniones del Concejo Municipal de Lindsay. Para traducción al español, comuníquese con la oficina de la Secretaria Municipal por teléfono, (559) 562-7102 ext. 8034, o regístrese unos minutos antes en el momento de la reunión del Consejo.

## Rules for Addressing the City Council:

- Members of the public may address the City Council on matters within the jurisdiction of the City of Lindsay.
- Persons wishing to address Council concerning an item on the agenda will be invited to address the Council during the time that Council is considering that agenda item. Persons wishing to address Council concerning issues not on the agenda will be invited to address Council during the Public Comment portion of the meeting.
- When invited by the Mayor to speak, please step up to the lectern, state your name and city of residence, and make your comments. Comments are limited to three minutes per speaker.

## Americans with Disabilities Act

Pursuant to the Americans with Disabilities Act, persons with disabilities who may need assistance should contact the City Clerk prior to the meeting at (559) 562-7102 ext. 8034 or via email at [cwilson@lindsay.ca.us](mailto:cwilson@lindsay.ca.us).

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **APPROVAL OF AGENDA**
6. **PROCLAMATIONS**
  - 6.1. 93<sup>rd</sup> Annual Orange Blossom Festival Event
  - 6.2. Orange Blossom Festival Queen and Her Court, Orange Blossom Honored Couple
  - 6.3. Lindsay High School Girls Basketball
7. **PUBLIC COMMENT** – The public is invited to comment on any subject under the jurisdiction of the Lindsay City Council. Please note that speakers that wish to comment on a Regular Item or Public Hearing on tonight's agenda will have an opportunity to speak when public comment for that item is requested by the Mayor. Comments shall be limited to three (3) minutes per person, with thirty (30) minutes for the total comment period, unless otherwise indicated by the Mayor. The public may also choose to submit a comment before the meeting via email. Public comments received via email will be distributed to the Council prior to the start of the meeting and incorporated into the official minutes; however, they will not be read aloud. Under state law, matters presented under public comment cannot be acted upon by the Council at this time.

**8. COUNCIL REPORT**

**9. CITY MANAGER REPORT**

**10. CONSENT CALENDAR** – Routine items approved in one motion unless an item is pulled for discussion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

**10.1 Waive the Reading of Ordinance and Approve by Title Only.**

**Action & Recommendation:** Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

**Submitted by:** Carmen Wilson, Deputy City Clerk

**10.2 Minutes of the Regular Meeting of March 25, 2025.**

**Action & Recommendation:** Approve as submitted.

**Submitted by:** Carmen Wilson, Deputy City Clerk

**10.3 Warrant List for March 17, 2025 Through March 30, 2025.**

**Action & Recommendation:** Accept the Warrant List for transactions dated March 17, 2025, through March 30, 2025.

**Submitted by:** Lacy Meneses, Director of Finance

**10.4 Award Contract for the Well 11 Inspection Project.**

**Action & Recommendation:** Award Contract for Well 11 Inspection Project to the lowest responsive bidder of Kaweah Pump for \$101,248.00.

**Submitted by:** Ryan Heinks, Acting Director of City Services

**10.5 Approval of Sales Agreement for Unreleased Restoration Flows (URF) between City of Lindsay and the United States Bureau of Reclamation.**

**Action & Recommendation:** City Council to Authorize the City Manager to execute an agreement between the City of Lindsay and the United States Bureau of Reclamation for the purchase of up to 505 acre-feet of Unreleased Restoration Flow (URF).

**Submitted by:** Ryan Heinks, Acting Director of City Services

**11. ACTION ITEMS**

**11.1 Caltrans Roundabout Resolution for California State Highway 65.**

**Action & Recommendation:** Approve Resolution 25-09 to include the new roundabout at the intersection of Tulare Avenue and State Route 65.

**Submitted by:** Kuyler Crocker, City Manager

**11.2 Approval of City Manager Contract.**

**Submitted by:** Megan Crouch, City Attorney

**12. PUBLIC HEARINGS**

**12.1 Zoning Ordinance Update No. 25-01.**

**Action & Recommendation:** Conduct the second reading and adopt Ordinance No. 616, approving Zoning Ordinance Update No. 25-01. This update includes revisions to Title 18 (Zoning Ordinance) and Title 17 (Subdivision Ordinance) of the Lindsay Municipal Code.

**Submitted by:** Kira Stowell, Contract City Planner

**13. PRESENTATION ITEMS**

**11.1 Recreation Spring and Summer Program and Events.**

**Presented by:** Armando da Silva, Recreation Services Director

**14. REQUEST FOR FUTURE ITEMS**

## 15. EXECUTIVE (CLOSED) SESSION

16. **ADJOURNMENT** – Lindsay City Council meetings are held in the City Council Chambers at 251 E. Honolulu Street in Lindsay, California beginning at 6:00 P.M. on the second and fourth Tuesday of every month unless otherwise noticed. Materials related to an Agenda item submitted to the legislative body after distribution of the Agenda Packet are available for public inspection in the office of the City Clerk during normal business hours. A complete agenda is available at [www.lindsay.ca.us](http://www.lindsay.ca.us). In compliance with the Americans with Disabilities Act & Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the office of the City Clerk at (559) 562-7102 x 8034. Notification prior to the meeting will enable the City to ensure accessibility to this meeting and/or provision of an alternative format of the agenda and documents in the agenda packet.

### AFFIDAVIT OF POSTING AGENDA

I hereby certify, in conformance with Government Code Sections 54954.2 and 54956, this agenda was posted in the bulletin board at the front of City Hall, 251 E Honolulu St., as well as on the City of Lindsay's website ([www.lindsay.ca.us](http://www.lindsay.ca.us)).

DATE & TIME POSTED: Friday, April 4, 2025 at 1:00 p.m.

Carmen Wilson, Deputy City Clerk



City of Lindsay

# Proclamation

**WHEREAS**, the Orange Blossom Festival is an annual celebration that honors the citrus industry in our community and one of the City of Lindsay's longest running traditions; and

**WHEREAS**, in the year 2025, the City of Lindsay will mark its 93<sup>rd</sup> anniversary of this special celebration; and

**WHEREAS**, the City of Lindsay recognizes the hard work and dedication of community leaders that enable the Orange Blossom Festival to celebrate the City and its history; and

**NOW, THEREFORE, BE IT RESOLVED**, that I, Misty Villarreal, Mayor of the City of Lindsay, along with members of the Lindsay Council, do hereby proclaim

**Saturday, April 5, 2025, through Sunday, April 13, 2025**

the

**93<sup>rd</sup> Annual Lindsay Orange Blossom Festival**

**IN WITNESS WHEREOF**, I hereby set my hand and caused the Seal of the City of Lindsay to be affixed this 8<sup>th</sup> Day of April 2025.

**LINDSAY CITY COUNCIL**

  
Misty Villarreal, Mayor



City of Lindsay

# Proclamation

**WHEREAS**, the Orange Blossom Festival affords the citizens of Lindsay a special opportunity to recognize and honor the Queen, her Court, and the Honored Couple chosen to preside over this joyous celebration of community; and

**WHEREAS**, academic achievement, civic and community service, and self-determination are paramount among the values considered in the selection of the Royal Party and Special Honorees; and

**NOW, THEREFORE, BE IT RESOLVED**, that I, Misty Villarreal, Mayor of the City of Lindsay, along with members of the Lindsay Council, invite all to join us in honoring the

***93<sup>rd</sup> Annual Lindsay Orange Blossom Festival Queen,  
Berenise Rangel***

***The Queen's Court,  
Abby Chavez  
Adriana Lemus  
Cecilia Angel-Flores  
Daisy Andrade-Lemus***

***And the Orange Blossom Honored Couple,  
Jeff & Linda Munter***

**IN WITNESS WHEREOF**, I hereby set my hand and caused the Seal of the City of Lindsay to be affixed this 8<sup>th</sup> Day of April 2025.

**LINDSAY CITY COUNCIL**

Misty Villarreal, Mayor



City of Lindsay

# Proclamation

**WHEREAS**, the Lindsay High School Cardinals Basketball Team consists of supportive parents, staff, coaches and the players, all grounded on a solid foundation of values, trust, and commitment; and

**WHEREAS**, through their perseverance, hard work, and dedication, the Cardinals soared to victory as the Central Section Division VI champions proving that the Cardinal rule is to always play to win by demonstrating resilience, teamwork, and a championship mindset that led them to the Division VI title; and

**WHEREAS**, throughout the season, the team captivated fans with exceptional performances, including precise free throws, dynamic shots from the field, and determined shots from outside the arc, all in pursuit of championship glory; and

**WHEREAS**, the Cardinals' success ignited a deep sense of community pride, bringing together residents, alumni, and supporters from all walks of life who rallied behind their team, filling the stands with unwavering spirit and enthusiasm; and

**WHEREAS**, this remarkable season united Lindsay like never before, fostering a renewed appreciation for teamwork, resilience, and hometown pride, reminding everyone what can be achieved through dedication and a shared sense of purpose; and

**WHEREAS**, the City of Lindsay and its residents commend all those who contributed to the Lindsay High School Cardinals Basketball Team's success and outstanding season

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Lindsay, congratulates the members of the

## **Lindsay High School Cardinals Basketball Team**

For their dedication, good-sportsmanship, team spirit, and athletic prowess, celebrating their outstanding achievement as the Central Section Division VI Champions.

**IN WITNESS WHEREOF**, I hereby set my hand and caused the Seal of the City of Lindsay to be affixed this 8<sup>th</sup> Day of March 2025.

LINDSAY CITY COUNCIL

Misty Villarreal, Mayor



# LINDSAY CITY COUNCIL REGULAR MEETING MINUTES

Lindsay Council Chambers  
251 E Honolulu St., Lindsay CA 93247

Tuesday, March 25, 2025  
6:00 p.m. – Regular Meeting

Proper notice of this meeting was given pursuant to Government Code Section 54954.2 and 54956.

**STAFF PRESENT:** Interim City Manager Kuyler Crocker, City Attorney Megan Crouch, City Clerk Maegan Peton, Deputy City Clerk Carmen Wilson, Director of Public Safety Rob Moore, Director of Finance Lacy Meneses, Director of Recreation Services Armando da Silva, Acting City Services Director Ryan Heinks, Administrative Supervisor Marshall Chairez

## 6:00 p.m. – REGULAR MEETING

### 1. CALL TO ORDER

Mayor Villarreal called to order the regular meeting of the Lindsay City Council at 6:00 p.m. in the Council Chamber located at 251 E. Honolulu St.

### 2. INVOCATION

The invocation was led by Councilmember Soria.

### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Nave.

### 4. ROLL CALL

**Council Present:** Mayor Villarreal  
Mayor Pro Tem Flores  
Councilmember Nave  
Councilmember Sanchez  
Councilmember Soria

### 5. APPROVAL OF AGENDA

It was motioned by Councilmember Nave, seconded by Councilmember Soria, and unanimously carried to remove item 12.1 from the agenda and approve all remaining items.

### 6. PUBLIC COMMENT

Lori Renteria provided appreciation to the City for their participation with the Senior Center activities.

Margarita Martinez also provided appreciation to the City for their participation with the Senior Center activities.

Mercy Herrera thanked the City for attending the Hermanas Hermosa and Gaytino events.

Anita Gustuson asked when the Lindsay Economic Development Meeting is going to be. She also encouraged citizens to get rid of standing water. She also expressed her dissatisfaction in the last City Manager and encourages the Interim City Manager to fill vacancies quickly and efficiently.

## 7. COUNCIL REPORT

Councilmember Soria expressed his appreciation to the City Clerk for her time here. He advised he attended the Community Water Latino Network. He also met with Ray Leon with the Leap Institute. He attended Friday Night Market, the Veritas Art Show, the Gaytino event, the Skimmers meeting, and the Lindsay Youth Cheer signups.

Councilmember Sanchez thanked staff and expressed her appreciation to the City Clerk and welcome Interim City Manager Kuyler Crocker.

Councilmember Nave attended the Zumbathon, met with David Valadao's office concerning a subsidy for public safety employees, and attended the art show.

Mayor Pro Tem Flores thanked City Clerk and the Finance Director.

Mayor Villarreal welcomed Interim City Manager Kuyler Crocker and thanked the City Clerk, Carmen Wilson for assisting, and remaining staff. She attended TCAG, TCRTA, Senator Hurtado's Swearing In, and the Friday Night Market.

## 8. STAFF UPDATES

City staff provided updates for Council's review.

## 9. CITY MANAGER REPORT

The City Manager reported on recent events and items of interest.

## 10. CONSENT CALENDAR

It was motioned by Councilmember Soria, seconded by Councilmember Nave and unanimously carried to approve the items on the Consent Calendar as presented.

### 10.1 Waive the Reading of Ordinance and Approve by Title Only.

**Action & Recommendation:** Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

### 10.2 Minutes of the regular and/or special Meeting of March 11, 2025 and March 17, 2025.

**Action & Recommendation:** Approve as submitted.  
Submitted by: Maegan Peton, City Clerk

### 10.3 Warrant List for March 3, 2025 through March 16, 2025.

**Action & Recommendation:** Accept the Warrant List for transaction dates of March 3, 2025 through March 16, 2025.  
**Submitted by:** Lacy Meneses, Director of Finance

### 10.4 Letter of Support for Spruce Road Safety Improvement & Congestion Relief Project.

**Action & Recommendation:** Approve the Letter of Support for the Spruce Road Safety Improvement & Congestion Relief Project.  
**Submitted by:** Kuyler Crocker, Interim City Manager

## 11. ACTION ITEMS

### 11.1 Sale of Vacant City-Owned Properties.

**Action & Recommendation:** Authorize the sale of four vacant City-owned parcels of commercially zoned land, totaling approximately 46,132 square feet (1.05 acres), to Kristar Development LLC for a total purchase price of \$390,000. The parcels are currently listed through brokers Jared Ennis and Kevin Land; and authorize the City Manager to execute all necessary documents to complete the transaction, including but not limited to purchase agreements, escrow instructions, and any required regulatory filings.

**Submitted by:** City Manager

**Public Comment:** Mercy Herrera provided comment against selling to Kristar Development LLC and advised against congestive housing. Anita Gustuson questioned if the City should sell all of its real estate.

**Council Action:** It was motioned by Councilmember Soria , seconded by Councilmember Nave, and unanimously carried to approve the item as presented.

## 12. PUBLIC HEARINGS

### 12.1 First reading of Ordinance 615 Approving a Development Agreement Between the City of Lindsay and Quest Equity LLC on behalf of Daley Enterprises for the Tentative Subdivision Map No. 24-01, known as Hidden Oaks Subdivision.

**Action & Recommendation:** First Reading of Ordinance 615, an Ordinance of the City Council of the City of Lindsay approving a Development Agreement between the City of Lindsay and Quest Equity LLC on behalf of Daley Enterprises (collectively "Developer") & Tentative Subdivision Map No. 24-01, known as Hidden Oaks Subdivision.

**Submitted by:** Ryan Heinks, Acting Director of City Services and Planning

**Council Action:** Council removed this item from the agenda.

### 12.2 Zoning Ordinance Update No. 25-01.

**Action & Recommendation:** Approve a resolution of the City Council of the City of Lindsay adopting an Initial Study/Mitigated Negative Declaration (IS/MND) for Zoning Ordinance Update No. 25-01, and approving Zoning Ordinance Update No. 25-01, an update the Lindsay Zoning Ordinance (Title 18 of the Lindsay Municipal Code) and Lindsay Subdivision Ordinance (Title 17 of the Lindsay Municipal Code); and introduce the first reading of an Ordinance of the City of Lindsay approving Zoning Ordinance Update No. 25-01.

**Submitted by:** Kira Stowell, Contract City Planner

**Public Hearing Open:** The Public Hearing opened at 6:47 p.m.

**Public Comment:** Public comment was provided by Margarita Martinez who questioned what the updates were pertaining to. Mercy Herrera thanked the City for moving this item forward.

**Public Hearing Closed:** The Public Hearing closed at 6:52 p.m.

**Council Action:** It was motioned by Councilmember Sanchez, seconded by Councilmember Soria, and unanimously carried to approve to approve the item as presented.

**13. REQUEST FOR FUTURE ITEMS**

Mayor Villarreal requested an update on the fencing at Kaku Park. She also requested a proclamation for the Lindsay High School Basketball Team.

**14. EXECUTIVE (CLOSED) SESSION**

Council recessed to executive (closed) session at 6:56 p.m.

**14.1 Conference with Labor Negotiators (§ 54957.6)**

Agency Designated Representative: Kuyler Crocker, Interim City Manager  
Employee Organization(s): LPOA; SEIU

**14.2 Public Employment – Pursuant to § 54957**

Title: City Manager

Council reconvened from executive (closed) session at \_\_:\_\_ p.m.

**EXECUTIVE (CLOSED) SESSION REPORT**

Megan Crouch reported that Council voted 4 to 1 to approve a contract with Crocker Knoll LLC to serve as City Manager for a period of 12 months with a 60 day notice of termination clause and a compensation of \$125,000. There will be a six month evaluation and this will be effect March 1, 2025.

**15. ADJOURNMENT**

The regular meeting was adjourned at 8:22 p.m.

Approved by Council: Click or tap to enter a date..

\_\_\_\_\_  
Misty Villarreal, Mayor

ATTEST:

\_\_\_\_\_  
Maegan Peton, City Clerk

*The next Regular Meeting of the Lindsay City Council is scheduled to be held on April 8, 2025.*



# STAFF REPORT

TO: Lindsay City Council  
MEETING DATE: April 8, 2025

Item #: 10.3  
Consent

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**DEPARTMENT:** Finance  
**FROM:** Lacy Meneses, Finance Director  
**AGENDA TITLE:** Warrant List for March 17, 2025, through March 30, 2025

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## ACTION & RECOMMENDATION

Accept the Warrant List for transactions dated March 17, 2025, through March 30, 2025.

## BACKGROUND | ANALYSIS

The warrant list for March 17, 2025, through March 30, 2025, is submitted for Council review and acceptance.

## FISCAL IMPACT

There is no fiscal impact associated with this action.

## ATTACHMENTS

1. Warrant List

Reviewed/Approved: \_\_\_\_\_

CITY OF LINDSAY | WARRANT LIST  
TRANSACTION DATES:

3/17/2025 THROUGH 3/30/2025

Check#	Fund	Date	Vendor #	Vendor Name	Description	Amount
<b>27651</b>						<b>\$143,517.23</b>
	101 - GENERAL FUND	03/17/25	6100	KEENAN & ASSOCIATES	KEENAN & ASSOCIATES	2491.4
	101 - GENERAL FUND	03/17/25	6100	KEENAN & ASSOCIATES	KEENAN & ASSOCIATES	4575.4
	101 - GENERAL FUND	03/17/25	6100	KEENAN & ASSOCIATES	KEENAN & ASSOCIATES	69835.08
	101 - GENERAL FUND	03/17/25	6100	KEENAN & ASSOCIATES	KEENAN & ASSOCIATES	66615.35
<b>27652</b>						<b>\$72.02</b>
	261 - GAS TAX FUND	03/17/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	72.02
<b>27653</b>						<b>\$10,479.87</b>
	101 - GENERAL FUND	03/18/25	7302	WEX BANK	WEX BANK	85.23
	101 - GENERAL FUND	03/18/25	7302	WEX BANK	WEX BANK	7388.69
	101 - GENERAL FUND	03/18/25	7302	WEX BANK	WEX BANK	480.96
	101 - GENERAL FUND	03/18/25	7302	WEX BANK	WEX BANK	541.07
	261 - GAS TAX FUND	03/18/25	7302	WEX BANK	WEX BANK	480.95
	552 - WATER	03/18/25	7302	WEX BANK	WEX BANK	511.01
	553 - SEWER	03/18/25	7302	WEX BANK	WEX BANK	511.01
	554 - REFUSE	03/18/25	7302	WEX BANK	WEX BANK	480.95
<b>27654</b>						<b>\$15.91</b>
	101 - GENERAL FUND	03/20/25	144	THE GAS COMPANY	THE GAS COMPANY	15.68
	101 - GENERAL FUND	03/20/25	144	THE GAS COMPANY	THE GAS COMPANY	0.23
<b>27655</b>						<b>\$856.60</b>
	101 - GENERAL FUND	03/21/25	6600	AMERICAN HERITAGE L	AMERICAN HERITAGE L	856.6
<b>27656</b>						<b>\$857.24</b>
	101 - GENERAL FUND	03/21/25	6600	AMERICAN HERITAGE L	AMERICAN HERITAGE L	857.24
<b>27657</b>						<b>\$857.24</b>
	101 - GENERAL FUND	03/21/25	6600	AMERICAN HERITAGE L	AMERICAN HERITAGE L	857.24
<b>27658</b>						<b>\$200.00</b>
	400 - WELLNESS CENTER	03/21/25	6097	ANGELICA BERMUDEZ	ANGELICA BERMUDEZ	200
<b>27659</b>						<b>\$350.00</b>
	400 - WELLNESS CENTER	03/21/25	5819	ANITA GUTIERREZ	ANITA GUTIERREZ	225
	400 - WELLNESS CENTER	03/21/25	5819	ANITA GUTIERREZ	ANITA GUTIERREZ	125
<b>27662</b>						<b>\$1,735.73</b>
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	76.82
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.72
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.34
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.34
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.72
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.49
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.49
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.34
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.87
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.34
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.49
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.87
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.49
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.34
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.87
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.34
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.49
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.87
	101 - GENERAL FUND	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.49
	400 - WELLNESS CENTER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	176.6
	400 - WELLNESS CENTER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	196.13
	400 - WELLNESS CENTER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6
	552 - WATER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
	552 - WATER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.36
	552 - WATER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
	552 - WATER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.36
	552 - WATER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
	552 - WATER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.51
	552 - WATER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
	552 - WATER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.51
	553 - SEWER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
	553 - SEWER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.36
	553 - SEWER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
	553 - SEWER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.36
	553 - SEWER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
	553 - SEWER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.51
	553 - SEWER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
	553 - SEWER	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.51
	554 - REFUSE	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71

554 - REFUSE	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.36
554 - REFUSE	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
554 - REFUSE	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.36
554 - REFUSE	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
554 - REFUSE	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.51
554 - REFUSE	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
554 - REFUSE	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.51
556 - VITA-PAKT	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
556 - VITA-PAKT	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.36
556 - VITA-PAKT	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
556 - VITA-PAKT	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	38.36
556 - VITA-PAKT	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	3.71
556 - VITA-PAKT	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.51
556 - VITA-PAKT	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	6.88
556 - VITA-PAKT	03/21/25	5832	CINTAS CORPORATION	CINTAS CORPORATION	42.51
<b>27663</b>					<b>\$225.00</b>
400 - WELLNESS CENTER	03/21/25	3911	DEPARTMENT OF INDUS	DEPARTMENT OF INDUS	225
<b>27664</b>					<b>\$1,850.00</b>
400 - WELLNESS CENTER	03/21/25	6973	ELIZABETH GUND	ELIZABETH GUND	900
400 - WELLNESS CENTER	03/21/25	6973	ELIZABETH GUND	ELIZABETH GUND	950
<b>27665</b>					<b>\$395.00</b>
400 - WELLNESS CENTER	03/21/25	4807	FITGUARD INC.	FITGUARD INC.	395
<b>27666</b>					<b>\$275.00</b>
101 - GENERAL FUND	03/21/25	4068	FLORES YOLANDA	FLORES YOLANDA	275
<b>27667</b>					<b>\$288.76</b>
400 - WELLNESS CENTER	03/21/25	197	JORGENSEN COMPANY I	JORGENSEN COMPANY I	288.76
<b>27668</b>					<b>\$68,931.29</b>
101 - GENERAL FUND	03/21/25	6100	KEENAN & ASSOCIATES	KEENAN & ASSOCIATES	4575.4
101 - GENERAL FUND	03/21/25	6100	KEENAN & ASSOCIATES	KEENAN & ASSOCIATES	64355.89
<b>27669</b>					<b>\$250.00</b>
400 - WELLNESS CENTER	03/21/25	6599	MARIA EDWARDS	MARIA EDWARDS	125
400 - WELLNESS CENTER	03/21/25	6599	MARIA EDWARDS	MARIA EDWARDS	125
<b>27670</b>					<b>\$250.00</b>
101 - GENERAL FUND	03/21/25	5236	NAVE ADRIANA MARIA	NAVE ADRIANA MARIA	250
<b>27671</b>					<b>\$412.39</b>
101 - GENERAL FUND	03/21/25	7242	ODP BUSINESS SOLUTI	ODP BUSINESS SOLUTI	259.65
101 - GENERAL FUND	03/21/25	7242	ODP BUSINESS SOLUTI	ODP BUSINESS SOLUTI	77.21
400 - WELLNESS CENTER	03/21/25	7242	ODP BUSINESS SOLUTI	ODP BUSINESS SOLUTI	75.53
<b>27672</b>					<b>\$195.73</b>
400 - WELLNESS CENTER	03/21/25	285	QUILL CORPORATION	QUILL CORPORATION	195.73
<b>27673</b>					<b>\$81.00</b>
101 - GENERAL FUND	03/21/25	7324	ROMERO DANIEL	ROMERO DANIEL	81
<b>27674</b>					<b>\$100.00</b>
400 - WELLNESS CENTER	03/21/25	7323	RUIZ TERRI	RUIZ TERRI	100
<b>27675</b>					<b>\$250.00</b>
101 - GENERAL FUND	03/21/25	5511	SANCHEZ ROSAENA	SANCHEZ ROSAENA	250
<b>27676</b>					<b>\$250.00</b>
101 - GENERAL FUND	03/21/25	4942	SORIA JOSE JR.	SORIA JOSE JR.	250
<b>27677</b>					<b>\$1,239.26</b>
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	134.19
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	144.12
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	143.57
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	190.83
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	133.57
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	84.16
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	84.48
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	84.16
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	156.41
101 - GENERAL FUND	03/21/25	6703	STERICYCLE INC	STERICYCLE INC	83.77
<b>27678</b>					<b>\$8,730.21</b>
101 - GENERAL FUND	03/21/25	144	THE GAS COMPANY	THE GAS COMPANY	25.09
101 - GENERAL FUND	03/21/25	144	THE GAS COMPANY	THE GAS COMPANY	605.58
101 - GENERAL FUND	03/21/25	144	THE GAS COMPANY	THE GAS COMPANY	1434.32
400 - WELLNESS CENTER	03/21/25	144	THE GAS COMPANY	THE GAS COMPANY	6665.22
<b>27679</b>					<b>\$808.87</b>
101 - GENERAL FUND	03/21/25	3132	T-MOBILE	T-MOBILE	31.15
101 - GENERAL FUND	03/21/25	3132	T-MOBILE	T-MOBILE	31.15
101 - GENERAL FUND	03/21/25	3132	T-MOBILE	T-MOBILE	684.27
101 - GENERAL FUND	03/21/25	3132	T-MOBILE	T-MOBILE	31.15
400 - WELLNESS CENTER	03/21/25	3132	T-MOBILE	T-MOBILE	31.15
<b>27680</b>					<b>\$90.96</b>
101 - GENERAL FUND	03/21/25	6413	TRANS UNION LLC	TRANS UNION LLC	90.96
<b>27681</b>					<b>\$666.90</b>
400 - WELLNESS CENTER	03/21/25	2399	TULARE COUNTY ENVIR	TULARE COUNTY ENVIR	666.9
<b>27682</b>					<b>\$1,906.39</b>
101 - GENERAL FUND	03/21/25	6988	UTILITY COST MANAGE	UTILITY COST MANAGE	1.19
101 - GENERAL FUND	03/21/25	6988	UTILITY COST MANAGE	UTILITY COST MANAGE	-0.87
101 - GENERAL FUND	03/21/25	6988	UTILITY COST MANAGE	UTILITY COST MANAGE	670.38
101 - GENERAL FUND	03/21/25	6988	UTILITY COST MANAGE	UTILITY COST MANAGE	332.02
101 - GENERAL FUND	03/21/25	6988	UTILITY COST MANAGE	UTILITY COST MANAGE	902.1



	101 - GENERAL FUND	03/28/25	276	PORTERVILLE RECORDE	PORTERVILLE RECORDE	134.79
<b>27715</b>						<b>\$10,188.81</b>
	266 - LTF-ART 8 STREETS & ROADS	03/28/25	4618	PROVOST & PRITCHARD	PROVOST & PRITCHARD	1126.98
	266 - LTF-ART 8 STREETS & ROADS	03/28/25	4618	PROVOST & PRITCHARD	PROVOST & PRITCHARD	2335.26
	556 - VITA-PAKT	03/28/25	4618	PROVOST & PRITCHARD	PROVOST & PRITCHARD	529.9
	556 - VITA-PAKT	03/28/25	4618	PROVOST & PRITCHARD	PROVOST & PRITCHARD	5795.5
	556 - VITA-PAKT	03/28/25	4618	PROVOST & PRITCHARD	PROVOST & PRITCHARD	401.17
<b>27716</b>						<b>\$210.00</b>
	553 - SEWER	03/28/25	399	QUAD KNOPF,INC.	QUAD KNOPF,INC.	210
<b>27717</b>						<b>\$1,198.60</b>
	101 - GENERAL FUND	03/28/25	5624	SIERRA SANITATION,	SIERRA SANITATION,	299.65
	101 - GENERAL FUND	03/28/25	5624	SIERRA SANITATION,	SIERRA SANITATION,	299.65
	101 - GENERAL FUND	03/28/25	5624	SIERRA SANITATION,	SIERRA SANITATION,	299.65
	101 - GENERAL FUND	03/28/25	5624	SIERRA SANITATION,	SIERRA SANITATION,	299.65
<b>27719</b>						<b>\$34,930.05</b>
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	1074.22
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	24.9
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	1560.94
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	36.18
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	48.47
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	792.53
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	18.36
	261 - GAS TAX FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	6750.7
	261 - GAS TAX FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	157.51
	400 - WELLNESS CENTER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	4558
	552 - WATER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	17393.85
	552 - WATER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	403.05
	553 - SEWER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	465.17
	553 - SEWER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	10.8
	556 - VITA-PAKT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	216.75
	556 - VITA-PAKT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	5.02
	883 - SIERRA VIEW ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	286.2
	883 - SIERRA VIEW ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	6.6
	884 - HERITAGE ASSESSMENT DIST	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	95.52
	884 - HERITAGE ASSESSMENT DIST	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	2.2
	886 - SAMOA	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	19.59
	886 - SAMOA	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	0.48
	887 - SWEETBRIER TOWNHOUSES	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	37.4
	887 - SWEETBRIER TOWNHOUSES	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	0.89
	888 - PARKSIDE	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	95.28
	888 - PARKSIDE	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	2.2
	889 - SIERRA VISTA ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	217.16
	889 - SIERRA VISTA ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	5.02
	890 - MAPLE VALLEY ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	106.7
	890 - MAPLE VALLEY ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	2.48
	891 - PELOUS RANCH	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	523.77
	891 - PELOUS RANCH	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	12.11
<b>27721</b>						<b>\$59,894.87</b>
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	2173.06
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	29.7
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	2884.19
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	39.38
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	98.15
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	1878.71
	101 - GENERAL FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	25.67
	261 - GAS TAX FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	13740.8
	261 - GAS TAX FUND	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	189
	552 - WATER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	34612.69
	552 - WATER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	472.68
	553 - SEWER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	1056.4
	553 - SEWER	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	14.45
	556 - VITA-PAKT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	353.21
	556 - VITA-PAKT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	4.84
	883 - SIERRA VIEW ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	317.2
	883 - SIERRA VIEW ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	4.36
	884 - HERITAGE ASSESSMENT DIST	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	110.88
	884 - HERITAGE ASSESSMENT DIST	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	1.53
	886 - SAMOA	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	49.37
	886 - SAMOA	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	0.65
	887 - SWEETBRIER TOWNHOUSES	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	71.77
	887 - SWEETBRIER TOWNHOUSES	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	0.97
	888 - PARKSIDE	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	110.25
	888 - PARKSIDE	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	1.53
	889 - SIERRA VISTA ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	419.24
	889 - SIERRA VISTA ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	5.73
	890 - MAPLE VALLEY ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	200.62
	890 - MAPLE VALLEY ASSESSMENT	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	2.74
	891 - PELOUS RANCH	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	1011.3
	891 - PELOUS RANCH	03/28/25	310	SOUTHERN CA. EDISON	SOUTHERN CA. EDISON	13.8
<b>27722</b>						<b>\$3,795.00</b>

27723	553 - SEWER	03/28/25	2826	SPENCE FENCE CO. IN	SPENCE FENCE CO. IN	3795
						<b>\$4,731.66</b>
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	78.07
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	73.34
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	238
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	1718.07
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	271.6
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	158.04
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	281.53
	261 - GAS TAX FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	113.09
	263 - TRANSPORTATION	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	92.74
	400 - WELLNESS CENTER	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	651.55
	552 - WATER	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	433.89
	553 - SEWER	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	435.31
	554 - REFUSE	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	171.29
	556 - VITA-PAKT	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	15.14
27724						<b>\$4,870.10</b>
	101 - GENERAL FUND	03/28/25	5755	TELEPACIFIC COMMUNI	TELEPACIFIC COMMUNI	71.93
	101 - GENERAL FUND	03/28/25	5755	TELEPACIFIC COMMUNI	TELEPACIFIC COMMUNI	588.27
	101 - GENERAL FUND	03/28/25	5755	TELEPACIFIC COMMUNI	TELEPACIFIC COMMUNI	836.56
	101 - GENERAL FUND	03/28/25	5755	TELEPACIFIC COMMUNI	TELEPACIFIC COMMUNI	1265.19
	101 - GENERAL FUND	03/28/25	5755	TELEPACIFIC COMMUNI	TELEPACIFIC COMMUNI	789.33
	400 - WELLNESS CENTER	03/28/25	5755	TELEPACIFIC COMMUNI	TELEPACIFIC COMMUNI	783.84
	552 - WATER	03/28/25	5755	TELEPACIFIC COMMUNI	TELEPACIFIC COMMUNI	134.54
	553 - SEWER	03/28/25	5755	TELEPACIFIC COMMUNI	TELEPACIFIC COMMUNI	400.44
27725						<b>\$2,831.00</b>
	779 - 00-HOME-0487	03/28/25	4922	TRAVELERS INDEMNITY	TRAVELERS INDEMNITY	1348
	779 - 00-HOME-0487	03/28/25	4922	TRAVELERS INDEMNITY	TRAVELERS INDEMNITY	1483
27726						<b>\$1,030.06</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1030.06
27727						<b>\$584.29</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	584.29
27728						<b>\$1,410.65</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1410.65
27729						<b>\$1,368.88</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1368.88
27730						<b>\$2,081.51</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	2081.51
27731						<b>\$1,387.03</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1387.03
27732						<b>\$1,346.03</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1346.03
27733						<b>\$1,346.03</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1346.03
27734						<b>\$1,394.58</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1394.58
27735						<b>\$1,346.03</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1346.03
27736						<b>\$2,136.96</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	2136.96
27737						<b>\$922.11</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	922.11
27738						<b>\$978.62</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	978.62
27739						<b>\$1,044.42</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1044.42
27740						<b>\$1,914.01</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1914.01
27741						<b>\$1,646.22</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	1646.22
27742						<b>\$843.80</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	843.8
27743						<b>\$2,954.79</b>
	779 - 00-HOME-0487	03/28/25	336	TULARE COUNTY TAX C	TULARE COUNTY TAX C	2954.79
27748						<b>\$9,275.25</b>
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	-37.61
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	7.17
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	52.8
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	15.54
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	45.74
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	2.39
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	67
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	-35.34
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	6.74
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	49.6
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	14.61
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	42.98
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	2.25
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	62.93
	101 - GENERAL FUND	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	-114.68



	556 - VITA-PAKT	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	8.87
	556 - VITA-PAKT	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	0.46
	556 - VITA-PAKT	03/28/25	7305	TYLER TECHNOLOGIES,	TYLER TECHNOLOGIES,	12.99
<b>27749</b>						<b>\$2,612.58</b>
	101 - GENERAL FUND	03/28/25	7302	WEX BANK	WEX BANK	83.55
	101 - GENERAL FUND	03/28/25	7302	WEX BANK	WEX BANK	140.42
	101 - GENERAL FUND	03/28/25	7302	WEX BANK	WEX BANK	208.46
	261 - GAS TAX FUND	03/28/25	7302	WEX BANK	WEX BANK	146.12
	552 - WATER	03/28/25	7302	WEX BANK	WEX BANK	638.42
	553 - SEWER	03/28/25	7302	WEX BANK	WEX BANK	1302.26
	554 - REFUSE	03/28/25	7302	WEX BANK	WEX BANK	93.35
<b>27750</b>						<b>\$5,295.00</b>
	306 - COVID-19 ARPA FUND	03/28/25	7166	KRAZAN & ASSOCIATES	KRAZAN & ASSOCIATES	2785
	306 - COVID-19 ARPA FUND	03/28/25	7166	KRAZAN & ASSOCIATES	KRAZAN & ASSOCIATES	800
	306 - COVID-19 ARPA FUND	03/28/25	7166	KRAZAN & ASSOCIATES	KRAZAN & ASSOCIATES	1710
<b>27751</b>						<b>\$321.97</b>
	101 - GENERAL FUND	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	62.41
	101 - GENERAL FUND	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	2
	101 - GENERAL FUND	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	62.39
	261 - GAS TAX FUND	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	2
	552 - WATER	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	62.39
	552 - WATER	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	2
	553 - SEWER	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	62.39
	553 - SEWER	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	2
	554 - REFUSE	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	62.39
	554 - REFUSE	03/28/25	2873	ADVANTAGE ANSWERING	ADVANTAGE ANSWERING	2
<b>27752</b>						<b>\$1,581.56</b>
	261 - GAS TAX FUND	03/28/25	6550	MARIO SAGREDO ELECT	MARIO SAGREDO ELECT	1506.56
	261 - GAS TAX FUND	03/28/25	6550	MARIO SAGREDO ELECT	MARIO SAGREDO ELECT	75
<b>27753</b>						<b>\$50.54</b>
	101 - GENERAL FUND	03/28/25	298	SAVE MART SUPERMARK	SAVE MART SUPERMARK	50.54
<b>27754</b>						<b>\$4,731.66</b>
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	78.07
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	73.34
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	238
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	1718.07
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	271.6
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	158.04
	101 - GENERAL FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	281.53
	261 - GAS TAX FUND	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	113.09
	263 - TRANSPORTATION	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	92.74
	400 - WELLNESS CENTER	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	651.55
	552 - WATER	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	433.89
	553 - SEWER	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	435.31
	554 - REFUSE	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	171.29
	556 - VITA-PAKT	03/28/25	6146	SUPERION, LLC	SUPERION, LLC	15.14
<b>27755</b>						<b>\$17.38</b>
	101 - GENERAL FUND	03/28/25	144	THE GAS COMPANY	THE GAS COMPANY	17.25
	101 - GENERAL FUND	03/28/25	144	THE GAS COMPANY	THE GAS COMPANY	0.13

SUMMARY BY FUNDING SOURCE	\$492,643.33
101 - GENERAL FUND	307,897.07
200 - STREET IMPROVEMENT FUND	-
261 - GAS TAX FUND	23,568.53
263 - TRANSPORTATION	367.28
266 - LTF-ART 8 STREETS & ROADS	3,462.24
300 - MCDERMONT SALE PROCEEDS	-
306 - COVID-19 ARPA FUND	5,295.00
400 - WELLNESS CENTER	29,109.16
460 - CA STATE PARKS	14,805.42
471 - PARK IMPROVEMENTS	-
552 - WATER	56,409.51
553 - SEWER	9,736.78
554 - REFUSE	1,499.95
556 - VITA-PAKT	7,549.26
600 - CAPITAL IMPROVEMENT	-
660 - RDA OBLIGATION RETIREMENT	-
700 - CDBG REVOLVING LN FUND	-
702 - CHFA-HELP LHBP	-
720 - HOME REVOLVING LN FUND	-
779 - 00-HOME-0487	29,149.02
781 - CAL HOME RLF	-
883 - SIERRA VIEW ASSESSMENT	614.36
884 - HERITAGE ASSESSMENT DIST	210.13
886 - SAMOA	70.09
887 - SWEETBRIER TOWNHOUSES	169.60
888 - PARKSIDE	209.26
889 - SIERRA VISTA ASSESSMENT	647.15
890 - MAPLE VALLEY ASSESSMENT	312.54
891 - PELOUS RANCH	1,560.98
<b>TOTAL</b>	<b>\$492,643.33</b>



# STAFF REPORT

TO: Lindsay City Council  
MEETING DATE: April 8, 2025

**Item #: 10.4  
Consent**

**DEPARTMENT:** City Services

**FROM:** Ryan Heinks, Acting Director of City Services and Planning

**Agenda Title:** Award Contract for the services performed for the Well 11 Inspection Project

## ACTION & RECOMMENDATION

Consider the acceptance of the Well 11 Inspection Project Request for Proposals (RFPs) submitted and the recommendation to award the contract to Kaweah Pump Inc in the amount of \$101,248.00 for services related to the Well 11 Inspection Project.

## BACKGROUND | ANALYSIS

The City of Lindsay is preparing a PS&E (Plans, Specifications & Estimates) package for Well 11, which has remained non-operational since 2007 due to contamination from nitrates and perchlorates. Before proceeding with the final design of a treatment system, the City must assess the current condition of Well 11.

The scope of work includes:

- Removal of the existing 125 HP submersible pump.
- Initial video inspection of the 668-foot-deep well, perforated between 300'–550'.
- Mechanical cleaning via wire brushing and chemical swabbing over a two-day period.
- Post-cleaning video inspection.
- Installation of a temporary pump and a full production test to determine current performance.

This work will help determine whether Well 11 is viable for rehabilitation and treatment system installation moving forward. The City went out to bid on February 4, 2025, and opened bids on March 5, 2025 at 2:00 PM.

The project was advertised as follows:

1. The Request for Proposal (RFP) was released via email to eight Builders Exchanges, including Tulare-Kings County, CEN-CAL Construction, ISQFT Construction Content, Construct Connect, Bay Area, SR, BesOnline, and Valley.
2. A "Notice Inviting Bids" for the RFP was published in the Porterville Recorder and was also posted on the City of Lindsay's website.

The City received and acknowledged three RFPs, with the lowest bids as follows:

- |                                  |   |              |
|----------------------------------|---|--------------|
| • Arsenal Well Drilling, Visalia | – | \$143,325.00 |
| • Zim Industries Inc., Fresno    | – | \$126,200.00 |
| • Kaweah Pump Inc., Visalia      | – | \$101,248.00 |

Staff has reviewed all 3 submittals and has deemed all RFPs to be responsible bids.

Staff recommends that the Council consider accepting the RFPs received and award the contract to the lowest responsible bidder, Kaweah Pump Inc., for a total amount of \$101,248.00.

**ENVIRONMENTAL REVIEW**

This project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15306 – Information Collection. The scope of work involves data gathering and testing to support future planning and rehabilitation efforts.

**FISCAL IMPACT**

The project is planned to be funded using SQM Settlement Funds committed under Lindsay City Council Resolution 24-35.

<u>Fund No.</u>	<u>Fund Description</u>	<u>Budget</u>	<u>Budget FY</u>
552	CAPITAL OUTLAY FOR WELL 11 SQM 552-5552-064007		2024-2025

**Breakdown**

Construction Contract:	\$101,248.00
Contingencies:	\$10,124.80
Total:	\$111,372.80

**ATTACHMENTS**

1. Abstract of Bid Proposals Received

Reviewed/Approved: \_\_\_\_\_

City of Lindsay Well 11 Inspection Project  
**ABSTRACT**  
**BID OPENING ON MARCH 5, 2025 AT 2:00 PM**

Base Bid Schedule				Kaweah Pump, Inc.		Arsenal Well Drilling, Inc.		Zim Industries, Inc.	
				License No.: 826935		License No.: 1017985		License No.: 440537	
Item No.	Item Description	Estimated Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Run an initial pump to determine the GPM	1	LS	\$ 1,200.00	\$ 1,200.00	\$ 2,625.00	\$ 2,625.00	\$ 1,700.00	\$ 1,700.00
2	Pulled pump - City will take pump to get assessed	1	LS	\$ 7,776.00	\$ 7,776.00	\$ 7,875.00	\$ 7,875.00	\$ 12,000.00	\$ 12,000.00
3	Video Survey No. 1; Identify any issues that need to be resolved in a report	1	LS	\$ 1,200.00	\$ 1,200.00	\$ 1,575.00	\$ 1,575.00	\$ 3,600.00	\$ 3,600.00
4	Steel Wire Brush and Airlift from Bottom of Well. Wash well using airlift recirculation technique (2 days)	1	LS	\$ 24,144.00	\$ 24,144.00	\$ 23,625.00	\$ 23,625.00	\$ 37,000.00	\$ 37,000.00
5	Treat the well with Acid solution for 2 days and swabbing to further push chemical into gravel park. Airlift to waste.	1	LS	\$ 38,080.00	\$ 38,080.00	\$ 73,500.00	\$ 73,500.00	\$ 34,900.00	\$ 34,900.00
6	Video Survey No. 2; Identify any issues that need to be resolved in a report	1	LS	\$ 1,200.00	\$ 1,200.00	\$ 7,875.00	\$ 7,875.00	\$ 3,600.00	\$ 3,600.00
7	Run a final Pump Test by installing a temporary pump provided by contractor to perform the test	1	LS	\$ 27,648.00	\$ 27,648.00	\$ 26,250.00	\$ 26,250.00	\$ 33,400.00	\$ 33,400.00
<b>Total Base Bid Schedule Amount</b>					<b>\$ 101,248.00</b>		<b>\$ 143,325.00</b>		<b>\$ 126,200.00</b>



## STAFF REPORT

TO: Lindsay City Council  
MEETING DATE: April 8, 2025

Item #: 10.5  
Consent

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**DEPARTMENT:** City Services

**FROM:** Ryan Heinks, Acting Director of City Services and Planning

**AGENDA TITLE:** City Council to Authorize the City Manager to execute an agreement between the City of Lindsay and the United States Bureau of Reclamation for the purchase of up to 505 acre-feet of Unreleased Restoration Flow (URF) water through February 29, 2028.

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### ACTION AND RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute Agreement No. 24-WC-20-6221 between the City of Lindsay and the United States Bureau of Reclamation for the purchase of up to 505 acre-feet of Unreleased Restoration Flow (URF) water through February 29, 2028.

### BACKGROUND

The San Joaquin River Restoration Settlement Act (SJRRSA) allows for the restoration of fish populations and river flows in the San Joaquin River. As part of this program, Restoration Flows are periodically released from Friant Dam. However, due to channel capacity or infrastructure limitations, some flows cannot be released and are instead designated as Unreleased Restoration Flows (URFs).

The U.S. Bureau of Reclamation is authorized to make URFs available to Friant Division contractors, including the City of Lindsay, when full releases are not feasible. The City has an existing long-term water service contract with Reclamation (Contract No. 5-07-20-W0428-LTR1-P), which allows participation in URF water allocations.

The agreement allows the City of Lindsay to purchase up to 505 acre-feet of Unreleased Restoration Flow (URF) water, per water year, if and when available, through February 29, 2028. The availability of URF water is contingent upon conditions outlined in the San Joaquin River Restoration Settlement and is subject to determination by the Bureau of Reclamation's Contracting Officer.

Importantly, this agreement provides the City with the option—but not the obligation—to purchase URF water in any given year. The City may accept or decline participation in each offered block of water. Additionally, URF water is offered at a discounted rate making it a potentially cost-effective supplemental water supply when needed.

URF water will be allocated to Friant Division contractors on a pro-rata basis. If the City accepts a block, payment is required in full upon its release, regardless of whether the water is ultimately delivered or used. The City may also adjust its committed share before the release of any block, as allowed under the agreement.

The URF water can be used within the City's service area for beneficial purposes or, with Reclamation approval, may be sold, transferred, exchanged, or banked. The City is solely responsible for any operation and maintenance charges associated with the delivery of URFs. All revenues from URF water sales are deposited into the San Joaquin River Restoration Settlement Fund.

**FISCAL IMPACT**

The cost per acre-foot of URF water will vary based on the allocation block. Funding for URF purchases will come from the existing City of Lindsay Water Enterprise fund.

**ENVIRONMENTAL REVIEW**

This action is categorically exempt under the California Environmental Quality Act (CEQA), Section 15301, as it involves the operation of an existing public water utility system with no expansion of use.

**ATTACHMENTS**

1. Agreement No. 24-WC-20-6221 (Sales Agreement for URF Water)

Reviewed/Approved: \_\_\_\_\_

1 **UNITED STATES**  
2 **DEPARTMENT OF THE INTERIOR**  
3 **BUREAU OF RECLAMATION**  
4 **Central Valley Project, California**

5 **SALES AGREEMENT BETWEEN THE UNITED STATES**  
6 **AND**  
7 **CITY OF LINDSAY**  
8 **FOR SALE OF UNRELEASED RESTORATION FLOWS**

9 THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2025, is entered into  
10 pursuant to the Act of June 17, 1902, (32 Stat. 388), and acts amendatory or supplementary  
11 thereto, including but not limited to Section 3406 (c)(1) of the Reclamation Projects  
12 Authorization and Adjustment Act of 1992 (PL 102-575; 106 Stat. 4721), Title X, Subtitle A, of  
13 the Act of March 30, 2009, (PL 111-11; 123 Stat. 1349), also referred to as the San Joaquin  
14 River Restoration Settlement Act, hereinafter referred to as SJRRSA, all collectively hereinafter  
15 referred to as Federal Reclamation law, between the UNITED STATES OF AMERICA,  
16 hereinafter referred to as the United States, and the CITY OF LINDSAY hereinafter referred to  
17 as the Contractor, a Central Valley Project (Project), Friant Division long-term contractor.

18 WITNESSETH, That:

19 [1<sup>st</sup>] WHEREAS, pursuant to the Stipulation of Settlement in *Natural Resources*  
20 *Defense Council, et al., v. Kirk Rodgers, et al.*, hereinafter referred to as Settlement, and the  
21 SJRRSA, the Secretary of the Interior, acting through the Bureau of Reclamation, hereinafter  
22 referred to as Contracting Officer, is directed to implement a program that releases  
23 Restoration Flows from Friant Dam; and

24 [2<sup>nd</sup>] WHEREAS, consistent with Paragraph 13(i) of the Settlement, if, for any reason,  
25 full Restoration Flows are not released in any year beginning January 1, 2014, the Contracting

26 Officer shall release as much of the Restoration Flows as possible, in consultation with the  
27 Restoration Administrator, in light of then-existing channel capacity and without delaying  
28 completion of the Phase 1 improvements; and

29 [3<sup>rd</sup>] WHEREAS, the Contracting Officer, in consultation with the  
30 Restoration Administrator, shall use the amount of the Restoration Flows not released in any  
31 such year, hereinafter referred to as Unreleased Restoration Flows or URFs, by taking one or  
32 more of the steps prescribed in Paragraph 13(i) of the Settlement to best achieve the Restoration  
33 Goal, as determined by the Contracting Officer; and

34 [4<sup>th</sup>] WHEREAS, the Contractor and the United States have entered into  
35 Contract No. 5-07-20-W0428-LTR1-P, hereinafter referred to as Contract, for the delivery of  
36 Project Water; and

37 [5<sup>th</sup>] WHEREAS, Article 3(f) of the Contract provides for, following the declaration of  
38 Water Made Available under Article 4 of the Contract, the Contracting officer to make a  
39 determination whether Project Water, or other water available to the Project, can be made  
40 available to the Contractor in addition to the Contractor Total provided in Article 3(a) of the  
41 Contract during the Year without adversely impacting the Project or other Project Contractors  
42 and consistent with the Secretary of the Interior's legal obligations.

43 NOW, THEREFORE, in consideration of the mutual and dependent covenants herein  
44 contained, the parties mutually agree as follows:

45 DEFINITIONS

46           1.       When used herein unless otherwise distinctly expressed, or manifestly  
47 incompatible with the intent of the parties as expressed in this Agreement, the term:

48                   (a)       “Operating Non-Federal Entity” shall mean the Friant Water Authority, its  
49 successors or assigns, which has the obligation to operate and maintain Project facilities in the  
50 Friant Division pursuant to a separate agreement with the United States and which may have  
51 funding obligations with respect thereto, and the San Luis & Delta-Mendota Water Authority, its  
52 successors or assigns, which has the obligation to operate and maintain Project facilities in the  
53 Delta Division pursuant to a separate agreement with the United States and which may have  
54 funding obligations with respect thereto;

55                   (b)       “Project” shall mean the Central Valley Project owned by the United  
56 States and managed by the Department of Interior, Bureau of Reclamation;

57                   (c)       “Project Contractors” shall mean all parties who have a long-term water  
58 service or repayment contract for Project Water from the Project with the United States pursuant  
59 to Federal Reclamation law;

60                   (d)       “Project Water” shall mean all water that is developed, diverted, stored, or  
61 delivered by the Secretary in accordance with the statutes authorizing the Project and in  
62 accordance with the terms and conditions of water rights acquired pursuant to California law;

63                   (e)       “Restoration Flows” shall mean releases from Friant Dam in accordance  
64 with Exhibit B of the Settlement or modified by the Restoration Administrator;

65                   (f)       “Restoration Goal” shall mean to restore and maintain fish populations in  
66 “good condition” in the main stem of the San Joaquin River below Friant Dam to the confluence  
67 of the Merced River, including naturally-producing and self-sustaining populations of salmon

68 and other fish;

69 (g) “Water Management Goal” shall mean to reduce or avoid adverse water  
70 supply impacts to all of the Friant Division long-term water contractors or repayment contractors  
71 that may result from the Interim Flows and Restoration Flows provided for in the SJRRSA;

72 (h) “Unreleased Restoration Flows” shall mean those Restoration Flows  
73 which cannot be released from Friant Dam in accordance with the Restoration Administrator’s  
74 schedule.

75 TERMS OF AGREEMENT

76 1. This Agreement shall become effective on the date first hereinabove written and  
77 shall remain in effect through February 29, 2028 and shall supersede any previous URF  
78 agreements with the Contractor: Provided, that any performance of the obligations provided in  
79 Articles 4, 7, and 9 of this Agreement shall survive the termination date of this Agreement and  
80 shall continue until all such obligations are complete.

81 2. Pursuant to Article 3(f) of the Contract and consistent with all applicable State  
82 water rights, permits and licenses, Federal law, and the Settlement including SJRRSA, the  
83 Contracting Officer shall make available for delivery to the Contractor an agreed upon amount of  
84 URF water to be made available during this water year up to 505 acre-feet. This URF water is to  
85 be delivered within the Contractor’s Service Area for reasonable and beneficial uses in  
86 accordance with the terms of the Contract and or to other areas upon Contracting Officer  
87 approval pursuant to Article 7 herein; provided, that the Parties understand and agree that the  
88 availability of URFs are subject to Paragraph 13(i) of the Settlement and will be furnished if,  
89 as, and when it can be made available, as solely and conclusively determined by the Contracting

90 Officer.

91           3.       URF water will be made available under this agreement to Friant Division  
92 contractors first, per the allocation on Exhibit A of this Agreement. Exhibit A will be updated  
93 for acre-feet of water made available by block, and for price, when new tiers or blocks of water  
94 are approved for delivery. Each block of URF water will be allocated to each Friant Division  
95 Contractor based on their Class 1, and/or their Class 2, contract water supply, as a percent (%) to  
96 the total Class 1 and/or Class 2 water supply for all Friant Division Contractors on a pro rata  
97 basis. Should any Contractor choose not to take its full pro rata share of a URF water block, that  
98 unused water will be redistributed for sale to the other Friant Division Contractors. Should there  
99 be any remaining URF water not claimed by either Class 1 or Class 2 Friant Division Contractors  
100 that water will then be made available to non-Friant Division Contractors.

101           4.       The Contractor's share of, and price per acre-foot, for each block of URF water is  
102 shown on Exhibit A of this Agreement and subsequent revisions thereof. The formula to  
103 determine URF pricing is shown in Exhibit C of this Agreement. Prior to a block of water being  
104 released for sale, contractors may reduce their committed share of a given block upon request or  
105 may commit to a larger share of a given block, should any unused water be available. Changes  
106 to a Contractor's commitment of a block cannot be made after the URF block is released for  
107 delivery. Payment is due immediately upon the release of the URF block. Upon release of a  
108 URF block, the Contractor shall also submit to the Contracting Officer a written schedule that is  
109 satisfactory to the Contracting Officer, providing for the total volume of URF water made  
110 available, and for delivery of this water within the specified time period it is made available,  
111 under the then current block of URF water made available as shown on Exhibit A of this

112 Agreement. Subsequent blocks of URF water shall be distributed in a similar manner.

113           5.       Upon submission of the schedule by the Contractor, as provided in Article 4  
114 herein, the Contractor shall ensure payment has been made to the United States equal to the total  
115 volume of URF water made available by block and at the sales price for that block of URF water.  
116 URFs shall not be delivered to the Contractor prior to receipt of full payment. The Contractor is  
117 responsible for the payment of any and all blocks of water that they agree to purchase, whether  
118 or not they take delivery of this water within the specified time period it is made available.

119           6.       Any discrepancy in location, delivery, or measurement between this Agreement  
120 and the Contract shall be reconciled by the Contracting Officer, after consultation with the  
121 Contractor.

122           7.       URF waters made available to the Contractor pursuant to this Agreement may be  
123 sold, transferred, exchanged, or banked in accordance with Articles 3(d) and 10(a) of the  
124 Contract, and as otherwise authorized in the Contract.

125           8.       In compliance with the Water Management Goals of the Settlement, the  
126 Contracting Officer shall not undertake any action pursuant to this Agreement that results in  
127 further water delivery reductions to any Friant Division long-term contractor beyond what would  
128 have been caused by releases in accordance with Exhibit B of the Settlement. In the event that  
129 capacity is no longer available in Millerton Reservoir for URF water that has accrued pursuant to  
130 this Agreement, as solely and conclusively determined by the Contracting Officer, the URFs  
131 determined by the Contracting Officer to have previously accrued in Millerton Reservoir, and not  
132 yet delivered to Contractor, shall be among the first water spilled in accordance with the Friant  
133 Operational Guidelines for Millerton Reservoir and Restoration Flow Guidelines; provided, that

134 the Contracting Officer will, to the extent practicable, inform the Contractor by written notice, or  
135 otherwise, of any impending spill of URFs from Millerton Reservoir. Guidance on the  
136 determination of URF spill is available in Exhibit B of this agreement.

137 9. In the event the quantity of URFs diverted by the Contractor exceeds the quantity  
138 of URFs available pursuant to this Agreement, the Contractor shall immediately take all  
139 reasonable actions to adjust their schedules or make available a like amount of water, from the  
140 Contractor's current year Class 1 and/or Class 2 water made available supply, in the Project  
141 Facilities for use by the United States for Project purposes. If the Contractor has taken delivery  
142 of all water made available in the current water year, then water delivered in excess of URF  
143 water made available to the Contractors shall be accounted for as "pre-use" water per Article  
144 3(g) of the Contract and will be deducted from Class 1 and/or Class 2 water made available to  
145 the Contractor in subsequent water years.

146 10. All payments received by the United States from the Contractor pursuant to this  
147 Agreement shall be deposited into the San Joaquin River Restoration Settlement Fund.

148 11. The Contractor shall be solely responsible for making any and all payments to the  
149 Operating Non-Federal Entity for any operation and maintenance or additional costs associated  
150 with the delivery of URFs pursuant to this Agreement. The Contracting Officer will not impose  
151 additional Surcharge payments for this water.

152 12. The San Joaquin River Restoration Program shall determine whether URFs  
153 delivered to the Contractor pursuant to this Agreement be considered an offset to the  
154 Contractor's Recovered Water Account pursuant to Paragraph 16(b) of the Settlement. Guidance  
155 on this topic is found in Exhibit C of this Agreement.

156           13.     The San Joaquin River Restoration Program may offer additional URF water in  
157 exchange for the Contractor’s Project Water supplies based on review and acceptance of the  
158 Contractor’s exchange proposal. If the Contractor’s exchange proposal is accepted, the  
159 Contractor need only supply additional exhibit(s) detailing the exchange process and ratio of  
160 exchange. Those exhibits will be attached to the Agreement once approved by the Contractor  
161 and Contracting Officer. A separate Memorandum of Understanding will not be issued.

162           14.     By signing this Agreement, the Contractor agrees to pay for all URF water  
163 committed to under the Agreement for its own use or transfer. Failure to respond to an offer of  
164 URF water prior to release of a block will result in the Contractor being excluded from the  
165 offering. Any notice, demand, or request authorized or required by this Agreement shall be  
166 deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or  
167 delivered to the Area Manager, Bureau of Reclamation, South-Central California Area Office,  
168 1243 ‘N’ Street, Fresno, CA 93721-1813, and on behalf of the United States, when mailed,  
169 postage prepaid, or delivered to the Board of Directors, City of Lindsay, P.O. Box 369, Lindsay,  
170 California 93247. The designation of the addressee or the address may be changed by notice  
171 given in the same manner as provided in this Article of this Agreement for other notices. The  
172 Contractor may also respond to any such notice, demand, or request by contacting the Area  
173 Manager by electronic mail. Those designees in the San Joaquin River Restoration Program and  
174 the South-Central California Area Office who assist in the administration of the Agreement may  
175 also be contacted in the same manner. All electronic mail responses received will be confirmed  
176 by electronic mail receipt.

177           15.    Except as expressly stated in this Agreement, this Agreement shall be consistent  
178 with and subject to the terms and conditions of the Contract.

179           16.    In the event the San Joaquin River Restoration Program operating procedures are  
180 changed by Reclamation’s administration of the Restoration Flow Guidelines, by legislation or  
181 the courts, and this Agreement no longer complies with current statutes, court orders,  
182 regulations, etc., the Contracting Officer will then void the current Agreement and issue a new  
183 Agreement, or amend the current Agreement with language that brings it into compliance with  
184 Reclamation’s administration of the Restoration Flow Guidelines, current statutes, court orders,  
185 regulations, etc.

186           17.    This Agreement has been negotiated and reviewed by the Parties hereto, each of  
187 whom is sophisticated in the matters to which this Agreement pertains and no one party shall be  
188 considered to have drafted the stated articles.

189

190 IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first  
191 above written.

192 UNITED STATES OF AMERICA

193 By: \_\_\_\_\_  
194 Acting Area Manager  
195 South-Central California Area Office  
196 Bureau of Reclamation

197 CITY OF LINDSAY

198 By: \_\_\_\_\_  
199 President, Board of Directors  
200 (SEAL)

201 Attest:

202 By: \_\_\_\_\_  
203 Secretary, Board of Directors



# STAFF REPORT

TO: Lindsay City Council  
MEETING DATE: April 8, 2025

Item #: 11.1  
Action Items

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**DEPARTMENT:** City Manager  
**FROM:** Kuyler Crocker, Interim City Manager  
**AGENDA TITLE:** Caltrans Roundabout Resolution for California State Highway 65

---

## ACTION & RECOMMENDATION

Approve Resolution to Revise the State Route 65 Agreement with the State of California to include the new roundabout at the intersection of Tulare Avenue and State Route 65.

## BACKGROUND | ANALYSIS

Caltrans has been in a multi-year process to improve traffic flow and safety concerns on California State Route 65 in the City of Lindsay.

Through multiple community engagement meetings, engineering reviews, and stakeholder discussions, the California Department of Transportation has recognized the need to minimize the curve in Highway 65 through Lindsay by realigning the highway to the west. Additionally, Tulare Avenue provides significant traffic to the State Highway, which necessitates an upgrade to the existing intersection.

Caltrans is proposing a new roundabout at the intersection of State Route 65 and Tulare Avenue, which will service City residents in the northern portion of the City needing access to the Highway.

Right of Way Acquisition and design for this project is slated to be complete next spring, followed by construction commencing in the fall of 2026. Construction is anticipated to have a one-year duration with completion in the fall of 2027.

Roundabouts are a cost-effective way to control traffic by reducing motorists' speeds, as well as, reducing idle times, which results in lower vehicle emissions. Standard roundabouts do not require costly infrastructure upgrades to the intersection that a standard signal light would require.

Roundabouts are cost-effective solutions to intersections that do not require as much maintenance, as signal lights require. Lastly, roundabouts have been proven to be safer than other controlled intersections, as "T-bone accidents" are greatly reduced, as well as the severity of accidents in roundabout intersections.

The intersection improvement will help facilitate additional commercial and residential growth in the City through increased outside infrastructure investment via Caltrans.

Caltrans is requesting this resolution to revise Lindsay's existing agreement for the Freeway.

## FISCAL IMPACT

There is no fiscal impact associated with this action.

**ATTACHMENTS**

1. Resolution
2. Exhibit A – Proposed Roundabout Plan

Reviewed/Approved: \_\_\_\_\_

CITY OF COUNCIL OF THE CITY OF LINDSAY

RESOLUTION NO. 25-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY  
TO REVISE THE  
STATE ROUTE 65 FREEWAY AGREEMENT TO REFLECT THE CREATION OF A  
ROUNDAABOUT AT THE INTERSECTION OF STATE ROUTE 65 AND TULARE AVENUE

WHEREAS, the State of California and the County of Tulare (COUNTY) entered into a Freeway Agreement dated February 18, 1964, relating to portions of the State Route 65 (SR 65) between Hermosa St. and 0.50 mile northwest of State Route 134 (currently State Route 65) to be a freeway; and

WHEREAS, the City of Lindsay has subsequently annexed certain areas including portions of such freeway covered by said Freeway Agreement dated February 18, 1964 with the COUNTY; and

WHEREAS, the California Department of Transportation (Caltrans) proposes to construct a roundabout at the intersection of SR 65, Tulare Avenue, and Oak Avenue to improve traffic circulation; and

WHEREAS, the proposed intersection will be in place until the proposed SR 65 freeway is evaluated and constructed; and

WHEREAS, the revisions to the existing freeway described above and those shown on Exhibit A, which is attached hereto and incorporated herein by this reference;

NOW, THEREFORE, the City Council of the City of Lindsay hereby resolves as follows:

1. The proposed revisions to the Freeway Agreement for State Route 65, as described hereinabove and within Exhibit A, are approved. The approval of the above-described revision is conditioned upon the execution of the Freeway Agreement which will incorporate those revisions at some future date.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_; duly carried, the foregoing resolution was approved and adopted on \_\_\_\_\_.

PASSED AND ADOPTED this 8<sup>th</sup> day of April, 2025 by the following vote:

AYES:

NOES:

ABSENT:

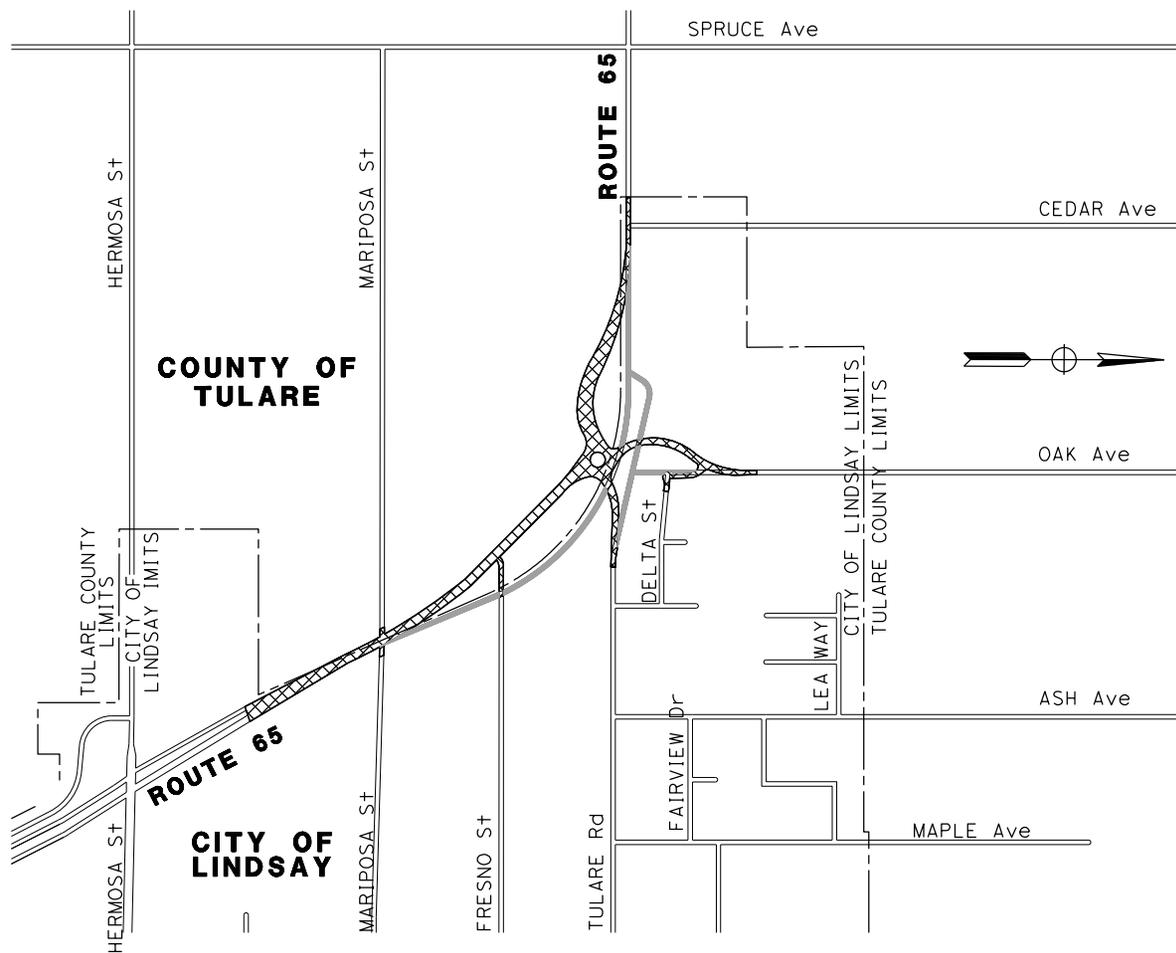
\_\_\_\_\_  
Misty Villarreal, Mayor

ATTEST:

\_\_\_\_\_  
Carmen Wilson, Deputy City Clerk

\_\_\_\_\_  
Kuyler Crocker, City Manager

# EXHIBIT "A"



## LEGEND:

 ROADWAY TO BE OBLITERATED

 PROPOSED CONSTRUCTION

NO SCALE

06-TUL-65 PM 29.5/R30.5  
**FREEWAY**  
**IN THE CITY OF LINDSAY**



# STAFF REPORT

TO: Lindsay City Council  
MEETING DATE: April 8, 2025

Item #: 11.2  
Action Items

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**DEPARTMENT:** City Manager  
**FROM:** Megan Crouch, City Attorney  
**AGENDA TITLE:** Interim City Manager Contract

---

## ACTION & RECOMMENDATION

Approve the Professional Services Agreement with Crocker Knoll, LLC to provide City Manager services for 12 months.

## BACKGROUND | ANALYSIS

The Lindsay City Council was informed of the departure of the City's City Manager in March of 2025 and proceeded to seek an interim to immediately fill the vacancy. The Lindsay City Council held a special meeting on March 17<sup>th</sup>, 2025 to discuss the issue and voted to move forward with contracting with Crocker Knoll, LLC on an interim basis for City Management services.

During the March 25<sup>th</sup> regularly scheduled City Council meeting, the Lindsay City Council voted to enter into an agreement with Crocker Knoll, LLC for 12 months, retroactive to March 18<sup>th</sup>, 2025 and extending until March 18<sup>th</sup>, 2026 at the rate of \$10,417.00 per month.

The consultant will fulfill duties as stated in the job description of the City Manager role to satisfy this professional services agreement. Either party may terminate this agreement with a 60 day notice without reason.

This agreement is within the allocated budget for the City Manager position. Because the contract is in the form of a professional services agreement, there will be savings to the City, as it was previously budgeted to supply benefits for the position.

## FISCAL IMPACT

The City will have savings of \$14,100.84 based on 2025 employer contribution insurance rates over the duration of this contract.

## ATTACHMENTS

1. Professional Services Agreement

Reviewed/Approved: \_\_\_\_\_

## PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is hereby entered into between the City of Lindsay, hereinafter referred to as “Lindsay,” and Crocker Knoll, LLC, hereinafter referred to as “Consultant.” In consideration of the mutual promises herein, the parties agree as follows:

1. Consultant will render City Manager services by allowing its employee, Kuyler Crocker, to serve as Interim City Manager for Lindsay. Consultant will perform City Manager duties as stated in the job description attached hereto this Agreement and incorporated herein.

2. Term. Consultant shall commence providing services under this Agreement on March 18, 2025, and will diligently perform as required until March 18, 2026, unless earlier terminated pursuant to section 4 of this Agreement.

3. Compensation. Lindsay agrees to pay Consultant in the amount of \$10,417.00 per month throughout the duration of this agreement or until terminated pursuant to section 4 of this Agreement.

4. Termination. Either party may at any time terminate this Agreement without reason with a sixty (60) day notice. Notice shall be deemed given when received by Consultant, or no later than three (3) days after the day of mailing, whichever is sooner. In the event Consultant fails to satisfactorily complete Consultant’s responsibilities under this agreement, Lindsay shall be entitled to pursue appropriate remedies against Consultant pursuant to law. Should Consultant breach this Agreement, Lindsay is entitled to terminate this Agreement, effective immediately.

5. With Cause Termination. Lindsay may terminate this Agreement at any time for cause. If terminated for cause, no notice period is required and termination may become effective immediately. For cause shall include, but is not limited to, any violation of the City of Lindsay Personnel Rules.

6. Benefits. Because Consultant will be considered an independent contractor and is not an employee of the City, it will not be entitled to the benefits afforded to City employees. However, Consultant may participate in Lindsay’s health insurance if it pays the full amount of the premium for such insurance.

7. Assignment. The obligations of Consultant pursuant to this Agreement shall not be assigned by Consultant unless such assignment is approved and agreed to in writing by Lindsay.

8. Compliance with Applicable Laws. The services completed herein must meet the approval of Lindsay. Consultant agrees to comply with all federal, state and local laws, rules, regulations and ordinances that are now or may in the future become applicable to Consultant.

9. Entire Agreement/Amendment. This Agreement constitutes the entire agreement between the parties hereto and supersede any prior or contemporaneous understanding or agreement with respect to the services contemplated, and may be amended only by a written amendment executed by both parties to the Agreement.

10. Nondiscrimination. Consultant agrees that it will not engage in unlawful discrimination in employment of persons because of race, color, age, religious creed, national origin, ancestry, physical handicap, medical condition, marital status, or sex of such persons.

11. Notice. All notices or demands to be given under this Agreement by either party to the other shall be in writing and given either by: (a) personal service; or (b) deposited in the U.S. mail with First Class postage prepaid. Service shall be considered given when received if personally served or if mailed on the third day after deposit in any U.S. Post Office. The address to which notices or demands may be given by either party may be changed by written notice given in accordance with the notice provisions of this section. At the date of this Agreement, the addresses of the parties are as follows:

City of Lindsay  
251 E. Honolulu St.  
Lindsay, CA 93247

Crocker Knoll, LLC  
PO Box 4016  
Strathmore, CA 93267

12. Severability. If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.

13. Governing Law. The terms and conditions of this Agreement shall be governed by the laws of the State of California with venue in Tulare County, California.

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

By: \_\_\_\_\_  
Misty Villareal  
Mayor, City of Lindsay

By: \_\_\_\_\_  
Kuyler Crocker  
President, Crocker Knoll, LLC



# STAFF REPORT

TO: Lindsay City Council  
MEETING DATE: April 8, 2025

Item #: 12.1  
Public Hearing

---

**DEPARTMENT:** City Services  
**FROM:** Kira Stowell, Contract City Planner  
**AGENDA TITLE:** Zoning Ordinance Update No. 25-01

---

## ACTION & RECOMMENDATION

Consider approval of the second reading of Zoning Ordinance Update No. 25-01, an update to the Lindsay Zoning Ordinance (Title 18 of the Lindsay Municipal Code) and the Lindsay Subdivision Ordinance (Title 17 of the Lindsay Municipal Code).

Based on the findings within this report, staff recommends that Council adopt Zoning Ordinance Update No. 25-01 by approving the second reading of Ordinance 616.

## BACKGROUND | ANALYSIS

The City initiated an update to the Lindsay Zoning Ordinance (Title 18 of the Lindsay Municipal Code) and the Lindsay Subdivision Ordinance (Title 17 of the Lindsay Municipal Code) at the March 25, 2025, city council meeting to be in compliance with new state laws and codes and to be consistent with the 2025 Housing Element and current General Plan.

Zoning Ordinance Section 18.22.050 A. provides criteria for review of zone changes:

*“At the public hearing, the City Council shall review the application or the proposal and may receive pertinent evidence and testimony as to why and how the proposed change is necessary to achieve the objectives of the Zoning Ordinance prescribed in Section 18.01.020, and how or why the proposed change is consistent with the General Plan and the stated purposes and application intended for the zone classification proposed.”*

The current Zoning Ordinance is not in compliance with recently adopted state laws and the goals and policies of the General Plan. The City has also submitted an updated Housing Element that is currently under review by the California Department of Housing and Community Development (HCD). The new Housing Element lists changes that are necessary to the City’s Municipal Code in order to encourage the development of new homes in the City. Updates to the Zoning Ordinance and Subdivision Ordinance proposed with this amendment are intended to bring the City’s Municipal Code into compliance with state laws and the new Housing Element.

A summary of the proposed changes is attached for more information. The text of both the zoning and subdivision ordinances is also attached. Actual changes are shown in underline and strikeout format. A summary presentation will also be made at the city council meeting.

## ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was approved by City Council on March 25<sup>th</sup> by Resolution 25-08. The MND is attached.

## FINDINGS

Amendments to the Zoning Code may be approved by the Council if the proposed amendment is necessary to achieve the objectives of the Zoning Code described in Chapter 18.01 and if the amendment would be consistent with the goals and policies of the General Plan.

1. The project has been reviewed for compliance with the Municipal Code and the Subdivision Map Act and was found to be in compliance with the incorporation of the recommended Conditions of Approval.
2. The amendment is consistent with the goals and policies of the General Plan and the purposes and applications intended for the zoning district classification proposed.

**PUBLIC OUTREACH**

A public hearing notice was posted in the Porterville Recorder.

**FISCAL IMPACT**

There is no fiscal impact associated with this action.

**ATTACHMENTS**

1. Summary of Changes – City of Lindsay Housing-Related Code Updates
2. Ordinance 618
3. Text of Zoning Ordinance with changes in Underline/Strikeout format
4. Text of Subdivision Ordinance with changes in Underline/Strikeout format.
5. Mitigated Negative Declaration (MND)

Reviewed/Approved: \_\_\_\_\_

## ORDINANCE NO. 616

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA, APPROVING ZONING ORDINANCE UPDATE NO. 25-01 TO AMEND TITLE 17 (SUBDIVISIONS) AND TITLE 18 (ZONING) OF THE LINDSAY MUNICIPAL CODE, TO IMPLEMENT STATE LAW REQUIREMENTS AND ENSURE CONSISTENCY WITH THE GENERAL PLAN AND 2025 HOUSING ELEMENT**

**WHEREAS**, the City of Lindsay is committed to maintaining a zoning and subdivision code that is consistent with current state law, the Lindsay General Plan, and the 2025 Housing Element; and

**WHEREAS**, the City of Lindsay has prepared Zoning Ordinance Update No. 25-01 to revise portions of Title 17 (Subdivisions) and Title 18 (Zoning) of the Lindsay Municipal Code to ensure compliance with recent changes to state law and to support the implementation of housing and land use policies in the updated General Plan and Housing Element; and

**WHEREAS**, pursuant to Section 18.22.050 of the Lindsay Municipal Code, the City Council has reviewed the proposed amendments and determined that they are necessary to achieve the objectives of the Zoning Ordinance described in Section 18.01.020 and are consistent with the General Plan and the stated purposes of the affected zoning classifications; and

**WHEREAS**, the City has prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for Zoning Ordinance Update No. 25-01 in accordance with the California Environmental Quality Act (CEQA), and no substantial adverse impacts on the environment have been identified with the implementation of the proposed ordinance with mitigation measures incorporated; and

**WHEREAS**, the City Council held a duly noticed public hearing on March 25, 2025, at which time all interested persons were given an opportunity to be heard, and evidence and testimony were considered; and

**WHEREAS**, the City Council adopted the Mitigated Negative Declaration by adoption of Resolution 25-08 at their March 25, 2025, meeting; and

**WHEREAS**, the City Council finds that the proposed amendments are necessary to comply with state housing mandates, facilitate housing production, and enhance the clarity, usability, and effectiveness of the City's land use regulations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINDSAY DOES ORDAIN AS FOLLOWS:**

**SECTION 1.**

The City Council hereby approves Zoning Ordinance Update No. 25-01, amending Title 17 (Subdivision Ordinance) and Title 18 (Zoning Ordinance) of the Lindsay Municipal Code, as summarized in the staff report and Code Update Summary presented to the City Council and incorporated herein by reference.

**SECTION 2.**

The City Council adopted the Mitigated Negative Declaration and Mitigation Monitoring by Resolution 25-08 prepared for this project in accordance with CEQA Guidelines.

**SECTION 3.**

Findings pursuant to Chapter 18.22 of the Lindsay Municipal Code are made as follows:

1. The proposed amendment is necessary to achieve the objectives of the Zoning Ordinance and General Plan.
2. The amendment is consistent with applicable policies of the Lindsay General Plan and Housing Element.
3. The amendment complies with the California Subdivision Map Act and other relevant laws and regulations.

**SECTION 4.**

Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

**SECTION 5.**

Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

**SECTION 6.**

Publication. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published in accordance with applicable law.

**INTRODUCED** at a regular meeting of the City Council of the City of Lindsay held on the 25th day of March 2025.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lindsay held on the 8th day of April 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

THE FOREGOING ORDINANCE, read by title only with waiving of the reading in full, was introduced at a regularly scheduled meeting on the 25th day of March 2025.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 25th day of April 8, 2025.

CITY COUNCIL OF THE CITY OF LINDSAY

\_\_\_\_\_  
Misty Villarreal, Mayor

ATTEST:

\_\_\_\_\_  
Carmen Wilson, Deputy City Clerk



# CITY OF LINDSAY

## Housing-Related Code Updates

September 2023

Prepared By:



4Creeks  
324 S Santa Fe St  
Visalia, CA 93292



Tulare County RMA  
5961 S Mooney Blvd, Visalia,  
CA 93277

Prepared For:



City of Lindsay  
251 E. Honolulu St.  
Lindsay, CA 93247

# TABLE OF CONTENTS

1 Background	Page 3
2 Subdivision Ordinance Update	Page 4
3 Zoning Ordinance Update	Page 5
3.1 Accessory Dwelling Units	Page 6
3.2 Emergency Shelters	Page 8
3.3 Manufactured Housing	Page 10
3.4 Group Homes	Page 14
3.5 Housing For Agricultural Employees	Page 16
3.6 Housing For Persons With Disabilities	Page 18
3.7 Single Room Occupancy Units	Page 21
3.8 Supportive Housing	Page 23



*City Hall - City of Lindsay*

# 1 BACKGROUND

The City of Lindsay Zoning Code Update incorporates new State requirements and changes by the City's Planning Division to bring the Title 17 Subdivision Ordinance and Title 18 Zoning Ordinance into compliance with the 2019 Housing Element and General Plan.

The Title 17 Subdivision Ordinance Update will include the following:

- Updating the Ordinance to remove ambiguity and unpredictability
- Incorporate recent changes to the Subdivision Map Act
- Update the current Ordinance to allow for a more streamlined process with the Planning development review process and shorten time it takes to approve housing projects

The Title 18 Zoning Ordinance Update will include the following:

- Updates to meet current State Housing standards and streamline the approval of housing development affordable to owner and renter households at all income levels
- Promote development consistent with the State Planning priorities
- Create options for ADU's within the City and ensure development and design standards enhances the area in terms of building scale, placement, design, and is sensitive to impacts on the neighborhood
- Address SB 35: Streamlined ministerial review process
- Updates to the following sections:
  - Emergency Shelters
  - Factor Built Housing
  - Group Homes
  - Housing for Agriculture employees
  - Housing for persons with disabilities
  - Single Room Occupancy Units
  - Supportive Housing
- Provide development standards and procedures to guide development that is equitable and feasible while leading applicants through procedures that are transparent and easy to follow

## 2 TITLE 17 SUBDIVISION ORDINANCE UPDATE

### WHAT IS THE SUBDIVISION ORDINANCE?

The City of Lindsay Subdivision Ordinance includes guidance and procedures for various types of land divisions, consistent with the State of California Subdivision Map Act with adjustments that are specific to the local jurisdiction. The Subdivision Ordinance's goal is to promote coordinated and efficient development that is consistent with the most recent General Plan and Zoning Regulations.

### WHAT IS A SUBDIVISION?

A subdivision is a map which shows a property divided into multiple lots or units for individual sale. There are a range of subdivision types, as it could divide one parcel into two lots or be a large tract of land divided into many lots. Conversions are a form of subdivision where existing rental units in buildings are converted into for-sale units.

### PURPOSE OF THE UPDATE

- Remove ambiguity and unpredictability within the ordinance text to improve consistency and accuracy in processing subdivision cases and clarifying applicable processes for different types of maps.
- Update the ordinance to be legally consistent with, and incorporate recent changes to, the Subdivision Map Act (Government Code Sections 66410 through 66499.38).
- Provide consistency with the General Plan, including the updated Housing Element, Safety Element, and Environmental Justice Element.
- Update the current Ordinance to allow for a more streamlined process with the Planning development review process and shorten time it takes to approve housing projects.



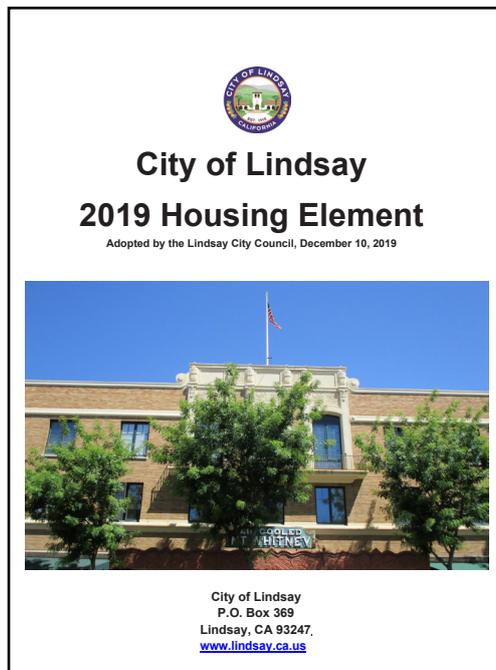
### 3 TITLE 18 ZONING ORDINANCE UPDATE

#### WHAT IS THE ZONING ORDINANCE?

The City of Lindsay Zoning Ordinance includes local regulations that control the use and development of land. This ordinance designates various zoning districts in order to separate incompatible uses and promote cohesive city planning.

#### PURPOSE OF THE UPDATE

- Meet current State Housing standards and streamline the approval of housing development affordable to owner and renter households at all income levels
- The City of Lindsay updated its Housing Element in 2019. The proposed update will make sure that the Zoning Ordinance is in compliance with all goals and policies set forth in the Housing Element.
- Remove ambiguity and unpredictability within the ordinance text to improve consistency and make the ordinance more user-friendly by including tables to display important development standards



### 3.1 ACCESSORY DWELLING UNITS

The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”), as required by and in compliance with Government Code Sections 65852.2 and 65852.22, as either may be amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.

### 3.1 ACCESSORY DWELLING UNITS

The California Department of Housing and Community Development (HCD) has updated their Accessory Dwelling Unit Handbook to reflect all recent ADU legislation changes. The 2022 HCD ADU Handbook has provided guidance for updates to the City of Lindsay Zoning Ordinance.

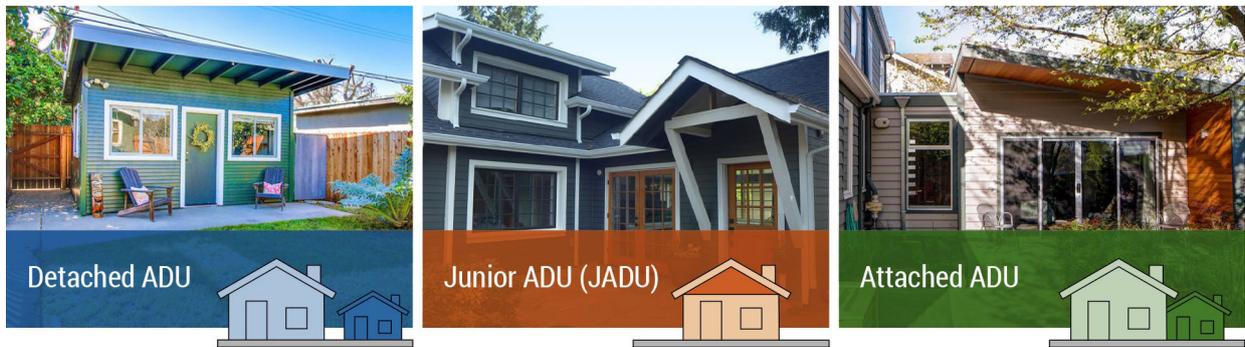


#### Accessory Dwelling Unit

*An additional dwelling unit no more than twelve hundred (1200) square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet) in size that has separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a primary dwelling on a residential lot in the UR, RA, R, RM, MXU, CN, CC and PO districts.*

#### Junior Accessory Dwelling Unit

*A dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence that includes a separate entrance from the main entrance to the single-family residence, separate sanitation facilities, and an efficiency kitchen consisting of a cooking facility with appliances, a food preparation counter, and storage cabinets of reasonable size in relation to the size of the unit.*



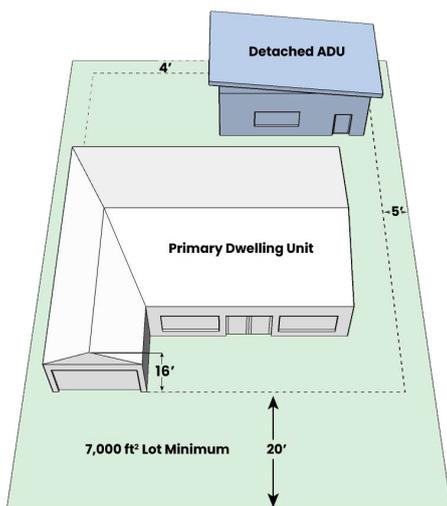
A permit must be obtained for the construction or installation of an ADU or JADU. An application, together with the required fee in compliance with the City's fee schedule, shall be filed with the Department and accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials identified in the Department handout for ADU/JADU applications. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to determine compliance with this section and ministerially approve a compliant application.

## 3.1 ACCESSORY DWELLING UNITS

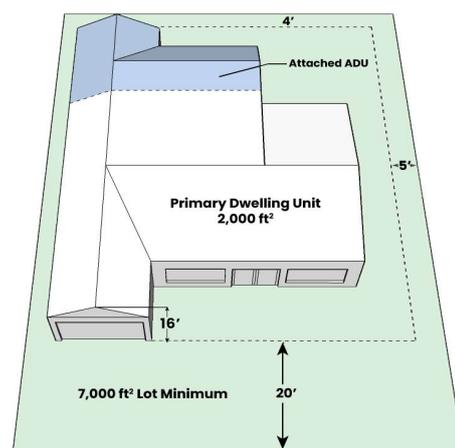
### DEVELOPMENT STANDARDS

An **accessory dwelling unit** may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit. A **detached accessory dwelling unit** may be established by the conversion of an accessory structure or may be new construction. Accessory dwelling units may be mobile homes, provided that such units are subject to all applicable standards of Section 18.14.030, governing the placement of mobile homes on single-family lots. All applications for accessory dwelling units, whether processed as a permitted use or an exception, must comply with the following standards:

- Accessory dwelling units shall only be permitted in the UR, RA, R, RM, MXU, and PO districts and conditionally permitted in the CN and CC districts.
- A setback of four (4) feet from the side and rear lot lines is required
- Not exceed a single story and sixteen feet (16') in height
- Second dwelling units may only be constructed on lots or parcels that are at least five thousand (5,000) square feet in area
- Architecturally compatible with the primary dwelling, having similar materials, colors, and style of construction
- Attached ADUs and JADUs shall be compatible with and made structurally a part of the primary dwelling
- Adequate parking area must be available on the streets adjacent to the accessory dwelling unit



*Example detached ADU with applicable setback and height requirements*



*Example attached ADU with applicable setback and height requirements*

## 3.2 EMERGENCY SHELTERS

### BACKGROUND

While homelessness is not a significant policy issue in the City of Lindsay, recent state law changes (AB 101) now require Low Barrier Navigation Centers (LBNC) to be enumerated as a permitted use by right in areas zoned for mixed use, and nonresidential districts permitting multi-family uses, if they meet specified requirements. A LBNC is defined as a “Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy.

The City of Lindsay Zoning Code already contains an Emergency Shelters section that contains relevant development standards. However, additional information on Low Barrier Navigation Centers (LBNC) is required to align with state law and meet specified requirements.

### PURPOSE

The requirements of this section apply only to emergency shelters in mixed-use and nonresidential districts permitting multi-family uses which may be established without a discretionary permit. In order to implement the provisions of state law, including Government Code Sections 65583 and 65589.5, emergency shelters shall be permitted by right in the mixed-use and and nonresidential districts permitting multi-family uses, subject to non-discretionary site plan review procedures and the following standards.



*Division Circle Navigation Center in San Francisco, CA*

## 3.2 EMERGENCY SHELTERS

\*Additions to City of Lindsay Municipal Code in blue, deletions in ~~red-strikeout~~\*

### DEVELOPMENT STANDARDS

1. Emergency shelters shall be defined by Section 18.24.030 of this chapter.
2. The facility shall not serve more than twelve persons on any night.
3. The facility shall provide at least one off-street parking space for every two beds and one parking space per employee. Driveways and parking areas shall be subject to the standards of Section 18.13.030 for off-street parking facilities. Parking areas shall be located to the rear and/or side of the structure.
4. Client waiting, intake, and visiting areas shall be located indoors.
5. Facility management personnel shall be present at the facility when clients are at the facility.
6. There shall be a minimum distance separation of at least 250 feet between emergency shelters. This distance separation shall be measured from the closest property lines of such facilities.
7. Clients shall not occupy the facility for more than six consecutive or cumulative months. The facility operator shall keep accurate records of client names and dates of occupancy, and shall make such records available for city inspection in order to verify compliance with this subsection.
8. Facility entrances, parking areas, and outdoor gathering areas shall be lighted in accordance with a security lighting plan approved by the public safety director and city planner. This review shall be limited to ensure that the security lighting plan: a) provides for the secure illumination of facility entrances, parking areas, and outdoor gathering areas; and b) includes adequate shielding to prevent glare impacts on adjacent properties and public rights-of-way.
9. There shall be at least one private security officer present on site at times during facility operation. This security officer shall be a separate person from onsite facility management personnel.
10. Low Barrier Navigation Centers (LBNC) shall be enumerated as permitted use by right in areas zoned for mixed use, and nonresidential districts permitting multifamily uses, if they meet specified requirements.
11. Common barriers preventing individuals from entering emergency shelters should be reduced to the greatest extent, such as allowing partners, pets, storage of personal items, and privacy.

## 3.3 MANUFACTURED HOUSING

### BACKGROUND

Manufactured Housing is a residential building, dwelling unit, individual dwelling room, or combination of rooms, or building components, assembly, or system manufactured so that all concealed parts or processes of manufacturing cannot be inspected before installation. This type of housing provides California residents with reduced housing costs through mass production techniques resulting from a factory production environment.

In the City of Lindsay manufactured homes are permitted subject to administrative approval within all residential districts. The administrative approval process determines project compliance with development standards applicable to such uses, including permanent foundations, roof overhangs, and covered parking. There are no other specific City zoning or development control provisions that uniquely apply to or potentially constrain this housing type.

### PURPOSE

- Manufactured homes provide an alternative type of housing for persons desiring an alternative to conventional housing types.
- This housing type also assists in providing a diversity of housing in the community, regarding housing choices, types and prices.
- The standards and regulations included in this section help ensure the compatibility of such dwellings with surrounding uses and properties and to avoid any impacts associated with such dwelling units.



*Example of Manufactured Housing*

### PROPOSED CODE

1. Application. The provisions of this section shall apply to all single-family dwellings and mobile homes on permanent foundations listed as permitted uses within [all residential districts \(R, RA, RM\)](#).

### 3.3 MANUFACTURED HOUSING

#### DEVELOPMENT STANDARDS

2. Developmental/Architectural Standards. All manufactured housing must comply with local ordinances including use zone requirements, wind pressure requirements, fire zones, building setback, side and rear yard requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements. All single-family dwellings and mobile homes on permanent foundations shall meet the following developmental/architectural standards:

- Garages or Carports. A garage or carport shall be provided for every dwelling located on a lot which is not a part of a mobile home subdivision.
- Minimum Floor Area. The minimum floor area for every dwelling located which is not a part of a mobile home subdivision, shall be eight hundred square feet, excluding the area of the garage or carport.
- Roof Overhang. All main buildings shall have a pitched roof with a minimum twelve-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.
- Roofing Material. All main buildings, and all detached garages and carports located on the front half of the lot shall have a roof constituted of either wood shakes, asphalt, composition or wood shingles, clay, tile, concrete or metal tile, slate or built-up asphalted-gravel materials.



*Example of Manufactured Housing*

## 3.3 MANUFACTURED HOUSING

### DEVELOPMENT STANDARDS

- **Siding Material.** All main buildings and all detached garages located on the front half of the lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- **Foundations.** All main buildings shall be placed on a permanent foundation which meets applicable building code requirements and/or the provisions of Section 18551 of the California Health and Safety Code, such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.
- **Utility Connections.** All manufactured home utility connections pertaining to electrical, gas, water, mechanical and sewer shall be installed in a permanent manner applicable to a permanent single-family residential structure in the existing district. Location of water meters and gas meters shall conform to adopted standards of the city.
- **Minimum Width.** The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty feet.
- **Surrender of Registration.** Subsequent to applying for a building permit, and prior to occupancy of a mobile home on a permanent foundation, the owner shall request a certification of occupancy be issued by the building official pursuant to Section 18557(a)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certificate of registration issued by a state agency is to be surrendered to the issuing state agency. Any mobile home on a permanent foundation must bear a California insignia or Federal label pursuant to Section 18550(b) of the California Health and Safety Code.
- **Deviations.** The community development director may approve deviations from one or more of the standards of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the director may be appealed to the city council in accordance with the provisions of Section 18.16.050 of this code.
- **Residential Use.** All manufactured homes shall be occupied only as a single-family residential unit.



## 3.3 MANUFACTURED HOUSING

### DEVELOPMENT STANDARDS

- **Zone Requirements.** All manufactured homes shall meet all requirements for the zone in which they are located.
- **Modifications.** No modifications shall be granted to a manufactured home unless approved by the Department of Housing and Community Development and the building official for the city.
- **Siding Material.** All main buildings and all detached garages located on the front half of the lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- **Foundations.** All main buildings shall be placed on a permanent foundation which meets applicable building code requirements and/or the provisions of Section 18551 of the California Health and Safety Code, such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.
- **Utility Connections.** All manufactured home utility connections pertaining to electrical, gas, water, mechanical and sewer shall be installed in a permanent manner applicable to a permanent single-family residential structure in the existing district. Location of water meters and gas meters shall conform to adopted standards of the city.
- **Minimum Width.** The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty feet.
- **Surrender of Registration.** Subsequent to applying for a building permit, and prior to occupancy of a mobile home on a permanent foundation, the owner shall request a certification of occupancy be issued by the building official pursuant to Section 18557(a)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certificate of registration issued by a state agency is to be surrendered to the issuing state agency. Any mobile home on a permanent foundation must bear a California insignia or Federal label pursuant to Section 18550(b) of the California Health and Safety Code.

## 3.4 GROUP HOMES

### BACKGROUND

In recent years, some local governments have amended their zoning ordinances to add new regulations for group homes, particularly for recovery residences—group homes that provide housing for persons recovering from alcoholism or drug addiction. These amendments have raised concerns that local governments are not complying with their affirmative obligations under state planning and zoning laws to promote more inclusive communities and affirmatively further fair housing (AFFH). These amendments have also generated disputes and confusion over whether local governments are violating fair housing laws by discriminating against persons with disabilities or other protected characteristics.

Among other concerns, local land use policies and practices can block new group homes from opening, force existing ones to close, and impose costs, legal fees, and administrative burdens that make it difficult for group homes to operate. These concerns arise in the context of a shortage of adequate housing for persons with disabilities, which is a particularly acute problem within California’s broader housing crisis.

### PURPOSE

Group homes are an especially important type of housing for persons with disabilities. By supporting their residents’ individualized needs while providing flexible and affordable housing options, group homes help persons with disabilities live in deinstitutionalized settings that facilitate their integration into local communities.



### CITY OF LINDSAY HOUSING ELEMENT (2019)

- The City shall promote the development of housing choices for special needs groups, including the disabled, farmworkers, large families, and senior citizens.
- The City affirms a policy of promoting equal housing opportunities, including housing for developmentally disabled, other supportive housing groups, and extremely low-income households. This policy shall guide City planning and development review actions. This policy is expected to encourage the development of one or more housing opportunities for these groups during the planning period.

## 3.4 GROUP HOMES

### EXISTING CODE

- **Single-Family Residential Permitted Uses:** A state-authorized, certified or licensed family care home, foster home or group home serving six or fewer mentally disordered or otherwise handicapped persons, or dependent and neglected children

### PROPOSED CODE

- **Multi-Family Residential Permitted Uses:** A small family day care home, an alcoholic recovery facility or a state-authorized, certified or licensed family care home, foster home or group home as provided in Section 18.07.020. low-income households. This policy shall guide City planning and development review actions. This policy is expected to encourage the development of one or more housing opportunities for these groups during the planning period.

**Purpose.** Group care homes are an especially important type of housing for persons with disabilities. By supporting their residents' individualized needs while providing flexible and affordable housing options, group homes help persons with disabilities live in deinstitutionalized settings that facilitate their integration into local communities.

Group care homes shall be allowed as follows:

1. Six (6) or fewer persons with a State license permitted in any residential zone district. Site plan review and approval is required for all residential zone districts except single-family.
2. A residential group home that serves six or fewer persons shall comply with the development standards for single-family or multiple family dwellings, as applicable, located within the same zone.
3. A residential group home that serves six or fewer persons shall comply with all applicable federal, state and local laws, and all applicable federal, state and local health and safety regulations including, but not limited to, Fire and Building Code regulations.
4. Seven (7) or more persons and non-State licensed, permitted in the RM-3 or RM-MH8 Residential Districts with a conditional use permit.
5. A residential group home facility that serves seven or more persons shall conform to the development standards for the zoning classification in which it is located.

## 3.5 HOUSING FOR AGRICULTURAL EMPLOYEES

### BACKGROUND

The Employee Housing Act supports the construction, maintenance, and occupancy of any privately-owned or -operated employee housing facility that provides five or more employees with housing. A city or county can assume responsibility for the enforcement of the Employee Housing Act to assure the health, safety, and general well-being of individual residing employee housing is upheld.

### PURPOSE

Agriculture employees are traditionally defined as people whose primary incomes are earned through permanent or seasonal agricultural labor. Because of their limited income and the unstable nature of their employment, agriculture employees are believed to have unique housing requirements. Additionally, agriculture employee households typically experience high levels of poverty, reside in housing that is often in the poorest condition, suffer from significant overcrowding, and have low rates of homeownership.

### PROPOSED CODE

**Purpose.** Agriculture employee housing is an accommodation developed for and offered to agriculture employees and consist of any living quarters, dwelling unit, boarding house, tent, barracks, bunkhouse, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation continued in one or more buildings and on one or more sites. Types of agriculture employee housing include:

**Applicability.** This section provides standards for agriculture employee housing which shall be permitted on agricultural land uses.

**Permits.** Application for a permit to operate agriculture employee housing shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be on the forms supplied by the enforcement agency and shall contain at least the following information:

1. The name and address and telephone numbers of the camp owner and operator.
2. The location of the camp.
3. Approximate number of occupants to be housed.
4. A description of the facilities comprising the camp.
5. Approximate dates of occupancy.

### 3.5 HOUSING FOR AGRICULTURAL EMPLOYEES

**Lot Requirements.** The premises shall be free from depressions in which water can stand. Areas such as irrigation drain ditches, etc., containing water not subject to such drainage or filling shall be treated to prevent the breeding of mosquitoes, vermin or vectors as approved by the local health department or other authorized agency.

Structures, mobile homes, travel trailers, camp cars, coaches, and other housing accommodations shall be maintained so as to provide shelter to the occupants against the elements and to exclude dampness and shall be kept clean and free from vermin, vectors and other matter of an infectious or contagious nature. The entire grounds within the area of a labor camp subject to this subchapter shall be kept clean and free from accumulation of debris, filth, garbage and deleterious matter.

**Location.** Structures, mobile homes, travel trailers, camp cars, tents, commercial coaches and other housing accommodations shall be maintained a significant distance from barns, pens or similar quarters of livestock or poultry.

**Development Standards.** The rooms or areas used for sleeping purposes for more than one person shall be maintained with a floor area of not less than fifty (50) square feet for each occupant and a minimum average ceiling height of not less than seven feet.

**Community Kitchen.** Where occupants are permitted or required to cook for themselves, other than in a dwelling unit, mobile home, or recreational vehicle with a separate kitchen, a separate room shall be maintained and equipped for use as a community kitchen.

**Toilet and Bathing Facilities.** An employee site shall provide toilet and bathing facilities for occupants, not to exceed ten occupants for each toilet and each bathing facility.



## 3.6 HOUSING FOR PERSONS WITH DISABILITIES

### BACKGROUND

The City of Lindsay shall promote the development of housing choices for special needs groups, including the disabled, farmworkers, large families, and senior citizens. Moreover, the City affirms a policy of promoting equal housing opportunities, including housing for developmentally disabled, other supportive housing groups, and extremely low-income households. This policy shall guide City planning and development review actions. This policy is expected to encourage the development of one or more housing opportunities for these groups during the planning period.

### PURPOSE

Individuals with disabilities often have a restricted, fixed income that poses a challenge for them to afford suitable housing. For those with mental, physical, or developmental disabilities, it is crucial to have access to affordable housing that is conveniently located and designed to address accessibility issues. Such housing should also include on- or off-site support services, including inpatient/outpatient day-treatment programs. Adaptations may need to be made to the housing to ensure it is accessible and accommodating for the individuals.

### PROPOSED CODE

#### 18.21.120 Reasonable Accommodation

1. Purpose. The purpose of reasonable accommodation procedures is to provide an administrative exception process for zoning standards, where necessary to make housing available and/or accessible to persons with disabilities protected under Fair Housing laws. [This section is intended to eliminate barriers to housing opportunities for individuals with disabilities.](#)
2. [Requests for Reasonable Accommodations.](#)
  1. Request. [Requests for reasonable accommodations may be made by a person with a disability, their representative, or a developer providing housing for individuals with disabilities. This request may include a modification or exception to a development that would eliminate regulatory barriers that do not provide disabled individuals with equal housing opportunities. Reasonable accommodations cannot waive a requirement for a minor use permit or a conditional use permit.](#)
  2. Assistance. [If an applicant needs assistance making a reasonable accommodations request, the planning division will provide the necessary support to ensure the process is available to the applicant.](#)

## 2.6 HOUSING FOR PERSONS WITH DISABILITIES

### PROPOSED CODE CONT.

3. Required Application. Persons seeking reasonable accommodation shall make written application to the city and provide the following minimum information:

1. Name and contact information of the applicant seeking reasonable accommodation.
2. Address of the property where reasonable accommodation is being sought.
3. A description of the reasonable accommodation being sought, including the specific proposed deviation from physical development standards.

~~A plan drawn to scale which visually depicts the proposed reasonable accommodation.~~

4. A description of the applicant's disability, consistent with the definition of "person with a disability" consistent with Section 18.24.030.
5. Written evidence of the applicant's disability from a physician, surgeon, psychiatrist, or psychologist licensed by the State of California.

~~6. Written evidence demonstrating that the requested accommodation is necessary, and that there is a clearly identifiable relationship, or nexus, between the requested accommodation and the individual's disability.~~ The reason(s) why the accommodation is reasonable and required for meeting the needs of the individuals' disability.

4. Scope of Authority.

1. Approval. The city manager or designer shall administratively review and approve written applications for reasonable accommodation that are consistent with the provisions of this section, within thirty days of receipt of a complete application
2. Denial. The city manager or designer shall deny applications for reasonable accommodation that are incomplete or inconsistent with the provisions of this section.

## 2.6 HOUSING FOR PERSONS WITH DISABILITIES

### PROPOSED CODE CONT.

3. Applicability. Reasonable accommodation may be made to any of the following physical development standards for residential land uses:
  1. Fences and walls;
  2. Site area;
  3. Frontage, width, or depth of site;
  4. Coverage;
  5. Yard requirements;
  6. Distance between structures;
  7. Building height;
  8. Signs;
  9. Off-street parking and off-street loading.
4. Inapplicability. Reasonable accommodation shall not apply to any of the following:
  1. Zoning district designation;
  2. Permitted or conditionally permitted land uses in a specific zoning district;
  3. Encroachment into public right-of-way.
5. Appeal Process. The applicant may appeal against the decision of the director, in writing, to the city council within ten business days of the decision. If an appeal is not filed within ten business days of the decision, the decision shall be final and unappealable.
6. Environmental Review. The reasonable accommodation process shall be considered non-discretionary and ministerial for the purposes of the California Environmental Quality Act.

## 3.7 SINGLE ROOM OCCUPANCY UNITS

### BACKGROUND

SROs or single-room occupancy units are housing units that consist of a single room and provide lower-income individuals with housing opportunities. This housing type is restricted to occupancy by no more than two persons. Single-room occupancy units are not specifically enumerated land use in the zoning ordinance. SROs that include a kitchen would meet the definition of a multi-family dwelling and would be permitted in RM zoning districts. There are 59 acres of undeveloped/underdeveloped land in this zoning district, with a likely development potential of 540 dwelling units.

### PURPOSE

Single-room occupancy units (SRO) aim to offer housing options in specific residential, commercial, or mixed-use areas for low-income households of one or two individuals who may not be able to afford conventional apartments. Their development standards prioritize affordability while addressing concerns around neighborhood compatibility and facility management.

### PROPOSED CODE

Single-room occupancy units shall be permitted as follows:

1. A “small SRO” (four or fewer units) is a permitted use in RM-1.5, RM-3, and RM-MH8 multi-family residential zones and would be subject to the same district requirements applicable to multi-family residential or apartment uses in that zoning district.
2. A “large SRO” (five or more units) may be permitted with a conditional use permit in in RM-1.5, RM-3, RM-MH8, CC, and MXU zoning districts.

### DEVELOPMENT STANDARDS

All single-room occupancy units shall meet the following standards:

#### All SRO Facilities

- Each SRO is occupied by no more than two persons.
- Minimum unit size of 150 square feet for single person occupancy and 220 square feet for two-person occupancy.
- Laundry facilities are required to be on-site, unless there are public facilities located nearby.
- Adequate parking and storage must be provided for residents.
- Requires a kitchen and a full bathroom.

## 3.7 SINGLE ROOM OCCUPANCY UNITS

### Small SRO Facilities (four or fewer units)

- Maximum unit size: 400 square feet
- Bathrooms and kitchens may be individual or shared.

### Large SRO Facilities (five or more units)

- Maximum unit size: 300 square feet
- Private bathroom facilities are required, but shower or bathtub facilities may be shared.
- The kitchen space in individual rooms is limited to 50 percent.



*Example of Single Room Occupancy Unit (SRO)*

## 3.8 SUPPORTIVE HOUSING

### BACKGROUND

In 2007, SB 2 revised housing element law requiring that transitional and supportive housing be permitted as residential use, subject only to restrictions that apply to other residential dwellings of the same type in the same district.

- SB 2 also encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act.
- In addition, SB 2 clarifies that the definition of a housing development project includes transitional or supportive housing.

### PURPOSE

Supportive housing is defined as housing that has no restrictions on the length of stay and is occupied by individuals from the target population. It is linked to onsite or offsite services that assist the residents in maintaining their housing, improving their health, and maximizing their ability to live and work in the community. Supportive housing is considered a residential use of property and is subject only to the same restrictions as other residential dwellings of the same type in the same zone. It is a permitted use in all zoning districts that permit residential units.

Supportive housing shall be permitted as follows:

1. Permitted in any residential zone district subject to the same permit requirements of other residential uses of the same type in the same zone district. Permitted uses in single-family zone districts shall not change the residential character of the single-family zone district.
  1. Supportive housing facilities that provide lodging for up to six (6) individuals will be considered a single-family structure with a residential land use designation.
  2. Supportive housing facilities providing accommodations for six (6) or fewer individuals are allowed in all residential zoning districts, in the CC (central commercial), CN (neighborhood commercial), CH (highway commercial) zoning districts as part of a mixed-use developments, and in the MXU (mixed-use) zoning district as a permitted use without a conditional use or other discretionary permit.
  3. Supportive housing facilities providing accommodations for six (6) or more individuals are allowed in the RM (multi-family residential) zoning districts, in the CC (central commercial), CN (neighborhood commercial), CH (highway commercial) zoning districts as part of a mixed-use developments, and in the MXU (mixed-use) zoning district as a permitted use without a conditional use or other discretionary permit.

## 3.8 SUPPORTIVE HOUSING

### DEVELOPMENT AND OPERATIONAL STANDARDS

1. **Length of Stay:** There is no limit on how long residents can stay at the transitional housing facility.
2. **Living Areas:** The facility must provide sufficient living space, including shower and toilet facilities, laundry facilities with washers and dryers, and secure storage areas for residents. The facility should make every effort to house family members together, regardless of age or gender. If there is no space for children to play or engage in activities within the family sleeping or living area, a separate day, play, or activity room must be provided that is separate from any common area used by other residents.

**Support Services:** Supportive services provided by the facility should include a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy. The facility must offer at least the following minimum support services:

1. If the program includes drug or alcohol abuse counseling, it must have appropriate state and/or federal licensing.
2. The program must provide transportation options for clients to access social services, housing, and employment opportunities.
3. The program must have specific mechanisms in place for residents to contact social services.
4. The program must provide clear and acceptable arrangements for facility residents regarding meal preparations or food provision and disbursement.
5. The program, if applicable, must offer childcare services and ensure school-age children are enrolled in school during their stay at the facility.



# Exhibit A

## ZONING ORDINANCE - TITLE 18

### **18.01 General Provisions**

18.01.010 Adoption

18.01.020 Purposes And Objectives Of The Code

18.01.030 Short Title

18.01.040 Components Of The Zoning Title

18.01.050 Interpretation

18.01.060 Application

18.01.070 Construction And Definitions

18.01.080 Effect Of Graphic Aids

18.01.090 Legal Use Of Land

### **18.01.010 Adoption**

There is adopted, as provided herein, a zoning code for the city, which is a part of the Lindsay Municipal Code.

(Ord. 437 § 1 (part), 1989)

### **18.01.020 Purposes And Objectives Of The Code**

The zoning code is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the code is adopted to achieve the following objectives:

- A. To provide a zone plan to guide the physical development of the city in such a manner as to achieve progressively the general arrangement of land uses described and depicted in the general plan;
- B. To foster a wholesome, serviceable and attractive living environment, the beneficial development of areas which exhibit conflicting patterns of use, and the stability of existing land uses which conform with objectives, policies, principles and standards of the general plan;
- ~~1.~~ ~~To prevent excessive population densities and overcrowding of land with structures;~~
- C. To expand housing opportunities by increasing the number of ADUs and JADUs available within existing neighborhoods.
- ~~C.~~ ~~D.~~ D. To promote a safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities, and the appropriate location of community facilities;
- ~~D.~~ ~~E.~~ E. To protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the city's economic base;
- ~~E.~~ ~~F.~~ F. To protect and enhance real property values and the city's natural assets;
- ~~F.~~ ~~G.~~ G. To ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the general plan;

G.H. To provide and protect open space in accordance with policies of the open space element of the general plan, including avoiding the premature development of prime agricultural lands.

(Ord. 437 § 1 (part), 1989)

#### **18.01.030 Short Title**

This title shall be known as the "zoning code." The words "code" and "title" as used herein shall have the same meaning.

(Ord. 437 § 1 (part), 1989)

#### **18.01.040 Components Of The Zoning Title**

The zoning title shall consist of a zone plan designating certain districts and a set of regulations controlling the uses of land; the density of population, the uses and locations of structures; the height and bulk of structures; the open spaces about structures; the appearance of certain uses and structures; the areas and dimensions of sites; the location, size and illumination of signs and requiring the provision of off-street parking and off-street loading facilities.

(Ord. 437 § 1 (part), 1989)

#### **18.01.050 Interpretation**

In their interpretation and application, the provisions of this code are held to be minimum requirements except where they are expressly stated to be otherwise. No provision of this code is intended to abrogate, repeal, annul, impair or interfere with any existing ordinance of the city, except as specifically repealed herein, or deed restriction, covenant, easement or other agreement between parties; provided, that where this code imposes greater restrictions or regulations than are imposed or required by an existing ordinance, deed restriction, covenant, easement, or agreement between parties, this title shall control.

(Ord. 437 § 1 (part), 1989)

#### **18.01.060 Application**

This code shall apply to all property whether owned by private persons, firms, corporations or organizations; by the United States of America or any of its agencies; by the state or any of its agencies or political subdivisions; by any county or city, including the city of Lindsay or any of its agencies; or by any authority or district organized under the laws of the state, all subject to the following exceptions:

- A. Public streets and alleys;
- B. Underground utility lines and facilities;
- C. Overhead communication lines;
- D. Overhead and underground electric and gas distribution and transmission facilities, subject to the provisions of Chapter 18.16 of this title;
- E. Railroad rights-of-way, as defined in Chapter 18.24 of this title;
- F. Other exemptions specifically allowed by state law or amendments thereto.

(Ord. 437 § 1 (part), 1989)

**18.01.070 Construction And Definitions**

The definitions of words used in this title, and the construction of the words and provisions thereof, shall be as set forth in Chapter 18.24 of this title.

(Ord. 437 § 1 (part), 1989)

**18.01.080 Effect Of Graphic Aids**

Graphics provided in this code in the form of specialized tables, charts, graphs, illustrations, maps and other forms of graphics are intended solely as a convenience to the user in identifying requirements of this title. In the event of any conflict between such graphics and the written regulations, the written regulations shall prevail.

(Ord. 437 § 1 (part), 1989)

**18.01.090 Legal Use Of Land**

No use of land, under this title, shall be permitted within the city limits if such use shall be in violation of any local, state, or federal laws.

(Ord. 518 § 1, 2006)

## 18.02 Establishment And Designation Of Zoning Districts

### 18.02.010 Districts

### 18.02.020 District Boundaries

### 18.02.030 Effect Of District Regulations

### 18.02.040 Changes Of District Boundaries Or Regulations Due To Annexation Or Right-Of-Way Abandonment

### 18.02.050 Requirements For Maintaining Consistency With General Plan

### 18.02.010 Districts

The base districts establish the basic land use and property development regulations applicable to all property within the city as provided under Section 18.01.060. The combining districts provide additional regulations which are to be exercised over certain lands in order to meet special community health, safety, welfare, environmental or development objectives described by the general plan. Combining district regulations apply in addition to the base zone and other regulations of this code.

The base and combining districts established by the zoning title are designated as follows:

- A. Base Districts. The RA, R and RM districts are also subject to the density limitations, policies and standards of the land use element of the general plan. The base districts are as follows:

RCO	Resource conservation and open space district	
UR	Urban reserve district	
RA	Residential acreage district	
R	<del>One</del> Single-family residential districts	
	R-1-7	7,000 square feet minimum site area
	R-1-5,	PUD 5,000 square feet minimum site area
RM	Multi-family residential districts	
	RM-MH8	8 mobile homes per net acre
	RM-3	3,000 square feet minimum site area per dwelling unit
	RM-2	2,000 square feet minimum site area per dwelling unit
	RM-1.5	1,500 square feet minimum site area per dwelling unit
PO	Professional office district	

C	Commercial districts	
	CN	Neighborhood commercial district
	CC	Central commercial district
	CS	Service commercial district
	CH	Highway commercial district
I	Industrial districts	
	IL	Light industrial district
	IN	Heavy industrial district
	IP	Planned industrial district

B. Combining Districts.

PUD	Planned unit development district
MXU	Mixed use district

(Ord. 437 § 1 (part), 1989)

**18.02.020 District Boundaries**

Whenever any uncertainty exists as to the boundary of a district as shown on the zone plan, the following regulations shall control:

- A. Where a boundary line is indicated as following a street, alley, railroad right-of-way, drainage channel or other watercourse, the centerline of such street, alley, railroad right-of-way, drainage channel or other watercourse shall be considered to be the boundary line.
- B. Where a boundary line is indicated as following a lot line or property line, it shall be construed as following such lot line or property ownership line.
- C. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zone plan.
- D. Where further uncertainty exists, the city council, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zone plan and the objectives of the zoning code and the purposes set forth in the district regulations and the general plan.

(Ord. 437 § 1 (part), 1989)

### **18.02.030 Effect Of District Regulations**

Except as otherwise provided in this code:

- A. No structure or part thereof shall be erected, altered, added to or enlarged, nor shall any site or structure be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted or conditional in the district in which such structure, land or premises is located.
- B. No structure or part thereof shall be erected, nor shall any existing structure be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, site area and building location regulations hereinafter designated for the district in which such structure or open space is located.
- C. No yard or other open space on one site shall be considered as providing a yard or open space for a structure on any other site.
- D. Two or more abutting lots may be combined and used as though a single site. Such combination of lots shall be deemed to be a single site for all purposes of this code; provided, however, that there shall not exist on any part thereof any structure or improvement which depends for compliance with this code upon the same being treated as a single site.
- E. A lot, or lots, may be divided into parts, provided that each part is equal to or exceeds the minimum lot area requirements of the code, and so long as such parts are used as though separate lots they shall be deemed to be separate lots under all provisions of this code.
- F. No deed or conveyance of any portion of a site shall be made which reduces the site area, yards, off-street parking spaces or other minimum requirements of this code, without the prospective grantor and grantee first recording, in the office of the Tulare court recorder, a covenant for the benefit of the city agreeing that such site shall continue to be maintained, operated and used as though a single site so long as any part thereof depends on the other for compliance with the provisions of this code.
- G. Any lot recorded prior to the adoption of this title, any lot of record in any area heretofore or hereafter annexed to the city, and any lot affected by an action of eminent domain as described in Section 18.15.080070(J), which are substandard with respect to the minimum lot area requirements of this title, shall be classified as a legal substandard lot. The existence of a legal substandard lot shall not be deemed to change any other requirement or regulation pertaining to such lot. Except as provided under subsection H of this section, no lot shall be deemed to be a legal substandard lot where such lot, at the time of the adoption of this title, or upon annexation or upon being affected by an action of eminent domain, has a common side lot line with another lot under the same ownership.
- H. Where a group of legal substandard lots have common side lot lines and are under the same ownership, and have in the aggregate less than the minimum lot area required for the zoning district in which located, the aggregate of such lots may be continued to be used as a single legal substandard lot.

(Ord. 437 § 1 (part), 1989)

**18.02.040 Changes Of District Boundaries Or Regulations Due To Annexation Or Right-Of-Way Abandonment**

- A. Territory annexed to the city which was previously classified by the county in a particular zoning district may be retained by the city if such classification is also provided for by this code and is consistent with the general plan.
- B. Where property to be annexed to the city was classified previously by the city under pre-zoning provisions of state law and this title, such pre-zoning classification shall become effective at the same time that the annexation becomes effective.
- C. All territory which becomes unzoned through abandonment as a public street, alley or railroad right-of-way shall immediately become classified the same as the property adjoining such right-of-way.

(Ord. 437 § 1 (part), 1989)

**18.02.050 Requirements For Maintaining Consistency With General Plan**

- A. Zoning districts shall be applied to all public and private property in a manner that is consistent with applicable policies and land use arrangements set forth in the general plan.
- B. All actions and procedures pertaining to the granting, modification or denial of various permits or other entitlements provided by this title, including use permits, site plans, planned unit development and amendments, shall be consistent with applicable policies and land use arrangements set forth by the general plan.
- C. The city shall not accept any application as a filing for any permit or entitlement provided for by this title if such permit or entitlement would in any way be inconsistent with applicable policies and land use arrangements of the general plan.
- D. Where amendments to policies of the general plan have not yet been reflected in appropriate amendments to the zoning code, the policies of the general plan shall govern as if set forth herein until corresponding regulations have been added to this title consistent with such policies of the general plan.

(Ord. 437 § 1 (part), 1989)

### **18.03 Zone Plan**

#### **18.03.010 Adoption Of Zone Plan**

#### **18.03.020 Division Of The Zone Plan**

#### **18.03.030 Amendments To The Zone Plan**

#### **18.03.040 Pre-Zoning Of Unincorporated Territory**

#### **18.03.010 Adoption Of Zone Plan**

- A. In order that comprehensive zoning regulations may be applied uniformly to all incorporated territory with the adoption of this title, Map No. 301 is hereto attached and made a part of this title by reference with the same force and effect as if the boundaries, together with any notations, references and information shown on said map were specifically set out and described in this code.
- B. Map No. 301, together with such additional maps as may be adopted in accordance with the provisions of this chapter and this title, shall be known as the Zone Plan of the City.

(Ord. 437 § 1 (part), 1989)

#### **18.03.020 Division Of The Zone Plan**

For purposes of convenience and identification the zone plan may be divided into parts and subparts, which may be separately shown or employed for purposes of amending the zone plan or any official reference thereto.

(Ord. 437 § 1 (part), 1989)

#### **18.03.030 Amendments To The Zone Plan**

Amendments to the zone plan shall be adopted in the manner provided for changing district boundaries as prescribed in Section 18.22.020 and Sections 18.22.040 through 18.22.090 of this code. Said code shall be recognized by the addition to this chapter of the code section adopting said map and the filing of said map, properly attested, in the office of the city clerk. Amendments to the zone plan shall be identified by consecutive numbers preceded by the last two numbers of the year in which adopted.

(Ord. 437 § 1 (part), 1989)

#### **18.03.040 Pre-Zoning Of Unincorporated Territory**

- A. All unincorporated territory which is proposed to be annexed to the city shall be deemed to be pre-zoned and classified to the zone as indicated on the general plan by the city.
- B. For the purposes of this section, the following territories shall be classified as follows:
  - 1. Territory designated as central business district by the general plan shall be classified as the CC (central commercial) zoning district.
  - 2. Territory designated as heavy industrial by the general plan shall be classified as the IH (heavy industrial) zoning district.

3. Territory designated as high density residential by the general plan shall be classified as the RM-1.5 (multi-family residential, one thousand five hundred square foot minimum site area per unit) zoning district.
4. Territory designated as highway commercial by the general plan shall be classified as the CH (highway commercial) zoning district.
5. Territory designated as highway commercial reserve by the general plan shall be classified as the CH (highway commercial) zoning district.
6. Territory designated as light industrial by the general plan shall be classified as the IL (light industrial) zoning district.
7. Territory designated as light industrial reserve by the general plan shall be classified as the IL (light industrial) zoning district.
8. Territory designated as low density residential by the general plan shall be classified as the R-1-7 (~~one~~single-family residential) zoning district.
9. Territory designated as ~~low density~~low-density residential reserve by the general plan shall be classified as the R-1-7 (~~one~~single-family residential) zoning district.
10. Territory designated as medium density residential by the general plan shall be classified as the R-M-3 (multi-family residential, three thousand square foot minimum site area per unit) zoning district.
11. Territory designated as mixed use by the general plan shall be classified as the MXU (mixed use combining) zoning district.
12. Territory designated as mobile homes by the general plan shall be classified as the RM-MH8 (multi-family residential, mobile homes) zoning district.
13. Territory designated as neighborhood commercial by the general plan shall be classified as the CN (neighborhood commercial) zoning district.
14. Territory designated as office by the general plan shall be classified as the PO (professional office) zoning district.
15. Territory designated as park and recreation by the general plan shall be classified as the RCO (resource conservation and open space) zoning district.
16. Territory designated public and semi-public facility by the general plan shall be classified as the RCO (resource conservation and open space) zoning district.
17. Territory designated as service commercial by the general plan shall be classified as the CS (service commercial) zoning district.
18. Territory designated as very low-density residential by the general plan shall be classified as the RA (residential acreage) zoning district.

19. Territory designated as very low-density residential reserve by the general plan shall be classified as the RA (residential acreage) zoning district.

(Ord. 515 § 1, 2004; Ord. 437 § 1 (part), 1989)

## **18.04 Resource Conservation And Open Space District**

### **18.04.010 Purpose And Application**

### **18.04.020 Permitted Uses**

### **18.04.030 Permitted Uses; Administrative Approval**

### **18.04.040 Conditional Uses; City Council Approval**

### **18.04.050 Property Development Standards**

### **18.04.060 General Provisions And Exceptions**

### **18.04.010 Purpose And Application**

This district is intended to provide for permanent open spaces in areas of the community which exhibit significant vegetation, scenic qualities, wildlife or recreation potential, and which are designated as open space or school and college sites by the general plan.

(Ord. 437 § 1 (part), 1989)

### **18.04.020 Permitted Uses**

- A. Raising of field crops, fruit and nut trees, vines, vegetables and horticultural specialties, the raising of livestock and range lands.
- B. Flood control channels; water pumping stations and reservoirs; irrigation ditches and canals; settling and water conservation recharge basins; drainage ponds; and streets and roads necessary for access to permitted uses.
- C. Wellness center.
- D. Other uses which are added to this list by the city council according to the procedure set forth in Chapter 18.15.010.

(Ord. 512 § 1, 2004; Ord. 437 § 1 (part), 1989)

### **18.04.030 Permitted Uses; Administrative Approval**

- A. Incidental and accessory structures and uses as defined in Chapter 18.24 located on the same site as a use permitted by administrative approval or conditional use.
- B. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

### **18.04.040 Conditional Uses; City Council Approval**

- A. Recreation areas, parks, playgrounds, wildlife preserves, and such buildings, structures and facilities as are appropriately related thereto.
- B. Elementary, junior high and high school sites; college sites.
- C. Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24.

D. Public and quasi-public uses, including government facilities, institutional housing facilities (including, but not limited to, correctional and detention facilities), solid and liquid waste disposal facilities, and airports.

D-E. Housing for agriculture employees.

E-F. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 491 § 1, 1998: Ord. 437 § 1 (part), 1989)

**18.04.050 Property Development Standards**

<b>RCO <u>District</u> Development Standards</b>		
<b>Development Standard</b>	<b><u>RCO Zone</u></b>	<b><u>Additional Regulations</u></b>
Fences, Walls, and Hedges	Fences, walls, and hedges shall be permitted in this zone	Limitations may be required under Chapter 18.17 or 18.18.
Minimum Site Area	One-half acre	
Frontage, Width, and Depth	No limitations	See Chapter 18.17 or 18.18 for exceptions.
Maximum Lot Coverage	No limitations	See Chapter 18.17 or 18.18 for exceptions.
Minimum Distance Between Structures	10 feet	
Maximum Building Height	35 feet	See Chapter 18.17 for exceptions.
Signs	No sign or outdoor advertising structure of any character shall be permitted.	See exceptions prescribed in Chapter 18.14.
Minimum Setbacks		
Front, Side, and Rear	No limitations	See Chapter 18.17 or 18.18 for exceptions.

Other Standards:

A. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.

~~1. Fences, Walls and Hedges. No limitation except as may be required under Chapter 18.17 or 18.18.~~

- ~~2.—Site Area. The minimum site area for a permitted use shall be one-half acre.~~
- ~~3.—Frontage, Width and Depth of Site. No limitation, except as may be required under Chapter 18.17 or 18.18.~~
- ~~4.—Coverage. No limitation, except as may be required under Chapter 18.17 or 18.18.~~
- ~~5.—Yard Requirements. No limitation, except as may be required under Chapter 18.17 or 18.18.~~
- ~~6.—Distances Between Structures. The minimum distance between a one-family dwelling and another structures shall be ten feet.~~
- ~~7.—Building Height. No building or structure shall have a height greater than thirty five feet, except as may be approved under Chapter 18.17.~~
- ~~8.—Signs. No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 18.14.~~
- ~~9.—Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.~~

(Ord. 437 § 1 (part), 1989)

**18.04.060 General Provisions And Exceptions**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

## **18.05 UR Urban Reserve District**

### **18.05.010 Purposes And Application**

### **18.05.020 Permitted Uses**

### **18.05.030 Permitted Uses; Administrative Approval**

### **18.05.040 Conditional Uses; City Council Approval**

### **18.05.050 Required Conditions**

### **18.05.060 Property Development Standards**

### **18.05.070 General Provisions And Exceptions**

### **18.05.010 Purposes And Application**

- A. This district is intended for exclusive application to the following areas which are designated by the general plan to be held in reserve for future urban expansion:
  1. Areas designated as ~~low density~~ low-density residential reserve.
  2. Areas designated as medium-density residential reserve.
  3. Areas designated as light industrial reserve.
  4. Areas designated as heavy industrial reserve.
- B. The purposes of this district are to: (1) preserve the availability of agricultural and vacant lands required for future urban expansion; and (2) to prevent the premature development of lands where the range of municipal-type services required by the general plan are not yet available. When such services are available, the property should be rezoned to the appropriate general plan designation. This district is also intended to expedite the conversion of a limited amount of agricultural lands to urban uses consistent with the general plan, through the granting of a conditional use permit in lieu of requiring change of zone (amendment) procedure prior to actual development.

(Ord. 437 § 1 (part), 1989)

### **18.05.020 Permitted Uses**

- A. Grazing and the raising of field crops, fruit and nut trees, vines, vegetables, horticultural specialties, livestock and poultry.
- B. Flood control channels; water pumping stations and reservoirs; irrigation ditches and canals and ditch and canal rights-of-way settling and water conservation recharging basins; parkways; recreation areas and facilities.
- C. A ~~one~~ single-family dwelling in areas designated by the general plan for low-density or medium-density residential reserve; provided, that the site meets the site area, frontage, width, depth, coverage, yard and other requirements of that residential zoning district which is designated by the general plan to be most appropriate for the general plan density designation involved, under the provisions of Section 18.05.050.
- D. Incidental and accessory structures and uses located on the same site as a permitted use.

E. Accessory and junior accessory dwelling units in accordance with Section 18.14.060.

F. Housing for agricultural workers in accordance with Section 18.20.050.

E-G. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 514 §§ 1, 2, 2004; Ord. 437 § 1 (part), 1989)

**18.05.030 Permitted Uses; Administrative Approval**

- A. Incidental and accessory structures and uses, as defined in Chapter 18.24, located on the same site as a use permitted by administrative approval or conditional use.
- B. Other uses which are added to this list by the city council according to the procedure set forth in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

**18.05.040 Conditional Uses; City Council Approval**

The following uses may be permitted in accordance with the procedures of Chapter 18.17 and Section 18.05.050(A):

- A. Any use listed as a permitted use, use permitted by administrative approval or conditional use in the RA, R, CH or I districts.
- B. The use of land as a residential, commercial or industrial subdivision or division of land requiring a parcel map, or combination thereof.
- C. Any use listed in Sections 18.60.040(D), (E), (F) and (G) of this title.
- D. Expansion, remodeling or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24.
- E. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

**18.05.050 Required Conditions**

- A. Whenever a new use as listed under Section 18.05.020 is to be established in the UR district, the city council shall designate a zoning district classification for such use which is consistent with the general plan. Such use shall be subject to compliance with the regulations of such designated district as if the use was actually proposed within such district. Such action shall be permissive for uses listed under Section 18.05.040.
- B. No conditional use shall be permitted and no process, equipment or materials shall be used which are found by the city council to be objectionable to persons living or working in the vicinity or injurious to property, crops, livestock or poultry in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire, explosion or toxic chemicals.

(Ord. 437 § 1 (part), 1989)

**18.05.060 Property Development Standards**

- A. Distance Between Structures. The minimum distance between a structure used for human habitation and another structure shall be ten feet, except that such minimum distance shall be twenty-five feet from a structure housing livestock or poultry.
- B. Signs. No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 18.14.
- C. Off-Street Parking and Off-Street Loading: Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.

(Ord. 437 § 1 (part), 1989)

**18.05.070 General Provisions And Exceptions**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

## **18.06 RA Residential Acreage District**

### **18.06.010 Purposes And Application**

### **18.06.020 Permitted Uses**

### **18.06.030 Permitted Uses; Administrative Approval**

### **18.06.040 Conditional Uses; City Council Approval**

### **18.06.050 Property Development Standards**

### **18.06.060 General Provisions And Exceptions**

### **18.06.010 Purposes And Application**

The RA residential acreage district is intended to provide living area which combines certain of the advantages of both urban and rural location by limiting development to very ~~low density~~low-density concentrations of ~~one~~single-family dwellings as designated by the general plan, and permitting limited numbers of animals and fowl to be kept for pleasure or hobbies, free from activities of a commercial nature. The RA district is intended to encourage the use of the subdivision or parcel map process in the creation of large residential sites to assure the provision of those physical improvements necessary to protect the health, safety and general welfare of the people.

(Ord. 437 § 1 (part), 1989)

### **18.06.020 Permitted Uses**

- A. ~~One~~Single-family dwellings.
- B. Raising of field crops, fruit and nut trees, vines, vegetables and horticultural specialties.
- C. Breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters and other small animals and fowl on a domestic, noncommercial basis on sites of one-half acre or more in area.
- D. Raising of livestock, except swine, on a site containing not less than forty thousand square feet; provided, however, that the number of livestock shall not exceed four adult animals in any combination, and their immature off-spring, and further provided that the number of bovine and equine animals shall not exceed more than two adults in any combination for each forty thousand square feet of site area.
- E. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement.
- F. Incidental and accessory structures and uses located on the same site as a permitted use, as follows:
  1. Private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and hobby rooms and hobby shops.
  2. On sites containing not less than forty thousand square feet: barns, stables, coops and other farm-type outbuildings. Underground storage of petroleum products for the exclusive use of persons residing on the site is prohibited.
- G. Housing for agricultural workers in accordance with Section 18.20.050.

~~G.H.~~ Accessory and junior dwelling units in accordance with Section 18.14.060.

~~H.I.~~ Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 514 § 3, 2004; Ord. 437 § 1 (part), 1989)

#### **18.06.030 Permitted Uses; Administrative Approval**

The following uses may be permitted in accordance with provisions of Chapter 18.16:

A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, temporary subdivision sales offices and signs, and model home display areas in accordance with the provisions of Chapter 18.15.

B. Gas and electric transmission lines, in accordance with the provisions of Chapter 18.16, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

~~C.~~ Mobile homes or manufactured homes on permanent foundations designed in accordance with the standards of Section 18.14.050 of this title.

~~C.D.~~ Group care homes with six (6) or fewer persons in accordance with the standards of Section 18.14.080 of this title.

~~D.E.~~ Home occupations in accordance with Chapter 18.14.

~~E.F.~~ Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use.

~~F.G.~~ Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

#### **18.06.040 Conditional Uses; City Council Approval**

The following conditional uses may be permitted in accordance with the provisions of Chapter 18.17:

A. Public and quasi-public uses of an educational or religious type, including public and private elementary schools, junior high schools, high schools and colleges, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

B. Public and private charitable institutions, hospitals, sanitariums, nursing homes and rest homes, not including hospitals, sanitariums, nursing homes or rest homes for mental, drug addict or liquor addict cases except as provided under Section 18.07.040(B).

C. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.

D. Private or public golf courses.

E. Modest expansion or remodeling of an existing nonconforming use of a structure or land, limited to twenty-five percent or less of the assessed value of the existing structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars and nonconforming fences, walls and hedges.

~~1. Repealed.~~

F. Expansion, remodeling, or additions to a conditional use that are not either incidental or accessory as defined in Chapter 18.24.

G. Incidental and accessory structures and uses located on the same site as a conditional use.

H. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 514 § 4, 2004; Ord. 437 § 1 (part), 1989)

**18.06.050 Property Development Standards**

<b>RA <u>District</u> Development Standards</b>		
<b>Development Standard</b>	<b><u>RA Zone</u></b>	<b><u>Additional Regulations</u></b>
Minimum Site Area	20,000 SF	Given that the average size of all lots or sites created by a division of land or subdivision shall be a minimum of forty thousand square feet, and further provided that not more than one-half of such lots or sites shall be at the minimum site area.
Minimum Frontage	150 feet	When a site fronts upon a cul-de-sac or loop-out street the minimum frontage shall be one hundred feet when measured along the front yard setback line.
Minimum Width	100 feet	
Minimum Depth	150 feet	
Number of Dwelling Units per Site	Not more than one dwelling unit shall be allowed on each site.	See Chapter 18.14 for exceptions.

Maximum Lot Coverage	35%	<u>Maximum Lot Coverage does not apply to ADUs.</u>
Minimum Distance Between Structures	10 feet	No structure housing poultry, or animals other than cat or dog household pets, shall be closer than twenty-five feet to any side yard property line or to any dwelling on the site.
Maximum Building Height	35 feet	See Chapter 18.17 for exceptions.
Signs	No sign or outdoor advertising structure of any character shall be permitted.	See exceptions prescribed in Chapter 18.14.
Minimum Setbacks		
Front	35 feet	Except along streets where a greater setback is required by the general plan or an ordinance of the city.
Rear	5 Feet	Where construction involves more than one story, the rear yard shall be increased by ten feet for each additional story.  Accessory and garden structures less than seven feet in height may be located within any portion of a required rear yard.
Side	10 Feet	Where construction involves more than one story, the side yard shall be increased by ten feet for each additional story.  Accessory and garden structures under seven feet in height may be located in any portion of a required side yard.  On the street side yard of a corner lot, the side yard shall not be less than ten feet.

Other Standards:

- A. Fences, Walls and Hedges. Fences, walls and hedges shall be permitted, subject to the following limitations:
1. Fences or walls not exceeding seven feet in height may be erected within any portion of the required side, street side, and rear yards. Fences, walls and hedges shall be set back at least five feet from the street side property line on a reverse corner lot.
  2. Fences, walls, and hedges not exceeding three feet in height may be erected within any portion of the required front yard or required street side yard of a reverse corner lot. A fence or wall not exceeding four feet in height may be located in the required front yard, or street side yard of a corner or reverse corner lot, provided that the top one foot is not visually obstructed.
  3. No fence, wall or hedge exceeding two and one-half feet in height may be located within an area of a corner lot on the street side of a diagonal line connecting points located twenty-five feet along the property line as measured from the intersecting property lines at the street corner.
  4. Open fences not exceeding seven feet in height, and hedges, may be located within any required yard, or along any side lot line, except as limited by the provisions of subsection (A)(3) of this section.
- B. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.
- ~~C. Site Area. The minimum site area shall be twenty thousand square feet; provided, that the average size of all lots or sites created by a division of land or subdivision shall be a minimum of forty thousand square feet, and further provided that not more than one half of such lots or sites shall be at the minimum site area.~~
- ~~D. Frontage, Width and Depth of Site. Each site shall have not less than one hundred fifty feet of frontage, or one hundred feet of frontage when measured along the front yard setback line when a site fronts upon a cul-de-sac or loop-out street.~~
- ~~1. The minimum width of each site shall be one hundred feet.~~
  - ~~2. The minimum depth of each site shall be one hundred fifty feet.~~
- ~~E. Number of Dwelling Units per Site. Not more than one dwelling unit shall be allowed on each site, except as provided under Chapter 18.14.~~
- ~~F. Coverage. The maximum site area covered by structures shall be thirty five percent.~~
- ~~G. Yard Requirements:~~
- ~~1. Front Yard. The minimum front yard shall be not less than thirty five feet, except along those streets where a greater setback is required by the general plan or an ordinance of the city.~~
  - ~~2. Rear Yard. The minimum rear yard shall be five feet, subject to the following conditions:~~

~~1.—Where construction involves more than one story, the rear yard shall be increased by ten feet for each additional story.~~

~~2.—Accessory and garden structures less than seven feet in height may be located within any portion of a required rear yard.~~

~~3.—Side Yards. The minimum side yard shall be ten feet, subject to the following conditions:~~

~~1.—Where construction involves more than one story, the side yard shall be increased by ten feet for each additional story.~~

~~2.—Accessory and garden structures under seven feet in height may be located in any portion of a required side yard.~~

~~3.—On the street side yard of a corner lot, the side yard shall not be less than ten feet.~~

~~H.—Distances Between Structures. The minimum distance between a onesingle-family dwelling and another structure shall be ten feet, except as provided by the city's building code; provided, however, that no structure housing poultry, or animals other than cat or dog household pets, shall be closer than twenty-five feet to any side yard property line or to any dwelling on the site.~~

~~I.—Building Height. No building or structure shall have a height greater than thirty-five feet except as may be permitted under Chapter 18.17.~~

~~J.—Signs. No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 18.14.~~

~~K.—Off Street Parking and Off Street Loading. Off street parking and off street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.~~

(Ord. 486 § 1, 1997; Ord. 437 § 1 (part), 1989)

#### **18.06.060 General Provisions And Exceptions**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

## **18.07 R ~~One~~Single-Family Residential Districts**

### **18.07.010 Purposes And Application**

### **18.07.020 Permitted Uses**

### **18.07.030 Permitted Uses; Administrative Approval**

### **18.07.040 Conditional Uses; City Council Approval**

### **18.07.050 Property Development Standards**

### **18.07.060 General Provisions And Exceptions**

### **18.07.010 Purposes And Application**

- A. The R districts are intended primarily to provide living areas at locations designated by the general plan for low-density, involving single-family dwellings, with regulations designed to accomplish the following:

~~1. To promote and encourage a suitable environment for family life.~~

~~2.1.~~ To provide space for community facilities needed to complement urban residential areas, and for institutions which require a residential environment, in accordance with policies of the general plan and state law.

- B. To provide for the location of a limited number of two- and three-family dwelling units within certain predominantly single-family areas, in accordance with the provisions of Section 18.07.040(D) of this chapter.

- C. The R-1-5 district is intended for exclusive application to areas designated by the general plan for low density - 5.0 - PUD. Development within the R-1-5 district shall occur only in accordance with the planned unit development regulations of this title\*.

~~D. The R-1-7X district is intended for exclusive application to those areas where a mixture of dwelling types under planned unit development is prohibited, and where only single-family detached housing is permitted.~~

~~E-D.~~ The R-~~1~~-7 district is intended for application to new subdivision proposals where the average lot size is a minimum seven thousand square feet, where no lot shall be less than six thousand (6,000) square feet; provided, that greater than fifty (50%) percent of the proposed lots are a minimum seven thousand (7,000) square feet.

(Ord. 453 § 1, 1994; Ord. 437 § 1 (part), 1989)

\* See Chapter 12 of this title.

### **18.07.020 Permitted Uses**

A. ~~One~~Single-family dwellings.

~~A-B.~~ Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a noncommercial basis.

- ~~B.C.~~ Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement.
- ~~C.D.~~ A "small family day care home" as defined by Section 1596.78(b) of the Health and Safety Code, which provides family day care to six or fewer children, including children who reside in the home.
- ~~D.E.~~ An "alcoholic recovery facility," as defined by Section 11834.11 of the Health and Safety Code, which provides care to six or fewer persons, whether or not related.
- ~~E.F.~~ A state-authorized, certified or licensed family care home, foster home or group home serving six or fewer mentally disabled or otherwise handicapped persons in accordance with the standards of Section 18.14.080, or dependent and neglected children.
- ~~F.G.~~ Accessory structures and uses located on the same site with a permitted use.
- ~~H.~~ Other uses which are added to this list according to the procedure in Chapter 18.15.
- ~~G.I.~~ Small single-room occupancy facility (four or less units) in accordance with Section 18.14.0760.
- ~~J.~~ Second-Accessory and junior accessory dwelling units in accordance with Section 18.14.060.
- ~~K.~~ Supportive housing units in accordance with Section 18.14.090.

(Ord. 514 § 5, 2004; Ord. 437 § 1 (part), 1989)

**18.07.030 Permitted Uses; Administrative Approval**

The following uses may be permitted in accordance with Chapter 18.16:

- A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with Chapter 18.14.
- B. Gas and electric transmission lines in accordance with Chapter 18.16, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.
- C. Garden structures in accordance with Section 18.07.040(F).
- D. Mobile homes or manufactured homes on permanent foundations designed in accordance with the standards of Section 18.14.030 and 18.14.050.
- E. Single-family dwellings in subdivisions or divisions of land when all street improvements are not yet completed.
- F. A "large family day care home," as defined by Section 1596.78(a) of the State Health and Safety Code for seven to twelve children, inclusive, including children who reside at the home.
- G. Tennis courts, including related fencing over seven feet in height located on the same site as a permitted or conditional use.
- H. Home occupations in accordance with Chapter 18.14.

- I. Incidental and accessory structures and uses as defined in Chapter 18.24 located on the same site as a use permitted by administrative approval or conditional use.
- J. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

**18.07.040 Conditional Uses; City Council Approval**

The following conditional uses may be permitted in accordance with the provisions of Chapter 18.17:

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools; private nonprofit schools and colleges; churches; parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, including a state-authorized, certified or licensed family care home, foster home or group home serving seven or more mentally disordered or otherwise handicapped persons, including rehabilitation homes for ~~alcoholics and drug addicts~~persons with an alcohol and/or drug use disorder, or dependent and neglected children, where such homes provide care on a twenty-four-hour basis.
- C. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.
- D. Additional one- or two-family dwellings per site located within older, predominately, single-family areas bounded by Tulare Road, Lindmore Street, Harvard Avenue and the Southern Pacific Railroad, up to a maximum of four housing units per site, with a minimum of three thousand square feet of site area per dwelling unit on parcels which are seven thousand five hundred square feet or greater in area. Parking access to the additional units is to be from an existing alley when available. If no alley exists and only street access is available, the additional parking is to be located behind the front unit with access limited to a maximum ~~sixteen-foot wide~~sixteen-foot-wide paved driveway. All parking requirements for the additional units are subject to the provisions of Chapter 18.13. This subsection shall not apply to permitted ~~second-accessory~~ dwelling units that are subject to the provisions of Section 18.14.060.
- E. Modest expansion or remodeling of an existing nonconforming use of a structure or land, limited to twenty five percent or less of the assessed value of existing structures, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars, and nonconforming fences, walls and hedges.
- F. Keeping more than five total fowl, per Title 6.
- G. Incidental and accessory structures and uses as defined in Chapter 18.24 located on the same site as a conditional use.
- H. A “large SRO” (five or more units) in accordance with Section 18.14.0760.

G.I. Housing for agriculture employees as defined in Section 18.20.050.

J. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 545, Art. 2, 2014; Ord. 514 §§ 6, 7, 2004; Ord. 437 § 1 (part), 1989)

**18.07.050 Property Development Standards**

<b><u>R District Development Standards</u></b>			
<b><u>Development Standard</u></b>	<b><u>R-1-5</u></b>	<b><u>R-1-7</u></b>	<b><u>Additional Regulations</u></b>
<u>Fences, Walls, and Hedges</u>	<u>Fences, walls, and hedges shall be permitted in this zone</u>		<u>Must be in accordance with provisions of Section 18.06.050</u>
<u>Minimum Site Area</u>	<u>5,000 SF</u>	<u>7,000 SF</u>	<u>R-1-5 district shall be five thousand square feet except as otherwise permitted under planned unit development (PUD) regulations of this title.</u>
<u>Minimum Frontage</u>	<u>50 feet</u>	<u>60 feet</u>	<u>R-1-5 minimum frontage is subject to change if otherwise permitted under PUD regulations of this title.</u>  <u>R-1-7 sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet, provided the width of the site, as measured along the front yard setback line, is at least sixty feet.</u>
<u>Minimum Width</u>	<u>50 feet</u>	<u>60 feet</u>	<u>Corner lots increase the minimum width by 5 feet for both districts.</u>  <u>See PUD regulations of this title for exceptions.</u>
<u>Minimum Depth</u>	<u>90 feet</u>		<u>80 feet for corner lots.</u>
<u>Maximum Number of Dwelling Units per Site</u>	<u>One primary dwelling unit which can include one (attached or detached) ADU and one (attached) JADU</u>		<u>See sections 18.07.020 and 18.14.060</u>

<a href="#">Maximum Lot Coverage</a>	<a href="#">40%</a>	<a href="#">Does not apply to accessory dwelling units constructed on site.</a>
<a href="#">Minimum Distance Between Structures</a>	<a href="#">10 feet</a>	
<a href="#">Maximum Building Height</a>	<a href="#">35 feet</a>	<a href="#">See exceptions under Chapters 18.17 and 18.18.</a>
<a href="#">Signs</a>	<a href="#">No sign or outdoor advertising structure of any character shall be permitted.</a>	<a href="#">See exceptions prescribed in Chapter 18.14.</a>
<a href="#">Minimum Setbacks</a>		
<a href="#">Front</a>	<a href="#">15 feet</a>	<a href="#">The distance from the center line of a public street to the rear of the required front yard shall not be less than forty-five feet.</a>
<a href="#">Rear</a>	<a href="#">5 feet</a>	<p><a href="#">Accessory and garden structures less than seven feet in height may be located within any portion of a rear yard. Accessory and garden structures greater than seven feet, and less than fifteen feet must be located a minimum of five feet from the rear property line.</a></p> <p><a href="#">Where construction involves more than one story, including decks, balconies, Accessory and garden structures, and other related platforms with a floor level over five feet in eight, the rear yard shall be increased by ten feet for each additional story. Accessory and garden structures less than seven feet in height may be located in any portion of a required rear yard; provided, that any mechanical equipment shall be located at a minimum of five feet from a rear property line adjoining an</a></p>

		<u>interior lot in a UR, RA, R or RM district.</u>
<u>Side</u>	<u>5 feet</u>	<p><u>On a reversed corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.</u></p> <p><u>Accessory and garden structures under seven feet in height may be located in any portion of a required side yard.</u></p> <p><u>Where construction involves more than one story, the side yard shall be increased by five feet for each additional story.</u></p>
<u>Front and Corner Side Yards (with Garage and Carport)</u>	<u>20 feet</u>	

Other Standards:

A. Accessory Dwelling Units. ADUs shall be subject to following minimum yard requirements:

1. Side and rear yard: four feet. Unless the ADU is constructed within an existing primary dwelling or permitted accessory structure, or in the same location and to the same dimensions as an existing permitted accessory structure.
2. Building Height. No ADU or JADU shall exceed a single story and sixteen feet in height, unless constructed above an attached or detached garage, in which case the ADU/JADU shall not exceed a height greater than thirty-five feet.

A-B. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.

1. Fences, Walls and Hedges. Fences, walls and hedges shall be permitted in accordance with the provisions of Section 18.06.050.
2. Site Area. The minimum site area for the R-1-7 and R-1-7X district shall be seven thousand square feet; the minimum site area for the R-1-5 district shall be five thousand square feet except as otherwise permitted under planned unit development (PUD) regulations of this title.
3. Frontage, Width and Depth of Site.
  1. Each site in an R-1-7 or R-1-7X district shall have not less than sixty feet of frontage on a public street except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet, provided the width of the site, as measured along the front yard setback line, is at least sixty feet; each site in an R-1-5 district shall

have not less than fifty feet of frontage on a public street, except as otherwise permitted under PUD regulations of this title.

2. ~~The minimum width of each site on an R-1-7 or R-1-7X district shall be sixty feet for an interior lot and sixty-five feet for a corner lot; the minimum width of each site in an R-1-5 district shall be fifty feet for an interior lot and fifty-five feet for a corner lot, except as otherwise permitted under PUD regulations of this title.~~
3. ~~The minimum depth of each site shall be ninety feet for an interior lot and eighty feet for a corner lot.~~
4. ~~Number of Dwelling Units per Site. Not more than one dwelling unit shall be allowed on each site, except as may be allowed under Sections 18.07.020 and 18.14.060. Each dwelling unit can include one (attached or detached) accessory dwelling unit and one (attached) junior accessory dwelling unit.~~
5. ~~Coverage. The maximum site area covered by structures shall be forty percent.~~
6. ~~Yard Requirements:~~
  1. ~~Front Yard. The minimum front yard shall be fifteen feet; provided, that the distance from the center line of a public street to the rear of the required front yard shall not be less than forty-five feet.~~
    1. ~~On a site situated between sites improved with buildings where such buildings are set back less than the minimum distance required by this section, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.~~
  2. ~~Rear Yard. The minimum rear yard shall be five feet. Accessory and garden structures less than seven feet in height may be located within any portion of a rear yard. Accessory and garden structures greater than seven feet, and less than fifteen feet must be located a minimum of five feet from the rear property line. Where construction involves more than one story, including decks, balconies, Accessory and garden structures, and other related platforms with a floor level over five feet in eight, the rear yard shall be increased by ten feet for each additional story. Accessory and garden structures less than seven feet in height may be located in any portion of a required rear yard; provided, that any mechanical equipment shall be located at a minimum of five feet from a rear property line adjoining an interior lot in a UR, RA, R or RM district.~~
  3. ~~Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:~~
    1. ~~On a reversed corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.~~
    2. ~~Accessory and garden structures under seven feet in height may be located in any portion of a required side yard, subject to approval under the provisions of Chapter 18.16; provided, that any mechanical equipment shall be located a~~

~~minimum of five feet from a side property line adjoining an interior lot in the UR, RA, R or RM district.~~

- ~~3.—Where construction involves more than one story, the side yard shall be increased by five feet for each additional story; provided, however, that the side yard on the street side of a corner lot, that is not a reverse corner lot, need not be greater than five feet.~~
- ~~4.—Garages and Carports. In order to provide sufficient driveway area for vehicle storage and safe vehicle movement, attached or detached garages and carports shall be subject to following minimum yard requirements:~~
  - ~~1.—Front and corner side yards: twenty feet.~~
  - ~~2.—Interior side yard: five feet. Where construction exceeds one story in height, the side yard shall be increased by five feet for each additional story.~~
  - ~~3.—Rear yard: five feet. Where construction exceeds one story in height, the rear yard shall be increased by ten feet for each additional story.~~
  - ~~4.—Within new subdivisions, the following additional requirements apply regarding garage configuration and setback:~~
    - ~~1.—Detached garages, rear loaded garages, and side loaded garages are preferred and should be used whenever possible.~~
    - ~~2.—Front loaded garages, when used, shall be set back fifteen feet from the facade of the primary dwelling unit, unless an alternate setback distance is approved by the city manager or his designee.~~
    - ~~3.—For the purposes of this subsection, "frontloaded" means garages or carports taking vehicular access perpendicular to adjacent streets.~~
  - ~~5.—Garage and carport design elements:~~
    - ~~1.—The architectural details of the street facing facade of any garage, such as window and door design and placement, trim details, and building materials shall be consistent with the features of the primary dwelling unit.~~
      - ~~—Side loaded garages shall be configured with at least twenty percent of the street facing facade consisting of windows or pedestrian entryway doors.~~
- ~~—Accessory Dwelling Units. ADUs shall be subject to following minimum yard requirements:~~
  - ~~—Side and rear yard: four feet. Unless the ADU is constructed within an existing primary dwelling or permitted accessory structure, or in the same location and to the same dimensions as an existing permitted accessory structure.~~

~~6. Building Height. No ADU or JADU shall exceed a single story and sixteen feet in height, unless constructed above an attached or detached garage, in which case the ADU/JADU shall not exceed a height greater than thirty five feet.~~

~~7. Distances Between Structures. The minimum distance between a one-family residence and another building shall be ten feet.~~

~~8. Building Height. No building or structure shall have a height greater than thirty five feet except as required under Chapters 18.17 and 18.18.~~

~~9. Signs. No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 18.14.~~

~~10. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.~~

(Ord. 522 § 1, 2006; Ord. 514 § 8, 2004; Ord. 437 § 1 (part), 1989)

#### HISTORY

*Amended by Ord. 562 on 1/23/2018*

#### **18.07.060 General Provisions And Exceptions**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

## **18.08 RM Multi-Family Residential Districts**

### **18.08.010 Purposes And Application**

### **18.08.020 Permitted Uses**

### **18.08.030 Permitted Uses; Administrative Approval**

### **18.08.040 Conditional Uses; City Council Approval**

### **18.08.050 Property Development Standards**

### **18.08.060 Site Plan Review**

### **18.08.070 General Provisions And Exceptions**

### **18.08.010 Purposes And Application**

The RM multi-family residential districts are intended primarily for the development of multi-family residential structures at densities consistent with policies of the general plan as follows:

- A. The RM-MH8 district is intended exclusively for application to areas designated by the general plan for mobile home park development.
- B. The RM-3 district is intended exclusively for application to areas designated by the general plan for medium density - 3.0.
- C. The RM-2 district is intended exclusively for application to areas designated by the general plan for medium density - 2.0 in older residential areas where some conversion of existing single-family housing may be desired by the city under the city's redevelopment program.
- D. The RM-1.5 district is intended exclusively for application to areas designated by the general plan for high density in the immediate vicinity of the central commercial district.

(Ord. 437 § 1 (part), 1989)

### **18.08.020 Permitted Uses**

- A. ~~One~~Single-family dwellings.
- B. Multi-family dwellings.
- C. Raising of fruit and nut trees, vegetables and horticultural specialties.
- D. A small family day care home, an alcoholic recovery facility or a state-authorized, certified or licensed family care home, foster home or group home as provided in Section 18.07.020.
- E. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement.
- F. Incidental and accessory structures and uses located on the same site with a permitted use.
- F.G. Small single-room occupancy facility (four or less units) in accordance with Section 18.14.0760
- G.H. Other uses which are added to this list according to the procedure in Chapter 18.15.
- I. Second-Accessory and junior accessory dwelling units in accordance with Section 18.14.060.

J. Supportive housing units in accordance with Section 18.14.090.

(Ord. 514 § 9, 2004; Ord. 437 § 1 (part), 1989)

**18.08.030 Permitted Uses; Administrative Approval**

The following uses may be permitted in accordance with Chapter 18.16:

- A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with Chapter 18.14.
- B. Gas and electric transmission lines in accordance with Chapter 18.16, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.
- C. Rest homes and nursing homes, boarding or rooming houses.
- D. Garden structures in accordance with Section 18.08.050(F).
- E. Private clubs and lodges.
- F. Mobile homes or manufactured homes on permanent foundations designed in accordance with the standards of Section 18.14.030 and 18.14.050 of this title.
- G. An ~~second~~ accessory housing unit attached to an existing single-family, detached residence, in accordance with the provisions of Section 18.14.060.
- H. Home occupations in accordance with the provisions of Chapter 18.14.
- H.I. Group care homes with six (6) or fewer persons in accordance with the standards of Section 18.14.080 of this title.
- H.J. Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use.
- H.K. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

**18.08.040 Conditional Uses; City Council Approval**

The following uses may be permitted in accordance with the procedures prescribed in Chapter 18.17:

- A. Public and quasi-public uses of an educational or religious type, including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, private nonprofit schools and colleges; churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, nursing homes, rehabilitation homes and rest homes, including State-authorized homes as prescribed under Section 18.07.040(B).

C. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

D. Mobile home parks, in accordance with the provisions of Chapter 18.14.

E. Large single-room occupancy facility (five or more units) in accordance with Section 18.14.0760.

D-F. Group care homes with seven (7) or more persons in accordance with the standards of Section 18.14.080 of this title.

E-G. Modest expansion or remodeling of an existing nonconforming use of a structure or land, limited to twenty-five percent or less of the assessed value of existing structures, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming use occupying a structure with an assessed valuation of less than one hundred dollars, and nonconforming fences, walls and hedges.

F-H. Keeping more than five total fowl, per Title 6.

G-I. Professional offices, only within the RM-1.5 district.

J. A State-authorized licensed day care center for thirteen or more children.

H-K. Housing for agriculture employees as defined in Section 18.20.050.

L. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 545, Art. 2, 2014; Ord. 514 § 10, 2004; Ord. 437 § 1 (part), 1989)

**18.08.050 Property Development Standards**

RM <u>District</u> Development Standards					
Development Standard	<u>RM-1.5</u>	<u>RM-2.0</u>	<u>RM-3.0</u>	<u>RM-MH8</u>	<u>Additional Regulations</u>
Fences, Walls, and Hedges	Fences, walls, and hedges shall be permitted in this zone				Must be in accordance with provisions of Section 18.06.050
Minimum Site Area	5,000 SF				
Minimum Site Area per Dwelling Unit	1,500 SF	2,500 SF	3,000 SF	5,000 SF	<u>Minimum Site Area requirements cannot be imposed on ADUs.</u>
Minimum Frontage	50 feet				Sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet provided the width of the site, as measured along the

					front yard setback line, is at least sixty feet.
Minimum Width	50 feet				
Minimum Depth	80 feet				
Maximum Lot Coverage	70%	60%	50%	N/A	This does not apply to accessory dwelling units constructed on site.
Minimum Distance Between Structures	10 feet				
Maximum Building Height	35 feet				See exceptions under Chapters 18.17 and 18.18.
Signs	No sign or outdoor advertising structure of any character shall be permitted.				See exceptions prescribed in Chapter 18.14.
Minimum Setbacks					
Front	15 feet				The distance from the center line of a public street to the rear of the required front yard shall not be less than forty-five feet.
Rear	10 feet				Accessory and garden structures less than seven feet in height may be located within any portion of a required rear yard. Accessory and garden structures greater than seven feet, and less than fifteen feet must be located a minimum of five feet from the rear property line. Where construction involves more than one story, including decks, balconies, accessory and garden structures and other related platforms with a floor level over five

		<p>feet in height, the rear yard shall be increased by five feet for each additional story. Accessory and garden structures under seven feet in height may be located within any portion of the required rear yard; provided that any mechanical equipment shall not be located closer than five feet from an adjoining property line.</p>
<p>Side</p>	<p>5 feet</p>	<p>On a reversed corner lot, the side yard adjoining the street shall be not less than one-half the required front yard of the adjoining key lot.</p> <p>Accessory and garden structures under seven feet in height may be located in any portion of a required side yard, subject to approval under Chapter 18.16; provided, that any mechanical equipment shall be located a minimum of five feet from a side property line adjoining an interior lot in an UR, RA, R or RM District.</p> <p>Where construction involves more than one story, the side yard shall be increased by five feet for each additional story; provided, however, that the side yard on the street side yard of a corner lot that is not a reversed corner lot need not be greater than five feet.</p>

		<p>A side yard providing access to more than one dwelling unit shall not be less than ten feet.</p> <p>Garages or carports shall be subject to the setback requirements of subsection 18.07.050F.</p>
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Other Standards:

A. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.

~~1. Fences, Walls and Hedges. Fences, walls and hedges shall be permitted in accordance with Section 18.06.050.~~

~~2. Site Area. The minimum site area shall be five thousand square feet.~~

~~3. Site Area per Dwelling Unit. The minimum site area per dwelling unit shall be as follows:~~

District	Area Per Unit
RM-MH8	5,000 sq. ft.
RM-3.0	3,000 sq. ft.
RM-2.0	2,500 sq. ft.
RM-1.5	1,500 sq. ft.

~~4. Frontage, Width and Depth of Site.~~

~~1. Each site, other than for a mobile home in a mobile home park, shall have not less than fifty feet of frontage on a public street, except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet provided the width of the site, as measured along the front yard setback line, is at least sixty feet.~~

~~2. The minimum width of each site shall be fifty feet.~~

~~3. The minimum depth of each site, other than for a mobile home in a mobile home park, shall be eighty feet.~~

~~5. Coverage. The maximum site area covered by structures shall be as follows:~~

District	Coverage
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RM-MH8	(Not applicable)
RM-3.0	50%
RM-2.0	60%
RM-1.5	70%

6. ~~Yard Requirements.~~

1. ~~Front Yard. The minimum front yard shall be fifteen feet, provided that the distance from the center line of a public street to the rear of the required front yard shall not be less than forty-five feet. Any fixed mechanical equipment shall not be located within the front yard.~~
2. ~~Rear Yard. The minimum rear yard shall be ten feet. Accessory and garden structures less than seven feet in height may be located within any portion of a required rear yard. Accessory and garden structures greater than seven feet, and less than fifteen feet must be located a minimum of five feet from the rear property line. Where construction involves more than one story, including decks, balconies, accessory and garden structures and other related platforms with a floor level over five feet in height, the rear yard shall be increased by five feet for each additional story. Accessory and garden structures under seven feet in height may be located within any portion of the required rear yard; provided, that any mechanical equipment shall not be located closer than five feet from an adjoining property line.~~
3. ~~Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:~~
  1. ~~On a reversed corner lot, the side yard adjoining the street shall be not less than one-half the required front yard of the adjoining key lot.~~
  2. ~~Accessory and garden structures under seven feet in height may be located in any portion of a required side yard, subject to approval under Chapter 18.16; provided, that any mechanical equipment shall be located a minimum of five feet from a side property line adjoining an interior lot in an UR, RA, R or RM District.~~
  3. ~~Where construction involves more than one story, the side yard shall be increased by five feet for each additional story; provided, however, that the side yard on the street side yard of a corner lot that is not a reversed corner lot need not be greater than five feet.~~
  4. ~~A side yard providing access to more than one dwelling unit shall not be less than ten feet.~~
  5. ~~Garages or carports shall be subject to the setback requirements of subsection 18.07.050F.~~

~~7. Distances Between Structures. The minimum distance between a dwelling unit and another structure shall be ten feet.~~

~~8. Building Height. No building or structure shall have a height greater than thirty five feet, except as may be allowed under Chapters 18.17 and 18.18.~~

~~9. Signs. No sign or outdoor advertising structure of any character shall be permitted except as provided in Chapter 18.14.~~

~~10. Off Street Parking and Off Street Loading. Off street parking and off street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.~~

(Ord. 437 § 1 (part), 1989)

HISTORY

*Amended by Ord. 562 on 1/23/2018*

**18.08.060 Site Plan Review**

No multi-family use, except for ~~second~~accessory dwelling units subject to the provisions of Section 18.14.060, may be established on any lot or site in this district until a site plan shall have been approved consistent with Chapter 18.18.

(Ord. 514 § 11, 2004; Ord. 437 § 1 (part), 1989)

**18.08.070 General Provisions And Exceptions**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

## **18.09 PO Professional Office District**

### **18.09.010 Purposes And Application**

### **18.09.020 Permitted Uses**

### **18.09.030 Permitted Uses; Administrative Approval**

### **18.09.040 Conditional Uses; City Council Approval**

### **18.09.050 Property Development Standards**

### **18.09.060 Site Plan Review**

### **18.09.070 General Provisions And Exceptions**

### **18.09.010 Purposes And Application**

This district is intended to provide opportunities for the location of professional and commercial offices in close relationship to one another in areas designated for combined professional office use and high density use, by the general plan; to provide adequate space to meet the needs of such offices for off-street parking and loading space; and to protect offices from noise, disturbances, traffic hazards and other objectionable influences which would adversely affect professional and business practices being conducted.

(Ord. 437 § 1 (part), 1989)

### **18.09.020 Permitted Uses**

- A. Offices which deal in professional and business services, in which goods, wares and merchandise are not commercially created, sold or exchanged.
- B. Medical and dental laboratories and clinics, and prescription pharmacies in conjunction therewith or with a hospital.
- C. Any use listed as a permitted use within the R or RM-I.5 districts.
- D. Instruction studios.
- E. Day spa.
- F. Massage therapy, by a massage therapist, certified per California Business and Professional Code Section 4600.
- G. Accessory structures and uses located on the same site as a permitted use.
- H. Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 533, Art. 2, 2011; Ord. 437 § I (part), 1989)

### **18.09.030 Permitted Uses; Administrative Approval**

A. Accessory dwelling units and junior accessory dwelling units; provided, such dwellings shall be subject to the use and yard requirements of the RM-2.0 district.

~~A-B.~~ Boarding and rooming houses.

~~B-C.~~ Guest houses.

~~C.D.~~ Mobile homes or manufactured homes on permanent foundations designed in accordance with the standards of Section 18.14.030 and 18.14.050.

~~D.E.~~ Gas and electric transmission lines, in accordance with Chapter 18.16, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

~~F.~~ Licensed family day care centers for seven to twelve children as an accessory use in a dwelling.

~~E.G.~~ Low Barrier Navigation Centers (LBNC) in accordance with the provisions of Chapter 18.12.020.

~~F.H.~~ Home occupations in accordance with Chapter 18.14.

~~G.I.~~ Incidental and accessory structures and uses as defined in Chapter 18.24 located on the same site as a use permitted by administrative approval or conditional use.

~~H.J.~~ Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

#### **18.09.040 Conditional Uses; City Council Approval**

- A. Cannabis products testing laboratory.
- B. Cannabis testing laboratory.
- C. Churches, parsonages and other religious institutions.
- D. Public and private charitable institutions, hospitals, sanitariums, nursing homes, rehabilitation homes and rest homes, including state-authorized homes as prescribed under Section 18.07.040(B).
- E. Public uses of a cultural type, including libraries, museums and art galleries.
- F. Mortuaries.
- G. Modest expansion or remodeling of an existing nonconforming use of a structure or land, limited to twenty-five percent or less of the assessed value of existing structures, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars, and nonconforming fences, walls and hedges.
- H. Expansion, remodeling or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24.
- I. Other uses which are added to this list according to the procedure in Chapter 18.15

(Ord. 437 § 1 (part), 1989)

HISTORY

*Amended by Ord. 570 on 2/26/2019*

#### **18.09.050 Property Development Standards**

<b>PO <u>District</u> Development Standards</b>		
<b>Development Standard</b>	<b><u>PO Zone</u></b>	<b><u>Additional Regulations</u></b>
Fences, Walls, and Hedges.	Fences, walls, and hedges shall be permitted in this zone	Must be in accordance with provisions of Section 18.06.050.
Minimum Site Area	Office: 5,000 SF  Single-Family Dwelling Unit: 6,000 SF  Multi-Family Dwelling Unit: 1,500 SF	<u>Requirements Cannot be imposed on ADUs.</u>
Minimum Frontage	50 feet	Sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet; provided, that the width of the site as measured along the front yard setback line is at least fifty feet.
Minimum Width	50 feet	
Minimum Depth	100 feet	
Maximum Lot Coverage	70%	<u>Requirements Cannot be imposed on ADUs.</u>
Minimum Distance Between Structures	10 feet	
Maximum Building Height	40 feet	
Signs	No sign or outdoor advertising structure of any character shall be permitted.	See exceptions prescribed in Chapter 18.14.
Minimum Setbacks		
Front	15 feet	The <del>community development</del> <u>city services</u> director may approve, under Chapter 18.16, within any part of the front yard for nonresidential uses, ornamental covers such as a sidewalk or

		<p>entry awning, trellis or other similar improvement when such improvement is intended solely as an improved passageway or for aesthetic purposes, providing architectural integrity with the building to which it is attached. Supports may not occupy more than ninety percent of the horizontal area covered by the improvement, and the space between supports shall not be enclosed.</p>
Rear	5 Feet	<p>Where construction involves more than one story and the site lays adjacent to a site in the R district, the rear yard shall be increased by five feet for each additional story. Accessory and garden structures under seven feet in height may be located within any portion of a required rear yard.</p>
Side	5 Feet	<p>On a reversed corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.</p> <p>Accessory structures under seven feet in height may be located in any portion of a required side yard, subject to approval under the provisions of Chapter 18.16, except in the street side yard of a reversed corner lot.</p> <p>Where construction involves more than one story, the side yard shall be increased by five feet for each additional story; provided, however, that the side yard on the street side of a corner lot need not be greater than five feet.</p>

		A side yard providing access to more than one dwelling unit shall not be less than ten feet.
Garages and Carports	Garages and carports shall be subject to the setback requirements of Section 18.07.050(F)(4).	

Other Standards:

- A. Off-Street Parking and Off-Street Loading. ~~Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.18.~~
- B. Fences, Walls and Hedges. ~~Fences, walls and hedges shall be permitted in accordance with provisions of Section 18.06.050.~~
- C. Site Area. ~~The minimum office site shall be five thousand square feet. The minimum site area per one-family dwelling unit shall be six thousand square feet. The minimum site area per multi-family dwelling unit shall be one thousand five hundred square feet.~~
- D. Frontage, Width and Depth of Site.
  - 1. ~~Each site shall have not less than fifty feet of frontage on a public street, except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet; provided, that the width of the site as measured along the front yard setback line is at least fifty feet.~~
  - 2. ~~The minimum width of each site shall be fifty feet at all other locations on the site which lay to the rear of the front yard setback line.~~
  - 3. ~~The minimum depth of each site shall be one hundred feet.~~
- E. Coverage. ~~The maximum site area covered by structures shall be seventy percent of the total area of the site.~~
- F. Yard Requirements.
  - 1. Front Yard. ~~The minimum front yard shall be fifteen feet; provided, however, the community development director may approve, under Chapter 18.16, within any part of the front yard for nonresidential uses, ornamental covers such as a sidewalk or entry awning, trellis or other similar improvement when such improvement is intended solely as an improved passageway or for aesthetic purposes, providing architectural integrity with the building to which it is attached. Supports may not occupy more than ninety percent of the horizontal area covered by the improvement, and the space between supports shall not be enclosed.~~
  - 2. Rear Yard. ~~The minimum rear yard shall be five feet; provided, however, that where construction involves more than one story and the site lays adjacent to a site in the R~~

~~district, the rear yard shall be increased by five feet for each additional story. Accessory and garden structures under seven feet in height may be located within any portion of a required rear yard.~~

~~3. Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:~~

~~1. On a reversed corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.~~

~~2. Accessory structures under seven feet in height may be located in any portion of a required side yard, subject to approval under the provisions of Chapter 18.16, except in the street side yard of a reversed corner lot.~~

~~3. Where construction involves more than one story, the side yard shall be increased by five feet for each additional story; provided, however, that the side yard on the street side of a corner lot need not be greater than five feet.~~

~~4. A side yard providing access to more than one dwelling unit shall not be less than ten feet.~~

~~4. Garages and carports shall be subject to the setback requirements of Section 18.07.050(F)(4).~~

~~G. Distances Between Structures. The minimum distance between a permitted or conditional use and another building on the same site shall be ten feet.~~

~~H. Building Height. The maximum height of a permitted or conditional use shall be forty feet.~~

~~I. Signs. No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 18.14.~~

~~J. Off Street Parking and Off Street Loading. Off street parking and off street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.18.~~

(Ord. 522 § 2, 2006; Ord. 437 § 1 (part), 1989)

### **18.09.060 Site Plan Review**

Except for ~~one~~single-family dwellings, ~~second~~accessory dwelling units subject to the provisions of Section 18.14.060, and accessory structures and uses related to one-family dwellings, no use shall be erected on any lot or site in this district until a site plan has been approved consistent with Chapter 18.18.

(Ord. 514 § 12, 2004; Ord. 437 § 1 (part), 1989)

### **18.09.070 General Provisions And Exceptions**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

## **18.10 C Commercial Districts**

### **18.10.010 Purposes And Application**

### **18.10.020 CN Neighborhood Commercial District**

### **18.10.030 CC Central Commercial District**

### **18.10.040 CS Service Commercial District**

### **18.10.050 CH Highway Commercial District**

### **18.10.060 C Required Conditions**

### **18.10.070 C Property Development Standards**

### **18.10.080 C Project Review Requirements**

### **18.10.090 C General Provisions And Exceptions**

## **18.10.010 Purposes And Application**

The several classes of commercial districts included in this code are designed to provide the opportunity for various types of retail stores, offices, service establishments and wholesale business to concentrate for the convenience of the public, to be established in such relationships to each other as to be mutually beneficial, and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons which they serve.

(Ord. 437 § 1 (part), 1989)

## **18.10.020 CN Neighborhood Commercial District**

- A. Application. The CN neighborhood commercial district is intended primarily for the provision of retail and personal service facilities to satisfy the convenience-goods needs of the consumer relatively close to ~~his or her~~their place of residence.
- B. Permitted Uses. Office, retail stores and service establishments which supply commodities or provide services primarily to meet the convenience needs of residents of one or more residential neighborhoods shall be permitted, including the following:
  - Art supply stores;
  - Automobile supply stores, not including repair or service garages;
  - Bakery goods stores;
  - Banks, including drive-in banks;
  - Barber shops and beauty shops;
  - Book stores and rental libraries;
  - Cafeterias;
  - Camera shops, photographic supplies and photography studios;
  - Candy and confectionery stores;
  - Christmas tree sales lots;
  - Cleaning agencies (pickup and delivery only);
  - Cleaning and dyeing shops (retail only, dry cleaning, cleaning clothes in enclosed machines, nonflammable cleaning compounds);
  - Clinics (medical);

- Commercial offices;
- Dairy products sales stores;
- Drug stores;
- Dry goods stores;
- Electrical appliance and incidental repair shops;
- Florists;
- Food lockers (no slaughtering, handling of dressed meats only);
- Food stores, delicatessens and supermarkets;
- Garden supply stores and nurseries; provided, all equipment, supplies and merchandise, other than plants and mulches, shall be kept within completely enclosed buildings or under a lath or other type of sun screened structure, and provided further, that fertilizer of any type shall be stored and sold in packaged form only;
- Gift shops;
- Hardware stores;
- Hobby supply stores;
- Ice dispensers (coin-operated);
- Liquor stores;
- Locksmiths;
- Newsstands and magazine stores;
- Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in this title;
- Pressing, altering and repairing of wearing apparel;
- Radio and television stores and repair shops;
- Restaurants, tea rooms and cafes, including outdoor cafes, but excluding the sale of alcoholic beverages;
- Self-service laundry and dry cleaning establishments;
- Shoe repair shops;
- Shoe stores;
- Signs in accordance with the provisions of Chapter 18.14;
- [Single-Single](#)-family residences;
- Soda fountains;
- Stationery stores;
- Tailors and dressmakers;
- Tobacco stores;
- Variety stores, less than ten thousand square feet in area;
- Incidental and accessory structures and uses on the same site as a permitted use.
- Other uses added to this list according to the procedure in Chapter 18.15.

C. Permitted Uses—Administrative Approval. The following uses may be permitted in accordance with the provisions of Chapter 18.16:

- City, county, state and federal administrative offices, libraries and police and fire stations;

- Electric transmission lines subject to the provisions of Chapter 18.16, electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and/or elevated pressure tanks;
  - One family dwellings Dwelling units over or to the rear of a permitted use; provided, such dwellings shall be subject to the use and yard requirements of the RM-2 district;
  - Emergency Shelters or Low Barrier Navigation Centers (LBNC) in accordance with the provisions of Chapter 18.12.020.
  - Private clubs and lodges and drive-in restaurants;
  - Public parks and playgrounds, public and quasi-public uses of an educational or religious type, including public and private elementary, junior and senior high schools, colleges, nursery schools, trade schools and private schools;
  - Service stations (gasoline), excluding automotive repair services not included in the definition of "service station" in this Title; provided, all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides;
  - Incidental and accessory structures and uses as defined in Chapter 18.24 located on the same site as a use permitted by administrative approval or conditional use; Other uses that are added to this list according to the procedure in Chapter 18.15.
- D. Conditional Uses—City Council Approval. The following conditional uses may be permitted in accordance with Chapter 18.17:

- Accessory and junior accessory dwelling units in accordance with Section 18.14.060;
- Bowling alleys;
- Churches;
- Convenience store/mini-mart;
- Restaurants and cafes, and including alcoholic beverages where served incidental to food service;
- Signs having an aggregate area greater than prescribed in Chapter 18.14;
- Modest expansion or remodeling of an existing nonconforming use of a structure or land, limited to fifty percent or less of the assessed value of existing structures, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars and nonconforming fences, walls and hedges;
- Expansion, remodeling or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24;
- Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 511 § 1, 2004; Ord. 479 § 1, 1996; Ord. 437 § 1 (part), 1989)

**18.10.030 CC Central Commercial District**

- A. Application. The CC central commercial district is intended to be applied both to the central commercial core of the city, and to central commercial areas outside of the central core as may be designated by the General Plan. These areas constitute the primary commercial districts of the community where a wide range of retail, financial, governmental, professional, business service and entertainment activities and uses are encouraged to concentrate to serve the entire community. Central commercial areas outside of the city's commercial core are intended to be

developed only as unified commercial centers, except where the existing development pattern makes it impractical.

B. Permitted Uses. Office, retail stores and service establishments which supply commodities or provide services primarily to meet the convenience needs of residents of one or more residential neighborhoods shall be permitted, including the following:

- Art supply stores;
- Automobile supply stores, not including repair or service garages;
- Bakery goods stores;
- Banks, including drive-in banks;
- Barber shops and beauty shops;
- Book stores and rental libraries;
- Cafeterias;
- Camera shops, photographic supplies, and photography studios;
- Candy and confectionery stores;
- Christmas tree sales lots;
- Cleaning agencies (pickup and delivery only);
- Cleaning and dyeing shops (retail only, dry cleaning, cleaning clothes in enclosed machines, non-inflammable cleaning compounds);
- Clinics (medical);
- Commercial offices;
- Dairy products sales stores;
- Day spa;
- Drug stores;
- Dry goods stores;
- Electrical appliance and incidental repair shops;
- Florists;
- Food lockers (no slaughtering, handling of dressed meats only);
- Food stores, delicatessens, and supermarkets;
- Garden supply stores and nurseries provided all equipment, supplies, and merchandise, other than plants and mulches, shall be kept within completely enclosed buildings or under a lath or other type of sun screened structure and provided further, that fertilizer of any type shall be stored and sold in packaged form only;
- Gift shops;
- Hardware stores;
- Ice dispensers (coin-operated);
- Hobby supply stores;
- Liquor stores;
- Locksmiths;
- Massage therapy, by a massage therapist, certified per CA Business and Professional Code Section 4600;
- Newsstands and magazine stores;

- Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in this title;
  - Pressing, altering, and repairing of wearing apparel;
  - Radio and television stores and repair shops;
  - Restaurants, tea rooms, and cafes, including outdoor cafes, but excluding the sale of alcoholic beverages;
  - Self-service laundry and dry cleaning establishments;
  - Shoe repair shops;
  - Shoe stores;
  - Soda fountains;
  - Stationery stores;
  - Tailors and dressmakers;
  - Thrift shops and secondhand stores;
  - Variety stores, less than ten thousand square feet in area;
  - Signs in accordance with the provisions of Chapter 18.15;
  - Incidental and accessory structures and uses on the same site as a permitted use.
  - Other uses added to this list according to the procedure in Chapter 18.15.
- C. Permitted Uses—Administrative Approval. The following uses may be permitted in accordance with the provisions of Chapter 18.16:
- Electrical distribution substations, communication equipment buildings, gas regulator stations and utility pumping stations.
  - Service stations (gasoline), excluding automotive repair services not included in the definition of "service station"; provided, that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
  - Incidental and accessory structures and uses as defined in Chapter 18.24, located on the same site as a use permitted by administrative approval, or conditional use.
  - Other uses which are added to this list according to the procedure in Chapter 18.15.
- D. Conditional Uses—City Council Approval. The following uses may be permitted in accordance with the provisions of Chapter 18.17:
- Accessory and junior accessory dwelling units in accordance with Section 18.14.060;
  - Bars, cocktail lounges and nightclubs;
  - Cannabis Cultivation within a cannabis dispensary, up to 20% of the gross leasable area;
  - Cannabis delivery service from an authorized cannabis dispensary;
  - Cannabis dispensaries in a retail cannabis dispensary zone;
  - Car washing, self-service and coin-operated;
  - Churches;
  - City, county, state or federal administrative offices, libraries, police and fire stations;
  - Convenience store/mini-mart;
  - Dance halls;

- Entertainment venue in a retail cannabis dispensary zone permitting the sale for on-site consumption of cannabis, including comedy clubs, as authorized by, and which meet the requirements of, the State of California;
- Farmers markets, including indoor and outdoor facilities;
- Large single-room occupancy facility (five or more units) in accordance with Section 18.14.0760.
- Mini-storage facilities;
- Pool halls;
- Residential use in conjunction with a permitted use in accordance with requirements of the RM-1.5 district;
- Service commercial uses designated by an asterisk (\*) as listed under Section 18.10.040(B) of this chapter, which include incidental retail and office use;
- Temporary revival church services;
- Tobacco Stores;
- Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent or less of the assessed value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars, and nonconforming fences, walls and hedges;
- Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.21; Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 599, 2022; Ord. 586; Ord. 546, Art. 1, 2014; Ord. 542, Art. 1, 2013; Ord. 533, Art. 2, 2011; Ord. 489 § 1 (part), 1998; Ord. 486 §§ 2, 3, 1997; Ord. 479 § 2, 1996; Ord. 437 § 1 (part), 1989)

#### HISTORY

*Amended by Ord. 572 on 5/14/2019*

#### **18.10.040 CS Service Commercial District**

- A. Application. The CS service commercial district is intended primarily for establishments engaged in servicing equipment, materials and products, but which do not require the manufacturing, assembly, packaging or processing of articles or merchandise for distribution and retail sale. Land requirements for most service commercial uses generally dictates its application along arterial and collector streets of the city which generally lie close to central commercial, highway commercial and industrial districts, in accordance with the general plan.
- B. Permitted Uses\*. Parking lots improved in conformity with Chapter 18.13; service commercial establishments, including:
  - \*Addressograph services;
  - Automobile body and fender repair;
  - Automobile repairing, overhauling, rebuilding and painting;
  - \*Automobile sale and service (new);
  - Automobile supply stores;

- \*Automobile and tractor parts and equipment stores;
- Automobile upholstery and top shops;
- \*Automobile washing involving the use of mechanical conveyors, blowers and steam cleaning;
- \*Bakeries, retail and wholesale;
- Bicycle shops;
- Blacksmith shops;
- \*Blueprint and photocopy shops;
- \*Boat sales and service;
- Book binding;
- Bottling works;
- \*Building materials yards;
- Bus depots and transit stations (including repair and storage);
- Business, professional and trade schools and colleges;
- Cabinet shops;
- \*Canvas shops;
- Car washing;
- Carpenters' shops;
- Carpet stores;
- Catering shops;
- Ceramic and pottery works;
- \*Cleaning, pressing and dyeing establishments (using nonflammable and nonexplosive cleaning fluid);
- Cold storage plants;
- Columbariums and crematoriums;
- Communications equipment buildings;
- Contractors' storage yards;
- Dairy products plants;
- Diaper supply services;
- Drapery and interior decorating stores;
- \*Electrical repair shops;
- Equipment rental yards;
- Exterminators;
- Farm equipment sales and service;
- Feed and seed stores;
- Food lockers;
- Freight forwarding terminals;
- Furniture stores, new and used;
- Furniture warehouses and van services;
- \*Glass shops;
- \*Gunsmith shops;
- Heating and ventilating or air-conditioning shops, including incidental sheet metal;
- Home improvement centers;

- Household and office equipment and machinery repair shops;
- \*Household repair shops;
- Ice storage or sale houses;
- Kennels located not closer than five hundred feet to an RA, R, RM, PO or CC district;
- \*Laboratories;
- \*Laundries;
- \*Linen supply services;
- Liquor stores;
- Locksmith;
- \*Lumber yards, not including planing mills or saw mills;
- Machinery sales and rentals;
- Mattress repair shops;
- \*Mini-storage facilities;
- \*Mortuaries;
- \*Motorcycle sales and service;
- \*Musical instrument repair shops and incidental sales;
- Nurseries and garden supply stores;
- Offices;
- Packing and crating;
- Paint and wallpaper stores;
- \*Parcel delivery services;
- \*Photographic and blueprint processing and printing;
- Picture framing shops;
- \*Plumbing and sheet metal shops;
- \*Pressing establishments;
- \*Printing, lithographing and engraving;
- Public utility service yards;
- Radio and television broadcasting studios;
- Radio, television, VCR, video and related electronic equipment repair shops;
- \*Railroad freight and passenger stations;
- Repair garages;
- Restaurants, including drive-in restaurants;
- Rug and carpet cleaning and dyeing;
- Safe and vault repairing;
- Self-service laundry and dry cleaning establishments;
- Service stations (gasoline), including dispensing of diesel fuel and complete truck service;
- Sheet metal shops;
- Shoe repair shops;
- \*Sign painting shops;
- Small animal hospitals or clinics and veterinarian offices including short-term boarding of animals and incidental care such as bathing and trimming provided that all operations are conducted entirely within a completely enclosed structure which complies with specifications of soundproof construction as prescribed by the building official;

- Stone and monument yards or mills;
- Storage garages and buildings;
- Storage yards for commercial vehicles;
- \*Taxidermists;
- Thrift shops and secondhand stores;
- \*Tire sales, retreading and recapping;
- Tool or cutlery sharpening or grinding;
- \*Trade schools;
- Trailer sales and service and rentals;
- Transit terminals;
- Trucking terminals;
- \*Typewriter repair shops;
- \*Upholstery shops;
- \*Used car sales;
- Warehouses, except for the storage of fuel oil or flammable liquids and explosives;
- Welding and blacksmiths shops, excepting drop hammer;
- \*Wholesale establishments;
- Other uses which are added to this list according to the procedure in Chapter 18.15;
- Offices and retail stores incidental to and on the same site with a commercial service establishment;
- Electrical transmission and distribution substations, gas regulator stations, public service pumping stations and elevated pressure tanks;  
Incidental and accessory uses and structures located on the same site as a permitted use.

C. Permitted uses—Administrative Approval.

- Christmas tree sales lots;
- Gas and electrical transmission lines, in accordance with Chapter 18.16;
- Incidental and accessory structures and uses as defined in Chapter 18.24 located on the same site as a use permitted by administrative approval, or conditional use;
- Other uses which are added to this list according to the procedure in Chapter 18.15.

D. Conditional uses—City Council Approval.

- Any use listed as a permitted use in the IL light industrial district.
- Bars, cocktail lounges and nightclubs;
- Convenience stores/mini-marts;
- Drive-in theaters, golf driving ranges, pony riding rings, racetracks, riding stables, skating rinks, sports arenas and sports stadiums, and other similar, open, unenclosed commercial recreation facilities;
- Electroplating shops;
- Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24; Hotels and motels;
- Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent or less of the assessed value of the structure, or reestablishment of a

nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars, and nonconforming fences, walls and hedges; Pool halls;

- Private clubs and lodges;
- Public buildings and grounds;
- Temporary revival church services;
- Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 486 §§ 4, 5, 1997; Ord. 479 §§ 3, 4, 1996; Ord. 437 § 1 (part), 1989)

\* See also Section 18.10.030(C).

#### **18.10.050 CH Highway Commercial District**

A. Application. The highway commercial district is intended primarily for application to areas along major highway entrances to the city in accordance with policies of the General Plan where controlled access to the highway is afforded for the convenience of patrons traveling the highway by the provision of frontage roads, interchanges and channelized intersections.

B. Permitted Uses. Highway commercial uses, including:

- Ambulance service;
- Automobile and farm equipment sales and supply stores;
- Automobile sales, service and repair, including body and fender work;
- Automobile washing;
- Boat sales and service;
- Bowling alleys;
- Bus depots and transit stations hotels and motels;
- Convenience stores and services for the highway traveler, only at locations close to highway intersections or freeway interchanges, including:
- Barber and beauty shops;
- Drug stores;
- Food stores (under 10,000 square feet in area), excluding supermarkets;
- Gift shops;
- Laundromats;
- Liquor stores;
- Motorcycle sales, service and repair;
- Offices providing financial lending services;
- Offices and retail stores incidental to and on the same site with a highway commercial establishment;
- Private clubs and lodges;
- Public utility structures, service and facilities, including gas and electrical distribution and transmission substations, gas regulator stations, public service pumping stations;
- Recreation vehicle sales and service;
- Repair garages;
- Restaurants, including drive-in restaurants;

- Service stations (gasoline, butane and diesel fuels only);
- Soda fountains;
- Used car sales;
- Utility trailer sales, service and rental;
- Incidental and accessory structures and uses located on the same site as a permitted use;
- Other uses which are added to this list according to the procedure in Chapter 18.15.

C. Permitted Uses—Administrative Approval.

- Christmas tree sales lots;
- Gas and electric transmission lines, in accordance with the provisions of Chapter 18.17;
- Public buildings and grounds;
- Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use;
- Other uses which are added to this list according to the procedure in Chapter 18.15.

D. Conditional Uses—City Council Approval.

- Bars, cocktail lounges and nightclubs;
- Drive-in theaters, golf driving ranges, pony riding rings, race tracks, riding stables, skating rinks, sports arenas and sports stadiums, and other similar, open, unenclosed commercial recreation facilities;
- Mini-storage facilities;
- Overnight parking for recreational vehicles;
- Service stations involving the dispensing of petroleum gasoline fuels for use by the traveling public;
- Sports complex, sports facilities, and other similar regional recreation facilities;
- Modest expansion or remodeling of an existing non-conforming use of a structure or land, up to fifty percent or less of the assessed value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars, and nonconforming fences, walls and hedges;
- Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24.
- Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 492 § 1, 1998; Ord. 486 §§ 6, 7, 1997; Ord. 437 § 1 (part), 1989)

HISTORY

*Amended by Ord. 561 on 1/9/2018*

**18.10.060 C Required Conditions**

- A. In a CN or CC district, all businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and off-street loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, signs, Christmas tree sales lots,

bus depots and transit stations, public utility stations and used car sales incidental to new car sales.

- B. No use shall be permitted and no process, equipment or materials shall be used which are found by the city council to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire, explosion or toxic chemicals.
- C. Temporary sidewalk sales and use of the public right-of-way for the display and sales of merchandise shall require approval by the city council. Permanent use for such purposes is strictly prohibited.
- D. All commercial site boundaries adjacent to any residential zoning district shall be visually screened with ornamental masonry walls and landscaping. Wall height shall be a minimum of seven feet, except as may be designated otherwise under Site Plan Review, Chapter 18.18 of this title.
- E. Street trees and frontage landscaping, with automatic irrigation, shall be provided for all commercial sites. Parking area landscaping may also be required under Site Plan Review, Chapter 18.18 of this title.

(Ord. 437 § 1 (part), 1989)

**18.10.070 C Property Development Standards**

<b>C District Development Standards</b>					
<b>Development Standard</b>	<b><u>CN</u></b>	<b><u>CC</u></b>	<b><u>CS</u></b>	<b><u>CH</u></b>	<b><u>Additional Regulations</u></b>
Site Area	No limitation				
Frontage, Width, and Depth	No limitation				
Maximum Lot Coverage	No limitation				
Minimum Distance Between Structures	10 feet				
Maximum Building Height	55 ft	75 ft	75 ft	55 ft	Except as may be provided under the provisions of Chapter 18.17.
Signs	No sign or outdoor advertising structure of any character shall be permitted.				See exceptions prescribed in Chapter 18.14.

Other Standards:

- A. Screening and Landscaping—Fences, Walls and Hedges.

1. Where a site adjoins or is located across a street or alley from an RCO, UR, R, RM or PO district, an ornamental solid wall or fence, seven feet minimum in height, or such other height or type of screening device as may be required by the city council, shall be located on the property line common to such districts, except in a required front yard.
2. Open storage of materials and equipment attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence seven feet minimum in height, except as may be modified under Site Plan Review, Chapter 18.18 of this title. Said storage shall not be visible above said fence or wall.
3. Street trees and other forms of landscaping may be required under the provisions of Chapter 18.19.

B. Yard Requirements. The minimum front yard shall be as follows:

**Minimum on a Site Abutting on Property in an RCO, UR, R, RM or PO District and Fronting**

<u>District</u>	<u>Minimum</u>	<u>on the Same Street</u>
<u>CN</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>CC</u>	<u>0 ft., except 15 ft. outside of the CBD</u>	<u>10 ft.</u>
<u>CS</u>	<u>0 ft.</u>	<u>10 ft.</u>
<u>CH</u>	<u>10 ft.</u>	<u>15 ft.</u>
<u>Except as specified in subsections (E)(1) and (2) of this section, no side yards or rear yards shall be required.</u>		

1. In any commercial district, the minimum side yard abutting an RCO, UR, RA, R, RM or PO district shall be ten feet.

2. In any commercial district, the minimum rear yard abutting an RCO, UR, RA, R, RM or PO District shall be ten feet.

C. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.

~~1. Site Area. No limitation.~~

~~2. Frontage, Width and Depth of Site. No limitation.~~

~~Coverage. No Limitation.~~

~~3.1. Yard Requirements. The minimum front yard shall be as follows:~~

~~**Minimum on a Site Abutting on Property in an RCO, UR, R, RM or PO District and Fronting**~~

<del>District</del>	<del>Minimum</del>	<del>on the Same Street</del>
<del>CN</del>	<del>15 ft.</del>	<del>15 ft.</del>
<del>CC</del>	<del>0 ft., except 15 ft. outside of the CBD</del>	<del>10 ft.</del>
<del>CS</del>	<del>0 ft.</del>	<del>10 ft.</del>
<del>CH</del>	<del>10 ft.</del>	<del>15 ft.</del>
<del>Except as specified in subsections (E)(1) and (2) of this section, no side yards or rear yards shall be required.</del>		

~~1. In any commercial district, the minimum side yard abutting an RCO, UR, RA, R, RM or PO district shall be ten feet.~~

~~2.1. In any commercial district, the minimum rear yard abutting an RCO, UR, RA, R, RM or PO District shall be ten feet.~~

~~4. Distances Between Structures. The minimum distance between a dwelling unit and another structure shall be ten feet.~~

~~5. Building Height. In a CN or CH district, fifty feet maximum; in a CC or CS district, seventy five feet maximum except as may be provided under the provisions of Chapter 18.17.~~

~~6. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.~~

~~7. Signs and Outdoor Advertising Structures. No sign or outdoor advertising structure of any character shall be provided except as prescribed in Chapter 18.14.~~

(Ord. 437 § 1 (part), 1989)

**18.10.080 C Project Review Requirements**

- A. Site Plan Review. Land uses listed under "Permitted Uses" in any C district shall require site plan review approval, consistent with the provisions of Chapter 18.18.
- B. Administrative Approval. Land uses listed under "Permitted Uses—Administrative Approval" in any C district shall require administrative approval, consistent with the provisions of Chapter 18.16.
- C. Conditional Use Permits. Land uses listed under "Conditional Uses—City Council Approval" in any C district shall require conditional use permit approval, consistent with the provisions of Chapter 18.17.

D. Temporary Use Permits. Temporary commercial or promotional use of any site in any C district shall require approval of a temporary use permit, consistent with the provisions of Section 18.17.180.

(Ord. 489 § 1 (part), 1998)

**18.10.090 C General Provisions And Exceptions**

All uses shall be subject to the general provisions and exceptions in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

## **18.11 I Industrial Districts**

18.11.010 I Purposes And Application

18.11.020 IL Light Industrial District

18.11.030 IH Heavy Industrial District

18.11.040 I Required Conditions

18.11.050 I Property Development Standards

18.11.060 I Project Review Requirements

18.11.070 I General Provisions And Exceptions

18.11.080 IP Planned Industrial Districts

### **18.11.010 I Purposes And Application**

The industrial districts are included in the zoning code to achieve the following purposes:

- A. To reserve appropriately located areas for various types of industrial plants and related activities;
- B. To protect areas appropriate for industrial use from intrusion by residences and other inharmonious uses;
- C. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, fire, explosion, noxious fumes, radiation, hazardous chemicals and other hazardous and objectionable influences incidental to certain industrial uses;
- D. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other;
- E. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas; and
- F. To provide industrial employment opportunities for residents of the city.

(Ord. 437 § 1 (part), 1989)

### **18.11.020 IL Light Industrial District**

- A. Application. This district is intended primarily for application to those areas of the city which are designated for light industrial use by the general plan.
- B. Permitted Uses.
  - Any use listed as a permitted use in the CS service commercial district.
  - Light industrial and related uses, including:
  - Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances.
  - Assembly of small electrical equipment such as home motion picture equipment, phonographs, video cameras and radio and television receivers, but not including electrical machinery.

- Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment, except film, electronic equipment, musical instruments, precision instruments, optical goods, watches and clocks.
- Manufacture of ceramic products, such as pottery, figurines and small glazed tile.
- Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, toilet soap (not including refining or rendering of fats or oils) and toiletries.
- Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly; provided, no noxious or offensive fumes or odors are produced.
- Manufacture of cutlery, hardware, hand tools and furniture, die and pattern making; metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
- Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood.
- Manufacturing, assembling, compounding, processing, packaging or treatment of such products as bakery goods, candy, dairy products, food products, including fruits and vegetables, but not including fish and meat products, pickles, sauerkraut, vinegar or yeast, or refining or rendering of fats and oils.
- Blacksmith shops; boat building; electric motor rebuilding, machine shops, paint shops.
- Food lockers and accessory sales.
- Gasoline service stations, including dispensing of diesel and liquid petroleum gas fuels and complete truck service.
- Lumber yards, including planing mills; mattress manufacture; storage yards for commercial vehicles or feed; flour, feed and grain mills; grain elevators.
- Manufacture and maintenance of electric and neon signs, billboards and commercial advertising structures.
- Offices, retail stores and watchman's living quarters incidental to and on the same site with an industrial use.
- Public utility and public service structures and facilities such as communications equipment buildings, electric distribution substations, electric transmission substations, gas regulator stations, public service pumping stations, public utility service yards, corporation yards, railroad rights-of-way and stations, reservoirs and storage tanks.  
Incidental and accessory structures and uses located on the same site as a permitted use.
- Sexually oriented businesses, body art facilities, and fortunetelling establishments.
- Other uses which are added to this list according to the procedure in Chapter 18.15.

B. Permitted Uses—Administrative Approval.

- Gas and electric transmission lines, in accordance with Chapter 18.16.
- Mobile or modular offices in accordance with the requirements of Chapter 18.14.

- Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval, or conditional use.
  - Other uses which have been added to this list according to the procedure in Chapter 18.15.
- C. Conditional Uses—City Council Approval. Any of the uses listed in Section 18.11.030(B); provided, that on the basis of the use permit application and the evidence submitted, the city council makes the following findings in addition to the findings prescribed in Chapter 18.17:
- That consideration of all the determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the uses listed in Section 18.11.020(B) with respect of operation, type of process, materials, equipment, structures, storage and appearances.
  - If the use involves nuisance or hazardous characteristics, that the application includes sufficient evidence to indicate that special devices, construction or site design are planned to eliminate the nuisance or hazardous characteristics normally attendant to operation of the use.
  - That the use reasonably can be expected to conform with the required conditions prescribed for the I district in Section 18.11.060.
  - Bulk storage and delivery of liquefied petroleum gas.
  - Cannabis products testing laboratory.
  - Cannabis testing laboratory.
  - Commercial Cannabis Cultivation – Indoor only.
  - Cannabis Distribution.
  - Cannabis Manufacturer.
  - Cannabis Transportation.
  - Cannabis Production.
  - Public buildings and grounds.
  - Expansion, remodeling or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24.
  - Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent or less of the assessed value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one hundred dollars, and nonconforming fences, walls and hedges.
    - Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 601, 2022; Ord. 531, § 5, 2011; Ord. 437 § 1 (part), 1989)

HISTORY

*Amended by Ord. 570 on 2/26/2019*

**18.11.030 IH Heavy Industrial District**

- A. Application. This district is intended for application to these urban areas of the city which are designated for heavy industrial use in the general plan.

B. Permitted Uses. Any use listed as a permitted use in the IL district, excluding all CS uses. Heavy industrial and related uses including:

- Aircraft and aircraft accessories and parts manufacture;
- Automobile, truck and trailer accessories and parts manufacture;
- Bag cleaning;
- Battery manufacture;
- Boiler works;
- Box factories and cooperage;
- Breweries, distilleries and wineries;
- Building materials manufacture and assembly including composition wallboard, partitions, panels and prefabricated structures;
- Business machine manufacture including accounting machines, calculators, card counting equipment and typewriters;
- Can and metal container manufacture;
- Candle manufacture, not including rendering;
- Carpet and rug manufacture;
- Cement products manufacture provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dye stuffs (except aniline dyes), essential oils, soda and soda compounds and vegetable gelatin, glue and size;
- Concrete and concrete products manufacture;
- Cotton ginning, cotton wadding, cotton seed processing and linter manufacture;
- Clay products manufacture including brick, fire brick, tile and pipe;
- Firearms manufacture;
- Food products manufacture including such processing as cooking, dehydrating roasting, refining, pasteurization and extracting involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, fruits and vegetables, glucose, milk and dairy products, molasses and syrups, oleo/marga-rine, pickles, sauerkraut, sugar, vegetable oils and yeast;
- Glass and glass products manufacture;
- Graphite and graphite products manufacture;
- Gravel, rock and cement yards;
- Ink manufacture;
- Insecticides, fungicides, disinfectants and similar agricultural, industrial and household chemical compounds manufacture;
- Jute, hemp, sisal and oakum products manufacture;
- Leather and fur finishing and dyeing, not including tanning and curing;
- Machinery manufacture including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, stoves and washing machines;
- Machine tools manufacture including metal lathes, metal presses, metal stamping machines and woodworking machines;

- Meat products processing and packaging, not including slaughtering and glue and size manufacture;
- Metal alloys and foil manufacture including solder, pewter, brass, bronze and tin, lead and gold foil;
- Metal casting and foundries not including magnesium foundries;
- Motor and generator manufacture and testing;
- Paper products manufacture including shipping containers, pump goods, carbon paper and coated paper stencils;
- Paraffin products manufacture;
- Plastic manufacture;
- Porcelain products manufacture including bathroom and kitchen fixtures and equipment;
- Precious metals reduction, smelting and refining;
- Rubber products manufacture including tires and tubes;
- Sand blasting;
- Shoe polish manufacture;
- Solid waste recycling;
- Starch and dextrine manufacturing;
- Steel products manufacture and assembly including steel cabinets and lockers, doors, fencing and furniture;
- Steam electric generating stations;
- Stone products manufacture and stone processing including abrasives, asbestos, stone screening and sand and lime products;
- Storage, sorting, collecting or baling of iron, junk, paper, rags or scrap;
- Structural steel products manufacture including bars, girders, rail and wire rope;
- Textile bleaching;
- Wire and cable manufacturing; Wood and lumber processing and woodworking including planing mills and saw mills, excelsior, plywood, veneer and wood-preserving treatment;
- Incidental and accessory structures and uses located on the same site as a permitted use;
- Other uses which are added to this list according to the procedure in Chapter 18.15.

C. Permitted Uses; Administrative Approval.

- Gas and electric transmission lines.
- Mobile and modular offices.
- Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval, or conditional use.
- Other uses which are added to this list according to the procedure in Chapter 18.14.

D. Conditional Uses—City Council Approval. The following uses and other uses may be approved according to the procedures in Chapter 18.17; provided, however, that for uses which involve nuisances, dangers of fire or explosion or other hazards to health and safety, the city council shall make a specific finding that the use can be expected to conform with each of the required conditions prescribed for an IH district in Section 18.11.040. The council may require submission of reports by technical consultants or other evidence in addition to the data prescribed in Chapter 18.17:

- Asphalt and asphalt products manufacture;
- Cannabis distribution;
- Cannabis nursery;
- Cannabis manufacturer:
- Cannabis production;
- Cannabis products testing laboratory;
- Cannabis testing laboratory;
- Cement, lime, gypsum and plaster of paris manufacture;
- Charcoal, lampblack and fuel briquettes manufacture;
- Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxlin, rayon yarn, and carbolic, hydrochloric, picric and sulfuric acids;
- Coal, coke and tar products manufacture;
- Commercial Cannabis Business, excluding retail sales;
- Commercial Cannabis Cultivation;
- Drop forges;
- Electroplating shops;
- Fertilizer manufacture;
- Film manufacture;
- Fish products processing and packaging;
- Gas and oil wells;
- Gas manufacture or storage;
- Gelatin, glue and size manufacture from animal or fish refuse;
- Grain rolling and storage;
- Junk yards;
- Lard manufacture;
- Linoleum and oil cloth manufacture;
- Liquefied petroleum gas bulk storage and delivery;
- Magnesium foundries;
- Manure, peat and topsoil processing and storage;
- Metal and metal ores reduction, refining, smelting and alloying;
- Paint manufacture including enamel, lacquer, shellac, turpentine and varnish;
- Paper mills;
- Petroleum and petroleum products refining and storage;
- Public buildings and grounds;
- Rifle and pistol ranges, indoor only;
- Rubber manufacture or processing including natural or synthetic rubber and gutta-percha;
- Soap manufacture including fat rendering;
- Steam plants;
- Stock yards, stock feeding yards and slaughter houses;
- Stone mills;

- Storage of inflammable liquids;
- Storage of used building materials;
- Tallow manufacture;
- Tanneries and curing and storage of rawhides;
- Wood and bones distillation;
- Wood pulp and fiber reduction and processing;
- Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24;
- Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent or less of the assessed value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation less than one hundred dollars, and nonconforming fences, walls and hedges;
- Other uses which are added to this list according to the procedure in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

#### HISTORY

*Amended by Ord. 570 on 2/26/2019*

*Amended by Ord. 572 on 5/14/2019*

#### **18.11.040 I Required Conditions**

- A. In the IL and IH districts, all open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.
- B. No use shall be permitted and no process, equipment or materials shall be employed which is found by the city council to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt refuse, noise, vibrations, illumination, glare or heavy truck traffic or to involve any hazard of fire, explosion or radio activity or to emit electrical disturbances which adversely affect commercial or electronic equipment outside the boundaries of the site.
- C. No solid or liquid wastes shall be discharged into a natural watercourse, nor into a public or private sewage disposal system except in compliance with applicable regulations of the Central Valley Regional Water Quality Control Board.
- D. In an IL or IH district, no use shall emit particulate matter or other air pollutants in excess of the applicable air pollution emission standards of the Tulare County Air Pollution Central District, the state or of the federal government.
- E. Notwithstanding the provisions of subsection D of this section, no industrial use shall be permitted to utilize coal as a fuel in any form as a source of fuel for the conduct of any industrial operations within the city.

(Ord. 437 § 1 (part), 1989)

#### **18.11.050 I Property Development Standards**

- A. Screening and Landscaping—Fences, Walls and Hedges.

1. Where a site adjoins a UR, RCO, RA, R, RM, PO or CC district, a solid wall or screen fence seven feet in height or such other height or type of screening device as may be required by the planning department, shall be located on the property line common to such districts, except in a required front yard.
2. A use not conducted entirely within a completely enclosed structure, or site across a street or an alley from a UR, RA, R, RM or CC district, shall be screened by an ornamental solid wall or screen fence, not less than seven feet in height, if found by the city planning department to be unsightly.
3. In an IL district, open storage of materials and equipment shall be permitted only within an area surrounded and screened by an ornamental solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than seven feet in height.
4. No fence, wall or hedge exceeding four feet in height, with the top one foot being fifty percent or more open, shall be located or maintained within the area of a corner lot on the street side of a diagonal line connecting points located thirty feet along the property lines as measured from the intersection of the property lines at the street corner.
5. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard, except that a chain-link fence greater than three feet in height may be located in any portion of a required front yard.

<b>I <u>District</u> Development Standards</b>			
<b>Development Standard</b>	<b><u>IH Zone</u></b>	<b><u>IL Zone</u></b>	<b><u>Additional Regulations</u></b>
Minimum Site Area	One-half acre	No minimum	
Minimum Frontage, Width, Depth	No limitations		
Maximum Lot Coverage	No limitations		
Minimum Distance Between Structures	No limitations		
Maximum Building Height	75 feet		A greater height may be approved for tanks, towers, silos and similar facilities under the provisions of Chapter 18.17.
Signs	No sign or outdoor advertising structure of any character shall be permitted.		See exceptions prescribed in Chapter 18.14.
Minimum Setbacks			
Front	10 feet		

Rear and Side	No limitations	<p>The minimum rear yard abutting a UR, RCO, RA, R, RM, PO, or C district shall be fifteen feet.</p> <p>On a reversed corner lot adjoining a key lot in a UR, RCO, RA, R, RM, PO or C district, the minimum side yard adjoining the street shall not be less than one-half the required front yard on the key lot.</p> <p>The minimum side yard abutting a UR, RCO, RA, R, RM, PO or C district shall be fifteen feet.</p>
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Other Standards:

- A. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.13.
- ~~B. Site Area. The minimum site area shall be one-half acre in the IH district. No minimum site area shall be required in the IL district.~~
- ~~C. Frontage, Width and Depth of Site. No limitations.~~
- ~~D. Coverage. No Limitations.~~
- ~~E. Yard Requirements.~~
  - ~~1. Front Yard. The minimum front yard for both the IL and IH districts shall be ten feet.~~
  - ~~2. Rear and Side Yards. Except as provided below, no rear yard or side yards shall be required:~~
    - ~~1. The minimum rear yard abutting a UR, RCO, RA, R, RM, PO, or C district shall be fifteen feet.~~
    - ~~2. On a reversed corner lot adjoining a key lot in a UR, RCO, RA, R, RM, PO or C district, the minimum side yard adjoining the street shall not be less than one-half the required front yard on the key lot.~~
    - ~~3. The minimum side yard abutting a UR, RCO, RA, R, RM, PO or C district shall be fifteen feet.~~
- ~~F. Distances Between Structures. No limitations.~~
- ~~G. Building Height. No greater than seventy-five feet, except that a greater height may be approved for tanks, towers, silos and similar facilities under the provisions of Chapter 18.17.~~

~~H.—Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 18.1.3.~~

~~I.—Signs and Outdoor Advertising Structures. No signs or outdoor advertising structure of any character shall be permitted except as provided in Chapter 18.14.~~

(Ord. 437 § 1 (part), 1989)

#### **18.11.060 I Project Review Requirements**

- A. Site Plan Review. Land uses listed under "Permitted Uses" in any I district shall require site plan review approval, consistent with the provisions of Chapter 18.18.
- B. Administrative Approval. Land uses listed under "Permitted Uses—Administrative Approval" in any I district shall require administrative approval, consistent with the provisions of Chapter 18.16.
- C. Conditional Use Permits. Land uses listed under "Conditional Uses—City Council Approval" in any I district shall require conditional use permit approval, consistent with the provisions of Chapter 18.17.
- D. Temporary Use Permits. Temporary commercial or promotional use of any site in any I district shall require approval of a temporary use permit, consistent with the provisions of Section 18.17.180.

(Ord. 489 § 1 (part), 1998; Ord. 437 § 1 (part), 1989)

#### **18.11.070 I General Provisions And Exceptions**

All uses shall be subject to the general provisions and exceptions in Chapter 18.15.

(Ord. 437 § 1 (part), 1989)

#### **18.11.080 IP Planned Industrial Districts**

- A. Purposes and Application. The IP planned industrial district is intended for application to those industrial areas which are planned for development for the mutual protection of a community of industries in accordance with a development program approved by the city. Such a program involves the combining of certain uses and a set of development regulations which are more restrictive than those otherwise provided in the IL and IH districts.
- B. Regulations. In order to assure the mutual protection and compatibility of uses to be located within an IP district, the owners of all the land within the area proposed to be classified IP shall submit the following to the city:
  - 1. More restrictive list of these uses set forth in Sections 18.11.020(B) and (C), and Sections 18.11.030(B) and (C) of this chapter, which uses are desired by the owners to be listed as permitted uses under this section;
  - 2. A statement of more restrictive regulations relating to each of the subjects of Sections 18.10.060 through 18.10.150, and Sections 18.11.040 through 18.11.140 of this chapter than are now provided by these sections and which are desired by the owners to become additional regulations under this section. Upon written approval of the city council, the list of permitted

uses and statements of more restrictive regulations requested for a particular parcel of land shall become the regulations of this section with respect to such parcel of land by reference with the same force and effect as if the regulations were specifically set out and described under this section; provided, however, such statements of more restrictive regulations shall apply in addition to those prescribed within Section 18.11.050 of this chapter.

3. All uses listed as requiring conditional use permits in the IL or IH districts shall be considered as conditional uses under this section.
  4. The minimum acreage required for the application of the IP district shall be five acres.
- C. Required Conditions. Before the city council may give written approval pursuant to this section and classify property as being within the IP district, the owners shall record, in the office of the county recorder, deed restrictions running with the land affected corresponding to the list of permitted uses and statements of more restrictive regulations approved pursuant to the provisions of subsection B of this section.

(Ord. 437 § 1 (part), 1989)

## **18.12 Combining Districts**

### **18.12.010 PUD Planned Unit Development Combining District**

### **18.12.020 MXU Mixed Use Combining District**

#### **18.12.010 PUD Planned Unit Development Combining District**

- A. Purposes and Application. The PUD planned unit development combining district is intended for application to those residential, professional office, commercial and industrial base zoning districts which are designated by the general plan and/or city council as areas to assure that property will be developed in a manner superior to that which otherwise would be achieved through regulations of the base zoning district involved. The PUD combining district is also intended as an optional approach to achieving the purposes of Chapter 18.19, at the discretion of the city rather than the landowner.
- B. Applicable Regulations and Procedures. The development of property within a PUD combining district shall be subject to all of the regulations and procedures of Chapter 18.19.

(Ord. 437 § 1 (part), 1989)

#### **18.12.020 MXU Mixed Use Combining District**

- A. Purposes and Application. The MXU mixed use combining district is intended for application to these residential, commercial and industrial base zoning districts which are designated as areas characterized by a mixture of uses, blighted structures and sites, and/or inadequate street and alley improvements.
- B. Applicable Regulations and Procedures. The MXU combining district provides the flexibility needed to improve land use conditions within redevelopment project areas. All categories of land use shown on the general plan diagram are eligible for consideration within redevelopment project areas. An application for a building permit, site plan review or PUD will initiate the process for determining an appropriate development proposal under mixed use regulations, except as provided for in subsections (C) and (D) of this section. The city council shall make a determination as to which procedures shall be followed under the provisions of Chapters 18.18, 18.19 and 18.20 of this title.
- C. Development Standards for Emergency Shelters. In order to implement the provisions of state law, including Government Code Sections 65583 and 65589.5, emergency shelters shall be permitted by right in the MXU district, subject to non-discretionary site plan review procedures and the following standards.
  - 1. Emergency shelters shall be defined by Section 18.24.030 of this chapter.
  - 2. The facility shall not serve more than twelve persons on any night.
  - 3. The facility shall provide at least one off-street parking space for every two beds and one parking space per employee. Driveways and parking areas shall be subject to the standards of Section 18.13.030 for off-street parking facilities. Parking areas shall be located to the rear and/or side of the structure.

4. Client waiting, intake, and visiting areas shall be located indoors.
5. Facility management personnel shall be present at the facility when clients are at the facility.
6. There shall be a minimum distance separation of at least 250 feet between emergency shelters. This distance separation shall be measured from the closest property lines of such facilities.
7. Clients shall not occupy the facility for more than six consecutive or cumulative months. The facility operator shall keep accurate records of client names and dates of occupancy, and shall make such records available for city inspection in order to verify compliance with this subsection.
8. Facility entrances, parking areas, and outdoor gathering areas shall be lighted in accordance with a security lighting plan approved by the ~~public safety director and city planner~~city services director. This review shall be limited to insure that the security lighting plan: a) provides for the secure illumination of facility entrances, parking areas, and outdoor gathering areas; and b) includes adequate shielding to prevent glare impacts on adjacent properties and public rights-of-way.
9. There shall be at least one private security officer present on site at times during facility operation. This security officer shall be a separate person from onsite facility management personnel.

10. Low Barrier Navigation Centers (LBNC) as defined in Section 18.24.030, shall be enumerated as permitted use by right in areas zoned for mixed use, and nonresidential zones permitting multifamily uses, if they meet specified requirements.

9.11. Common barriers preventing individuals from entering emergency shelters should be reduced to the greatest extent, such as allowing partners, pets, storage of personal items, and privacy.

D. Residential Development Standards. In order to streamline review of housing proposals, the following standards shall apply to residential development in the MXU district. Residential uses (including ADUs) shall be permitted by right in the MXU district, subject to administrative (non-discretionary) site plan review. Construction of ADUs are limited to the residential areas of a mixed-use development, and not the areas used for commercial or other activities and must be in accordance with Section 18.14.060. The parking and storage areas for these non-residential uses would also be excluded from potential ADU development. The following standards are intended to: a) encourage flexible development of high-density affordable housing; b) provide exceptional amenity and design quality that is human-scaled and non-institutional; and c) encourage sustainable development practices, based on neighborhood design principles. Residential development in the MXU district shall be subject to the following standards:

<b>MXU District Development Standards</b>		
<b>Development Standard</b>	<b><u>RA Zone</u></b>	<b><u>Additional Regulations</u></b>
Minimum Site Area	One acre	

Density	10 units per acre – 30 units per acre	
Minimum Frontage, Width, and Depth	No limitation	
Maximum Lot Coverage	No limitation	Subject to open space requirements of this section.
Minimum Distance Between Structures	No limitation	
Maximum Building Height	3 stories or 35 feet, whichever is greater	
Signs	No sign or outdoor advertising structure of any character shall be permitted.	See exceptions prescribed in Chapter 18.14.
Setbacks		
Front	Minimum: 5 feet Maximum: 10 feet	Accessory structures, including detached garages, shall be located behind primary structures.
Rear and Side	No limitations	A minimum side yard of five feet per building story is required adjacent to residential zoning districts.

**Other Standards:**

- ~~1. Site Area. Minimum of one acre.~~
- ~~2. Density. Net density shall be at least ten units per acre and not more than thirty dwelling units per acre. For the purposes of this subsection, net density means the site area of any residential development component minus public rights-of-way after required street dedication.~~
- ~~3. Frontage, Width and Depth of Site. No limitation.~~
- ~~4. Coverage. No limitation, subject to open space requirements of this section.~~
- ~~5. Yard Requirements.
 
  - ~~1. Front. A minimum of five feet and a maximum of ten feet for primary structures. Accessory structures, including detached garages, shall be located behind primary structures.~~~~

~~2.—Side/Rear. No minimum side yard is required adjacent to non-residential zoning districts. A minimum side yard of five feet per building story is required adjacent to residential zoning districts.~~

~~6.1. Distance Between Structures. No limitation.~~

~~7.—Building Height. Maximum of three stories or thirty five feet, whichever is greater.~~

A. Parking and Loading Facilities. Off-street parking and loading facilities shall comply with Article 13 of this chapter, and the following standards:

1. The total number of off-street parking spaces for a residential development shall not exceed one hundred ten percent of the minimum number of off-street parking spaces required by Article 13.
2. Covered parking shall be located in entirely enclosed garages which are consistent with or exceed the architectural quality of dwelling units in the same development. Carports or partially enclosed parking structures shall not be permitted.
3. At least fifty percent of required parking spaces shall be located in enclosed garages, located with direct interior access from dwelling units. Garages shall not provide direct access to adjacent public streets, but shall face interior drive areas.
4. Uncovered parking spaces shall be located to the rear of dwelling units and dispersed throughout the project area, in order to provide convenient resident access and to preclude large pavement areas. Uncovered parking shall not be located in any front or corner side yards.
5. Uncovered parking areas shall contain no more than six contiguous parking spaces in any single location. One shade tree planter shall be located after every sixth open parking space, and at the end of every row of open parking spaces.
6. Driveways and vehicle backing areas shall not exceed the minimum width or depth standards provided in Article 13, in order to preclude large pavement areas.

B. Architecture.

1. Compatibility. Structures shall reflect the general architectural character of neighboring residences through use of related building features including scale/mass, height, proportion, windows, doorways, color, materials, and shapes.
2. Orientation. Dwelling units may be located adjacent to or detached from other dwelling units, or may be located above non-residential uses such as retail or office uses. However, dwelling units shall not be located above or beneath other dwelling units.
3. Facades.
  - a. Exterior building materials shall be consistent with or exceed the quality of residential buildings in the neighborhood.
  - b. Exterior stairways shall not serve more than one unit and shall not be visible from public rights-of-way.

4. Roofing.
    - a. Roofing forms and materials shall be consistent with or exceed the quality of residential structures in the neighborhood.
    - b. Roofing on building perimeter segments shall be stepped to transition between a proposed taller building and existing adjacent residential structures.
    - c. Adjoining dwelling units shall incorporate differing roof forms.
  5. Windows.
    - a. Window forms and materials shall be consistent with or exceed the quality of windows found on existing residential structures in the neighborhood.
    - b. Windows shall incorporate architectural detailing which visually differentiates windows from walls and minimizes generic and/or utilitarian appearances. Examples of appropriate detailing may include: bays; projecting frames, casings, and sills; shutters; muntin bars; awnings; dormers; transoms; and/or pilasters. Unadorned windows shall not be permitted on any exterior elevation.
    - c. All exposed exterior walls of units shall incorporate windows consistent with this subsection.
  6. Doorways.
    - a. Dwelling units shall have first-story individual entrances providing direct and convenient access to the public right-of-way or common open space. Entrances shall have vestibules, canopies, or porches to provide weather protection. Each entrance shall be contiguous to a porch and/or patio that provide a usable outdoor transition area between public and private space.
    - b. Units adjacent to a public street shall face and access the street.
    - c. Adjoining dwelling units shall not share covered entrance areas.
    - d. Doorways shall be clearly visible from streets or common areas, except that sliding glass doorways shall not be visible from public rights-of-way.
  7. Mechanical Equipment. Mechanical equipment shall not be visible from any public rights-of-way or common recreational areas.
- C. Common Area. A minimum of twenty percent of net site area shall be provided as common open area, exclusive of driveways and parking areas. Within this area, a minimum common area of five feet in width shall be provided adjacent to all groups of units except where the groups front or abut a public street. At least one hundred square feet per dwelling unit shall be provided in the form of recreational amenities, such as walking trails, playgrounds, swimming pools, etc.
- D. Landscaping.

1. Prior to building permit approval, a landscaping and irrigation plan shall be submitted to the city for review and approval. This plan shall provide:
    - a. Native and drought-tolerant plant species.
    - b. Groundcovers for areas that are not hardscaped.
    - c. Foundation plantings of low-growing evergreen shrubs that will not obstruct visibility of windows or doorways at plant maturity.
    - d. Shade trees for perimeter walkways and common recreational areas. Trees shall be double-staked and have a minimum trunk caliper of at least two inches at planting.
    - e. Planter areas shall be planted at a density to achieve groundcover and shrub coverage of at least seventy-five percent at plant maturity.
    - f. Water conservation features including automatic rain shut-offs, drip irrigation, limited turf, and mulched beds.
  2. Landscaping shall be installed and inspected by the city for compliance with this subsection prior to issuance of a final certificate of occupancy.
  3. The developer shall provide the city with a maintenance bond and documentation of a landscape maintenance contract that provides for removal of tree staking one year after planting or at longer intervals as approved by a licensed arborist; replacement of dead or diseased plants; and long-term plant maintenance.
- E. Fences, Walls and Hedges. Permitted in accordance with Section 18.06.050(A).
- F. Signs. Permitted in accordance with Section 18.14.040(C).
- G. Trash Enclosures. Screened trash enclosures shall be provided at convenient locations throughout each development, in accordance with the following standards:
1. Enclosures shall be constructed of split-faced decorative concrete masonry units, to a height exceeding the height of trash containers.
  2. Enclosures shall utilize a solid and durable screening door that is completely opaque and screens the view of trash storage from the outside.
  3. Enclosures shall be located a minimum distance of twenty-five feet from any residential structure in the development, and from adjoining property lines of a residential zoning district.
  4. Enclosures shall be located adjacent to a driveway constructed to the approval of the [city services](#) director ~~of public services~~, to insure that driveway construction will withstand the weight of service vehicles and will provide sufficient turning radii.

(Ord. 528, Arts. 2—4, 2011; Ord. 437, § 1 (part), 1989)

## **18.13 Off-Street Parking And Off-Street Loading Facilities**

### **18.13.010 Purposes And Application**

### **18.13.020 Off-Street Parking Facilities Required**

### **18.13.030 Standards For Off-Street Parking Facilities**

### **18.13.040 Off-Street Loading Facilities Required**

### **18.13.050 Standards For Off-Street Loading Facilities**

### **18.13.060 Location Of Off-Street Parking And Off-Street Loading Facilities**

### **18.13.070 Screening, Fencing And Landscaping**

### **18.13.080 Existing Uses**

### **18.13.090 Reduction Of Off-Street Parking And Off-Street Loading Facilities**

### **18.13.100 Exceptions To Off-Street Parking And Off-Street Loading Requirements**

### **18.13.010 Purposes And Application**

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off street parking and off-street loading facilities shall be provided incidental to new land uses and major alterations and enlargements of existing land uses. The number of parking spaces and loading berths shall be in proportion to the need for such facilities as created by the particular type of land use. Off-street parking and loading areas are to be laid out in a manner which will ensure their usefulness, protect the public safety and, where appropriate, insulate surrounding uses from their impact.

Provisions of this chapter are also intended to deal with problems, conditions and needs which are apparent in attempting to provide sufficient off-street parking facilities in areas of intense commercial development, including:

- A. The difficulty in assembling land by private means, including the often excessive time required;
- B. The varying financial capabilities and traffic generating characteristics among varying types of commercial enterprise;
- C. The importance of avoiding fragmented patterns of off-street parking facilities which may bear little relation to the needs of a commercial area as a whole;
- D. The importance of having regulations which will not inadvertently discourage private investment while alleviating or preventing traffic congestion; and
- E. The importance of achieving a reasonable distribution of financial burden among private interests and the public at large consistent with their individual and collective responsibilities to provide off-street parking facilities.

(Ord. 437 § 1 (part), 1989)

### **18.13.020 Off-Street Parking Facilities Required**

- A. **Parking Space Definition.** A "parking space" shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for safe access to and from said space. The area set aside to meet these provisions must be usable and accessible for the type of parking need that must be satisfied.

- B. Special Parking Standards in Residential Districts. The following standards shall apply to vehicle parking in all residential zone districts. Vehicles parked on a property shall be parked only within an enclosed yard, garage, or carport, or on a driveway, subject to the following specific standards and limitations:
1. Recreational Vehicles. Recreational vehicles parked for longer than seventy-two hours shall be parked only within an enclosed yard, garage, or carport. Boats and trailers parked in carports shall be covered. A maximum of one recreational vehicle designed primarily for temporary residential occupancy (including, but not limited to, motor homes, cab-over campers, fifth wheel campers, and tent trailers) may be parked on a property at any one time. Recreational vehicles shall not be used for residential occupancy.
  2. Commercial Vehicles. Commercial vehicles shall not be parked within any residential district, unless they are actively providing direct temporary service to a specific residential property and parked for less than twenty-four hours.
  3. Trailers. Trailers shall be parked only within an enclosed yard, garage or carport. Trailers parked in carports shall be covered.
  4. Inoperable Vehicles. Any vehicle incapable of movement under its own power shall be parked only within an enclosed yard, garage or carport. Inoperable vehicles parked in carports shall be covered. In cases of emergency, accident or breakdown, such vehicles shall be parked within an enclosed yard, garage or carport within twenty-four hours of the incident. A maximum of one inoperable motor vehicle may be parked on a residentially zoned property.
  5. Residential Parking Definitions. The following definitions shall apply to parking standards in residential districts:
    - a. "Vehicle" means any device by which any person or property may be propelled, moved or drawn upon a street or highway (except devices moved exclusively by human power). Vehicles specifically include passenger, recreational and commercial vehicles, vans, trucks, and trailers of any type.
    - b. "Park" means the standing of a vehicle while it is not actively engaged in loading or unloading merchandise or passengers, vehicle cleaning or vehicle repair.
    - c. "Enclosed yard" means the area located interior to front, side, street side, and rear yard building setbacks, which is completely screened from public view by a solid screening fence with a minimum height of six feet.
    - d. "Driveway" means an all-weather driving and parking surface such as concrete, asphalt or decomposed granite, which provides direct street or alley access through an approved drive approach.
    - e. "Recreational vehicles" include motor homes, campers, tent trailers, boats, fifth wheel campers, and other similar vehicles or trailers intended primarily for recreational use.
    - f. "Commercial vehicle" includes:
      - i. Any vehicle with a gross weight exceeding fourteen thousand pounds;

- ii. Truck-tractors (as defined by Vehicle Code Section 655);
  - iii. Trailers (excluding recreational vehicles) exceeding twenty feet in length;
  - iv. Trailers or semitrailers used for storage or transport of ladders, portable toilets, or other related agricultural service equipment.
6. "Trailer" includes all types of nonmotorized vehicles designed primarily for storage and transport of property, including, but not limited to, trailers, semitrailers, utility trailers, flat-bed trailers and storage trailers.
- C. Time When Off-Street Parking is Required. Except as provided in subsection J of this section or in Section 18.13.100 of this chapter, there shall be provided off-street parking facilities in accordance with the provisions of this chapter when any of the following shall occur:
- 1. Initial occupancy of a site;
  - 2. A major alteration or enlargement of a use, site or building (see subsection F of this section);
  - 3. A change in use that requires additional parking.
- D. Parking Space Schedule.
- 1. Residential uses.
    - a. OneSingle-family dwellings: two spaces for each primary dwelling unit, with at least one space within a garage or carport.
    - b. Duplexes, triplexes, fourplexes and multifamily dwellings - in accordance with the following schedule:

Number of Bedrooms	Number of Spaces
Studio (no bedrooms)	1.5
1 bedroom	1.5
2 bedrooms	2.0
3 or more bedrooms	2.0

- c. Except for driveways allowed in the front setback area of a garage or carport, or by variance, all additional parking for two to four unit structures and multifamily units shall be to the rear or side of such units, if practicably feasible.
- d. Housing for the elderly and persons with disabilities: one space for each dwelling unit; provided, however, that sufficient space shall be set aside and incorporated into the site plan for the number of spaces prescribed under subsection (D)(I)(b) of this section, in the event of a change of use to housing for the nonelderly.

- e. Housing for agricultural employees: At least one parking space per unit or one space per three beds, whichever is more, as well as one space per farmworker housing complex employees shall be provided.
- f. Group home (6 or fewer residents): None in addition to what is required for residential use.
- g. Group home (7 or more residents): 2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each nonresident employee.
- h. Supportive housing: Same as dwelling type, plus 1 space for every two employees providing on-site services to residents.
- i. Single room occupancy units: One space per employee or resident manager, and one space per unit.
- ~~d.~~j. Emergency shelters: One off-street parking space for every two beds and one parking space per employee.
- e.k. Private clubs, fraternity or sorority houses, lodging and rooming houses: one space for each two beds.
- l. Motels, hotels, inns and bed and breakfast establishments: one space for each guest room, plus one space for each employee.
- m. Accessory Dwelling Units and Junior Accessory Dwelling Units: Adequate parking area must be available on the streets adjacent to the accessory dwelling unit. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street parking space must be provided. The additional parking space shall be waived if in any of the following instances:
  - i. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
  - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - ~~+~~iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - ~~+~~iv. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)

2. Uses Within the Central Commercial District.

- a. Commercial and office uses, excluding conditional uses, within the area designated as the central business district by the general plan: one space for each eight hundred square feet of floor area.

- b. Uses within an integrated shopping center involving a combination of three or more retail uses permitted within the CC District for which building area, off-street parking, off-street loading, landscaping, lighting and other features are developed, managed and maintained as if a single unit: three spaces for each one thousand square feet of gross leasable area, or four spaces for each one thousand square feet of gross leasable area if the center includes a supermarket.
  - c. Other uses within the central commercial district within or outside of the central business district: The number of spaces otherwise required by this chapter for the type of use.
3. Other Commercial Use—Industrial Use.
- a. Banks: one space for each three hundred square feet of floor area.
  - b. Offices (not including medically related or public administrative offices): one space for each four hundred square feet of floor area.
  - c. Retail stores, food: one space for each one hundred fifty square feet of floor area; mini-market food stores, one space for each three hundred square feet of floor area for stores under two thousand square feet of gross floor area.
  - d. Retail stores, other than food, and personal service establishments: one space for each two hundred square feet of floor space.
  - e. Retail stores which handle primarily bulky merchandise such as furniture, household appliances, motor vehicles, farm implements, machinery and bulk supplies: one space for each six hundred square feet of floor area.
  - f. Service commercial uses, repair shops and wholesale establishments: one space for each eight hundred square feet of floor area, plus one space for each employee.
  - g. Commercial and industrial uses conducted primarily outside of buildings: one space for each employee of the maximum working shift.
  - h. Manufacturing, indoor storage and other industrial uses: one space for each employee of the maximum working shift.
4. Utility Uses. Electrical distribution and transmission substations, gas regulator stations, public utility pumping stations, reservoirs, water or gas storage tank farms, sewage treatment plants and other public utility buildings and uses: one space for each two employees of the maximum working shift, plus one space for each vehicle stored at the site. Where the use is unmanned, one space for each service vehicle to be parked at the site.
5. Health Uses.
- a. Medical and dental offices and clinics, including (but not limited to) surgeons, general practitioners, psychiatrists, psychologists, medical specialists, ophthalmologists, dentists, optometrists and similar medically-related professions: three spaces for each practitioner, plus one space for each employee, or one space for each two hundred fifty square feet of floor area, whichever is greater.

- b. Rest homes, nursing homes, convalescent homes, homes for the aged: one space for each employee of the daytime shift, plus one space for each four beds.
  - c. Charitable and religious institutions providing sleeping accommodations: one space for each employee and one space for each four beds.
  - d. Hospitals: one space for each four beds and one space for each two employees of the maximum working shift, plus one space for each staff doctor.
6. Places of Assembly.
- a. Cafe, restaurant or other establishment for the sale and consumption of food and beverages on the premises: one space for each four seats.
  - b. Drive-in and fast food restaurants: one space for each two seats, one space for each employee on the maximum working shift.
  - c. Auditoriums (except school auditoriums), churches, mortuaries, sports arenas and stadiums, dance halls, private clubs and lodges: one space for each fifty square feet of floor area used for seating if seats are not fixed or one space for each four seats, plus one space for each employee. School classrooms associated with a church do not require parking in addition to that required for church seating.
  - d. Theaters (indoor): one space for each four seats.
  - e. Bowling alleys: four spaces for each alley, plus one space for each four seats devoted to restaurant and/or cocktail lounge, plus one space for each employee on the maximum working shift.
  - f. Other places of assembly without fixed seats: one space for each fifty square feet of floor areas used for assembly, plus one space for each employee on the maximum working shift.
7. Educational Uses.
- a. Public and private elementary and junior high schools: one space for each employee, plus sufficient space for safe and convenient bus loading and unloading of students.
  - b. High schools: one space for each employee, one space for each ten students, plus sufficient space for safe and convenient bus loading and unloading of students.
  - c. Colleges: one space for each employee, plus one space for each five students enrolled.
  - d. Nursery schools and day care centers: one space for each employee, plus sufficient space for safe and convenient loading and unloading of students enrolled.
  - e. Business, professional and trade schools and colleges, and art, craft, music and dancing schools: one space for each employee, plus one space for each three adult students.
8. Public Uses.
- a. City, County, special district, State and Federal administrative offices: one space for each employee, plus one space for each one thousand square feet of floor area.

- b. Public buildings and grounds other than offices and educational uses: one space for each employee of the maximum working shift, plus the number of additional spaces prescribed by the city council.
9. Transportation Terminals and Facilities. Airports, heliports, bus depots, taxi stations, railroad stations and yards: one space for each employee on the maximum working shift, plus sufficient space for the loading and unloading of passengers.
  10. Miscellaneous Uses. For a use not specified or covered by the above parking schedule, the same number of spaces shall be provided, as determined by the planning department, as are required for the most similar use.
  11. Recreation Vehicle Parking Within Multi-Family Developments. Recreation vehicle parking shall not be permitted within multifamily developments unless confined to an area designed for the purpose enclosed by a security fence, and located where it will have the least visual impact on the site as a whole. RV parking within yard spaces of individual dwelling units or multifamily structures shall be prohibited.
  12. Demonstrated Alternative Parking Requirements. Notwithstanding the parking requirements of subsections (D)(2) and (3) of the above schedule, an applicant shall be entitled to submit a parking formula for consideration and approval by the city council which is based on a demonstrated satisfaction of parking requirements for the same or similar use at another location. Such alternative demonstration shall be submitted in writing, together with photographic and other evidence as may be necessary in support of the request. Evidence from a location outside of the city shall include a letter from the planning official having jurisdiction corroborating that the evidence supports the alternative formula.
- E. Units of Measurement.
1. For purposes of this chapter, "floor area" shall mean that floor area used, or intended to be used, for direct service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment for the display and sale of merchandise. It shall not include areas used principally for nonpublic use, including storage or administrative offices incidental to a commercial use.
  2. In outdoor or indoor places of assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four lineal inches of each seating facility shall be counted as one seat for purposes of calculating off-street parking requirements.
  3. If, in the application of the requirements of this section, a fractional number of seats are obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half.
- F. Change in Use, Additions and Enlargements. Whenever there is a change in use or increase in floor area, or change in other unit of measurement specified herein, and such change of increase creates a need for an increase in the number of off-street parking spaces by twenty percent or more, such increase in parking facilities shall be provided on the basis of the increased requirements of the new or enlarged use; provided, however, that in the event a change in use

creates a need for an increase of two or less off-street parking spaces, no additional parking facilities shall be required.

- G. Remodeling. No additional off-street parking facilities shall be required solely because of the remodeling of an existing use or building, unless there is a change in use, addition or enlargement for which additional facilities are required in accordance with subsection F of this section.
- H. Mixed Uses. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use and uses within integrated shopping centers and the Central Business District.
- I. Joint Use. The city services director ~~of community development~~ may, upon written application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses and activities, and under the conditions specified herein:
  - 1. Seventy-five percent of the parking facilities required for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use, or the reciprocal; provided, however, that such parking area shall meet the conditions set forth for in-lieu payments in subsection (K)(3) of this section.
  - 2. The following uses are typical daytime uses: banks, business offices, retail stores, personal services, manufacturing or wholesale uses and similar uses. The following uses are typical nighttime uses: dance halls, theaters, bars, auditorium and restaurants that only serve dinners.
  - 3. The following are conditions required for joint use:
    - a. The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within two hundred feet from such parking facility.
    - b. The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.
    - c. If the building, structure or improvement requiring parking space is in one ownership and the required parking space provided is in another ownership, partially or wholly, there shall be a recording in the office of the county recorder of a covenant by such owners for the benefit of the city, in a form approved by the city, that such owner or owners will continue to maintain such parking space so long as said building structure or improvement is maintained by said owner within said city.
    - d. The covenant herein required shall stipulate that the title to and right to use the parcel or parcels upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected and that said parcel or parcels are not and will not be made subject to any other covenant or contract for use without prior written consent of the city.

- J. Common Facilities. Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the city council as to size, shape and relationship to sites to be served. The total of such off-street parking spaces, when used together, shall not be less than the sum required for the various uses computed separately, except as follows:
1. Where joint use is allowed.
  2. When such common parking facility is to occupy a site three thousand square feet or more, a fifteen percent reduction in the total number of spaces shall be permitted.
  3. Where the provisions of subsection (D)(2) of this section apply.
- K. In-lieu Payments for Uses within the Central Business District. In lieu of furnishing the parking spaces and facilities required by the provisions of this section for uses within the central business district, the requirements thereof may be satisfied by electing one of the following options:
1. Payment to the City. Payment to the city of an amount of money, per parking space, for each parking space required by the provisions of this chapter, equal to fifty percent of the value of a parking space, which value shall be fixed annually by the city council based on the city's experience in the cost of developing municipal off-street parking facilities. The payments of such money shall constitute full compliance with the provisions of this section, and the city shall provide such spaces for the benefit of the public as part of, and through the expansion of, the city's municipal off-street parking program. The city shall construct, maintain and manage such spaces at such locations and at such times as will best benefit the public-at-large in accordance with the policies and programs of the off-street parking plan of the city as adopted by the council.
  2. Construction of Parking. Construction of such off-street parking spaces and facilities as reasonably may be provided in view of the physical limitations of the property available for such purpose and the deposit of money with the city in accordance with the provisions, and under the terms of subsection (K)(1) of this section, for the remainder of the off-street parking spaces and facilities required by this section; or
  3. Deposit of Money.
    - a. With the consent of the council, the owner of the property or use for which twenty or more off-street parking spaces are required may deposit with the city an amount of money, per parking space for each parking space required by the provisions of this chapter, equal to seventy-five percent of the value of a parking space, which value shall be fixed annually by the council based on the city's experience in the cost of developing municipal off-street parking facilities.
    - b. The payment of such money shall constitute full compliance with the provisions of this section, and the city shall provide such spaces for the benefit of the public as a part of, and as an expansion of, the city's municipal off-street parking program. The city shall construct, maintain and manage such spaces within four hundred feet of the exterior

boundaries of the property or use for which the spaces were originally required and within a time period determined by the mutual agreement of the depositor and the council.

- c. Whenever a payment of money is made to the city in lieu of the provision of parking spaces and facilities required by this section, such money shall be deposited in a special fund and shall be used and expended exclusively for the purpose of acquiring and developing off-street parking facilities as an expansion of the city's municipal off-street parking program. The value of an off-street parking space, to be fixed annually by the council, shall be determined in such a manner that it will reflect reasonably the actual unit parking space costs to the city for the acquisition and development of parking facilities.
- d. Whenever a payment of money is made to the city in lieu of the provision of parking spaces and facilities required by this section, the payment may be made in equal monthly installments, with interest, over the maximum period of time possible consistent with attaining the objectives of the city's municipal off-street parking program. The time period for such payment shall be stated in an agreement with the city for payment, with the first installment due and payable upon execution of the agreement with the city for such payment. No use permit shall become effective, nor shall any building permit be approved, where in-lieu payments are required, until such agreement has been duly executed.

(Ord. 489 § 1 (part), 1999; Ord. 437 § 1 (part), 1989)

#### **18.13.030 Standards For Off-Street Parking Facilities**

Off-street parking facilities shall conform to the following standards:

- A. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the ~~public works~~city services director.
- B. Entrances and exits to parking lots and other parking facilities shall be provided only at locations approved under site plan review procedures of this code\*.
- C. Each parking space shall be not less than twenty feet in length and nine feet in width, exclusive of aisles and access drives, except that up to forty percent of all spaces may be provided for compact cars with such spaces not less than seventeen feet in length and eight feet in width, and marked for compact cars. Spaces for the handicapped shall meet state standards.
- D. Parking lot lighting shall be deflected away from abutting sites so as not to cause annoying glare to such sites.
- E. No commercial repair work or servicing of vehicles shall be conducted on a parking site.
- F. The parking area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, with the design and specifications of such work subject to city standards and the approval of the city services director ~~of public works~~.

- G. The requirements of this section shall apply to all uses for which a site plan must be approved in accordance with the provisions of Chapters 18.17 and 18.18.

(Ord. 437 § 1 (part), 1989)

\* See Chapter 18.18 of this title.

#### **18.13.040 Off-Street Loading Facilities Required**

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same parcel with such building, at least one off-street loading space, plus one additional off-street loading space for each twenty thousand square feet or major fraction thereof of gross floor area.

(Ord. 437 § 1 (part), 1989)

#### **18.13.050 Standards For Off-Street Loading Facilities**

Off-street loading facilities provided in compliance with Section 18.13.040 shall conform with the following standards:

- A. Each loading berth shall be of a length and width, and shall have an overhead clearance sufficient to accommodate fully the maximum size of vehicles used in loading or unloading operations.
- B. Sufficient room for the turning and maneuvering of vehicles shall be provided on the site.
- C. Entrances and exits shall be provided at locations approved under site plan review procedures of this code.
- D. The loading area, access drives and aisles shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, with the design and specifications of such work subject to city standards and approval of the ~~public works~~city services director.
- E. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the city services~~public works~~ director.
- F. If the loading area is illuminated, lighting shall be deflected away from abutting sites so as not to cause annoying glare to such sites.
- G. A loading area shall not be located in a required front yard. A loading area may be located in a required side or rear yard.
- H. No commercial repair work or servicing of vehicles shall be conducted in an off-street loading area.

(Ord. 437 § 1 (part), 1989)

#### **18.13.060 Location Of Off-Street Parking And Off-Street Loading Facilities**

Off-street parking and off-street loading facilities shall be located on the same site with the use for which the berths are required or on an adjoining site, except that within the central business district as located within the CC district, off-street parking facilities may be located within four hundred feet of the use for which the spaces are required, measured by the shortest route of pedestrian access. No off-street loading space shall be required where buildings are served by a public alley.

(Ord. 437 § 1 (part), 1989)

#### **18.13.070 Screening, Fencing And Landscaping**

- A. Where an off-street parking area in a C district adjoins a UR, RA, R, RM or PO district, an ornamental solid wall or fence, vine-covered open fence, or compact screening device, as may be required under "Site Plan Review", Chapter 18.18 of this title, shall be located on the property line common to such districts, except in a required front yard.
- B. In an RM, PO, C or I district, not less than five percent of the interior of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation.

Landscaped areas shall be distributed throughout the parking area to the extent practical in consideration of the size and design of the parking area.

(Ord. 437 § 1 (part), 1989)

#### **18.13.080 Existing Uses**

No existing use of land or structure shall be deemed to be a nonconforming use solely because of the lack of off-street parking facilities or off-street loading facilities prescribed in this chapter; provided, however, that facilities being used for off-street parking and off-street loading at the time of the adoption of the ordinance codified in this title shall not be reduced in capacity to less than the number of spaces or berths or reduced to less than the minimum standards prescribed in this chapter. Where an existing use is expanded, the parking requirements of this chapter shall apply only to the addition.

(Ord. 437 § 1 (part), 1989)

#### **18.13.090 Reduction Of Off-Street Parking And Off-Street Loading Facilities**

No off-street parking or off-street loading facilities provided for a use of land or structure in compliance with this chapter shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter.

(Ord. 437 § 1 (part), 1989)

#### **18.13.100 Exceptions To Off-Street Parking And Off-Street Loading Requirements**

None of the provisions of this title which require the provisions of off-street parking and off-street loading spaces in connection with the use of property for commercial or industrial purposes shall apply to any parcel of property which is located within any vehicle parking district hereafter formed and existing under the provisions of any parking district act approved by the city council, and where parking and loading facilities provided by such district are determined by the city council to be adequate to serve the district.

(Ord 437 § 1 (part), 1989)

~~18.14 Home Occupations; Temporary Subdivision Signs And Sales Offices; Single Room Mobile Parks; Signs And Outdoor Advertising Structures; Manufactured And Second House Units~~ Miscellaneous Development Standards

18.14.010 Home Occupations

18.14.020 Temporary Subdivision Signs And Sales Offices

18.14.030 Mobile Home Parks

18.14.040 Regulation of signs and outdoor advertising.

18.14.050 Regulation Of Manufactured Housing Within Residential Districts

18.14.060 ~~Second-Accessory~~ Dwelling Units

18.14.070 Single-Room Occupancy Unit

18.14.080 Group Care Homes

18.14.090 Supportive Housing

18.14.100 Employee Housing

~~18.14.110 Purpose~~18.14.110 Signage Regulations

18.14.120 Applicability And Severability

18.14.130 No Discrimination Against Noncommercial Speech

18.14.140 Exempt Signs

18.14.150 Prohibited Signs

18.14.160 Permits Required

18.14.170 Rules For Sign Measurement

18.14.180 Sign Regulations On Developed Sites By Zone District

18.14.190 Sign Regulations On Undeveloped Or Developing Sites

18.14.200 Offsite Temporary Signs For Residential Subdivisions

18.14.210 Flags And Flagpoles

18.14.220 Search Lights And Klieg Lights

18.14.230 Signs In Public Rights-Of-Way

18.14.240 Temporary Sign Standards

18.14.250 Size Of Signs On Windows

18.14.260 Signs With Non-Electronic Changeable Copy

18.14.270 Signs With Electronic Changeable Copy

18.14.280 Illumination Of Signs

18.14.290 Concealed Electrical Systems

18.14.300 Master Sign Program

18.14.310 Variances And Administrative Adjustments

18.14.320 Wall Mural Placement And Design Criteria

18.14.330 Nonconforming Signs

18.14.340 Maintenance Of Signs

18.14.350 Hazardous Signs

18.14.360 Abandoned Or Obsolete Signs

18.14.370 Illegal Signs

18.14.380 Enforcement

18.14.390 Definitions

### **18.14.010 Home Occupations**

- A. Procedure. Home occupations shall be permitted only in accordance with the regulations in Chapter 18.16 and this section.
- B. Standards. Before approving an application for a home occupation in accordance with the provisions of Chapter 18.16 and this section, the [city services](#) director ~~of community development~~ shall determine that the proposed home occupation will comply with the following standards:
1. A home occupation within a dwelling unit shall be clearly incidental to the use of the structure as a dwelling.
  2. A home occupation shall not be conducted in any accessory structure, other than a garage, and there shall be no storage of equipment or supplies in any accessory structure, other than a garage or outside the dwelling.
  3. No one other than a resident of the dwelling shall be employed in the conduct of the home occupation.
  4. Sales of goods on the premises shall be limited to the products of the home occupation, and no merchandise or goods shall be sold, kept or displayed for the purposes of sale on the premises.
  5. Merchandise not produced on the premises may be kept and stored for purposes of sale at locations off the premises; provided, that such merchandise is limited to small articles such as jewelry, cosmetics and similar items of merchandise which can be carried by one person in a case. For purposes of this standard, contracting services such as plumbing, heating, air conditioning, electrical, carpentry and landscaping are not included within the meaning of the phrase "small articles."
  6. A home occupation may involve the performance of business and professional services in which goods, wares and merchandise are not commercially created, sold or exchanged, but shall not include beauty salons, barber shops, medical offices, tattoo parlors, fortunetellers, palm readers or similar services.
  7. A home occupation shall not involve the performance of any repair services on the premises other than the repair of small appliances and equipment or other small objects which normally are capable of being carried by one person without the aid of mechanical equipment or devices.
  8. A home occupation shall not involve the use of any material or mechanical equipment not recognized as being part of normal household or hobby uses.
  9. No motor power other than electrically operated motors shall be used in connection with a home occupation.
  10. A home occupation shall not create any radio or television interference or noise audible beyond the walls of the dwelling.

11. There shall be no external alteration of the appearance of a dwelling in which a home occupation is conducted.
12. The existence of a home occupation shall not be apparent beyond the boundaries of the site except for one nonilluminated nameplate affixed to the dwelling not exceeding two square feet in area.
13. The number of customers of a home occupation who must travel to the site of the home occupation shall not exceed four persons per day.
14. Not more than one truck of not more than one ton capacity and no semitrailers incidental to a home occupation shall be kept on the site.
15. A home occupation shall not be permitted until an application for administrative approval shall be made in the manner prescribed under Chapter 18.16.
16. The city council may also place other conditions deemed necessary to make the home occupation compatible with the neighborhood. Upon approval of a permit for a home occupation, the community development department shall attach the above standards to the notice of approval as conditions which must, in all cases, be met by the applicant, together with such additional conditions as may be prescribed under the administrative approval process of Chapter 18.16.

- C. Modification and Revocation. A permit for a home occupation may be modified in the same manner as originally applied for by the applicant. A permit for a home occupation may be revoked in the manner prescribed under Section 18.16.060.

(Ord. 486 § 8, 1997; Ord. 437 § 1 (part), 1989)

**18.14.020 Temporary Subdivision Signs And Sales Offices**

Temporary subdivision signs and sales offices may be located within subdivisions for a period not to exceed two years from the date of recording of the subdivision. Subdivision signs and sales offices shall be removed at the expense of the owner, unless, prior to the expiration of two years, a renewal of time is granted by the city council. Upon expiration of such renewal period, subdivision signs and sales offices shall be removed at the expense of the owner. Subdivision signs shall be governed by the regulations prescribed in Section 18.14.040 of this chapter. A temporary subdivision sales office shall not be permitted until an application for a subdivision sales office permit shall be made to and approved by the city council in the manner prescribed in Chapter 18.17.

(Ord. 437 § 1 (part), 1989)

**18.14.030 Mobile Home Parks**

- A. Occupancy. No mobile home shall be occupied or used for living or sleeping purposes, or be parked, other than in a mobile home sales yard or in an approved storage area within a CS, CH or I district, unless it is located within a licensed mobile home park; provided, that a mobile home may also be used as follows: as an office for a construction project, circus or carnival; as a residence of a watchman on the site of a construction project or an industrial use; or to provide temporary living quarters for circus or carnival personnel in accordance with the provisions of an approved

conditional use permit; or as a single-family dwelling when set on a permanent foundation within any RA, R, RM or PO district.

B. Location and Access. For purposes of this title, mobile home parks are considered to require the same considerations in their location as do other types of multifamily dwellings under medium density policies of the general plan. Mobile home parks shall be located only within RM districts, with access from elements of the arterial or collector street system to be considered as a condition of approval.

C. Development Standards—Mobile Home Parks.

1. Park Area, Density and Site Area.

- a. The minimum area of a mobile home park shall be five acres. The first phase of mobile home park development shall be not less than five acres and shall include all required recreational and service amenities.
- b. The maximum density shall be eight mobile home sites per gross acre.
- c. Each mobile home site shall be not less than three thousand square feet in area, including pad, parking, private access, landscaping and private storage areas.
- d. No mobile home site shall be less than thirty feet in width.

2. Clearances, Setbacks and Yard Spaces.

a. Mobile home park:

Front yard	20 ft.
Interior side yard	10 ft.
Street side yard	10 ft.
Interior rear yard	10 ft.
Street rear yard	20 ft.

b. Mobile home sites within the park:

Front yard	10 ft.
Side yard	5 ft.
Rear yard	10 ft.

- c. No mobile home shall be located in any required yard space, except that tow bars may extend into such yard space, and other incidental structures may be located in accordance with the provisions of Section 18.08.050(F).
3. Patios and Pads.
- a. Each mobile home site shall have a hard surfaced patio area of not less than two hundred square feet. A permanent porch greater than twenty square feet in area may be counted as part of the required patio area.
  - b. Each mobile home site shall have a support pad of concrete or asphalt concrete laid over a compacted surface base which, in combination, will be adequate to support the mobile home on a level plane.
4. Parking.
- a. Not less than two off-street parking spaces shall be provided within each mobile home site, one of which may be tandem to the other.
  - b. Not less than one guest parking space shall be provided for each mobile home site at a location central to each four contiguous mobile home sites; provided, that guest parking shall not be required for mobile home sites along a collector street constructed to the width prescribed under subsection (C)(5), of this section.
  - c. Parking shall be provided for central recreation buildings, park offices and other similar buildings at a ratio of one parking space for each four hundred square feet of gross floor space.
  - d. Supplemental parking for pleasure boats, recreation vehicles and nonoccupied travel trailers shall be provided at a ratio of one parking occupied travel trailers shall be provided at a ratio of one parking space for each ten mobile home sites, and shall be used only by mobile home park tenants. Said parking shall be clustered, easily accessible via interior drives, and shall be screened from view by means of a solid ornamental fence or wall and landscaping.
  - e. All parking areas and spaces shall be designed and constructed in accordance with the provisions of Chapter 18.13 of this title.
5. Streets.
- a. Entrance streets shall be located to assure safe access to and from the public street system.
  - b. Minor streets within the mobile home park shall be a minimum of thirty feet of paved width; collector streets shall be a minimum of thirty-six feet of paved width. Paving shall be to city standards.
  - c. Streets shall be constructed to effect positive drainage, including concrete curbs and gutters constructed to city standards.

- d. Parallel parking shall be permitted on both sides of a collector street and on only one side of a minor street. Such on-street parking shall be in addition to off-street parking requirements of this Section.
6. Driveways, Street Signs, Lighting, Storm Drainage, Water and Sewer Systems. Driveways for individual mobile home sites, street signs, interior street lighting, storm drainage facilities and water and sewer systems shall be installed subject to approval of the [city services](#) director ~~of public works~~.
7. Underground Utilities. All public utilities shall be installed underground, including electrical, telephone, street lighting cable, community television antenna connections and ducts for cable television. A community television antenna with underground ducts and connections to each mobile home site shall be provided.
8. Recreation Areas and Pedestrian Ways.
  - a. Common recreation area in an aggregate total equal to ten percent of the gross area of the mobile home park shall be provided at a location or locations which are easily accessible and convenient to park residents.
  - b. Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an automatic underground system.
  - c. Pedestrian ways shall be provided throughout the mobile home park, connecting all mobile home sites with each other and with common recreation areas. Such pedestrian ways shall be provided where possible at locations away from the interior street system to avoid conflict in pedestrian and vehicle traffic.
  - d. The calculation of common recreation areas shall not include yard areas, pedestrian ways, management offices, laundry and tenant storage areas and parking areas.
9. Signs. No more than one identification sign shall be erected displaying the name of the mobile home park. Such signs shall be located near the park entrance drive and shall not exceed thirty-two square feet in total readable surface area, or eight feet in height. Such sign shall be installed within the front yard area of the mobile home park, parallel to the abutting street, with landscaping at its base. Additional directional and identification signs may be installed within the mobile home park subject to the approval of the [city services](#) ~~community development~~ director.
10. Landscaping and Screening. Mobile home parks shall provide permanently maintained landscaped areas and site screening as follows:
  - a. A landscaped border along the entire street frontage yard area and along the rear yard if such yard is adjacent to a public street.
  - b. Ornamental screen wall or fencing, seven feet in height, along all interior side property lines, along all rear property lines which do not abut a public street, and along street side yard and street front yard setback lines.
11. Other Requirements.

- a. Each mobile home park shall provide: (1) a laundry building equipped for clothes washing and drying; (2) an outdoor clothes drying area screened from view from other areas of the mobile home park by an ornamental screen fence or wall and landscaped area; and (3) trash enclosures at locations along the interior street system which are convenient to all residents and to municipal refuse trucks, integrated with parking areas.
- b. Applications for mobile home parks shall be subject to site plan review under the provisions of Chapter 18.18.

12. Placement and Sale of Mobile Homes.

- a. At the time of placement on the site, all mobile homes shall be fitted with appropriate skirts to obscure stands, pads, and under-carriage equipment.
- b. Mobile homes may be displayed and sold within a mobile home park similar to the sale of model homes within a residential subdivision; provided, that such mobile homes are not sold for delivery to any location other than within the mobile home park in which sold, and that all mobile homes are placed on mobile home sites and connected to all utility services. No more than four mobile homes shall be offered for sale at any one time, and advertising for sale shall be limited to one nonilluminated sign not exceeding eight square feet in area on the site of each mobile home offered for sale.

(Ord. 437 § 1 (part), 1989)

**18.14.040 Regulation of signs and outdoor advertising.**

- A. Purposes and Application. In order to maintain and enhance the attractiveness and orderliness of the city's appearance, and to protect the public safety and general welfare, the location, size, height, illumination and maintenance of signs and outdoor advertising structures are regulated as set forth herein.
- B. General Provisions and Exceptions.
  - 1. Application. The provisions set forth in this section shall be applicable to all signs permitted by this Title.
  - 2. Computation of Sign Area or Display Surface. For purposes of this section, measurements for computing the areas of a given sign shall be made as follows:
    - a. For signs comprised of individual letters attached to the business structure, including module letters and logo graphic symbols, the effective sign area shall mean any area(s) enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains all extremities of each word and/or logo graphic symbol of the sign. Each word and/or logo graphic symbol shall be measured separately in computing total sign area. Shadow box borders and other border trims which are an intrinsic part of the building, either architecturally or structurally, shall not be included in such area computations.

- b. Where the sign consists of module letters only, and such letters are separated a minimum distance of one and one-half times the width of the individual module, the space between such letters shall not be included when computing sign area.
  - c. For single unit signs containing letters or logo graphic symbols on cabinets or panels, the effective sign area shall mean the area enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains the perimeter of the cabinet or panel sign.
  - d. For projecting signs and freestanding detached signs containing letters and/or logo graphic symbols, the "effective sign area" means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports and/or ornamental and decorative trim on cabinets or support columns.
  - e. For freestanding and projecting signs intended to be read from either side along a single frontage, both sides of the sign shall be counted in computing the total sign area for that frontage.
  - f. The effective sign area of a ball or sphere shall be seventy-five percent of the surface area of the ball or sphere.
3. Projection and Height.
- a. No sign shall project more than fourteen inches beyond the property line, except that a freestanding sign shall not extend beyond the property line. The minimum height clearance for any freestanding sign, projecting building sign or sign located on a building marquee shall be not less than eight feet as measured from ground level to the lowest portion of the sign display area.
  - b. No sign other than a directional sign shall project more than twelve inches into a required rear yard or interior side yard.
  - c. In an RCO, UR, **RA, R, RM** or PO district, a sign attached to a building shall not project above the parapet or roof line, whichever is higher.
4. Number of Freestanding Signs. Not more than one freestanding on-premises sign, or free-standing outdoor advertising structure, may be located on each parcel of property within a zoning district in which a freestanding sign or freestanding outdoor advertising structure is permitted.
5. Traffic Hazards.
- a. No sign or outdoor advertising structure shall be placed within thirty feet of the intersecting curb lines of a street intersection, unless placed on a single pole with a ground clearance of at least ten feet, or unless placed so that the top of the sign and its supporting structure is a maximum of two and one-half feet above the ground.
  - b. No red, green or amber lights or illuminated signs or outdoor advertising structures illuminated by or including flashing lights, shall be placed in such position that they

reasonably could be expected to interfere with or be confused with any official traffic-control device, traffic signal or official directional guide sign.

6. Movement. A moving sign shall be permitted only in C or I districts; provided, that movement shall be slow (not to exceed ten r.p.m.) and shall not simulate effects obtained by varying the intensity, color, pattern or illumination.
7. Utility Lines and Easements. No sign or outdoor advertising structure shall be located within a utility easement, or erected or located in a manner which will reduce the vertical or horizontal clearance from communication lines or energized electric power lines as required by laws, rules and regulations of the state and agencies thereof.
8. Special Signs-Exceptions. The following types of signs shall be exempt from the provisions of this section:
  - a. Signs for the posting or display of official notices by a public agency or official, or by a person giving legal notice;
  - b. Signs erected or maintained by a public agency or official, or signs required by law to be displayed by a public utility for directional, warning or informational purposes;
  - c. Temporary signs or displays of an emergency, patriotic, religious, or community nature. Such signs shall be removed within seven calendar days after the date of an advertised event.
  - d. Signs announcing garage or yard sales. Such signs shall be removed immediately after the completion of the sale.
9. Special Signs-Prohibition. Animated signs, the movement of which is simulated by variations in the intensity, color, pattern or illumination of the sign, and flashing signs, shall be prohibited in all districts, subject to the following exceptions:
  - a. A sign changing so as to show time and/or temperature.
  - b. An on-premises barber pole.
10. Area Identification Signs. Area identification signs intended to identify a neighborhood, subdivisions, shopping or industrial district, complex or other area composed of multiple ownerships, shall be limited to a maximum single surface area of twenty-five square feet, and total sign area not exceeding fifty square feet.
11. Outdoor Advertising Signs. Outdoor advertising signs are signs having part or all of their area devoted to directing attention to a business, profession, commodity, product or service that is not the primary business, profession, commodity, product or service sold, manufactured, conducted or offered on the site on which the sign is located, and shall be subject to the following conditions:
  - a. Outdoor advertising signs shall not be permitted in the RCO, UR, R, RM, PO or C districts.
  - b. The maximum single surface area per site of an outdoor advertising structure in the I district shall be five hundred square feet; the maximum aggregate area per site of outdoor

advertising signs in the I district shall be one thousand square feet. No outdoor advertising signs shall be placed within two hundred feet of another such sign on the same side of a street or highway.

12. Sign Permit Requirement.

- a. Except as otherwise noted within this chapter, it is unlawful for any person to erect, relocate or alter electrically or structurally, any sign in the city without first obtaining a valid sign permit or building permit, if required.
- b. No permit is required for the following signs:
  - i. Permitted temporary or portable signs;
  - ii. Address numbers;
  - iii. Window letters not exceeding twenty-five percent of total window surface area for business identification (name of business, hours of operation, address, phone);
  - iv. Public safety signs.
- c. Sign permit applications shall be made upon forms provided by the city and shall be filed with the community development department. Should the community development department determine that the proposed sign does not comply with provisions of this chapter, the applicant shall be promptly notified. Upon a finding by the community development department that the proposed sign is in total compliance with the provisions of this chapter and all applicable codes, the city shall issue a sign permit.

13. Murals. Murals are painted wall signs which have a majority of the sign area comprised of non-commercial content, and which generally have artistic, historic or cultural themes. New murals shall require the prior review and approval of the mural review committee (hereafter "committee") and the city council. The council may approve a new mural if it finds that the proposed mural is consistent with applicable city policies and ordinances, and that the mural would not be detrimental to the public health, safety, or welfare. Commercial content of murals shall be subject to all applicable sign limitations of the underlying zone district. Murals shall be subject to the following standards and review process:

- a. Murals may be located on the sides of buildings or walls within any zone district, except residential zoning districts.
- b. Prior to painting or installation of a new mural, or the modification of an existing mural, an application must be submitted for the review and approval by the committee. All applications for new or modified murals shall be referred to the committee for review.
- c. Approval of a mural design shall occur only after public notice and an opportunity to comment has been provided to any interested party. Interested parties may provide comment on proposed murals in writing or in person to the committee or city council. The city council shall consider any public comments during their review of proposed murals.
- d. The committee shall apply the following design criteria in reviewing proposed murals:

- i. The subject matter shall be of historical significance regarding the growth and development of the city and its surrounding region. The mural may also contain other subject matter deemed by the committee to be significant and of high quality.
  - ii. Paints and other materials used for murals shall be appropriate for outdoor use and artistic rendition, and shall be permanent and long-lasting. Super-bright or fluorescent colors shall be discouraged.
  - iii. Murals shall be designed and painted by professional mural artists who possess demonstrated knowledge and expertise in the design, materials, and execution of murals.
  - iv. To the extent feasible, the mural shall be vandal and graffiti resistant.
  - v. To the extent possible, trompe l'oeil shall be the method of choice for mural creation.
  - e. The city council may, from time to time, by resolution, adopt additional mural design criteria and guidelines.
  - f. The city council may set, by resolution, a fee for the application and/or mural permit issuance.
14. Quality of sign construction, design, fabrication and installation of signs shall reflect standards of high quality and professional workmanship.
- a. Signs that are generally considered consistent with this standard include:
    - i. Signs constructed of durable, all-weather materials such as metal, glass, Plexiglas, or redwood.
    - ii. Individual lettered or cabinet signs with machine, laser, or die cut components.
    - iii. Proportional letter and word sizes and spacing.
    - iv. Sign placement that is proportional to and centered upon the building surface.
    - v. Integrated sign borders that define the sign copy area.
    - vi. Professionally carved or routed redwood signs.
    - vii. Other professionally prefabricated signs.
  - b. Signs that are generally not considered to be consistent with this standard include:
    - i. Signs constructed of nondurable materials such as paper, cardboard or plywood.
    - ii. Hand-stenciled painted signs with broken line segments.
    - iii. Hand painted plywood signs.
    - iv. Mass-manufactured dimensional molded plastic signs.
    - v. Changeable copy signs, except changeable copy signs for:

- Quasi-public announcement and bulletin boards;
  - Time and temperature devices; or
  - Theater marquees.
- c. These standards shall be applied by the community development department in the review of any sign permit.
15. **Temporary Commercial Signs.** Temporary commercial signs are defined as outdoor advertising signs visible from the public right-of-way which are made of nondurable materials, such as paper, canvas, plastic or cloth. Such signs shall be permitted, subject to the following limitations:
- a. A maximum of one temporary commercial sign may be displayed at a time, on developed non-residential properties located in commercial or industrial districts.
  - b. Temporary commercial signs advertising grand openings of new businesses may be displayed for a maximum of thirty days in any single calendar year.
  - c. Temporary commercial signs for all other promotions may be displayed a consecutive maximum of thirty days and a cumulative maximum of sixty days in any single calendar year.
  - d. Temporary commercial signs shall not exceed thirty-two square feet in total sign area.
  - e. Temporary commercial signs shall be located entirely within the property lines of the subject property, and shall not encroach into the public right-of-way.
  - f. Temporary commercial signs shall be mounted, flush against the surface plane of the building wall, and shall not extend above the plane of the building roof. Temporary commercial signs shall not be mounted on freestanding or portable signs, outdoor advertising structures, light poles, utility poles, or landscaping features.
  - g. Temporary commercial signs shall be maintained and kept in a high-quality state of appearance at all times. Temporary commercial signs which are visibly faded, torn, stained, illegible, or damaged shall not be displayed.
16. **Political Campaign Signs.** Political campaign signs are defined as temporary outdoor advertising signs visible from the public right-of-way, which are intended for political or political campaign purposes.
- a. Political campaign signs may be erected after the final campaign filing date for an election, typically eighty-eight days prior to the election, and shall be removed within fifteen days after such election.
  - b. Political campaign signs may not be attached to trees, fence posts, or utility poles. Political campaign signs may be ground-mounted or attached to a building.
  - c. Political campaign signs may not be attached or erected on public property or within the public right-of-way. Political campaign signs may not be located within thirty feet of the

intersecting curb lines of a street intersection or obstruct sight line visibility at intersections.

- d. In cases where political campaign signs are not removed within fifteen days after an election, the city shall cause to be removed those signs which remain. The expense of sign removal shall be paid by the candidate.
- e. Political campaign signs in violation of this section shall be removed immediately upon notice of violation by the city.

17. Temporary Construction Signs. One nonilluminated temporary construction sign shall be permitted on the site of a permitted construction project. Temporary construction signs may have a single surface area of not more than sixteen square feet in the RCO, UR, RA, R, RM and PO districts, and thirty-two square feet in all other districts. Temporary construction signs shall be removed at the owner's expense at the time of project completion.

C. Signs in the RCO, UR, RA, R, RM and PO districts. No sign of any character shall be permitted in the RCO, UR, RA, R, RM or PO districts, except as follows:

- 1. One nameplate, not directly illuminated, with a maximum of two square feet in area, containing the name or names of occupants of a residence or office.
- 2. One identification sign, not directly illuminated, located flat against a wall and not projecting above the roof line, with a single surface area of not more than sixteen square feet pertaining to a permitted or conditional use conducted on the site.
- 3. One nonilluminated sign, with a single surface area of not more than eight square feet, pertaining to the sale, lease, rental or display of a structure or site.
- 4. Nonilluminated directional signs, with a single surface area of not more than six square feet, pertaining to vehicular or pedestrian traffic directions and located along a driveway or within a parking lot. Arrows painted on pavement are not included in this regulation.
- 5. One bulletin board, not directly illuminated, with a single surface area of not more than twenty square feet, located on the site of a church, school, auditorium or other similar place of public assembly.
- 6. One nonilluminated temporary construction sign, with a single surface area of not more than sixteen square feet, on the site of a construction project, which shall be removed at the owner's expense at the time of project completion.
- 7. One temporary subdivision sales sign, not directly illuminated, with a single surface area of not more than thirty-two square feet, on the site of a residential subdivision.
- 8. Freestanding Signs. In the PO district only, on improved commercial or office sites, one free standing sign shall be permitted. Permitted free standing signs shall not have an area exceeding sixteen square feet per sign face and thirty-two square feet in total sign area and shall not exceed six feet in height. Permitted freestanding signs may be externally illuminated and shall not be internally illuminated.

D. Regulation of Signs Within the C Districts.

1. Purposes and Application. The purpose of sign regulation within the C districts is to avoid unsightly, inharmonious, competing, cluttered and hazardous location and appearance of signs, and to encourage the replacement of existing non-conforming signs. Sign regulations of this section shall apply to any permitted or conditional use listed within a C district.
2. Maximum Total Aggregate Area in the CN and CC Districts.
  - a. Primary Frontage. An allowable minimum sign area of up to fifty square feet shall be permitted for each primary building frontage (portion of building occupied by the business and facing a street), regardless of the width of such primary building frontage. A maximum total sign area, not to exceed three hundred fifty square feet, shall be permitted for each primary building frontage based on two square feet of sign area for each lineal foot of primary building frontage occupied by the business.
  - b. Secondary Frontage. An allowable minimum sign area of up to thirty-five square feet shall be permitted for each secondary building frontage (portion of building occupied by the business and facing an alley, an adjacent building, parking lot or the like), regardless of the width of such secondary frontage. A maximum total sign area, not to exceed two hundred square feet, shall be permitted for each secondary frontage based on one square foot of secondary building frontage occupied by the business.
3. Maximum Total Aggregate Area in the CS and CH Districts.
  - a. Primary Frontage. An allowable minimum sign area of up to one hundred square feet shall be permitted for each primary business frontage along a street, regardless of the width of such primary business frontage. A maximum total sign area, not to exceed five hundred square feet, shall be permitted for each primary building frontage based on two square feet of sign area for each lineal foot of primary business frontage occupied by the business.
  - b. Secondary Frontage. An allowable minimum sign area of up to fifty square feet shall be permitted for each secondary business frontage, regardless of the width of such secondary frontage occupied by the business. A maximum total sign area, not to exceed two hundred square feet shall be permitted for each secondary business frontage based on two square feet of sign area for each linear foot of secondary business frontage occupied by the business.
4. Directional Signs. Directional signs for off street parking and off-street loading facilities shall not exceed six square feet for each sign; parking lot identification signs shall not exceed six square feet per face of sign.
5. Sale, Lease and Rental Signs. Signs pertaining to the sale, lease, rental or display of a structure or land shall not exceed thirty-two square feet per single face of sign.
6. Projecting Signs. No sign, other than a directional sign, shall project more than twenty-four inches into a required rear yard or required interior side yard. No sign, other than a sign

required by law or a marquee sign, shall project more than fourteen inches into a public right-of-way.

7. Signs Attached to Buildings. Signs attached to buildings shall be installed parallel with the building, with no more than a fourteen-inch projection from the wall except where permitted under subsection (D)(8) of this section, and/or attached directly to the vertical or sloped face of the marquee.
8. Marquee or Canopy Signs. Signs attached below the marquee or canopy shall not exceed six square feet per face of sign and shall have a minimum ground clearance of seven feet above the sidewalk grade in order not to impede or interfere with pedestrian traffic and safety. Where the marquee or canopy is attached at an angle from a building, signs may be affixed to the sloped portion above the horizontal extension of the marquee or canopy as an integral part of the facade.
9. Painted Wall Signs. Within each of the C districts, signs painted upon a wall exterior surface shall be included when computing the allowable sign area.
10. Freestanding Signs.
  - a. New freestanding signs shall have a permanently landscaped area at their bases, and shall be maintained with live plant materials around the base of such signs equal to at least ten percent of the total sign area, and with a minimum landscaped area of ten square feet.
  - b. Freestanding area identification signs displaying the name and/or logo graphic symbol of a shopping center and/or the names of other groupings of businesses, offices, services or combinations thereof, shall not exceed a total sign area of three hundred fifty square feet.
11. Temporary Signs. Temporary commercial signs shall be subject to the provisions and limitations of subsection (B)(15) of this section.
12. Announcement and Bulletin Boards. Announcement and bulletin boards or structures for any public, philanthropic, civic, religious or charitable organization or agency, nonilluminated or illuminated by indirect lighting only, may not exceed thirty-two square feet in area in any district when appurtenant to the premises on which they are located.
13. Public Service Signs. Electronic public service signs displaying such information as time of day, temperature or events of community interest, with the purpose of augmenting on premises identification shall be permitted. The area of such signs shall be included when computing the total sign area of a business or site.
14. Portable Signs. A maximum of one portable sign not exceeding a total height of six feet and total sign area of thirty-two square feet per face, shall be permitted per property. Portable signs shall not be placed in the public right-of-way (e.g. public streets, alleys, curbs, or sidewalks) or within thirty feet of a street intersection. Portable signs shall not encroach upon or obstruct any pedestrian walkway, fire lane, or paved parking space. Portable signs are defined as signs which are not attached to a building or freestanding base with a permanent foundation.

15. Public Utility Signs. Nonadvertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety and welfare of the general public, including but not limited to the following: informational signs for public telephone facilities or marking the location of underground facilities, directional signs for public utility services, signs notifying the public of "danger," "emergency," "construction" and similar conditions. No sign or other item shall be attached to private utility company poles and/or light standards or supports without prior written approval from the utility company to which such poles belong.
16. Sight Distance at Intersections. No sign permitted by this section shall be placed within thirty feet of a street intersection (intersecting curb lines) unless placed so that the top of the sign is at a maximum of three feet above the ground or unless the bottom of the sign is a minimum of ten feet above the ground level.
17. Height of Signs. The height of signs within the CN and CC districts shall not exceed the height of the structure which houses the business being advertised, and in no case shall such sign exceed the height limitations of the district in which it is located.
18. Signs Expressly Prohibited.
  - a. No red, green or amber light or illuminated sign may be placed in such a position that it could reasonably be expected to interfere with, or be confused with, any official traffic-control device, traffic signal or official directional guide sign.
  - b. Outdoor advertising structures shall not be permitted.
  - c. Glaring, flashing and scintillating signs shall not be permitted.
  - d. Open letter signs which may be viewed from the reverse shall not be permitted.
  - e. Except in the CS and CH districts, canvas, plastic, cloth, paper or other types of banners or streamers suspended across public or private property, buildings or structures shall not be permitted, except temporary banners announcing civic events such as parades and homecomings which extend over or across a street.
19. Brand Name Advertising. Up to thirty per- cent of the sign area on any frontage may be devoted to advertising or identification of an individual brand or brands of products. This provision shall not apply to the identification of one primary brand name identifying a service station.
20. Design of Signs. All signs shall be designed in scale and harmony with the architectural design of the buildings and uses they are intended to relate to or identify, and shall be consistent with the criteria of subsection (B)(14) of this section.
21. Alteration and Removal. Achieving the alteration or removal of dangerous, obsolete and nonconforming signs is a major policy of this section. To this end, certain signs are declared to be dangerous, obsolete or nonconforming, and shall be removed or altered to conform as follows:

- a. A dangerous sign is defined as any sign which is an immediate peril or a potential menace to the safety of persons or property. The building inspector shall give a written order for the repair or removal of any unsafe or dangerous sign to the owner of the real property upon which such sign is located. If such owner shall fail to remove or repair such sign or advertising structure, within thirty days of notification by the building inspector, the building inspector may cause the removal of such sign and may enter upon such property for such purpose. Any cost accrued by the city in the removal of such sign shall be charged to the owner of the real property upon which such sign is located and added to the real taxes thereon for the ensuing tax year or be collected in civil action at the option of the city.
- b. Any sign hereafter existing which no longer advertises a bona fide business conducted or product sold on the premises where such sign exists shall be removed or made to conform by the owner of the building, structure or property upon which such sign is located within ninety days after written notification by the building inspector, or the building inspector may cause the removal of such sign. Any cost accrued by the city shall be treated in the same manner as provided above, for dangerous or unsafe signs.
- c. Signs which are nonconforming because of their lighting, movement or animation shall be made to conform or be removed within one hundred twenty days after written notification by the building inspector.

22. Appeals Procedure.

- a. If, because of any ambiguity, inadvertent omission or error, the interpretation of the provisions and/or intent of this section by the city services director ~~of community development~~ is disputed, the applicant or any aggrieved person may appeal, in writing, setting forth his reason for such appeal to the city council. The appeal shall be filed with the city services director ~~of community development~~ within fifteen days after an adverse decision of the city services director. The appeal shall be placed on the regular meeting agenda of the city council at the first opportunity.
- b. The council shall review the sign proposal and shall approve, approve with conditions, or disapprove it, based on the findings set forth in Section 18.21.060 of this code.

E. Regulation of Signs within the I Districts. No sign, outdoor advertising structure or display of any character shall be permitted in the I districts, except as follows:

- 1. Outdoor advertising signs in accordance with the district limitations and standards prescribed in subsection (B)(I) of this section.
- 2. Regulation of Signs Within the I District. The maximum permissible area of all faces of all signs pertaining to a permitted use or conditional use, excluding outdoor advertising signs, directional signs and signs identifying products within a window display area, shall be as follows: one square foot of sign area per lineal foot of property line adjoining a street, or one hundred square feet per acre of site area in use, whichever is greater, to a maximum of six hundred square feet of sign area.

3. Temporary Signs. Temporary signs shall be subject to the provisions and limitations of subsection (B)(15) of this section.
  4. One non-illuminated sign, not exceeding a single surface area of thirty-two square feet, pertaining to the sale, lease, rental or display of a structure or site.
  5. Nonilluminated directional signs along driveways or within parking lots, not exceeding a single surface area of six square feet, pertaining to vehicular and pedestrian traffic direction.
  6. One bulletin board not directly illuminated, not exceeding a single surface area of twenty square feet located on the site of a place of public assembly.
  7. One non-illuminated temporary construction sign, not exceeding a single surface area of thirty-two square feet, on the site of a construction project, to be removed at the owner's expense at the time of project completion.
- F. Nonconforming Signs and Nonconforming Outdoor Advertising Structures. Nonconforming signs and nonconforming outdoor advertising structures shall be subject to the regulations prescribed in Chapter 18.15.
- G. Abandoned and Dilapidated Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which has been abandoned or which is physically dilapidated. Any such sign shall be promptly removed by the owner or such other person. Any sign located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his business, or any sign which pertains to a time, event or purpose which no longer is applied, shall be presumed to have been abandoned. A sign shall be considered to be "physically dilapidated" if the sign copy is removed or obscured so that it is substantially illegible from the public right-of-way, or if the sign is in a state of visibly obvious structural disrepair affecting at least twenty-five percent of the sign area.
- H. Authority to Modify Sign Regulations. Notwithstanding other provisions of this chapter, the city council has the authority to modify or adjust regulations of this chapter in order to prevent or lessen practical difficulties or unnecessary physical hardships inconsistent with the objectives of the zoning code and the purpose of this section as would result from a strict or literal interpretation and enforcement of certain of the regulations of this chapter.
- I. Public Utility Signs. Nonadvertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety and welfare of the general public, including but not limited to the following: the location of underground facilities, directional signs for public utility services, signs notifying the public of "danger," "emergency," "construction" and similar conditions. No signs or other items shall be attached to private utility company poles and/or light standards or supports, without prior written approval from the affected utility company.

(Ord. 509 § 1, 2003; Ord.1 (part), 2 (part), 1998; Ord. 486 §§ 9-16, 1997; Ord. 437 § 1 (part), 1989)

**18.14.050 Regulation Of Manufactured Housing Within Residential Districts**

- A. Application. The provisions of this section shall apply to all ~~single-family~~ single-family dwellings and mobile homes on permanent foundations listed as permitted uses within all residential UR, RA, R, RM and PO districts with administrative approval.
- B. Developmental/Architectural Standards. All manufactured housing must comply with local ordinances including use zone requirements, wind pressure requirements, fire zones, building setback, side and rear yard requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements. All single-family dwellings and mobile homes on permanent foundations shall meet the following developmental/architectural standards:
1. Garages or Carports. A garage or carport shall be provided for every dwelling located on a lot which is not a part of a mobile home subdivision.
  2. Minimum Floor Area. The minimum floor area for every dwelling located which is not a part of a mobile home subdivision, shall be eight hundred square feet, excluding the area of the garage or carport.
  3. Roof Overhang. All main buildings shall have a pitched roof with a minimum twelve-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.
  4. Roofing Material. All main buildings, and all detached garages and carports located on the front half of the lot shall have a roof constituted of either wood shakes, asphalt, composition or wood shingles, clay, tile, concrete or metal tile, slate or built-up asphalted-gravel materials.
  5. Siding Material. All main buildings and all detached garages located on the front half of the lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
  6. Foundations. All main buildings shall be placed on a permanent foundation which meets applicable building code requirements and/or the provisions of Section 18551 of the California Health and Safety Code, such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.
  - 6.7. Utility Connections. All manufactured home utility connections pertaining to electrical, gas, water, mechanical and sewer shall be installed in a permanent manner applicable to a permanent single-family residential structure in the existing district. Location of water meters and gas meters shall conform to adopted standards of the city.
  - 7.8. Minimum Width. The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty feet.
  - 8.9. Surrender of Registration. Subsequent to applying for a building permit, and prior to occupancy of a mobile home on a permanent foundation, the owner shall request a certification of occupancy be issued by the building official pursuant to Section 18557(a)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of

ownership and certificate of registration issued by a state agency is to be surrendered to the issuing state agency. Any mobile home on a permanent foundation must bear a California insignia or Federal label pursuant to Section 18550(b) of the California Health and Safety Code.

9.10. Tow Bars, Wheels and Axles. All mobile home tow bars, wheels and axles shall be removed when the dwelling is installed on a residential lot.

11. Deviations. The city services community development director may approve deviations from one or more of the standards of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the city services director may be appealed to the city council in accordance with the provisions of Section 18.16.050 of this code.

12. Residential Use. All manufactured homes shall be occupied only as a single-family residential unit.

13. Zone Requirements. All manufactured homes shall meet all requirements for the zone in which they are located.

14. Modifications. No modifications shall be granted to a manufactured home unless approved by the Department of Housing and Community Development and the building official for the city.

(Ord. 437 § 1 (part), 1989)

## HISTORY

### 18.14.060 Accessory Dwelling Units and Junior Accessory ~~Second~~ Dwelling Units

A. Purpose and intent. The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”), as required by and in compliance with Government Code Sections 65852.2 and 65852.22, as either may be amended from time to time. The standards established by this section shall be interpreted and applied consistent with the standards set forth in Government Code Sections 65852.2 and 65852.22. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.

This section is not intended to regulate multigenerational dwelling units, which are dwelling units that do not include a kitchen, contained entirely within the walls of a proposed or existing single-family residence where access is not restricted between areas of the residence.

B. Applicability. The provisions of this section shall apply to all accessory dwelling units approved on or after the effective date of the ordinance codified in this section. This section provides standards by which the city shall evaluate building permit applications for permitted accessory dwelling units in the UR, RA, R, RM, MXU, and PO zoning districts. For CN and CC districts, a Conditional Use Permit is required.

No ADU may be established in a commercial district unless all of the following conditions have been met:

1. The ADU is part of an approved mixed-use development;
2. The ADU is built above the ground floor; and
3. The ADU is within a mixed-use development that has reached its maximum allowable residential density.

C. Definitions. As used in this article, the following terms are defined in this section:

"Principal dwelling unit" means a single- or multi-family dwelling unit situated on a residential lot in the UR, RA, R, RM, MXU, and PO zones to which an accessory dwelling unit as defined by this article has been or is proposed to be added.

"Accessory dwelling unit" means an additional dwelling unit no more than twelve hundred (1200) square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet) in size that has separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a ~~single-family~~ primary dwelling on a residential lot in the UR, RA, R, RM, MXU, and PO zones.

"Junior accessory dwelling unit" or "JADU" means a dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence that includes a separate entrance from the main entrance to the single-family residence, separate sanitation facilities, and an efficiency kitchen consisting of a cooking facility with appliances, a food preparation counter, and storage cabinets of reasonable size in relation to the size of the unit.

"Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or an accessory structure.

B-D. Lot Requirements. An accessory dwelling unit shall be permitted on a lot or parcel that meets the following:

1. Contains an existing or proposed single-family or multi-family dwelling.
- ~~2. Meets the minimum lot size of the applicable zoning district.~~
- ~~3.2.~~ Is served by municipal water and sewer service.
- ~~4.3.~~ Does not currently contain an accessory dwelling unit.

C-E. Development Standards. An accessory dwelling unit may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit. A detached accessory dwelling unit may be established by the conversion of an accessory structure or may be new construction. ~~Second~~ Accessory dwelling units may be mobile homes, provided that such units are subject to all applicable standards of Section 18.14.030 and 18.14.050, governing the placement of mobile homes on single-family lots. All applications for accessory dwelling units, whether processed as a permitted use or an exception, must comply with the following standards: ~~All accessory dwelling units shall meet the following standards:~~

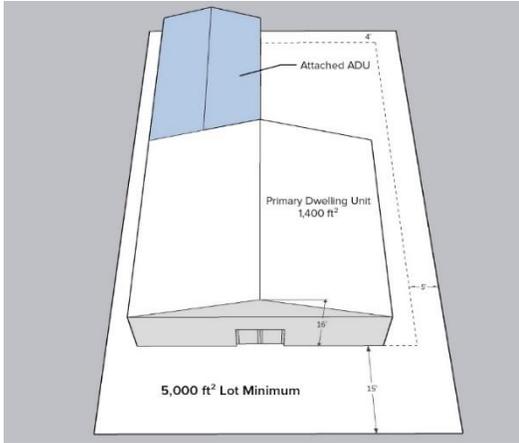
1. Parcel Size. ~~Second~~ Accessory dwelling units may only be constructed on lots or parcels that are at least five thousand (5,000) square feet in area.

- ~~1.2. Floor Area. An accessory dwelling unit~~Detached ADU's shall not exceed one thousand two hundred (1,200) square feet of floor area if separated from the existing main dwelling. If attached to the existing main dwelling, the floor area of the accessory dwelling unit also shall not exceed fifty percent (50%) or less of the existing living area of the existing ~~main primary~~ dwelling or one thousand two hundred (1,200) square feet, whichever is greater. A manufactured home shall not be less than ~~eight~~20 feet wide by 40 feet long and ~~320-800~~ square feet in floor area. ADUs and JADUs shall be at least two hundred twenty (220) square feet. JADUs may not be more than five hundred (500) square feet in size.
- ~~3. Quantity. Location. An accessory dwelling unit shall be located either to the side or to the rear of the existing single-family residence and shall be either attached to the existing main dwelling or be separated from the existing main dwelling by not less than 10 feet or, alternatively, the separation allowed by the Uniform Building Code, whichever is less. In no case shall more than one accessory dwelling unit be placed on the same lot or parcel. In single-family residential districts, one attached or detached accessory dwelling unit is permitted per lot. In multi-family residential districts, one attached or two detached accessory dwelling units are permitted.~~
- ~~4. Setbacks. A setback of four (4) feet from the side and rear lot lines is required for an ADU, unless the ADU is constructed within an existing primary dwelling or permitted accessory structure, or in the same location and to the same dimensions as an existing permitted accessory structure.~~
- ~~2.5. ADUs and JADUs shall not exceed a single story and sixteen feet (16') in height, unless constructed above an attached or detached garage, in which case the ADU/JADU shall not exceed the height limit of the applicable zoning district.~~
- ~~3. Owner Occupancy. Either the existing main dwelling or the accessory dwelling unit shall be occupied by the owner of the property. Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the main dwelling; requires owner occupancy consistent with the above; and restricts the size and attributes of the accessory dwelling unit to those that conform with this section.~~
- ~~6. Appearance. The accessory dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance. The second unit's scale, appearance and character shall be similar to and compatible in architectural design with the principal dwelling unit and adjacent residences.~~
- ~~7. Safety. SecondAccessory dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places.~~
- ~~8. Access. Doorway access shall be provided either to the side or rear of the second housing unit.~~
- ~~9. Off-Street Parking. Adequate parking area must be available on the streets adjacent to the accessory dwelling unit. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street~~

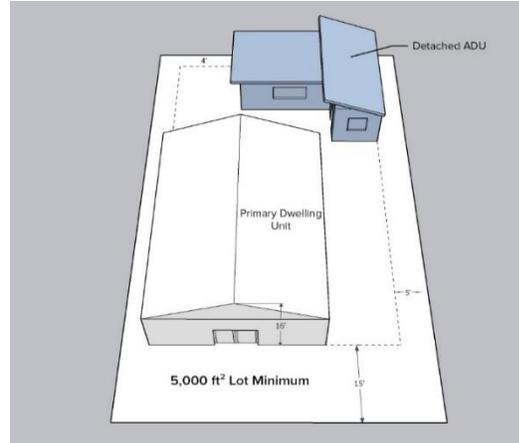
parking space must be provided. If the accessory dwelling unit is to be detached from the main dwelling and the site is more than ½ mile from a public transit stop then one additional parking space is required on the site. The parking space is not required to be covered and may be located in the front yard setback area. The addition of the accessory dwelling unit shall not decrease the amount of existing on-site parking. The additional parking space shall be waived if in any of the following instances:

- a. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
- b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
- c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- a-d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)

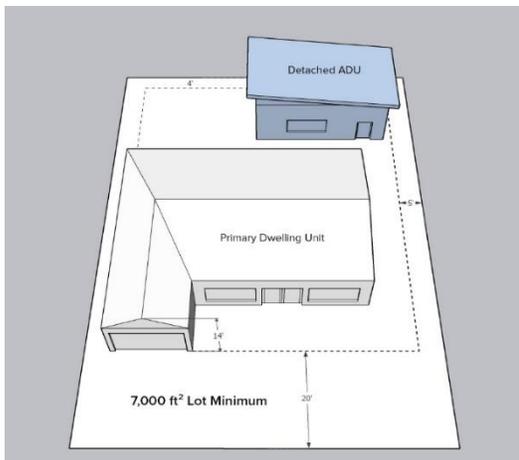
**4-10.** Utility Services. Accessory dwelling units shall be provided with water, sewer, and other utilities as determined by the building official. A separate connection from the main dwelling is not required.



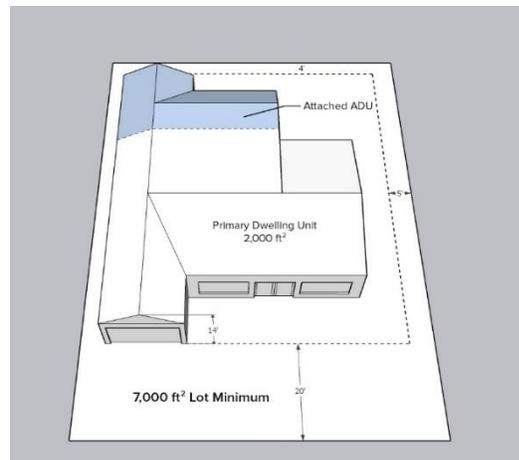
**Lot Square Footage:** 5,000 ft<sup>2</sup>  
**Primary Dwelling Unit Square Footage:** 1,400 ft<sup>2</sup>  
**Minimum ADU Square Footage:** 220 ft<sup>2</sup>  
**Maximum ADU Square Footage:** 50% of the primary dwelling unit or 1,200 ft<sup>2</sup>, whichever is greater.  
**Minimum Front Setback:** 15 ft  
**Minimum Side Setback:** 5 ft  
**Minimum Rear Setback:** 4 ft  
**Maximum ADU Height:** 16 ft



**Lot Square Footage:** 5,000 ft<sup>2</sup>  
**Primary Dwelling Unit Square Footage:** 1,400 ft<sup>2</sup>  
**Minimum ADU Square Footage:** 220 ft<sup>2</sup>  
**Maximum ADU Square Footage:** 1,200 ft<sup>2</sup>  
**Minimum Front Setback:** 15 ft  
**Minimum Side Setback:** 5 ft  
**Minimum Rear Setback:** 4 ft  
**Maximum ADU Height:** 16 ft



**Lot Square Footage:** 7,000 ft<sup>2</sup>  
**Primary Dwelling Unit Square Footage:** 2,000 ft<sup>2</sup>  
**Minimum ADU Square Footage:** 220 ft<sup>2</sup>  
**Maximum ADU Square Footage:** 1,200 ft<sup>2</sup>  
**Minimum Front Setback:** 20 ft (15 ft without garage)  
**Minimum Side Setback:** 5 ft  
**Minimum Rear Setback:** 4 ft  
**Maximum ADU Height:** 16 ft



**Lot Square Footage:** 7,000 ft<sup>2</sup>  
**Primary Dwelling Unit Square Footage:** 2,000 ft<sup>2</sup>  
**Minimum ADU Square Footage:** 220 ft<sup>2</sup>  
**Maximum ADU Square Footage:** 50% of the primary dwelling unit or 1,200 ft<sup>2</sup>, whichever is greater.  
**Minimum Front Setback:** 20 ft (15 ft without garage)  
**Minimum Side Setback:** 5 ft  
**Minimum Rear Setback:** 4 ft  
**Maximum ADU Height:** 16 ft

*Example ADU Design Standards for Various Lot Sizes*

~~5-11.~~ Process. The city planner shall approve or deny accessory dwelling unit requests based upon the specified requirements. The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner, in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting.

If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements.

~~6-12.~~ A permit must be obtained for the construction or installation of an ADU or JADU. An application, together with the required fee in compliance with the City's fee schedule, shall be filed with the Planning Department and accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials identified in the Department handout for ADU/JADU applications. Following receipt of a completed application, the city services director shall make an investigation of the facts bearing on the case to determine compliance with this section and ministerially approve a compliant application.

If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or the JADU until the City acts on the permit application to create the new single-family dwelling. The applicant may request a delay in the time available for the City to act on the application, as provided by State law.

(Ord. 514 § 13, 2004; Ord. 437 § 1 (part), 1989)

#### HISTORY

Amended by Ord. 578 on 8/27/2019

#### **18.14.070 Single-Room Occupancy Unit**

A. Purpose. Single-room occupancy units (SRO) aim to offer housing options in specific residential, commercial, or mixed-use areas for low-income households of one or two individuals who may not be able to afford conventional apartments. Their development standards prioritize affordability while addressing concerns around neighborhood compatibility and facility management.

B. Single-room occupancy units shall be permitted as follows:

1. A "small SRO" (four or fewer units) is a permitted use in RM-1.5, RM-3, and RM-MH8 multi-family residential zones and would be subject to the same district requirements applicable to multi-family residential or apartment uses in that zoning district.

2. A "large SRO" (five or more units) may be permitted with a conditional use permit in in RM-1.5, RM-3, RM-MH8, CC, and MXU zoning districts.

C. Development Standards. All single-room occupancy units shall meet the following standards:

1. All SRO Facilities

- a. Each SRO is occupied by no more than two persons.
- b. Minimum unit size of 150 square feet for single person occupancy and 220 square feet for two-person occupancy.
- c. Laundry facilities are required to be on-site, unless there are public facilities located nearby.
- d. Adequate parking and storage must be provided for residents.
- e. Requires a kitchen and a full bathroom.

2. Small SRO Facilities (four or fewer units)

- a. Maximum unit size: 400 square feet
- b. Bathrooms and kitchens may be individual or shared.

3. Large SRO Facilities (five or more units)

- a. Maximum unit size: 300 square feet
- b. Private bathroom facilities are required, but shower or bathtub facilities may be shared.
- c. The kitchen space in individual rooms is limited to 50 percent.

**18.14.080 Group Care Homes**

A. Purpose. Group care homes are an especially important type of housing for persons with disabilities. By supporting their residents' individualized needs while providing flexible and affordable housing options, group homes help persons with disabilities live in deinstitutionalized settings that facilitate their integration into local communities.

B. Group care homes shall be allowed as follows:

- 1. Six (6) or fewer persons with a State license permitted in any residential zone district. Site plan review and approval is required for all residential zone districts except single-family.
- 2. A residential group home that serves six or fewer persons shall comply with the development standards for one-family or multiple family dwellings, as applicable, located within the same zone.
- 3. A residential group home that serves six or fewer persons shall comply with all applicable federal, state and local laws, and all applicable federal, state and local health and safety regulations including, but not limited to, Fire and Building Code regulations.
- 4. Seven (7) or more persons and non-State licensed, permitted in the RM-3 or RM-MH8 Residential Districts with a conditional use permit.
- 5. A residential group home facility that serves seven or more persons shall conform to the development standards for the zoning classification in which it is located.

## HISTORY

### **18.14.090 Supportive Housing**

- A. Purpose. Supportive housing is defined as housing that has no restrictions on the length of stay and is occupied by individuals from the target population. It is linked to onsite or offsite services that assist the residents in maintaining their housing, improving their health, and maximizing their ability to live and work in the community. Supportive housing is considered a residential use of property and is subject only to the same restrictions as other residential dwellings of the same type in the same zone. It is a permitted use in all zoning districts that permit residential units.
- B. Supportive housing shall be allowed as follows:
1. Permitted in any residential zone district subject to the same permit requirements of other residential uses of the same type in the same zone district. Permitted uses in single-family zone districts shall not change the residential character of the single-family zone district.
  2. Supportive housing facilities providing accommodations for six (6) or fewer individuals are allowed in all residential zoning districts, in the CC (central commercial), CN (neighborhood commercial), CH (highway commercial) zoning districts as part of a mixed-use developments, and in the MXU (mixed-use) zoning district as a permitted use without a conditional use or other discretionary permit.
  3. Supportive housing facilities providing accommodations for six (6) or more individuals are allowed in the RM (multi-family residential) zoning districts, in the CC (central commercial), CN (neighborhood commercial), CH (highway commercial) zoning districts as part of a mixed-use developments, and in the MXU (mixed-use) zoning district as a permitted use without a conditional use or other discretionary permit.
- C. Development and Operational Standards. All supportive housing units shall meet the following standards:
1. Length of Stay: There is no limit on how long residents can stay at the transitional housing facility.
  2. Living Areas: The facility must provide sufficient living space, including shower and toilet facilities, laundry facilities with washers and dryers, and secure storage areas for residents. The facility should make every effort to house family members together, regardless of age or gender. If there is no space for children to play or engage in activities within the family sleeping or living area, a separate day, play, or activity room must be provided that is separate from any common area used by other residents.
  3. Support Services: Supportive services provided by the facility should include a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy. The facility must offer at least the following minimum support services:
    - a. If the program includes drug or alcohol abuse counseling, it must have appropriate state and/or federal licensing.

- b. The program must provide transportation options for clients to access social services, housing, and employment opportunities.
- c. The program must have specific mechanisms in place for residents to contact social services.
- d. The program must provide clear and acceptable arrangements for facility residents regarding meal preparations or food provision and disbursement.
- e. The program, if applicable, must offer childcare services and ensure school-age children are enrolled in school during their stay at the facility.

## HISTORY

### 18.14.100 **Employee Housing**

- A. Purpose. Employee housing pertains to the construction, maintenance, use, and occupancy of housing facilities that accommodate employees. The purpose of this section is to ensure compliance with the Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code. This section aims to facilitate the development and management of employee housing within the City of Lindsay, ensuring it meets state standards. By aligning local regulations with state requirements, this section provides guidelines for developing safe and regulated housing accommodations for employees.
- B. Employee housing shall be classified and permitted as followed:
  - 1. Employee housing serving six or fewer employees, in accordance with Section 17021.5 of the Employee Housing Act, is classified as a single-family dwelling and permitted in residential zones. Such housing must comply with all relevant regulations and standards that apply to residential dwellings within the same zone. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees.
  - 2. Employee housing that accommodates 7 or more employees and provides no more than 36 beds in group quarters or 12 units/spaces for single families or households, is classified as an agricultural land use pursuant to the Employee Housing Act Section 17021.6. Aside from conditions specified in the Employee Housing Act Section 17021.8, this type of employee housing is not to be considered distinct from any other agricultural use. No conditional use permit, zoning variance, or other zoning clearance is required beyond what is demanded of standard agricultural activities within the same zones. Additionally, employee housing in agriculturally zoned areas is authorized to house agricultural workers regardless of whether they are employed on the site of the housing.

### ~~18.14.110 Purpose~~ **18.14.110 Signage Regulations**

- A. Purpose. The purpose of this chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of the City of Lindsay. Specifically, these regulations are intended to implement the General Plan and to:

1. Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location, and maintenance of signs and sign structures;
  2. Preserve and enhance the visual attractiveness of the city;
  3. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;
  4. Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, create hazards or unreasonable distractions for pedestrians and drivers, or interfere with vehicular ingress and egress;
  5. Provide adequate opportunity for the exercise of the free speech by display of a message or image on a sign, while balancing that opportunity with other community and public interests;
  6. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on the same premises, rather than functioning as general advertising for hire.
- B. It is the City's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.

(Ord 579, 2019)

#### **18.14.120 Applicability And Severability**

This chapter regulates signs that are located or mounted on private property within the jurisdictional boundaries of Lindsay. The provisions in this Chapter apply in all Zoning Districts within the city. No sign within the regulatory scope of this Chapter shall be erected or maintained anywhere in the city except in conformance with this Chapter. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this chapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the chapter.

(Ord. 579, 2019)

#### **18.14.130 No Discrimination Against Noncommercial Speech**

Subject to the property owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this title. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

(Ord. 579, 2019)

**18.14.140 Exempt Signs**

- A. The following signs are exempt from the permit requirements of this chapter and do not count toward the total sign area limit for a site, if they conform to applicable standards:
1. One nameplate per residence or business premises, not exceeding two (2) square feet in area, identifying the owner, address and/or business hours of the property.
  2. Barber poles, not exceeding 18 inches in height, located in a non-residential zone district and containing no lettering.
  3. Signs on vehicles, provided that the message pertains to the establishment of which the vehicle is an instrument or tool, and the sign does not utilize changeable copy or special illumination.
  4. Holiday and cultural observance decorations on private property that do not include commercial advertising. This exemption includes strings of lights associated with a holiday decoration.
  5. Official notices issued by a court or public agency and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental agency to direct or regulate pedestrian or vehicular traffic; noncommercial bus stop signs erected by a public transit agency, or other signs required or authorized by law. This exemption also covers signs and banners for special civic events erected by the City, which may be displayed in public rights-of-way.
  6. Signs that are located entirely within a building or enclosed structure and are not visible from the public right-of-way.
  7. Signs located on a private area of a lot that is not accessible by the general public, such as a backyard, and are not visible from the public right-of-way.
  8. Signs and menu display boards fixed to mobile vending carts, up to a maximum of eight (8) square feet of sign area, plus a menu display board.
  9. Signs that are part of a vending machine, gas pump, or similar device.
  10. Signs mounted on carrier vehicles such as buses, taxicabs, and limousines that legally pass through the city.
  11. Window signs that conform to the standards of Chapter 18.14.
- B. Exempt signs that have electrical connections or engineered supports shall obtain the appropriate building permit, as required by the California Building Code.

(Ord. 579, 2019)

**18.14.150 Prohibited Signs**

- A. The following signs shall be prohibited in all zones:

1. Signs that it could reasonably be perceived to interfere with, or be confused with any official traffic control device, traffic signal, or official directional guide sign.
2. Signs placed within 30 feet of the intersecting curb lines of a street, except for signs erected by a governmental agency to direct or regulate pedestrian or vehicular traffic.
3. Signs so located as to prevent free ingress and egress from any door or fire escape.
4. Signs extending above or beyond the face of the building, the fascia of the roof, the peak of a pitched roof, or the parapet line of a flat roof.
5. Glaring, flashing, sparkling, glittering, twinkling, or shimmering signs.
6. Signs with open letters that can be viewed from the reverse side.
7. Streamers, mylar balloons, and blimps secured with a rope or string, unless specifically permitted with a temporary use permit.
8. Signs located, placed, or erected in or upon any public right-of-way, except as specifically allowed by this chapter.
9. Signs located, placed or attached upon any tree, utility pole, or fence, except as specifically allowed by this chapter.
10. Signs placed on private property without permission of the property owner.
11. Nonconforming signs and sign structures associated with an activity, business, product, or service that has not been sold, produced, provided, or conducted on the premises for a period of 90 days.
12. Signs that revolve or are animated, except public service signs, such as time and temperature units and barber poles.
13. Signs containing statements, words, symbols, or characters of an obscene nature.
14. Signs emitting sound.
15. Murals that contain commercial speech or logos.
16. Signs located within five (5) feet of a fire hydrant, street sign, or traffic signal.
17. Signs on gas pump canopies facing residential zone districts shall not be illuminated.

(Ord 579, 2019)

**18.14.160 Permits Required**

- A. No permanent sign shall be erected, altered, reconstructed, or relocated without a sign permit unless the sign is specifically exempted from the permit requirements. A permit is not required for ordinary maintenance and repairs to signs and for temporary signs on private property that conform to the standards of this chapter. The City Manager, or designee will review all applications for sign permits for consistency with this chapter.

- B. Signs that have electrical connections or engineered supports shall obtain the appropriate building permit, as required by the California Building Code.
- C. Signs that project over or extend into a public street or sidewalk shall also require approval of an encroachment permit by the City Engineer pursuant to the provisions of Title 12 of the Municipal Code.
- D. Consent of the property owner and business owner is required before any sign permit may be approved.

(Ord. 579, 2019)

**18.14.170 Rules For Sign Measurement**

- A. For the purposes of this chapter, lot frontage shall be calculated as follows:
  - 1. If a lot fronts on two streets, both frontages may be used to determine the allowable sign area.
  - 2. If a lot fronts on three or more streets, the length of only two contiguous sides shall be added together to determine allowable sign area.
- B. The building frontage shall be the building facade in which main customer access is provided to the establishment. A building's frontage is considered continuous if projections or recesses in the building facade do not exceed 15 feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.
- C. The area of an individual sign shall be calculated as follows.
  - 1. Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area if they contain no lettering or graphics.
  - 2. Where two faces of a double-faced sign are located two (2) feet or less from one another at all points or located at an interior angle of 45 degrees or less from one another, the sign area shall be calculated as the area of one (1) face. Where the two (2) faces are not equal in size, the larger sign face shall be used. Where two (2) faces of a double-faced sign are located more than two (2) feet or 45 degrees from one another, both sign faces shall be counted toward sign area.
  - 3. On a three-faced sign, where at least one interior angle is 45 degrees or less, the sign area shall be calculated as the sum of the largest and the smallest face. In all other situations involving a sign with three or more sides, sign area shall be calculated as the sum of all faces.
  - 4. Three-Dimensional Signs. The size of signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like

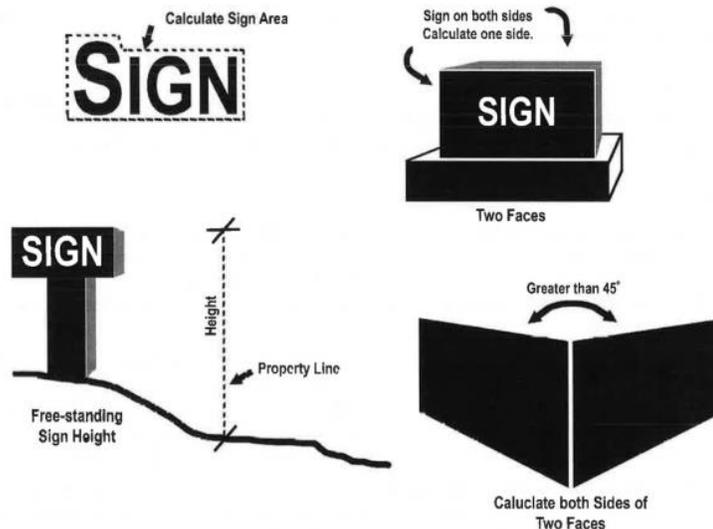
trademarks), shall be calculated as the sum of the square footage of the two adjacent sides of the smallest theoretical cube that would encompass the sign.

D. The height of a sign shall be calculated as follows.

1. The height of a sign that is not a freestanding sign shall be the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign including any structural or architectural components of the sign.
2. The height of a freestanding sign shall be measured as the vertical distance from grade at the edge of the right-of-way along which a freestanding sign is placed to the highest point of the freestanding sign, including any structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the freestanding sign's overall height. Freestanding signs oriented towards a freeway shall be measured from the site's finished grade or pad, whichever is lower.

E. Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

F. For the purpose of determining the allowed number and size of signs, an integrated shopping center shall be considered as one site.



#### HISTORY

Adopted by Ord. 579 on 9/10/2019

#### **18.14.180 Sign Regulations On Developed Sites By Zone District**

For the purpose of this section, signs are grouped into four types: building signs, freestanding signs, temporary building signs, and temporary freestanding signs.

This section establishes standards for the number of signs, size of signs, placement of signs, and illumination of signs for developed sites based on the zone district in which the signs are located. Table

18.14.180(A) establishes specific regulations by zone district for building signs, and freestanding signs. Table 18.14.080(B) establishes specific regulations by zone district for temporary building signs and temporary freestanding signs. Signs shall not be placed on private property except in conformance with Table 18.14.180(A) and Table 18.14.080(B).

**Table 18.14.180(A)**

<b>Number and Size of Permanent Signs by Zone</b>		
<b>Zone District</b>	<b>Permanent Building Signs</b>	<b>Permanent Freestanding Signs</b>
R-A, R, and RM districts with 4 or less residences per site	1 sign per residence maximum. 4 sq.ft. maximum size per sign. Placement a maximum 8 feet high. External illumination only.	None allowed.
R-A, R, and RM districts with 5 or more residences per site or with non-residential uses on site	1 sign per street frontage maximum. 30 sq.ft. maximum size per sign. Placement a minimum 5 feet below roofline. External illumination only.	1 sign per frontage maximum. 20 sq.ft. maximum size. 6 feet high maximum. External illumination only.
PO districts	2 sq.ft. per 1 lineal foot of building frontage up to 60 sq.ft. on primary frontage. 1 sq.ft. per 1 lineal foot up to 30 sq.ft. on secondary frontage.	1 monument sign per street frontage: Less than 50 feet of frontage: 20 sq.ft., 6 feet high maximum 50-150 feet of street frontage: 36 sq.ft., 6 feet high maximum 150-300 feet of street frontage: 64 sq.ft., 8 feet high maximum 5-foot minimum setback from property line
CN, CS, and CH districts	Number of signs per business establishment limited to 6. Allowed square footage per building frontage is cumulative.	1 sign per establishment maximum. 60 sq.ft. maximum sign face size.

<b>Number and Size of Permanent Signs by Zone</b>		
<b>Zone District</b>	<b>Permanent Building Signs</b>	<b>Permanent Freestanding Signs</b>
	<p>Primary building frontage: 2 sq.ft. per 1 lineal foot up to a maximum 350 sq.ft. along primary frontage. 50 sq.ft. allowed regardless of frontage length.</p> <p>Secondary building frontage: 1 sq.ft. per lineal foot up to a maximum 200 sq.ft. per secondary frontage. 35 sq.ft. allowed regardless of frontage length.</p>	<p>20 feet high maximum if set back 10 feet or more from property line.</p> <p>10 feet high maximum if set back 5 to 10 feet from property line.</p> <p>Sites with an integrated shopping center: 1 additional freestanding sign up to 200 sq.ft. Maximum height not greater than the average height of the buildings.</p> <p>5-foot setback minimum from front lot line</p> <p>15-foot setback minimum from side or rear line</p>
CC districts	<p>2 sq.ft. per 1 lineal foot of building frontage up to 60 sq.ft. on primary frontage.</p> <p>1 sq.ft. per 1 lineal foot up to 30 sq.ft. on secondary frontage.</p>	<p>Shopping centers only: 1 freestanding sign per frontage based on the following:</p> <p>Less than 50 feet of frontage: 20 sq.ft., 10 feet high maximum</p> <p>50-150 feet of street frontage: 40 sq.ft., 15 feet high maximum</p> <p>150-300 feet of street frontage: 65 sq.ft., 20 feet high maximum</p> <p>5-foot setback minimum from property line</p>
I district	<p>No limit to number of signs per business establishment.</p> <p>1 sq.ft. per lineal foot of property line adjoining a street, or 100 sq.ft. per acre of site area in use, whichever is</p>	<p>1 sign per frontage maximum.</p> <p>60 sq.ft. maximum sign face size.</p> <p>20 feet high maximum.</p> <p>5-foot setback from front lot line</p> <p>15-foot setback from side lot line</p>

<b>Number and Size of Permanent Signs by Zone</b>		
<b>Zone District</b>	<b>Permanent Building Signs</b>	<b>Permanent Freestanding Signs</b>
	greater, to a maximum of 600 sq. ft. of sign face.	
RCO district	1 sign per street frontage maximum. 30 sq.ft. maximum size per sign. External illumination only.	1 sign per site maximum. 20 sq.ft. maximum size. 6 feet high maximum. External illumination only. 5-foot setback from all lot lines.

**Table 18.14.180(B)**

<b>Number and Size of Temporary Signs by Zone</b>		
<b>Zone District</b>	<b>Temporary Building Signs</b>	<b>Temporary Freestanding Signs</b>
R-A, R, and RM districts with 4 or less residences per site	1 sign per site 12 sq.ft. maximum per sign. Placement a maximum 15 feet high. No illumination.	Up to 4 per site maximum. 32 cumulative sq.ft. maximum sign size. First sign maximum 5 feet high, all other signs maximum 3 feet high. No illumination.
R-A, R, and RM districts with 5 or more residences per site or with non-residential uses on site	1 sign per street frontage. 32 sq.ft. maximum size per sign. Placement a minimum 3 feet below roofline. No illumination.	Up to 4 per site maximum. 32 cumulative sq.ft. maximum sign size. First sign maximum 5 feet high, all other signs maximum 3 feet high. No illumination.
PO district	1 sign per establishment.	1 sign per site, plus 1 additional sign for every 300 lineal feet of street

<b>Number and Size of Temporary Signs by Zone</b>		
<b>Zone District</b>	<b>Temporary Building Signs</b>	<b>Temporary Freestanding Signs</b>
	<p>10 sq.ft. plus an additional 1 sq.ft. per 2 lineal feet of primary building frontage maximum size.</p> <p>Placement a minimum 3 feet below roofline.</p> <p>No illumination.</p>	<p>frontage, rounded down to the nearest whole number.</p> <p>16 sq.ft. maximum sign size.</p> <p>6 feet high maximum.</p> <p>No illumination.</p>
CN district	<p>1 sign per establishment.</p> <p>10 sq.ft. plus an additional 1 sq.ft. per 2 lineal feet of primary building frontage maximum size.</p> <p>Placement a minimum 3 feet below roofline.</p> <p>No illumination.</p>	<p>1 sign per site, plus 1 additional sign for every 300 lineal feet of street frontage, rounded down to the nearest whole number.</p> <p>One half of signs, 32 sq.ft. maximum sign size. Other</p> <p>half of signs, 16 sq.ft. maximum sign size.</p> <p>6 feet high maximum.</p> <p>No illumination.</p>
CC, CS, and CH districts	<p>1 sign per establishment.</p> <p>10 sq.ft. per establishment, plus an additional 1 sq.ft. per 2 lineal feet of primary building frontage maximum size.</p> <p>No illumination.</p>	<p>1 sign per site.</p> <p>10 sq.ft. maximum sign size.</p> <p>If placed on sidewalk the sign shall allow for a minimum 4-foot wide path of travel.</p> <p>No illumination.</p> <p>Freestanding banners are not allowed.</p>
I district	<p>1 sign per street frontage.</p> <p>32 sq.ft. maximum size per sign.</p>	<p>Up to 4 per site maximum.</p> <p>32 cumulative sq.ft. maximum sign size.</p>

<b>Number and Size of Temporary Signs by Zone</b>		
<b>Zone District</b>	<b>Temporary Building Signs</b>	<b>Temporary Freestanding Signs</b>
	Placement a minimum 3 feet below roofline. No illumination.	First sign maximum 5 feet high, all other signs maximum 2 feet high. No illumination.
RCO district	None allowed.	Up to 4 per site maximum. 32 cumulative sq.ft. maximum sign size. No illumination.

**18.14.190 Sign Regulations On Undeveloped Or Developing Sites**

- A. Undeveloped sites shall be allowed a maximum one temporary freestanding sign of a maximum size of 32 square feet. Illumination of the sign is prohibited. The maximum height shall be 10 feet.
- B. Developing sites, i.e. construction sites, shall be allowed a maximum two temporary freestanding signs of a maximum size of 32 square feet each. Illumination is prohibited. Temporary signs that are not visible from any public right-of-way shall not be counted in the maximum number or size of signs. The maximum height shall be 10 feet
- C. Developing residential subdivision sites where ten (10) or more new residences will be offered for sale shall be allowed one temporary sign of a maximum size of 32 square feet. Illumination of the sign is prohibited. The sign may be mounted on a building or may be a freestanding temporary sign of a maximum height of 12 feet. Additional temporary signs, temporary freestanding signs, and flags may be maintained within the boundaries of a residential subdivision if they are not visible from outside the residential subdivision.

(Ord. 579, 2019)

**18.14.200 Offsite Temporary Signs For Residential Subdivisions**

- A. Residential subdivision sites where ten (10) or more new residences are offered for sale shall be allowed up to four (4) offsite temporary freestanding signs with a size not to exceed 32 square feet and a height not to exceed eight (8) feet per residential subdivision. Signs shall be located on private, non-residential zoned parcels, or on private, residential zoned parcels that are unoccupied, vacant and otherwise free from any structures or buildings. Signs shall not be made

or constructed from cloth, bunting, plastic, paper or similar material. Banners and flags with or without an advertising message shall not be permitted offsite.

- B. In addition to any sign permitted pursuant to Subsection A. above, up to four (4) nonilluminated offsite temporary freestanding signs in an A-frame configuration, with a size not to exceed 12 square feet per face or four (4) feet in height, may be permitted per residential subdivision. A-frame signs shall be located on private, non-residential property or on public property behind any existing sidewalks, and in such a manner to not to create a safety hazard by obstructing the clear view of, or otherwise hinder or impede, pedestrian and vehicular traffic. A-frame signs may only be displayed during the operating hours for the residential subdivision sales office and shall be located no further than 1,500 feet from the subject residential subdivision entry.

(Ord. 579, 2019)

#### **18.14.210 Flags And Flagpoles**

- A. Flags on flagpoles shall not count toward the maximum sign area.
- B. Flagpoles shall not be located within any required side or rear building setback areas. Flagpoles may be mounted on the ground or on the roof or wall of a building.
- C. The maximum height of a flagpole shall be as follows:
  - 1. Flagpoles located in the C or I zones shall have a maximum height of 50 feet or a maximum height equal to twice the distance from the base of the pole to the closest lot line, to a maximum of 100 feet, whichever is greater.
  - 2. Flagpoles located in the R-A, R, or RM zones shall have a maximum height of 30 feet.

(Ord. 579, 2019)

#### **18.14.220 Search Lights And Klieg Lights**

Search lights and klieg lights are prohibited, except when used for public safety purposes or when specifically approved with a temporary use permit for a special event.

(Ord. 579, 2019)

#### **18.14.230 Signs In Public Rights-Of-Way**

The following signs are allowed in the public right-of-way:

- A. Building signs in the CC zone that project into the public right-of-way, provided that the projecting width of the projecting sign is a maximum of three (3) feet, and that the bottom of the sign is seven (7) feet above the finished grade.
- B. Building signs located on or under awnings in the CC zone that meet the provisions of this chapter.

- C. Temporary freestanding signs placed on the sidewalk in the CC zone that meet the provisions of this chapter and when a minimum 4-foot wide clear path of travel is provided.
- D. Signs placed by a public agency for a public purpose, such as traffic signs.
- E. Signs specifically authorized by the City Manager or the City Services Director that do not negatively impact public health or safety.
- F. Temporary non-commercial signs that are placed at locations pre-specified by City Council with the size of sign, sign materials, and dates/times of posting approved by the City Manager.
- G. Temporary freestanding signs not larger than 8 square feet when approved along with a temporary use permit.

(Ord. 579, 2019)

**18.14.240 Temporary Sign Standards**

- A. Temporary signs shall require a temporary sign permit.
- B. Temporary freestanding signs in non-residential zones shall not be located:
  - 1. In any public right-of-way, except as provided in Section 18.14.130;
  - 2. In parking lot driving lanes, aisles or spaces;
  - 3. On multi-use trails or sidewalks if they would block a four-foot wide pedestrian path of travel;
  - 4. At any location where they would block pedestrian access;
  - 5. Within one 100 feet on either side, or in front of a permanent freestanding sign;
  - 6. Within 20 feet from any other temporary freestanding sign; or
  - 7. Within 30 feet from a drive approach (driveway entrance) or intersection of two streets.
- C. Temporary building signs shall be removed after a period of 30 days. After removal, no temporary building sign may be placed on the site for a period of 30 days.
- D. Banners shall not be used as permanent signs for more than 60 days.
- E. Banners and feather banners shall be constructed of durable, weather-resistant materials not subject to rapid deterioration or fading and shall be professional in appearance. Acceptable materials include but are not limited to vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, or durable fabric.
- F. Temporary freestanding signs shall be affixed to supporting structures made of a durable, rigid material such as, wood, plastic or metal. Freestanding signs placed on hard surfaces in conformance with this chapter are exempt from this subsection if they have a weight and mass that makes them not inadvertently movable and they do not block a four-foot wide pedestrian path of travel.

- G. Temporary signs in addition to those allowed in Section 18.14.180 may be conditionally allowed as part of a permit issued for a temporary use.

(Ord. 579, 2019)

**18.14.250 Size Of Signs On Windows**

Signs affixed to windows shall not cover more than 20% of each window. They shall not be counted toward the maximum allowable sign size.

(Ord. 579, 2019)

**18.14.260 Signs With Non-Electronic Changeable Copy**

Non-electronic changeable copy shall represent no more than 20% of the total allowable sign area. Changeable copy shall not be changed more than once every 24 hours.

(Ord. 579, 2019)

**18.14.270 Signs With Electronic Changeable Copy**

- A. Electronic copy that will change more than once per day is allowed as a display medium on freestanding signs in the commercial zone districts upon issuance of a Conditional Use Permit, issued pursuant to Chapter 18.17.
- B. Signs with electronic changeable copy shall meet the following standards:
  - 1. The electronic sign face shall be directed in a manner that is not visible from the front or side of residential properties located in a residential zone district.
  - 2. The electronic sign face shall be an integral part of the remainder of the sign area.
  - 3. Electronic copy shall be limited to no more than 30 lumens output, measured at ten (10) feet from the sign face.
  - 4. No portion of the electronic sign face shall change more frequently than once every six (6) seconds.
  - 5. The electronic sign shall not emit any audible sound, buzz, or noise.
  - 6. The electronic sign shall be operative only during the hours of operation of the associated business establishment.
  - 7. Sign copy or electronic picture displays shall be limited to commercial advertising related to the use(s) on the premises on which the freestanding sign is located, except for message substitution, as allowed in Section 18.14.130.
  - 8. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

(Ord. 579, 2019)

#### **18.14.280 Illumination Of Signs**

The illumination of signs, from either an internal or external source, must be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:

- A. Sign lighting shall not be of an intensity or brightness that will create a nuisance for residential uses in a direct line of sight to the sign. Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare.
- B. Internally illuminated signs shall be designed with an opaque, semi-opaque, or matte finish background on the sign face.
- C. Light sources for externally illuminated signs shall meet the following standards:
  1. Light sources shall be so arranged and maintained so that the light source is not directly visible from a public right-of-way or adjacent property.
  2. Light sources shall be fully shielded to minimize undesirable light into the night sky.
  3. Metal halide and fluorescent light sources shall be filtered. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
  4. Mercury vapor light sources shall be prohibited.

(Ord. 579, 2019)

#### **18.14.290 Concealed Electrical Systems**

External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed.

(Ord. 579, 2019)

#### **18.14.300 Master Sign Program**

- A. The purpose of the master sign program provisions is to provide a coordinated and flexible design approach to signage for Lindsay's commercial shopping districts, industrial districts, and office parks. A master sign program is required for any site that contains more than three (3) commercial establishments
- B. A master sign program shall be reviewed by the City Manager or designee as an administrative use permit. The City Council shall approve a master sign program when it is proposed with a development project that requires a conditional use permit.
- C. A master sign program shall not be used to grant a special privilege nor provide more visibility or exposure than is available to similarly situated properties.
- D. Master sign programs shall feature a unified and coordinated approach to the materials, color, size, type, placement, and general design of signs proposed for a project or property.

- E. Reasonable conditions of approval may be imposed to achieve the purposes of this section and ensure internal sign design consistency on the site.
- F. After approval of a master sign program, no sign shall be erected, placed, or maintained, except in conformance with such program, and such program shall be enforced in the same way as any provision in this section.
- G. The master sign program and all conditions of approval shall be attached to the lease agreements for all leasable space subject to the master sign program.
- H. Approval of a master sign program does not waive the permit requirements for individual signs that are subject to the program.
- I. The City Manager or designee may approve minor amendments to a master sign program that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval, shall be processed as a new application. Proposed amendments shall include written concurrence by the property owner.

(Ord. 579, 2019)

#### **18.14.310 Variances And Administrative Adjustments**

A variance or an administrative adjustment to the standards in this chapter may be granted in accordance with Chapter 18.21.

(Ord. 579, 2019)

#### **18.14.320 Wall Mural Placement And Design Criteria**

- A. “Wall mural” or “mural” means an art form consisting of paint applied to a wall surface depicting a scene, personal experience, or observation. A wall mural is to be public art, not for the purpose of identifying, advertising, or drawing attention to a particular business, service, or economic activity.
- B. Words and/or images may not be incorporated within the mural which specifically identifies or reflects the business, products, and/or services provided by any business service or economic activity.
- C. Wall murals must be painted directly onto an exterior wall surface or a flat material permanently attached to the wall, such as aluminum composite sheet. Wall murals may occupy an entire single wall on which the mural is applied. The wall mural must be architecturally incorporated into the building so that it does not appear to be a sign attached to the building or have the appearance that the structure is ancillary to the mural. The wall mural may not be mounted on the building roof or extend above the cornice of a flat roof or above the roof eave of a gable or mansard roof.
- D. A wall mural must be completed within 90 days after the date painting commences. The final anti-graffiti protective clear-coat must be applied within this 90-day period. Time extensions may be granted by the City Manager or designee in 30-day increments up to a maximum of 60 days upon a showing of good cause.

- E. Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. Proper maintenance shall include periodic painting so that the wall mural does not exhibit chipping, peeling, or fading and other required maintenance as identified in conditions of approval issued by the City Manager or designee. Wall murals not maintained as required shall be deemed a nuisance. In addition to its other remedies, the City shall have the right to require removal of the wall mural and if the wall mural is not removed within the time period designated by the City, the City shall have the right to remove the wall mural at the property owner's expense.
- F. No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a wall mural permit issued by the City Council. An application for a wall mural permit shall be submitted on the form prescribed by the City Manager and shall include a colored detailed drawing or sketch of the mural plus any other information as prescribed on the application form. The application must be made by the owner of the structure or include the written consent of the owner of the structure consenting to the painting of the wall mural on the structure consistent with the mural identified in the application.
- G. The City Council shall identify conditions of approval to the issuance of a wall mural permit.
- H. As a condition of approval of any wall mural permit, the applicant, the owner of the structure, and the artist shall agree pursuant to language prepared by the City to indemnify, defend, and hold the City of Lindsay its officials, officers, employees, and agents harmless from and against any and all damages or liabilities of whatever nature arising out of or in connection with the wall mural.

(Ord. 579, 2019)

**18.14.330 Nonconforming Signs**

A sign or outdoor advertising display of any character lawfully occupying a site prior to the adoption of this zoning code or on the effective date of applicable amendments to the zoning code that, as a result of the adoption or amendment to the zoning code, does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for the district in which it is located, shall be deemed to be a nonconforming sign or outdoor advertising structure and may be displayed and maintained in said district, except as otherwise provided in this section.

(Ord. 579, 2019)

**18.14.340 Maintenance Of Signs**

- A. All signs and associated supporting structures shall be maintained in like-new condition, without rips, tears, fading, and similar damage that inevitably occurs as a result of normal wear and aging.
- B. All signs shall be reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.
- C. Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, ripped, torn, faded, or other deteriorating or dilapidated condition shall be promptly repaired to the satisfaction of the City or removed.

D. Graffiti on a sign shall be removed within two (2) days of notice of its placement on such sign.

(Ord. 579, 2019)

**18.14.350 Hazardous Signs**

Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, the same may be removed by City personnel, or its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.

(Ord. 579, 2019)

**18.14.360 Abandoned Or Obsolete Signs**

An on-premise sign advertising an activity, business, service, or product must be removed within 60 days following the actual discontinuance of the activity, business, service, or product. If the sign is not so removed, the City Manager or designee may have the sign removed in accordance with the public nuisance abatement provisions of this title. A sign structure is not required to be removed, however, the sign face shall be removed or replaced with a blank face or other sign face consistent with this chapter.

(Ord. 579, 2019)

**18.14.370 Illegal Signs**

Any sign, banner, or sign structure not erected, constructed, or located in conformance with this chapter and not classified as a legal nonconforming sign is an illegal sign and is subject to abatement in accordance with the public nuisance abatement procedures of the Lindsay Municipal Code.

(Ord. 579, 2019)

**18.14.380 Enforcement**

Signs which do not conform to the provisions of this chapter and are erected after its effective date and signs erected after the effective date of this chapter without obtaining a permit that is required are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this chapter and all persons erecting or maintaining them shall be subject to the provisions of Lindsay Municipal Code. The City Manager shall take necessary actions or proceedings for the abatement, removal and enjoinder pursuant to the Lindsay Municipal Code.

(Ord. 579, 2019)

**18.14.390 Definitions**

As used in this chapter, the following terms are defined in this section. The images are intended to illustrate some of the sign types that are defined in this section.

- “A-Frame sign” means a sign made of wood, plastic or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable.

- "Animated sign" means a sign with action or motion, whether by flashing lights, color changes, wind, rotation, movement of any parts of the sign or letters or parts of the sign structure, or other motion.
- "Awning" means a shelter supported entirely from the exterior wall of a building and composed of a collapsible frame covered completely with nonrigid material.
- "Banner" means any flexible material, such as cloth, plastic, vinyl, paper, cardboard or thin metal, with or without a "message", attached outdoors to a building, structure or mounting device, or attached indoors to a building, structure or mounting device so as to be visible from the exterior of a building, or structure. This definition includes a pennant, flag, or bunting.
- "Business premises" means a specific business occupancy within a building or upon a parcel of land, typically having a specific address and discrete entrance(s) and exit(s) to maintain a specific business identity and location.
- "Changeable copy" refers to the display of a message that can change by means of moveable letters, slats, lights, light emitting diodes, or moveable background material.
- "Erect" means and includes erect, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, maintain and display. "Externally illuminated sign" means a sign which has light cast on its surface from an artificial exterior source installed for the purpose of illuminating the sign.
- "Feather banner" means a banner that is taller than it is wide and is attached to the ground by a single pole.
- "Freestanding sign" means a sign which is permanently supported on the ground by one or more uprights, braces, poles, or other similar structural components that are not attached to any building. This category includes both monument and pole signs.
- "Frontage, building" means the distance between the two most distant corners of a building measured in a straight line along the building face.
- "Frontage, street" means the distance between the two most distant corners of a site along a single street measured in a line along the street curb, including drive approaches, but excluding curb returns at street intersections.
- "Height" means the distance measured vertically from grade to the highest point or portion of the object to be measured.
- "Internally illuminated sign" means any sign whose illumination originates from within the structure of the sign and the source of which is not visible from the exterior of the sign.
- "Message" means any form of visual communication presented on any type of media. It is not material whether the communication has any logical, practical, literary, or artistic significance or not. It includes any form or combination of letters, graphics, symbols, or designs. The term is not intended to include mono-color paint applied to the exterior, trim, fascia, or other architectural elements of a building for protection against the elements.

- "Mural" means a sign painted on the exterior wall of a building consisting of graphics or images, either alone or in combination with letters.
- "Outdoors" means a location on undeveloped property or to the exterior of a building or structure.
- "Outdoor advertising" refers to the placement of a message on signs or banners located outdoors or located indoors in a manner such that the message is visible from the exterior of a building or structure.
- "Outdoor advertising structure" means a structure erected or maintained for the main purpose displaying commercial outdoor advertising and located on a site other than the site on which the advertised commercial use is located or on which the advertised commercial product is produced.
- "Painted Sign" refers to a sign that comprises only paint applied on a building or structure. "Parapet wall" means an exterior wall which extends vertically above the roof line.
- "Parcels" or "property" or similar references or descriptions shall refer to parcels defined or delineated by assessor parcel numbers maintained by the County tax assessor or as defined in the Glossary of this Code.
- "Pedestrian access" means a doorway which has been designed for the primary use of the patrons or customers of that particular use.
- "Permanent sign" means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. See also "temporary sign."
- "Placed" includes constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.
- "Pole sign" means a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.
- "Roof line" means the highest point of a parapet wall or the main roof structure or a highest point of a parapet wall other than such architectural features as cupolas, pylons, projections or raised portions of the roof.
- "Rooftop or roof-mounted sign" means a sign that extends above the ridgeline of the roof of a building, or a sign attached to any portion of the roof of a building. Rooftop or roof-mounted signs are not allowed.
- "Shopping center" means a primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

- "Sign" means any letter or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, identification, or other similar purposes on the ground or on any wall, post, fence, building, structure, vehicle or on any place whatsoever.
- "Sign area" means the geometric area of a sign including all elements such as board or frames, perforated or a solid background, ornamental embellishments, arrows, or other sign media. For the purposes of a freestanding sign the structural elements necessary to support the sign are included in the sign area.
- "Sign copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign face and/or its structure with the purpose of attracting attention to the subject matter.
- "Sign face" means the panel surface of a sign which carries the advertising, information, or identification message.
- "Sign structure" means any structure which supports or is capable of supporting any sign. A sign structure may or may not be an integral part of a building. For the purpose of a freestanding sign, the sign structure shall include the aggregate area of the sign including the sign copy and all structural elements of the sign.
- "Temporary sign" means a sign that is easily moveable, and which is not attached to a building, structure, or the ground in such a manner as to be rendered a permanent sign. (Ord. 579, 2019)

## **18.15 General Provisions And Exceptions**

18.15.010 Addition Of Permitted Uses

18.15.020 Coverage; Measurement

18.15.030 Yard Spaces

18.15.040 Yard Requirements; Measurement

18.15.050 Yard Requirements; Exceptions

18.15.060 Through Lots

18.15.070 Maintenance Of Landscaped Areas

18.15.080 Maintenance And Elimination Of Nonconforming Sites, Uses And Structures

18.15.090 Clarification Of Ambiguity; Interpretation

18.15.100 Height Limitations; Measurement And Exceptions

18.15.110 Garage Sales Within Residential Areas

18.15.120 (Reserved)

### **18.15.010 Addition Of Permitted Uses**

Upon receipt of an application, or on its own initiative, the city council may add a use to the lists of permitted uses, permitted uses subject to administrative approval and conditional uses prescribed in Chapters 18.04 through 18.12 of this title, if the council makes the following findings, as applicable:

- A. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed.
- B. That the use has the same basic characteristics as the uses permitted in the district.
- C. That the use reasonably can be expected to conform with the required conditions prescribed for the district.
- D. That the use will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which it would be located.
- E. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district.
- F. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district.
- G. That the use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district. When a use has been added to a list of permitted uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed as a permitted use in the appropriate section and shall be added to the text of that section of the zoning ordinance when it is next published with a notation of the date when the use was added to the list.

(Ord. 437 § 1 (part), 1989)

### **18.15.020 Coverage; Measurement**

The percent of the site area covered by structures shall be measured by dividing the number of square feet of horizontal floor area covered by structures, open or enclosed, by the total horizontal area within the property lines of the site.

(Ord. 437 § 1 (part), 1989)

#### **18.15.030 Yard Spaces**

- ~~1. No yard space about any structure in compliance with the regulations for the district in which it is located shall be deemed to provide a yard for any other structure, and no yard on one site shall be deemed to provide a yard space for a structure on another site.~~
- ~~2. Where two or more dwellings are located on the same lot, and any one of them has a door facing a side yard, such dwelling shall be located not less than ten feet from the adjacent side lot line. A door shall be deemed to face a side yard if the wall in which the door is set is located at an angle of forty-five degrees or less to the side yard.~~

~~(Ord. 437 § 1 (part), 1989)~~

#### **18.15.040 Yard Requirements; Measurement**

Required yards shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel thereto on the site; provided, that where a precise street plan has been adopted by the city council, required front yards shall be measured from the plan line, and no provision of this title shall be construed to permit a structure or use to extend beyond such line and, provided further, that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line representing the boundary of the additional width required for street purposes abutting the site. Where a site abuts a public alley, required yards shall be measured from the nearest line of the alley, except that garages and carports shall be located a minimum of twenty-seven feet from the opposite alley which has access perpendicular to the alley right-of-way line.

(Ord. 437 § 1 (part), 1989)

#### **18.15.050 Yard Requirements; Exceptions**

- A. Architectural features including sills, chimneys, fireplaces, cornices and eaves may extend into a required side yard, a required rear yard or a space between structures not more than thirty-six inches and may extend into a required front yard not more than six feet; provided, that where an architectural feature extends more than twenty-four inches into a required side yard, said extension shall be protected by a minimum one-hour fire resistant standard. No building or projection thereof, except a garden structure, may extend into a public easement.
- B. Open, unenclosed, uncovered metal fire escapes and depressed ramps or stairways may project into any required yard or space between buildings not more than four feet; planter boxes attached to a building may be extended into a required front yard by not more than three feet.
- C. Fences, walls, hedges, garden structures walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations, and except that the provisions of this subsection shall not apply to a fence or wall necessary for

public safety or as required by any law or regulation of the State or any agency thereof, and further that a chain link fence up to seven feet in height may be located in any required front yard in conjunction with public and quasi-public uses.

- D. Where more than sixty percent of such portion of the linear frontage of lots improved with residential buildings within any block is comprised of lots with less than the minimum front yard requirement, the minimum front yard requirement for other residential buildings in such block may be reduced to the average of the actual front yards of all the lots in such block improved with residential buildings, counting those which have front yards greater than the minimum front yard requirement of the district as having the minimum requirement.

(Ord. 437 § 1 (part), 1989)

#### **18.15.060 Through Lots**

A front yard shall be provided on each frontage of a through lot, except where a waiver-of-access has been dedicated to one of the frontages.

(Ord. 437 § 1 (part), 1989)

#### **18.15.070 Maintenance Of Landscaped Areas**

A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a site plan review, a use permit or variance shall be planted with live and healthy plant materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas. Landscaped areas within sites subject to site plan review shall be watered by automatic systems.

(Ord. 437 § 1 (part), 1989)

#### **18.15.080 Maintenance And Elimination Of Nonconforming Sites, Uses And Structures**

##### A. Purposes and Application.

1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this title, but which does not conform with the use regulations for the district in which it is located. This section is intended to limit the number and extent of nonconforming uses by limiting their enlargement and prohibiting their reestablishment after abandonment, and by prohibiting the alteration of the structures they occupy and their restoration after destruction.
2. A nonconforming structure is a structure which was lawfully erected prior to the adoption of this title, but which does not conform with the standards of coverage, yard space, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located. While permitting the use and maintenance of nonconforming structures, this section is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this title and by prohibiting their restoration after destruction, within a reasonable period of time.

3. Priorities for enforcement under this section shall be as follows, in descending order of importance:
  - a. Uses listed under subsection G below.
  - b. Nonconforming uses.
- B. Continuation and Maintenance.
  1. A use lawfully occupying a structure or a site on the effective date hereof or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this section.
  2. A structure lawfully occupying a site on the effective date hereof or of amendments thereto, which does not conform with the standards of coverage, front yard, side yards, rear yard or distances between structures prescribed in the regulations for the district in which the structure is located, shall be deemed to be a nonconforming structure and may be used and maintained except as otherwise provided in this section.
  3. A sign or outdoor advertising display of any character lawfully occupying a site on the effective date hereof or amendments thereto, which does not conform with the standards for subject matter, location, size, lighting or movement prescribed for the district in which it is located, shall be deemed to be a nonconforming sign or outdoor advertising structure, and may be displayed and maintained except as otherwise provided in this section.
  4. Routine maintenance and repairs may be performed on a structure or site, the use of which is nonconforming, on a nonconforming structure and on a nonconforming sign or outdoor advertising structure.
- C. Alterations and Additions to Nonconforming Uses and Signs. Except as provided in subsections D through I of this section, no structure, the use of which is nonconforming, and no nonconforming sign shall be moved, altered or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use.
- D. Alterations and Additions to Nonconforming Structures. No nonconforming structure shall be altered or reconstructed so as to increase the amount of floor space or the discrepancy between existing conditions and the standard of coverage, front yards, side yards, rear yard, height of structure or distances between structures prescribed in the regulations prescribed for the district in which the structure is located, except as may be permitted through the granting of a conditional use permit under the provisions of Chapter 18.17. The modest expansion of a nonconforming use which may be allowed within any zoning district under conditional use permit procedures shall not exceed twenty-five percent of the existing floor area of the structure.
- E. Abandonment of a Nonconforming Use. Whenever a nonconforming use has been abandoned, discontinued or changed to a conforming use for a continuous period of six months, the

nonconforming use shall not be reestablished and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.

F. Restoration of a Damaged Structure.

1. Whenever a nonconforming use, or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of less than sixty percent, the structure may be restored and the nonconforming use may be resumed; provided, that restoration is started within six months and diligently pursued to completion. The extent of damage to any structure shall be determined by the building official, and shall be based upon the ratio of the estimated cost of restoring the use or structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto.
2. Whenever a nonconforming use or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of sixty percent or more, or shall be voluntarily razed or shall be required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located and the nonconforming use shall not be resumed.

G. Elimination of Nonconforming Uses and Structures.

1. The following nonconforming uses and structures shall be discontinued and completely removed or altered and converted to a conforming status within five years after the effective date of this title:
  - a. A nonconforming use which does not occupy a structure.
  - b. A nonconforming use occupying a structure having an assessed valuation of less than two hundred dollars.
  - c. A nonconforming outdoor advertising structure.
  - d. Abandoned or dilapidated signs in accordance with the provisions of Section 18.14.040(D)(11).
2. A nonconforming home occupation shall be discontinued within one year of the adoption of this title.
3. Uses permitted only within an RA, R or RM district which are located in a C or I district, and uses permitted only within a C or I district which are located within an RA, R or RM district shall be completely removed or altered and converted to a conforming status upon abandonment of the previous use for six months or more. When a nonconforming use is removed, every future use shall be in conformity with the provisions of this title. Repairs necessary to maintain a nonconforming use and other maintenance (excluding signs), not exceeding an assessed valuation of two thousand five hundred dollars, shall not be construed as lengthening the useful life of the nonconforming use.
4. Fences, walls and hedges which do not conform to the provisions of this title governing the erection of fences, walls and hedges in relation to street intersections shall, within one month

of receipt of written notification by the community development department, be removed or made to conform.

- H. Time When Use, Structure or Sign Becomes Nonconforming. Whenever a use or structure becomes nonconforming because of a change of zoning district boundaries or a change of regulations for the district in which the site is located, the period of time prescribed in this section for the elimination of the use shall be computed from the effective date of the change of district or regulations, and the building official shall carry out the provisions of subsection I of this section, in respect thereto.
- I. Records and Notification of Nonconforming Status of a Use, Structure or Sign.
  - 1. Within one hundred eighty days after the effective date hereof, and amendments thereto, the community development department shall compile a list of all structures or uses which shall have become nonconforming by the adoption of this title under the provisions of subsection H of this section, together with a description of their locations and the names and addresses of all persons whose names appear on the latest adopted tax roll of Tulare County as owning such nonconforming structures, uses or signs, which list shall be recorded in the office of the Tulare County recorder with copies placed on file with each title company operating within Tulare County.
  - 2. Within one year after the effective date hereof, the community development department shall notify, in writing, the owners of all nonconforming structures, uses, signs and fences, walls and hedges, of the nonconforming status of their property and the date when such structure or use shall be removed or made conforming by said owners, if such removal or conformance is required by the provisions of this title. An excerpt of this title will be attached to said notice which excerpt shall include all of the provisions of this section.
- J. Effect of Eminent Domain. If any land, right-of-way or easement be taken by eminent domain, or be granted to the condemner under actual threat of suit in eminent domain, the following provisions and exceptions shall apply:
  - 1. If the area of a lot is reduced below the minimum requirement thereby, such lot shall be deemed to be a legal substandard lot under the provisions of Section 18.02.030(G), and any existing building or structure thereon shall be deemed to be nonconforming.
  - 2. If a required yard is reduced or eliminated thereby, any affected building or structure shall be deemed nonconforming; provided, however, that such building or structure may be structurally altered or enlarged as long as such alterations or enlargements comply with all other requirements of the zoning district.
  - 3. If any required parking space on a lot is reduced or eliminated thereby, the provisions of Chapter 18.13 shall not be construed to require the replacement of the required parking space.
- K. Change of Nonconforming Use. Except as otherwise set forth in this section, the nonconforming use of a structure or site may be changed to another nonconforming use provided the change of use is approved by the city council in accordance with the following procedure:

1. An application for a change of use shall be made to the city council on a form prescribed by the council, which form shall include the following data:
  - a. The name and address of the applicant;
  - b. A statement that the applicant is the owner of the property or is the authorized agent of the owner;
  - c. The address or description of the property; and
  - d. A statement of the precise nature of the existing or preexisting nonconforming use, the proposed nonconforming use, and any other data pertinent to the findings prerequisite to the granting of the application as set forth in subsection (K)(4) of this section. The application shall be filed with the community development department. Notice shall be given to the applicant of the time when the application will be considered by the council, and notice may be given of the time to any other interested party.
2. The council shall hold a public hearing on an application for a change of use. Notice of the hearing shall be given not less than ten days nor more than thirty days prior to the date of the hearing in the manner set forth in Chapter 18.17 of this code.
3. The city services ~~community development~~ director shall make an investigation of the application and shall prepare a written report thereon, which report shall be submitted to the council. The council shall consider the report of the director before taking action on the application.
4. The council may grant an application for a change of use if, on the basis of the application and the evidence submitted, the council makes the following findings:
  - a. That the proposed use is classified in a more restricted category than the existing or preexisting use by the district regulations of this title. The classification of a nonconforming use shall be determined on the basis of the district in which it is first permitted; provided, however, a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same district;
  - b. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or preexisting use;
  - c. That the proposed use will not create more vehicular or rail traffic than the volumes created by the existing or preexisting use;
  - d. That the proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount created by the existing or preexisting use; and
  - e. That the proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

5. The city council may grant an application for a change of use for a limited time period, or subject to such conditions as the council may prescribe. The council may deny an application for a change of use.
  6. An action of the council granting an application for a change of use shall become null and void six months following the date of the action unless, prior to the expiration of six months, a building permit is issued by the chief building inspector and construction is commenced and diligently pursued toward completion on the site which was the subject of the application. The action of the council may be made effective for an additional six months if, within six months of the original application, an application to continue the action in effect is made to the council. The council may grant or deny an application to continue its action in effect.
  7. An action of the council granting an application for a change of use subject to conditions shall be revoked by the council if the conditions are not complied with.
  8. Following the date of denial of an application for a change of use or the revocation of an action of the council granting an application, no application for the same, or substantially the same, structure or on the same, or substantially the same, site shall be filed within six months of the denial of the application or the revocation of the action of the council.
- L. Use of Nonconforming Sites. Except as otherwise provided in this section, a site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this title, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district.

(Ord. 437 § 1 (part), 1989)

**18.15.090 Clarification Of Ambiguity; Interpretation**

- A. In event of need for any clarification or interpretation of the provisions of this title, the city council shall ascertain all pertinent facts and by resolution shall set forth its findings. If approved by the council, said clarifications or interpretation shall govern until modified by resolution adopted in like manner or by appropriate amendment to this title.
- B. The authority of the city council prescribed by this section shall apply in all of the following cases:
  1. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, subject to the additional requirements of Section 18.15.010;
  2. If ambiguity exists with reference to matters of height, yard area and other requirements;
  3. If uncertainty exists with reference to a zone district boundary;
  4. If an unforeseen condition arises or technological changes have been introduced which require interpretation of their impact on the provisions of this title;

5. If ambiguity or uncertainty arises as to the meaning of any word or provision contained in this title.

(Ord. 437 § 1 (part), 1989)

**18.15.100 Height Limitations; Measurement And Exceptions**

- A. The height of a structure shall be measured vertically from the average elevation of the surface of the ground covered by the structure to the highest point of the structure; provided, however, the provisions of this section shall not apply to the height of any structure necessary for public safety or as required by any law or regulation of the State or an agency thereof.
- B. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain buildings, and fire and parapet walls, skylights, towers, spires, cupolas, road signs (where permitted), flagpoles, chimneys, smokestacks, television and radio masts, or similar structures, may be erected to a height not exceeding twenty-five feet above the height limit of the underlying zone district but shall not be allowed for the purpose of providing additional floor space. This section shall not apply to wireless communication facilities (e.g., cellular phone, enhanced specialized mobile radio, personal communication systems, or other communication technologies based on wireless radio wave transmission) which emit, broadcast or repeat signals intended primarily for commercial use beyond the immediate site upon which the facility is located. Wireless communication facilities shall be subject to the provisions of Section 18.16.090.

(Ord. 486 § 17, 1997; Ord. 437 § 1 (part), 1989)

**18.15.110 Garage Sales Within Residential Areas**

Garage sales within residential districts shall be subject to the limitations of Municipal Code Chapter 8.16.

(Ord. 489 § 1 (part), 1998; Ord. 437 § 1 (part), 1989)

**18.15.120 (Reserved)**

**Editor's note**— Ord. 531, § 9, adopted July 12, 2011, repealed § 18.15.120, which pertained to adult entertainment uses and derived from Ord. 486, § 18, 1997.

## **18.16 Uses Permitted By Administrative Approval**

### **18.16.010 Purposes And Application**

### **18.16.020 Procedure**

### **18.16.030 Findings**

### **18.16.040 Notice Of Decision**

### **18.16.050 Appeals**

### **18.16.060 Revocation**

### **18.16.070 Building Permit**

### **18.16.080 Review Of Utility Towers And Lines**

### **18.16.090 Wireless Communication Facilities**

## **18.16.010 Purposes And Application**

- A. The purpose of requiring administrative approval of certain enumerated uses is to determine whether or not, in any particular case, a use listed under a section of district regulations entitled "Permitted Uses—Administrative Approval" should be treated as a conditional use because of the peculiar circumstances and conditions of the case. This chapter sets forth the procedure for approval of such use by an administrative act where findings can be made that such use is in conformance with the intent and provisions of the district regulations and other applicable regulations of this title. The provisions of this chapter take cognizance of the impracticality of listing certain uses as categorically possessing the characteristics of those uses listed under either the "Permitted uses" or "Conditional Use—Council Approval" sections of the various districts provided in this title.
- B. Except as provided in Sections 18.16.050 and 18.16.070 of this chapter, the provisions of Sections 18.16.010 through 18.16.060 shall apply to all uses listed as permitted uses, subject to administrative approval.
- C. As a matter of policy, any use listed as subject to administrative approval shall be considered as if it were a permitted use in the district where listed unless otherwise found to require modifications under the review procedures provided in this chapter.

(Ord. 437 § 1 (part), 1989)

## **18.16.020 Procedure**

- A. An application for administrative approval shall be submitted to the city services ~~community development~~ director on a form prescribed by the director. The application shall include a statement of the use proposed and a site plan prepared in accordance with and subject to the provisions of Chapter 18.18.
- B. The city services director shall review the proposed use to ascertain all facts pertinent thereto, and in writing, shall state either approval or approval with conditions of the proposed use, together with his findings and reasons for such decision within fifteen days, excluding Saturdays, Sundays and legal holidays, of the filing of the application.

- C. In approving the use, the [city services](#) director shall impose such conditions and requirements as may be applicable as listed under Sections 18.17.080 and 18.18.060.

(Ord. 437 § 1 (part), 1989)

#### **18.16.030 Findings**

The [city services](#) director may grant an application for administrative approval as the permit was applied for or in modified form, if, on the basis of the application and evidence submitted, the director is able to make the findings prescribed under Section 18.17.070, plus the following additional findings:

- A. That the use will not involve any process, equipment or materials which, in the opinion of the [city services](#) director, will be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.
- B. That the proposed use will be harmonious with existing structures and use of land in the vicinity.

(Ord. 437 § 1 (part), 1989)

#### **18.16.040 Notice Of Decision**

One copy of the written decision of the [city services](#) director shall be signed and dated by the director and mailed to the applicant.

(Ord. 437 § 1 (part), 1989)

#### **18.16.050 Appeals**

- A. In the event the applicant is not satisfied with any condition or conditions of approval imposed by the [city services](#) director, the applicant may submit an application to the city council for a conditional use permit in the manner prescribed in Chapter 18.17. In submitting an application for a conditional use permit, only that information and data required under Chapter 18.17 need be submitted which is required in addition to that previously submitted as part of the application for administrative approval.
- B. Except as provided in subsection C of this section, in the event the application for administrative approval is disapproved by the [city services](#) director, the application, upon written appeal from the applicant within fifteen days following the notice of the decision date pursuant to the provisions of this section, shall automatically become an application for conditional use permit and shall be processed in the manner prescribed in Chapter 18.17. The applicant shall submit such additional information and data required by the provisions of Chapter 18.17 as not previously submitted with his application for administrative approval, within five days following the filing of an appeal.
- C. Appeals filed in the event of [city services](#) director disapproval of an application for a mobile home on a permanent foundation shall be processed as provided under subsections D, E and F of this section.
- D. Within fifteen days following the date of a decision by the [city services](#) director, the decision may be appealed in writing to the city council by the applicant or any interested party. An appeal shall

be filed with the department, and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the [city services](#) director, or wherein the decision is not supported by the evidence in the record.

- E. The [city services](#) director shall give notice in writing to the applicant and to the appellant (if the applicant is not the appellant) of the time when the appeal will be considered by the city council.
- F. The city council shall hear the appeal at its next regular meeting to be held not less than fourteen days after the filing of the appeal. The council may affirm, modify or reverse a decision of the [city services community development](#) director; provided, that if the decision is modified or reversed, the council shall, on the basis of the record and such additional evidence as may be submitted, make the determination required under Section 18.17.070 of this title.

(Ord. 437 § 1 (part), 1989)

#### **18.16.060 Revocation**

Upon violation of any applicable provisions of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for noncompliance by the building official. Within thirty days of the suspension, the city council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the city council may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions.

(Ord. 437 § 1 (part), 1989)

#### **18.16.070 Building Permit**

Before a building permit shall be issued for any building or structure proposed as part of an approved application for administrative approval, the [city services community development](#) director shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions as approved.

(Ord. 437 § 1 (part), 1989)

#### **18.16.080 Review Of Utility Towers And Lines**

- A. Application. The provisions of this title shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of any use coming under the jurisdiction of the public utilities commission, which uses are related to the public utility purposes of water and gas pipes, mains and conduits, telegraph and telephone lines, pole-mounted repeaters, telephone booths, sewers and sewer mains, electric light and power distribution and transmission lines, except as provided in subsection B of this section.
- B. Procedure.
  - 1. The routes of proposed gas or electric transmission lines shall be submitted to the [city services community development](#) director for review and recommendations. The director shall confine its review to the route, placement and height of such towers or lines and the effect on land

use. Power transmission lines shall be those lines which are intended to transmit gas or electric energy from the source of such energy to a receiving substation or from a receiving substation to a distribution substation.

2. Prior to the acquisition of rights-of-way, the following plans and information shall be submitted to the [city services](#) director for review and recommendations:
    - a. The location of the proposed route.
    - b. Type of towers and transmission lines.
    - c. Approximate height of towers or size of lines.
    - d. Widths of rights-of-way.
    - e. Other pertinent data.
  3. The [city services](#) director may, when in the public interest, recommend such modifications as deemed necessary to protect the health, safety and welfare.
  4. The [city services](#) director shall complete the review and make findings within sixty days after the filing of said plans and data.
- C. Appeals. The recommendations of the [city services](#) ~~community development~~ director may be appealed to the city council within fifteen days of the completion of the review and findings. The appeal shall be placed on the agenda of the council's next regular meeting. The council shall review the findings and recommendations and shall act to uphold, modify or disapprove the recommendations of the director.

(Ord. 437 § 1 (part), 1989)

#### **18.16.090 Wireless Communication Facilities**

- A. Definition. Wireless communication facilities are those facilities or structures that emit, broadcast or repeat signals intended primarily for commercial use beyond the immediate site where the facility is located. These facilities include cellular phone, enhanced specialized mobile radio, personal communication systems, and other communication technologies based on wireless radio wave transmission.
- B. General Standards.
  1. Building mounted antennas are encouraged, provided that the facility is compatible with the building design and does not negatively impact surrounding areas.
  2. Where building mounting is not possible, an attempt should be made to screen new monopoles from public view and to co-locate new antennas on existing monopoles.
  3. In order to minimize overall visual impact, wireless communication facilities should be designed to promote facility and site sharing.
  4. Wireless communication facilities should avoid any unreasonable interference with views enjoyed by neighboring properties.

5. Wireless communication facilities should be painted colors which are most compatible with their surroundings.
- C. Review Process. Wireless communication facilities shall be permitted within the CC, CS, CH, mixed-use, IL, IH, and RCO zoning districts. Satellite dishes not exceeding one meter in diameter and antennas not exceeding one meter in height shall be permitted within all zoning districts. All wireless communication facilities shall be subject to the building height limitation of the underlying zone and shall be screened from the public right-of-way whenever possible.
1. The following wireless communication facilities shall be subject to the administrative approval process of Chapter 18.16.
    - a. One building mounted facility, per site, which does not extend more than fifteen feet above the roof line of the building; or
    - b. One standalone/pole mounted facility, per site, which does not extend more than twenty-five feet above the average finish grade of the lot.
  2. The following wireless communication facilities shall be subject to the site plan review process of Chapter 18.18.
    - a. Any project resulting in more than one facility per property.
    - b. Any building mounted facility that extends fifteen to twenty-five feet above the roof line of the building.
    - c. Any standalone/pole mounted facility that extends twenty-five to fifty feet above the average finish grade of the lot.
  3. The following wireless communication facilities shall be subject to the conditional use permit process of Chapter 18.17.
    - a. Any building mounted facility that extends more than twenty-five feet above the roof line of the building.
    - b. Any standalone/pole-mounted facility that extends more than fifty feet above the average finish grade of the lot.
    - c. A mast greater than twelve feet in height required to support a satellite dish not exceeding one meter in diameter or antenna not exceeding one meter in height.
  4. Any wireless communication facility which exceeds the building height limit of the underlying zone shall also be subject to the variance process of Chapter 18.21.
- D. Exception. Wireless communication facilities expressly permitted by the Federal Communications Commission. Facilities under this exception must satisfy all requirements and regulations set forth by the Federal Communications Commission.

(Ord. 550, Art. 1, 2015; Ord. 486 § 19, 1997)

## **18.17 Permits For Conditional Uses**

### **18.17.010 Purposes**

### **18.17.020 Powers Of The City Council**

### **18.17.030 Application And Fee**

### **18.17.040 Public Hearing; Notice**

### **18.17.050 Public Hearing; Procedure**

### **18.17.060 Investigation, Report And Notice**

### **18.17.070 Action By The City Council**

### **18.17.080 Conditions Of Approval**

### **18.17.090 Building Permit**

### **18.17.100 Lapse Of Use Permit**

### **18.17.110 Time Limit For Development**

### **18.17.120 Preexisting Conditional Uses And Use Permits**

### **18.17.130 Revocation**

### **18.17.140 Notation On Zoning Map**

### **18.17.150 New Application**

### **18.17.160 Use Permit To Run With The Land**

### **18.17.170 Minor Revisions To A Previously Approved Conditional Use**

### **18.17.180 Special Event Permit**

## **18.17.010 Purposes**

In certain districts, conditional uses are permitted subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special considerations so that they may be located properly with respect to the objectives of the zoning code and their effects on surrounding properties. In order to achieve these purposes, and thus give the district use regulations of this title additional flexibility necessary to achieve the objectives of this title, the city council is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits.

(Ord. 437 § 1 (part), 1989)

## **18.17.020 Powers Of The City Council**

The city council may grant use permits for such conditional uses in such districts as are prescribed in the district regulations of this title, in accordance with the procedure prescribed in this title.

(Ord. 437 § 1 (part), 1989)

## **18.17.030 Application And Fee**

Application for a use permit shall be made to the ~~community development~~city services department, which shall include the following data:

- A. Name and address of applicant.
- B. Statement that the applicant is the owner of the property or is the authorized agent of the owner or the plaintiff in an action of eminent domain to acquire the property involved.

- C. Address or description of the property.
- D. Statement setting forth the precise circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, together with any other data pertinent to the findings prerequisite to the granting of a use permit.
- E. A drawing of the site and the surrounding area for a distance of at least three hundred feet from each boundary of the site showing the existing locations of streets and property lines and a list of the names and last known addresses of the recorded legal owners, as shown on the latest adopted assessment roll of Tulare County, of all properties shown on the drawing. County assessor's maps may be used for this purpose.
- F. Preliminary floor plans and front, side and rear elevations of proposed structures, if available.
- G. ~~Nine-Three~~ prints and an electronic submittal of a site plan, drawn to scale, which shall indicate clearly and with full dimensions, the following information:
  - 1. Dimensions. Lot or site dimensions.
  - 2. All Buildings and Structures. Location, size, height, proposed use.
  - 3. Yards. Yards and space between buildings.
  - 4. Walls and Fences. Location, height and materials.
  - 5. Off-Street Parking and Off-Street Loading. Location, number of spaces and dimensions of parking and loading areas, internal circulation pattern.
  - 6. Access. Pedestrian, vehicular, service; points of ingress and egress; internal circulation.
  - 7. Signs. Location, size, height and type of illumination, including hooding devices.
  - 8. Lighting. Location and general nature; hooding devices.
  - 9. Streets. Street dedications and improvements.
  - 10. Landscaping. Location and type.
  - 11. Refuse Containers. Location and type.
  - 12. Other Data. Such other data as may be required by the city council to make the required findings.
- H. The site plan shall fulfill all requirements of Chapter 18.18, and shall be so prepared by the applicant to enable the city council to make the following findings:
  - 1. All applicable provisions of this title are complied with.
  - 2. The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property:
    - a. All facilities and improvements.

- b. Vehicular ingress, egress and internal circulation.
  - c. Setbacks.
  - d. Height of buildings.
  - e. Location of utilities and other services.
  - f. Walls.
  - g. Landscaping, including screen landscaping and street trees.
  - h. Drainage of site.
  - i. Trash enclosures and refuse pickup.
3. Proposed lighting is so arranged as to deflect the light away from adjoining properties.
  4. Proposed signs will comply with all applicable provisions of Chapter 18.14. In making the above findings, the city council shall determine that approvals will be consistent with established legislative policies with respect to traffic safety, street dedication and street improvements.
- I. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application as prescribed in this chapter.

(Ord. 437 § 1 (part), 1989)

**18.17.040 Public Hearing; Notice**

The city council shall hold a public hearing on each application for a conditional use permit. The public hearing shall be held within forty-five days after the applicant submits complete application materials as required under Section 18.17.030. Additional application review time may also be required for staff to conduct environmental impact review, consistent with the requirements of the California Environmental Quality Act and Section 18.18.070. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by: (1) mailing postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the property owners list submitted with the application; and (2) by publishing a notice at least once in a newspaper of general circulation in the city.

(Ord. 486 § 20, 1997; Ord. 437 § 1 (part), 1989)

**18.17.050 Public Hearing; Procedure**

At the public hearing, the city council shall review the application and the statement and drawings submitted therewith, and shall receive pertinent evidence and testimony concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 18.17.070.

(Ord. 437 § 1 (part), 1989)

**18.17.060 Investigation, Report And Notice**

The ~~community development~~city services director shall give written notice to the applicant of the time when the application will be considered by the city council.

(Ord. 437 § 1 (part), 1989)

#### **18.17.070 Action By The City Council**

The city council shall act on the application within thirty days following the closing of the public hearing. The council may grant an application for a conditional use permit as the use permit was applied for or in modified form if, on the basis of the application and the evidence submitted, the council makes all of the following findings:

- A. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- B. That the proposed location of the conditional use is in accordance with the objectives of the zoning code and the purposes of the district in which the site is located.
- C. That the proposed use will comply with each of the applicable provisions of this title.

A use permit may be revocable, may be granted for a limited time period or may be granted subject to such conditions as the council may prescribe. The council may deny an application for a use permit. A use permit may not grant variances to the regulations prescribed by this title for which variance procedures are prescribed by Chapter 18.21 of this title. A use permit shall become effective immediately after it is granted by the council.

(Ord. 437 § 1 (part), 1989)

#### **18.17.080 Conditions Of Approval**

In approving a conditional use permit, the city council shall, in its resolution, state those conditions of approval necessary to protect the public health, safety and general welfare. Such conditions may cover any of the considerations listed in Section 18.18.040 of this title.

(Ord. 437 § 1 (part), 1989)

#### **18.17.090 Building Permit**

Before a building permit shall be issued for any building or structure proposed as part of the approved conditional use permit application, the ~~community development~~city services director shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions approved by the city council.

(Ord. 437 § 1 (part), 1989)

#### **18.17.100 Lapse Of Use Permit**

A use permit shall lapse and become void one year following the date on which the use permit became effective unless by conditions of the use permit, a lesser or greater time is prescribed in accordance with Section 18.17.110, or unless prior to the expiration of one year, a building permit is issued by the building

official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. A use permit may be renewed for an additional period of one year or for a lesser period as prescribed in Section 18.17.110, provided that, prior to the expiration of the time period granted, an application of renewal of the use permit is filed with the [community developmentcity services](#) department. The city council may grant or deny an application for renewal of a use permit. A conditional use permit approved concurrently with a tentative map shall have the same approval term, expiration date, and extension terms as the tentative map. The city council may also establish a different approval term for a conditional use permit approved concurrently with a tentative map, based on the circumstances of the application.

(Ord. 486 § 21, 1997: Ord. 437 § 1 (part), 1989)

#### **18.17.110 Time Limit For Development**

The city council may establish a lesser or greater time limit than that provided by Section 18.17.100, within which the subject property and use or any stage or phase thereof shall be commenced and completed. The time limits set by the council shall be reasonable, based on the size, nature and complexity of the proposed development. Said time limit may be extended by the council for good cause, such as proof of an unusual hardship not of the applicant's own making.

(Ord. 437 § 1 (part), 1989)

#### **18.17.120 Preexisting Conditional Uses And Use Permits**

- A. A conforming conditional use established prior to enactment of this title shall be permitted to continue.
- B. A conditional use permit granted under the provisions of the Tulare County zoning ordinance and amendments thereto prior to the enactment of this title shall, upon the annexation of the property affected to the city, become null and void at the end of six months following the date of its original approval or extension thereof granted by the county prior to the annexation, unless a building permit has been issued by the county and construction has commenced. Alteration or expansion of a conditional use established prior to enactment of this title may be permitted upon the granting of a use permit. Accessory structures may be permitted under the provisions of Chapter 18.16.
- C. A use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this title if the structure is destroyed by fire, or other calamity, or by act of God, or by the public enemy, to the extent of sixty percent or more. The extent of damage or partial destruction shall be determined by the building official on the basis prescribed in subsection 18.15.080(G), of this title.

(Ord. 437 § 1 (part), 1989)

#### **18.17.130 Revocation**

Upon violation of any applicable provisions of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for

noncompliance by the ~~community development~~city services department. Within thirty days of the suspension, the city council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the city council may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions.

(Ord. 437 § 1 (part), 1989)

#### **18.17.140 Notation On Zoning Map**

A use permit shall be indicated on the zone plan by a number located on or pointing to the site of the conditional use (e.g., CUP #).

(Ord. 437 § 1 (part), 1989)

#### **18.17.150 New Application**

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within six months from the date of denial or revocation of the use permit, except when the city council "without prejudice."

(Ord. 437 § 1 (part), 1989)

#### **18.17.160 Use Permit To Run With The Land**

A use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

(Ord. 437 § 1 (part), 1989)

#### **18.17.170 Minor Revisions To A Previously Approved Conditional Use**

A use permit granted under the provisions of this chapter or a conforming conditional use established prior to the enactment of this title may be revised as to features of the site plan previously approved; provided, that such revisions are minor, as determined by the city council. Application for minor revisions to the site plan shall be made in writing, including three copies of the revised site plan, to the council. The council may approve such revisions without public hearing; provided, that the council can determine that the revisions will not substantially change the intensity or character of the use as previously approved by the city.

(Ord. 437 § 1 (part), 1989)

#### **18.17.180 Special Event Permit**

It is the purpose of this section to establish a process for allowing special events to use city streets, sidewalks, facilities, and/or services. The City recognizes the substantial community benefits that may result from special events, they can provide cultural enrichment, promote economic vitality, and enhance community identity. They may also provide funding opportunities for service organizations and

communicate a group's message to the public. Special events include temporary outdoor sales activities, retail events, and special activities such as carnivals, fairs, and large neighborhood block parties.

Based on the nature and intensity of the event, either City Staff or the City Council will approve or deny the Special Event Permit. A Pre-Application Meeting with Planning Staff will determine the Class of Special Event and required materials and documents (site plan, waste plan, Fire Department inspection, etc.). Approval of the Special Event Permit is subject to the following findings and guidelines:

A Special Event Permit shall be required for any of the following activities:

- A. Temporary signs, banners, or balloons that promote an activity or event;
- B. Temporary sales such as Valentine's Day flowers or 4th of July fireworks;
- C. Events within the public right of way (sidewalk, public streets, parks, etc.);
- D. Any activity on public or private property that, due to the anticipated number of attendees or nature of the event, is not compatible with the generally intended use of the property.

Special Events that do not require a Special Event Permit are:

- A. An event sponsored by the City;
- B. An event in a private residence where no admission is charged, the event is not open or advertised to the public, and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required;
- C. An event held in a members-only facility at which the only participants are the members (and their invited nonpaying guests), and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required;
- D. Events sponsored by religious entities held in the religious entity's facility that only members by permission attend and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required;
- E. Events that are authorized by and consistent with existing use permits and licenses governing the establishment, unless that person, entity, or business holds an event that, in the opinion of the Chief of Police, will foreseeably result.

Adequate and safe ingress and egress shall be provided to the project site. Directional signing, barricades, fences, and landscaping may be required as a condition of permit approval. Private security personnel may also be required for events based on the recommendation of the Lindsay Department of Public Safety.

Adequate parking facilities shall be provided for each Special Event.

The proposed Special Event will not adversely impact traffic circulation or result in traffic congestion in the project area.

Upon termination of a Special Event, or abandonment of the site, the applicant shall remove materials and equipment, and restore the premises to its original condition.

Reasonable time limits for hours of operation may be set by the city council or City Staff as a condition of permit approval.

Applicants for Special Event Permits shall secure all other applicable licenses and permits prior to issuance of at Special Event Permit.

Signage for Special Events shall be subject to the approval of the ~~community development~~ city services department. The city council may deny an application for a special event permit if it is determined that conditions exist which would be injurious or detrimental to existing improvements, land uses, or surrounding areas.

A deposit may be required depending on the type and specific circumstances of the event.

All SEP applications must be submitted at least 45 days prior to the event date.

An assessment of the event and specific circumstances and requirements will be completed to determine the final cost of the Special Event Permit based on the use of City facilities and Staff time and/or extraordinary police costs.

The City Council, City Staff, and/or Chief of Police shall impose conditions to the Special Event Permit that are reasonably required to assure the protection of the public health, the safety of persons attending the event and residents near the event, and the safety of property at or near the event. The conditions shall be in writing and shall be attached to the permit.

To the extent authorized by law, the permittee shall defend, indemnify, and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the event that were caused by the omissions or authorized acts of permittee's officers, agents, or employees.

(Ord 598, 2022)

## **18.18 Site Plan Review**

18.18.010 Purposes And Application

18.18.020 Drawings To Be Submitted

18.18.030 Referral And Action

18.18.040 Conditions Of Approval

18.18.050 Required Findings

18.18.060 Street Dedications And Improvements

18.18.070 Relationship To Environmental Assessment And Environmental Impact Reporting Procedures

18.18.080 Building Permit

18.18.090 Lapse Of Site Plan Approval

18.18.100 Revocation

18.18.110 Site Plan Approval To Run With The Land

18.18.120 Minor Revisions To A Previously Approved Site Plan

### **18.18.010 Purposes And Application**

- A. Purpose. The purposes of the site plan review process are to enable the city council to ~~make a finding ensure~~ that the proposed development is in conformity with the intent and provisions of this title and to guide the building official in the issuance of building permits. More specifically, site plan review is provided to ensure the following:
1. That structures, parking areas, walks, refuse containers, landscaping and street improvements are properly related to their sites and to surrounding sites and structures;
  2. To prevent excessive grading of the land and creation of drainage hazards;
  3. To prevent the indiscriminate clearing of property and the destruction of trees and shrubs of ornamental value;
  4. To avoid unsightly, inharmonious, monotonous and hazardous site development, and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community. The site plan review process is intended to provide for expeditious review of environmental impact assessments required by official policy of the city and the state.
- B. Site Plan Review. Site plan review provisions of this chapter shall apply to the following uses:
1. ~~Any use within the RCO, UR, RA, R, RM, PO, C and I districts, excepting single-family residential use which is to be constructed on a residential site with complete street improvements. All new, expanded, or changed uses of property which involve construction or placement of new structures or building additions on the site or new uses which necessitate on-site improvements. Single-family and duplex structures and additions thereto not exceeding two units per parcel in R zones, minor accessory additions and structures and other uses for which approval is authorized under the provisions of the City Municipal Code, provided the structures and uses meet all of the requirements of the City Municipal Code, are specifically exempt from site plan review.~~

2. Any use subject to an environmental impact assessment under applicable provisions of city policy as adopted by resolution pursuant to the California Environmental Quality Act of 1970, as amended.
- C. Minor Change in Property Use or Change in Occupancy.
1. Minor changes in property use or occupancy that do not warrant full site plan review as determined by the ~~community development~~city services department will be required to make reasonable minor improvements or upgrade existing improvements under the provisions of Section 18.18.040.
  2. Minor changes in property use or occupancy that are obviously in a neglected state of repair or maintenance, as determined by the department, will be required to be processed as a site plan review and be required to totally upgrade the property under the provisions of Section 18.18.040.
- D. Conditional Use. A separate site plan review shall not be required of any use approved as a conditional use under Chapter 18.17 of this title.

(Ord. 437 § 1 (part), 1989)

**18.18.020 Drawings-Application To Be Submitted**

The applicant shall submit a complete application form, nine-three prints and an electronic submittal of the site plan, and the review fee set by resolution of the city council to the department. The site plan shall be drawn to scale and indicate clearly and with full dimensions, the following information:

- A. Dimensions. Lot or site dimensions;
- B. All Buildings and Structures. Location, size, elevations, height, proposed use both existing and proposed;
- C. Yards. Yards and space between buildings;
- D. Walls and Fences. Location, height and materials;
- E. Off-Street Parking and Off-Street Loading. Location, number of spaces and dimensions of parking and loading areas, internal circulation pattern;
- F. Access. Pedestrian, vehicular, service, points of ingress and egress, internal circulation;
- G. Signs. Location, size, height and type of illumination, if any, including hooding devices;
- H. Lighting. Location and general nature, hooding devices;
- I. Street Names. Names of all adjacent streets, roads or alleys, showing rights-of-way and dedication widths, reservation widths, and all types of improvements existing or proposed;
- J. Landscaping. Location, type, size and botanical name of plants and method of irrigation;
- K. Refuse Enclosures. Location, type and material;

- L. Other Data. Such other data pertaining to site development as may be required by the ~~city council~~department ~~to make the required findings.~~

(Ord. 437 § 1 (part), 1989)

#### **18.18.030 Referral And Action**

- A. Within ~~fifteen—thirty~~ working days after submission of the site plan, the ~~community development~~city services director shall review the site plan. If the director determines that the site plan cannot be approved without the granting of a variance or use permit, or the enactment of an amendment to this title, the director shall inform the applicant and shall not act on the application until proper application for a variance or an amendment has been filed with the director and acted upon as prescribed by this title.
- B. Except as provided under subsection A of this section and Section 18.18.070, within ~~fifteen working~~thirty days after the submission of a complete application for site plan review as required under Section 18.18.020, the ~~city council~~city services director shall approve, approve with conditions, or reject the site plan. ~~In approving the site plan, the council shall make the findings prescribed under Section 18.18.050.~~
- C. The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the ~~community development~~city services director, with one copy mailed to the applicant and one copy filed with the building official.
- D. Revisions by the applicant to an approved site plan shall be resubmitted to the department in the manner required for drawings first submitted.

(Ord. 486 § 22, 1997; Ord. 437 § 1 (part), 1989)

#### **18.18.040 Conditions Of Approval**

~~In recommending approval~~ When approving of a site plan, the city services director shall state those conditions of approval necessary to protect the public health, safety and general welfare. To the extent applicable, such conditions shall include consideration and/or requirement of the following:

- A. Special yards, spaces and buffers.
- B. Fences and walls.
- C. Surfacing of parking areas and provisions for surface water drainage subject to city specifications.
- D. Requiring street dedications and improvements, subject to the provisions of Section 18.18.060, including service roads or alleys when practical, and the requiring of drainage, sewer and water connection fees when applicable.
- E. Regulation of points of vehicular-ingress and egress.
- F. Regulation of signs, in accordance with the standards prescribed under Chapter 18.14 of this title.
- G. Requiring maintenance of the grounds and the undergrounding of utilities.
- H. Requiring landscaping and refuse enclosures and maintenance thereof.

- I. Regulation of noise, vibration, odors and other similar characteristics.
- J. Measures necessary to eliminate or to effect mitigation to acceptable levels of environmental impact.
- K. Regulation of time for certain activities to be conducted on the site.
- L. Regulation of the time period within which the proposed use shall be developed.
- M. A bond, deposit of money, recorded lien secured by deed of trust or letter of credit for the completion of street and site improvements and other facilities or for the removal of such use within a specified period of time to assure conformance with the intent and purposes set forth in this title.
- N. Such other requirements which reasonably may be required by the city-council.

(Ord. 437 § 1 (part), 1989)

**18.18.050 Required Findings**

In taking action on a proposed site plan, the city council-services director shall make all of the following findings:

- A. That the site plan complies with all applicable provisions of this title.
- B. The following are so arranged that traffic congestion is avoided and that pedestrian and vehicular safety and welfare are protected and there will not be adverse effect on surrounding property:
  - 1. Facilities and improvements.
  - 2. Vehicular ingress, egress, internal circulation and off-street parking and loading.
  - 3. Setbacks.
  - 4. Height of buildings.
  - 5. Location of service.
  - 6. Walls and fences.
  - 7. Landscaping, including screen planting and street trees.
  - 8. Drainage of site.
  - 9. Refuse enclosures.
- C. Proposed lighting is so arranged as to deflect the light away from adjoining properties.
- D. Proposed signs will comply with all of the applicable provisions of Chapter 18.14 of this title.
- E. That adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.

In making the above findings, the city ~~council~~ shall determine that approvals will be consistent with established legislative policies relating to traffic safety, street dedications and street improvements, environmental quality and to zoning, fire, police, building and health codes.

(Ord. 437 § 1 (part), 1989)

### **18.18.060 Street Dedications And Improvements**

Because of changes that may occur due to drainage conditions, utility service requirements, or vehicular traffic generated by facilities requiring a site plan review, the following dedications and improvements may be deemed necessary and may be required as a condition or conditions to the approval of any site plan:

- A. Development bordering or traversed by an existing street. If the development borders or is traversed by an existing street, the applicant may be required to:
  - 1. Dedicate all necessary rights-of-way to widen a bordering minor or collector street to the extent of one-half the ultimate width established by the city as the standard for such minor or collector street, or the full extent required for a frontage road.
  - 2. Dedicate all necessary rights-of-way to widen a traversing minor or collector street to its ultimate width established by the city as the standard for such minor or collector street.
  - 3. Dedicate all necessary rights-of-way to widen a bordering or traversing arterial street to the standards of width established by the city for an arterial street.
  - 4. Set back all facilities the required distance from ultimate property lines along an arterial street as shown on any master, official or precise plan of streets and highways or by the city's general plan.
  - 5. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering or along both sides of a traversing minor, collector or arterial street.
  - 6. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
  - 7. Grade and improve traversing minor or collector streets from curb to the center line of the ultimate right-of-way.
  - 8. Grade and improve traversing minor or collector streets from curb-to-curb.
  - 9. Grade and improve the parking lane and one traffic lane adjacent to the development, along a bordering arterial street.
  - 10. Grade and improve both parking lanes and the two outside traffic lanes of a traversing major arterial street.
- B. New Roads. Except as provided in subsections C and D of this section, all new roads shall be dedicated and improved in accordance with the requirements of subsection A of this section.
- C. Frontage Road. Where a frontage road is provided and improved along an arterial street in accordance with city standards, the curb, gutter, sidewalk, street sign, street light, grading and

paving requirements of subsections (A)(5) and (10) of this section, pertaining to arterial streets shall not be required.

- D. Access. Where total access to or from a bordering or traversing arterial street is prohibited as a condition of approval, or by law, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of subsections (A)(5) and (10) of this section, pertaining to arterial streets, shall not be required.
- E. Improvements. All improvements shall be to city standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the city that it is impractical to put in any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the city for the provision of improvements before a building permit may be issued, at which time there shall be money deposited with or in favor of the city, or a letter of credit or performance bond posted with the city, in an amount equal to one hundred twenty-five percent of the estimated cost of improvements, as estimated by the city engineer, to guarantee the making of such improvements.
- F. Street Dedications. Street dedications and improvements which may be required by this section shall be considered only on the principle that they are required as near as practical in proportion to the traffic, utility and other demands generated by the proposed development.

(Ord. 437 § 1 (part), 1989)

**18.18.070 Relationship To Environmental Assessment And Environmental Impact Reporting Procedures**

- A. Environmental Impact Assessment. A site plan approved pursuant to the provisions of this chapter shall be considered in relation to requirements of city policy governing the preparation of environmental impact assessments, including initial studies prepared as a basis for a determination for a negative declaration or an environmental impact report. It is the intent of this chapter that an initial study environmental impact assessment be made concurrently with and as part of the site plan review process, and that a site plan may be approved with conditions that will permit the applicable review body city council to find that the proposed project will not have significant adverse physical effect on the environment and that a negative declaration should be prepared.
- B. Environmental Impact Reports. Where it is determined by the city that an environmental impact report (EIR) is required for a proposed project, action on a proposed site plan shall be deferred until such time as the EIR has been prepared and reviewed pursuant to provisions of the city's guidelines and state law. The applicable review body city council shall, at the completion of said EIR review, attach such conditions to the approval of the site plan as in their judgment will mitigate or reduce to acceptable levels any of the environmental impacts identified during review of the EIR. The applicable review body city council may deny a site plan if it is found that such mitigation or reduction of environmental impacts is not feasible.
- C. Monitoring Program to Assure Compliance with Mitigation Measures.

1. As a condition of the agreement between the city and the applicant, or as a condition of site plan approval, the city shall institute an EIR mitigation monitoring program to meet the requirements of AB 3180 (codified as Public Resources Code Section 21081.6, and as may be amended). Mitigation monitoring shall take place during all successive review procedures of the building construction and land development process, including at the time of plan checking for buildings and public and private improvements, during field inspection of construction, at the time of the issuance of an occupancy permit and during ensuing operations of the project after project completion.
2. The ultimate responsibility for the monitoring of mitigation measures shall rest with the city. However, to the extent practical, short-term or on-going responsibility may be shared by the city with the party responsible for project management and operation after project completion, and especially where on-going operations are required to meet specific standards. The initiation and conduct of an adequate mitigation monitoring program shall apply to a project approved with a "mitigated" negative declaration or to an EIR.
3. The provisions of the mitigation monitoring program for any given project shall be established by a "mitigation monitoring agreement" between the applicant and the city immediately following completion of the environmental review process. The proposed provisions of the contract shall be presented to the applicable review body ~~city council~~ at the time of certifying the adequacy of the negative declaration or final EIR, whichever procedure applies, and prior to formal project approval, so that the program provisions will be known to all parties in interest and can be discussed as to their adequacy prior to ~~city council~~ certification of a negative declaration or EIR.
4. The programming and monitoring process to be followed generally shall be that process established by resolution of the city council specifying general responsibilities of city personnel for participation in the process, and including procedures for the prompt resolution of disputes that may arise during the monitoring process. Where the extent of mitigation may be complex, and/or where mitigation may require action to satisfy more than one governmental agency having participated in the environmental review process for a given project, the "monitoring team" should involve appropriate personnel of such other agencies. For projects where all mitigation can be completed prior to or at the time of project completion, the city shall notify the applicant in writing that the project has been completed in compliance with all applicable mitigation measures.
5. The city shall levy such fees as may be necessary to fully cover the city's costs of conducting the mitigation monitoring program for any given project. Provision for such charges shall be included in the mitigation monitoring agreement established between the city and the applicant as an enforceable contract.

(Ord. 437 § 1 (part), 1989)

#### **18.18.080 Building Permit**

Before a building permit shall be issued for any building, structure or sign proposed as part of an approved site plan, the building official shall determine that the proposed building location, facilities and

improvements are in conformity with the approved site plan and any applicable mitigation monitoring agreement. Before a building may be occupied or a sign erected, the building official shall certify to the ~~community development~~city services department that such improvements have been made in conformity with the plans, programs and conditions as approved ~~by the city council.~~

(Ord. 437 § 1 (part), 1989)

#### **18.18.090 Lapse Of Site Plan Approval**

A site plan approval shall lapse and shall become void one year following the date on which approval by the ~~community development~~city services department ~~or city council~~ became effective unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for an additional period or periods of one year upon written application ~~to the city council~~ before expiration of the first approval.

(Ord. 437 § 1 (part), 1989)

#### **18.18.100 Revocation**

The revocation of a site plan shall be governed by the provisions of Section 18.17.130 of this title.

(Ord. 437 § 1 (part), 1989)

#### **18.18.110 Site Plan Approval To Run With The Land**

A site plan approved pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the site plan.

(Ord. 437 § 1 (part), 1989)

#### **18.18.120 Minor Revisions To A Previously Approved Site Plan**

A site plan granted under the provisions of this chapter may be revised as to features of the site plan previously approved; provided, that such provisions are minor as determined by the ~~community development~~city services director. Application for minor revisions shall be made in the same manner as prescribed by Section 18.17.170 of this title.

(Ord. 437 § 1 (part), 1989)

## **18.19 Planned Unit Developments**

### 18.19.010 Purposes

### 18.19.020 Districts

### 18.19.030 Permitted Uses

### 18.19.040 Site Area

### 18.19.050 Standards

### 18.19.060 Required Conditions

### 18.19.070 Use Permit Procedure

#### **18.19.010 Purposes**

- A. Planned unit developments (PUDs), involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the city which otherwise might not be possible by strict adherence to the regulations of this title.
- B. In certain instances, the objectives of the zoning title may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zone plan or the district regulations prescribed by this title. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which are made to complement each other and harmonize with existing and proposed land uses in the vicinity, by design. In order to provide locations for such well-planned developments, the city council is empowered to grant use permits for planned unit developments; provided, that such developments comply with the regulations prescribed in this chapter. The city council is also empowered to zone lands for PUD under the provisions of Chapter 18.12 of this title. The approval of a PUD is intended to be discretionary on the part of the city rather than an entitlement of a landowner.

(Ord. 437 § 1 (part), 1989)

#### **18.19.020 Districts**

A PUD may be located in any district ~~other than an R-1-7X district~~ upon the granting of a use permit in accordance with the provisions of this chapter, or by applying the PUD combining district in accordance with the provisions of Chapter 18.12 of this title.

(Ord. 437 § 1 (part), 1989)

#### **18.19.030 Permitted Uses**

A PUD shall include only those uses permitted, either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located, subject to the following exceptions:

- A. Any combination of uses permitted in any RA, R, RM or PO district as a permitted use, a use permitted by administrative approval, or a conditional use, may be included in a PUD located in an RA, R or RM district.

- B. Any combination of uses permitted within any PO, C or IL district as a permitted use, a use permitted by administrative approval, or a conditional use, may be included in a PUD located in a PO or C district.
- C. Any combination of use permitted in any CS, CH, IL or IH district as a permitted use, a use permitted by administrative approval or conditional use, may be located in a PUD located in an IL or IH district.

(Ord. 437 § 1 (part), 1989)

**18.19.040 Site Area**

The minimum site area for a PUD shall be one acre.

(Ord. 437 § 1 (part), 1989)

**18.19.050 Standards**

- A. The standards of site area and dimensions, site coverage, yard spaces, distances between structures, off-street parking and off-street loading facilities and landscaped areas need not be equivalent to the standards prescribed for the regulations for the district in which the PUD is located if the applicant has demonstrated by his design proposal, that the objectives of the zoning code and the objectives of this chapter will be achieved.
- B. ~~Except in the R-1-7X district, t~~The average population density per net acre in any R or RM district may exceed by not more than ten percent the maximum population density prescribed by the general plan or the site area per dwelling unit regulations for the district in which the PUD is to be located, if the applicant can demonstrate by his design proposal and such additional evidence as may be submitted, that the objectives of this chapter will be achieved. Since planned unit developments may also involve the subdivision process, the applicant must be prepared to show what changes in conventional street and lot design will be necessary to achieve desired goals.
- C. The average population density per net acre in any R or RM district may exceed by not more than twenty-five percent the maximum population density prescribed by the general plan or the site area per dwelling unit regulations for the district in which the PUD is to be located, if the applicant can demonstrate that the proposal qualifies under applicable provisions of Section 65915 of the California Government Code pertaining to the granting of density bonuses and other incentives for housing development intended for low- or moderate-income households.
- D. Within any RM district, density bonuses other than but not in addition to those qualifying under Section 65915 of the Government Code may be approved which exceed by up to twenty-five percent the number of units prescribed for the affected area by the general plan if the PUD complies with the following criteria:
  - 1. The city council may grant a density bonus up to twelve and five-tenths percent if the proposal meets the following minimum criteria:
    - a. Provision of a private internal street system (where possible) designed to avoid traffic congestion and provide for ease of access and circulation by emergency vehicles.

- b. Provision of a common recreational open space area equal to twelve and five-tenths percent of total site area, excluding required yards.
  - c. Provision of peripheral visual buffers along property lines adjacent to existing or planned single-family housing areas which are designated for low density or very low density by the general plan.
  - d. Provision of back-on housing design and placement along arterial streets, where applicable, including a seven-foot-high ornamental block wall along the property line, landscaping between the wall and sidewalk in an area at least six feet in width, and waiver of direct access from the street. The waiver of access shall be recorded in the form approved by the city attorney.
2. The city council may grant a density bonus up to twenty-five percent if the proposal meets all of the applicable criteria described under subsection (D)(1) of this section, plus at least three of the following additional criteria:
- a. The provision of common recreational open space or other open space amenities equal to twenty-five percent of total net site area, excluding required yards.
  - b. Pedestrian circulation substantially separated from the internal street system (total separation not required).
  - c. Provision of a separate area for the parking of recreation vehicles (RVs) at a ratio of one space for every ten dwelling units.
  - d. Provision of landscaped corridors of common area as a substitute for individual front yards for single-family detached or attached housing, to be maintained by a homeowner's association or other appropriate approach to guaranteed maintenance.
  - e. Provision of guest parking, in addition to basic requirements for off-street parking as prescribed by Chapter 18.13, equal to one-half space per dwelling unit. Guest parking may be provided as parallel parking, as parking in-set at an angle to the street, or both; provided, that such parking is consistent with criteria in subsection (D)(l)(a) of this section.

(Ord. 437 § 1 (part), 1989)

**18.19.060 Required Conditions**

No use shall be permitted and no process, equipment or materials shall be employed which is found by the city council to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or heavy truck traffic or to involve any hazard of fire or explosion.

(Ord 437 § 1 (part), 1989)

**18.19.070 Use Permit Procedure**

The regulations prescribed in Sections 18.17.020 through 18.17.170 shall control the procedure for making application for and processing of a planned unit development, subject to the following procedures:

- A. In lieu of the drawing of the site prescribed in Section 18.17.030(G), the application shall be accompanied by a general development plan of the entire planned unit development, drawn to scale and showing provisions for the following: draining of surface waters, watercourses, public utility rights-of-way, streets, driveways and pedestrian walks, off-street parking and loading facilities, reservations and dedications for public uses, private uses including dwelling types, lot layout, locations, heights and elevations of structures and landscaped areas.
- B. In addition to the data and drawings prescribed in Section 18.17.030 and subsection A of this section, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density and number of housing units per net acre in the area or areas proposed to be devoted to residential use.
- C. When a PUD involves proposals which necessitate the filing of a tentative parcel map or subdivision map, and/or which would also necessitate the granting of exceptions of the regulations of the subdivision ordinance, the city council may grant tentative approval of the proposal. Where such tentative approval is requested by the applicant, the requirements of subsections A and B of this section may be waived temporarily, provided the applicant submits the following:
  - 1. In lieu of the drawing of the site prescribed in subsection A of this section, the application shall be accompanied by a schematic drawing drawn to a minimum scale of one inch equals one hundred feet, showing the general relationships contemplated among all public and private uses and existing and proposed physical features.
  - 2. A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types, nonresidential uses, lot layout, public and private access, height of structures, lighting, landscaped areas and provisions for maintenance of landscaped areas, area to be devoted to various uses and population density per net acre contemplated by the applicant. Upon approval of a tentative subdivision map, in accordance with the procedures prescribed by the subdivision ordinance, the applicant shall submit a development plan in accordance with the requirements of subsections A and B of this section before the city council may grant a final approval of the applicant's proposal.
- D. The [city services community development](#) director shall give written notice to the applicant of the time when the application will be considered by the city council.
- E. The council may grant a use permit for a PUD as the use permit was applied for or in modified form if, on the basis of the application and the evidence submitted, the council makes the following findings:
  - 1. That the proposed location of the PUD is in accordance with the objectives of the zoning code.
  - 2. That the proposed location of the PUD and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.
  - 3. That the proposed PUD will comply with each of the applicable provisions of this section.

4. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking and off-street loading facilities, landscaped areas and street design will produce an environment of stable and desirable character consistent with the objectives of the zoning code, and will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.
5. That the combination of different dwelling types and/or variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
6. That the proposed PUD will satisfactorily mitigate potential environmental impacts in accordance with the provisions of Section 18.18.070 of this title.

F. The city council may deny an application for a use permit for a planned unit development.

(Ord. 437 § 1 (part), 1989)

## **18.20 Standards For Specific Uses**

### **18.20.010 Purpose And Intent**

### **18.20.020 Sexually Oriented Businesses**

### **18.20.030 Body Art Facilities**

### **18.20.040 Fortunetelling Establishments**

### **18.20.010 Purpose And Intent**

Certain activities and uses, due to their nature, create more significant impacts upon the community than others. As a result, specific regulation of these activities and uses is warranted. The purpose of this chapter is to identify and regulate such uses in districts permitting those uses, in order to ensure the maintenance of the public health, safety and welfare in accordance with the goals, objectives, policies and implementation programs of the general plan.

(Ord. 531, § 10, 2011)

### **18.20.020 Sexually Oriented Businesses**

- A. Purpose and Intent. It is the purpose and intent of this section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the city, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the section to condone or legitimize the distribution of obscene material.
- B. Prohibited Uses, Conduct and Activities.
  1. One of the important purposes of the regulations set forth in this section is to discourage and to minimize the opportunity for criminal conduct. As such, nothing in this section shall permit or be interpreted to permit any use, conduct, and/or activity which is specifically prohibited under the following California Penal Code sections:
    - a. Receipt of money for placement of person for purposes of cohabitation. (Penal Code Section 266d);
    - b. Purchase of person for purposes of prostitution or placement of person for immoral purposes. (Penal Code Section 266f);
    - c. Sale of person for immoral purposes (Penal Code Section 266f);
    - d. Pimping (Penal Code Section 266h);
    - e. Pandering (Penal Code Section 266i);
    - f. Lewd or obscene conduct (Penal Code Section 314);

- g. Houses of ill-fame (Penal Code Section 315);
  - h. Disorderly houses which disturb the immediate neighborhood (Penal Code Section 316);
  - i. Places of prostitution (Penal Code Section 317);
  - j. Place of prostitution; place of lewdness; place used as bathhouse permitting conduct capable of transmitting AIDS (Penal Code Section 11225).
2. Nothing in this section shall be interpreted to issue a permit for or permit any use, conduct, and/or activity which violates any federal, state or local law or regulation.
  3. A "sexual encounter establishment" is not a permitted use. For purposes of these regulations, a "sexual encounter establishment" means any business or commercial establishment that as one of its important business purposes offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" when one or more of the persons of the establishment is in a "state of nudity" or where two or more persons may congregate, associate, or consort for the purpose of the exposure of "specified anatomical areas" where one of the patrons of the establishment is in a "state of nudity" or "state of semi-nudity". The definition of sexual encounter establishment shall not include an establishment where a medical practitioner, physiologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- C. Establishment of Classification of Sexually Oriented Businesses. The establishment of any sexually oriented business shall be permitted or conditionally permitted only in industrial zones and shall be subject to the following restrictions: No person shall cause or permit the establishment of any sexually oriented businesses, as defined above, within one thousand feet of another such business or within one thousand feet of any religious institution, school, boys' club, girls' club or similar existing youth organization, or public park, or any public building regularly frequented by children including, but not limited to, the McDermont Field House and Community Aquatics and Wellness Center, or within five hundred feet of any property in the City of Lindsay zoned for residential use. These limitations apply to sexually oriented businesses classified as follows:
1. Adult arcades;
  2. Adult bookstores;
  3. Adult cabarets;
  4. Adult motels;
  5. Adult motion picture theaters;
  6. Adult novelty stores;
  7. Adult theaters;
  8. Adult video stores; and
  9. Nude model studios.

D. Definitions. For purposes of this section, certain words and phrases are defined as follows:

1. "Sexually oriented businesses" are those businesses defined as follows:
  - a. "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly available or used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
  - b. "Adult bookstore," "adult novelty store" or "adult video store" means a commercial establishment which (1) has a significant or substantial portion of its stock-in-trade or (2) derives a significant or substantial portion of its revenues or (3) devotes a significant or substantial portion of its interior floor or display space or (4) devotes a significant or substantial part of its business activities or employees' time, or advertising, to the sale, rental or viewing for any form of consideration, of any one or more of the following:
    - i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representatives which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
    - ii. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
    - iii. An establishment may have other significant or substantial business purposes that do not involve the offering for sale, rental or viewing of materials, depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its significant or substantial business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."
  - c. "Adult cabaret" means a nightclub, bar, restaurant, "bottle club" or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear or perform semi-nude, including go-go dancers, exotic dancers, strippers, or similar entertainers; (b) live performances which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or (c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
  - d. "Adult motel" means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and which regularly provides or makes available to patrons with closed-circuit television transmissions, films, motion

pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way or by means of any off premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (b) offers a sleeping room for rent for a period of time less than ten hours; or (c) allows a tenant or occupant to rent or sub-rent the sleeping room for a time period of less than ten hours.

- e. "Adult motion picture theater" means commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing "specified sexual activities" or "specified anatomical areas" are regularly shown for an any form of consideration.
- f. "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment which, for any form or consideration, regularly features person who appear semi-nude or live performances which are characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities."
- g. "Nude model studio" means any place where a person, who appears in a state of nudity or semi-nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This term does not include a modeling class operated by a proprietary school, licensed by the State of California; a college, junior college, or university supported entirely or partly by taxation; by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, where in order to participate in a class a student must enroll at least three days in advance of the class, and where no more than one nude model is on the premises at any one time.
- h. "Regularly features or regularly shown" with respect to an adult cabaret, adult theater, or adult motion picture theater means at least three times within any thirty-day period; or carried on as part of the business' routine scheduling of events or activities and not so infrequently as to constitute a single, rare or unusual event or occurrence.
- i. "Significant or substantial portion" means such a percentage of its activities, space allocation, revenues, advertising targeting, stock in trade, floor or display space, business receipts, revenues, or other business undertakings as to indicate to a reasonable person that the sexually oriented portion of the business is one of its important activities, though not necessarily its only or even primary activity; for this purpose, evidence that twenty-five percent or more of its revenue is derived from such sexually oriented activities or materials, or that twenty-five percent or more of its interior floor space or display space is devoted to such sexually oriented activities or materials, or that twenty-five percent or more of its actual stock in trade regularly displayed and immediately available for use,

rental, purchase, viewing or perusal is comprised of such sexually oriented materials, shall be evidence that a "significant or substantial portion" of the business is devoted to such uses.

2. "Adult cabaret dancer" means any person who is an employee or independent contractor of an "adult cabaret" or other "sexually oriented business" and who, with or without any compensation or other form of consideration, performs as a sexually oriented dancer, exotic dancer, stripper, go-go dancer or similar dancer whose performance on a regular and substantial basis focuses on or emphasizes the adult cabaret dancer's breasts, genitals, and/or buttocks, or where the performance involves semi-nudity.
3. "Adult live entertainment" means any physical human body activity, whether performed or engaged in, alone or with other persons, including, but not limited to, singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performance is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Adult live entertainment includes any type of performance where the entertainer is an adult cabaret dancer, as defined herein.
4. "Employee" means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.
5. "Entertainer" means any person who is an employee or independent contractor of the sexually oriented business, or any person who with or without any compensation or other form of consideration performs adult live entertainment for patrons of a sexually oriented business. "Entertainer" includes adult cabaret dancers.
6. "Establishment" means and includes any of the following:
  - a. The opening or commencement of any such business as a new business;
  - b. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
  - c. The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business;
  - d. The relocation of any such sexually oriented business; or
  - e. The substantial enlargement of any such sexually oriented business.
7. "G-string" means a narrow strip of fabric that covers the pubic area, passes between the thighs, and is supported by a waistband.
8. "Nudity or state of nudity" means: (a) the appearance or display of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

9. "Operator" means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.
10. "Pasties" are coverings that only conceal the nipples and areola.
11. "Permitted" or "unlicensed premises" means any premises that requires a license and/or permit and that is classified as a sexually oriented business.
12. "Permittee and/or licensee" means a person in whose name a permit and/or license to operate a sexually oriented business has been issued as well as the individual listed as an applicant on the application for a permit and/or license.
13. "Person" means an individual, proprietorship, partnership, corporation, association or other legal entity.
14. "Public building regularly frequented by children" means any building owned, leased or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used as a library, community center, children's center, or any other use having special attraction to children, or which building is often visited by children for social activities unaccompanied by their parents or other adult custodians. This includes the McDermont Field House and the Community Aquatics and Wellness Center.
15. "Public park" or "recreation areas" means public land which has been designated for park or recreational activities including, but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, open space wilderness areas, or similar public land within the city which is under the control, operation, or management of the city park and recreation authorities. This includes the McDermont Field House, Sweet Briar Plaza and the Community Aquatics Center.
16. "Religious institution" means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities, as identified on the latest equalized tax assessment roll.
17. "School" means any public or private educational facility including, but not limited to, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
18. "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps and devices. This definition includes female persons wearing only "pasties" and a "G-string".
19. "Sensitive land uses" means residences and residential neighborhoods, child day care facilities, cemeteries, religious institutions, schools, boys' clubs, girls' clubs, or similar existing youth organizations, or public parks, or any public building regularly frequented by children.

20. "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, escort agency or nude model studio.
  21. "Specified anatomical areas" as used in this chapter means and includes any of the following:
    - a. Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
    - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  22. "Specified sexual activities" as used in this chapter means includes any of the following:
    - a. The fondling or other intentional touching of buttocks for purpose of sexual arousal, or fondling or other intentional touching of human genitals, pubic region, anus, or female breasts;
    - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
    - c. Masturbation, actual or simulated;
    - d. Human genitals in a state of sexual stimulation, arousal or tumescence;
    - e. Excretory functions as part of or in connection with any of the activities set forth in subsections (a) through (d) of this subsection;
    - f. Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
  23. "Substantial enlargement of a sexually oriented business" means an increase in the floor areas occupied by the business as the floor areas existed on the effective date of this section.
  24. "Transfer of ownership or control of a sexually oriented business" means and includes any of the following:
    - a. The sale, lease or sublease of the business;
    - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
- E. Measurement of Distance. Distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented business and any religious institution, school, boys club, girls club or similar existing youth organization, or public park or public building regularly frequented by children or any properties zoned for residential use shall also be measured in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a religious institution, public or private elementary or secondary school, or the nearest boundary of an

affected public park, public building regularly frequented by children, residential district or residentially zoned lot.

- F. Permit Required. No person shall operate, maintain, manage or conduct a sexually oriented business without a valid sexually oriented business permit issued by the city for the particular type of sexually oriented business.
- G. Application for Permit.
  - 1. The city's designee is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business permits for proposed or existing sexually oriented businesses.
  - 2. The city's designee shall be the city manager, or any other officer or employee designated in writing by the city manager to deal with the provisions of this section.
  - 3. A completed application shall contain the following information and shall be accompanied by the following documents:
    - a. If the applicant is:
      - i. An individual, the individual shall state his/her legal name, any aliases, and date of birth;
      - ii. A partnership, the partnership shall state its complete name and the names of all general partners;
      - iii. A corporation, the corporation shall state its complete name, the names and capacity of all officers, directors and the name and address of the registered corporate agent for service of process;
      - iv. A limited liability company (LLC), the LLC shall state its complete name, the names and capacity of all members and managers and the name and address of the agent for service of process.
    - b. If the applicant intends to operate the sexually oriented business under a name other than that on the application, he/she must state the sexually oriented business's fictitious name.
    - c. A statement as to whether the applicant or any other individuals identified in the application, excluding any agent for service of process who is not also listed as a director or officer, has had a previous permit under this section, or any other similar sexually oriented business ordinance of the city, denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
    - d. A statement as to whether the applicant or any other individuals identified in the application, excluding any agent for service of process who is not also listed as a director or officer, has been a sole proprietor, general partner, officer, a director of a sexually oriented business that has had a previous permit under this section, or any other similar sexually oriented business ordinance of the city denied, suspended or revoked by the city,

including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

- e. The name(s) of the responsible person(s) who will be on the premises to act as manager during the times that the business is open, or a statement that the applicant has not yet selected the manager(s).
  - f. The classification, as defined in this section, of sexually oriented business for which the applicant is seeking a permit.
  - g. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s) currently in service.
  - h. The applicant's address.
  - i. A recent photograph of the applicant.
  - j. The applicant's driver's license number or permit number or identification number and social security number and/or the applicant's state or federally issued tax identification number.
  - k. A clearly legible sketch or diagram showing the configuration of the premises all improvements to the site including, parking, landscaping, sign configuration and location and outdoor lighting, including a statement of total floor space and its purpose, occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
  - l. A radius map prepared within thirty days prior to application depicting the building and the portion thereof to be occupied by the sexually oriented business, and (1) the property line of any other sexually oriented business within one thousand five hundred feet of the property line of the sexually oriented businesses for which a permit is requested; and (2) the property lines of any cemetery, church, school, park, or other sensitive use within one thousand five hundred feet of the property line of the sexually oriented business.
  - m. A diagram of the off-street parking areas and premises entries of the sexually oriented business showing the location of the lighting system required pursuant to this section.
  - n. The applicant's fingerprint on a form approved by the public safety department.
4. The applicant shall be required to pay a non-refundable application fee at the time of filing an application pursuant to this section.

#### H. Continuing Permit Obligations.

1. The fact that a person possesses other types of state or city permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business permit.
2. By applying for a permit under this section, the applicant shall be deemed to have consented to the provisions of this section and to the exercise by the city or its designee, the police chief's

office, and all other city departments charged with enforcing the laws, ordinances and codes applicable in the city, of their respective responsibilities under this section.

3. An operator shall promptly update, correct or supplement the information contained in the application for a sexually oriented business permit on file with the city as necessary to keep the information contained therein accurate.

I. Filing of Completed Application.

1. Upon receipt of an application properly filed with the city and upon payment of the non-refundable application fee, the city or its designee shall immediately stamp the application as received on that date.
2. If the city designee determines that the applicant has completed the application improperly, or otherwise deems the application to be incomplete, the city designee shall, within fifteen days of receipt of the original application, notify the applicant of such fact and, on request of the applicant, grant the applicant an extension of time twenty days or less to submit a complete application. In addition, the applicant may request an extension, not to exceed fifteen days, of the time for the city designee to act on the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

J. Issuance of Permit. Within thirty business days of receipt of a completed application, the city shall issue a sexually oriented business permit upon verification of the following facts:

1. The location of the business complies with all applicable zoning laws.
2. The configuration of the premises, as set out in the sketch or plan submitted with the application, does not reveal any violation of applicable health, zoning, fire and safety laws of the State of California and ordinances of the City of Lindsay applicable thereto, including those set out in this section.
3. The applicants or individuals identified therein, excluding any agent for service of process who is not also listed as a director or officer, are not otherwise disqualified from lawful operation of a sexually oriented business pursuant to any state, county, federal or local law, including those set out in this section.
4. The applicant is eighteen years of age or older.
5. The applicant has provided all information required by this section, none of which is known to the city to be incorrect.
6. The application or permit fees required by this section have been paid.
7. Applicant has no prior conviction of sexually related convictions listed in Section 18.20.020(B).

K. Processing the Completed Application. The city, or its designee, shall grant or deny a completed application for a permit within thirty business days from the date receipt by the city of a complete application. Upon the expiration of the thirtieth day, unless the city or its designee has given written notice to the applicant, the application shall be deemed granted and the operator shall be

excused from the requirement that a duly issued permit be posted at the premises until such time as said permit is issued pursuant to this section.

- L. Notification of Permit Denial; Subsequent Application. If the city or its designee denies the application, he/she shall notify the applicant of the denial and state the reason(s) for the denial. Any subsequent application which has been supplemented to cure the grounds for prior denial shall be treated as a new application.
- M. Annual Permit Fee.
  - 1. The annual fee for a sexually oriented business permit is set forth in resolution, to partially offset the costs of monitoring and policing the operation of the business entities involved.
  - 2. Said fee shall be due yearly on the anniversary of the issuance of the permit and shall be deemed delinquent thirty days thereafter.
- N. Inspection. Every operator shall permit representatives of the city to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.
- O. Administrative and Judicial Review of Permit Denial, Suspension or Revocation.
  - 1. Administrative Appeal to City Council. After denial of an application or suspension or revocation of a permit, the applicant or permittee may seek prompt review of such administrative action through the city council, by filing a written appeal within ten calendar days of the action. The council shall promptly set an administrative hearing in accordance with the provision of Lindsay Municipal Code Section 5.04.310.
  - 2. Expedited Review of Free Speech Claims. An administrative appeal shall be heard and decided at the next regularly scheduled city council meeting when the written request for an administrative appeal alleges that the administrative action constitutes a violation of the applicant or permittee's state or federal constitutional rights to free speech, press or expression. If affirmed by the city council, the administrative action is subject to prompt review by the Superior Court for the State of California, in and for the County of Tulare, pursuant to California Code of Civil Procedure section 1094.8. Additionally, the applicant or permittee may seek a temporary or preliminary injunction, stay of the administrative action pending judicial review and/or a permanent injunction or declaratory relief.
- P. Transfer of Permit.
  - 1. A permittee shall not operate sexually oriented business under the authority of a permit at any place other than the address designated in the application for permit.
  - 2. A permittee shall not transfer his/her permit to another person unless and until such other person satisfies the following requirements:
    - a. Obtains an amendment to the permit from the city or its designee, which provides that he/she is now the permittee, which amendment may be obtained only if he/she has completed and properly filed an application with the city or its designee, setting forth the information called for under Section 18.20.020(I) in the application; and

- b. Pays a transfer of fifty percent of the annual permit set by resolution.
- 3. No permit may be transferred during the pendency of administrative procedures following notice by the city or its designee to the permittee that suspension or revocation proceedings have been or will be brought against the permittee, until such proceedings have been completed, withdrawn or otherwise canceled.
- 4. Permittee shall not transfer a permit whether directly or indirectly in violation of this subsection, and such transfer is hereby declared void, and the permit shall be considered abandoned and shall automatically revert to the city.

Q. Registration of New Employees/Independent Contractors.

- 1. As a further condition of approval of every sexually oriented business permit issued pursuant to this chapter, every owner or operator shall register every employee or independent contractor working on its premises with the police department within five business days of the commencement of the employee's period of employment at the sexually oriented business.
- 2. Each employee/independent contractor shall be required to provide two recent color passport quality photographs and shall allow himself or herself to be fingerprinted by the police department for purposes of identification. In addition, each employee/independent contractor shall provide the following information on a form provided by the police department.
  - a. Name, current resident address, telephone number;
  - b. Date of birth;
  - c. Social security number;
  - d. Height, weight, color of eyes and hair;
  - e. Stage name (if applicable) and other aliases used within the previous two years.
- 3. The information provided for purposes of this subsection shall be maintained by the police department as confidential information and shall not be disclosed as public records unless pursuant to an order issued by a court of competent jurisdiction.
- 4. Each owner or operator of a sexually oriented business shall maintain a current register of names of all employees and independent contractors currently employed by or working at the sexually oriented business, and shall disclose such registration for inspection by any designated city representative for purposes of determining compliance with this subsection.
- 5. Failure to register each new employee/independent contractor with the police department within five days of commencement of employment and to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the permit and may be considered grounds for suspension or revocation of the permit.

R. Business Operations.

1. Visibility.

- a. The entire interior of an adult arcade, adult bookstore, adult novelty store, adult cabaret, adult video arcade, nude model studio, and any non-conforming sexual encounter establishment and the entire concession area of an adult motion picture theater or adult theater, the entire common areas of an adult motel, and the entire exhibition area of an adult motion picture theater or adult theater, shall be visible upon entrance to such areas.
- b. Visibility from the entrance shall not be obstructed by any curtain, door, wall, merchandise rack, or any other thing.
- c. No partially or fully enclosed booths or partially or fully concealed booths shall be maintained within the sexually oriented business.
- d. Each private viewing booth or room shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing the entire interior of the private viewing room or booth from the main aisle. At all times, at least one manager station shall be maintained to ensure a clear line of sight into the interior of the private viewing booth or room. The entire body of any patron in any private viewing booth or room shall be visible from the main aisle and the manager station without the assistance of mirrors, cameras, or any other device.
- e. No sexually oriented business shall maintain any private booth or room unless the entire interior wherein the picture or entertainment that is viewed is visible from at least one manager station.
- f. In order to comply with this part, a sexually oriented business may have multiple manager stations. If multiple manager stations are necessary for compliance with this part, then at all times during business hours there must be a manager at each station. If one manager station is maintained only for the purpose of monitoring a video or live entertainment, then a manager need only occupy said station while a video or live entertainment is in progress, provided that the area where the video or entertainment is shown is not accessible to patrons and no entertainers are in said area.
- g. No doors are permitted on any private viewing booths or rooms. No partially or fully enclosed private viewing booth or room or partially or fully concealed private viewing booth or room shall be maintained.
- h. No patrons shall be permitted access to any area of the premises not visible from at least one manager station and at least one main aisle in a public portion of the establishment.
- i. Customers, patrons or visitors of adult arcades shall be prohibited from standing idly by in the vicinity of any such video booths, or from remaining in the common area of such business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

- j. All areas of the sexually oriented business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

Area	Foot-Candles
Bookstores and other retail establishments	20 foot-candles
Theaters and cabarets	5 foot-candles (except during performances, at which times lighting shall be at least 1.25 foot-candles)
Arcades	10 foot-candles

- k. All off-street parking area and premise entries of the sexually oriented business shall be illuminated from dusk to a half hour after closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. The required lighting level established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
- l. Sexually oriented businesses shall maintain a security system that visually monitors and records all parking lot areas.

2. Exceptions to Visibility Requirements.

- a. Section 18.20.020(R)(1) shall not apply to those areas of a sexually oriented business to which only employees are permitted access and patrons are excluded and which cannot be viewed from any area accessible to patrons.
- b. Section 18.20.020(R)(1) shall not apply to a restroom; however, no restroom shall contain any merchandise, materials, product, or service referenced in Section 18.20.020(D).

3. Regulation of Public Restroom Facilities.

- a. If the sexually oriented business provides restrooms for patron use, it shall provide separate restroom facilities for male and female patrons. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities.
- b. The restrooms shall be free from sexually oriented material, including any motion picture or video projection, recording or reproduction equipment.
- c. Only one person shall be allowed in each restroom at any time unless otherwise required by law, in which case the sexually oriented business shall employ a restroom attendant of

the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The attendant shall ensure that no person of the opposite sex is permitted into the restroom, and that not more than one person is permitted to enter a restroom stall, unless otherwise required by law and that the restroom facilities are used only for their intended sanitary purposes.

- d. Access to restrooms for patron use shall not require passage through an area used as a dressing area by performers.
  - e. The foregoing provisions of this paragraph shall not apply to a sexually oriented business which deals exclusively with sale or rental of adult material which is not used or consumed on the premises, such as an adult bookstore or adult video store, and which does not provide restroom facilities to its patrons or the general public.
4. Private Viewing Booths or Rooms.
- a. No viewing room or booth of an adult arcade or adult video arcade may be occupied by more than one person at any time.
  - b. No beds, couches, or chairs with a sitting area greater than twenty-four inches wide shall be permitted in a private viewing booth or room.
  - c. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two such rooms such as would allow viewing from one booth into another or such as to allow physical contact of any kind between the occupants of any two such booths or rooms. Any such hole or opening shall be repaired within twenty-four hours using "pop" rivets to secure metal plates over the hole or opening to prevent patrons from removing the metal plates.
  - d. The floors, seats, walls and other interior portions of all viewing rooms or booths shall be maintained clean and free from waste and bodily secretions.
5. Business Hours. A sexually oriented business shall be open for business only between the hours of seven a.m. and midnight on any particular day. This restriction shall not apply to adult motels.
6. Posting Permit. A valid sexually oriented business permit duly issued pursuant to this section shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be easily read at all times.
7. Sexually Oriented Business Facility. A sexually oriented business shall only be located in a structure with a permanent foundation and fixed walls, and shall not be located, wholly or partially, within any mobile structure, pushcart, trailer, bungalow, recreational vehicle, or any other non-permanent type of facility.
8. Manager on Duty.
- a. There shall be a responsible person at least eighteen years of age on the premises to act as manager at all times during which the business is open.

- b. At all times that any patron is present inside the premises, at least one manager shall be situated at a location within the premises so as to allow her/him an unobstructed view of the entire area accessible to patrons. Within those sexually oriented businesses lawfully configured to include more than one open room accessible to patrons, such as an adult theater with both a concession area and an exhibition area, or various common areas of an adult motel, sufficient additional managers shall be present as necessary to allow management personnel to maintain an unobstructed view of the entirety of all areas accessible to patrons, at all times.
  - c. Every permittee shall ensure that all employees are familiar with the provisions of this section as amended from time to time and with all other regulations adopted by the city related to sexually oriented businesses.
9. Required Physical Modification to Premises.
- a. An operator of a sexually oriented business shall be permitted a reasonable period of time to make modifications to the business premises if such modifications are made necessary by the implementation of the provisions of this section.
  - b. The reasonable period of time shall normally be thirty days from the effective date of said ordinance to file the appropriate plans and designs with the city, and up to sixty days thereafter for completion of the modifications.
  - c. Should modifications be so extensive as to reasonably require a longer period of time, the city or its designee may grant a longer period of time for completion of such modifications, in consultation with the city's building officials.
10. No Alcohol. No alcoholic beverages shall be served or consumed on the premises of any sexually oriented business. No person shall bring any alcohol on to the premises of any sexually oriented business.
- S. Prohibitions Regarding Minors and Sexually Oriented Businesses. It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for said business under this chapter, and knowingly, or with the reasonable cause to know, permits, suffers, or allows:
- 1. Admittance of a person under eighteen years of age to the business premises;
  - 2. A person under eighteen years of age to remain at the business premises;
  - 3. A person under eighteen years of age to purchase goods or services at the business premises;  
or
  - 4. A person who is under eighteen years of age to work at the businesses premises as an employee;
  - 5. The view of the entrance to any sexually oriented business from outside of the business shall be designed in a manner that obscures the view of the interior of the premises from minors outside the premises so as to prohibit minors from viewing or seeing any material, conduct or

activities which depict, describe, display, or are characterized by their emphasis on "specified sexual activities" or "specified anatomical areas."

T. Display Regulations.

1. No display or exhibit depicting or describing "specified sexual activities" or "specified anatomical areas" shall be placed in, on or at the site of the subject premises in such a manner as to be visible from the exterior of the premises.
2. The building entrance to a sexually oriented business shall be clearly and legibly posted with a notice indicating that persons under eighteen years of age are precluded from entering the premises. Said notice shall consist of letters no less than one inch in height.
3. The building entrance to a sexually oriented business shall be clearly and legibly posted with a notice indicating that no alcoholic beverages are to be served or consumed on the premises. Said notice shall consist of letters no less than one inch in height.
4. The building entrance to a sexually oriented business shall be clearly and legibly posted with a notice indicating the business's hours of operation.

U. Additional Requirements. The following additional requirements shall pertain to sexually oriented businesses providing adult live entertainment:

1. No person shall perform adult live entertainment for patrons of a sexually oriented business except upon a stage at least eighteen inches above the level of the floor which is separated by a distance of at least ten feet from the nearest area occupied by patrons, and no patron shall be permitted within ten feet of the stage while the stage is occupied by an entertainer.
2. As an exception to the requirement in Section 18.20.020(U)(1), entertainers may perform adult live entertainment off-stage in private viewing areas where the entertainer is separated from the customer by a permanent, floor to ceiling, solid barrier.
3. No person shall appear in a state of nudity at any time, including during on-stage or private viewing booth performances of adult live entertainment. Persons may appear semi-nude while performing adult live entertainment. Except during the course of performing adult live entertainment, no person may appear semi-nude or in a manner which displays or reveals specified anatomical areas. This only applies to portions of the facility where patrons are permitted.
4. No owner, operator, manager, or any other person with control over a sexually oriented business shall permit any entertainer, employee, independent contractor, or other person to appear in a state of dress that violates this section.
5. No patron shall be allowed on the stage during performances.
6. The sexually oriented business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.
7. The sexually oriented business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.

8. The sexually oriented business shall provide access for entertainers between the stage and dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the sexually oriented business shall provide a minimum three-foot wide walk aisle for entertainers, between the dressing room area and the stage, with a railing, fence or other barrier, separating the patrons and the entertainers, capable of (and which actually results in) preventing any physical contact between patrons and entertainers.
9. No entertainer, either before, during or after performance, shall have physical contact with any patron and no patron shall have physical contact with any entertainer, either before, during or after performances by such entertainer. No entertainer or employee or independent contractor of a sexually oriented business shall "fondle" or "caress" any patron, and no patron shall be permitted to "fondle" or "caress" any entertainer or other employee or independent contractor. "Fondle" and "caress" shall have commonly understood meanings. This subsection shall only apply to physical contact on the premises of the sexually oriented business. This subsection does not apply to incidental contact.
10. Fixed rail(s) at least thirty inches in height shall be maintained establishing the separations between entertainers and patrons required by this subsection.
11. No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit or accept any pay or gratuity from any patron. Patrons shall not throw money to entertainers, place monies in the entertainers' costumes or otherwise place or throw monies on the stage. Patrons shall be advised of this requirement by signs conspicuously displayed and placed on the barrier between patrons and entertainers and utilizing red or black printing of letters not less than one inch in size.
12. If patrons desire to tip or pay performers, the tips must be placed in fixed receptacles, and not directly handed to any persons.
13. Sexually oriented businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than twenty-one persons, an additional security guard shall be on duty. Additional security guards may be required if the occupancy limit of the premises is greater than seventy persons. Security guard(s) shall be charged with preventing the violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall not act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard. All security guards shall be duly licensed and bonded as a security guard as required by applicable provisions of state law.
14. The foregoing applicable requirements of this section shall be deemed conditions of sexually oriented business regulatory permit approvals, and failure to comply with every such requirement shall be grounds for revocation of the permit issued pursuant to these regulations.
15. Every permittee of a sexually oriented business which provides live entertainment pursuant to this section must maintain a register of all persons so performing on the premises. Such

register shall be available for inspection during the regular business hours by any designee of the City of Lindsay.

V. Exemptions.

1. It is a defense to prosecution for any violation of this section that a person appearing in a state of nudity did so in a modeling class operated:
  - a. By a college, junior college, or university supported entirely or partly by taxation;
  - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  - c. In a structure:
    - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
    - ii. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
    - iii. Where no more than one nude model is on the premises at any one time.
2. It is a defense to prosecution of a violation of this section that an employee of a sexually oriented business, regardless of whether or not it is permitted under this section, exposed any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only to employees.

W. Criminal Penalties and Additional Legal, Equitable, and Injunctive Relief.

1. If any person fails or refuses to obey or comply with or violates any of the provisions of the section, such person, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars or by imprisonment not to exceed sixty days in the jail, or both, in the discretion of the court. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered as a separate offense.
2. Nothing herein contained shall prevent or restrict the city from taking such other lawful action as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, a nuisance abatement proceeding, a civil nuisance abatement of equitable action for injunctive relief or an action at law for damages in any court of competent jurisdiction.
3. All remedies and penalties provided for in this section shall be cumulative and independently available to the city, and the city shall be authorized to pursue any and all remedies set forth in this subsection to the full extent allowed by law.
4. The city shall be entitled to recover all attorney's fees and costs incurred in the filing or prosecution of any action or administrative proceeding brought to enforce any provision(s) of the section.

X. Suspension or Revocation of Permit.

1. After an investigation, notice, and hearing, the city manager or his designee shall suspend or revoke an existing permit, or impose such conditions upon the retention of the permit as shall be found to be necessary to assure the preservation of the public health and safety, if the evidence presented establishes that one of the following conditions exist:
  - a. The building, structure, equipment, location, or manner of operation of such business does not comply with the requirements of or fails to meet the standards of the health, zoning, fire, or safety laws of the State of California or of the City of Lindsay applicable to such business operations.
  - b. The permittee, his or her employee, agent, partner, director, officer, stockholder or manager has knowingly made any false, misleading or fraudulent statements of material fact in the application for sexually oriented business permit, or in any report or record to be filed with the city pertaining to the permit for the sexually oriented business, or has violated any rule or regulation duly adopted by the city relating to sexually oriented businesses, including those set out in this section.
  - c. A court of competent jurisdiction has found that the permittee, his or her employee, agent, partner, director, manager, or stockholder has knowingly engaged in or allowed or permitted to be committed any unlawful act of sexual intercourse, sodomy, oral copulation, masturbation, or distribution of obscenity, on or in the subject premises.
  - d. A court of competent jurisdiction has found that the permittee, his or her employee, agent, partner, director, manager, or stockholder has knowingly engaged in or permitted or allowed to occur unlawful solicitations for sexual intercourse, sodomy, oral copulation, masturbation or distribution of obscenity, on or in the subject premises.
  - e. A court of competent jurisdiction has found that the permittee, his or her employee, agent, partner, director, manager, or stockholder has knowingly engaged in or permitted or allowed, in or on the premises, the unlawful possession, use or sale of controlled substance, as defined by the California Uniform Controlled Substances Act, California Health and Safety Code Section 11000 et seq., as amended from time to time.
  - f. More than thirty days have elapsed since a tax, fee, fine, any form of regulatory assessment of judgment for monetary damages, irrespective of any other form of relief set out in the judgment, which is to be paid to the city has been imposed against a sexually oriented business, and said sum remains owing.
2. In the event that a permit for a sexually oriented business is revoked pursuant to any applicable law the premises shall be closed and shall not be used as a sexually oriented business of any classification for a period of one year commencing on the date of revocation. Further, the operators of the sexually oriented business closed due to suspension or revocation of a permit shall be disqualified from operating any other sexually oriented business established thereafter within the city during the entire period of any such suspension, or for one year if the license was revoked.

- Y. Immunity from Prosecution. The city and its designee, the chief of police's office and all other departments and agencies, the city attorney, and all other city officers, agents and employees, charged with enforcement of state and local laws and codes shall be immune from prosecution, civil or criminal for reasonable, good-faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this section.
- Z. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this section or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of the chapter or any part thereof. The city council hereby declares that it would have passed each section, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

(Ord. 531, § 11, 2011)

**18.20.030 Body Art Facilities**

- A. Purpose and Intent. The purpose of this section is to establish location and operation criteria for body art facilities (tattooing, body piercing and permanent make-up) as the City of Lindsay has determined that the secure management and placement of facilities involving body art is necessary to protect the public health, safety, and welfare of the community.
- B. Definitions.
  - 1. "Body art" means body piercing, permanent cosmetics and/or tattooing.
  - 2. "Body artist" means any individual who is a practitioner of body art (tattooing, permanent cosmetics and/or body piercing) to include conducting body art procedures on another individual or technically advising the body art procedures performed by another individual. For the purposes of this chapter, body artists do not include persons engaged in ear piercing.
  - 3. "Body art facility" means any establishment owned, controlled, leased, or operated to practice or engage in the practice of body art.
  - 4. "Body piercing" means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration, with the exclusion of ear piercing. This includes but is not limited to, piercing of a lip, tongue, nose, or eyebrow.
  - 5. "Ear piercing" means the piercing of the leading edge or earlobe of the ear with a sterile, disposable, single-use stud, or solid needle that is applied using a mechanical device to force the needle or stud through the ear. Such practice is exempt from this section.
  - 6. "Permanent cosmetics" means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.
  - 7. "Substantial change in operation" means any of the following:
    - a. The location, ownership, and type of business changes;

- b. The certificate of registration issued by the Tulare County Department of Environmental Health is revoked or suspended for a period of more than thirty days;
  - c. The premises are altered thereby increasing the gross floor area;
  - d. The facility is closed, abandoned, discontinued, or suspended for a continuous period of more than ninety days for reason other than a break in continuous business due to natural disaster or other similar circumstances beyond the control of the licensee, owner, or operator; or
  - e. Other circumstances deemed to be a substantial change by the planning commission.
8. "Tattooing" means inserting pigment under the surface of the skin by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. This includes, but is not limited to, eyeliner, lip color, camouflage, stencil designs, and free-hand designs.
- C. Permit Requirements.
- 1. It shall be unlawful for any person, firm or corporation, owning, controlling, leasing, acting as agent for, conducting, managing, or operating any body art facility to practice or engage in the practice of body art without first obtaining a body art facility permit and meeting all applicable zoning district and this chapter standards.
  - 2. No body artist shall operate within a permitted body art facility without first obtaining a body artist practitioner permit.
- D. Locational Requirements. No person shall cause or permit the establishment of any body art facility, as defined above, within five hundred feet of another such business or within five hundred feet of any religious institution, school, boys' club, girls' club or similar existing youth organization, or public park, or any public building regularly frequented by children, including, but not limited to, the McDermont Field House and Community Aquatics and Wellness Center or within five hundred feet of any property in the City of Lindsay zoned for residential use.
- E. Application Submittal Requirements.
- 1. Applications shall be filed on a form provided by the city.
  - 2. The application shall include the following:
    - a. A body art facility permit.
    - b. A map demonstrating that the separation requirements pursuant to Section 18.20.030(D) are met.
    - c. The name of the contaminated waste transporter.
    - d. A body art practitioner permit, which application shall include the following:
      - i. A nonrefundable application or renewal fee to cover cost incurred by the city in staff time, and other expenses involved in investigation and processing of permit.

- ii. Proof of completion of an exposure control training program.
- iii. Proof of hepatitis B vaccinations.
- iv. The record of conviction for violations of the law, excluding minor traffic violations.
- v. The applicant's height, weight, color of eyes and hair, and date and place of birth, California driver's license or identification number and social security number.
- vi. The fingerprints of the applicant on a form provided by the police department.
- vii. The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.

F. Grounds for Suspension, Denial, Revocation, or Refusal to Renew Permit.

- 1. The city or its designee, may suspend a permit, deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation, or refusal to renew:
  - a. Fraud, deceit, or misrepresentation in obtaining a permit or its renewal;
  - b. Any present or past violations of state, county, or the City of Lindsay regulations governing the practice of body art;
  - c. Applying body art while impaired by drugs or alcohol;
  - d. Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
  - e. Continuing to practice while his/her permit is lapsed, suspended, or revoked;
  - f. Having previously held a body art facility permit, body art practitioner permit, or similar license, permit, or privilege in another jurisdiction, which was revoked within the previous five years.

G. Standard Conditions for All Body Art Facilities.

- 1. Possession of a lawfully issued body artist permit.
- 2. The body art facility shall comply at all times with state, county, and the City of Lindsay laws governing body art facilities and the application of body art.
- 3. Mobile body art shall not be allowed at any time within the city limits.
- 4. The permittee shall maintain a file on-site of all notarized minor consent forms, and submit to the City of Lindsay Community Development Department a copy of such form within ten days of receipt.
- 5. Body art may not be performed on any person who is under the influence by illicit or illegal drugs or alcohol.
- 6. No alcoholic beverages shall be allowed within the body art facility at any time.

7. A body art facility permit shall be posted in a conspicuous location inside the business at all times.
  8. Body art facilities may be open for operation only between the hours of seven a.m. and midnight.
  9. The certificate of registration from the Tulare County Department of Environmental Health shall be posted in a conspicuous location inside the body art facility at all times.
  10. All body artist employees shall have a body art practitioner permit.
  11. Prior to approval of any city business license or permit, the body artist shall schedule a special inspection with the City of Lindsay, or its designee, to determine compliance with any body art operational guidelines of the state, county, or city.
- H. Annual Inspection and Review.
1. Each body art facility shall be subject to annual inspection by the city and/or its authorized agent.
  2. Fees for annual inspections and review, as set by resolution of the council from time to time, shall be paid to the City of Lindsay on or before the anniversary of the effective date of the body art facility permit.
- I. Denial of Permit.
1. If one or more of the findings set forth in Section 18.20.030(G) cannot be made, the permit shall be denied. In the event of denial, notification and reasons for denial shall be communicated to the applicant. The denied applicant shall upon submission of his/her written request, have the right to receive a hearing before the city manager or his/her designee. If such a hearing is not requested within ten days of the date of notification of denial of permit, the denial shall be final.
  2. Any individual who operates a body art establishment or practices body art after denial of an application is guilty of a misdemeanor.
- J. Term of Permit. The term of the permit and the term of the business license shall be for one year from the date of issuance. A renewal application shall be filed no later than thirty days prior to the expiration of the permit and shall be processed in the same manner as a new application.
- K. Suspension or Revocation of Permit. Any permit issued under this section shall be subject to suspension or revocation by the director of finance for violation of any provision of this section or for grounds that would warrant denial of the issuance of such permit in the first instance.
- L. Appeal from Suspension or Revocation.
1. Within ten days after any denial, suspension, or revocation of a permit, the individual aggrieved may appeal such action to the city manager by filing a written request for a hearing with the city manager or his/her designee. Upon the filing of such a request, the city manager shall set a time and place for the hearing and shall notify the appellant thereof. The hearing shall be set within thirty days after the request is filed. At the hearing, any individual may

present evidence in opposition to or in support of the appellant's case. The suspension or revocation of the permit shall be stayed pending a decision of the city manager or designee, on the appeal.

2. Any individual who operates a body art establishment or practices body art after suspension of a permit or after revocation of a permit is guilty of a misdemeanor.
3. Reapplication of Denied or Revoked Permit. Any individual whose permit is denied or revoked may not apply for a permit to operate a body art establishment or practice body art in the city for a period of one year from the date of such revocation.

M. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this section or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of the chapter or any part thereof. The city council hereby declares that it would have passed each section, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

(Ord. 531, § 12, 2011)

#### **18.20.040 Fortunetelling Establishments**

- A. Purpose. The purpose of this section is to protect the health, welfare and safety of the public at large and patrons of fortunetelling establishments by ensuring that the services provided by those establishments are, to the greatest extent possible, free from fraud, corruption, vice, trickery and other criminal influences. It is also the purpose of this chapter to minimize the impact upon local neighborhoods caused by concentrations of fortunetelling establishments in localized area and to provide that such establishments are located in areas designated to serve broader portions of the community.
- B. Definitions. For the purpose of this chapter, certain terms are defined as follows:
  1. "Applicant" means an individual who is required to file an application for a permit under this section including a fortuneteller, individual, owner, managing partner, managing officer of a corporation, or any other operator, manager, or employee of a fortunetelling establishment.
  2. "For pay" means a fee, reward, donation, loan or receipt of anything of value.
  3. "Fortunetelling" means telling of fortunes, forecasting of futures, or furnishing of any information by means of any occult, psychic power, faculty, force, chiromancy, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, telepathy, or other craft art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries, or magic, of any kind or nature, or other means beyond the ordinary process of knowledge.

4. "Fortunetelling establishments" means any establishment having a fixed place of business where any individual or entity engages in, or carries on, or permits to be engaged in or carried on any activities defined in this section.
  5. "Fortuneteller" means any individual who, for any consideration whatsoever, engages in the practice of fortunetelling as herein defined unless otherwise excepted.
- C. Permits Required. It is unlawful and a misdemeanor for any individual to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a fortunetelling establishment without first having obtained a permit from the city as herein required. A fortunetelling establishment permit shall include the right of the individual permittee to practice fortunetelling at such an establishment.
- D. Permit Application. Every person who, for pay, conducts, engages in, carries on, or practices fortunetelling shall file a separate verified application or a permit with the director of finance. The application shall contain the following:
1. The name, home and business address, and home and business telephone number of the applicant.
  2. The record of conviction for violations of the law, excluding minor traffic violations.
  3. The applicant's height, weight, color of eyes and hair, and date and place of birth, California driver's license or identification number and social security number.
  4. Two photographs of the applicant at least two inches by two inches, taken within the last six-month period immediately preceding the date of filing of the application.
  5. The fingerprints of the applicant on a form provided by the police department.
  6. The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.
  7. A nonrefundable application or renewal fee to cover cost incurred by the city in staff time, and other expenses involved in investigation and processing of permit.
- E. Filing and Fee Provisions.
1. Every individual or entity that proposes to maintain, operate or conduct a fortunetelling establishment in the city shall file an application with a nonrefundable filing fee. Said filing fee shall be established by the city manager, and may be revised from time to time. This fee shall not be deemed in lieu of a business tax.
  2. A permit, when issued, shall state whether it is for a fortunetelling establishment or for a fortuneteller.
- F. Issuance of Permit. The director of finance shall issue the permit if, based upon the investigation, it is found:
1. That the operation as proposed by the applicant would comply with all applicable laws.

2. That the applicant has not been convicted in a court of competent jurisdiction of any of the following offenses:
  - a. An offense involving the element of fraud or theft.
  - b. A crime requiring registration under Section 290 of the California Penal Code, or of any violation of Sections 311 through 311.7, 314, 315, 316, 318, or 647(a), (b), or (d) of the California Penal Code.
  - c. Any other crime involving moral turpitude.
  - d. Any of the above substantive offenses as defined in the laws of any jurisdiction other than the State of California or as defined by any law of the State of California in effect before the above sections were adopted.
3. That the applicant has not knowingly and with intent to deceive made any false, misleading, or fraudulent statements of fact in the license application or any other document required by the city in conjunction therewith.

G. Denial of Permit.

1. If one or more of the findings set forth in Section 18.20.040(F) cannot be made, the permit shall be denied. In the event of denial, notification and reasons for denial shall be communicated to the applicant. The denied applicant shall upon submission of his/her written request, have the right to receive a hearing before the city manager or his/her designee. If such a hearing is not requested within ten days of the date of notification of denial of permit, the denial shall be final.
2. Any individual who operates a fortunetelling establishment or practices fortunetelling after denial of an application is guilty of a misdemeanor.

H. Term of Permit. The term of the permit and the term of the business license shall be for one year from the date of issuance. A renewal application shall be filed no later than thirty days prior to the expiration of the permit and shall be processed in the same manner as a new application.

I. Operating Requirements.

1. No fortunetelling establishment or any portion of a building in which the fortunetelling establishment is located shall be used for residential or sleeping purposes.
2. Fortunetelling establishments may be open for operation only between the hours of seven a.m. and midnight.
3. No fortunetelling establishment shall be located closer than five hundred feet to any other licensed fortunetelling establishment or within five hundred feet of any religious institution, school, boys' club, girls' club or similar existing youth organization, or public park, or any public building regularly frequented by children, including, but not limited to, the McDermont Field House and Community Aquatics and Wellness Center or within five hundred feet of any property in the City of Lindsay zoned for residential use.

- J. Display of Permit and Identification Cards. Every fortunetelling establishment shall display at all times during business hours the permit issued pursuant to the provisions of this section for such establishment in a conspicuous place so that the same may be readily seen by all individuals entering this establishment.
- K. Employment of Individuals Under the Age of Eighteen is Prohibited. It is unlawful for any individual owner, managing partner, managing officer, or other individual in charge of any fortunetelling establishment to employ any individual who is not at least eighteen years of age.
- L. Services and Rate Sign. Every permittee of a fortunetelling establishment shall post a sign in a conspicuous place so that the same may be readily seen by all individuals entering the fortunetelling establishment, printed in bold letters not less than one inch in height, listing the services available and the rate to be charged therefor. No services shall be performed and no sums shall be charged for such services other than those shown on the sign posted.
- M. Receipts. Prior to the acceptance of any money or item of value from a client, the fortuneteller shall issue a written receipt to the client, clearly showing the following:
  - 1. Date.
  - 2. Name of client.
  - 3. Amount of money received or specific description of item of value received.
  - 4. Purpose for which the money or item of value was received.
- N. Employment of Individuals Without Permits Unlawful. It is unlawful for any owner, operator, manager, or permittee in charge of or in control of a fortunetelling establishment to employ any individual to practice fortunetelling who is not in possession of a valid permit to practice fortunetelling. Permits are not required for employees who do not practice fortunetelling.
- O. Suspension or Revocation of Permit. Any permit issued under this section shall be subject to suspension or revocation by the director of finance for violation of any provision of this section or for grounds that would warrant denial of the issuance of such permit in the first instance.
- P. Appeal from Suspension or Revocation.
  - 1. Within ten days after any denial, suspension, or revocation of a permit, the individual aggrieved may appeal such action to the city manager by filing a written request for a hearing with the city manager or his/her designee. Upon the filing of such a request, the city manager shall set a time and place for the hearing and shall notify the appellant thereof. The hearing shall be set within thirty days after the request is filed. At the hearing, any individual may present evidence in opposition to or in support of the appellant's case. The suspension or revocation of the permit shall be stayed pending a decision of the city manager or designee, on the appeal.
  - 2. Any individual who operates a fortunetelling establishment or practices fortunetelling after suspension of a permit or after revocation of a permit is guilty of a misdemeanor.

- Q. Reapplication of Denied or Revoked Permit. Any individual whose permit is denied or revoked may not apply for a permit to operate a fortunetelling establishment or practice fortunetelling in the city for a period of one year from the date of such revocation.
- R. Exception Entertainment. The provisions of this section shall not apply to any person engaged solely in the business of entertaining the public by demonstrations of fortunetelling at public places and in the presence of and within the hearing of all other persons in attendance, and at which no questions are answered as part of such entertainment except in a manner to permit all persons present at such public place to hear such answers.
- S. Exception Religious Practice. The provisions of this subsection shall not be applicable to any person conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, clairvoyant, or similar position (hereinafter collectively referred to as "minister") from any bona fide church or religious association having a creed or set of religious principles that is recognized by all churches of like faith which provides for fortunetelling; provided, that:
1. Except as provided in Section 18.20.040(S)(3), the minister's fees, gratuities, emoluments, and profits shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection.
  2. The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection, shall file with the business license officer a certified copy of the minister's certificate of ordination and the minister's name, age, street address, and telephone number in this city where the activity set forth in this subsection is to be conducted.
  3. Such bona fide church or religious association, as defined in this subsection, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church or religious association and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.
- T. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this section or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the chapter or any part thereof. The city council hereby declares that it would have passed each section, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

(Ord. 531, § 13, 2011)

## **18.21 Variances**

18.21.010 Purposes

18.21.020 Authority Of The City Council

18.21.030 Application And Fee

18.21.040 Hearing And Notice

18.21.050 Public Hearing; Procedure

18.21.060 Action Of The City Council

18.21.070 Building Permit

18.21.080 Lapse Of Variance

18.21.090 Revocation

18.21.100 New Application

18.21.110 Administrative Adjustments

18.21.120 Reasonable Accommodation

### **18.21.010 Purposes**

The city council is empowered to grant variances only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning code is provided by the conditional use, planned unit development and amendment provisions of this title.

(Ord. 437 § 1 (part), 1989)

### **18.21.020 Authority Of The City Council**

The city council may grant variances to the regulations prescribed by this title only with respect to fences and walls, site areas, width, frontage, depth, coverage, front yard, rear yard, side yards, height of structures, distances between structures, off-street parking facilities and off-street loading facilities.

(Ord. 437 § 1 (part), 1989)

### **18.21.030 Application And Fee**

- A. Application for a variance shall be made to the community development department on a form prescribed by the council which shall include the following data:
  1. Name and address of applicant.
  2. Statement that the applicant is the owner of the property or is the authorized agent of the owner or the plaintiff in an action of eminent domain to acquire the property involved.
  3. Address or description of property.
  4. Statement of the precise nature of the variance requested and why approval is necessary under the purposes described in Section 18.21.010, together with any other data pertinent to the findings prerequisite to the granting of variance prescribed in Section 18.21.060.

- B. The application shall be accompanied by a drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.
- C. A drawing of the site and surrounding area, showing all surrounding properties within three hundred feet of the site, and a list of names and last known addresses of the recorded legal owners of such properties, as shown on the latest adopted assessment roll of Tulare County. County assessor's maps may be used for this purpose.
- D. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application.
- E. The city clerk shall give notice to the applicant of the time when the application will be considered, and may give notice of the time to any other interested party.

(Ord. 437 § 1 (part), 1989)

**18.21.040 Hearing And Notice**

The city council shall hold a public hearing in accordance with the provisions of Section 18.17.040.

(Ord. 437 § 1 (part), 1989)

**18.21.050 Public Hearing; Procedure**

At a public hearing, the council shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 18.21.060.

(Ord. 437 § 1 (part), 1989)

**18.21.060 Action Of The City Council**

- A. The council shall act on the application within thirty days after the close of the public hearing. The council may grant a variance to regulations prescribed by this title, as the variance was applied for or in modified form, if, on the basis of the application, investigation and evidence submitted, the council makes the following findings:
  - 1. That there are special circumstances or conditions applicable to the property involved, such that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
  - 2. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the vicinity and in the same zoning district.
- B. The council may grant a variance to a regulation prescribed by this title, with respect to off-street parking facilities or off-street loading facilities as the variance was applied for or in modified form, if, on the basis of the application, investigation and the evidence submitted, the council makes the findings prescribed in subsection A of this section and the following additional findings:

1. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
  2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
  3. That the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning title.
- C. In approving a variance, the council shall add such conditions of approval as it deems necessary to assure that the variance adjustment shall not constitute a grant of special privilege as described under subsection A of this section.
- D. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the council may prescribe. The council may deny a variance application.
- E. A variance shall become effective ten days following the date on which the variance was granted by the council.

(Ord. 437 § 1 (part), 1989)

**18.21.070 Building Permit**

The issuance of a building permit shall be governed by the provisions of Section 18.17.090.

(Ord. 437 § 1 (part), 1989)

**18.21.080 Lapse Of Variance**

A variance shall lapse and become void one year following the date on which the variance becomes effective unless by condition of the variance a greater time is allowed, or unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application.

A variance may be renewed for an additional period of one year, provided that, prior to the expiration of one year from the date when the variance originally became effective, an application for renewal of the variance is made to the city council. The council may grant or deny an application for renewal of a variance. A variance which is approved concurrently with a tentative map shall have the same approval term, expiration date, and extension terms as the tentative map. The city council may also establish a different approval term for a variance which is approved concurrently with a tentative map, based on the circumstances of the particular application.

(Ord. 486 § 23, 1997; Ord. 437 § 1 (part), 1989)

**18.21.090 Revocation**

The revocation of a variance approval shall be governed by the provisions of Section 18.17.130.

(Ord. 437 § 1 (part), 1989)

**18.21.100 New Application**

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within six months of the date of denial of the variance application or revocation of the variance.

(Ord. 437 § 1 (part), 1989)

#### **18.21.110 Administrative Adjustments**

- A. Purpose. The purpose of an administrative adjustment (hereafter "adjustment") is to provide an alternative option for processing routine projects which require an interpretation of established zoning ordinance standards. Adjustments are not intended to set precedent, and shall be considered only on a case-by-case basis.
- B. Scope of Authority. The city services ~~community development~~ director (hereafter "director") or his/her designee shall have the authority to grant adjustments to the development standards within this title. Upon written request, the director may approve, conditionally approve, or deny minor adjustments to the following development standards: setbacks, site area, lot width, lot depth, building height, sign height, landscape requirements, fence height, and fence setbacks. Adjustments to side yard setbacks shall also require the review and approval of the chief building official to verify compliance with building and fire codes. Adjustments shall not exceed ten percent of a required development standard. In making the adjustment, the director shall make a finding that the adjustment is consistent with the criteria listed in subsection C of this section.
- C. Adjustment Criteria. The city services director shall record the decision in writing on a form that indicates the basis for the decision. The director may approve and/or modify an application in whole or in part, with or without conditions, if the following criteria are satisfied:
  - 1. There are special circumstances applicable to the property (including, but not limited to, property size, shape, topography, location or surroundings) which create a practical difficulty or unnecessary hardship in strictly applying the development standard.
  - 2. The adjustment is necessary to provide consistency with properties in the same vicinity, general plan designation and zoning ordinance district within which the adjustment is sought.
  - 3. The adjustment will not be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the vicinity of the project site.
  - 4. The adjustment will be consistent with the goals and policies of the general plan.
- D. Appeal Process. The applicant may appeal the decision of the city services director, in writing, to the city council within ten business days of the decision. If an appeal is not filed within ten business days, the decision shall be final.

(Ord. 486 § 24, 1997)

#### **18.21.120 Reasonable Accommodation**

- A. Purpose. The purpose of reasonable accommodation procedures to provide an administrative exception process for zoning standards, where necessary to make housing available and/or

accessible to persons with disabilities protected under Fair Housing laws. This section is intended to eliminate barriers to housing opportunities for individuals with disabilities.

B. Requests for Reasonable Accommodations.

1. Request. Requests for reasonable accommodations may be made by a person with a disability, their representative, or a developer providing housing for individuals with disabilities. This request may include a modification or exception to a development that would eliminate regulatory barriers that do not provide disabled individuals with equal housing opportunities. Reasonable accommodations cannot waive a requirement for a minor use permit or a conditional use permit.

1-2. Assistance. If an applicant needs assistance making a reasonable accommodations request, the planning division will provide the necessary support to ensure the process is available to the applicant.

B-C. Scope of Authority.

1. Approval. The city manager or designee shall administratively review and approve written applications for reasonable accommodation that are consistent with the provisions of this section, within thirty days of receipt of a complete application.
2. Denial. The city manager or designee shall deny applications for reasonable accommodation that are incomplete or inconsistent with the provisions of this section.
3. Applicability. Reasonable accommodation may be made to any of the following physical development standards for residential land uses:
  - a. Fences and walls;
  - b. Site area;
  - c. Frontage, width, or depth of site;
  - d. Coverage;
  - e. Yard requirements;
  - f. Distance between structures;
  - g. Building height;
  - h. Signs;
  - i. Off-street parking and off-street loading.
4. Inapplicability. Reasonable accommodation shall not apply to any of the following:
  - a. Zoning district designation;
  - b. Permitted or conditionally permitted land uses in a specific zoning district;
  - c. Encroachment into public right-of-way.

~~C.D.~~ Required Application. Persons seeking reasonable accommodation shall make written application to the city and provide the following minimum information:

1. Name and contact information of the applicant seeking reasonable accommodation.
2. Address of the property where reasonable accommodation is being sought.
3. A description of the reasonable accommodation being sought, including the specific proposed deviation from physical development standards.
4. ~~A plan drawn to scale which visually depicts the proposed reasonable accommodation.~~
5. A description of the applicant's disability, consistent with the definition of "person with a disability" consistent with Section 18.24.030.
6. Written evidence of the applicant's disability from a physician, surgeon, psychiatrist, or psychologist licensed by the State of California.
7. ~~Written evidence demonstrating that the requested accommodation is necessary, and that there is a clearly identifiable relationship, or nexus, between the requested accommodation and the individual's disability.~~ The reason(s) why the accommodation is reasonable and required for meeting the needs of the individuals' disability.

~~D.E.~~ Appeal Process. The applicant may appeal the decision of the [city services](#) director, in writing, to the city council within ten business days of the decision. If an appeal is not filed within ten business days of the decision, the decision shall be final and unappealable.

~~E.F.~~ Environmental Review. The reasonable accommodation process shall be considered non-discretionary and ministerial for the purposes of the California Environmental Quality Act.

(Ord. 528, Art. 5, 2011)

## **18.22 Amendments**

### **18.22.010 Purpose**

### **18.22.020 Initiation**

### **18.22.030 Application And Fee**

### **18.22.040 Public Hearing; Notice**

### **18.22.050 Hearing**

### **18.22.060 Investigation And Report**

### **18.22.070 Relationship To Environmental Impact Assessment And Environmental Impact Reporting Process**

### **18.22.080 Action Of The City Council**

### **18.22.090 Special Zoning Exceptions; Alternate Procedure For Action Of The City Council**

### **18.22.100 Change Of Zone Plan**

### **18.22.110 New Application**

### **18.22.010 Purpose**

As the general plan is carried out over the years, there will be a need for changes in district boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

(Ord. 437 § 1 (part), 1989)

### **18.22.020 Initiation**

- A. A change in the boundaries of any district may be initiated by the owner of the property within the area for which a change of district is proposed, or the authorized agent of the owner, as prescribed in Section 18.22.030.
- B. A change in boundaries of any district, or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision may be initiated by action of the city council.

(Ord. 437 § 1 (part), 1989)

### **18.22.030 Application And Fee**

- A. A property owner or his authorized agent desiring to propose a change in the boundaries of the district in which his property is located, may file an application with the community development department for a change of district boundaries on a form prescribed by the department, which shall include the following data:
  - 1. Name and address of the applicant.
  - 2. Statement that the applicant is the owner of the property for which the change in district boundaries is proposed or the authorized agent of the owner, or the plaintiff in an action of eminent domain to acquire the property involved.

3. Address and description of the property.
- B. The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least three hundred feet from each boundary of the site, showing the location of streets and property lines and the names and last known addresses of the recorded legal owners of all properties shown on the drawing, as shown on the latest adopted tax roll of the county of Tulare. Assessor's maps may be used for this purpose.
- C. The application shall be accompanied by a fee set by resolution of the city council, sufficient to cover the cost of processing the application as prescribed in this chapter.
- D. Amendments to this title required as the result of general plan amendments initiated by the city council shall be processed at the expense of the city.

(Ord. 437 § 1 (part), 1989)

**18.22.040 Public Hearing; Notice**

- A. The city council shall hold a public hearing on each application for a change in district boundaries or of a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision of this title initiated by the city council within forty-five days of the date when the application was filed or the proposal was initiated.
- B. Notice of a public hearing shall be given not less than ten days prior to the date of the hearing by: (1) publication of a notice of the time and place of the hearing in a newspaper of general circulation, published and circulated within the city; (2) first class mailing, postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the property owners list submitted under Section 18.22.030; and (3) first class mailing, postage prepaid, a notice of the time and place of the hearing to any person who has filed a written request; therefor, with the city council. Such request may be submitted at any time during the calendar year and shall apply to the balance of such year.

(Ord. 437 § 1 (part), 1989)

**18.22.050 Hearing**

- A. At the public hearing, the city council shall review the application or the proposal and may receive pertinent evidence and testimony as to why and how the proposed change is necessary to achieve the objectives of the zoning code prescribed in Section 18.01.020, how or why the proposed change is consistent with the general plan, and the stated purposes and application intended for the zone classification proposed.
- B. The council may review proposals for the use of the property for which a change in district boundaries is proposed, or plans or drawings showing proposed structures or other improvements, in light of the fact that under the provisions of this title, a change in district boundaries cannot be made conditionally, except as provided in Section 18.22.090, and the owner of the property is bound only to comply with the regulations prescribed in this title.

(Ord. 437 § 1 (part), 1989)

### **18.22.060 Investigation And Report**

The community development department shall make an investigation of the application and shall prepare a report thereon, which shall be submitted to the city council, including a recommendation as to the action to be taken by the council and a statement supporting such recommendation.

(Ord. 437 § 1 (part), 1989)

### **18.22.070 Relationship To Environmental Impact Assessment And Environmental Impact Reporting Process**

An amendment to the zoning code shall be subject to the same procedures and regulations with respect to environmental assessment as are set forth for site plan review under the provisions of Section 18.18.070 of this title.

(Ord. 437 § 1 (part), 1989)

### **18.22.080 Action Of The City Council**

- A. Within thirty days following the close of the public hearing, the city council shall make a specific finding in writing as to whether the amendment is required in order to achieve the objectives of the zoning code described in Chapter 18.01 and, when applicable, whether the amendment would be consistent with the general plan and the purposes and application intended for the zoning district classification proposed.
- B. If the council finds that the proposed change is required, in its original or modified form, it shall enact an ordinance amending the regulations of this code, or grant a special zoning exception as prescribed in Section 18.22.090. If the council finds that a change is not required, it shall deny the application or proposal for change.

(Ord. 437 § 1 (part), 1989)

### **18.22.090 Special Zoning Exceptions; Alternate Procedure For Action Of The City Council**

Whenever an application is filed with the city for a change in district boundaries, the city council, in lieu of granting or denying said application, may grant to the applicant a special zoning exception by resolution which will permit said applicant (or his assignee) to develop or use said property in accordance with said application and the provisions of this section.

- A. Before a special zoning exception may be granted by the city council, the council may require the applicant to submit additional information relative to his or her proposal in the manner required in the filing of an application for a conditional use permit under this title. In any event, the provisions of Sections 18.22.010 through 18.22.080 and Sections 18.22.100 and 18.22.110 shall apply in addition to the provisions of this section. In filing an application, the applicant may request that the application be considered as a request for a special zoning exception.
- B. The city council may grant a special zoning exception subject to any of the conditions prescribed in Section 18.18.040 and in accordance with the provisions of Sections 18.17.090 through 18.17.110 and Sections 18.18.030, 18.18.040 and 18.18.050 through 18.18.090 of this title.

- C. Upon being granted a special zoning exception by the city council, the applicant shall develop his property in accordance with approved plans and conditions imposed under the provisions of this section.
- D. Upon the development and use of property in accordance with the provision of subsection C of this section, the district or part thereof for which the special zoning exception was granted, shall be thereon rezoned, altered, amended and established in accordance with the original application, or as set forth in the order of the city council made at the time said zoning exception was granted.

(Ord. 437 § 1 (part), 1989)

**18.22.100 Change Of Zone Plan**

A change in a district boundary shall be indicated on the zone plan with a notation of the date and number of the ordinance amending the plan.

(Ord. 437 § 1 (part), 1989)

**18.22.110 New Application**

Following the denial of an application for a change in district boundary, no application for the same or substantially the same change shall be filed within six months of the date of denial of the application.

(Ord. 437 § 1 (part), 1989)

## **18.23 Enforcement**

### **18.23.010 Permit, Certificates And Licenses**

#### **18.23.020 Duties Of The ~~City Services~~Community Development Director And Building Official**

### **18.23.030 Violations; Penalties**

### **18.23.040 Property Maintenance**

#### **18.23.010 Permit, Certificates And Licenses**

- A. All officials, departments and employees of the city vested with the authority or duty to issue permits, certificates or licenses, shall comply with the provisions of this title and shall issue no permit, certificate or license which conflicts with the provisions of this title. Any permits, certificates or licenses issued in conflict with the provisions of this title shall be void.
- B. Before issuing a business license for any new business or for a new location for any existing business activity, the city clerk or other authorized licensing official shall obtain the approval of the ~~city services~~ community development director respecting compliance with the provisions of this title.

(Ord. 437 § 1 (part), 1989)

#### **18.23.020 Duties Of The Community Development Director And Building Official**

The ~~city services~~ community development director and building official shall be the officials responsible for the enforcement of this title. In the discharge of their duty, these officials shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection; provided, that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction. These officials may serve notice requiring the removal of any structure or use in violation of this title to the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. These officials may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of this title, and the city attorney is hereby authorized to institute appropriate actions to that end. These officials may call upon the chief of police and his authorized agents to assist in the enforcement of this title.

(Ord. 437 § 1 (part), 1989)

#### **18.23.030 Violations; Penalties**

- A. Any person, firm, corporation or organization violating any provision of this title shall be guilty of an infraction. A person, firm or corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this title is committed, continued or permitted by the person, firm, corporation or organization.
- B. Any structure erected, moved, altered, enlarged or maintained and any use of site contrary to the provisions of this title shall be and is declared to be unlawful and a public nuisance, and the city attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as may be

necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this title.

- C. All remedies provided for herein shall be cumulative and not exclusive.

(Ord. 437 § 1 (part), 1989)

**18.23.040 Property Maintenance**

- A. It is declared to be a public nuisance for any person owning, leasing, occupying or having charge or possession of any property within the city to maintain such premises in such manner than any of the following conditions are found to exist thereon:
  - 1. Buildings or structures which violate the city's building code by creating a fire hazard, danger to human life or hazards to public health, safety and general welfare, including dilapidation, broken equipment, hazardous pools excavations, neglected machinery, indiscriminate outdoor storage of household goods or equipment, the keeping and outdoor storage of vehicles incapable of moving under their own power, and other similar attractive nuisances.
  - 2. Premises unmaintained so as to constitute a fire hazard by reason of weeds, grasses, rank overgrowth or accumulation of debris, or which could harbor rats or other vermin, create unsightly appearance or create conditions which are detrimental to neighboring properties.
  - 3. Broken windows or other structural defects which create hazardous conditions and invite trespassing and malicious mischief, including unsafe structural supports, boarded doorways and windows, dry rot, termites and similar hazards.
  - 4. Clothes lines within front yard areas.
  - 5. Garbage cans and garbage receptacles permanently stored within front yards which are visible from the public street and neighboring property owners.
  - 6. Failure to maintain any wall, fence or hedge as to constitute a hazard to persons or property or to cause depreciation in the value of adjacent property.
- B. Whenever the [city services](#) director or building official determines that any building or premises is in violation of the provisions of this section, he shall give written notice thereof to the owner of record as shown on the last equalized assessment roll, and shall post said written notice on the premises.
- C. If the owner, duly noticed under subsection B of this section, fails to comply with directives requiring abatement of violations of this section, the appropriate city official shall file the official complaint with the city council, with a copy of said complaint being sent to the affected property owner by certified mail. Said complaint, or notice of complaint, shall be made the subject of a public hearing before the city council in the manner prescribed for the conduct of public hearings provided in Section 18.17.040 of this code.

- D. The city council shall hear the matter, review all pertinent testimony and information, and determine whether a public nuisance does in fact exist, and further determine the method by which abatement of the nuisance shall be accomplished by the affected property owner. A copy of the city council's decision shall be served by certified mail upon the affected property owner.
- E. Failure on the part of an affected property owner to abate public nuisance determined by the city council to exist under the provisions of this section shall constitute an infraction, and shall be abated under the proceedings prescribed under Section 18.24.030.

(Ord. 437 § 1 (part), 1989)

## **18.24 Construction And Definitions**

### **18.24.010 Construction**

#### **18.24.020 General Terminology**

#### **18.24.030 Definitions**

### **18.24.010 Construction**

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this title:

- A. Tense. Words used in the present tense include the future tense.
- B. Number. Words used in the singular include the plural, and words used in the plural include the singular.
- C. Shall and may. The word "shall" is mandatory; the word "may" is permissive.
- D. Gender. The masculine shall include the feminine and neuter.
- E. Headings. In the event that there is any conflict or inconsistency between the heading of a chapter, section or subsection of this title and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

(Ord. 437 § 1 (part), 1989)

### **18.24.020 General Terminology**

The word "city" means the city of Lindsay, California. The words "city council" and "council" means the city council of the city of Lindsay. The words "~~community development~~city services department" and "department" means the ~~community development~~city services department of the city. The words "~~community development~~city services director" and "director" means the ~~community development~~city services director of the city or their designee. The words "city clerk" and "city engineer" means the city clerk and city engineer of the city. The words "building official" means the building official of the city. The words "architectural design review committee" means the architectural design review committee of the city.

(Ord. 437 § 1 (part), 1989)

### **18.24.030 Definitions**

For the purpose of this title, certain words and terms used herein are defined as follows:

- "Accessory ~~building~~structure" means a building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same site, including patio covers. Except in the case of garden structures, if any accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be a part of the main building.
- "Accessory dwelling unit" means an additional dwelling unit no more than twelve hundred (1200) square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary

dwelling for an attached ADU (at least 800 square feet) in size that has separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family dwelling on a residential lot in the UR, RA, R, RM, and PO zones.

- “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence that includes a separate entrance from the main entrance to the single-family residence, separate sanitation facilities, and an efficiency kitchen consisting of a cooking facility with appliances, a food preparation counter, and storage cabinets of reasonable size in relation to the size of the unit.
- "Accessory use" means a use incidental, related, appropriate and clearly subordinate to the main use of the site or building, which accessory use does not alter the principal use of the site.
- "Alter" means to make any change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders or floor joists.
- “Agriculture employee housing” is an accommodation developed for and offered to six or fewer agriculture employees and consist of any living quarters, dwelling unit, boarding house, tent, barracks, bunkhouse, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation continued in one or more buildings and on one or more sites.
- "Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to boarding not to exceed two weeks in duration, shall be only incidental to such hospital use, and shall be located within an enclosed soundproof structure.
- "Automobile wrecking yard" means a site or portions of a site on which the dismantling or wrecking of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts are conducted. The presence on a site of three or more motor vehicles which have not been capable or operating under their own power for fifteen days or more, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sales, shall constitute prima facie evidence of a motor vehicle wrecking yard.
- "Bar, cocktail lounge" means a building, room or facility licensed by the State of California for on-sale liquor and/or beer and wine sales, and which has a majority of public dining or meeting areas used predominately for the sale and consumption of alcoholic beverages.
- "Billboard" means the same as "outdoor advertising structure" as defined in Section 18.14.040 of this title.
- "Block" means the properties abutting on one side of a street and lying between two nearest intersecting or intercepting street and railroad rights-of-way, unsubdivided land or watercourse.
- "Boarding or rooming house" means a building where lodging and meals are provided for compensation for five but no more than fifteen persons, not including rest homes.
- "Breezeway" means a roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.
- "Building" means a permanently located structure having a roof, for the housing or enclosure of persons, chattels or property of any kind. Mobile homes, travel trailers and other vehicles, even though permanently immobilized shall not be deemed to be buildings.
- "Building, main" means a building within which is conducted the principal use permitted on the lot or site as provided by this title.

- "Building setback line" means the minimum distance as prescribed by this title between any property line and the closest point on the foundation or any supporting post or pillar of any building or structure related thereto.
- "Carport" means a permanent accessory structure or portion of a main structure open on two or more sides designed for the storage of motor vehicles, without full enclosure. Carports, whether attached or detached, shall be subject to all minimum yard requirements of the underlying zoning district.
- "Cemetery" means land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such premises.
- "Clinic" means a place for the provision of group medical services.
- "Club" means an association of persons for some common nonprofit purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.
- "College" means an educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.
- "College, trade" means the same as "school, trade."
- "Commercial office" means any administrative or clerical office maintained as a business and any office established by a public service over which this title has jurisdiction.
- "Communications equipment building" means a building housing electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.
- "Convalescent home" means the same as "rest home."
- "Convenience store/mini-mart" means retail, food and personal service establishment limited to a maximum of seven thousand square feet of floor area (that may include the sale of liquor) that are designed for the ready convenience of its patrons.
- "Drive-in restaurant" means an establishment which serves food or beverages to persons while seated in or on a motor vehicle, and/ or which serves food or beverages for consumption off the premises of the restaurant.
- "Dump" means a place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals.
- "Dwelling" means a building or portion thereof, designed exclusively for residential purposes, including ~~onefamily~~ single-family and multifamily dwellings; including mobile homes, supportive housing, accessory and junior accessory dwelling units, and transitional housing; not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes, convalescent homes, nursing homes, child care nurseries, or house trailers even though permanently immobilized.
- "Dwelling, multi-family" means a dwelling designed exclusively for occupancy by more than one family living independently of each other in separate dwelling units.
- "Dwelling, ~~one~~single-family" means a detached dwelling designed exclusively for occupancy by one family for residential purposes.
- "Dwelling unit" means one or more rooms and a kitchen designed for occupancy by one family for living and sleeping purposes.

- "Educational institutions" means public or other nonprofit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either: (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education, (2) confer degrees as a college or university of undergraduate or graduate standing, (3) conduct research or (4) give religious instruction. This definition does not include schools, academics or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.
- "Electrical distribution substation" means an assemblage of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.
- "Electrical transmission substation" means an assemblage of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a low subtransmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.
- "Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.
- "Family" means "household."
- "Fence, open" means a fence, fifty percent or more of the vertical surface of which is open to the transmission of light, air and vision.
- "Fence, screened" means a fence, ninety percent or more of the vertical surface of which is closed to the transmission of light, air and vision.
- "Frontage" means the property line of a site abutting on a street, other than the side line of a corner lot.
- "Garage, private" means a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
- "Garage, repair" means a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.
- "Garden structure" means an arbor, deck, fountain, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport or storage building.
- "Group care home" means any home or facility involving any living situation that is not for temporary use, which accommodates two (2) or more individuals who are not members of a family and where support services are provided to the occupants; where cooking, living or support sanitary facilities are shared between the occupants; or where there is a formal program, established rules of conduct, and purpose of the facility. A group home may be a facility licensed by the State of California or an unlicensed facility.

- "Guest house" means living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall have no kitchen facilities and shall not be rented.
- "Home occupation" means the conduct of an art or profession, the offering of a service or the conduct of a business, or the handcraft manufacture of products for compensation, within a dwelling in a residential district, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof, in accordance with the regulations prescribed in Chapter 18.14 of this title.
- "Hotel" means a building in which there are sixteen or more guest rooms where lodging with or without meals is provided for compensation, usually on a transient basis. "Hotel" shall not be construed to include motel, trailer court, sanitarium, hospital or other institutional building, or jail or other building where persons are housed under restraint.
- "Household" means any individual or group of individuals living together in a single dwelling unit who may share living expenses, chores, and meals together, and who maintain social, economic and psychological commitments to each other. A household includes, for example, the residents of residential care facilities and group homes for people with disabilities. A household does not include larger institutional group living situations such as dormitories, lodging houses, or boarding houses.
- "Incidental" means a structure or use that is subordinate in size, scale, and intensity of use to the permitted or conditionally permitted structure or use of the site. "Incidental structures and uses" does not include wireless communication facilities (e.g., cellular phone, enhanced specialized mobile radio, personal communication systems, or other communication technologies based on wireless radio wave transmission) which emit, broadcast, or repeat signals intended primarily for commercial use beyond the immediate site upon which the facility is located.
- "Junk yard" means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, scrap yards, used lumber yards and similar storage yards, excepting a site on which uses are conducted within a completely enclosed structure and excepting "automobile wrecking yards" as defined in this section. An establishment for the sale, purchase or storage of used cars, farm equipment or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.
- "Kennel" means any lot or premises on which four or more dogs and/ or cats at least four months of age are kept, boarded or trained.
- "Kitchen" means any room used or intended or designed to be used for cooking or the preparation of food.
- "Lodge" means an order or society of persons organized for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- "Lodging house" means a dwelling in which lodging or lodging and means are provided for compensation for more than five but not more than fifteen persons other than members of the resident family, excepting a nursing home as defined in this section.
- "Lot" means a single parcel of land for which a legal description is filed of record, or the boundaries of which are shown on a subdivision map, or record of survey map filed in the office of the Tulare

County Recorder. The term "lot" shall include a part of a single parcel of land when such part is used as though a separate lot for all of the purposes and under all of the requirements of this title. The term "lot" shall include two or more abutting lots when combined and used as though a single lot.

- "Lot area" means the total horizontal area within the lot lines of a lot.
- "Corner lot" means a lot situated at the intersection of two or more streets which have an angle of intersection of not more than one hundred thirty-five degrees.
- "Lot coverage" means that portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.
- "Lot depth" means the depth of a lot shall be the horizontal length of a straight line connecting the midpoints of the front and rear lot lines.
- Lot, Double Frontage. "Double frontage lot" means an interior lot having frontage on and with access on two parallel or approximately parallel streets.
- Lot, Interior. "Interior lot" means a lot other than a corner lot or reverse corner lot.
- Lot, Key. "Key lot" means the first lot to the rear of a reversed corner lot, whether or not separated by an alley.
- Lot Line, Front. "Front lot line" means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.
- Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line, or, in the case of an irregular or triangular-shaped lot, a line at least ten feet in length within the lot parallel to and at a maximum distance from the front lot line.
- Lot Line, Side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.
- Lot, Reversed corner. "Reversed corner lot" means a corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.
- "Lot, through" see "lot, double frontage."
- "Lot width" means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- "Low Barrier Navigation Centers (LBNC)" means Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy.
- "Manufactured Homes" are a type of dwelling that is built in a factory following the National Manufactured Housing Construction and Safety Standards dated June 15, 1976. This house is capable of being transported in one or more sections and is constructed on a permanent foundation. It is designed to serve as a dwelling, with or without a permanent foundation, when connected to the necessary utilities. The plumbing, heating, air conditioning, and electrical systems are all contained within the structure.
- "Medical building" means clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropodists or similar practitioners of the healing arts; including accessory laboratories and a prescription pharmacy, but not including offices for veterinarians.
- "Mobile home" means a structure or a structure having multiple sections equaling or exceeding exterior dimensions of eight feet in width and forty feet in length, having a chassis and designed

to be movable, with kitchen, bathroom and living facilities, designed for use as a single-family dwelling when connected to appropriate utility lines, with or without a permanent foundation.

- "Person with a disability" means a person with a disability shall include any individual with a physical or mental impairment that substantially limits one or more major life activities, and/or individuals with a disability as defined by California Government Code § 12926, as amended. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism. The term "physical or mental impairment" shall exclude sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs. The term "major life activity" means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking.
- "Primary dwelling unit" means a single-family dwelling unit situated on a residential lot in the UR, RA, R, RM, and PO zones to which an accessory dwelling unit as defined by this article has been or is proposed to be added.
- "Recycling center, large" means a site or portion of a site on which aluminum, plastic, glass, or cardboard may be received and temporarily stored while awaiting transfer to an offsite processing facility for recycling purposes.
- "Recycling center, small" means a portion of a site used on an accessory basis, on which aluminum, plastic, glass, or cardboard may be received and temporarily stored while awaiting transfer to an offsite processing facility for recycling purposes.
- "Rest homes or homes for the aged" means an establishment or home intended primarily for the care and nursing of invalids and aged persons; excluding cases of communicable diseases and surgical or obstetrical operations. The term shall not include nursing home.
- "Restaurant" means an establishment which serves food or beverages primarily to persons seated within the building. This includes cafes and tea rooms, and outdoor cafes.
- "Retail cannabis dispensary zone" means that portion of downtown Lindsay, bordered by Sweet Brier Avenue, Samoa Street, Mirage Avenue, and Apia Street, specifically described as Lots 1 through 4, and Lots 27 through 32, Block 16; Lots 15 through 32, and Lots A and B, Block 17; Lots 1 through 10, and Lots A through G, Block 24; and Lots A through H, Block 25, Official Map of the City of Lindsay, Recorded May 15, 1924, Vol. 17 of Maps, Page, 57, Tulare County Records.
- School, Elementary, Junior High or High. "Elementary, junior high or high school" means public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education.
- School, Private or Parochial. "Private or parochial school" means an institution conducting regular academic instruction at kindergarten, elementary or secondary levels, operated by a nongovernmental organization.
- School, Trade. "Trade school" means schools primarily offering instruction in technical, commercial or trade skills, such as real estate schools, business colleges, electronics schools, automotive and aircraft technician schools and similar establishments.

- "Service station" means an occupancy engaged in the retail sales of gasoline, diesel or liquefied petroleum gas fuels, oil, tires, batteries and new accessories and which provides for the servicing of motor vehicles and operations, incidental thereto, including: automobile washing, incidental waxing and polishing, tire changing and repairing (but not including recapping), battery service, charging and replacement (but not including repair or rebuilding), radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, the testing, adjustment and replacement of small motor parts and accessories.
- "Sign" means any structure, object, letter or symbol made of any kind of material placed for advertising, identification or other similar purposes, on the ground or on any wall, post, fence, building, structure, vehicle or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.
- "Site" means a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.
- "Site area" means the total horizontal area included within the property lines of a site.
- "Site depth" means the average horizontal distance between the front and rear property lines of a site measured along a line midway between side property lines.
- "Site width" means the average horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.
- "Stable" means a detached accessory structure, including but not limited to a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.
- "Stable, commercial" means a structure, including but not limited to a corral or paddock for the keeping of horses for remuneration, hire or sale.
- "Street" means a public or private way permanently dedicated or reserved as a primary means of access to abutting property.
- "Street line" means the boundary line between street rights-of-way and abutting property.
- "Structural alteration" means any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.
- "Structure" means anything constructed or erected which requires a fixed location on the ground, including a building or sign pole or standard, but not including a fence or wall used as a fence, a patio, walk, driveway or raised planting bed.
- "Structure, main" means a structure housing the principal use of a site or functioning as the principal use.
- "Supportive housing" means housing with no limit on length of stay, that is occupied by a target population, and that is linked to an onsite or offsite service that assists residents in retaining housing, improving health status, and maximizing the ability to live and, when possible, work in the community. Supportive housing shall be considered a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- "Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals

eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. For the purpose of this subsection, "low income" shall be defined by California Health and Safety Code §50079.5 (a), as amended.

- "Trailer sales lot" means an open area where trailers are sold, leased or rented and where no repairs, repainting or remodeling are done.
- "Trailer, utility" means a vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used only for carrying property.
- "Transitional housing" means rental housing, operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing shall be considered a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- "Travel trailer" means a vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with provisions of the State Vehicle Code, designed for human habitation, with no footing or foundation other than wheels and temporary stabilizing units, with exterior dimensions less than eight feet in width and less than forty feet in length. The terms "camper" and "motor home" are included within the meaning of the term "travel trailer."
- "Travel trailer parks" means a parcel, or contiguous parcels of land under single ownership, designed or intended to be used to accommodate travel trailers on a transient basis ( one month continuous occupancy or less).
- "Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged on for which either a site or structure is or may be occupied or maintained.
- "Use, conditional" means a use which is listed as a conditional use in any given district in this title. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.
- "Use, permitted" means a use which is listed as a permitted use in any given district in this title. Permitted uses need not meet special requirements as a condition precedent to be allowed to establish in a given district, except as required by the provisions of Chapters 18.14 and 18.16 of this title.
- "Yard" means open and unoccupied space on a lot.
- "Yard, front" means a yard, the depth of which is the minimum required horizontal distance between the front lot line and the line parallel thereto on the lot, which yard extends across the full width of the lot.
- "Yard, rear" means a yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

(Ord. 586; Ord. 528, Art. 6, 2011)

**Editor's note**— Ord. 528, Art. 1, adopted Feb. 8, 2011, repealed former § 18.24.030 and enacted a new section as set out herein. The former section pertained to similar subject matter. For prior history, see Ordinance List.

HISTORY

*Amended by Ord. 569 on 8/14/2018*

## Exhibit B

### SUBDIVISION ORDINANCE - TITLE 17

#### **17.04 General Provisions**

17.04.010 Authority

17.04.020 Purpose

17.04.030 Applicability

17.04.030-040 General Plan, Environmental Design Plans And Zoning Ordinance

17.04.040-050 Existing Conditions

17.04.060 Projects Subject to City Subdivision Regulations

17.04.070 Excluded and Exempt Projects

17.04.050 Community Facilities

17.04.080 Concurrent Application Processing

17.04.060-090 Subdivider Responsibilities

17.04.070-100 Planning City Services Director Responsibilities

17.04.080-110 Engineer Responsibilities

17.04.090-120 Planning Commission Responsibilities

17.04.100-130 Council Responsibilities

17.04.110-140 Referrals To Other Agencies

#### **17.04.010 Authority**

This title is enacted pursuant to ~~Section II of Article XI of the Constitution of the state~~ Division 2 of Title 7 of the Government Code of the State of California (Subdivision Map Act) and the general laws of the state, ~~including the Subdivision Map Act~~. The provisions of this title are in addition to the regulations of the Subdivision Map Act and are supplemental thereto.

(Ord. 341 § 1 (19.1.100), 1979)

#### **17.04.020 Purpose**

The purpose of this title and any pursuant rules, regulations and specifications hereafter adopted, is to regulate and control the design and improvement of land for all purposes within the city in order to preserve and enhance the health, safety, welfare and amenities of the community. All subdivisions, subdivision maps, and proceedings governed by these regulations shall be subject to the provisions of the Subdivision Map Act and any future amendments not already included herein.

(Ord. 341 § 1 (19.1.200), 1979)

#### **17.04.030 Applicability**

A. The approval of a map or other entitlement is required before each subdivision of land within the City is authorized. In the case that provisions in this division and the Subdivision Map Act do not align, the Subdivision Map Act shall dictate. The subdivision map's approval or conditional approval does not grant permission to deviate from zoning regulations in this Development Code. It also does not allow

proceeding with any development that violates other relevant provisions of the Municipal Code, applicable ordinances, or City regulations.

B. If a planning commission has not been established, all references to the planning commission in this title shall instead refer to the City Council.

#### **17.04.030-040 General Plan, Environmental Design Plans And Zoning Ordinance**

The general plan for the city shall guide the use of all land within the corporate boundaries of the city. When environmental design plans have been adopted for certain areas, they shall provide more detailed guidance. The size and design of lots, the nature of utilities, the design and improvements of streets, the type and intensity of land use and the provisions for any special facilities in any subdivision shall conform to the land uses shown and the standards established in the general plan, the environmental design plans, the zoning ordinance and any precise plans designed for the area.

(Ord. 341 § 1(19.1.300 (part)), 1979)

#### **17.04.040-050 Existing Conditions**

Trees, native land cover, natural watercourses and topography shall be respected, and the subdivision shall be so designed as to prevent excessive grading and scarring of the landscape. The design of new subdivision streets shall consider and relate to present street widths, alignments and names.

(Ord. 341 § 1 (19.1.300 (part)), 1979)

#### **17.04.060 Projects Subject to City Subdivision Regulations**

These regulations shall apply to any division of land within the city and shall control the preparation, processing, and approval of all tentative maps, vesting tentative, final maps, parcel maps, certificates of compliance, lot line adjustments, lot mergers and to other actions provided for by the Subdivision Map Act. Except as noted in this section, each subdivision and each part thereof lying within the city shall be made and each map shall be prepared and presented for approval as provided for and required by these regulations.

#### **17.04.070 Excluded and Exempt Projects**

Projects Not Subject to the Map Act or the Subdivision Regulations. Pursuant to Gov't Code Section 66412, the Subdivision Map Act and the Subdivision Regulations do not apply to the following:

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks.
- B. Mineral, oil, or gas leases.
- C. Land dedicated for cemetery purposes under the State Health and Safety Code.
- D. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- E. The construction, financing or leasing of secondary dwelling units pursuant to the zoning regulations.
- F. Leasing for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock.
- G. Leasing of, or grant of easement to, a parcel of land, or any portion or portions of land, for financing, erection, and sale or lease of a wind-powered electrical generation device which is subject to discretionary action by the city.

Projects Exempt from the Mapping Requirements. The following are generally subject to these Subdivision Regulations, but are exempt from the tentative, parcel and final map requirements of these Subdivision Regulations and the Subdivision Map Act pursuant to Gov't Code Section 66412:

- A. A lot line adjustment between four or fewer existing adjoining parcels, where land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.
- B. Any separate assessment under Section 2188.7 of the State Revenue and Taxation Code for community apartment or cooperative housing projects.
- C. The conversion of a residential community apartment project or a stock cooperative to a condominium if the requirements of Sections 66412(g) and (h) of the Subdivision Map Act are met.
- A-D. The financing or leasing of any parcel of land, or any portion, for the construction of commercial or industrial buildings on a single parcel, when the project is subject to planned development or use permit approval pursuant to the zoning regulations.

#### **17.04.050 Community Facilities**

~~Community facilities such as schools, parks, recreation areas, etc., shall be provided in the subdivision in accordance with general plan standards, and, where applicable, environmental design plan standards. This title establishes procedures for the referral of proposed subdivision data to interested boards, bureaus and other governmental agencies and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the planning commission may require that the subdivider dedicate, grant easements or otherwise reserve land for schools, parks, playgrounds, thoroughfares, utility easements and other public purposes as specified, in accordance with the provisions of the Subdivision Map Act.~~

~~(Ord. 341 § 1 (19.1.300 (part)), 1979)~~

#### **17.04.080 Concurrent Application Processing**

Subdivision applications subject to discretionary review that also include an associated development review entitlement shall be reviewed concurrently, consistent with review procedures identified in this chapter. Multiple applications for the same project shall be processed concurrently and shall be reviewed and acted upon by the highest review authority designated by the Subdivision Regulations or Zoning Regulations for any of the applications.

#### **17.04.060-090 Subdivider Responsibilities**

The subdivider shall prepare maps consistent with the standards contained in this title, and design public improvements consistent with the public improvement standards of the city. ~~He~~They shall process the maps in accordance with the regulations set forth in this title.

~~(Ord. 341 § 1 (19.1.400 (part)), 1979)~~

#### **17.04.070-100 Planning City Services Director Responsibilities**

The ~~planning city services~~ director shall be responsible for design analysis for conformity with the general plan, the environmental design plan and the zoning ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps and reports, as provided in this title.

(Ord. 341 § 1 (19.1.400 (part)), 1979)

#### **17.04.090-110 Engineer Responsibilities**

The city engineer shall be responsible for reporting to the planning commission and the city council as to engineering requirements including street width, grade and alignment, and whether the proposed public improvements are consistent with the regulations contained in this title, and for the inspection and ultimate approval of all such public improvements.

(Ord. 341 § 1 (19.1.400 (part)), 1979)

#### **17.04.090-120 Planning Commission Responsibilities**

The city planning commission, if established, shall act as the advisory agency to the city council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the general plan, the environmental design plans and this title. The planning commission shall report its actions and recommendations concerning the subdivision to the city council.

(Ord. 341 § 1 (19.1.400 (part)), 1979)

#### **HISTORY**

*Amended by Ord. 576 on 6/25/2019*

#### **17.04.100-130 City Council Responsibilities**

The city council shall have final jurisdiction ~~to approve, conditionally approve or deny~~ ~~in the approval of~~ tentative and final subdivision maps ~~pursuant to 17.16 and 17.20~~, the establishment of requirements for and standards of design of public improvements, and the acceptance of lands and public improvements that may be proposed for dedication as a result of the subdivision process.

(Ord. 341 § 1 (19.1.400 (part)), 1979)

#### **17.04.110-140 Referrals To Other Agencies**

Maps of proposed subdivisions shall be referred to all special districts, governmental boards, bureaus, utility companies and other agencies which provide public and private facilities and service to the subdivision, and to such other agencies which the ~~planning city services~~ director determines may be affected, for their information and comment.

(Ord. 341 § 1 (19.t.400 (part)), 1979)

## **17.08 Definitions**

17.08.010 Generally

17.08.020 Alley

17.08.030 Block

~~17.08.040 City Engineer~~

17.08.050-040 Collector Street

~~17.08.060 Condominium~~

~~17.08.070 Community Apartment Project~~

17.08.080-050 Cul-De-Sac

17.08.090-060 Final Map

17.08.100-070 Flag Lot

17.08.110-180 Freeway

17.08.120-190 Frontage Road

17.08.130-100 General Plan

17.08.140-110 Industrial Street

17.08.150-120 Intersection

17.08.160-130 Local Street

17.08.170-140 Loop Street

17.08.180-150 Lot

17.08.190-160 Major Arterial

17.08.200-170 Parcel Map

17.08.210-180 Parcel Map Subdivision

~~17.08.220 Planning Commission~~

~~17.08.230 Planning Director~~

17.08.240-190 Preliminary Map

17.08.250-200 Public Improvement

~~17.08.260 Public Works Director~~

17.08.270-210 Standard Specifications

17.08.280-220 Street

17.08.290-230 Subdivider

17.08.300-240 Subdivision

17.08.310-250 Subdivision Committee

17.08.320-260 Subdivision Design

17.08.330-270 Subdivision Map Act

17.08.340-280 Tentative Map

17.08.290 Tentative Parcel Map

17.08.300 Vesting Tentative Map

### **17.08.010 Generally**

Whenever any words or phrases used in this title are not defined in this chapter, but are defined in the Subdivision Map Act of the Government Code of the state, or in the zoning ordinance of the city, the definitions are incorporated in this chapter and shall apply as though set forth in this chapter in full, unless the context clearly indicates a contrary intention.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.020 Alley**

"Alley" means a street providing only secondary access to abutting property.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.030 Block**

"Block" means an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.040 City Engineer**

"City engineer" means the Lindsay city engineer.

~~(Ord. 341 § 1 (Art. 2 (part)), 1979)~~

**17.08.050-040 Collector Street**

"Collector street" means a street designed to collect and distribute traffic between local streets and arterials.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.060 Condominium**

~~"Condominium" means a property conforming to the definition set forth in the Civil Code of the state.~~

~~(Ord. 341 § 1 (Art. 2 (part)), 1979)~~

**17.08.070 Community Apartment Project**

~~"Community apartment project" means a property conforming to the definition set forth in the Business and Professions Code of the state.~~

~~(Ord. 341 § 1 (Art. 2 (part)), 1979)~~

**17.08.080-050 Cul-De-Sac**

"Cul-de-sac" means a local street open at only one end, which has a turnaround for vehicles at the closed end.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.090-060 Final Map**

"Final map" means a map, prepared in accordance with the provisions of the Subdivision Map Act and this title, designed to be placed on record in the office of the county recorder.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~100-070~~ Flag Lot**

"Flag lot" means a lot having its buildable area removed from a public street, and being connected to the street by means of a narrow extension or access strip.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~110-080~~ Freeway**

"Freeway" means a divided arterial highway designed for through traffic having grade-separated intersections and full control of access.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~120-090~~ Frontage Road**

"Frontage road" means a street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~130-100~~ General Plan**

"General plan" means the general plan for the future development of the city.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~140-110~~ Industrial Street**

"Industrial street" means a street which serves an industrial area and connects the area to the major street system.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~150-120~~ Intersection**

"Intersection" means the place at which two or more streets meet.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~160-130~~ Local Street**

"Local street" means a street which provides direct access to abutting properties, primarily in residential districts.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~170-140~~ Loop Street**

"Loop street" means a local street which intersects the same collector street at both its ends and has not intermediate intersections with through streets.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.~~180-150~~ Lot**

"Lot" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map or parcel map.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.190-160 Major Arterial**

"Major arterial" means a street designed to serve high volume intercity and intracity traffic and to act as a distributor between freeways, other arterials and major traffic generators.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.200-170 Parcel Map**

"Parcel map" means a map prepared in accordance with the provisions of this title and the Subdivision Map Act designed to be placed on record in the office of the county recorder.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.210-180 Parcel Map Subdivision**

"Parcel map subdivision" means any real property, including condominiums, planned unit development or resubdivision, improved or unimproved; which is divided into four or fewer lots, or is divided as described in subparagraphs (a), (b), (c) and (d) under Section 66426 of the Subdivision Map Act, either by establishing new lot lines or changing existing lot lines, for the purpose of sale, lease or financing.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.220 Planning Commission**

~~"Planning commission" means the city planning commission.~~

~~(Ord. 341 § 1 (Art. 2 (part)), 1979)~~

**17.08.230 Planning Director**

~~"Planning director" means the city planning director.~~

~~(Ord. 341 § 1 (Art. 2 (part)), 1979)~~

**17.08.240-190 Preliminary Map**

"Preliminary map" means a map to be submitted to the planning city services director prior to the filing of a tentative map to show the general characteristics of the proposed subdivision and any other data necessary to enable the subdivision committee to review the proposed subdivision design.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.250-200 Public Improvement**

"Public improvement" means street work, utilities and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.260 Public Works Director**

~~"Public works director" means the city public works director.~~

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.270-210 Standard Specifications**

"Standard specifications" means all the standard specifications and standard detailed drawings prepared by the city engineer and approved by resolution of the city council.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.280-220 Street**

"Street" means an improved facility used for vehicular traffic.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.290-230 Subdivider**

~~"Subdivider" means a person, firm, corporation, partnership or association which proposes to divide, causes to be divided or divides real property for itself or for others, except employees or representatives of such persons or entities, acting in such capacity, are not subdividers. (shall be as defined in the Subdivision Map Act.~~

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.300-240 Subdivision**

"Subdivision" shall be as defined in the Subdivision Map Act. According to the Subdivision Map Act:

"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project as defined in Section 4125 or 6542 of the Civil Code, a community apartment project as defined in Section 4105 of the Civil Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.310-250 Subdivision Committee**

"Subdivision committee" means a review committee comprised of the city engineer, the ~~public works director, the planning city services~~ director and a public safety official, or their designated representative.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.320-260 Subdivision Design**

"Subdivision design" means the overall layout of the proposed subdivision, including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights-of-way for utilities, drainage structures, sewers, the nature and location of public or semipublic facilities, programs for the preservation of natural features and the installation of public improvements.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.330-270 Subdivision Map Act**

"Subdivision Map Act" means the Subdivision Map Act of Division 2 of Title 7 of the Government Code of the state, and such revisions as may be made by the California Legislature.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.340-280 Tentative Map**

"Tentative map" means a map made in accordance with the provisions of the Subdivision Map Act to show the design of a proposed subdivision and the existing conditions in and around the subdivision. It need not be based upon a detailed final survey of the property, except as otherwise provided in this title and the Subdivision Map Act; however, it shall be graphically accurate to reasonable tolerances. Tentative maps are the map category that includes Tentative Parcel Maps, Tentative Tract Maps, and Vesting Tentative and Tract Maps.

(Ord. 341 § 1 (Art. 2 (part)), 1979)

**17.08.290 Tentative Parcel Map**

A "Tentative Parcel Map" is the tentative map type required for all subdivisions with four or fewer lots or if greater than four lots if consistent with 17.24. A Parcel map is the recording mechanism for Tentative Parcel Maps.

**17.08.300 Vesting Tentative Map**

"Vesting tentative map" refers to a map made which meets the requirements of a tentative map and Chapter 17.44 and has the words "vesting tentative map" printed on it. The vesting tentative map conveys development rights for subdivisions according to Chapter 17.44.

## **17.12 Preliminary Map**

17.12.010 Subdivision Committee Established

17.12.020 Contents And Preliminary Conference

### **17.12.010 Subdivision Committee Established**

~~A subdivision committee is established consisting of the city engineer, the public works director, the planning director and a public safety official, or their designated representative. The city council, by resolution, may appoint additional individuals or employees as members of the subdivision committee as deemed necessary.~~

~~(Ord. 341 § 1 (19.3.100), 1979)~~

### **17.12.020 Contents And Preliminary Conference**

~~Prior to the filing of a tentative map, the subdivider shall submit to the planning director fifteen copies of a preliminary map at a scale and in detail sufficient to indicate the essential characteristics of the subdivision including the number, size and design of lots; the location and width of streets; the location of any reservations or easements; the general nature and extent of grading; the relation of the subdivision to all surrounding lands; and any other data necessary to enable the subdivision committee to review the proposed subdivision. The planning director will then, within thirty days, schedule a conference of the subdivision committee with the subdivider on the preliminary map. The committee will make such general recommendations to the subdivider as seem proper regarding the preliminary map, and shall recommend consultations by the subdivider with such other public or private agencies as it designates. The subdivision committee shall furnish written copy of its recommendations to the subdivider and to all other public or private agencies which may be interested.~~

~~(Ord. 341 § 1 (19.3.200), 1979)~~

## **17.12 Types of Maps Required**

17.12.010 Purpose of Provisions

17.12.020 Tentative Tract Maps

17.12.030 Tentative Parcel Maps

17.12.040 Vesting Tentative Maps

17.12.050 Final Maps

17.12.060 Overview of Required Maps

### **17.12.010 Purpose of Provisions**

This chapter describes the Subdivision Map Act requirement for types of maps to be submitted as part of various subdivision project applications.

### **17.12.020 Tentative Tract Maps**

Pursuant to Chapter 17.16 (Tentative Maps), a Tentative Tract Map shall be required for all subdivisions that result in the creation of five or more lots or parcels, unless a Tentative Parcel Map is required pursuant to Section 17.24 (Parcel Map Subdivision).

**17.12.030 Tentative Parcel Maps**

Application Type. Pursuant to Chapter 17.16 (Tentative Maps) a Tentative Parcel Map shall be required under the following circumstances:

- A. For all land divisions resulting in the creation of four or fewer lots or parcels.
- B. Projects to construct a Condominium or Community Apartment Project on a single parcel for which the Tentative Tract Map and Final Map requirement has been waived pursuant to Chapter 16.14.
- C. All subdivisions that result in five or more parcels or lots if one of the following circumstances exists:
  - 1. The land before the division contains less than five acres, each parcel created by the division abuts a maintained public street, highway, and no dedications or improvements are required by City Council; or
  - 2. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or
  - 3. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of City Council as to street alignments and widths; or
  - 4. Each parcel created by the division has a gross area of forty acres or more or is not less than a quarter of a quarter section; or
  - 5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

**17.12.040 Vesting Tentative Maps**

Pursuant to Chapter 17.44 (Vesting Tentative Maps), a Vesting Tentative Map (inclusive of either a vesting tentative tract map or a vesting tentative parcel map) may be filed for residential developments.

**17.12.050 Final Maps**

Following approval of a tentative tract map, a subdivider may cause a final map to be prepared pursuant to Chapter 17.20 (Final Map).

**17.12.060 Overview of Required Maps**

<b><u>Project Type</u></b>	<b><u>Maps Required</u></b>	<b><u>Notes</u></b>
<u>Subdivisions creating four or fewer lots or any subdivision type not requiring a final map</u>	<u>Tentative Parcel map or vesting tentative map and parcel map</u>	<u>See 17.16 and 17.24 to determine if a Tentative Parcel map or Tentative Tract map is required.</u>
<u>Subdivisions creating five or more lots or subdivision types requiring a final map</u>	<u>Tentative Tract map or vesting tentative map and final map</u>	<u>See 17.16 and 17.24 to determine if a Tentative Parcel map or Tentative Tract map is required</u>
<u>Lot line adjustments between four or fewer existing adjoining parcels as described in the SMA 66412(d)</u>	<u>Map exhibit, drawn to scale, and suitable for recording</u>	<u>Tentative map or record of survey may be submitted with the application</u>

<u>Lot line adjustments between five or more existing adjoining parcels</u>	<u>Tentative Tract map or vesting tentative Tract map and final map</u>	<u>See 17.16 and 17.24 to determine if a Tentative Parcel map or Tentative Tract map is required.</u>
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## **17.16 Tentative Map**

~~17.16.010 Filing~~ 17.16.010 Purpose

17.16.020 Application Requirements

~~17.16.020 Fees~~

17.16.030 Preparation

17.16.040 Size and Scale

17.16.050 Vicinity Sketch

17.16.060 Information Required

17.16.070 Street Names

17.16.080 Accompanying Data Statement Approval of Tentative Map

17.16.090 Distribution

17.16.100 Planning Commission Action

17.16.110 Council Action

17.16.120 Conditions of Approval

~~17.16.120-130~~ Approval Notice

~~17.16.130-140~~ Standards Compliance Required

### **17.16.010 Purpose**

This chapter outlines the requirements for submitting a tentative map application, the procedures for reviewing it, and the necessary findings for its approval or denial. The term “tentative” map refers to the initial map that undergoes review for either a “parcel” or “final” map subdivision. See Chapter 17.44 for additional review requirements that apply to vesting tentative maps.

### **17.16.010-020 Application Filing Requirements**

The subdivider shall:

- A. File with the ~~planning director~~ City Services Department ~~twenty-as many~~ copies ~~and one sepia and such other copies and data as that~~ may be ~~required-requested~~ of the tentative map for each proposed subdivision. The ~~planning director shall indicate upon all copies of the tentative map and accompanying data, the date of filing, which shall be the date on which all required maps, tracings and accompanying data are deposited in the office of the director.~~
- B. Pay a filing fee to the City as established by resolution of the City Council.
- C. A preliminary title report, showing the legal owners at the time of the filing of the tentative map and prepared not more than 90 days prior to the submittal of the application.
- A-D. All items reference withing the preliminary title report shall be submitted for review (i.e. deeds, easements, and record maps) when submitting application.

(Ord. 341 § 1 (19.4.100), 1979)

### **17.16.020 Fees**

At the time of filing a tentative subdivision map, the subdivider shall pay an application fee as established by resolution of the city council.

(Ord. 341 § 1 (19.4.200), 1979)

### **17.16.030 Preparation**

The tentative map shall be prepared in accordance with the provisions of the Subdivision Map Act and this title.

~~(Ord. 341 § 1 (19.4.300), 1979)~~

### **17.16.040 Size and Scale**

~~The tentative map shall be submitted on sheets eighteen inches by twenty-six inches (18" x 26") in size. The scale of a tentative map of a subdivision shall be not less than one-inch equals one hundred feet (1" = 100'), and the map shall be clearly and legibly reproduced. A licensed land surveyor or registered civil engineer authorized to practice land surveying shall prepare and sign the map along with his/her seal or stamp and date of signing per the Professional Land Surveyor's Act, Section 8761. The map shall have been prepared by a registered civil engineer or a licensed land surveyor.~~

(Ord. 341 § 1 (19.4.400), 1979)

### **17.16.050 Vicinity Sketch**

A vicinity sketch at a scale of one-inch equals one thousand feet shall be drawn on the tentative map. It shall show the street and tract lines and names or numbers of all existing subdivisions, and the outline of acreage parcels of land adjacent to the proposed tract.

(Ord. 341 § 1 (19.4.500), 1979)

### **17.16.060 Information Required**

The following information shall be shown on the tentative map or in an accompanying data statement:

- A. Any subdivision containing five lots or more shall be given a tract name and unit number, if applicable. The tract names shall not duplicate or nearly duplicate the name of any tract in the city;
- B. The name and address of the record owner or owners;
- C. The name and address of the subdivider; if different from the record owner, there shall be a statement of the record owner authorizing the subdivider to act;
- D. The name and address of the person, firm or organization preparing the tentative map, and a statement indicating the record owner's permission to file the map;
- E. The date, north ~~arrowpoint~~ and a written and graphic scale;
- ~~F.~~ F. A sufficient description to define the location and boundaries of the proposed subdivision, and total and net areas;
- ~~1.~~
- ~~F.G.~~ F.G. The location, names and existing widths and grades of adjacent streets and document reference shall be shown;

- G-H. \_\_\_\_\_ The names or numbers of adjacent tracts and the names of owners of adjacent unplatted land. Identify adjoining properties with owner name, assessor parcel number and deed document reference;
- H-I. The contours at one-foot intervals for predominant ground slopes within the tract between level and five percent, and five-foot contours for predominant ground slopes within the tract over five percent. The contours shall be based on the city datum. The closest city benchmark shall be used and its elevation called out on the map. Benchmark information shall be obtained from the city engineer;
- I-J. A grading plan, showing by appropriate graphic means the proposed grading of the subdivision;
- J-K. The approximate location of all isolated trees with a trunk diameter of four inches or greater, within the boundaries of the tract, and the outlines of groves or orchards. The general description of trees should include and indication as to their size (diameter) and type, if known;
- K-L. The approximate boundaries of areas subject to inundation or storm water overflow, and the location, width and direction of flow of all watercourses;
- L-M. \_\_\_\_\_ The existing use or uses of the property and, to scale, the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines and notations concerning all structures which are to be removed;
- M-N. \_\_\_\_\_ A statement of the present zoning and proposed use of the property, as well as proposed zoning changes, whether immediate or future;
- N-O. \_\_\_\_\_ Any proposed public areas;
- O-P. Any proposed lands to be retained in private ownership for community use. When a subdivision contains such lands, the subdivider shall submit with the tentative map the proposed articles of incorporation of an owner's or tenant's organization legally empowered to own, maintain and pay taxes on the lands;
- P-Q. The approximate widths, locations and uses of all existing or proposed easements for drainage, sewerage and public utilities and document reference for all existing easements shall be shown;
- Q-R. \_\_\_\_\_ The approximate radius of each curve;
- R-S. The ~~approximate layout and lines and approximate~~ dimensions of each lot, and the number assigned to each lot;
- S-T. The area of each lot;
- T-U. A statement of the domestic water source or sources as well as a water will serve letter;
- U-V. A statement of provisions for sewerage and sewage disposal;
- V-W. \_\_\_\_\_ Preliminary indication of needed or proposed storm drain facilities;

~~W-X.~~ The locations, names, widths, approximate grades and a typical cross-section of curbs, gutters, sidewalks and other improvements of all street and access easements, including proposed locations of all underground utilities;

~~X-Y.~~ Any proposed dedications, easements and deed restrictions, with the nature of each indicated thereon with the acreage thereof. If land is to be offered for dedication for park or recreation or landscape perimeter purposes it shall be so designated and labeled as outlots (e.g., outlot A, outlot B, outlot C);

~~Y-Z.~~ Proposed building setback lines, lower floor elevations, and maximum building elevations, coordinated with topographic elevations, if not in accordance with the city zoning ordinance;

~~Z-AA.~~ The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the subdivision map or on the vicinity map as appropriate;

~~BB.~~ If it is contemplated that the development will proceed by units, the boundaries of such units shall be shown on the tentative map;

~~CC.~~ All street rights of way and public easements proposed for abandonment with the final map pursuant to Section 66445(j) or 66434(g) of the Subdivision Map Act shall be clearly listed on the map with reference to the recording data creating those public streets or public easements. All street rights of way and public easements proposed for abandonment with the final map pursuant to Section 66477.2(c) of the Subdivision Map Act shall be clearly shown, or clearly listed on the map in cases where the specific location of the easement cannot be determined. Such abandonments shall follow proper abandonment proceedings under Chapter 5 of Division 9 of the Streets and Highways Code commencing with Section 8320;

~~AA-DD.~~ If separate final maps are to be filed on portions of the property shown on the tentative map, the subdivider shall provide notice to the city at either: a) the time the tentative map application is filed, or b) after the filing of the tentative map. The right of the subdivider to file multiple final maps shall not limit the ability of the city to impose reasonable conditions relating to the filing of multiple final maps.

(Ord. 341 § 1 (19.4.600), 1979)

### **17.16.070 Street Names**

The following principles shall govern street names in a subdivision:

- A. Each street which is a continuation, or approximately the continuation, of any existing dedicated street shall be shown on the tentative map and shall be given the name of the existing street. When any street forms a portion of a proposed street previously ordered by the city council to be surveyed, opened, widened or improved, the street shall be given the name established in the council order.
- B. The words "street", "avenue", "boulevard", "place", "way", "court" or other designation of any street shall be spelled out in full on the map and shall be subject to approval by the planning commission.

(Ord. 341 § 1 (19.4.700), 1979)

#### 17.16.080 Approval of Tentative Map

~~Within thirty (30) days of receiving the Tentative Subdivision Map, the City Services Department shall review the map and any alterations needed shall be addressed with the applicant. After the thirty (30) day review period, a fifteen (15) day public hearing notice is published per CEQA requirements, and the project is presented to City Council to approve or disapprove. If approved, the applicant shall prepare an application for the Final Subdivision Map. If disapproved, the Council shall notify the subdivider of its reasons for not granting approval.~~

#### 17.16.080 Accompanying Data Statement

~~Such information as cannot be conveniently shown on the tentative map of a subdivision shall be contained in a written statement accompanying the map.~~

~~(Ord. 341 § 1 (19.4.800), 1979)~~

#### 17.16.090 Distribution

- A. Within ten days of filing a tentative map of a subdivision, the ~~planning city services director~~ department shall transmit the requested number of copies of the map together with accompanying data to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within twenty days after the map has been filed, forward to the planning director a written report of its findings and recommendations thereon.
- B. The ~~planning director~~ city services director shall prepare a written report on the conformity of the tentative map to the provisions of the general plan, any applicable environmental design plan, the zoning ordinance and all other applicable requirements of this and other ordinances and regulations of the city.
- C. The city engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this title and the provisions of the Subdivision Map Act.

(Ord. 341 § 1 (19.4 900), 1979)

#### 17.16.100 Planning Commission Action

Within fifty days after the filing of a tentative map of a subdivision or at such later date as may be required to concurrently process the appurtenant environmental impact review documents required by state law and local ordinances, unless such time is extended by agreement with the subdivider, the planning commission, if established, shall act thereon. The planning commission shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city; and (3) by posting on the city website. If the planning commission finds that the proposed map complies with the requirements of this title and the Subdivision Map Act, it shall recommend approval of

the map. If the planning commission finds that the proposed map does not meet the requirements of this title and the Subdivision Map Act, it shall recommend conditional approval or disapproval of the map.

(Ord. 341 § 1 (19.4.1000), 1979)

#### HISTORY

*Amended by Ord. 576 on 6/25/2019*

#### **17.16.110 Council Action**

Within ten days after receipt of the report of the planning commission on the tentative map, or at its next regular meetings the city council shall act thereon. The City Council shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city. If the city council finds that the proposed map complies with the requirements of this title and the Subdivision Map Act, it shall approve the map. If the city council finds that the proposed map does not meet the requirements of this title and the Subdivision Map Act, it shall conditionally approve or disapprove the map.

(Ord. 341 § 1 (19.4.1100), 1979)

#### HISTORY

*Adopted by Ord. 576 on 6/25/2019*

#### **17.16.120 Conditions of Approval**

In conjunction with the approval of a tentative map, the review authority has the power to impose necessary conditions to fulfill the objectives of this Development Code. These conditions may include matters discussed below, ensuring compliance with the Subdivision Map Act.

Regarding improvements, as a condition of approving a tentative map, the council can require provisions for adequate public services, utilities, cable television services, compliance with design requirements, mitigation of environmental impacts, and proper grading and erosion control. All improvements must adhere to adopted City standards.

When evaluating applications for final maps, the city council applies relevant ordinances, policies, and standards in effect on the date the subdivision proposal was accepted as complete, in compliance with the Subdivision Map Act.

#### **17.16.~~120~~-130 Approval Notice**

The planning-city services director shall notify the subdivider, in writing, of the action taken by the city council, together with one copy of the planning commission's report thereon. One copy of the map and accompanying data and the planning commission's report thereon shall be retained in the permanent file of the planning commission.

(Ord. 341 § 1 (19.4.1200), 1979)

**17.16.~~130-140~~ Standards Compliance Required**

Approval of the tentative map shall in no way relieve the subdivider of his responsibility to comply with the required conditions and to provide the improvements and easements necessary to meet all city standards.

(Ord. 341 § 1 (19.4.1300), 1979)

## **17.20 Final Map**

### 17.20.010 Purpose

### 17.20.~~010-020~~ Filing

### 17.20.~~020-030~~ Accompanying Data Required

### 17.20.~~030-040~~ Size, Material And Scale

### 17.20.~~040-050~~ Title

### 17.20.~~050-060~~ Coordinate System

### 17.20.~~060-070~~ Subdivision Boundary

### 17.20.~~070-080~~ Dimensions, Bearing And Curve Data

### 17.20.~~080-090~~ Lots And Blocks

### 17.20.~~090-100~~ Streets

### 17.20.~~100-120~~ Easements

### 17.20.~~110-120~~ Building Setback Lines

### 17.20.~~120-130~~ High Water Line

### 17.20.~~130-140~~ Monuments

### 17.20.~~140-150~~ Certificates, Acknowledgments And Descriptions

### 17.20.~~150-160~~ Public Improvement Agreement

### 17.20.~~160-170~~ Improvement Security

### 17.20.~~170-180~~ Engineer Action

### 17.20.~~180-190~~ ~~Planning City Services~~ Director Action

### 17.20.~~190-200~~ City Council; Approval

### 17.20.~~200-210~~ City Council; Disapproval

### 17.20.~~210-220~~ Recordation

### 17.20.~~220-230~~ Modifying A Recorded Final Map

### 17.20.~~230-240~~ Fees

### **17.20.010 Purpose**

The purpose of this section is to finalize the subdivision design, engineering of public improvements, and submit a final map for recording. The final map is used for tract maps with five or more lots, providing a detailed representation of the subdivision for legal recording and ownership transfer.

### **17.20.~~010-020~~ Filing**

Within the time specified in Section 66452.6(a) of the Government Code of the state of California, after the approval or conditional approval of the tentative map, the subdivider shall file the final map for recordation. The final map shall be in conformance with the approved tentative map and any conditions attached thereto. ~~The original on polyester base film or cloth linen, and five prints of the final map shall be submitted to the city engineer.~~ Upon application of the subdivider filed prior to the expiration of the approved or conditional approved tentative map the time at which the map expires may be extended by the city council for a period or periods not exceeding the total period specified in Section 66452.6(e) of the Government Code of the state of California; ~~provided, that the provisions of said Sections 66452.6(a) and 66452.6 (e) as amended by Chapter 259 of the Statutes of 1982, shall also apply to any tentative subdivision map approved prior to June 11, 1982, which has not expired by action of law prior to such date.~~

(Ord. 382 (part), 1983; Ord. 341 § 1 (19.5.100), 1979)

**17.20.020-030 Accompanying Data Required**

At the time of submitting the final map of a subdivision to the city engineer the subdivider shall submit therewith the following documents:

A. ~~Traverse Sheets~~Math Closures. ~~Calculation and traverse sheets~~Closure calculations in a form approved by the city ~~surveyor, giving providing~~ bearings and distances and ~~curve data~~ ~~coordinates~~ of the boundary of the subdivision and blocks, ~~and lots,~~ ~~street centerlines and/any all lines~~ therein shown on the final map;

B. ~~Copy of approved tentative map and conditions of approval.~~

C. ~~A current preliminary title report pertaining to the real property proposed to be subdivided. The title report shall be dated not more than ninety (90) days prior to the submittal of the final map application.~~

D. ~~Copies of record maps and record documents used as references on the final map submitted.~~

A-E. ~~Draft copies of any off-site~~off-site easements or rights of way required.

B-F. ~~Public Improvement Plans.~~ The original tracings of detailed plans, cross-sections and profiles, and of all other improvements to be installed as required by the provisions of this title or proposed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the city engineer for his approval and signature. All such plans shall be prepared in accordance with the requirement of the city engineer. Plan sheets shall be twenty-four inches by thirty-six inches with plan and profile drawn to a scale of ~~one inch~~one-inch equals fifty feet, or to an appropriate scale previously approved by the city engineer. A no-access rights certificate shall be shown on the final map where required by the city engineer;

C-G. ~~Design Data.~~ Design data, assumptions and computations for proper analysis in accordance with sound engineering practices;

D-H. ~~Report and Guarantee of Clear Title.~~ The final map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of the map and for dedication of the streets, alleys and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the person necessary to give clear title to the subdivision. At the time of recording the map, following approval by the city council, there shall be filed with the county recorder a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that persons (name them) consenting to the preparation and recordation of the map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to the subdivision and to the dedication shown thereon;

E-I. ~~Preliminary Soil Report.~~ A preliminary soil report prepared by a civil engineer registered by the state, based upon adequate test borings or excavations. The fact that a soil report has been

prepared shall be noted on the final map in accordance with the Subdivision Map Act. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the state. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the city building department.

(Ord. 341 § 1 (19.5.200), 1979)

#### **17.20.030-040 Size, Material And Scale Final Map Form and Content**

~~The final map shall be clearly and legibly drawn in black waterproof India ink upon good tracing cloth. Signatures shall be in opaque black ink. The dimensions of each sheet of the map shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be sufficient to show all details clearly and in no case shall be less than one inch equals one hundred feet. Enough sheets shall be used to accomplish this end. The number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets and the relation of each adjoining sheet shall be clearly shown by a small key map on the first sheet. Each sheet shall show north point and written and graphic scale. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. The location of the subdivision within the city shall be shown by a small scale map on the first sheet.~~

~~(Ord. 341 § 1 (19.5.300 (part)), 1979)~~

~~Parcel and Final maps shall include all information and other materials prepared as required by the City policies, adopted standards, and the Article 2 of Final Maps of the Subdivision Map Act.~~

- ~~A. The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing permanent record in black on mylar. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.~~
- ~~B. The size of each sheet shall be 18 inches by 26 inches or 460 millimeters, leaving an entirely blank margin of one (1) inch or 25 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to adjoining sheet shall be clearly shown.~~
  - ~~1. If more than two (2) sheets are used to show the actual layout of the streets and lots, an index map shall be used showing the relationship of the sheets;~~

#### **17.20.040-050 Title**

~~The title of~~ On each sheet of the final map shall consist of the approved subdivision name, if one is used and unit number of the tract. On the first sheet there shall be a full legal description of the exterior boundaries of the area subdivided and an abbreviated legal description shall be shown below the title on

~~all sheets, if any. Maps filed for the purpose of showing as acreage land previously subdivided shall be conspicuously marked with the words "Reversion to Acreage."~~

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.050-060 Coordinate System**

~~Wherever the city engineer has established a system of coordinates, then the survey shall be tied into the system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name or number and place of record, or other proper designation.~~

Whenever coordinates are shown for points on a final map, it may not be recorded unless it shows, or is accompanied by a map showing, the control scheme through which the coordinates were determined from points of known coordinates. Provide all required information per Section 8813.1 of the California Public Resources Code.

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.060-070 Subdivision Boundary**

An accurate and complete boundary survey ~~to second order accuracy~~ shall be made of the land to be subdivided. All survey and mathematical information and data ~~traverse~~ of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, shall close within a limit of one foot to ten thousand feet of perimeter. The exterior boundary of the subdivision shall be indicated on the final map by a blue line approximately one ~~sixteenth~~ eighth (1/8) of an inch wide. Any area within the exterior boundary line which does not constitute a part of the subdivision shall be labeled "not a part ~~of this subdivision.~~" and shall be deemed to be a "designated remainder" which shall be labeled as such with area stated. All lines enclosing the excluded areas shall be dashed.

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.070-080 Dimensions, Bearing And Curve Data**

The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing ~~thereon~~ on the map shall be shown, including bearings and distances of straight lines. If a course is a curve, the radius, length of curve or bearing and length of chord, and central angle shall be shown. If the ends of a curve are not tangent to the preceding or following courses and the chord along with its bearing and length are not shown, the radial of the end of the curve, with its bearing, shall be shown, and radii and arc length or chord bearings and length for all curves ~~central angle, radius, and arc length of curves, and such any~~ information ~~as that~~ may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.080-090 Lots And Blocks**

All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels-Land offered for dedication other than for streets or easements shall be designated by letter (e.g.

outlot A, outlot B, outlot C). Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively throughout the tract, with no omissions or duplications.

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.090-100 Streets**

The map shall show the right-of-way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the conformity or the amount of nonconformity of the street to the existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final map. Each street shall be named or otherwise designated to include recorded reference document information.

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.100-110 Easements**

The side lines of all easements shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof, and its recorded reference shall appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be arrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate them with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. If an easement shown on the map is already of record, its recorded reference shall be given. If an easement is being dedicated by the map, it shall be set out in the owner's certificate of dedication per Section 66439 of the Subdivision Map Act.

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.110-120 Building Setback Lines**

~~The map shall show all building setback lines which do not conform with the zoning ordinance, by long dash lines, and shall be labeled.~~

~~(Ord. 341 § 1 (19.5.300 (part)), 1979)~~

#### **17.20.120-130 High Water Line**

~~The map shall show the mean high water line with a fine continuous line in case the subdivision is adjacent to a waterway, and shall also show with a fine continuous line any lots or portions thereof which are subject to inundation by a one-hundred-year frequency storm.~~

~~(Ord. 341 § 1 (19.5.300 (part)), 1979)~~

#### **17.20.130-140 Monuments**

The map shall show fully and clearly what stakes, monuments or other evidence to determine the boundaries of the subdivision were found on the ground and each adjacent corner of each adjoining subdivision or portion thereof, by lot and block numbers, tract name or number, and place of record, by section, township and range, or other proper designation. Any monument or benchmark, as required by this title, that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider. The following required monuments shall be shown on the final map:

- A. The location of all monuments placed in making the survey. If any points were reset by ties, that fact shall be stated;
- B. Concrete monuments depressed below street grade with case iron ring and cover of a type approved by the city engineer shall be set at intersections of street centerline tangents or offsets therefrom, or as required by the city engineer. The exact location of all such monuments shall be shown on the final map;
- C. All lot corner pipes;
- D. Monuments shall be set after approval of the final map by the city council, and prior to acceptance of the public improvements by the city council;
- E. Any monument or benchmark required by this title, that is disturbed before acceptance of all improvements, shall be replaced by the subdivider.

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.140-150 Certificates, Statements, Acknowledgments And Descriptions**

The title sheet of the map, below the title, shall show the name of the registered civil engineer authorized to perform land surveying or licensed surveyor ~~authorized to perform land surveying~~, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, statements, acknowledgments and description shall appear on the title sheet of the final maps, and the certificates may be combined where appropriate:

- ~~A. Owner's Statement of all Certificate by Parties Holding record Title interest in the subdivided real property. A statement certificate in accordance with the provisions of the Section 66436 of the Subdivision Map Act with dedications in accordance with Section 66439(d) of the Subdivision Map Act;~~
- ~~A.B. Notary Public certificate for execution where certificate of statements required by this chapter or the Subdivision Map Act require a notary public certificate per Civil Code 1189~~
- ~~1. Dedication Certificates. A certificate in accordance with the Subdivision Map Act;~~
- ~~B.C. Engineer's-Engineer's-/or Surveyor's Statement Certificate. A statement certificate in accordance with the Section 66441 and 66442.5 of the Subdivision Map Act. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the final map along with his/her seal or stamp and date of signing per the Professional Land Surveyor's Act, Section 8761;~~
- ~~C.D. Certificate to be Executed- Statements Certificates~~ for execution by each of the following:
  - 1. City engineer in accordance with Section 66442 of the Subdivision Map Act,

- 1.2. City surveyor in accordance with Section 66442 of the Subdivision Map Act,
- 2.3. Secretary to the city planning commission indicating the date of the meeting on which the tentative map was approved and a reference to the resolution approving the tentative map, in a format determined by the City Engineer or City Surveyor and the City Services DirectorPlanning Director,
- 3.4. City clerk to include any real property that is offered for dedication for public use on the final map or by separate instrument, a statement signed by the city clerk shall be provided on the final map stating that the city council approved the map and accepted, accepted subject to improvement, or rejected on behalf of the public the real property offered for dedication, in a format determined by the City Engineer or City Surveyor and the City Services DirectorPlanning Director,
- 5. County recorder in accordance with Section 66442.5 of the Subdivision Map Act;
- 6. Tax collector's statement signed by the county tax collector, stating that all due taxes and special assessments collected as taxes have been paid or that a bond or other security assuring the payment of all taxes or special assessments collected as taxes which are liens but are not yet payable, has been filed with the county, in a format determined by the City Engineer or City Surveyor and the City Services DirectorPlanning Director,
- 4.7. Signatory Omissions statement pursuant to the provisions of Section 66436 of the Subdivision Map Act.

- E. Description of Property. A brief description of all property being subdivided. Each reference in the description to any tract or subdivision shall show a complete reference to the book and page of records of the county. The description shall also include reference to any vacated area with the number of the ordinance of vacating thereof;
- F. Other Affidavits. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and by this title;
- G. Certificate Regarding Tax Lien. Prior to the filing of the final map with the city council, the subdivider shall file the certificates and documents set forth in Article 8 of the Subdivision Map Act or any amendment thereto relating to taxes and assessments.

(Ord. 341 § 1 (19.5.300 (part)), 1979)

#### **17.20.150-160 Public Improvement Agreement**

Prior to the approval by the city council of the final map, the subdivider shall execute and file an agreement between himself and the city, specifying the period within which he shall complete all public improvement work to the satisfaction of the city engineer, and providing that if he fails to complete the work within the period, the city may complete it and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the city engineer and that the cost of the inspections shall be reimbursed to the city by the subdivider. The agreement may also provide the following:

- A. For the construction of the improvements in units;

- B. For extension of time under conditions therein specified.

(Ord. 341 § 1 (19.5.400), 1979)

**17.20.160-170 Improvement Security**

- A. The subdivider shall file with the agreement required by the provisions of Section 17.20.150 of this chapter, to assure his full and faithful performance thereof, a bond or security for such sum as the city engineer deems sufficient to cover the cost of the improvements. The security shall be in the manner, form and kind provided by the Subdivision Map Act. The security shall generally be in the amount of one hundred percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements. The city council may require a lesser amount to secure the faithful performance or act, due to the implementation/use of city programs that allow for a lesser amount, but in no case shall such amount be less than fifty percent of the total estimated cost of the improvement or of the act to be performed. The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one year following acceptance of the improvements by the city.
- B. In lieu of a one hundred percent performance bond and fifty percent labor and materials bond, surety may be assured by the filing of an instrument of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred fifty percent of the cost of the work estimated by the city engineer. The trust fund shall be maintained in a financial institution subject to regulation by the state and federal governments with the trust fund limited to the following conditions:
  - 1. Ten percent of the cost, representing a labor and materials deposit, to be retained for thirty-five days after the filing of the notice of completion;
  - 2. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety percent of value of work completed, with authorization of the city engineer, until all work is completed and the notice of completion is filed;
  - 3. Prior to the final acceptance by the city of improvements, the subdivider shall provide the city with a one-year maintenance bond in the amount of one hundred percent of the estimated cost of improvements.
- C. In the event the subdivider fails to complete all improvement work in accordance with the provisions of this title and the city has completed them, or if the subdivider fails to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one-year guarantee period, the city shall demand performance of the agreement by the bonding company, or use the cash or other security deposit placed with the city by the subdivider to do the work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of the bond or certification less the cost

and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured, in an action to be brought therefor by the city.

- D. The city will require that the completion of all improvements be secured under the provisions of this title and will not permit completion of the improvements by assessment act financing.
- E. All required improvements shall be constructed under the inspection of the ~~director of public works, planning city services~~ director and/or the city engineer. The cost of inspection of work shall be paid by the subdivider in an amount, as determined by the city engineer, sufficient to pay for the inspection, and in no case less than two percent of the estimated cost of the improvements.
- F. No extension of time, progress payments from cash deposits, or releases of surety bond or cash deposit shall be made except upon the certification by the city engineer that the work covered thereby has been satisfactorily completed, and upon approval of the city council.

(Ord. 519 § 1, 2006; Ord. 341 § 1 (19.5.500), 1979)

#### **17.20.170-180 Engineer Action**

Upon receipt of the final map and other data submitted therewith, the city engineer shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this title or any other ordinance and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with. ~~The city surveyor will examine the map and make sure, and~~ that he ~~or she~~ is satisfied that the map is technically correct. If the city engineer determines the final map is not in full conformity with the tentative map, he ~~or she~~ shall advise the subdivider of the changes or additions that must be made for such purposes and shall afford the subdivider an opportunity to make such changes or additions. If the city engineer finds the final map to be in correct form and the matters shown therein are sufficient, the city engineer shall endorse his approval thereon and transmit it to the city council for approval.

(Ord. 341 § 1 (19.5.600), 1979)

#### **17.20.180-190 Planning-City Services Director Action**

The ~~planning city services~~ director shall certify to the city engineer that the final map is in full conformity with the approved tentative map, and all provisions of the zoning ordinance, by endorsing his approval thereon.

(Ord. 341 § 1 (19.5.700), 1979)

#### **17.20.190-200 City Council; Approval**

At its first regular meeting following the filing of the final map with the city clerk by the city engineer as aforesaid, the city council shall consider the map, the plan of subdivision, and the offers of dedication. The council may reject any or all offers of dedication, and may, as a condition precedent to the acceptance of any streets or easements or the approval of the subdivision, require the subdivider, at his option, to either improve or agree to improve the streets, install such drainage and utility structure and service as it determines, and within the period it specifies. The agreement shall include and have incorporated as part thereof, the plans, specifications and profiles referred to and required under Section 17.20.150-160. If the city council determines that the map is in conformity with the requirements of this title, that it is satisfied

with the plans of subdivision, and accepts all offers of dedication, it shall approve the map and the city clerk shall thereupon so certify upon the map and transmit it to the clerk of the board of supervisors of the county in conformity with the Subdivision Map Act.

(Ord. 341 § 1 (19.5.800), 1979)

#### **17.20.~~200-210~~ City Council; Disapproval**

If the city council determines either that the map is not in conformity with the requirements of this title, or that it is not satisfied with the plans of subdivision, or if it rejects any offer or offers of dedication, it shall disapprove the map specifying its reason therefor and the city clerk shall in writing advise the subdivider of the disapproval, and of the reason or reasons for the disapproval. Within thirty days after the city council has disapproved any map, the subdivider may file with the city engineer a map altered to meet the approval of the city council. In such case the city engineer shall review the altered map for conformance with the requirements of the city council and shall then submit the altered map to the city council for its approval along with a certification that the altered map is technically correct. No final map shall have any force or effect until it has been approved by the city council and no offer of dedication shall be accepted until the county clerk has recorded the map with the county recorder.

(Ord. 341 § 1 (19.5.900), 1979)

#### **17.20.~~210-220~~ Recordation**

When the city council has approved the final map as set forth in this chapter, and when the subdivider has filed with the city clerk the applicable agreement and sureties, and when the agreement and sureties have been approved by the city attorney, as to form and sufficiency, the city clerk shall present the map to the county clerk, who shall record it with the county recorder.

(Ord. 341 § 1 (19.5.1000), 1979)

#### **17.20.~~220-230~~ Modifying A Recorded Final Map**

The city council may approve the modification of a recorded final map under the following conditions and directions:

A recorded final map may be modified by a certificate of correction or an amending map, if the city council finds that there are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and the city council finds that the map as modified conforms to Section 66474 of the Subdivision Map Act.

Any modification shall be set for public hearing as provided for in Section 66451.3 of the Subdivision Map Act. The city council shall confine the hearing to consideration of and action on the proposed modification.

A certificate of correction or amending map shall be prepared by a registered civil engineer or licensed surveyor prior to approval by the city council and be certified by the city engineer prior to filing at the office of the county recorder.

(Ord. 549, Art. 1, 2015)

#### **17.20.~~230-240~~ Fees**

At the time of filing a final subdivision map, amending map, or certificate of map correction the applicant shall pay such fees as established by resolution of the city council.

(Ord. 549, Art. 1, 2015)

## **17.24 Parcel Map Subdivision**

17.24.010 Applicability

17.24.020 Tentative Parcel Map; Filing And Fees

17.24.030 Tentative Parcel Map; Contents

17.24.040 Tentative Parcel Map; Consideration

17.24.050 Tentative Parcel Map; Planning Commission Action

17.24.060 Required Conditions And Improvements

17.24.070 Appeal

17.24.080 Recording Time Limit

17.24.090 Final Parcel Map; Preparation

17.24.100 Final Parcel Map; Field Survey

17.24.110 Final Parcel Map; Form

17.24.120 Final Parcel Map; Information Contained

17.24.130 Final Parcel Map; Certificates and Statements

17.24.140 Final Parcel Map; Improvement Agreement And Security

17.24.150 Final Parcel Map; Recording

17.24.160 Final Parcel Map, Recorded; Modification Of

~~17.24.170 Lot Line Adjustment~~

~~17.24.180-170 Merger And Reversion To Acreage~~

### **17.24.010 Applicability**

~~The purpose of this section is to provide clear guidelines and regulations for the subdivision process involving parcel maps. The section aims to ensure accurate, well-planned, and legally compliant parcel subdivisions, facilitating the orderly development of land.~~

### **17.24.010 Applicability**

~~Notwithstanding any other provisions of this title to the contrary, the procedure set forth in this chapter shall govern the processing of and requirements pertaining to parcel map subdivisions.~~

(Ord. 341 § 1 (19.6.100), 1979)

### **17.24.020 Tentative Parcel Map; Filing And Fees**

~~A. A completed application form, of which the blank form shall be provided by the planning city services department.~~

~~A.B. Twenty Five hard copies, and one electronic submittal of the tentative parcel map shall be filed with the planning director City Services Director.~~

~~C. The tentative parcel map shall be accompanied by an application fee and environmental impact fee as established by city council resolutions.~~

~~D. A preliminary title report, showing the legal owners at the time of the filing of the tentative parcel map and prepared not more than 90 days prior to the submittal of the application.~~

~~B-E.~~ All items referenced with the preliminary title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting application.

~~C-F.~~ The ~~planning director~~ City Services Director may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete or which fails to comply with the requirements of this chapter.

(Ord. 341 § 1 (19.6.200), 1979)

### **17.24.030 Tentative Parcel Map; Contents**

The size of each sheet shall be eighteen inches by twenty-six inches. The tentative parcel map shall be prepared by a licensed surveyor or a registered civil engineer authorized to perform land surveying. ~~The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the tentative parcel map along with his/her seal or stamp and date of signing per the Professional Land Surveyor's Act, Section 8761, prepared by a registered civil engineer or licensed land surveyor legibly drawn, in pencil or ink,~~ and shall use a decimal or engineer's scale of not less than one-inch equals one hundred feet unless the ~~planning director~~ City Services Director determines that a different scale will be adequate and appropriate for the tentative map. The tentative map shall clearly show the following information:

A. The lines, dimensions and boundaries of the original parcel, with a legal description of the original parcel attached to the map;

B. The lines, dimensions, computed area and boundaries of each parcel to be created;

~~B-C.~~ Name of adjacent parcels or subdivisions, if any, and property lines sufficient to show their relationship to the proposed subdivision, as well as ~~Identify adjoining properties with owner name, assessor parcel number and deed document reference.~~

~~C-D.~~ All existing surface and underground structures and improvements located on the original parcel together with the exterior dimensions of the structures and improvements, the distance between structures and improvements, the number of stories or the height of each structure and the distance from the structures and improvements to the boundary line of the lots which are to be created by the proposed division of land, and notations concerning all structures which are to be removed; The location and width of existing and proposed building setbacks;

~~D-E.~~ The names, locations and widths of all existing and proposed streets, alleys, pedestrian ways and other rights of way, whether public or private, within and adjacent to ~~abutting~~ the original parcel; the radius of each centerline curve; and any planned line for street widening or for any other public project, within and adjacent to the original parcel;

~~E-F.~~ The location, purpose and width of all existing and proposed easements and the names of the owners and proposed owners of the easements with reference document information shown. Easement boundaries shall be shown by means of a ~~dotted-dashed~~ line;

~~F-G.~~ Sufficient elevations and contours to determine the general slope of the land and the high and low points thereof shall be shown; Contour lines at intervals of not more than one foot (1') unless waived prior to submission by the city engineer. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage

problems, and shall extend beyond the parcel boundaries where necessary to show drainage conditions on surrounding property which may affect the subject parcel boundaries. Topographic survey shall not be waived in areas within the 100-year flood hazard boundary as shown on the most current flood insurance rate map prepared by the federal emergency management agency, along with any approved revisions thereto.

H. Approximate location of all areas subject to flooding or ponding of surface water and any vernal pools or wetlands, the location, width and direction of flow of all watercourses and the location of selected flood lines;

I. The approximate location and general description of any trees and shrubs, and their drip lines-if known, with notations as to their retention or destruction. The general description of trees and shrubs shall include an indication as to their size (diameter) and type, if known;

J. The location of all railroad rights of way and grade crossings; approximate locations of existing wells, abandoned wells, and sumps; and an indication of any physical restrictions or condition in the parcel boundary which affects the use of the property;

K. The -locations shown by dashed~~hatched~~ lines of existing utilities in and adjacent to the parcel boundary; the size and location of sanitary and storm sewers; the size of water mains; and, if sewers and water mains are not in or adjacent to the parcel boundary, the direction and distance to the nearest sewer and water main with size and invert elevation of sewer and size of main;

L. The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width, and direction of flow of all watercourses and flood control channels within and adjacent to the property involved. In areas subject to 100-year flood hazard, base flood elevation and floodway boundary shall be indicated. The location and statement of FEMA flood zone information.

G-M. All street rights of way and public easements proposed for abandonment with the final parcel map pursuant to Section 66445(j) of the Subdivision Map Act shall be clearly shown, or clearly listed on the map with reference to the recording data creating those public streets or public easements.in cases where the specific location of the easement cannot be determined. Such abandonments shall follow proper abandonment proceedings under Chapter 3 of Division 9 of the Streets and Highways Code commencing with Section 8320.

H-N. Existing ~~use or zoning~~ and uses of the property;

I-O. Proposed use and zoning of the property and, if property is proposed to be used for more than one purpose, the areas proposed for each type of use and zoning;

J-P. Statement of the improvements and public utilities proposed to be made or installed and the time at which the improvements are proposed to be completed;

K-Q. North ~~arrowpoint~~, scale and date of preparation. If based on a survey, the date of the survey;

L-R. ~~Provisions Proposed method of providing for~~ sewage disposal;

~~S. P~~The proposed method of providing water supply, a water will serve letter is required from the City;

~~M.T.~~ If sepaerate parcel maps are to be filed on portions of the property shown on the tentative map, the subdivider shall provide notice to the city at either: a) the time the tentative map application is filed, or b) after the filing of the tentative map. The right of the subdivider to file multiple final-parcel maps shall not limit the ability authority of the city to impose reasonable conditions relating to the filing of multiple final-parcel maps.

~~N.U.~~ The names, addresses and telephone numbers of the property owners, the person filing the map, and the registered civil engineer authorized to practice land surveying or licensed land surveyor ~~authorized to practice land surveying, if any,~~ who prepared the map, and the applicable registration or license number;

~~O.V.~~ A statement signed by the owners of the property certifying the division request and accuracy of the information shown.

(Ord. 341 § 1 (19.6.300), 1979)

#### **17.24.040 Tentative Parcel Map; Consideration**

The planning commission, or the city council if there is no planning commission established, shall review and approve, conditionally approve or disapprove the tentative parcel map. The planning commission, or the city council if there is no planning commission established, shall hold a public hearing on each application for tentative map. Notice of the public hearing shall be given not less than ten days nor more than twenty-five days prior to the date of the hearing by (1) mailing postage prepaid, a notice of the time and place of the hearing to the names and last known addresses of the recorded legal owners of all properties within 300 feet of each boundary of the site, as shown on the latest adopted assessment roll of Tulare County; and (2) by publishing a notice at least once in a newspaper of general circulation in the city. Within fifty days after the date of filing with the ~~planning director~~City Services Director or at such later date as may be required to concurrently process the appurtenant environmental impact review document required by state law and local regulations.

(Ord. 341 § 1 (19.6.400), 1979)

#### HISTORY

*Amended by Ord. 576 on 6/25/2019*

#### **17.24.050 Tentative Parcel Map; Planning Commission Action**

- A. If the planning commission determines that the tentative parcel map complies with all of the provisions of this chapter, it shall approve the map.
- B. If the tentative parcel map fails to meet one or more requirements set forth in this chapter, the planning commission may approve the map subject to such conditions as may be necessary to conform to the requirements.
- C. When approving or conditionally approving the tentative parcel map, the planning commission shall specify the dedications and improvements to be made by the owner.

- D. Within seven days after the action by the planning commission, written notice of the action by the planning commission shall be mailed to the applicant.
- E. Upon approval of the tentative parcel map by the planning commission, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the ~~planning director, the public works~~city services director and the city engineer.
- F. If a planning commission has not been established, the city council shall be the decision-making authority.

(Ord. 341 § 1 (19.6.500), 1979)

#### HISTORY

Amended by Ord. [576](#) on 6/25/2019

#### **17.24.060 Required Conditions And Improvements**

A parcel map subdivision shall conform to the development standards specified in Chapter 17.28, the state Subdivision Map Act, and in addition, the following requirements shall be imposed as a condition of approval of a parcel map subdivision:

- A. ~~Lots-Parcels~~ created shall conform to the applicable requirements of the zoning ordinance;
- B. Utility easements and street rights-of-way shall be offered for dedication;
- C. Water supply and sewage disposal shall be satisfactory to the city engineer;
- D. Public improvements shall be satisfactory to the city engineer.

(Ord. 341 § 1 (19.6.600), 1979)

#### **17.24.070 Appeal**

Within fifteen calendar days after the date on which the written notice of disapproval or conditional approval is mailed to the owner, the owner or his authorized agent may appeal to the city council for review of the action of the planning commission. The action of the planning commission shall be final unless such an appeal is filed within the fifteen-day period. An appeal shall be in writing, shall be filed with the city clerk, and shall state specifically wherein it is claimed there was an error or abuse of discretion by the planning commission. Upon the filing of an appeal, the planning commission shall transmit to the city clerk copies of all documents in the files of the commission pertaining to the tentative parcel map. The city clerk shall give notice to the person filing the appeal and to the planning commission of the date when the appeal will be heard by the city council. After the appeal hearing, the city council may affirm, reverse or modify the action of the planning commission, or refer the matter back to the commission for further action.

(Ord. 341 § 1 (19.6.700), 1979)

#### **17.24.080 Recording Time Limit**

Failure to file a final parcel map with the county recorder within the time specified in Section 66463.5(a) of the Subdivision Map Act, Government Code of the state of California, after the date of approval or conditional approval of the tentative parcel map shall automatically revoke the approval. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative parcel map the time at which the map expires may be extended by the city council for a period or periods not exceeding the total period specified in Section 66463.5(c) of the Government Code of the Subdivision Map Act, state of California; ~~provided, that the provisions of Sections 66463.5(a) and 66463.5(c) as amended by Chapter 923 of the Statutes of 1982 shall also apply to any tentative parcel map approved prior to September 13, 1982, which has not expired by action of law prior to such date.~~

(Ord. 382 (part), 1983; Ord. 341 § 1 (19.6.800), 1979)

#### **17.24.090 Final Parcel Map; Preparation**

The final parcel map shall be prepared in accordance with the approved tentative parcel map by a registered civil engineer authorized to perform land surveying or licensed land surveyor ~~authorized to perform land surveying~~. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the final parcel map along with his/her seal or stamp and date of signing per the Professional Land Surveyor's Act, Section 8761 and shall be submitted to the city engineer and city surveyor for ~~his-their~~ examination and approval prior to filing with the county recorder. Calculations and traverse sheets shall be submitted with the final parcel map indicating closures and areas of the original parcel and each parcel being created. Provide a preliminary title report, showing the legal owners at the time of the filing of the final parcel map and dated prepared not more than ninety (90) days prior to the submittal of the application. Items referenced within the preliminary title report shall be submitted for review (i.e. deeds, easements, and record maps) when submitting application. At the time of submitting the final parcel map, the applicant shall pay a fee as established by city council resolution to defray the expenses of checking the final parcel map. Within twenty (20) calendar days after receipt of the final parcel map, or within such additional time as may be reasonably necessary, the city engineer and city surveyor shall examine ~~it for the survey information shown thereon~~ the map to determine ~~that the map shown is substantially the same as it appeared on the tentative parcel map, all provisions of this chapter and any local ordinance applicable at the time of approval of the tentative parcel map have been complied with,~~ and that if he or she is satisfied that ~~it is~~ the map is technically correct. ~~H, he or she~~ shall sign with ~~with~~ the appropriate certificates and seals/signed stamps on the map.

(Ord. 341 § 1 (19.6.900 (part)), 1979)

#### **17.24.100 Final Parcel Map; Field Survey**

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

In all cases where a parcel map is required, the parcel map shall be based upon a field survey made in conformity with the Land Surveyors Act when required by local ordinance, or, in the absence of that requirement, shall be based either upon a field survey made in conformity with the Land Surveyors Act or

be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable the retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map, in accordance with Section 66448 of the Subdivision Map Act, state of California.

(Ord. 341 § 1 (19.6.900 (part)), 1979)

#### **17.24.110 Final Parcel Map; Form**

- A. The final parcel map shall be a map legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- B. The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(Ord. 341 § 1 (19.6.900 (part)), 1979)

#### **17.24.120 Final Parcel Map; Information Contained**

- A. Each parcel shall be ~~consecutively~~-numbered or lettered and each block may be numbered or lettered. Each parcel shall have its area shown to the nearest one-hundredth of an acre or nearest square foot. The exterior boundary of the land included within ~~the new parcel or parcels being created shall be indicated by a blue colored border one-eighth of an inch in width~~ the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the parcel or parcels, and particularly the relationship to ~~existing surrounding~~ surveys.
- B. The final parcel map shall also contain the following information:
  - 1. A space for t~~he~~ parcel map number and date of preparation. The County of Tulare assigns the parcel map number upon recording;
  - 1-2. If more than two (2) sheets are used to show the actual layout of the streets and parcels, an index map shall be used showing the relationship of the sheets;
  - 3. Dimensions of all parcel lines, subdivision perimeter, and centerline of streets shall bfe in feet and decimals thereof to the nearest on-hundreth (1/100) of a foot and bearings to the nearest second. If a course is a curve, the radius, length of curve or bearing and length of chord, and central angle shall be shown. If the endsed of a curve are not tangent to the preceding or following courses and the chord along with its bearing and length are not shown, the radial of the end of the curve, with its bearing, shall be shown.~~The net dimensions of each lot. No ditto marks shall be used;~~

2.—

- ~~3.4.~~ The names, locations and right-of-way widths of all abutting public streets and reference to each record document. The width of each street right of way shall be shown indicating the widths on each side of the centerline. If additional right of way for an existing street is offered for dedication, the original right of way and the additional right of way width offered for dedication shall be shown along with the total width of the new right of way;
- 4.5. The proposed location, purpose and width of all proposed public roads and private access easements;
- 5.6. The boundaries of any private easement, whether an easement of record or a prescriptive easement, shall be shown by means of a ~~dotted-dashed~~ line and the name of the person owning the easement shall be shown on the map with reference to each record document;
- 6.7. Location and widths of easements for public utilities with reference to each record document, if ~~required~~applicable;
- 7.8. The location and widths of watercourses and areas subject to inundation and location of selected flood lines within the parcels being created;
- ~~8. Building setback lines, if applicable;~~
- 9. A north arrow point and graphic scale;
- 10. Location or vicinity map at a minimum scale of one-inch equals one mile, showing the relative position of the land to be subdivided with the surrounding existing subdivisions with their recorded map reference, including their names and tract numbers. The location map shall show city boundaryies crossings or adjoining the subdivision;  
~~— Names and addresses of the owners of the property being divided.~~
- 11. Each street shall be named or otherwise designated; all new street names shall be approved by the City Services Director.

(Ord. 341 § 1 (19.6.900 (part)), 1979)

**17.24.130 Final Parcel Map; Certificates and Statements**

The following certificates and statements shall appear on the final parcel map:

- A. A certificate of the registered civil engineer authorized to perform land surveying or licensed land surveyor who prepared the survey and ~~the~~ parcel map in compliance with Section 66449 of the Subdivision Map Act.
- B. A certificate for execution by the city engineer which complies with Section 66450 of the Subdivision Map Act.
- ~~B-C.~~ A certificate for execution by the city surveyor which complies with Section 66450 of the Subdivision Map Act.
- D. A certificate for execution by the ~~planning director~~City Services Director on behalf of the planning commission, certifying that the final parcel map conforms indicating the date of the meeting ien

which the ~~to the approved~~ tentative parcel map was approved and a reference to the resolution approving the tentative parcel map, in a format determined by the City Engineer or City Surveyor and the City Services Director.

C.E. A certificate for execution by the City Clerk on behalf of the City Council, that any~~the~~ real property being~~is~~ offered for dedication for public use on the ~~final map or~~ parcel map or by separate instrument, a statement signed by the City Clerk shall be provided on the final parcel map stating that the City Council approved the map and accepted, accepted subject to improvement, or rejected on behalf of the public the real property offered for dedication, in a format determined by the City Engineer or City Surveyor and the City Services Director.

F. A statement ~~certificate~~ for execution by the county recorder in compliance with Section 66449 of the Subdivision Map Act.

G. A statement for execution by the board of supervisors in compliance with Division 2 -Title 7 of the Government Code of the State of California.

H. A statement for execution by the owner's and by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map in compliance with Section 66436 of the Subdivision Map Act, subject to Section 66439(d), of specific parcels or easements.

I. Notary Public certificate for execution where certificate of statements required by this chapter or the Subdivision Map Act require a notary public certificate per Civil Code 1189.

J. A restrictions statement to any previously existing nonstandard easements or documents that restrict the use of the land recorded previously or concurrently with the parcel map must be listed in the restriction section of the cover page with recording date, document number, and county of record. Pursuant to Section 66411.1 of the Subdivision Map Act, any requirements for the construction of off-site and on-site improvements shall be noticed on the face of the map.

~~D.~~K. Signatory Omissions statement -pursuant to the provisions of Section 66436 of the Subdivision Map Act.

(Ord. 341 § 1 (19.6.900 (part)), 1979)

#### **17.24.140 Final Parcel Map; Improvement Agreement And Security**

If the required improvements have not been completed at the time when the final parcel map is submitted to the city engineer, the final parcel map shall not be approved until the owner has entered into an agreement with the city council to complete all of the improvements and the agreement shall be subject to all of the provisions of this title governing the agreements between the city and subdividers. In addition, the owner shall provide security to guarantee to the city the completion of the improvements and the security shall be in the same form, and subject to all of the same conditions, restrictions, and other provisions applicable to the similar security provided by a subdivider to the city under this title.

(Ord. 341 § 1 (19.6.900 (part)), 1979)

#### **17.24.150 Final Parcel Map; Recording**

When all certificates have been executed and all other requirements of this chapter are complied with, the city ~~engineer~~ shall present the final parcel map to the county recorder for filing in accordance with the Subdivision Map Act.

(Ord. 341 § 1 (19.6.900 (part)), 1979)

#### **17.24.160 Final Parcel Map, Recorded; Modification Of**

The city council may ~~approved~~ the modification of a recorded final parcel map under the following conditions and directions:

A recorded final parcel map may be modified by a certificate of correction or an amending map, if the city council finds that there are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the fee owners of the real property, and that the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and the city council finds that the map as modified conforms to Section 664~~6974~~ of the Subdivision Map Act.

Any modification shall be set for public hearing as provided for in Section 66451.3 of the Subdivision Map Act. The city council shall confine the hearing to consideration of and action on the proposed modification.

A certificate of correction or amending map shall be prepared by a registered civil engineer authorized to perform land surveying or licensed surveyor prior to approval by the city council and be certified by the city engineer and city surveyor prior to filing at the office of the county recorder.

(Ord. 549, Art. 1, 2015)

#### **17.24.170 Lot Line Adjustment**

~~A lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the city engineer and planning director or their authorized representatives, with the filing of a final parcel map and necessary information required by the city engineer and planning director. Applications for lot line adjustments shall be filed with the planning director and shall be in the form and contain the information required by the city engineer and planning director. A lot line adjustment shall not be approved unless the diminished parcel and any structures or parking spaces located thereon will comply with area, width, frontage and yard requirements of the in which the parcel is located. The lot line adjustment shall not be complete until a final parcel map is recorded with the office of the county recorder.~~

~~(Ord. 549, Art. 1, 2015)~~

#### **17.24.180-170 Merger And Reversion To Acreage**

Subdivided real property may be ~~merged or~~ reverted to acreage pursuant to provisions of Chapter 6, Article 1 of the Subdivision Map Act. Voluntary parcel mergers without reverting to acreage shall be governed by Chapter 17.27 of the city municipal code.

(Ord. 549, Art. 1, 2015)

## 17.26 LOT LINE ADJUSTMENTS

- 17.26.010 Purpose
- 17.26.020 Applicability
- 17.26.030 Lot Line Adjustment Application And Contents
- 17.26.040 Submittal Of Lot Line Adjustment
- 17.26.050 Review And Approval Of Lot Line Adjustment Map
- 17.26.060 Matters To Be Considered And Findings
- 17.26.070 Development Variations
- 17.26.080 Minor Revisions

### 17.26.010 PURPOSE

The purpose of this chapter is to set forth the requirements for the submittal, review, and approval of lot line adjustments.

### 17.26.020 APPLICABILITY

A lot line adjustment, which is defined as a change in any lot line between four or fewer adjoining parcels where land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, shall not require a parcel or tract map. No conditions or exactions, except those required to achieve conformance with the City of Lindsay General Plan, any applicable Specific Plan, and the City of Lindsay Zoning (Title 18) and Building and Construction (Title 15) Ordinances, shall be required as a condition of approval of a lot line adjustment. Public access must be shown to each parcel that is the subject of the lot line adjustment, unless existing access to each of the affected lots is by approved private recorded access, in which case private recorded access may also serve the adjusted parcels.

### 17.26.030 LOT LINE ADJUSTMENT APPLICATION AND CONTENTS

The application for a lot line adjustment shall include the following information:

- A. A completed City of Lindsay Land Division Application form.
- B. Legal descriptions of the original parcels, with a title as Exhibit A, Lot Line Adjustment No. 20xx-xx, Existing Legal Descriptions. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of signing license/registration per the Professional Land Surveyor's Act, Section 8761.
- C. Legal description of each of the proposed parcels, with a title as Exhibit B, Lot Line Adjustment No. 20xx-xx, Adjusted Legal Descriptions. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of signing license/registration per the Professional Land Surveyor's Act, Section 8761.
  - ~~1. that has been prepared by a licensed land surveyor or registered civil engineer, authorized to perform land surveying, containing original signature and seal.~~

~~B-D.~~ Two (2) copies of a preliminary title report for all properties whose lot lines would be altered by the proposed adjustment. Title reports shall name the current record owners and shall not be more than ninety (90) days old. All items referenced within the title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting application.

~~2. Hazardous Waste Verification Statement as required by Section 65962.5 of the California Government Code.~~

~~C-E.~~ A lot line adjustment map, prepared by a licensed surveyor or a registered civil engineer authorized to perform land surveying, The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of signing license/registration per the Professional Land Surveyor's Act, Section 8761. The map shall be legibly drawn in ink and accurately to scale on ~~one (1)~~ sheet (s) of paper eight and one-half (8 1/2) inches by eleven (11) inches in size, and titled Exhibit C, Lot Line Adjustment No. 20xx-xx, and including all of the following information:

~~1-2.~~ Lot lines, dimensions, bearings and distances (if not an aliquot division), and areas of the original parcel(s) and adjusted parcels. Gross area shall be shown for those parcels containing two and one-half (2 1/2) acres or larger. Net area shall be shown for those parcels containing less than two and one-half (2 1/2) acres. If parcel area is less than (1) acre, then area shall be expressed as net square feet. Acreage shall be shown to the nearest one-hundredth (1/100) of an acre, and square footage shall be shown to the nearest square foot. Each parcel created shall be designated on the map by a number or letter.

~~2-3.~~ Locations and dimensions of each existing structure, including outbuildings, distances between structures, and distances between structures and property lines of both the original parcel(s) and the proposed parcel(s).

~~3-4.~~ Names, locations, and widths of all existing streets and roads on or bounding the original parcel and of all new access routes being proposed.

~~4-5.~~ Locations and dimensions of all existing and proposed easements, utility lines, rights-of-way, and underground utility structures of any kind.

~~5-6.~~ Location of existing domestic water supplies and existing septic tanks and disposal fields on all affected lots.

~~6-7.~~ Location of all watercourses, drainage channels, existing drainage structures, and springs.

~~7. g. Approximate high water lines in lakes, reservoirs, streams, and rivers.~~

8. Lot line adjustment number, as assigned by the City Services Department.

9. Name and address of the applicant, and of the person who prepared the map.

10. Scale of map (standard engineering scale), north arrow, and vicinity map.

11. Location of any Earthquake Fault Zone delineated by the State Geologist pursuant to Alquist-Priolo Earthquake Fault Zone Act.

12. The following statement shall appear on the map: "THIS MAP IS PROVIDED FOR ILLUSTRATION PURPOSES ONLY."

13. Each parcel identified with a number letter, assessor parcel number, deed document number and area of each existing parcel (Existing Parcel 1A, Existing Parcel 2B etc.).

1. Each parcel identified with a letter and area of each proposed parcel (Adjusted Parcel A, Adjusted Parcel B etc.).

2. The owner's name, assessor's parcel number, and deed document number of all adjoining parcels.

~~Item 10 above may be shown on a second sheet that accompanies the map, and Item 10 may be deleted from the map that is recorded with the Certificate of Compliance.~~

#### **17.26.040 SUBMITTAL OF LOT LINE ADJUSTMENT**

- A. An applicant for a lot line adjustment shall submit an application and map and title reports to the City Services Director in the format and number of copies specified by the City Services Director. The map shall contain all the information specified by Section ~~18.35.030~~ 17.26.030, unless the City Services Director waives any of the information requirements. When deemed complete, the application shall be accompanied by the fee established by resolution of the ~~City Council~~ Board of Supervisors.
- B. The City Services Director shall inform the applicant in writing within thirty (30) calendar days of receipt that the application is complete or that additional information is needed to complete the application.

#### **17.26.050 REVIEW AND APPROVAL OF LOT LINE ADJUSTMENT**

- A. Review and Approval by the City Services Director

Upon a determination that the application is complete, the City Services Director shall act to approve or disapprove the lot line adjustment within fifty (50) calendar days. The time limits for acting on certain matters specified in this section may be extended by mutual consent of the applicant and the City Services Department evidenced in writing. These time periods shall commence after certification of the environmental impact report, adoption of a Negative Declaration, or upon a determination by the City Services Director that the project is exempt from the requirements of Division 13 of the Public Resources Code. In order to concurrently process a lot line adjustment where a General Plan Amendment, zone change, or other legislative act is required by the City Council prior to approval of the lot line adjustment, these time limits shall commence on the effective date of the required legislative action.

- B. Reports and Recommendations

A copy of any report or recommendation on the lot line adjustment prepared by the City Services Department shall be mailed to the applicant or his authorized agent at least fifteen (15) days prior to the proposed date of action by the City Services Director.

- C. Decision

- a. The City Services Director may approve or deny any application for lot line adjustment. Such decision shall include findings in accordance with the provisions of this title. The decision shall be final, subject to appeal in accordance with Section ~~18.35.050.D~~ 17.26.050.4.
- b. Written notice of such decision shall be given by mail within seven (7) calendar days after the date of the decision to the applicant and any person filing a written request for notice of the decision. Notice of decision shall be deemed given when placed in the United States mail with postage prepaid, using the address set forth on the application or using such envelope, as

the case may be. Said notice may also be given, at the discretion of the City Services Director, by personal delivery, with the same effect as if mailed.

- c. The decision of the City Services Director shall be final upon expiration of ten (10) calendar days from and including the date of decision, unless a notice of appeal is filed with the City Services Director within such time.

D. Appeal

1. Any decision of the City Services Director made pursuant to this section shall be subject to appeal to the ~~Board of Supervisors~~ City Council.
2. The applicant or any other person aggrieved may appeal from such decision by filing a written notice of appeal with the City Services Director prior to the time the decision becomes final. The City Services Director shall furnish forms of notice of appeal. The appeal shall be accompanied by the fee established by resolution of the ~~Board of Supervisors~~ City Council.
3. Notice of the hearing on the appeal shall be given in the manner and time provided in Section ~~18.30.050.D~~ 17.26.050.
4. The ~~Board of Supervisors~~ City Council may reverse, affirm wholly or partly, modify, or attach other or additional conditions to the decision appealed from.
5. The decision of the ~~Board of Supervisors~~ City Council on any such appeal shall be final upon adoption of an order or resolution containing its determination, and no notice thereof need be given.

E. Recordation

Upon approval of the request for lot line adjustment and expiration of the appeal period specified in Section ~~18.35.050.D~~ 17.26.050 or final decision of the ~~Board of Supervisors~~ City Council upon appeal, the City Services Director shall cause to be recorded with the County Recorder a Certificate of Compliance and appropriate attachments reflecting the approved lot line adjustment, provided the following criteria have been met:

1. The applicant, or the applicant's title company or agent, has submitted the grant deed or deeds for the land proposed to be conveyed for the lot line adjustment, in recordable form, and the City Services Director has determined that the grant deed or deeds are in substantial compliance with the approved lot line adjustment map, and that said grant deed or deeds contain the words "FOR PURPOSES OF LOT LINE ADJUSTMENT NO. \_\_\_." In lieu of submitting the grant deed or deeds, the applicant's title company may issue a "Letter of Intent" to arrange simultaneous recording of deeds with the Certificate of Compliance.
2. In cases where deeds of trust are affected by the adjustment, the applicant's title company shall prepare partial reconveyances and supplemental deeds of trust in substantial compliance with the approved lot line adjustment, and shall arrange for their concurrent recording with the Certificate of Compliance.
3. All applicable fees have been paid, or arrangements have been made for all documents to be recorded by the title company.

4. The grant deed or deeds, partial reconveyances, and supplementary deeds of trust, if applicable, shall be recorded concurrently and shall constitute constructive notice of the adjustment, pursuant to Section 66412(d) of the Subdivision Map Act.
5. A guarantee of title, or a preliminary title report dated ten (10) days or less prior to concurrent recording of deeds and Certificate of Compliance, has been issued by a title company authorized to do business in California, showing that all parties having any record title interest in the land to be subdivided, or any part thereof, including, but not limited to, leaseholders, lienholders, and owners of rights-of-way, showing the nature of each respective interest and reference thereto in the Official Records, by book and page, as of the date the lot line adjustment is filed with the County for recording. In addition, the liability of such guarantee, if one is issued, shall not be less than one thousand dollars (\$1,000). In lieu of an updated preliminary title report, the title company may submit a written statement (letter of continuation) which certifies that no changes affecting the title of the subject property have occurred since the original issuance of the preliminary title report.
6. As provided for by the State of California Subdivision Map Act, Section 66412(d), no tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. the applicant may file a "Record of Survey" along with the required map and grant deed or deeds. No record of survey shall be required for a lot line adjustment unless required by the Professional Land Surveyor's Act, Section 8762 of the Business and Professions Code, State of California. If a field survey is made as part of the lot line adjustment or if monuments are set at the new parcel lines, a Record of Survey shall be filed in accordance with Section 8764 required pursuant per the Professional Land Surveyor's Act, Section 8762 of the Business and Professions Code, State of California, unless the boundary is monumented as part of a land division with a recorded map.
7. All other conditions of approval for the lot line adjustment have been satisfied.

F. Expiration and Extensions

1. An approval or conditional approval shall expire one (1) year from the date of approval of the lot line adjustment.
2. The subdivider or engineer may request an extension of the expiration date of the approved lot line adjustment by written application to the Director of the ~~City of Lindsay~~ City Services Department. The application shall be filed prior to the expiration date and shall state the reasons for requesting the extension and the amount of time requested. The Director of the ~~City of Lindsay~~ City Services Department shall approve or deny the request for extension. The maximum amount of time for each extension request shall not exceed one (1) year. Not more than three (3) extensions shall be approved for a lot line adjustment, and the total period of all extensions shall not exceed thirty-six (36) months.

~~G. Procedure for Over the Counter Approval~~

- ~~a. The applicant's engineer or surveyor may request that the processing of an application be performed over the counter. The decision to grant the request for over the counter processing shall be at the discretion of the City Services Director. However, no application~~

~~shall be processed over the counter where the approval of a development variation or limited design variation to this chapter is required in order to approve the design of the map. Additionally, the Director must find that the project will be exempt from the requirements of the California Environmental Quality Act (CEQA) and that no other discretionary approval is required to approve the proposed map.~~

- ~~b. In such instances where the City Services Director grants a request for over the counter processing, the following listed sections of this chapter shall be inapplicable: 18.35.050.A, 18.35.050.B, and 18.35.050.C.~~
- ~~c. Upon a determination that the application is complete, the City Services Director shall make a determination if the processing of the application can continue through the over-the-counter process. If an affirmative determination is made, the City Services Director shall act to approve or disapprove the lot line adjustment within two (2) working days. The time limits for acting on certain matters specified in the section may be extended by mutual consent of the applicant and the City Services Department evidenced in writing.~~
- ~~d. A copy of any report or recommendation on the proposed lot line adjustment prepared by the City Services Department shall be given to the applicant's engineer or surveyor at the counter prior to taking final action on the proposal.~~
- ~~e. The City Services Director may approve, conditionally approve, or deny any application. Such decision shall include findings in accordance with the provisions of this title. The decision shall be final subject to appeal in accordance with Section 18.35.050.D.~~
- ~~f. Written notice of such decision shall be given to the applicant's engineer or surveyor at the counter or given in a manner mutually agreeable to the Director and the applicant's representative.~~
- ~~g. The decision of the City Services Director shall be final upon expiration of ten (10) calendar days from and including the date of decision, unless a notice of appeal is filed with the City Services Director within such time.~~
- ~~h. All conditions of approval shall be final, and a subsequent request to delete or modify a condition to make it less restrictive shall only be considered after a written request is submitted and accompanied by the applicable fee. Consideration of the request shall be in accordance with Section 18.35.050.G unless said conditions are appealed pursuant to Section 18.35.050.D.~~

#### **17.26.060 MATTERS TO BE CONSIDERED AND FINDINGS**

- A. Subject to the provisions of the California Environmental Quality Act of 1970, the State CEQA Guidelines, and the City of Lindsay Municipal Code, the City Services Director shall review and consider any applicable environmental documents.
- B. The lot line adjustment may be approved by the City Services Director if he/she finds that the proposed lot line adjustment is consistent with the General Plan, any applicable specific plan, and all applicable provisions of the City of Lindsay Municipal Code.

- C. The lot line adjustment may be denied by the City Services Director on any of the grounds provided by the California Subdivision Map Act or this title. The City Services Director shall deny approval of the lot line adjustment if he/she makes any of the following findings:
1. That the proposed lot line adjustment is inconsistent with the General Plan, any applicable specific plan, or any applicable provisions of the City of Lindsay Municipal Code.
  2. That the site is not physically suitable for the proposed type of development.
  3. That the site is not physically suitable for proposed density of development.
  4. That the lot line adjustment is likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the City Services Director may approve such a lot line adjustment if an environmental impact report was prepared with respect to the project and necessary findings were made pursuant to Section 21081(a), (b), and (c) of CEQA.
  5. That the lot line adjustment is likely to cause serious public health problems.
  6. That the lot line adjustment will conflict with easements acquired by the public at large for access through or use of property within the proposed lot line adjustment. In this connection, the City Services Director may approve a lot line adjustment if he/she finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This section shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction, and no authority is hereby granted to the City Services Director to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
  7. That method of sewage disposal, water supply, and measures for preservation of environmental health are inconsistent with the Tulare County Environmental Health Services Department Standards and Rules and Regulations for Land Development. However, the requirements may be waived by the Environmental Health Services Director in the exercise of his/her reasonable discretion. In no event shall any requirements be waived if, in the opinion of the Fire Chief, such waiver would adversely affect the fire protection capabilities of the Fire Department.

#### **17.26.070 DEVELOPMENT VARIATIONS**

- A. The applicant may file a petition requesting one (1) or more development variations. Such variation requests should be filed with the request for lot line adjustment. Application for development variation shall include the applicant's justification for approval of the request and may include a requirement for submittal of a design sample.
- B. The City Services Director is authorized to approve or conditionally approve a variation if he/she finds that:
1. Special circumstances exist with respect to the property or the proposed subdivision design that warrants the requested development variation; and,

2. Approval of the variation will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.
- C. The City Services Director may conditionally approve a variation as he/she deems necessary to substantially secure the objectives of this title and to conform to the requirements of this section.
- D. The City Services Director shall give notice and, if requested, conduct a hearing on each proposed variation, after notice, in the manner provided in Section ~~18.30.050-D~~ 17.36.090 and shall make the determinations mentioned in Section ~~18.30.070-B~~ 17.26.060. The hearing on a variation may be conducted at the same time as the hearing on a request for lot line adjustment, or at a different time. If the variation is disapproved, it shall not be applied for or heard again, except on appeal, in connection with the same request for lot line adjustment unless it is shown there has been a substantial change in circumstances or a substantial redesign of the request for lot line adjustment.

#### **17.26.080 MINOR REVISIONS**

- A. Minor revisions to an approved lot line adjustment may be approved by the City Services Director as being in substantial conformity with the originally approved lot line adjustment upon application by the subdivider or his/her authorized agent, provided that:
  1. Such changes are consistent with the intent of the original approval; and
  2. There are no resulting violations of the City of Lindsay Municipal Code.
- B. Approved revisions shall be denoted on the approved lot line adjustment map and/or in writing to the subdivider, whichever is appropriate.
- C. No revision shall affect the original expiration date of the approved lot line adjustment.
- D. The City Services Director may require a new application in lieu of the above procedure when, in his/her opinion, requested changes are substantial enough to warrant refiling and reprocessing.

## 17.27 VOLUNTARY PARCEL MERGER

17.27.010 Purpose

17.27.020 Voluntary Parcel Merger Authorized

17.27.030 Process For Reviewing A Voluntary Parcel Merger

17.27.040 Appeals

### 17.27.010 PURPOSE

The purpose of this ~~article-chapter~~ is to provide a simplified procedure to allow for the removal of previously approved parcel lines and the merger of contiguous parcels under common ownership at the request of the property owner, pursuant to section 66499.20.3/4 of the Subdivision Map Act. The procedure provided by this ~~article-chapter~~ is an alternative to the procedures provided by ~~articles-chapters F17.16, "Tentative Maps," and G17.20, "Final Maps," And and 17.24 "Parcel Maps," of this chapter-Title 17.~~ Nothing stated herein shall be construed to prevent an applicant from filing a tentative map and a final map or parcel map for any merger. ~~(Ord. 2012-02, 6-5-2012).~~

### 17.27.020 VOLUNTARY PARCEL MERGER AUTHORIZED

Pursuant to Section 66499.20.3/4 of the Subdivision Map Act, the ~~planning commission-City Services Director~~ is authorized to approve the merger requested by the property owner of contiguous parcels under common ownership without reversion to acreage, upon making the findings and utilizing the procedures set forth in this chapter. The city clerk shall cause an instrument to be recorded as evidence of a merger approved under this ~~articlechapter~~. ~~(Ord. 2012-02, 6-5-2012)~~

### 17.27.030 PROCESS FOR REVIEWING A VOLUNTARY PARCEL MERGER

- A. Application: An application for a merger pursuant to this ~~article-chapter~~ may be made by owners of all affected parcels or individuals authorized by the owner(s) to make an application. Such application shall be filed with the ~~planning department-City Services Director~~ and shall include the following information, materials, and documents to the satisfaction of the city:
1. A completed application form, of which the blank form shall be provided by the ~~planning department-City Services Director~~.
  2. A filing fee as established by resolution of the ~~city council-City Council~~.
  3. A preliminary title report that is current and dated not more than 90 days prior to submittal of application. All items referenced within the title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting application.
  4. The legal descriptions of the existing parcels, with a title as Exhibit A, Voluntary Parcel Merger No. 20xx-xx, Existing Legal Descriptions. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and ~~expiration~~-date of ~~signinglicense/registration~~ per the Professional Land Surveyor's Act, Section 8761. Upon filing the application, the ~~planning department-City Services Director~~ will assign the application a Voluntary Parcel Merger number.
  - 4.5. ~~The legal descriptions of the merged parcels, with a title as Exhibit B, Voluntary Parcel Merger No. 20xx-xx, Merged Parcel Legal Description. The licensed land surveyor or registered civil~~

engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and date of signing per the Professional Land Surveyor's Act, Section 8761.

5-6. One (1) copy of a map, legibly drawn on a sheet(s) eight and one half (8½) inches by 11 inches and titled Exhibit C, Voluntary Parcel Merger No. 202x-xx, that includes all of the following information:

- a. The entire existing boundary line of all affected parcels conforming with existing record data, with essential information as to bearings and dimensions.
  - b. The proposed merged boundary lines with dimensions and curve radii and area of the merged parcel.
  - c. Each existing parcel identified with a letter, assessor parcel number, deed document number and area of each parcel.
  - d. The names, widths, and locations of the existing public and private streets.
  - e. The location, width, purpose, and owners of existing easements or rights of way with all easements located to boundary, if applicable.
  - f. The north arrow, scale of drawing and a legend, if applicable.
  - g. The owner's name, assessor parcel number and deed document number of all adjoining parcels.
  - h. The location of building structures with building setbacks measured from the merged parcel boundaries.
  - i. A small scale vicinity map portraying and orienting the boundaries of the voluntary parcel merger boundary with respect to surrounding areas and roads.
  - j. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and ~~expiration~~ date of signing/license/registration per the Professional Land Surveyor's Act, Section 8761.
- B. A perfecting deed, which will record when the Notice of Voluntary Parcel Merger is approved.
- C. Application Review: Applications for voluntary parcel mergers shall be reviewed upon determination that the application is complete, the City Services Director shall act to approve or disapprove the voluntary parcel merger/lot line adjustment within fifty (50) calendar days. The time limits for acting on certain matters specified in this section may be extended by mutual consent of the applicant and the City Services Department evidenced in writing. as provided in subsections 8-7B-4B, "Determination Of Completeness", and 8-7B-4C, "Application Review And Report", of this chapter.
- D. Timely Processing: Applications for voluntary parcel mergers shall be processed by the applicant in a timely manner. If the applicant fails to process the application to completion within one year from the date the application was first submitted, due to the applicant's failure to respond to requests for additional information, to pay processing fees, or for any other reason, and upon written notice of the city, the application shall be deemed withdrawn.

Thereafter, a new application, including the filing fee, will be needed to process a voluntary parcel merger.

- E. Decision By The Approving Authority: A decision on the application for voluntary parcel merger shall be made by the ~~designated approving authority~~City Services Director after review and recommendation by the ~~public works director and~~ city engineer and city surveyor. The application shall be decided within the time limits described in this chapter and the subdivision map act.
- F. Findings: The designated approving authority shall not approve a Voluntary Parcel Merger pursuant to this ~~article~~chapter unless it makes all of the following findings:
  - 1. That all required street, access, and utility easements are in place.
  - 2. That the resulting parcel conforms to the requirements of this chapter, the city's general plan, any applicable specific plan, the city's zoning code, and the city's building code. (~~Ord. 2012-02, 6-5-2012~~)

#### **17.27.040 APPEALS**

The applicant or any interested person adversely affected by any action of the designated approving authority on a merger may, within ten (10) days after the decision, appeal the decision.

- A. Any decision of the City Services Director made pursuant to this section shall be subject to appeal to the Board of Supervisors-City Council.
- B. The applicant or any other person aggrieved may appeal from such decision by filing a written notice of appeal with the City Services Director prior to the time the decision becomes final. The City Services Director shall furnish forms of notice of appeal. The appeal shall be accompanied by the fee established by resolution of the Board of Supervisors City Council.
- C. Notice of the hearing on the appeal shall be given in the manner and time provided in City of Lindsay Municipal Code.
- D. The Board of Supervisors-City Council may reverse, affirm wholly or partly, modify, or attach other or additional conditions to the decision appealed from.
- E. The decision of the Board of Supervisors-City Council on any such appeal shall be final upon adoption of an order or resolution containing its determination, and no notice thereof need be given.

~~consistent with subsection 8-7B-4E, "Appeals", of this chapter. (Ord. 2012-02, 6-5-2012)~~

#### **17.27.050 RECORDING**

The merger of contiguous parcels under common ownership shall be recorded in a Notice of Voluntary Merger form satisfactory to the county recorder. It shall be submitted to the ~~planning department~~City Services Director for a determination that the final documentation complies with the approved merger. The perfecting deed shall be submitted to the City Services Director~~planning department~~ for a determination that the final documentation complies with the approved merger. The approved final documentation shall thereafter be forwarded by the ~~planning~~

~~department~~City Services Director to the county recorder's office for recording. The applicant shall pay all recording fees. (~~Ord. 2012-02, 6-5-2012~~)

## **17.28 Development Standards**

17.28.010 Conformance Required

17.28.020 Buildable Lots Required

17.28.030 Access To Public Streets

17.28.040 Lot Standards

17.28.050 Streets; Conformance Required

17.28.060 Streets; Minimum Standards

17.28.070 Streets; Right-Of-Way Width

17.28.080 Streets; Pattern

17.28.090 Streets; Names

17.28.100 Alleys

17.28.110 Areas Adjacent To Arterials

17.28.120 Grades, Curves And Sight Distances

17.28.130 Curbs, Sidewalks And Pedestrian Ways

17.28.140 Hillside Subdivisions

17.28.150 Landscaping

17.28.160 Utility Facilities And Easements

17.28.170 Watercourses

17.28.180 Blocks; Width

17.28.190 Blocks; Length

17.28.200 Reserve Strips

17.28.210 Neighborhood Facilities; Site Reservation

17.28.220 Neighborhood Facilities; Determination Of Need

17.28.230 Neighborhood Facilities; Service Areas

17.28.240 Neighborhood Facilities; Principles And Standards

17.28.250 Dedications For Park And Recreation Purposes

17.28.260 Nonresidential Subdivisions; General Plan And Environmental Design Plan Conformance

17.28.270 Nonresidential Subdivisions; Types

17.28.280 Nonresidential Subdivisions; Principles And Standards

### **17.28.010 Conformance Required**

Except where modified by the city council, each subdivision or parcel map subdivision and map thereof shall be in conformity with the standards set forth or referred to in this chapter.

(Ord. 341 § 1 (19.7.100), 1979)

### **17.28.020 Buildable Lots Required**

All subdivisions shall result in the creation of lots which are developable and capable of being built upon. No subdivision shall create lots which are impractical of improvement due to size or shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other natural physical conditions.

(Ord. 341 § 1 (19.7.200), 1979)

### **17.28.030 Access To Public Streets**

All lots or parcels created by the subdivision of land shall have access to a public street improved to standards required in this chapter. Private streets shall not normally be permitted. However, if the planning commission finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons therefor, then such access may be recommended by the planning commission. The subdivider shall submit a development plan showing the alignment, width, grade and material specifications of any proposed private street, the topography and means of access to each lot, drainage and sewerage of the lots served by the private street, and a plan satisfactory to the city council for ownership and maintenance of the street and the liability for taxes thereon. Construction of the private street or access shall be completed prior to occupancy of any buildings on lots served by a private street.

(Ord. 341 § 1 (19.7.300), 1979)

### **17.28.040 Lot Standards**

The size, shape and orientation of lots in the subdivision shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed:

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance for the district in which the subdivision is located.
- B. The sidelines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if the street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.
- C. No residential lot shall have a width less than sixty feet at the building setback line, as set forth in the zoning ordinance.
- D. Corner Lots for residential use shall be platted wider than interior lots in order to permit conformance with the required street side yard requirements of the zoning ordinance.
- E. No lot shall have a depth of less than ninety-five feet.
- F. No lot shall be divided by a city boundary line, nor any boundary between parcels registered under separate ownership. Each such boundary line shall be made a lot line.
- G. A lot depth in excess of twice the width shall be avoided whenever possible.
- H. No remnants of property shall be left in the subdivision which do not conform to lot requirements, or are not required for a private utility or public purpose.
- I. Lot numbers shall begin with the number "1" and shall continue consecutively through the tract, with no omissions or duplications, and no block designations shall be used.
- J. Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this title unless the general layout in the

vicinity, lines of ownership, topographical conditions, or locations of arterial streets or freeways justify or make necessary a variation from this requirement.

- K. A flag lot shall only be permitted in hillside development where topographic conditions preclude direct lot frontage on the abutting street. In such case the access strip shall be not less than twenty feet in width and shall not exceed one lot in depth. In calculating the lot area of a flag lot, the square footage included in the access strip shall not be counted.

(Ord. 341 § 1 (19.7.400), 1979)

**17.28.050 Streets; Conformance Required**

The subdivision design shall conform to the pattern of arterials designated in the general plan, and where applicable the environmental design plan, and to any future street plan lines designated by the planning commission and approved by the city council. Whenever a subdivision fronts on a designated arterial, it shall be included in the tract and shall be platted by the subdivider in the location indicated.

(Ord. 341 § 1 (19.7.500 (part)), 1979)

**17.28.060 Streets; Minimum Standards**

Where higher standards have not been established as specified in Section 17.28.050, all streets and arterials shall be platted according to the minimum set forth in Sections 17.28.070 through 17.28.130 except where it can be shown by the subdivider, to the satisfaction of the city council, that the topography or the small number of lots served and the probable future traffic development are such as to unquestionably justify a lesser standard. A planned community or planned unit development, if designed with a comprehensive circulation and parking system including separate pedestrian ways, may also justify modification of standards. High standards may be required where streets are to serve commercial or industrial property or where probable traffic conditions warrant.

(Ord. 341 § 1 (19.7.500 (part)), 1979)

**17.28.070 Streets; Right-Of-Way Width**

Right-of-way width shall be as follows:

Type of Street	Right-of-Way (Feet)
Major arterial street	110
Secondary street	84
Collector street	60
Local street	56
Cul-de-sac street	56
Private streets and alleys	20–30

(Ord. 341 § 1 (19.7.500 (part)), 1979)

**17.28.080 Streets; Pattern**

The street pattern in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

- A. Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
- B. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the planning commission, the extension is not necessary for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- C. Where necessary to give access to or permit a satisfactory subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved with a temporary turnaround. In all other cases, a turnaround having a minimum pavement radius of forty-four feet measured to the face of the curb, shall be required.
- D. Proposed streets shall intersect on another as nearly at right angles as topography and other limiting factors of good design permit. T intersections rather than cross intersections shall be used wherever possible.
- E. Excessively long straight local residential streets, conducive to high-speed traffic, shall be prohibited.
- F. Cul-de-sacs or dead-end streets should not be more than six hundred feet in length whenever possible.

(Ord. 341 § 1 (19.7.500 (part)), 1979)

**17.28.090 Streets; Names**

- A. All street names shall be approved by the planning commission. Duplication of existing names shall not be allowed unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.
- B. Names of through streets in a north-south alignment shall be followed by the designation "Avenues" and the names of through streets in an east-west alignment shall be followed by the designation "Street."
- C. Cul-de-sac streets in a north-south alignment shall be followed by the designations of either "Lane," "Circle" or "Court" and cul-de-sac streets in an east-west alignment shall be followed by the designations of either "Place," "Way" or "Drive."

(Ord. 391, 1984; Ord. 341 § 1 (19.7.500 (part)), 1979)

**17.28.100 Alleys**

- A. Alleys shall be optional in residential subdivisions. The planning commission for any one of the following reasons may require alleys (if alleys are required, they shall be constructed to city standards):
  - 1. Unusual size, shape or topographical character of the property to be subdivided;
  - 2. The relationship to existing or proposed commercial, industrial or high-density residential development or adjacent railroad right-of-way;
  - 3. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage;
  - 4. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.
- B. Residential alleys shall have a minimum dedicated width of twenty feet.
- C. Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas and shall have a minimum dedicated width of thirty feet with adequate provisions for ingress and egress.
- D. A twenty-foot corner diagonal cutoff measured along the property lines from the point of intersection will be required where two alleys intersect.
- E. Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.
- F. Dead-end alleys shall be prohibited.

(Ord. 341 § 1 (19.7.500 (part)), 1979)

**17.28.110 Areas Adjacent To Arterials**

Subdivision design adjacent to arterials shall be as specified in the general plan, or the environmental design plan, and as determined by the planning commission. The following principles and standards shall be observed:

- A. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on the arterials.
- B. The number of intersecting streets along arterials shall be held to a minimum.
- C. Frontage roads, if required, shall conform to the standards and shall be separated from the arterial or freeway by a strip of permanent landscaping, not less than ten feet in width, subject to approval by the ~~planning-city services~~ director. Frontage roads shall enter arterials by means of intersections designed with turning and stacking capacity adequate for the traffic volume as estimated by the city engineer.
- D. Where frontage roads are not required, residential lots adjacent to an arterial shall be served by a local residential street paralleling the arterial at a generous lot depth therefrom, or by a series

of cul-de-sacs or loop streets extending towards the arterial from a collector street five hundred feet therefrom. In such cases, a wall or fence with masonry pillars of a design approved by the planning-city services director shall be required at the rear of properties adjacent to the arterial. A strip of permanent landscaping within the arterial right-of-way not less than six feet in width, subject to approval of the planning-city services director shall be required adjacent to the wall or fence, facing the arterial.

- E. When the rear of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument, deemed sufficient by the city attorney, prohibiting the right of ingress and egress from the arterial to the lot.

(Ord. 341 § 1 (19.7.500 (part)), 1979)

#### **17.28.120 Grades, Curves And Sight Distances**

Grades, curves and sight distances shall be subject to approval by the city engineer, to insure proper drainage and safety for vehicles and pedestrians. The following principles and minimum standards shall be observed:

- A. Grades of streets shall not be less than two-tenths percent and not greater than seven percent, unless because of topographical conditions or other exceptional conditions, the city engineer determines that a grade less than two-tenths percent or in excess of seven percent is necessary.
- B. Whenever any street intersects an arterial street or state highway, the property lines at the intersection shall be rounded with a curve having a radius of not less than thirty feet. On all other street intersections, the property line at each block corner shall be rounded with a curve having a radius of not less than twenty feet. In either case, a greater curve radius may be required if streets intersect at other than right angles.
- C. The centerline curve radius on all streets and highways shall conform to accepted engineering standards of design.

(Ord. 341 § 1 (19.7.500 (part)), 1979)

#### **17.28.130 Curbs, Sidewalks And Pedestrian Ways**

The following principles and standards shall apply to the design and installation of curbs, sidewalks and pedestrian ways:

- A. Vertical curbs and gutters as shown on the city's standard detail drawings shall be required in all subdivisions, except for the exceptions specified in this section.
- B. Sidewalks shall be required on both sides of the street in any subdivision.
- C. The planning commission may recommend that sidewalks be omitted in a subdivision or section thereof in which all lots have an area of one-half acre or more, or in a planned community or planned unit development having an internal pedestrian system; provided, that the planning commission finds that the public safety is not jeopardized by the omission.
- D. When required for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities, or for unusually long blocks, the subdivider shall construct pedestrian

ways not less than twenty feet in width, provided with fencing, landscaping and a pavement not less than ten feet in width.

- E. Sidewalks shall normally be located within the street right-of-way as shown on the city's standard detail drawings.
- F. For lots containing trees with a trunk diameter of four inches or greater, curb cuts for driveways shall be so located as to ensure the preservation of the trees.

(Ord. 341 § 1 (19.7.500 (part)), 1979)

#### **17.28.140 Hillside Subdivisions**

In case any portion of a planned community or planned unit development of a subdivision having lots not less than one-half acre in area is situated on land having an average slope of ten percent or more, the planning commission may recommend modification of the foregoing requirements of this chapter in a manner that will result in the best possible utilization of the land to be subdivided giving consideration to the topography and natural cover of the land and the general character of the proposed subdivision. The following principles and standards shall be observed:

Street grades for other than arterial or collector streets may be increased to a maximum of twenty percent grade.

(Ord. 341 § 1 (19.7.600), 1979)

#### **17.28.150 Landscaping**

Landscaping by the subdivider shall be required in all subdivisions. Substantial trees shall be planted throughout the development in all front yard setbacks, at least one five-gallon tree provided on each lot. Specimen trees, approved by the ~~planning-city services~~ director, of no less than ten-gallon container size, may be required at least every thirty feet along the setback adjacent to, but not within, the right-of-way of a designated arterial, secondary and collector street. Both the front yard and rear yard shall be landscaped to meet MWELLO standards prior to issuance of certificate of occupancy.

(Ord. 341 § 1 (19.7.700), 1979)

#### **17.28.160 Utility Facilities And Easements**

- A. All utility distribution facilities shall be placed underground.
- B. Utility easements shall be provided within the subdivision where required for public utility purposes. Modification of the easement width requirement may be granted only when approved by both the city engineer and the public utility or utilities concerned.

(Ord. 341 § 1 (19.7.800), 1979)

#### **17.28.170 Watercourses**

The subdivider shall dedicate a right-of-way for storm drainage conforming substantially with the lines of any natural watercourse or channel, stream or creek that traverses the subdivision, or at the option of the

planning commission the subdivider shall provide by dedication further and sufficient easements or construction, or both, to dispose of the surface and storm water.

(Ord. 341 § 1 (19.7.900), 1979)

**17.28.180 Blocks; Width**

Blocks shall normally have sufficient width for an ultimate layout of two tiers of lots of the size required by the provisions of the zoning ordinance.

(Ord. 341 § 1 (19.7.1000), 1979)

**17.28.190 Blocks; Length**

Blocks shall not normally exceed nine hundred feet in length between street lines, or be less than four hundred thirty feet, except in hillside developments or where subdivisions containing parcels of one-half acre or larger justify or require a variation from this requirement.

(Ord. 341 § 1 (19.7.1100), 1979))

**17.28.200 Reserve Strips**

A one-foot reserve strip shall be provided at the dead-end of a stubbed street or at the edge of a partial width street and shall be offered for dedication to the city for future street purposes and show on the final map.

(Ord. 341 § 1 (19.7.1200), 1979)

**17.28.210 Neighborhood Facilities; Site Reservation**

The subdivider shall reserve sites, appropriate in area and location, for necessary and desirable residential facilities, such as schools, parks, playgrounds and shopping centers. Such sites shall be located in accordance with the principles and standards contained in this chapter or expressed in the general or environmental design plans. School sites shall be dedicated in accordance with the provisions of the Subdivision Map Act. Recreation sites shall be dedicated in accordance with the provisions of the Subdivision Map Act or in the alternative pay the fee required in this chapter.

(Ord. 341 § 1 (19.7.1300(part)), 1979)

**17.28.220 Neighborhood Facilities; Determination Of Need**

The neighborhood facilities needed shall be determined on the basis of the estimated number of families in the area to be served by the facilities.

(Ord. 341 § 1 (19.7.1300 (part)), 1979)

**17.28.230 Neighborhood Facilities; Service Areas**

The delineating of service areas determining the need for residential facilities at the district or community level shall be based on the general or environmental design plans, if applicable. The "planning neighborhood" will normally provide the basis for estimating the number of families to be served by

facilities at the local level. A "planning neighborhood" shall insofar as possible exhibit the following characteristics:

- A. It is bounded, rather than bisected, by major thoroughfares or other substantial land use or natural barriers to pedestrian traffic;
- B. It is usually not over a mile in extent in any direction;
- C. It contains a minimum of five hundred families.

(Ord. 341 § 1 (19.7.1300 (part), 1979)

#### **17.28.240 Neighborhood Facilities; Principles And Standards**

The following principles and standards are intended to serve as a general guide in determining the residential facilities for which sites normally will be required:

- A. An elementary school site of approximately ten acres will be required for each six hundred families or more or less, required to be served by the school. The school site shall be central to the population to be served and shall not face on an arterial.
- B. Whenever possible, playground and neighborhood recreation areas shall be developed in conjunction with elementary school sites. A park site, if required, shall not normally be less than five acres in area, and the sites shall specifically include areas with natural advantages for park development.
- C. Where natural waterways are included within the boundaries of a subdivision, such areas shall be reserved for public use, including recreation and the disposal of storm waters. These purposes may be accomplished through dedication and/or storm drainage and scenic easements.
- D. A site of two to five acres including off-street parking and landscaping will normally be required for a local shopping center to serve a population of one thousand to two thousand families.

(Ord. 341 § 1 (19.7.1300(part)), 1979)

#### **17.28.250 Dedications For Park And Recreation Purposes**

- A. Pursuant to the Subdivision Map Act, as amended, the recreation element of the general plan and park and recreation facilities, standards and principles in the general or environmental design plans, a subdivider, as a condition of approval of a final subdivision map, shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city council, for park or recreation purposes according to the following standards:
  - 1. For subdivisions of one hundred lots or more the subdivider shall dedicate land or pay a fee, or both, in such ratio as the planning commission deems most desirable. Dedication of land shall be at the rate of not less than two acres of land per one hundred lots in the subdivision or ten percent of the total area in the subdivision, whichever is greater. The rate for payment shall be established from time to time by city council resolution.

2. For subdivisions containing between fifty and one hundred lots, the subdivider shall dedicate land, or pay a fee, or both, in such ratio as the planning commission deems most desirable. The rates for dedication and payment shall be established by city council resolutions.
  3. For proposed condominium or multifamily developments, the number of dwelling units proposed shall be considered as the number of lots for the requirements specified in this section, or if no particular number of dwelling units is proposed, the requirements shall be based on the number of dwelling units per acre permitted in the zoning regulations which apply to the land to be subdivided.
  4. All land to be dedicated for park or recreational purposes shall be found to be suitable by the planning commission and the park and recreation commission as to location, parcel size and topography for the park and recreation purposes for which it is indicated in the general plan or the environmental design plan. Such purposes may include active recreation facilities such as playgrounds, playfields, pedestrian or bicycle paths or areas of particular natural beauty, including hilltops and natural watercourses to be developed or left in their natural state.
  5. Land to be dedicated may include all of a proposed park or recreational facility, or may include only part of a facility. Such partial dedication may be added to by public land purchase or by dedication of additional land on adjoining property not owned by the subdivider.
- B. At the time of approval of the final subdivision map, the city shall specify when development of the park or recreational facility shall begin and be completed.
- C. The provisions of this section shall not normally apply to industrial subdivisions; however, the planning commission may recommend as a condition of approval, the dedication by an industrial subdivider of that portion of a stream bed or drainage channel falling within an industrial subdivision when such portion forms part of an open space network designated in the general plan or an environmental design plan.

(Ord. 341 § 1 (19.7.1400), 1979)

**17.28.260 Nonresidential Subdivisions; General Plan And Environmental Design Plan Conformance**

The street and lot layout of a nonresidential subdivision shall be appropriate to the land use for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the general plan, the environmental design plans and the zoning ordinance.

(Ord. 341 § 1 (19.7.1500 (part)), 1979)

**17.28.270 Nonresidential Subdivisions; Types**

Nonresidential subdivisions shall include industrial tracts, and may include commercial tracts.

(Ord. 341 § 1 (19.7.1500 (part)), 1979)

**17.28.280 Nonresidential Subdivisions; Principles And Standards**

In addition to the principles and standards in this title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the

street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;
- B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon;
- C. Special requirements may be imposed by the city with respect to street, curb, gutter, walk design, building design, construction and landscaping;
- D. Special requirements may be imposed by the city with respect to the installation of public utilities including water, sewer and storm water drainage;
- E. Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary;
- F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic;
- G. Subdivisions for proposed commercial development shall take into account and specifically designate all areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.

(Ord. 341 § 1 (19.7.1500 (part)), 1979)

## **17.32 Public Improvements**

17.32.010 Minimum Requirements

17.32.020 Inspection And Supervision

17.32.030 General Requirements

17.32.040 Underground Utilities

17.32.050 Railroad Crossings

17.32.060 Landscaping

17.32.070 Lot Corners

17.32.080 Additional Improvements

17.32.090 Supplemental Improvements; Requirement

17.32.100 Supplemental Improvements; Reimbursement Agreement

17.32.110 Utility Fees And Off-Site Charges

17.32.120 As-Built Plan

17.32.130 Benchmarks

### **17.32.010 Minimum Requirements**

The subdivider shall improve, or agree to improve, all streets, pedestrian ways or easements in the subdivision and adjacent thereto required to serve the subdivision. No permanent improvement work shall be commenced until improvement plans and profiles have been approved by the city engineer and a subdivision agreement contract has been concluded between the subdivider and the city. Improvements shall be installed to permanent line and grade and to the satisfaction of the ~~public works~~city services director, prior to the issuance of home building permits, and in accordance with the standard subdivision specifications adopted by the city council, a copy of which shall be on file in the office of the city engineer. Cost of inspection shall be paid by the subdivider. The minimum improvements which the subdivider normally makes, or agrees to make, at the cost of the subdivider, prior to the acceptance and approval of the final subdivision map by the city, shall be as set out in Section 17.32.020 through 17.32.070.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

### **17.32.020 Inspection And Supervision**

All improvements shall be inspected and approved by the city engineer or his authorized representative. The subdivider shall be responsible for the actions of this contractor. Twenty-four hours' minimum notice will be required prior to an inspection by city personnel.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

### **17.32.030 General Requirements**

Improvements shall be as follows:

- A. The subdivider shall be required to pay plan check and inspection fees which shall include all charges for engineering and inspection services rendered by the city including cost of recording maps. The plan check and inspection fee shall be as indicated in the city comprehensive fee schedule and shall be submitted to the city prior to the approval of the subdivision agreement by

the city council or included in the instrument of credit if such is the form of security for the subdivision agreement;

- B. Grading, curbs and gutter, paving, drainage structures necessary for the proper use and drainage of streets and pedestrian ways, and for the public safety;
- C. Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved;
- D. All streets and pedestrian ways shall be graded and surfaced to widths and grades shown on the improvement plans and profiles signed by the city engineer, and approved by the city council or as established by law. The subdivider shall improve the extension of all subdivision streets and pedestrian ways to the intercepting paving line of any county road, city street or state highway;
- E. Sidewalks shall be installed as shown on the improvement plans and profiles signed by the city engineer;
- F. Sanitary sewer facilities connecting with the existing city sewer system shall be installed in accordance with the city's master water and sewer plan and shall serve the subdivision with a separate private lateral for each lot and to grades and sizes shown on the plans signed by the city engineer. No septic tanks or cesspools will be permitted;
- G. Storm water drains shall be installed as shown on the plans signed by the city engineer;
- H. Water mains and fire hydrants connecting to the water system serving the city shall be installed as indicated in the city's master water and sewer plan, and shown on the plans signed by the city engineer. Mains and individual lot services shall be of sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection;
- I. Parking bays where required or permitted;
- J. Street signs shall be installed by the subdividers. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications;
- K. Street trees, if required, shall be of a type approved by the city council and planted in locations approved by it;
- L. Permanent monuments, barricades and traffic safety devices shall be placed as required by the city engineer;
- M. Street lighting facilities shall be provided in accordance with the city council's policy for the area of the city where the subdivision is located. Lighting shall be adequate to permit proper policing of the subdivision.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.040 Underground Utilities**

All utility distribution facilities, including, but not limited to, electric, communication and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility's rules and regulations on file with the California Public Utilities Commission.

A. Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal-mounted terminal bases and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of the facilities.

B. All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standards specifications prior to the surfacing of the street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

B-C. All proposed utilities within or adjacent to the subdivision shall be provided underground. Any existing utility located within or adjacent to the subdivision shall also be made underground except transmission lines of 70 kilovolts- ampere or larger. The City Services Director may waive this requirement upon finding that the undergrounding would not result in a public benefit.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.050 Railroad Crossings**

Provisions shall be made for any railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation for all documents necessary for application of the State Public Utilities Commission or the establishment and improvement of the crossings.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.060 Landscaping**

Landscaping shall be in accordance with Section 17.28.150.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.070 Lot Corners**

The subdivider's engineer shall set at all lot corners a marker consisting of a one-inch diameter iron pipe twenty-four inches long with the engineer's marker thereon.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.080 Additional Improvements**

Where deemed necessary by the city council for the public health, safety or welfare, other improvements may be required.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.090 Supplemental Improvements; Requirement**

The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such

improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.100 Supplemental Improvements; Reimbursement Agreement**

The city may enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of the improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only and the actual cost of oversized improvements.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.110 Utility Fees And Off-Site Charges**

The subdivider shall pay utility and off-site charges as may be required by the council resolution or ordinance in effect at the time of approval of the tentative subdivision map. The schedule of charges shall terminate at the time the tentative map expires or is reapproved by the city council. Utility and off-site charges in effect at the time of reapproval of a tentative subdivision map shall apply to the subdivision. These charges shall be paid prior to the approval of the subdivision agreement by the city council or included in the instrument of credit if such is the form of security for the subdivision agreement.

(Ord. 341 § 1 (19.8.100 (part)), 1979)

#### **17.32.120 As-Built Plan**

A complete improvement plan "as built" shall be filed with the city engineer upon completion of the improvements. The as-built plans are to be drawn on copies of the original tracings and certified as to accuracy and completeness by the subdivider's engineer. Upon receipt and acceptance of the as-built plan, the city engineer will recommend formal acceptance by the city council.

(Ord. 341 § 1 (19.8.200), 1979)

#### **17.32.130 Benchmarks**

Elevations on city datum shall be shown on the as-built improvement plans for all monuments in the subdivision.

(Ord. 341 § 1 (19.8.300), 1979)

### **17.36 Modifications And Appeals**

17.36.010 Modifications; Provisions Of Title

17.36.020 Modifications; Planned Community Or Planned Unit District

17.36.030 Modifications; Referral For Recommendations

17.36.040 Modifications; Objectives To Be Secured

17.36.050 Modifications; Planning Commission Report

17.36.060 Modifications; Council Action

17.36.070 Appeal; Notice

17.36.080 Appeal; Report

17.36.090 Appeal; Hearing

#### **17.36.010 Modifications; Provisions Of Title**

Whenever the land involved in any subdivision is of such size or shape or is subject to such title limitations of record or is affected by such topographical location or conditions or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider fully to conform to the regulations contained in this title, the planning commission may recommend and the city council may permit such modification thereof as may be reasonably necessary if the modifications are in conformity with the spirit and purpose of the Subdivision Map Act and this title. Application for any such modification shall be made by a verified petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with or after the filing of the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the planning commission finds the following facts with respect thereto:

- A. That there are special circumstances or conditions affecting the property;
- B. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- C. That the granting of the modification will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which the property is situated.

(Ord. 341 § 1 (19.9.100), 1979)

#### **17.36.020 Modifications; Planned Community Or Planned Unit District**

Whenever a planned community or planned unit district has been approved, the planning commission may recommend and the city council may permit modifications of the regulations contained in this title as may be necessary, in accordance with the criteria established in the zoning ordinance.

(Ord. 341 § 1 (19.9.200), 1979)

#### **17.36.030 Modifications; Referral For Recommendations**

Each proposed modification shall be referred to the officer of the department under whose jurisdiction the regulation involved comes and the officer or department shall transmit to the planning commission

his or its written recommendation, which recommendation shall be reviewed, prior to the recommending of any modification.

(Ord. 341 § 1 (19.9.300), 1979)

**17.36.040 Modifications; Objectives To Be Secured**

In recommending the exception, the planning commission shall secure substantially the objectives of the regulations to which the modifications are granted, as to light, air and public health, safety, convenience and general welfare.

(Ord. 341 § 1 (19.9.400), 1979)

**17.36.050 Modifications; Planning Commission Report**

In recommending the authorization of any modification under the provisions of this section, the planning commission shall report to the city council its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth the exception recommended and the conditions designated.

(Ord. 341 § 1 (19.9.500), 1979)

**17.36.060 Modifications; Council Action**

Upon receipt of the report, the city council may by resolution authorize the planning commission to approve the tentative map with the modifications and conditions the city council deems necessary to substantially secure the objectives of this title.

(Ord. 341 § 1 (19.9.600), 1979)

**17.36.070 Appeal; Notice**

Appeal may be made from any decision, determination or requirement of the planning commission or city engineer by filing a notice thereof in writing with the city clerk within fifteen days after the decision or determination or requirement is made. The notice shall set forth in detail the action and grounds upon which the subdivider deems himself aggrieved.

(Ord. 34:1 § 1 (19.9.700), 1979)

**17.36.080 Appeal; Report**

The city clerk shall report the filing of the notice to the planning commission and the city engineer. A written report shall be submitted to the city council by the one whose decision, determination or requirement is being appealed, not later than the date set for hearing the appeal.

(Ord. 341 § 1 (19.9.800), 1979)

**17.36.090 Appeal; Hearing**

The city council shall, not later than its next regular meeting following the filing of the appeal, set the appeal for hearing to be held within twenty-one days thereafter and the hearing may for good cause be continued by order of the city council. Written notice of the date set for hearing the appeal shall be mailed

by the city clerk to the subdivider within five days after the fixing of the hearing date by the council. Upon hearing of the appeal, the city council may overrule or modify the decision, determination or requirement appealed from and enter any such order or orders as are in harmony with the spirit and purpose of this title and the disposition of the appeal shall be final.

(Ord. 341 § 1 (19.9.900), 1979)

## **17.40 Enforcement**

### **17.40.010 Voidability Of Deeds Or Contracts**

### **17.40.020 Penalty For Violation**

#### **17.40.010 Voidability Of Deeds Or Contracts**

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative or trustee in solvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee.

(Ord. 341 § 1 (19.10.100), 1979)

#### **17.40.020 Penalty For Violation**

Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this title is a misdemeanor, and any person, firm or corporation, upon conviction thereof shall be punishable by a fine in an amount which is set by resolution of the City Council, or imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 604 2023, Ord. 341 § 4, 1979)

## **17.44 Vesting Tentative Maps**

17.44.010 Title For Citation; Statutory Authority

17.44.020 Purpose Of Provisions

17.44.030 Definitions

17.44.040 Consistency With General Plan And Other Provisions

17.44.050 Applicability Of Chapter Provisions

17.44.060 Filing And Processing

17.44.070 Fees

17.44.080 Expiration Of Approval

17.44.090 Rights Conferred On Approval Of Map; Conditions

17.44.100 Conditional Approval For Developments Inconsistent With Zoning

17.44.110 Applications Inconsistent With Current Policies

### **17.44.010 Title For Citation; Statutory Authority**

The ordinance codified in this chapter was enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the "Vesting Tentative Map Ordinance."

(Ord. 402 § 402-1, 1986)

### **17.44.020 Purpose Of Provisions**

- A. It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Lindsay Municipal Code, Title 17, otherwise set forth in the provisions of the ordinance codified herein, the provisions of Title 17 of the Lindsay Municipal Code shall apply to the Vesting Tentative Map Ordinance.
- B. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.

(Ord. 402 § 402-2, 1986)

### **17.44.030 Definitions**

As used in this chapter:

- A. "Vesting tentative map" means a "tentative map" for residential subdivision, as defined in Title 17 of the Lindsay Municipal Code, that shall have printed conspicuously on its face the words, "Vesting Tentative Map" at the time it is filed, in accordance with Section 17.44.060, and is thereafter processed in accordance with the provisions of this chapter.
- B. All other definitions set forth in Title 17 of this code are applicable.

(Ord. 402 § 402-4, 1986)

**17.44.040 Consistency With General Plan And Other Provisions**

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

(Ord. 402 § 402-3, 1986)

**17.44.050 Applicability Of Chapter Provisions**

- A. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by Title 17 of this code, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions of this chapter.
- B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(Ord. 402 § 402-5, 1986)

**17.44.060 Filing And Processing**

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in Title 17 of this code for a tentative map, except at the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words, "Vesting Tentative Map."

(Ord. 402 § 402-6, 1986)

**17.44.070 Fees**

Upon filing a vesting tentative map, the subdivider shall pay the application fee as established by resolution of the city council for the filing and processing of a tentative map.

(Ord. 402 § 402-7, 1986)

**17.44.080 Expiration Of Approval**

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to Title 17 of the Lindsay Municipal Code, for the expiration of the approval or conditional approval of a tentative map.

(Ord. 402 § 402-8, 1986)

**17.44.090 Rights Conferred On Approval Of Map; Conditions**

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2. However, if Section 66472 of the Government

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

- B. Notwithstanding subsection A of this section, a permit, approval, extensions or entitlement may be made conditional or denied if any of the following are determined:
  - 1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
  - 2. The condition or denial is required, in order to comply with state or federal law.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map, as provided in Section 17.44.080. If the final map is approved, these rights shall last for the following periods of time:
  - 1. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded;
  - 2. The initial time period set forth in subsection C1 of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days from the date of a complete application is filed;
  - 3. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection C1 of this section expires. If the extension is denied, the subdivider may appeal that denial to the legislative body within fifteen days;
  - 4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections C1 or C3, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

(Ord. 402 § 402-9, 1986)

**17.44.100 Conditional Approval For Developments Inconsistent With Zoning**

- A. Whenever a subdivider files a vesting tentative map for a subdivision where intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map, or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained the approved or conditionally approved vesting tentative map shall, notwithstanding subsection A of Section 17.44.090, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and that map, as approved.
- B. The rights conferred by this section shall be for the time periods set forth in subsection C of Section 17.44.090.

(Ord. 402 § 402-10, 1986)

**17.44.110 Applications Inconsistent With Current Policies**

Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in subsection A of Section 17.44.090 and Section 17.44.100, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

(Ord. 402 § 402-11, 1986)

## **17.48 Urban Lot Split Parcel Map**

### 17.48.010 Purpose and Scope

### 17.48.020 Application

### 17.48.030 Approval

### 17.48.040 Location Requirements

### 17.48.050 Design and Improvement Requirements

### 17.48.060 Access Standards

### 17.48.070 Map Requirements

### 17.48.080 Concurrent Processing with Other Permits

### 17.48.090 Prohibition of Further Subdivision

### **17.48.010 Purpose and Scope**

- A. This article implements Government Code Section 66411.7 to provide an alternative method to subdivide a parcel located within a single-family residential zoning district for the purpose of housing development.
- B. Urban lot split means the subdivision of an existing legal parcel zoned single-family residential (RA, R-1-7, or R-1-5) under title 18 "Zoning" municipal code, to create no more than two new parcels.

### **17.48.020 Application**

- A. A completed application form, of which the blank form shall be provided by the city services department.
- B. One (1) copy of the urban lot split parcel map, consistent with the requirements of section 17.48.070 of this chapter and sections 66444 through 66450 of the subdivision map act. The urban lot split parcel map must be prepared and signed by a licensed land surveyor or registered civil engineer authorized to practice land surveying.
- C. A fee in an amount established by resolution of the city council must be paid concurrently with the submission of the urban lot split parcel map.
- D. A preliminary title report, showing the legal owners at the time of the filing of the urban lot split parcel map and prepared not more than 90 days prior to the submittal of the application.
- E. All items referenced within the preliminary title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting application.
- F. A title guarantee by a qualified title company, for the benefit of the city, certifying that the signatures of all persons whose consent is necessary to pass clear title to the land and all acknowledgments appear on the proper certificates and are correctly shown on the map and affidavits to dedication.
- G. Closure Calculations for each individual lot and overall boundary prepared by a licensed land surveyor or registered civil engineer authorized to practice land surveying.
- H. A preliminary drainage plan.

I. An urban lot split affidavit, city form provided by the city services department, must be signed and notarized, and submitted with the application for an urban lot split parcel map, under penalty of perjury under the laws of California that declares all of the following:

1. The proposed urban lot split will not require or authorize demolition or alteration of any of the following types of housing:
    - a. A residential unit that is a deed-restricted below-market-rate residential unit.
    - b. A residential unit that is subject to any form of rent or price control.
    - c. A residential unit that has been occupied by a tenant in the last three (3) years.
    - d. A residential unit on property subject to Government Code section 7060 (Ellis Act), whereby the property owner has withdrawn the property from rent within the past 15 years.
  2. The parcel was not established through any prior exercise of an urban lot split under this article.
  3. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this article.
  4. The owner intends to occupy one of the residential units located on a lot created by the parcel map as their principal residence for a minimum of three (3) years after the date the parcel map was recorded.
  5. No residential unit on any lot created by the subdivision will be rented or offered for rent for a term of less than 30 days.
  6. The uses allowed on a lot created by the parcel map will be limited to residential uses.
- J. Any other information as required by the city services department.

#### **17.48.030 Approval**

A parcel map for an urban lot split will be approved ministerially without discretionary review or public hearing by the City Engineer that approves that the parcel map meets all of the requirements of this article and Government Code Section 66411.7. A tentative parcel map is not required for an urban lot split.

#### **17.48.040 Location Requirements**

- A. The parcel is located in one of the following single-family residential zoning districts RA, R-1-7, or R-1-5, as defined in title 18, Zoning.
- B. The parcel is located within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- C. The parcel meets the requirements of Government Codes Section 65913.4(a)(6)(B)-(K).
- D. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined by Public Resources Code Section 5020.1, or on the list of the historical resources, as determined by the City of Lemoore.

#### **17.48.050 Design Improvement Requirements**

- A. A parcel map may subdivide an existing legal parcel to create no more than two new lots of approximately equal lot area. Each resulting lot may not be smaller than 40 percent of the area of the original parcel proposed for subdivision, and neither resulting lot may be smaller than 1,200 square feet.
- B. Each lot must be served by a separate water service meter and a separate sewer connection.
- C. Each lot must collect and convey all stormwater entering or originating on the lot, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with City of Lindsay design standards. All storm drainage facilities must be designed and constructed in compliance with this code and City of Lindsay design standards.
- D. The applicant shall comply with all applicable rules, regulations, and standards of the City's National Pollutant Discharge Elimination System (NPDES) permit.
- E. On-site frontage improvements, including curbs and sidewalks, and dedications for road widening shall be provided as required by City of Lindsay development improvement standards. No off-site frontage improvements shall be required.
- F. Rights-of-way and development rights shall be dedicated or conveyed as required by the general plan, a right of way plan line, or City of Lindsay development improvement standards.
- G. The placement of lot lines may not result in an accessory building on a lot without a primary building on the same lot.
- H. Lot lines may not render an existing structure as nonconforming in any respect (e.g., setbacks, yard, lot coverage, parking), nor increase the nonconformity of an existing nonconforming structure.

#### **17.48.060 Access Standards**

Each lot must front upon or have access to a public street or be served by an access easement serving no more than two lots. Access must be provided in compliance with these standards:

- A. Vehicle access easements serving a maximum of two residential units must have a minimum width of 12 feet, unless a wider driveway is required by the California Fire Code.
- B. Vehicle access easements serving three to four residential units must have a minimum width of 25 feet.
- C. Vehicle access easements may not be located closer than 25 feet to an intersection.
- D. If a vehicle access easement length is more than 75 feet, a vehicle turnaround must be provided.
- E. Surfacing of easements and turnaround dimensions must meet the requirements of the California Fire Code and this code.

#### **17.48.070 Map Requirements**

The following content and information must be shown on the urban lot split parcel map:

- A. A parcel map for an urban lot split must be prepared by a licensed land surveyor or registered civil engineer authorized to practice land surveying in accordance with Government Code Sections 66444 through 66450 and this article.
- B. The size of each sheet shall be 18" x 26" and to scale not less than 1:100 with a scale bar, north arrow, date of application, assessor's parcel number of the area to be adjusted and a legend, if applicable.
- C. The owner's name, assessor parcel number and deed document number of all adjoining parcels.
- D. Title Sheet with the relevant statements and certifications for a parcel map per 17.24.130.
- E. A location map shall appear on the map, showing the relative position of the land to be subdivided with the surrounding existing subdivisions with their recorded map reference, including their names and tract numbers. The location map shall show city boundaries crossing or adjoining the subdivision.
- F. Total area (in acreage and square feet) of each proposed lot.
- G. The bearings and distances of existing and proposed property lines.
- H. Zoning district.
- I. The location and use of all existing and proposed structures.
- J. All required zoning setbacks for the existing and proposed lots.
- K. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements.
- L. The location of all proposed new water, sewer, electricity, storm drain, or gas service lines, pipes, or systems.
- M. The parcel map must show all easements for public utilities necessary to serve each lot created by the subdivision.
- N. The parcel map must show all easements necessary to provide each lot with access as required by this article.
- O. The location of any proposed easements for access or public utilities to serve a lot created by the subdivision.
- P. The location of any existing trees larger than 4" in diameter measure at 4'-6" above the base and any such trees proposed for removal.
- Q. Area of the parcel that has a slope of 25% or greater by way of contours at 5-foot intervals.
- R. Any area of the parcel that is a watercourse by delineating the flow line and top of bank of the watercourse.
- S. The name and dimensions, including right-of-way and improved area, of public and private streets adjoining the parcel.
- T. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions.
- U. The location of existing or proposed driveway dimensions, materials, and slope (including

cross slope).

V. The location of existing or proposed pedestrian pathway access to the public right-of-way.

W. The parcel map shall contain a declaration of each of the following:

1. Each lot created by the parcel map must be used solely for residential use.
2. No more than two single-family dwellings are permitted on each lot.
3. Neither an accessory dwelling unit nor junior accessory dwelling unit is permitted on a lot that includes two single-family dwellings.
4. No residential unit on a lot created by the parcel map may be rented or offered for rent for a term of less than 30 days.

#### **17.48.080 Concurrent Processing with Other Permits**

- A. No development, including grading or vegetation removal, may commence on either lot, concurrent with or subsequent to an urban lot split, unless the development is approved with a valid building permit for the construction of a housing development and complies with all the objective development and design standards outline for two-unit residential development units in adopted design standards in effect at the time a complete application is submitted.
- B. A building permit for development on a lot created by an urban lot split cannot be issued until the parcel map is recorded.
- C. The City Engineer shall deny an urban lot split if the building official has made a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

#### **17.48.090 Prohibition of Further Subdivision**

A lot created by a parcel map under this article may not be further subdivided.



# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

---

**NUMBER** 25-08

**TITLE** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA, ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR ZONING ORDINANCE UPDATE NO. 25-01, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

**MEETING** At a regularly scheduled meeting of the City of Lindsay City Council held on March 25<sup>th</sup>, 2025, at 6:00 PM at 251 E. Honolulu Street, Lindsay, CA 93247

**WHEREAS**, the City of Lindsay has prepared Zoning Ordinance Update No. 25-01 to revise Title 17 (Subdivision Ordinance) and Title 18 (Zoning Ordinance) of the Lindsay Municipal Code to comply with new state laws and to maintain consistency with the City’s 2025 Housing Element and General Plan; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared to assess the potential environmental impacts of the proposed Zoning Ordinance Update No. 25-01; and

**WHEREAS**, based on the Initial Study, the City determined that the project would not have a significant effect on the environment with the implementation of mitigation measures and therefore prepared a Mitigated Negative Declaration (MND); and

**WHEREAS**, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with Public Resources Code Section 21081.6 to ensure implementation of the identified mitigation measures; and

**WHEREAS**, the Mitigated Negative Declaration and Initial Study were circulated for public review for the required 30-day comment period pursuant to CEQA Guidelines Section 15073; and

**WHEREAS**, the City Council, acting as Lead Agency under CEQA, has reviewed and considered the Initial Study, Mitigated Negative Declaration, and public comments received, and finds that the documents were completed in compliance with CEQA and reflect the City’s independent judgment and analysis; and

**WHEREAS**, the City Council finds that there is no substantial evidence in the record that the project will have a significant effect on the environment and that all potentially significant environmental effects identified in the Initial Study can be mitigated to less-than-significant levels.



# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

---

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lindsay as follows:

**SECTION 1.**

The above recitals are true and correct and incorporated herein by reference.

**SECTION 2.**

The City Council hereby adopts the Initial Study and Mitigated Negative Declaration for Zoning Ordinance Update No. 25-01, finding that the document complies with the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City.

**SECTION 3.**

The City Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP) prepared for Zoning Ordinance Update No. 25-01, as required by CEQA Section 21081.6, and directs staff to implement and monitor the required mitigation measures.

**SECTION 4.**

The documents and materials constituting the record of proceedings upon which this decision is based are available for public review at the City of Lindsay Community Development Department, 251 E. Honolulu Street, Lindsay, CA 93247.

**SECTION 5.**

This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Lindsay as follows:

MEETING DATE	MARCH 25 <sup>th</sup> , 2025
MOTION	
SECOND MOTION	
AYES	
ABSENT	
ABSTAIN	
NAYS	



## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY

---

**CERTIFICATION OF THE FOREGOING RESOLUTION AS FULL, TRUE, PASSED  
AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LINDSAY AS DETAILED.**

---

CARMEN WILSON  
DEPUTY CITY CLERK

---

MISTY VILLARREAL  
MAYOR

# DRAFT INITIAL STUDY AND NEGATIVE DECLARATION FOR MUNICIPAL CODE AND CIRCULATION ELEMENT UPDATES

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**APRIL 2024**



Prepared By:



4Creeks, Inc.  
324 S Santa Fe, Suite A  
Visalia, CA 93292

Prepared For:



City of Lindsay  
150 N Mirage Ave  
Lindsay, CA 93247

## TABLE OF CONTENTS

<b>Section 1: Initial Study/ND Process</b>	<b>1-1</b>
1.1 California Environmental Quality Act Guidelines	1-1
1.2 Initial Study	1-1
1.3 Environmental Checklist	1-2
1.4 Notice of Intent to Adopt a Negative Declaration/Notice of Preparation	1-2
1.5 Negative Declaration	1-3
1.6 Intended Uses of the Environmental Assessment, Initial Study	1-3
1.7 Notice of Determination	1-3
1.8 CEQA Process Flow Chart	1-4
<b>Section 2: Project Description</b>	<b>2-1</b>
2.1 Project Description & Purpose	2-1
2.2 Project Location	2-1
2.3 Project Overview	2-1
<b>Section 3: Evaluation of Environmental Impacts</b>	<b>3-1</b>
3.1 Purpose	3-1
3.2 Initial Study/ Negative Declaration	3-2
3.3 Evaluation of Environmental Impacts	3-5
3.4 Environmental Factors Potentially Affected	3-7
3.5 Environmental Analysis	3-8
I. Aesthetics	3-8
II. Agriculture and Forest Resources	3-11
III. Air Quality	3-15
IV. Biological Resources	3-20
V. Cultural Resources	3-24
VI. Energy	3-26
VII. Geology and Soils	3-28
VIII. Greenhouse Gas Emissions	3-32
IX. Hazards and Hazardous Materials	3-36
X. Hydrology and Water Quality	3-40
XI. Land Use and Planning	3-43
XII. Mineral Resources	3-45
XIII. Noise	3-47
XIV. Population and Housing	3-49
XV. Public Services	3-51
XVI. Recreation	3-53
XVII. Transportation	3-54
XVIII. Tribal Cultural Resources	3-56
XIX. Utilities and Service Systems	3-59
XX. Wildfire	3-62
XX. Mandatory Findings of Significance	3-64
<b>Section 4: List of Report Preparers</b>	<b>4-1</b>

**List of Figures**

2-1	Project Location Map	2-4
2-2	Zoning Map	2-5
3-1	Important Farmland Map	3-14
3-2	Zoning Map	3-43

**List of Tables**

3-1	San Joaquin Valley Attainment Status	3-15
3-2	Ambient Air Quality Standards	3-16
3-3	SJVAPCD Thresholds of Significance – Criteria Pollutants	3-18
3-4	Greenhouse Gasses	3-32
3-5	City of Lindsay Municipal Code Noise Level Standards	3-47



## **City of Lindsay**

150 N Mirage Ave  
Lindsay, CA 93247

### **SECTION 1 CEQA Review Process**

#### ***Project Title: City of Lindsay Municipal Code and Circulation Element Update***

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#### **1.1 California Environmental Quality Act Guidelines**

Section 15063 of the California Environmental Quality Act (CEQA) Guidelines requires that the Lead Agency prepare an Initial Study to determine whether a discretionary project will have a significant effect on the environment. All phases of the project planning, implementation, and operation must be considered in the Initial Study. The purposes of an Initial Study, as listed under Section 15063(c) of the CEQA Guidelines, include:

- (1) Provide the lead agency with information to use as the basis for deciding whether to prepare an EIR or negative declaration;*
- (2) Enable an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration;*
- (3) Assist the preparation of an EIR, if one is required, by:
 
  - (a) Focusing the EIR on the effects determined to be significant,*
  - (b) Identifying the effects determined not to be significant,*
  - (c) Explaining the reasons for determining that potentially significant effects would not be significant, and*
  - (d) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.**
- (4) Facilitate environmental assessment early in the design of a project;*
- (5) Provide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment*
- (6) Eliminate unnecessary EIRs;*
- (7) Determine whether a previously prepared EIR could be used with the project.*

#### **1.2 Initial Study**

The Initial Study provided herein covers the potential environmental effects of a Municipal Code and Circulation Element Update for the City of Lindsay. The Project proposes updates for the city's Circulation Element, Subdivision Ordinance, and Zoning Ordinance. The City of Lindsay will act as the Lead Agency for processing the Initial Study/ Negative Declaration pursuant to the CEQA Guidelines.

#### **1.3 Environmental Checklist**

The Lead Agency may use the CEQA Environmental Checklist Form [CEQA Guidelines, Section 15063(d)(3) and (f)] in preparation of an Initial Study to provide information for determination if there are significant

effects of the project on the environment. A copy of the completed Environmental Checklist is set forth in **Section Three**.

#### **1.4 Notice of Intent to Adopt a Negative Declaration**

The Lead Agency shall provide a Notice of Intent to Adopt a Negative Declaration (CEQA Guidelines, Section 15072) to the public, responsible agencies, trustee agencies and the County Clerk within which the project is located, sufficiently prior to adoption by the Lead Agency of the Negative Declaration to allow the public and agencies the review period. The public review period (CEQA Guidelines, Section 15105) shall not be less than 30 days when the Initial Study/Negative Declaration is submitted to the State Clearinghouse unless a shorter period, not less than 20 days, is approved by the State Clearinghouse.

Prior to approving the project, the Lead Agency shall consider the proposed Negative Declaration together with any comments received during the public review process, and shall adopt the proposed Negative Declaration only if it finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Lead Agency's independent judgment and analysis.

The written and oral comments received during the public review period will be considered by The City of Lindsay prior to adopting the Negative Declaration. Regardless of the type of CEQA document that must be prepared, the overall purpose of the CEQA process is to:

- 1) Assure that the environment and public health and safety are protected in the face of discretionary projects initiated by public agencies or private concerns;
- 2) Provide for full disclosure of the project's environmental effects to the public, the agency decision-makers who will approve or deny the project, and the responsible trustee agencies charged with managing resources (e.g. wildlife, air quality) that may be affected by the project; and
- 3) Provide a forum for public participation in the decision-making process pertaining to potential environmental effects.

According to Section 15070(a) a public agency shall prepare or have prepared a proposed negative declaration for a project subject to CEQA when:

***The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. Less than significant impacts with mitigation measures have been identified.***

The Environmental Checklist Discussion contained in Section Three of this document has determined that the environmental impacts of the project are less than significant and that a Negative Declaration is adequate for adoption by the Lead Agency.

#### **1.5 Negative Declaration or Mitigated Negative Declaration**

The Lead Agency shall prepare or have prepared a proposed Negative Declaration or Mitigated Negative Declaration (CEQA Guidelines Section 15070) for a project subject to CEQA when the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. The proposed Negative Declaration or Mitigated Negative Declaration circulated for public review shall include the following:

- (a) A brief description of the project, including a commonly used name for the project.
- (b) The location of the project, preferably shown on a map.
- (c) A proposed finding that the project will not have a significant effect on the environment.
- (d) An attached copy of the Initial Study documenting reasons to support the finding.
- (e) Mitigation measures, if any.

### **1.6 Intended Uses of Initial Study/Negative Declaration documents**

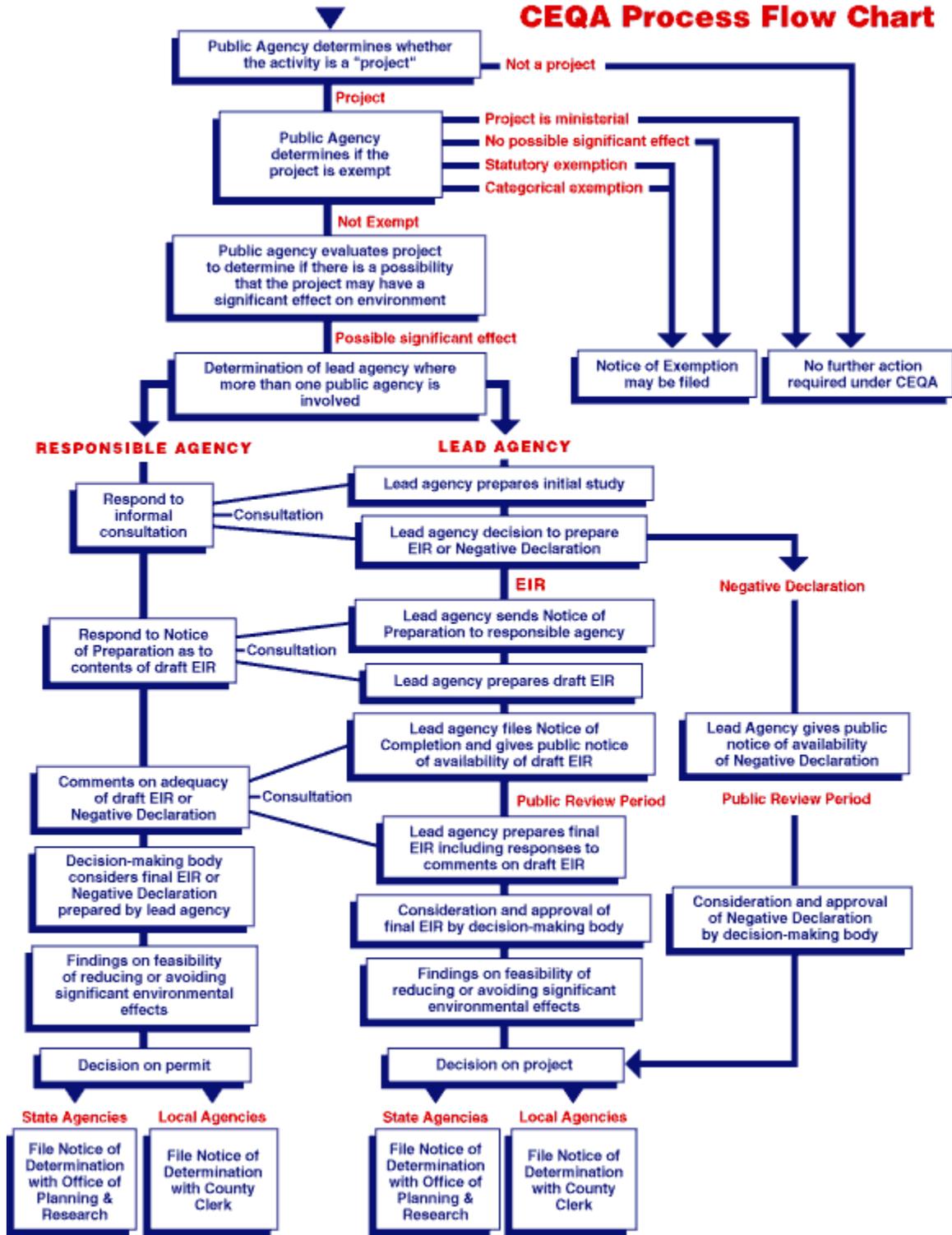
The Initial Study/Negative Declaration document is an informational document that is intended to inform decision-makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed project. The environmental review process has been established to enable the public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency must balance any potential environmental effects against other public objectives, including economic and social goals. The City of Lindsay, as Lead Agency, will make a determination, based on the environmental review for the Environmental Study, Initial Study and comments from the general public, if there are less than significant impacts from the proposed project and the requirements of CEQA can be met by adoption of a Mitigated Negative Declaration.

### **1.7 Notice of Determination (NOD)**

The Lead Agency shall file a Notice of Determination within five working days after deciding to approve the project. The Notice of Determination (CEQA Guidelines, Section 15075) shall include the following:

- (1) An identification of the project including the project title as identified on the proposed negative declaration, its location, and the State Clearinghouse identification number for the proposed negative declaration if the notice of determination is filed with the State Clearinghouse.*
- (2) A brief description of the project.*
- (3) The agency's name and the date on which the agency approved the project.*
- (4) The determination of the agency that the project will not have a significant effect on the environment.*
- (5) A statement that a negative declaration or a mitigated negative declaration was adopted pursuant to the provisions of CEQA.*
- (6) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.*
- (7) The address where a copy of the negative declaration or mitigated negative declaration may be examined.*
- (8) The identity of the person undertaking a project which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use from one or more public agencies.*

1.8 CEQA Process Flow Chart





## **City of Lindsay**

150 N Mirage Ave  
Lindsay, CA 93247

## **SECTION 2 Project Description and Overview**

***Project Title: City of Lindsay Municipal Code and Circulation Element Update***

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### **2.1 Project Description and Purpose**

This project is an update of the City of Lindsay’s Municipal Code, Subdivision and Zoning Ordinance, as well as Lindsay’s General Plan Circulation Element to ensure they coincide and align with new State requirements. Title 17, Subdivisions of Lindsay’s Municipal Code will be updated to remove current ambiguity, allow for a more streamlined Planning development review process, and shorten the time it takes to approve housing projects. Title 18, Zoning of the Municipal Code will be updated to meet state housing standards, streamline housing development approval for all income levels, allow for the development of ADUs, and ensure design standards are clear and feasible. Lastly, the Circulation Element of the General Plan will be updated to include cross sections that display street design standards and to reflect the changes made to the City of Lindsay’s Design Guidelines and Public Improvement Standards document.

### **2.2 Project Location**

The project site includes the entire City of Lindsay, California. The City of Lindsay is located in Tulare County along State Route 65 approximately 13 miles east of the City of Tulare. The City of Lindsay occupies an area of approximately 2.72 square miles, all of which is relatively flat. The city is predominantly surrounded by active agricultural lands. See **Figure 2-1** for the Project Location Map.

### **2.3 Project Overview**

The main scope of this project is to ensure that the City of Lindsay’s Municipal Code and Circulation Element are up to date and align with all State requirements. This project also aims to streamline approval processes, provide clear design standards, and remove any ambiguity that may be present to ensure that the city is providing appropriate guidance to achieve the community’s long-term vision.

#### Circulation Element Update

The City of Lindsay’s General Plan Circulation Element was last updated in 1989, meaning some of the language is outdated and not all standards and regulations align with other regulatory documents the city utilizes.

Updates made to the Circulation Element include the following:

- Updating design guidelines for streets so they align with the City of Lindsay’s Design Guidelines and Public Improvement Standards.

- Cross sections of different street types (Arterial, Connector, and Local) that provide a clear visual of required development standards.
- Update outdated language/terminology and removing any ambiguity.

### Subdivision Ordinance Update

Title 17, Subdivisions, of the Lindsay Municipal Code was largely established with the adoption of Ordinance 341 in 1979. Since then, there have been a few minor amendments made to the code, the most recent one being 2019.

The primary goal of the proposed update to the subdivision ordinance is to enhance clarity, consistency, and accuracy in the processing of subdivision cases. This involves eliminating any ambiguity and unpredictability within the ordinance text to provide a more streamlined and efficient framework for reviewing and approving subdivision projects. By doing so, the updated ordinance aims to provide a clear and comprehensive set of guidelines that will benefit both applicants and regulatory authorities involved in subdivision cases.

Furthermore, the ordinance seeks to align itself with recent changes in the Subdivision Map Act, specifically Government Code Sections 66410 through 66499.38. This alignment ensures legal consistency and compliance with current state regulations governing subdivisions, thereby promoting transparency and adherence to the law.

The updated ordinance also strives to align with the General Plan, encompassing various elements such as the Housing Element, Safety Element, and Environmental Justice Element. This alignment aims to create a unified approach to land use planning and subdivision development that supports the broader goals and vision outlined in the General Plan.

These updates are intended to allow for a more streamlined process with the Planning development review process and shorten time it takes to approve housing projects.

As proposed, the update of Title 17, Subdivision Ordinance, would include the following chapters:

17.04 General Provisions

17.08 Definitions

17.12 Types of Maps Required

17.16 Tentative Map

17.20 Final Map

17.24 Parcel Map Subdivision

### Zoning Ordinance Update

Title 18, Zoning, of the Lindsay Municipal Code was also established with the adoption of Ordinance 341 in 1979. Since then, there have been a few amendments made to the Zoning code, the most recent one being 2019.

Currently, the Zoning Code does not include many provisions typically incorporated in contemporary zoning codes that allow for flexible development and address specific state planning and housing laws.

This includes allowances and design standards for accessory dwelling units, low barrier navigation centers, manufactured housing, group homes, housing for agriculture employees, housing for persons with disabilities, single-room occupancy units, and supportive housing. As a result the zoning code has been updated to be consistent with state law to ensure it provides appropriate guidance for these uses identified by the community as necessary.

As part of the City's effort to eliminate constraints to development of housing, permitted, administrative, and conditional uses for different zones have been updated to permit certain housing types in zones they may have not been previously allowed in. These changes will help streamline the process of approval, allow for more diverse housing types, and increase residential density.

As proposed, the update of Title 18, Zoning Ordinance, would include the following chapters:

18.06 RA Residential Acreage District

18.07 R One-Family Residential Districts

18.08 RM Multi-Family Residential Districts

18.09 PO Professional Office District

18.10 C Commercial Districts

18.12 Combining Districts

18.13 Off-Street Parking And Off-Street Loading Facilities

18.14 Home Occupations; Temporary Subdivision Signs And Sales Offices; Mobile Parks; Signs And Outdoor Advertising Structures; Manufactured And Second House Units

18.20 Standards For Specific Uses

18.21 Variances

18.24 Construction and Definitions

The draft Zoning Code is included in its entirety in Appendix A.

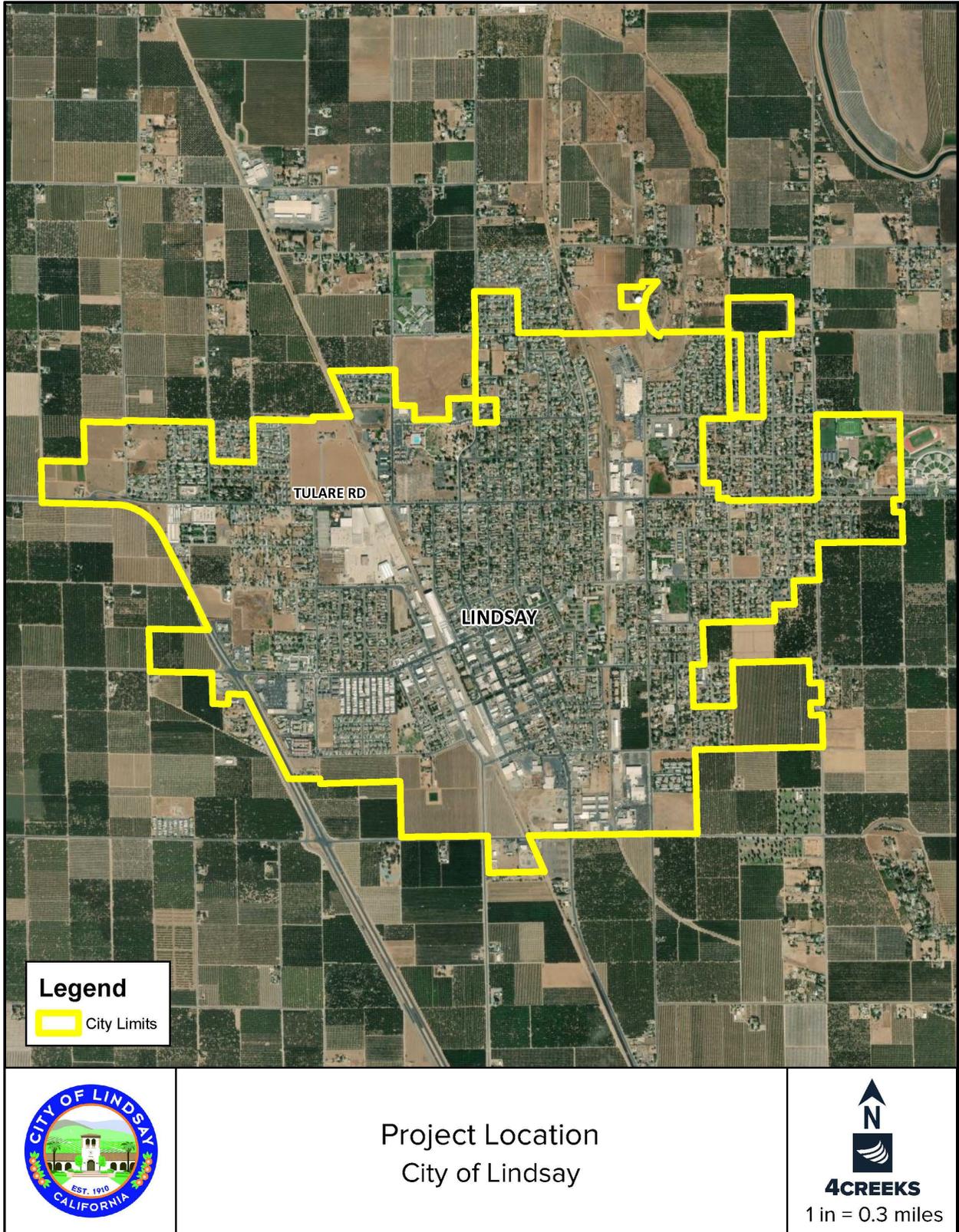


Figure 2-1. Location Map

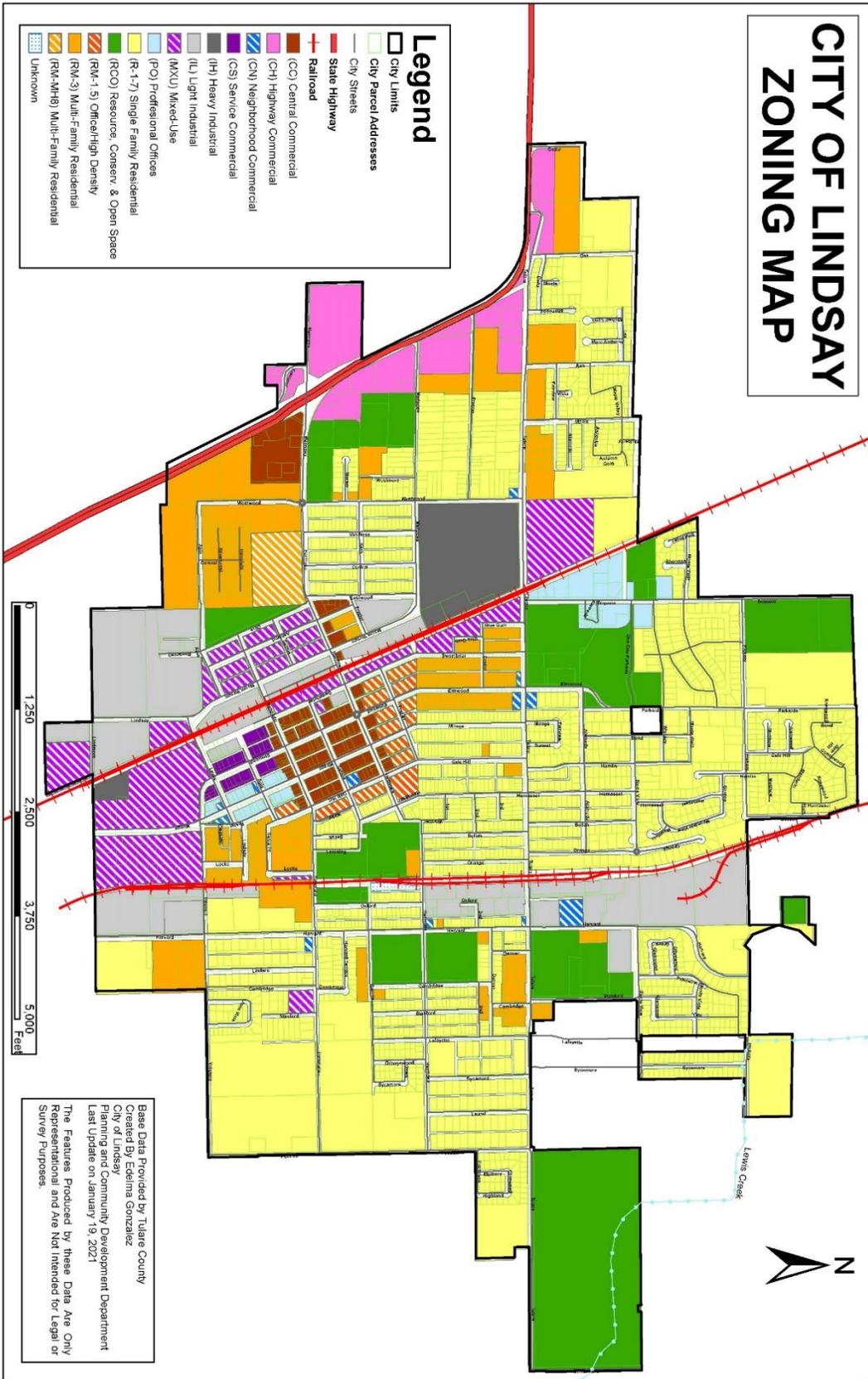


Figure 2-2. Zoning Map



## City of Lindsay

150 N Mirage Ave  
Lindsay, CA 93247

### SECTION 3 Evaluation of Environmental Impacts

#### *Project Title: City of Lindsay Municipal Code and Circulation Element Update*

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This document is the Initial Study/Negative Declaration for the proposed update to the City of Lindsay's Municipal Code and Circulation Element. The City of Lindsay will act as Lead Agency for this project pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

#### **3.1 PURPOSE**

The purpose of this environmental document is to implement the California Environmental Quality Act (CEQA). Section 15002(a) of the CEQA Guidelines describes the basic purposes of CEQA as follows.

- (1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.*
- (2) Identify the ways that environmental damage can be avoided or significantly reduced.*
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.*
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.*

This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). According to Section 15070, a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or*
- (b) The initial study identifies potentially significant effects, but:*
  - (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
  - (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.*

### 3.2 INITIAL STUDY/NEGATIVE DECLARATION

1. **Project Title:** City of Lindsay Municipal Code and Circulation Element Update
2. **Lead Agency:** City of Lindsay, Planning Department  
Contact Person: Araceli Mejia  
150 N Mirage Ave  
Lindsay, CA 93247  
Phone Number: (559) 562-7102
3. **Project Location:** The project site includes the entirety of the City of Lindsay, California.
4. **General Plan Designation:** Various.
5. **Zoning Designation:** Various.
6. **Project Description:** This project will update the City of Lindsay’s Municipal Code, Subdivision and Zoning Ordinance, as well as the General Plan’s Circulation Element to ensure they coincide and align with new State requirements. Title 17, Subdivisions of Lindsay’s Municipal Code will be updated to remove current ambiguity, allow for a more streamlined Planning development review process, and shorten the time it takes to approve housing projects. Title 18, Zoning of the Municipal Code will meet State Housing Standards, streamline housing development approval for all income levels, allow for the development of ADUs, and ensure development standards are clear and feasible. Lastly, the Circulation Element of the General Plan will be updated to include cross sections that display street design standards and to reflect changes made to the City of Lindsay’s Design Guidelines and Public Improvement Standards document.
7. **Surrounding Land Uses and Settings:** The City of Lindsay is in the western region of Tulare County approximately 13 miles east of the City of Tulare. The City of Lindsay is predominantly surrounded by active agricultural uses and borders State Route 65 to the west.
8. **Required Approvals:** The City of Lindsay is the lead agency for this project and would approve the proposed updates.
9. **Native American Consultation:** The State requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources through the California Environmental Quality Act (CEQA) Guidelines. Pursuant to PRC Section 21080.3.1, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial evidence, choose to treat the resources as a Tribal Cultural Resources (PRC Section 21074(a)(1-2)). According to the most recent census data, California is home to 109 currently recognized Indian tribes. Tribes in California currently

have nearly 100 separate reservations or Rancherias. Tulare County contains one reservation, the Tule River Indian Reservation. This reservation is not located within the city limits.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC Section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC Section 21082.3(c) contains provisions specific to confidentiality.

## Acronyms

AIA	Air Impact Assessment
CAA	Clean Air Act
CARB	California Air Resources Board
CCR	California Code of Regulation
CDFW	California Department of Fish and Wildlife
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CWA	California Water Act
DOC	Department of Conservation
DTSC	Department of Toxic Substance Control
EIR	Environmental Impact Report
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSZ	Fire Hazard Severity Zone
FMBTA	Federal Migratory Bird Treaty Act
FMMP	Farmland Mapping and Monitoring Program
HMP	Hazard Mitigation Plan
HSC	Health and Safety Code
ISND	Initial Study Negative Declaration
ISR	Indirect Source Review
MRZ	Mineral Resource Zone
MMRP	Mitigation Monitoring and Reporting Program
NAAQS	National Ambient Air Quality Standards
NAHC	National American Heritage Center
ND	Negative Declaration
NPDES	National Pollution Discharge Elimination System
OSHA	Occupational Safety and Health Administration
PEIR	Program Environmental Impact Report
PM	Particulate Matter
ROW	Right-of-Way
RWQCB	Regional Water Quality Control Board
SHPO	State Historic Preservation Office
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SMARA	Surface Mining and Reclamation Act
SR	State Route
SWPPP	Storm Water Pollution Prevention Plan
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compound

### 3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

1. For purposes of this Initial Study, the following answers have the corresponding meanings:
  - a. “No Impact” means the specific impact category does not apply to the project, or that the record sufficiently demonstrates that project specific factors or general standards applicable to the project will result in no impact for the threshold under consideration.
  - b. “Less Than Significant Impact” means there is an impact related to the threshold under consideration, but that impact is less than significant.
  - c. “Less Than Significant with Mitigation Incorporation” means there is a potentially significant impact related to the threshold under consideration, however, with the mitigation incorporated into the project, the impact is less than significant. For purposes of this Initial Study “mitigation incorporated into the project” means mitigation originally described in the GP PEIR and applied to an individual project, as well as mitigation developed specifically for an individual project.
  - d. “Potentially Significant Impact” means there is substantial evidence that an effect may be significant related to the threshold under consideration.
  
2. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites, in the parentheses following each question. A “No Impact” answer is adequately supported if the reference information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
  
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
  
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR if required.
  
5. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
  
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3)(D). In this case, a brief discussion should identify the following.
  - Earlier Analysis Used. Identify and state where they are available for review.

- Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated.” Describe and mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

**3.4 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics                       | <input type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air Quality                      | <input type="checkbox"/> Hydrology and Water Quality   | <input type="checkbox"/> Transportation                     |
| <input type="checkbox"/> Biological Resources             | <input type="checkbox"/> Land Use and Planning         | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities and Service System       |
| <input type="checkbox"/> Energy                           | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Wildfire                           |
| <input type="checkbox"/> Geology and soils                | <input type="checkbox"/> Population                    | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency) Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION WILL BE PREPARED.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. A Negative Declaration is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is requested.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINTED NAME

City of Lindsay  
\_\_\_\_\_  
AGENCY

### 3.5 ENVIRONMENTAL ANALYSIS

The following section provides an evaluation of the impact categories and questions contained in the checklist and identify mitigation measures, if applicable.

#### I. AESTHETICS

Except as provided in Public Resource Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Environmental Setting

Scenic resources include landscapes and features that are visually or aesthetically pleasing. They contribute positively to a distinct community or region. These resources produce a visual benefit upon communities. While the immediate visual character of the City of Lindsay is defined by its predominantly flat terrain and surrounding agricultural uses, the City of Lindsay General Plan states that the nearby Sierra Foothills and Mountains to the east and north provide a splendid backdrop of views which is unmatched by any other city in the San Joaquin Valley. Unfortunately, this visual backdrop is lost from most positions within the urban area due to the dominance of urban structures in the foreground.

#### Regulatory Setting

**Scenic Roadways:** The California Scenic Highway Program was established in 1963 by the state Legislature for the purpose of protecting and enhancing the natural beauty of California highways and adjacent corridors through conservation strategies. The State Scenic Highway System includes a list of highways that have either been officially designated or are eligible for designation. State laws affiliated with governing the scenic highway program can be found in Sections 260-263 in The Street and Highways Code.

**State Scenic Highways:** According to the California Department of Transportation mapping of State Scenic Highways, the County of Tulare does not have officially designated State Scenic Highways, however Tulare County has two eligible State Scenic Highways. The nearest eligible highways are SR 198, approximately 8 miles north of the City boundary, and SR 190, 11 miles south of the City of Lindsay.

**City of Lindsay Scenic Corridors and Boulevards:** The Aesthetic, Archaeological, and Historic Resources section of the City of Lindsay General Plan identifies the following as designated scenic corridors or boulevards:

- State Route 65
- Tulare Road
- Hermosa Street
- Parkside Avenue
- Lindsay Boulevard

### Discussion

**a) Would the project have a substantial adverse effect on a scenic vista?**

**No Impact:** There is no project component that has the potential to adversely impact scenic vistas in and around the city. There is *no impact*.

**b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within state scenic highway?**

**No Impact:** The City of Lindsay does not have a designated state scenic highways in close proximity. Therefore, the Project would have no impact associated with substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. There is *no impact*.

**c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**No Impact:** The proposed project accounts for the entirety of the urbanized City of Lindsay. There is no project component that has the potential to adversely impact scenic vistas in and around the city. The project is intended to better protect and enhance land use compatibility within the community. The project would not degrade the existing visual character or quality of the city. There is *no impact*.

**d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**No impact:** This project will update the City of Lindsay's municipal code and general plan. No proposed changes have been made to the lighting standards contained in these documents. Therefore, no new sources of light or glare would result from the project. There is *no impact*.

In conclusion, the Project will result in no impacts to the city's aesthetics.

**II. AGRICULTURE AND FOREST RESOURCES:**

<p><b>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:</b></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No Impact</p>
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned timberland Production (as defined by Government Code section 51104(g)?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>d) Result in the loss of forestland or conversion of forest land to non-forest use?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

### **Environmental Setting**

The City of Lindsay is primarily urbanized and surrounded by agricultural uses. The city limits contains some land that the FMMP classifies as Prime Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. See **Figure 3-1**.

### **Regulatory Setting**

**California Land Conservation Act of 1965:** The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, allows local governments to enter contracts with private landowners to restrict the activities on specific parcels of land to agricultural or open space uses. The landowners benefit from the contract by receiving greatly reduced property tax assessments. The California Land Conservation Act is overseen by the California Department of Conservation; however local governments are responsible for determining specific allowed uses and enforcing the contract.

**California Farmland Mapping and Monitoring Program (FMMP):** The FMMP is implemented by the California Department of Conservation (DOC) to conserve and protect agricultural lands within the State. Land is included in this program based on soil type, annual crop yields, and other factors that influence the quality of farmland. The FMMP mapping categories for the most important statewide farmland are as follows:

- **Prime Farmland** has the ideal physical and chemical composition for crop production. It has been used for irrigated production in the four years prior to classification and is capable of producing sustained yields.
- **Farmland of Statewide Importance** has also been used for irrigated production in the four years prior to classification and is only slightly poorer quality than Prime Farmland.
- **Unique Farmland** has been cropped in the four years prior to classification and does not meet the criteria for Prime Farmland or Farmland of Statewide Importance but has produced specific crops with high economic value.
- **Farmland of Local Importance** encompasses farmland that does not meet the criteria for the previous three categories. These may lack irrigation, produce major crops, be zoned as agricultural, and/or support dairy.
- **Grazing Land** has vegetation that is suitable for grazing livestock.

**City of Lindsay General Plan Goal 3.4:** Ultimate expansion of the City, as depicted by the General Plan Diagram, is to be phased to create a physical form and character which improves the ways in which the community functions and is enjoyed while avoiding the premature conversion of agricultural land to urban use.

### **Discussion**

- a) **Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**Less than Significant Impact:** No updates included in this project involve construction or revision of land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the

California Farmland Mapping and Monitoring Program. While there is important farmland within the city limits any development or conversion of this land has been previously planned for in the General Plan and Zoning Map. Therefore, there is a *less than significant impact*.

**b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?**

**No Impact:** The updated Municipal Code and Circulation Element do not include changes to agricultural uses and remain consistent with the existing zoning for this land use. Further, no project component has the potential to impact Williamson Act contracts or agricultural activity. There is *no impact*.

**c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned timberland Production (as defined by Government Code section 51104(g))?**

**No Impact:** There is no element of the project that has the potential to conflict with existing zoning for, or cause rezoning of “forest land,” “timberland,” or lands zoned Timberland Production. Therefore, there is *no impact*.

**d) Would the project result in the loss of forestland or conversion of forest land to non-forest use?**

**No Impact:** See Response 3.2(c) above. There would be no loss of forest land because of the project.

**e) Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?**

**No Impact:** The project's implementation would not lead to any alterations in the environment that could cause farmland to transition into non-agricultural uses or result in the transformation of forested land into non-forest uses. There is *no impact*.

In conclusion, the Project will result in no impact to agriculture and forest resources.

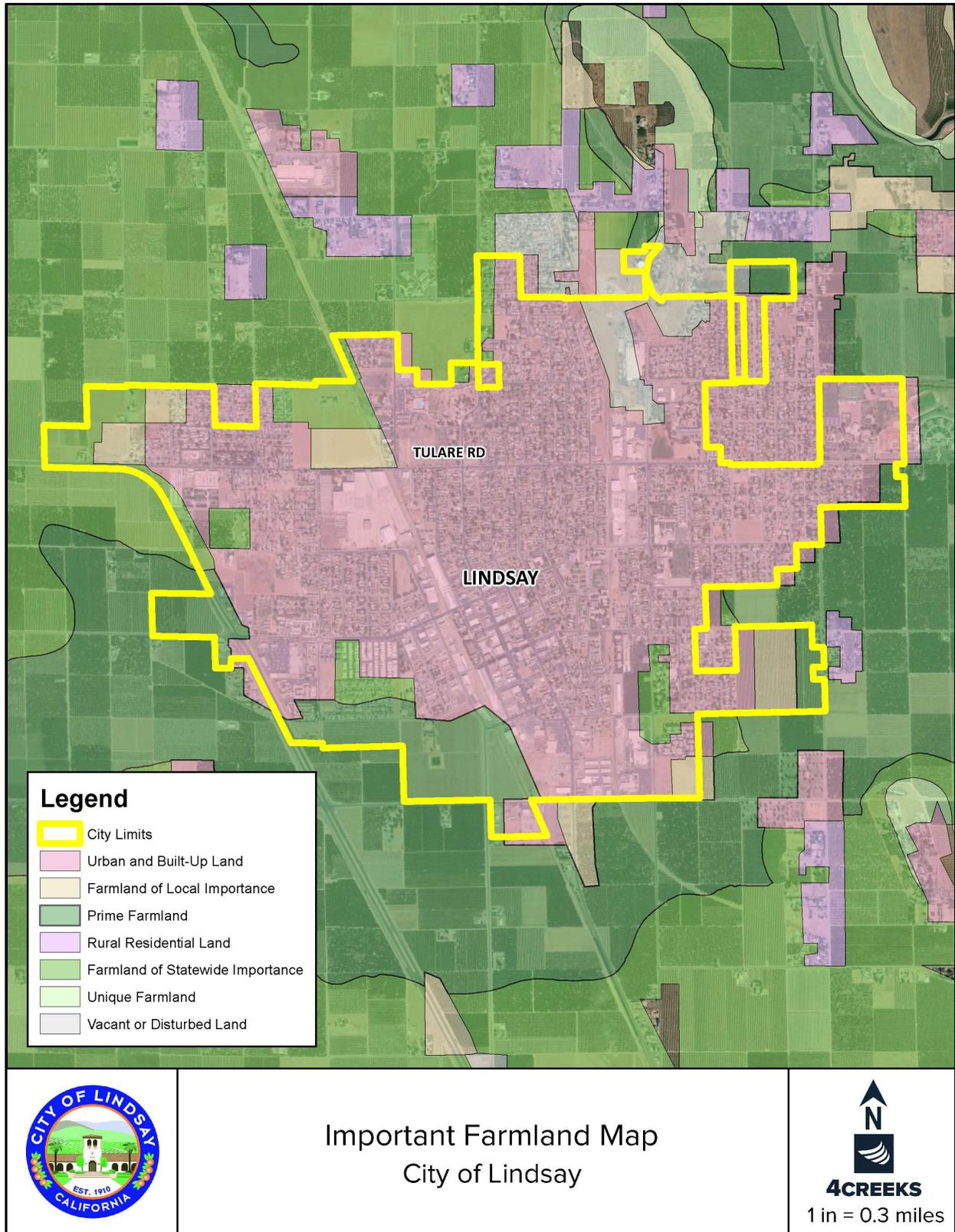


Figure 3-1 Important Farmland Map

**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

Air pollution is directly related to regional topography. Topographic features can either stimulate or restrict air movement. California is divided into regional air basins based on topographic air drainage features. The City of Lindsay is within the San Joaquin Valley Air Basin (SJVAB), which is bordered by the Sierra Nevada Mountains to the east, Coastal Ranges to the west, and the Tehachapi Mountains to the south.

The mountain ranges surrounding the SJVAB serve to restrict air movement and prevent the dispersal of pollution. As a result, the SJVAB is highly susceptible to pollution accumulation over time. As shown in the Table 3-1, the SJVAB is in nonattainment for several pollutant standards.

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – One hour	No Federal Standard <sup>f</sup>	Nonattainment/Severe
Ozone – Eight hour	Nonattainment/Extreme <sup>e</sup>	Nonattainment
PM 10	Attainment <sup>c</sup>	Nonattainment
PM 2.5	Nonattainment <sup>d</sup>	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

<sup>a</sup> See 40 CFR Part 81

<sup>b</sup> See CCR Title 17 Sections 60200-60210

<sup>c</sup> On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.

<sup>d</sup> The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).

<sup>e</sup> Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).

<sup>f</sup> Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the SJVAB as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

Table 3-1. San Joaquin Valley Attainment Status; Source: SJVAPCD

**Valley Fever:** Valley Fever is an illness caused by a fungus (*Coccidioides immitis* and *C. posadasii*) that grows in soils under certain conditions. Favorable conditions for the Valley Fever fungus include low rainfall, high summer temperatures, and moderate winter temperatures. In California, the counties with the highest incident of Valley Fever are Fresno, Kern and Kings counties. When soils are disturbed by wind or activities like construction and farming, Valley Fever fungal spores can become airborne. The spores present a potential health hazard when inhaled. Individuals in occupations such as construction, agriculture, and archaeology have a higher risk of exposure due to working in areas of disturbed soils which may have the Valley Fever fungus.

### Regulatory Setting

**Federal Clean Air Act** – The 1977 Federal Clean Air Act (CAA) authorized the establishment of the National Ambient Air Quality Standards (NAAQS) and set deadlines for their attainment. The CAA identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and an attainment demonstration, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering the Act and other air quality-related legislation. EPA’s principal functions include setting NAAQS; establishing minimum national emission limits for major sources of pollution; and promulgating regulations.

**California Clean Air Act** – California Air Resources Board coordinates and oversees both state and federal air pollution control programs in California. As part of this responsibility, California Air Resources Board monitors existing air quality, establishes California Ambient Air Quality Standards, and limits allowable emissions from vehicular sources. Regulatory authority within established air basins is provided by air pollution control and management districts, which control stationary-source and most categories of area-source emissions and develop regional air quality plans. The project is located within the jurisdiction of the San Joaquin Valley Air Pollution Control District.

The state and federal standards for the criteria pollutants are presented in Section 8.4 of The San Joaquin Valley Unified Air Pollution Control District’s 2015 “Guidance for Assessing and Mitigating Air Quality Impacts”. These standards are designed to protect public health and welfare. The “primary” standards have been established to protect the public health. The “secondary” standards are intended to protect the nation’s welfare and account for air pollutant effects on soils, water, visibility, materials, vegetation and other aspects of general welfare. The U.S. EPA revoked the national 1-hour ozone standard on June 15, 2005, and the annual PM<sub>10</sub> standard on September 21, 2006, when a new PM<sub>2.5</sub> 24-hour standard was established.

Pollutant	Averaging Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>		
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>
Ozone (O <sub>3</sub> )	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Ultraviolet Photometry	--		Ultraviolet 8 Hour Photometry

Pollutant	Averaging Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>		
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>
	8 Hour	0.070 ppm (137 µg/m <sup>3</sup> )		0.075 ppm (147 µg/m <sup>3</sup> )	Same as Primary Standard	
<b>Respirable Particulate Matter (PM<sub>10</sub>)</b>	24 Hour	50 µg/m	Gravimetric or Beta Attenuation	150 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Annual Analysis
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>		--		
<b>Fine Particulate Matter (PM<sub>2.5</sub>)</b>	24 Hour		Gravimetric or Beta Attenuation	35 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Annual Analysis
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>		15 µg/m <sup>3</sup>		
<b>Carbon Monoxide (CO)</b>	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m <sup>3</sup> )	--	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )		9 ppm (10 mg/m <sup>3</sup> )	--	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m <sup>3</sup> )		--	--	
<b>Nitrogen Dioxide (NO<sub>2</sub>)<sup>8</sup></b>	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	Gas Phase Chemiluminescence	100 ppb (188 µg/m <sup>3</sup> )	--	Gas Phase Annual Chemiluminescence
	Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )		53 ppb (100 µg/m <sup>3</sup> )	Same as Primary Standard	
<b>Sulfur Dioxide</b>	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Ultraviolet Fluorescence	75 ppb (196 µg/m <sup>3</sup> )	--	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	--		--	0.5 ppm (1300 µg/m <sup>3</sup> )	
	24 Hour	0.04 ppm (105 µg/m <sup>3</sup> )		0.14 ppm (for certain areas) <sup>9</sup>	--	
	Annual Arithmetic Mean	--		0.030 ppm (for certain areas) <sup>9</sup>	--	
<b>Lead<sup>10,11</sup></b>	30 Day Average	1.5 µg/m <sup>3</sup>	Atomic Absorption	--	--	High Volume Sampler and Atomic Absorption
	Calendar Quarter	--		1.5 µg/m <sup>3</sup> (for certain areas) <sup>11</sup>	Same as Primary Standard	
	Rolling 3-Month Average	--		0.15 µg/m <sup>3</sup>		

Pollutant	Averaging Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>		
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>
Visibility Reducing Particles <sup>12</sup>	8 Hour	See footnote 12	Beta Attenuation and Transmittance through Filter Tape	No National Standard		
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Ultraviolet Fluorescence			
Vinyl Chloride <sup>10</sup>	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Gas Chromatography			

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM2.5, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.

5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.

8. To attain the 1-hour national standard, the 3-year average of the annual 98<sup>th</sup> percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standards of 53 ppb and 100 ppb are identical to 0.053 ppm and 0.100 ppm, respectively.

9. On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99<sup>th</sup> percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.

10. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m<sup>3</sup> as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

12. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Table 3-2. Ambient Air Quality Standards; Source: SJVAPCD

**San Joaquin Valley Air Pollution Control District (SJVAPCD)** – The SJVAPCD is responsible for enforcing air quality standards in the project area. To meet state and federal air quality objectives, the SJVAPCD adopted the following thresholds of significance for projects:

Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	Emissions (tpy)	Emissions (tpy)	Emissions (tpy)
CO	100	100	100
Nox	10	10	10
ROG	10	10	10

<b>SOx</b>	27	27	27
<b>PM10</b>	15	15	15
<b>PM2.5</b>	15	15	15

Table 3-3. SJVAPCD Thresholds of Significance for Criteria Pollutants; Source: SJVAPCD

### Discussion

**a) Would the project conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact:** The City of Lindsay is located within the boundaries of the SJVAPCD meaning air pollutant emissions are regulated by the air district. The SJVAPCD is responsible for bringing air quality in Tulare County into compliance with federal and state air quality standards. The Air District has Particulate Matter (PM) plans, Ozone Plans, and Carbon Monoxide Plans that serve as the clean air plan for the basin. The proposed project will not conflict or obstruct the implementation of these air quality plans. There is *no impact*.

**b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

**No Impact:** The SJVAPCD is responsible for bringing air quality in Tulare County into compliance with federal and state air quality standards. The significance thresholds and rules developed by the SJVAPCD are designed to prevent projects from violating air quality standards or significantly contributing to existing air quality violations. No air quality or emissions data can be calculated for this proposal as no new development will result from this project. Therefore, no element of this project will exceed thresholds established by the SJVAPCD or lead to a significant net increase of any criteria pollutant. There is *no impact*.

**c) Would the project expose sensitive receptors to substantial pollutant concentrations?**

**Less than Significant Impact:** Sensitive receptors include those individuals who are sensitive to air pollution including children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. There is no component of the project that would permit or result in a change in land use or development that can generate substantial pollutant concentrations. There is *no impact*.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

**Less Than Significant Impact:** See Response 3.3(c). There is no component of the project that would generate or result in emissions. There is *no impact*.

In conclusion, the Project will result in no impact to air quality.

#### IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through director removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Environmental Setting

The City of Lindsay is a primarily urbanized area surrounded by agricultural and vacant land uses. The topography of the area is relatively flat and there is sparse vegetation consisting predominantly of street trees and shrubs.

#### Regulatory Setting

**Federal Endangered Species Act (FESA):** defines an *endangered species* as “any species or subspecies that is in danger of extinction throughout all or a significant portion of its range.” A *threatened species* is defined as “any species or subspecies that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.”

**The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712):** FMBTA prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs. Although the United States Fish and Wildlife Service (USFWS) and its parent administration, the U.S. Department of the Interior, have traditionally interpreted the FMBTA as prohibiting incidental as well as intentional “take” of birds, a January 2018 legal opinion issued by the Department of the Interior now states that incidental take of migratory birds while engaging in otherwise lawful activities is permissible under the FMBTA. However, California Fish and Game Code makes it unlawful to take or possess any non-game bird covered by the FMBTA (Section 3513), as well as any other native non-game bird (Section 3800), even if incidental to lawful activities.

**Birds of Prey (CA Fish and Game Code Section 3503.5):** Birds of prey are protected in California under provisions of the Fish and Game Code (Section 3503.5), which states that it is unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks and eagles) or Strigiformes (owls), as well as their nests and eggs. The bald eagle and golden eagle are afforded additional protection under the federal Bald and Golden Eagle Protection Act (16 USC 668), which makes it unlawful to kill birds or their eggs.

**Clean Water Act:** Section 404 of the Clean Water Act of (1972) is to maintain, restore, and enhance the physical, chemical, and biological integrity of the nation’s waters. Under Section 404 of the Clean Water Act, the US Army Corps of Engineers (USACE) regulates discharges of dredged and fill materials into “waters of the United States” (jurisdictional waters). Waters of the US including navigable waters of the United States, interstate waters, tidally influenced waters, and all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries.

**California Endangered Species Act (CESA):** prohibits the take of any state-listed threatened and endangered species. CESA defines *take* as “any action or attempt to hunt, pursue, catch, capture, or kill any listed species.” If the proposed project results in a take of a listed species, a permit pursuant to Section 2080 of CESA is required from the CDFG.

### Discussion

- a) **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. fish and Wildlife Service?**

**Less than Significant Impact:** While the aim of the project is to remove limitations and enhance developmental possibilities, it is important to note that no new development is being suggested or expected due to the implementation of the project. Some project components will allow for increases in density, however, only on sites already zoned for residential or other urbanized land uses. Any development that occurs after this project will continue to follow the same precautions to preserve

and protect habitats, species, and biological resources. There is a *less than significant impact*.

- b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?**

**Less than Significant Impact:** The City of Lindsay is located approximately 5 miles west of Lewis Creek, a riparian habitat identified in the City's General Plan. While no new development is being suggested with this project, any future development will continue to follow policies included in the Lindsay and Tulare County General Plans to ensure the protection and preservation of this riparian habitat. The Tulare County General Plan identifies the following policies as essential to protecting sensitive habitats:

**LU-2.3:** The County shall require that all new development requiring a County discretionary approval, including parcel and subdivision maps, be planned and designed to maintain the scenic open space character of open space resources including, but not limited to, agricultural areas, rangeland, riparian areas, etc., within the view corridors of highways. New development shall utilize natural landforms and vegetation in the least visually disruptive way possible and use design, construction and maintenance techniques that minimize the visibility of structures on hilltops, hillsides, ridgelines, steep slopes, and canyons.

**ERM-1.4:** The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls.

**ERM-1.5:** The County shall require mining reclamation plans and other management plans to include measures that protect, maintain, and restore riparian resources and habitats.

**ERM-1.6:** The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats.

**ERM-1.8:** The County shall require buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities. These buffers should be sufficient to assure the continued existence of the waterways and riparian habitat in their natural state.

While the project area is in close proximity to a riparian habitat, no components of this proposal will go against or alter the conservation policies set forth in the county's General Plan, therefore there is a *less than significant impact*.

- c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through director removal, filling, hydrological interruption, or other means?**

**No Impact:** See response 3.4(b). There is no development or change in land use proposed or anticipated as a result of the project that has the potential to adversely impact jurisdictional wetlands. There is *no impact*.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**No Impact:** This project does interfere with the movement of any native or migratory fish or wildlife species, migratory wildlife corridors, or impede the use of native wildlife nursery sites. There is *no impact*.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No Impact:** The project would not conflict with any local policies or ordinances protecting biological resources. There is *no impact*.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact:** There are no known Habitat Conservation Plans or Natural Community Conservation Plans in effect within the vicinity of the City of Lindsay. There is *no impact*.

In conclusion, the Project will not result in any significant impacts to biological resources within or around the City of Lindsay.

**V. CULTURAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The City of Lindsay, CA is situated within the ancestral lands of the Yokuts people. Before European contact, the Yokuts inhabited the area around Lindsay. The traditional Yokuts territory extended across the Central Valley of California, including the lands surrounding the modern-day city. The arrival of European settlers began in the 19th century, with explorers and trappers venturing into the region. The California Gold Rush of the mid-1800s brought increased interaction between Euro-Americans and the indigenous population, leading to changes in the local landscape and way of life. The eventual establishment of Lindsay as a city was influenced by these historical dynamics. As Euro-American settlement expanded, the region underwent transformations that impacted both the environment and the indigenous communities. The City of Lindsay, CA has a unique history shaped by these interactions and changes, ultimately leading to its incorporation and development as a municipality.

**Regulatory Setting**

**National Historic Preservation Act:** The National Historic Preservation Act was adopted in 1966 to preserve historic and archeological sites in the United States. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation offices (SHPO).

**California Historic Register:** The California Historic Register was developed as a program to identify, evaluate, register, and protect Historical Resources in California. California Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, experimental, or other value. In order for a resource to be designated as a historical landmark, it must meet the following criteria:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

## Discussion

- a) **Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?**

**No Impact:** No developmental activities or ground disturbances are being put forth, and no aspect of the project holds the potential to negatively affect historical structures or any undiscovered historical assets that might exist within the City of Lindsay, CA. There is *no impact*.

- b) **Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

**No Impact:** There are no known archaeological resources located within the City, and there would be no development or ground disturbance as a result of the project. There is *no impact*.

- c) **Would the project disturb any human remains, including those interred outside of formal cemeteries?**

**No Impact:** There is no known record of Native American or early European burial sites in the City the Lindsay. Furthermore, the project does not include any aspect that could potentially have a negative impact on any undiscovered burial sites that might exist within its boundaries. There is *no impact*.

In conclusion, the Project will not result in any cultural resource impacts.

## VI. ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

Southern California Edison (SCE) is the primary provider of electricity services in the City of Lindsay, California. Covering a vast service area, SCE serves numerous communities and residents throughout Southern California. With a commitment to providing reliable energy, SCE delivers electricity from a diverse range of renewable and nonrenewable sources.

### Regulatory Setting

**California Code of Regulations, Title 20:** Title 20 of the California Code of Regulations establishes standards and requirements for appliance energy efficiency. The standards apply to a broad range of appliances sold in California.

**California Code of Regulations, Title 24:** Title 24 of the California Code of Regulations is a broad set of standards designed to address the energy efficiency of new and altered homes and commercial buildings. These standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting. Title 24 requirements are enforced locally by the City of Lindsay Building Department.

**California Green Building Standards Code (CALGreen):** CalGreen is a mandatory green building code that sets minimum environmental standards for new buildings. It includes standards for volatile organic compound (VOC) emitting materials, water conservation, and construction waste recycling.

### Discussion

**a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

**Less Than Significant Impact:** The project is designed to enhance developmental possibilities by increasing densities. While it is acknowledged that increased density could lead to a rise in energy consumption, Southern California Edison (SCE) is equipped to manage this anticipated increase in energy demand. The City of Lindsay remains committed to adhering to California Code of Regulations, Title 20, Title 24, and the California Green Building Standards Code. Despite the potential for heightened energy usage due to increased density, the collective efforts of SCE and the city's commitment to regulatory standards are expected to ease any significant impact on energy resources.

It should also be noted that no new development will result from this project that will directly increase energy consumption. Therefore, there is a *less than significant impact*.

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**No Impact:** As discussed previously, this proposal and any resulting development will be subject to compliance with energy efficiency regulations including CALGreen, Title 20 and 24, and the Lindsay General Plan. Therefore, the proposed update will not conflict with or obstruct any state or local plans for renewable energy or energy efficiency. There is *no impact*.

In conclusion, the Project will not result in any significant impacts to energy within the City of Lindsay.

## VII. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct and indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

#### **Geologic Stability and Seismic Activity**

- Seismicity:** Although there are several potentially active faults within and near Tulare County, it is considered to be at relatively low risk for seismic activity. The *Tulare County Multi-Jurisdictional Hazard Mitigation Plan (2018 HMP)* identifies the project site as having between a 1 and 10% probability of experiencing ground shaking in the next year or at least one chance in next 100 years. Ground shaking can result in other geological impacts, including liquefaction, landslides, lateral spreading, subsidence, or collapse.

- **Liquefaction:** Liquefaction is a phenomenon whereby unconsolidated and/or near saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. In the event of strong earthquake shaking, the relatively rapid loss of soil shear strength creates a temporary, fluid-like behavior of the soil. This can result in landslides and lateral spreading. No specific countywide assessment of liquefaction has been performed; however, the Tulare County Multi-Hazard Mitigation Plan identifies the risk of liquefaction within the county as low because the soil types are unsuitable for liquefaction.
- **Landslides:** Landslides refer to a wide variety of processes that result in the downward and outward movement of soil, rock, and vegetation under gravitational influence. Landslides are caused by both natural and human-induced changes in slope stability and often accompany other natural hazard events, such as floods, wildfire, or earthquake. While western portions of the County are considered to be high landslide hazard areas, the majority of the County is considered a moderate landslide hazard area. Both City and County General Plans have historically recognized that slopes exceeding 26 percent are essentially “undevelopable” and “not readily available” due to inherent instability, engineering difficulties, and costs. The 2018 HMP states that occurrence of landslide events within populated areas of Tulare County is unlikely. Majority of the City, including the proposed project site, is considered to be at low risk of landslides and mudslides because of its flat topography. The Tulare County Multi-Hazard Mitigation Plan states that minor landslides will likely continue to impact the area when heavy precipitation occurs.
- **Subsidence:** Land Subsidence refers to the vertical sinking of land as a result of either manmade or natural underground voids. Subsidence has occurred throughout the Central Valley as a result of groundwater, oil, and gas withdrawal. Although western portions of the County show signs of deep and shallow subsidence, the majority of the County, including the proposed project site, is not considered to be at risk of subsidence related hazards.

### Regulatory Setting

**California Building Code:** The California Building Code contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment.

### Discussion

- a) **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**Less than Significant Impact:** The Alquist-Priolo Earthquake Fault Zoning Map doesn't identify any active faults in relatively close position to Lindsay. And although the City is located in an area of relatively low seismic activity, the City could still be affected by ground shaking from nearby faults. The potential for strong seismic ground shaking on the project site is not a significant environmental concern due to the infrequent seismic activity of the area and distance to the faults. The project does not propose any components which could cause substantial adverse effects in the event of an earthquake. Additionally, the project has no potential to indirectly or directly cause the rupture of an earthquake fault. Therefore, there is *a less than significant impact* related to the risk of loss, injury or death involving a rupture of a known earthquake fault.

ii. **Strong seismic ground shaking?**

**Less than Significant Impact:** According to the 2018 HMP, Tulare County and Lindsay are located in an area of relatively low seismic activity. The proposal does not include any activities or components which could feasibly cause strong seismic ground shaking, either directly or indirectly. There is *a less than significant impact*.

iii. **Seismic-related ground failure, including liquefaction?**

**Less than Significant Impact:** No specific countywide assessment of liquefaction has been performed; however, the 2018 HMP identifies the risk of liquefaction within Tulare County as low because the soil types are unsuitable for liquefaction. The area's low potential for seismic activity would further reduce the likelihood of liquefaction occurrence. Because the City is within an area of low seismic activity, and the soils associated with the project area is not suitable for liquefaction, there are *less than significant impacts*.

iv. **Landslides?**

**No Impact:** The City of Lindsay is considered at low risk of small landslides. Additionally, the area is relatively flat and there are no significant hills or slopes in close proximity. No geologic landforms exist on or near the City that would result in a landslide event. As a result, there is very low potential for landslides. There would be *no impact*.

b) **Would the project result in substantial soil erosion or the loss of topsoil?**

**No Impact:** Erosion refers to the natural phenomenon in which soil is detached and carried away by wind or water, leading to its relocation. While erosion is a naturally occurring process in many environments, human activities that disrupt soil and vegetation often accelerate this process. This proposal does not involve any planned or expected development or ground disturbance that could contribute to erosion. Therefore, there is *no impact*.

c) **Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**No Impact:** See Responses 3.7(a)(iii) and 3.7(a)(iv). There is no development or ground disturbance proposed or anticipated as a result of the project. There is *no impact*.

- d) **Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

**No Impact:** As discussed above, there is no development proposed or anticipated as a result of the project proposal. There is *no impact*.

- e) **Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

**No Impact:** There is no development resulting from the proposed project, meaning it would not include the use of septic tanks or any other alternative wastewater disposal systems. Therefore, there is *no impact*.

- f) **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less Than Significant Impact:** No distinctive geological or paleontological resources have been documented within the City of Lindsay. Moreover, given historical ground disturbances, it is unlikely that any adverse effects on unrecorded paleontological resources or geological attributes will occur in the future. There is a *less than significant impact*.

In conclusion, the Project will not result in any significant geologic impacts.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

Natural processes and human activities emit greenhouse gases. The presence of GHGs in the atmosphere affects the earth's temperature. Without the natural heat-trapping effect of GHGs, the earth's surface would be about 34°C cooler. However, it is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

The effect of greenhouse gasses on earth's temperature is equivalent to the way a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide, methane, nitrous oxide, ozone, chlorofluorocarbons, hydro chlorofluorocarbons, and hydro fluorocarbons, per fluorocarbons, sulfur and hexafluoride. Some gases are more effective than others. The Global Warming Potential (GWP) has been calculated for each greenhouse gas to reflect how long it remains in the atmosphere, on average, and how strongly it absorbs energy. Gases with a higher GWP absorb more energy, per pound, than gases with a lower GWP, and thus contribute more to global warming. For example, one pound of methane is equivalent to twenty-one pounds of carbon dioxide.

GHGs as defined by AB 32 include the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. GHGs as defined by AB 32 are summarized in Table 3-9. Each gas's effect on climate change depends on three main factors. The first being the quantity of these gases are in the atmosphere, followed by how long they stay in the atmosphere and finally how strongly they impact global temperatures.

Greenhouse Gas	Description and Physical Properties	Lifetime	GWP	Sources
Methane (CH <sub>4</sub> )	Is a flammable gas and is the main component of natural gas	12 years	21	Emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.

Greenhouse Gas	Description and Physical Properties	Lifetime	GWP	Sources
Carbon dioxide (CO <sub>2</sub> )	An odorless, colorless, natural greenhouse gas.	30-95 years	1	Enters the atmosphere through burning fossil fuels (coal, natural gas and oil), solid waste, trees and wood products, and also as a result of certain chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.
Chloro-fluorocarbons	Gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are non-toxic nonflammable, insoluble and chemically unreactive in the troposphere (the level of air at the earth's surface).	55-140 years	3,800 to 8,100	Were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. They destroy stratospheric ozone.
Hydro-fluorocarbons	A man-made greenhouse gas. It was developed to replace ozone-depleting gases found in a variety of appliances. Composed of a group of greenhouse gases containing carbon, chlorine and at least one hydrogen atom.	14 years	140 to 11,700	Powerful greenhouse gases that are emitted from a variety of industrial processes. Fluorinated gases are sometimes used as substitutes for stratospheric ozone-depleting substances. These gases are typically emitted in smaller quantities, but because they are potent greenhouse gases.
Nitrous oxide (N <sub>2</sub> O)	Commonly known as laughing gas, is a chemical compound with the formula N <sub>2</sub> O. It is an oxide of nitrogen. At room temperature, it is a colorless, non-flammable gas, with a slightly sweet odor and taste. It is used in surgery and dentistry for its anesthetic and analgesic effects.	120 years	310	Emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.
Pre-fluorocarbons	Has a stable molecular structure and only breaks down by ultraviolet rays about 60 kilometers above Earth's surface.	50,000 years	6,500 to 9,200	Two main sources of pre-fluorocarbons are primary aluminum production and semiconductor manufacturing.
Sulfur hexafluoride	An inorganic, odorless, colorless, and nontoxic nonflammable gas.	3,200 years	23,900	This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing and as a tracer gas.

Table 3-4. Greenhouse Gasses; Source: EPA, Intergovernmental Panel on Climate Change

In regard to the quantity of these gases that are in the atmosphere, we first must establish the amount of particular gas in the air, known as Concentration, or abundance, which are measured in parts per million, parts per billion and even parts per trillion. To put these measurements in more relatable terms, one part per million is equivalent to one drop of water diluted into about 13 gallons of water, roughly a full tank of gas in a compact car. Therefore, it can be assumed larger emission of greenhouse gases lead to a higher concentration in the atmosphere.

Each of the designated gases described above can reside in the atmosphere for different amounts of time, ranging from a few years to thousands of years. All these gases remain in the atmosphere long enough to become well mixed, meaning that the amount that is measured in the atmosphere is roughly the same all over the world regardless of the source of the emission.

### **Regulatory Setting**

#### **San Joaquin Valley Air Pollution Control District:**

**AB 32:** AB 32 set the 2020 greenhouse gas emissions reduction goal into law. It directed the California Air Resources Board to begin developing discrete early actions to reduce greenhouse gases while also preparing a scoping plan to identify how best to reach the 2020 limit. The Scoping Plan was prepared by CARB and adopted in 2011. CARB released the 2017 Scoping Plan in November 2017. The 2017 Scoping Plan provides strategies for achieving the 2030 target established by EO B-30-15 and codified in SB 32. The Scoping Plan recommends local plan-level GHG emissions reduction goals.

**SB 1078, SB 107 and Executive Order S-14-08:** SB 1078, SB 107, and Executive Order S-14-08 require California to generate 20% of its electricity from renewable energy by 2017. SB 107 then changes the 2017 deadline to 2010. Executive Order S-14-08 required that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020.

**Tulare County Climate Action Plan (2018):** The CAP functions as a guiding document for the County of Tulare's efforts to decrease greenhouse gas emissions and adapt to potential climate change impacts. It is a practical step of the 2030 General Plan Update's implementation. This General Plan sets the supportive structure for the County's development, aiming to minimize greenhouse gas emissions as development progresses. The CAP builds upon this General Plan by outlining more detailed actions that will be employed to achieve emission reduction objectives aligned with California's legislative measures. The terms "Climate Action Plan" and "Greenhouse Gas Reduction Plan" are frequently used interchangeably. In this document, the County has opted to utilize the abbreviation CAP for Climate Action Plan.

### **Discussion**

- a) **Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.**

**Less than Significant Impact:** While the project is intended to facilitate development and may lead to increased densities. The project itself does not involve any planned or expected development. Therefore, the project is not expected to bring about a significant shift in greenhouse gas emissions compared to what would naturally happen without this project, following existing growth patterns. Moreover, while no emissions data can be calculated for this project, any future development will

continue to ensure project emissions are complying with regulations set forth by the SJVAPCD and Tulare County Climate Action Plan. There is a *less than significant impact*.

**b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**No Impact:** The proposed project would not conflict with any adopted plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions.

In conclusion, the Project will not result in any significant greenhouse gas impacts.

## IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard or excessive noise to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Environmental Setting

Lindsay, California, is home to the Lindsay Unified School District (LUSD), an education system known for its personalized learning approach and competency-based education. The district's emphasis on individualized learning plans ensures that students' progress at their own pace, fostering a strong foundation of knowledge and skills. Lindsay is also serviced by the Visalia Municipal Airport (VIS), the nearest major airport to the city. This airport provides convenient access for travelers and locals alike. In recent years, Lindsay, like many areas in California, has faced challenges related to wildfire conditions. The region has had to navigate wildfire preparedness and response strategies to safeguard its residents, schools, and communities from the potential risks posed by these natural events.

A substance is categorized as hazardous if it is listed in a hazardous materials inventory prepared by a federal, state, or local authority or if its properties match the hazardous criteria outlined by such an authority. According to Section 662601.10 of Title 22 within the California Code of Regulations (CCR), a

hazardous material is defined as follows: It refers to a substance or a combination of substances that, due to its volume, concentration, or physical, chemical, or infectious attributes, can either (1) lead to, or significantly contribute to, an increase in mortality or a rise in severe irreversible or temporarily incapacitating illness; or (2) present a substantial existing or potential threat to human health or the environment if mishandled, stored, transported, disposed of, or managed inappropriately.

### **Regulatory Setting**

**Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S. Code [U.S.C.] §9601 et seq.).** The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or the Superfund Act) authorizes the President to respond to releases or threatened releases of hazardous substances into the environment.

**Occupational Safety and Health Administration.** The Occupational Safety and Health Administration (OSHA) sets and enforces Occupational Safety and Health Standards to assure safe working conditions. OSHA provides training, outreach, education, and compliance assistance to promote safe workplaces. The proposed Project would be subject to OSHA requirements during construction, operation, and maintenance.

**Toxic Substances Control Act of 1976 (15 U.S.C. §2601 et seq.).** The Toxic Substance Control Act was enacted by Congress in 1976 and authorizes the EPA to regulate any chemical substances determined to cause an unreasonable risk to public health or the environment.

**Hazardous Waste Control Law, Title 26.** The Hazardous Waste Control Law creates hazardous waste management program requirements. The law is implemented by regulations contained in Title 26 of the California Code of Regulations (CCR), which contains requirements for the following aspects of hazardous waste management:

- Identification and classification;
- Generation and transportation;
- Design and permitting of recycling, treatment, storage, and disposal facilities;
- Treatment standards;
- Operation of facilities and staff training; and
- Closure of facilities and liability requirements.

**California Code of Regulations, Title 22, Chapter 11.** Title 22 of the California Code of Regulations contains regulations for the identification and classification of hazardous wastes. The CCR defines a waste as hazardous if it has any of the following characteristics: ignitability, corrosivity, reactivity, and/or toxicity.

**California Emergency Services Act.** The California Emergency Services Act created a multi-agency emergency response plan for the state of California. The Act coordinates various agencies, including CalEPA, Caltrans, the California Highway Patrol, regional water quality control boards, air quality management districts, and county disaster response offices.

## Discussion

- a) **Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**No Impact:** None of the project components involve the regular transportation, utilization, or disposal of hazardous materials. There is *no impact*.

- b) **Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**No Impact:** None of the project's components carry the potential to pose a substantial risk to the public or the environment due to the accidental release of hazardous materials into the surroundings. There is *no impact*.

- c) **Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**No Impact:** The Lindsay Unified School District contains 11 schools that are located throughout the City of Lindsay. The project does not include any aspect that could lead to the generation of hazardous emissions, nor does it involve the direct or indirect handling of hazardous or acutely hazardous materials, substances, or waste. There is *no impact*.

- d) **Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**No Impact:** The DTSC does not identify any hazardous sites within the City of Lindsay and therefore this project would not create a significant hazard to the public or environment. There is *no impact*.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

**No Impact:** The nearest major airport to Lindsay, California is the Visalia Municipal Airport (VIS) which is located 15 miles west of the city. Because the nearest airport is more than two miles away from the city of Lindsay there would be no safety hazards or excessive noise resulting from this project. There is *no impact*.

- f) **Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**No Impact:** There is nothing about the proposed project that would interfere with an adopted emergency response plan or evacuation plan. There is *no impact*.

- g) Would the project expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires?**

**No Impact:** The City of Lindsay is primarily urbanized and does not fall within a high fire hazard severity zone. This proposal will not directly result in any development and therefore the project would not subject individuals or structures, whether directly or indirectly, to a significant risk of loss, injury, or fatality related to wildland fires. There is *no impact*.

In conclusion, the Project will not result in any significant hazard impacts.

**X. HYDROLOGY AND WATER QUALITY**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise sustainably degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:				
(i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones risk the release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater movement plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The City of Lindsay, California, sources its water from both surface water and groundwater. Specifically, the water supply comes from the following sources:

**Friant Kern Canal (Surface Water):** The city receives a portion of its water from the Friant Kern Canal, which provides surface water. This canal serves as a source of water that is essential for various purposes within the city, including domestic and municipal use, irrigation, and other community needs.

**Groundwater Wells (Well No. 14 and 15):** Lindsay also relies on groundwater from wells, particularly Well No. 14 and 15. These groundwater wells are utilized to augment the surface water supply during periods of high demand, such as the summer months, and when the Friant-Kern Canal is not accessible due to maintenance or repairs.

The City of Lindsay operates under the regulatory oversight of the Central Valley Regional Water Quality Control Board (RWQCB). This board plays a vital role in ensuring water quality, enforcing regulations, and safeguarding the city's water resources. This regulatory framework aligns with Lindsay's commitment to responsible water management and environmental preservation.

### **Regulatory Setting**

**Clean Water Act:** The Clean Water Act (CWA) is enforced by the U.S. EPA and was developed in 1972 to regulate discharges of pollutants into the waters of the United States. The Act made it unlawful to discharge any pollutant from a point source into navigable waters unless a National Pollution Discharge Elimination System (NPDES) Permit is obtained.

**National Flood Insurance Act:** The Federal Emergency Management Agency (FEMA) is tasked with responding to, planning for, recovering from, and mitigating against disasters. The Federal Insurance and Mitigation Administration within FEMA is responsible for administering the National Flood Insurance Program (NFIP) and administering programs that aid with mitigating future damages from natural hazards.

**California Water Quality Porter-Cologne Act:** California's primary statute leading water quality and water pollution concerns with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act). The Porter-Cologne Act grants the State Water Resource Control Board (SWRCB) and each of the nine RWQCB power to protect water quality and further develop the Clean Water Act within California. The applicable RWQCB for the proposed project is the Central Valley RWQCB.

**Central Valley RWQCB:** The proposed project site is within the jurisdiction of the Central Valley RWQCB. The Central Valley RWQCB requires a NPDES Permit and SWPPP for projects disturbing more than one acre of total land area. Because the project is greater than one acre, a NPDES Permit and SWPPP will be required.

### **Discussion**

- a) **Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

**Less than Significant Impact:** This project proposal will not directly generate any new development that could potentially violate the water quality standards. This project would allow for increased densities in residential areas which could increase the demand for water. However, the implementation of appropriate measures and practices will ensure that a potential increased demand for water is managed in a manner that maintains and upholds water quality standards effectively. There is a *less than significant impact*.

- b) **Would the project substantially decrease groundwater supplies or interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

**Less than Significant Impact:** The City of Lindsay's primary water source is the Friant Kern Canal, (surface water) but utilizes two groundwater wells during periods of high-water demand. As discussed above, this project will not directly result in development that could deplete groundwater supplies.

However, it has the potential to allow increased residential density for future projects which could increase water demand. The application of suitable measures and protocols will guarantee that any future rise in water demand is controlled in a way that effectively sustains and preserves water quality standards. There is a *less than significant impact*.

**c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:**

**i. Result in substantial erosion or siltation on- or off-site?**

**No Impact:** There is also no development proposed or that would occur because of the project. Accordingly, the project would not impact the existing drainage pattern of the city or surrounding area or result in substantial erosion or siltation. There is *no impact*.

**ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?**

**No Impact:** The project does not include any elements that could lead to an increase in the rate or volume of surface runoff, nor does it carry the potential to induce flooding. There is *no impact*.

**iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**No Impact:** There would be no increase in stormwater runoff because of the project. There is *no impact*.

**iv. Impede or redirect flood flows?**

**No Impact:** The project does not include any component or development that can impede or redirect flood flows. There is *no impact*.

**d) Would the project, in flood hazard, tsunami, or seiche zones, risk the release of pollutants due to project inundation?**

**Less than Significant Impact:** According to most recent FEMA flood zone maps, approximately 25% of the Lindsay Plan Area is located in a flood hazard zone. This project has no elements with the potential to release pollutants due to a flood, tsunami, or seiche. Therefore, there is a *less than significant impact*.

**e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**No Impact:** The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. There is *no impact*.

In conclusion, the Project will not result in any significant hydrology or water quality impacts.

**XI. LAND USE AND PLANNING**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

The City of Lindsay is a small, urbanized city surrounded by agricultural uses. Most of the city has been developed as single-family residential uses. There are some areas designated for multi-family, mixed-use, office, open space, and industrial uses. Commercial development is highly concentrated in the center of the city which makes up Lindsay’s downtown center.

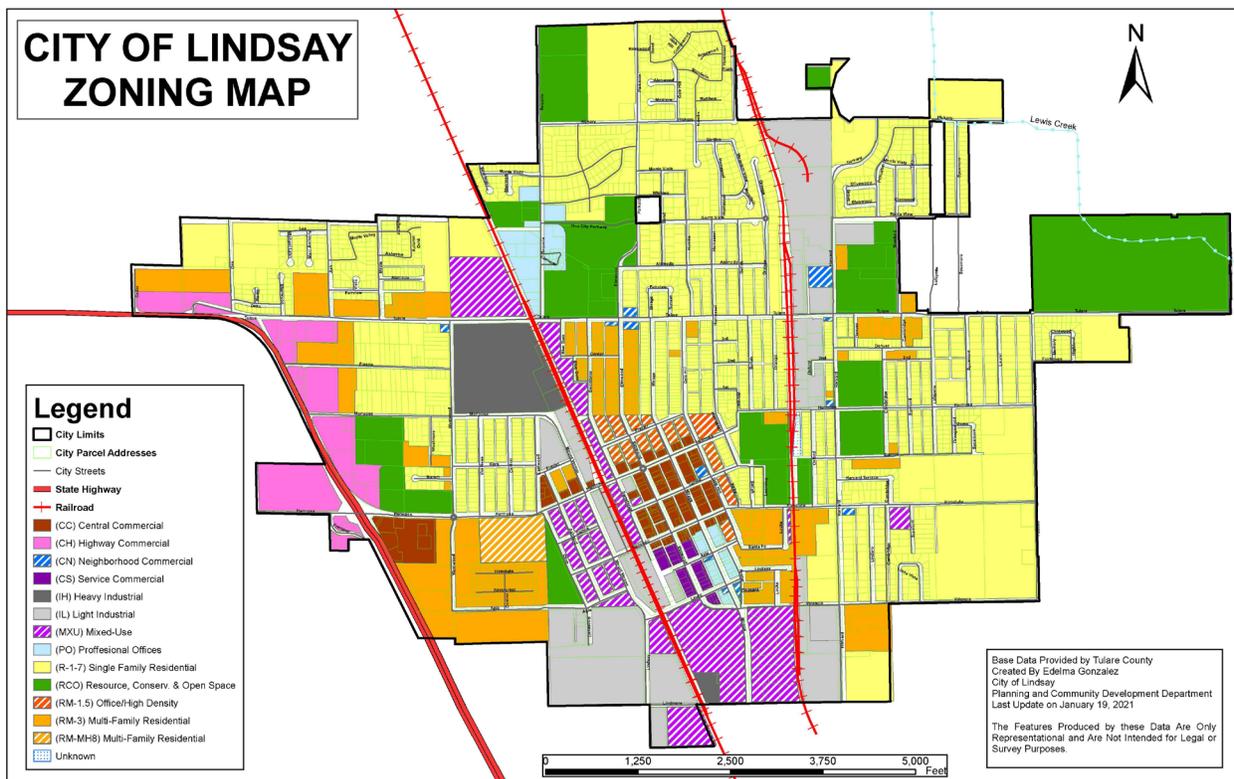


Figure 3-2 Zoning Map

## Discussion

### a) Would the project physically divide an established community?

**Less than Significant Impact:** The creation of a physical divide within an established community typically occurs when new infrastructure like highways, railways, parks, or other linear features are introduced. In the Project area, the landscape is predominantly developed, featuring existing roads and parks. The Project itself does not suggest the addition of new linear features that would fragment the existing community. Therefore, the impact is *less than significant*.

### b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

**Less than Significant Impact:** The Project entails changes to the City of Lindsay's Zoning and Subdivision Ordinances, including some alterations to the city's land use plans and policies. It's important to note that these revisions are intended to align the Ordinances with State requirements, ensuring compliance. The impact would be *less than significant*.

In conclusion, the Project impacts related to land use will be less than significant.

**XII. MINERAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally - important mineral resource recovery site delineated on a local general plan, specific plan or other lands use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

The San Joaquin Valley has been a leading producer of minerals because of the abundance and wide variety of mineral resources that are present in the Central Valley. Extracted resources include aggregate products (sand and gravel), fossil fuels (oil and coal), metals (gold, copper, mercury, and tungsten), and other minerals used in construction or industrial applications (high-grade clay, asbestos, diatomite, gypsum, granite, etc.).

There are 29 active mining claims within the County of Tulare. According to the California Department of Conservation, CGS’s Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal, the nearest mineral resource areas to the City of Lindsay are just south of the city and are decomposed granite mines.

**Regulatory Setting**

**California State Surface Mining and Reclamation Act:** The California State Surface Mining and Reclamation Act was adopted in 1975 to regulate surface mining to prevent adverse environmental impacts and to preserve the state’s mineral resources. The Act is enforced by the California Department of Conservation’s Division of Mine Reclamation.

**Discussion**

**a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**No Impact:** According to the CGS’s Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal, the City of Lindsay is not in an area designated for mineral resource preservation or recovery. Moreover, there is no component of the project that has the potential to result in the loss of available known mineral resources of value to the region or residents of the state. There is *no impact*.

**b) Would the project result in the loss of availability of a locally - important mineral resource recovery site delineated on a local general plan, specific plan or other lands use plan?**

**No Impact:** As stated above, the CGS's Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal does not identify any area of Lindsay to be designated as an important mineral resource recovery site. There is also no aspect of the project that could potentially impact a local general plan, specific plan, or other lands use plan. There is *no impact*.

In conclusion, the Project will not result in any impacts to mineral resources.

**XIII. NOISE**

<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive ground-borne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or, an airport land use plan or, where such a plan has not been adopted, within two miles of public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

Noise is often described as unwanted sound and consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Sound is the variation in air pressure that the human ear can detect. If the pressure variations occur at least 20 times per second, they can be detected by the human ear. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second, called Hertz (Hz). Significant noise sources in the City of Lindsay include traffic along SR 65 and railroad operations through the city. Noise in the City of Lindsay is regulated by the General Plan Noise Element and Chapter 8.20 (Noise Control) of the Lindsay Municipal Code.

**Regulatory Setting**

**City of Lindsay Municipal Code:** The City of Lindsay Municipal Code Chapter 8.20 (Noise Control) provides noise level criteria for land use compatibility for transportation related noise sources. Table 3-10 provides the noise level standards for transportation noise sources.

<b>District</b>	<b>Time</b>	<b>Sound Level Decibels</b>
Residential	10:00 pm to 7:00 am	50
	7:00 am to 10:00 pm	70
Commercial	10:00 pm to 7:00 am	60
	7:00 am to 10:00 pm	70
Public Parks and City Facilities	10:00 pm to 10:00 am	60
	10:00 am to 10:00 pm	85

*Table 3-5 City of Lindsay Municipal Code Noise Level Standards Transportation (Non-Aircraft) Noise Sources*

## Discussion

- a) **Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**No Impact:** No development is suggested or anticipated due to the project. As a result, there will be no additional noise generated by the project beyond what is already projected by current growth patterns. There is *no impact*.

- b) **Would the project result in generation of excessive ground-borne vibration or groundborne noise levels?**

**No Impact:** There is no development proposed or that would be likely to occur because of the project. The project does not have the potential to generate ground-borne vibration or noise. There is *no impact*.

- c) **For a project located within the vicinity of a private airstrip or, an airport land use plan or, where such a plan has not been adopted, within two miles of public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact:** The City of Lindsay is not within two miles of a private or public airport. The project will not expose people to excessive noise levels. There is *no impact*.

In conclusion, the Project will not result in any noise impacts.

**XIV. POPULATION AND HOUSING**

<b>Would the project:</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

The United States Census Bureau reported an estimated population of 12,537 for the City of Lindsay as of July 2022. This indicates an increase from the 2010 census count, which registered the population in Lindsay at 11,768. Various factors, including job opportunities, housing availability, and the capacity of current infrastructure, contribute to the dynamics of population growth in Lindsay, California.

**Regulatory Setting**

**CEQA Guidelines Section 15126.2(d):** CEQA Guidelines requiring that a CEQA document discuss the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

**Discussion**

- a) **Would the project induce substantial unplanned population growth in an area, either directly (for example, by new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**Less than Significant Impact:** The project's purpose is to improve development by removing limitations, permitting higher densities, and simplifying approval procedures. However, it's important to note that there are no development plans suggested or anticipated due to the project's implementation. Consequently, the project would not lead to a significant rise in population beyond the projected growth patterns. Furthermore, the city's existing infrastructure is designed to accommodate a larger population than its current level. There is a *less than significant impact*.

- b) **Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**Less than Significant Impact:** The proposed housing-related Zoning Code changes are primarily regulatory, not involving new development or environmental alterations leading to unexpected population growth. While no specific development plans exist, future residential construction in the

Project Area would adhere to the Zoning Code, ensuring planned growth with access to existing utilities. Any utility extensions would only create new connections to current infrastructure, avoiding unplanned development and population surges. This growth would remain within the City's limits and be supported by existing infrastructure. There is a *less than significant impact*.

In conclusion, the Project will not result in any significant population and housing impacts.

**XV. PUBLIC SERVICES**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less than Significant With Mitigation Incorporation</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable serve ratios, response times of other performance objectives for any of the public services:				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

**Fire:** Fire protection services for the City of Lindsay and its surrounding areas are efficiently managed by the Lindsay Fire Department. This department, located at 185 N Gale Hill Ave, ensures comprehensive fire suppression and emergency response coverage. Lindsay Fire Department handles fire incidents, hazardous materials situations, and other critical events, prioritizing the safety of both residents and property.

**Police:** Law enforcement services are provided by the Lindsay Police Department, stationed at 185 N Gale Hill Ave. Responsibilities encompass neighborhood patrols, emergency responses, and investigative work.

**Schools:** Lindsay, California, is home to the Lindsay Unified School District (LUSD), containing 11 different schools. It is an education system known for its personalized learning approach and competency-based education. The district's emphasis on individualized learning plans ensures that students' progress at their own pace, fostering a strong foundation of knowledge and skills.

**Discussion**

**a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable serve ratios, response times of other performance objectives for any of the public services:**

**a. Fire protection?**

**Less than Significant Impact:** The project's purpose is to improve development by removing limitations, permitting higher densities, and simplifying approval procedures. However, it's important to note that there are no development plans suggested or anticipated due to the project's implementation. Future development that would be influenced by this proposal will still need to ensure that fire services are adequate to provide for projected growth before approval or implementation of the given project. There is a *less than significant impact*.

**b. Police protection?**

**Less than Significant Impact:** See response 3.15(a). The project would have little to no impact on the provision of police protection services. There is a *less than significant impact*.

**c. Schools?**

**Less than Significant Impact:** See response 3.15(a). The project's purpose is to ease constraints and promote residential development. However, it's important to note that the project will not lead to new housing creation or a significant rise in students that necessitates new or modified school facilities. There is a *less than significant impact*.

**d. Parks?**

**Less than Significant Impact:** While this project doesn't immediately introduce new developments, it does incorporate elements that could enable higher residential densities. This, in turn, may lead to an increased use of parks and recreational facilities. It's important to note, however, that any subsequent development following this project would strictly adhere to the Zoning Code and General Plan, ensuring that growth is well-planned and carefully managed. There is a *less than significant impact*.

**e. Other public facilities?**

**Less than Significant Impact:** See response 3.15(a). The project would not have a substantial impact on any other government services or facilities. There is a *less than significant impact*.

In conclusion, the Project will not result in any significant impacts to public services.

**XVI. RECREATION**

Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Environmental Setting**

The City of Lindsay has a few well-maintained parks, including the 6.2-acre Olive Ball Park and the central Lindsay City Park, covering 7.5 acres. These parks offer green spaces, playgrounds, and picnic areas for families and friends to utilize. Additionally, Lindsay's public schools provide various sports facilities and playgrounds for both students and the broader community to partake in active recreations. There is also an array of outdoor activities located near the city, such as Sequoia National Park located 30 miles east of Lindsay.

**Discussion**

**a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less than Significant Impact:** While this project doesn't involve new construction, it does incorporate elements that could facilitate higher residential densities. Such an increase in housing might lead to an increase in the use of parks and recreational facilities. However, it's important to note that any subsequent development following this project would strictly adhere to the Zoning Code and General Plan, guaranteeing that growth is meticulously planned and accommodated for. There is *a less than significant impact*.

**b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**Less than Significant Impact:** See Response 3.16(a). There is *a less than significant impact*.

In conclusion, the Project will not result in any parks and recreation impacts.

**XVII. TRANSPORTATION**

<b>Would the project:</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with the CEQA guidelines Section 15064.3, Subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

State Route 65 (SR 65) serves as the main route leading into the City of Lindsay, bordering the city's western boundary. Tulare Road and Hermosa Street stand out as the major thoroughfares, connecting with SR 65. Although Lindsay itself doesn't operate its own public transportation system, residents and visitors benefit from the convenience of Tulare County's regional bus service that passes through Lindsay. The Visalia Municipal Airport stands as the nearest public airport, located approximately 15 miles to the northwest.

**Regulatory Setting**

**CEQA Guidelines Section 15064.3, Subdivision (b): Criteria for Analyzing Transportation Impacts**

- (1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact.
- (2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, a lead agency may tier from that analysis as provided in Section 15152.
- (3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the

availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

- (4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

### **Discussion**

- a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

**Less than Significant Impact:** One of the components of the project is an update to the Circulation Element in the City of Lindsay's General Plan. However, it is important to note the updates to this element consisted of adding visual to provide clear design guidelines, removing ambiguity, and ensuring development standards aligned with the city's Design Guidelines and Public Improvement Standards. These updates would not conflict with any program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. There is a *less than significant impact*.

- b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b)?**

**Less than Significant Impact:** While this project doesn't involve new construction, it does include elements that could facilitate higher residential densities. This potential increase in housing may impact vehicle miles traveled, both during construction and for ongoing operations. However, it's essential to highlight that any subsequent development resulting from this project will rigorously adhere to the Zoning Code and General Plan, guaranteeing that growth is carefully planned and appropriately accommodated for. There is a *less than significant impact*.

- c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**No Impact:** The project does not propose any incompatible uses or include any design features that could increase traffic hazards. There is *no impact*.

- d) Would the project result in inadequate emergency access?**

**No Impact** The project would not impair emergency access to or from the City of Lindsay. There is *no impact*.

In conclusion, the Project will not result in any significant transportation impacts.

**XVIII. TRIBAL CULTURAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

Lindsay, CA, is situated on the ancestral lands of the Yokuts people, who inhabited the area long before European contact. Their traditional territory extended across California's Central Valley, including the lands now occupied by the city. In the 19th century, European settlers began to arrive, with explorers and trappers exploring the region. The California Gold Rush in the mid-1800s intensified interactions between Euro-Americans and the indigenous population, resulting in alterations to the local landscape and way of life. Lindsay's eventual establishment as a city was influenced by these historical dynamics. As Euro-American settlement expanded, the region underwent changes that affected both the environment and indigenous communities.

While the Yokuts were the predominant indigenous group, there may have been other smaller tribes or bands who also inhabited the area or passed through it due to seasonal migrations and trade networks. The history of Native American tribes in this region is rich and diverse, with various groups having occupied these lands for thousands of years before European contact.

**Regulatory Setting**

**Historical Resources:** Historical resources are defined by CEQA as resources that are listed in or eligible for the California Register of Historical Resources, resources that are listed in a local historical resource register, or resources that are otherwise determined to be historical under California Public Resources Code Section 21084.1 or California Code of Regulations Section 15064.5. Under these definitions Historical Resources can include archaeological resources, Tribal cultural resources, and Paleontological Resources.

**Archaeological Resources:** As stated above, archaeological resources may be considered historical resources. If they do not meet the qualifications under the California Public Resources Code 21084.1 or California Code of Regulations Section 15064.5, they are instead determined to be “unique” as defined by the CEQA Statute Section 21083.2. A unique archaeological resource is an artifact, object, or site that: (1) contains information (for which there is a demonstrable public interest) needed to answer important scientific research questions; (2) has a special and particular quality, such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

**Tribal Cultural Resource (TCR):** Tribal Cultural Resources can include site features, places, cultural landscapes, sacred places, or objects, which are of cultural value to a Tribe. It is either listed on or eligible for the CA Historic Register or a local historic register or determined by the lead agency to be treated as TCR.

**Paleontological Resources:** For the purposes of this section, “paleontological resources” refers to the fossilized plant and animal remains of prehistoric species. Paleontological Resources are a limited scientific and educational resource and are valued for the information they yield about the history of the earth and its ecology. Fossilized remains, such as bones, teeth, shells, and leaves, are found in geologic deposits (i.e., rock formations). Paleontological resources generally include the geologic formations and localities in which the fossils are collected.

**Native American Reserve (NAR):** This designation recognizes tribal trust and reservation lands managed by a Native American Tribe under the United States Department of the Interior’s Bureau of Indian Affairs over which the County has no land use jurisdiction. The County encourages adoption of tribal management plans for these areas that consider compatibility and impacts upon adjacent area facilities and plans.

**National Historic Preservation Act:** The National Historic Preservation Act was adopted in 1966 to preserve historic and archeological sites in the United States. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation offices.

**California Historic Register:** The California Historic Register was developed as a program to identify, evaluate, register, and protect Historical Resources in California. California Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, experimental, or other value. In order for a resource to be designated as a historical landmark, it must meet the following criteria:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.

- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

### Discussion

a) **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

- i. **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**

**No Impact:** There would be no impact related to any resources listed in the California Register of Historical Resources.

- ii. **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

**No Impact:** There would be no impact related to any resources found in Public Resources Code Section 5024.1.

Due to the policy-nature of the project, it is speculative to assess specific project impacts related to cultural resources. The project will result in generalized impacts related to urban development and circulation, as stated in the Negative Declaration, although the Project will not result in any direct and significant impacts to tribal cultural resources.



**XIX. UTILITIES AND SERVICE SYSTEMS**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

**Wastewater:** Sewer treatment is managed by Lindsay's Department of City Services. The City of Lindsay doesn't own or operate a wastewater treatment facility that serves the people of Lindsay. The nearest wastewater treatment plant is in the City of Farmersville.

**Solid Waste:** Mid Valley Disposal provides the following solid waste services to the City of Lindsay: collection of residential and commercial solid waste, recyclables, and green waste throughout the community at least once a week; disposes of solid waste; provides and maintains containers; responds to customer complaints/concerns and provides roll-off and bin services to residential, multi-family and commercial customers.

**Water:** The City of Lindsay's Department of City Services provides potable water to most of the City. Lindsay's primary source of potable water is the Friant Kern Canal. This canal serves as a source of water that is essential for various purposes within the city, including domestic and municipal use, irrigation, and other community needs. Lindsay also relies on groundwater from wells, particularly Well No. 14 and 15. These groundwater wells are utilized to augment the surface water supply during periods of high demand,

such as the summer months, and when the Friant-Kern Canal is not accessible due to maintenance or repairs.

**Stormwater:** The City of Lindsay's Department of City Services manages stormwater utilities in Lindsay.

**Natural Gas and Electricity:** Southern California Edison is the electric service provider for the City of Lindsay while The Gas Company provides natural gas to the area.

**Telecommunications:** Accordingly, telecommunications providers in the area incrementally expand and update their service systems in response to usage and demand.

### **Regulatory Setting**

**CalRecycle:** California Code of Regulations, Title 14, Natural Resources – Division 7 contains all current CalRecycle regulations regarding nonhazardous waste management in the state. These regulations include standards for the handling of solid waste, standards for the handling of compostable materials, design standards for disposal facilities, and disposal standards for specific types of waste.

**Central Valley RWQCB:** The Central Valley RWQCB requires a SWPPP for projects disturbing more than one acre of total land area. Because the project is greater than one acre, a SWPPP to manage stormwater generated during project construction will be required.

The Central Valley RWQCB regulates Wastewater Discharges to Land by establishing thresholds for discharged pollutants and implementing monitoring programs to evaluate program compliance. This program regulates approximately 1500 dischargers in the region.

The Central Valley RWQCB is also responsible for implementing the federal program, the NPDES. The NPDES Program is the federal permitting program that regulates discharges of pollutants to surface waters of the U.S. Under this program, a NPDES permit is required to discharge pollutants into Water's of the U.S. There are 350 permitted facilities within the Central Valley Region.

### **Discussion**

- a) **Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relation of which could cause significant environmental effects?**

**Less Than Significant Impact:** The project is intended to facilitate development and permits increased residential densities within the City. While higher densities would increase the demand of utility services, no new development would result from this project. Therefore, the project is not expected to bring about a significant shift in utility service demands compared to what would naturally happen without this project, following existing growth patterns. The impact is *less than significant*.

- b) **Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**Less Than Significant Impact:** The project is not expected to result in a significant increase in water demand compared to what is already projected based on current growth trends. The City of Lindsay

currently has access to sufficient water supplies that can accommodate the projected growth of the city. There is a *less than significant impact*.

- c) **Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Less Than Significant Impact:** Since there are no development plans proposed or expected as a result of the project, it is unlikely to lead to a significant increase in wastewater beyond what is already anticipated based on current growth trends. The project is not expected to result in a substantial increase in wastewater generation.

- d) **Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**Less Than Significant Impact:** With no development proposed or anticipated as a result of the project, the project would not generate a substantial increase in solid waste beyond what is anticipated under current growth trends. The impact is *less than significant*.

- e) **Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

**No Impact:** The City of Lindsay will continue to comply with all state and federal statutes regarding solid waste. Therefore, the proposed project would have *no impact* on solid waste regulations.

In conclusion, the Project will not result in any significant impacts to utilities and service system.

**XX. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Setting**

Lindsay is classified as having a low to moderate threat to fire hazards, which can be attributed to it being a primarily urbanized area. As a result of this lower threat level, the regulatory requirements and burdens on the City concerning fire hazard mitigation are relatively light compared to areas with higher fire risks. The City of Lindsay’s Safety Element contains city goals, objectives and policies regarding wildfire prevention and protection.

**Regulatory Setting**

*Fire hazard severity zones:* geographical areas designated pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189.

**Discussion**

a) **Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less than Significant Impact:** The project is designed to support development and allow for higher densities, but it's important to note that there are no specific development plans proposed or expected as a direct result of the project. Consequently, there is no aspect of the project that is likely

to interfere with or hinder an established emergency response plan or emergency evacuation plan. The impact is *less than significant*.

- b) Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

**Less than Significant Impact:** The project is not anticipated to contribute to an increased risk of wildfires or expose a significantly larger population to elevated wildfire risk compared to the situation without the project. There are no proposed developments associated with the project, and therefore, there is no indication that the project would introduce significant changes that would elevate the wildfire risk in the area. There is a *less than significant impact*.

- c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

**Less than Significant Impact:** See Response 3.20(a). The project would not generate the need for installation or maintenance of additional infrastructure, and it does not have the potential to result in improvements that would exacerbate fire risk or result in temporary or ongoing impacts to the environment. There is a *less than significant impact*.

- d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes?**

**No Impact:** No component of this project has the potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes than what would occur without the project under current growth trends. There is *no impact*.

In conclusion, the Project will not result in any significant wildfire impacts.

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Does the project have the potential substantially to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

**Less than Significant Impact:** The Proposed Project aims to support housing development in Lindsay without providing specific development designs or entitlements. Future developments under these amendments will align with existing residential and commercial zoning regulations, either permitted by right or through an approved use permit and site development permit, as per the City's Zoning Code and General Plan. Numerous potential scenarios and outcomes may arise due to these amendments, potentially impacting the environment based on factors like location and intensity. However, the exact details, including location, size, and timing of such developments, remain uncertain. Each future development will undergo a project-level evaluation to ensure compliance with land use policies and standards, along with Building Permit requirements for safety. Additional environmental and discretionary reviews may also be necessary. There is a *less than significant impact*.



## ***City of Lindsay***

150 N Mirage Ave  
Lindsay, CA 93247

# **SECTION 4 List of Preparers**

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***Project Title: City of Lindsay Municipal Code and Circulation Element Update***

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### **List of Preparers**

#### **4-Creeks Inc.**

- David Duda, AICP, GISP
- Molly Baumeister, AICP
- Ellie Krantz, Associate Planner
- Jared Dunning, Planning Intern

### **Persons and Agencies Consulted**

The following individuals and agencies contributed to this Initial Study/Negative Declaration:

#### **City of Lindsay**

- Araceli Mejia, Assistant Planner