

LEMOORE PLANNING COMMISSION
Regular Meeting
AGENDA
Lemoore Council Chamber
429 'C' Street

August 14, 2023
5:30 p.m.

1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL
3. PUBLIC COMMENT – **Public comment will be in accordance with the attached policy.** This time is reserved for members of the audience to address the Planning Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. It is recommended that speakers limit their comments to three (3) minutes each and it is requested that no comments be made during this period on items on the Agenda. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Prior to addressing the Commission, any handouts for Commission will be provided to the Commission Secretary for distribution to the Commission and appropriate staff. The public will have an opportunity to comment on items on the agenda once the item has been called and the Chair opens the item to the public.
4. APPROVAL OF MINUTES – Regular Meeting, July 10, 2023
5. REPORT AND RECOMMENDATION – A request by Lennar Homes of California, Inc. to extend approval of Vesting Tentative Subdivision Map No. 2017-01, Reverie Tract 920 and accompanying Planning entitlements for One Year (APN: 021-570-001 and 021-560-001).
6. PUBLIC HEARING – Zone Map Amendment No. 2023-02 and General Plan Amendment No. 2023-02: changes initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps on the north side of Hanford-Armona Road east of Lemoore Avenue. The properties proposed to be designated and rezoned Professional Office (PO) are 021-220-022 and 021-220-023. The property proposed to be designated and rezoned Medium Density Residential (RMD) is 021-220-021. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.
7. PUBLIC HEARING – Zone Map Amendment No. 2023-03 and General Plan Amendment No. 2023-03: changes initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps in the vicinity of Lemoore Avenue and Cinnamon Drive. The properties proposed to be designated and rezoned Neighborhood Commercial (NC) are 021-340-001, 021-340-004, 021-340-005, 021-340-006, 021-340-007, 021-340-008, 021-350-002, and 021-350-006. The properties proposed to be designated and rezoned High Density Residential (RHD) are 021-330-003, 021-240-040, 021-350-003, and 021-350-004. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

8. PUBLIC HEARING – Zone Map Amendment No. 2023-04 and General Plan Amendment No. 2023-04: changes initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps in the vicinity of Bush and D Streets. The properties proposed to be designated and rezoned to Professional Office (PO) are 023-020-006, 023-020-007, 023-020-038, 023-020-039. The properties proposed to be designated and rezoned to Neighborhood Commercial (NC) are 023-020-066, 023-020-067, 023-020-068, 023-020-069, 023-020-093, 023-020-072, 023-020-043, 023-020-036, 023-020-076, 023-020-077, and 023-020,078. The properties proposed to be designated and rezoned to Medium Density Residential (RMD) are 023-020-037 and 023-020-030. The properties proposed to be designated and rezoned to High Density Residential (RHD) are 023-020-071 and 023-020-073. The properties proposed to be designated to Neighborhood Commercial (but not rezoned because they are not within the city limits) are 023-020-027, 023-020-028, and 023-020-032. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.
9. PUBLIC HEARING – Zone Map Change No. 2023-05 and General Plan Amendment No. 2023-05: initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps west of SR 41 in the vicinity of College Avenue. The property proposed to be designated and rezoned Low Density Residential (RLD) is 023-510-002. The properties proposed to be designated and rezoned Medium Density Residential (RMD) are 023-510-042 and 023-510-043. The property proposed to be designated and rezoned Community Facilities (CF) is 023-510-019. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.
10. PUBLIC HEARING - Zone Text Amendment No. 2023-01: changes initiated by the City of Lemoore to modify Sections 9-2A-7-1 “Planning Permit and Entitlements and Review and Appeal Authority”, 9-2B-12 “Minor Site Plan and Architectural Review”, 9-2B-15 “Major Site Plan and Architectural Review”, 9-4A-5 “Description of Land Uses”, 9-4B-2 “Allowed Uses and Required Entitlements for Base Zoning Districts”, 9-4D-12 “Accessory Dwelling Units”, 9-5A-4A “Development Standards for Residential Zoning Districts”, and 9-5C-3 “Design Standards for Residential Projects” of the City Ordinance, in a way that will encourage more housing development in Lemoore. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.
11. PUBLIC HEARING – Zone Text Amendment No. 2023-02: changes initiated by the City of Lemoore to modify Sections of Title 8 “Building and Development Regulations”, Chapter 7 “Land Division” of the City Ordinance, in a way that will encourage more housing development in Lemoore. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

12. DIRECTOR’S REPORT

13. COMMISSION REPORTS / REQUESTS

14. ADJOURNMENT

Upcoming Meetings

Regular Meeting of the Planning Commission, September 11, 2023

Agendas for all City Council meetings are posted at least 72 hours prior to the meeting at the Council Chamber, 429 C Street and the Cinnamon Municipal Complex, 711 W. Cinnamon Drive. Written communications from the public for the agenda must be received by the City Clerk's Office no less than seven (7) days prior to the meeting date. The City of Lemoore complies with the Americans with Disabilities Act (ADA of 1990). The Council Chamber is accessible to the physically disabled. Should you need special assistance, please call (559) 924-6744, at least 4 business days prior to the meeting.

CERTIFICATION OF POSTING

I, Kristie Baley, Planning Commission Secretary for the City of Lemoore, do hereby declare that I posted the above Planning Commission Agenda for the Regular Meeting of Monday, August 10, 2023 at Council Chamber, 429 C Street and Cinnamon Municipal Complex, 711 W. Cinnamon Drive, Lemoore CA on May 5, 2023.

//s//

Kristie Baley, Commission Secretary



PLANNING COMMISSION REGULAR MEETING

August 14, 2023 @ 5:30 p.m.

The Planning Commission will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Lemoore utilizes Zoom teleconferencing technology for virtual public participation; however, the City makes no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of the public through this means is at their own risk. (Zoom teleconferencing/attendance may not be available at all meetings.)

The meeting may be viewed through the following Zoom Meeting:

- Please click the link below to join the webinar:
- <https://us06web.zoom.us/j/84393824451?pwd=NIVZNks0MnJlM0xRd1BOV2ZRRmVVQT09>
- Meeting ID: 843 9382 4451
- Passcode: 857368
- Phone: +1 669 900 6833

If you wish to make a general public comment or public comment on a particular item on the agenda, **participants may do so via Zoom during the meeting** or by **submitting public comments by e-mail to: planning@lemoore.com**. In the subject line of the e-mail, please state your name and the item you are commenting on. If you wish to submit a public comment on more than one agenda item, please send a separate e-mail for each item you are commenting on. Please be aware that written public comments, including your name, may become public information. Additional requirements for submitting public comments by e-mail are provided below.

General Public Comments & Comments on City Council Business Items

For general public comments and comments regarding specific Planning Commission Business Items, public comments can be made via Zoom during the meeting or all public comments must be received by e-mail no later than 5:00 p.m. the day of the meeting. Comments received by this time will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within the normal three (3) minutes allotted to each speaker. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions. If a general public comment or comment on a business item is received after 5:00 p.m., efforts will be made to read your comment into the record. However, staff cannot guarantee that written comments received after 5:00 p.m. will be read. All written comments that are not read into the record will be made part of the meeting minutes, provided that such comments are received prior to the end of the Planning Commission meeting.

Public Hearings

For public comment on a public hearing, all public comments must be received by the close of the public hearing period. All comments received by the close of the public hearing period will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within the normal three (3) minutes allotted to each speaker. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions. If a comment on a public hearing item is received after the close of the public hearing, such comment will be made part of the meeting minutes, provided that such comment is received prior to the end of the meeting.

PLEASE BE AWARE THAT ANY PUBLIC COMMENTS RECEIVED THAT DO NOT SPECIFY A PARTICULAR AGENDA ITEM WILL BE READ ALOUD DURING THE GENERAL PUBLIC COMMENT PORTION OF THE AGENDA.

**Minutes of the
LEMOORE PLANNING COMMISSION
Regular Meeting
July 10, 2023**

ITEM NO. 1 Pledge of Allegiance

ITEM NO. 2 Call to Order and Roll Call

The meeting was called to order at 5:36 PM.

Chair:	Mitchell Couch
Vice-Chair	Ray Etchegoin
Commissioners:	Bob Clement, Ron Meade
Absent:	Joseph Brewer

City Staff and Contract Employees Present: City Manager Nathan Olson, City Planner Steve Brandt (QK), City Attorney Michael Linden (Lozano Smith), Commission Secretary Kristie Baley

ITEM NO. 3 Public Comment

There was no comment.

ITEM NO. 4 Approval - Minutes – Regular Meeting, July 10, 2023

Motion by Commissioner Etchegoin, seconded by Commissioner Clement, to approve the Minutes of the Planning Commission Regular Meeting of May 8, 2023.

*Ayes: Etchegoin, Clement, Meade, Couch
Absent: Brewer*

ITEM NO. 5 Discussion – Potential Ordinance Changes to Encourage Housing Development

City Planner Brandt presented the staff report and answered questions.

ITEM NO. 6 Director's Report

City Manager Olson reported the following:

Jay Salyer is retiring from Kings County Economic Development Corporation after serving 25 years as the Economic Development Manager. KEDC is searching for a replacement.

Wathen submitted revisions for tentative subdivision map Tract 939 to be located on Bush Street east of Lemoore Highschool.

Lennar Homes pulled multiple building permits prior to the end of the fiscal year and is continuing to complete Phase I of Tract 848 located south of Bush Street between SR 41 and West Hills College.

Retail Strategies attended the ICSC conference last month and reported that 6 restaurants and 2 hotels are considering Lemoore.

There has been no activity on the sale or lease of the Kmart site. Sources indicate that the owner has denied several legitimate offers to sell.

ITEM NO. 7 Commissioner's Reports and Requests for Information

Chair Couch thanked fellow Commissioners and noted the importance of attending the August meeting. He also thanked staff for their hard work.

ITEM NO. 8 Adjournment

The meeting adjourned at 6:17 P.M.

Approved the 14th day of August 2023.

APPROVED:

Mitchell Couch, Chairperson

ATTEST:

Kristie Baley, Commission Secretary



711 West Cinnamon Drive • Lemoore, California 93245 • (559) 924-6744

Staff Report

To: Lemoore Planning Commission **Item No. 5**
From: Kristie Baley, Management Analyst
Date: August 1, 2023 **Meeting Date:** August 14, 2023
Subject: Request by Lennar Homes of California, Inc. to extend the approval of Reverie Vesting Tentative Subdivision Map No. 2017-01, Tract 920 and accompanying Planning entitlements for one year (APN: 021-570-001 and 021-560-001)

Proposed Motion:

Adopt Resolution No. 2023-06. approving a one-year extension of time for the Reverie Vesting Tentative Subdivision Map No. 2017-01, Tract 920 and accompanying Planning entitlements, in accordance with the findings and conditions in the resolution.

Discussion:

On July 13, 2023, Lennar Homes of California submitted a written request to extend the approval of the Tract No. 920 Vesting Tentative Subdivision Map No. 2017-01 for one year. This project was originally approved by Planning Commission Resolution No. 2017-15 on August 14, 2017, which was originally set to expire on August 14, 2019. On February 28, 2018, the applicant submitted Phase 1 of the Tract No. 920 final map which extended the expiration date of the Vesting Tentative Subdivision Map to August 14, 2020. The Planning Commission granted a one-year extension on June 22, 2020, which extended the Vesting Tentative Subdivision Map to August 14, 2021, to allow for the construction of Phase 2. The Planning Commission granted a second one-year extension on August 9, 2021, which extended the Vesting Tentative Subdivision Map to August 14, 2022. The Planning Commission granted a third one-year extension on July 11, 2022, which extended the Vesting Tentative Subdivision Map to August 14, 2023. The filing of an application for an extension on July 13, 2023, stays the expiration for 60 days. If the one-year extension is approved, the Vesting Tentative Subdivision Map will be extended to August 14, 2024.

The vesting tentative map consisted of 175 lots and a park/ponding basin to be developed in two phases. Site Plan Review No. 2017-01 and Planned Unit Development 2017-01 were also approved. Phase 1 of the project was recorded with 87 lots on August 21, 2018, and development is complete. Lennar Homes is working toward beginning construction of Phase 2; however, it will not be ready to do so by the August 14, 2023, expiration date. Therefore, the applicant has applied for a fourth one-year discretionary time extension.

The Subdivision Map Act governs how cities are to process and administer the creation of new parcels and subdivisions. The Subdivision Map Act states that a final subdivision map must be filed with the City before the tentative map approval expires. The filing of a final map is usually the beginning of significant investment on the part of the developer. Tentative maps are initially approved for two years. Applicants may request up to six years of discretionary extensions by the City.

Staff supports the one-year extension to give the developer more time to prepare for Phase 2. In accordance with Municipal Code Section 9-2A-9, extensions granted for the Tentative Tract Map shall be applied to all accompanying entitlements. The project would still adhere to the adopted conditions as adopted originally for the project.

Attachments:

- 1) Vicinity Map of Site Location
- 2) Draft Resolution for Approval
- 3) Vesting Tentative Subdivision Map No. 2017-01
- 4) Original Approval Resolution No. 2017-15
- 5) Resolution No. 2020-06 for One Year Time Extension 6/22/2020
- 6) Resolution No. 2021-11 for One Year Time Extension 8/9/2021
- 7) Resolution No. 2022-07 for One Year Time Extension 7/11/2022

RESOLUTION NO. 2023-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
APPROVING A ONE YEAR TIME EXTENSION TO VESTING TENTATIVE SUBDIVISION
MAP NO. 2017-01 (TRACT 920) AND ACCOMPANYING PLANNING ENTITLEMENTS
TO DIVIDE 40 ACRES INTO 175 SINGLE-FAMILY LOTS AND A PARK/PONDING BASIN
LOCATED AT THE NORTHEAST CORNER OF HANFORD-ARMONA ROAD
AND LIBERTY DRIVE (18¾ AVENUE) IN THE CITY OF LEMOORE
(APN 021-570-001 and 021-560-001)**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 14, 2023, at 5:30 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____, and carried that the following Resolution be adopted:

WHEREAS, Lennar Homes of California, Inc., requested a one-year extension for Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Site plan Review No. 2017-01, and Planned Unit Development No. 2017-01 to divide 40 acres into 175 single-family lots and a park/ponding basin located at the northeast corner of Hanford-Armona Road and 18¾ Avenue, in the City of Lemoore (APN: 021-570-001 and 021-560-001); and

WHEREAS, Vesting Tentative Subdivision Map 2017-01 and accompanying Planning entitlements were previously approved by the City of Lemoore on August 14, 2017; and

WHEREAS, the submittal of the Final Subdivision Map for Phase 1 extended the expiration date of the Vesting Tentative Map to August 14, 2020; and

WHEREAS, the Vesting Tentative Subdivision Map was previously extended one year per the City of Lemoore Municipal Code Section 8-7F-10 to August 14, 2021; and

WHEREAS, the Vesting Tentative Subdivision Map was previously extended one year per the City of Lemoore Municipal Code Section 8-7F-10 to August 14, 2022; and

WHEREAS, the Vesting Tentative Subdivision Map was previously extended one year per the City of Lemoore Municipal Code Section 8-7F-10 to August 14, 2023; and

WHEREAS, the request for extension automatically extends the Vesting Tentative Subdivision Map for 60-days to allow for review per the Municipal Code; and

WHEREAS, the applicant has demonstrated reasonable efforts to pursue the project and the need for an extension of the Vesting Tentative Subdivision Map; and

WHEREAS, the Planning Commission has determined that granting an extension will not create a negative impact to the public health, safety, or welfare.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby finds that the potential environmental effects of the Project were adequately analyzed by the Initial Study/Mitigated Negative Declaration that was adopted pursuant to the California Environmental Quality Act (CEQA) on June 20, 2017, in conjunction with the annexation of the property.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore hereby grants a one-year extension to Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Site plan Review No. 2017-01, and Planned Unit Development No. 2017-01, which shall expire on August 14, 2024. This extension is granted subject to compliance with the conditions of the original approval contained in Resolution 2017-15.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 14, 2023, by the following votes:

AYES:

NOES:

ABSTAINING:

ABSENT:

APPROVED:

Mitchell Couch, Chairperson

ATTEST:

Kristie Baley, Commission Secretary

MAP OF TERRITORY ANNEXED TO THE CITY OF LEMOORE

LEGAL DESCRIPTION
OF THE SOUTHWEST QUARTER OF SECTION 22,
T.18 S., R.2 E., M.E.B. & M., IN THE COUNTY OF KINGS, STATE OF CALIFORNIA.

SURVEYOR'S STATEMENT
THIS MAP WAS PREPARED BY ME ON
UPON RECORD DATA AND LAYED RESOLUTION NO. _____ AND IS DATED
DATED _____



JOHN A. ZUMWALT, L.C.S. 1489

CERTIFICATE OF COMPLETION

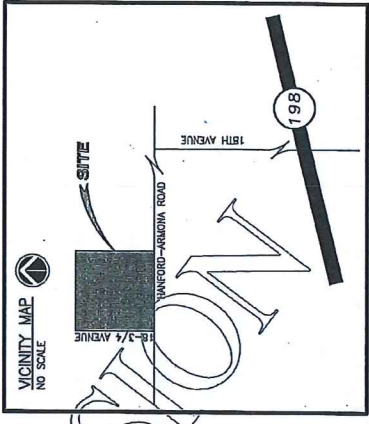
RECORDED AS DOCUMENT NO. _____
DOCUMENT NO. _____
RECORDED AT THE REQUEST OF THE LOCAL AGENCY FORMATION COMMISSION OF KINGS COUNTY,
AT _____ MINUTES PAST _____ O'CLOCK, _____ M., _____ 200 _____, VOLUME _____ OF
LICENSED SURVEYOR'S PLAT PAGE _____, KINGS COUNTY, STATE OF CALIFORNIA.

EXISTING LEB
COUNTY RECORDER
BY: _____
DEPUTY

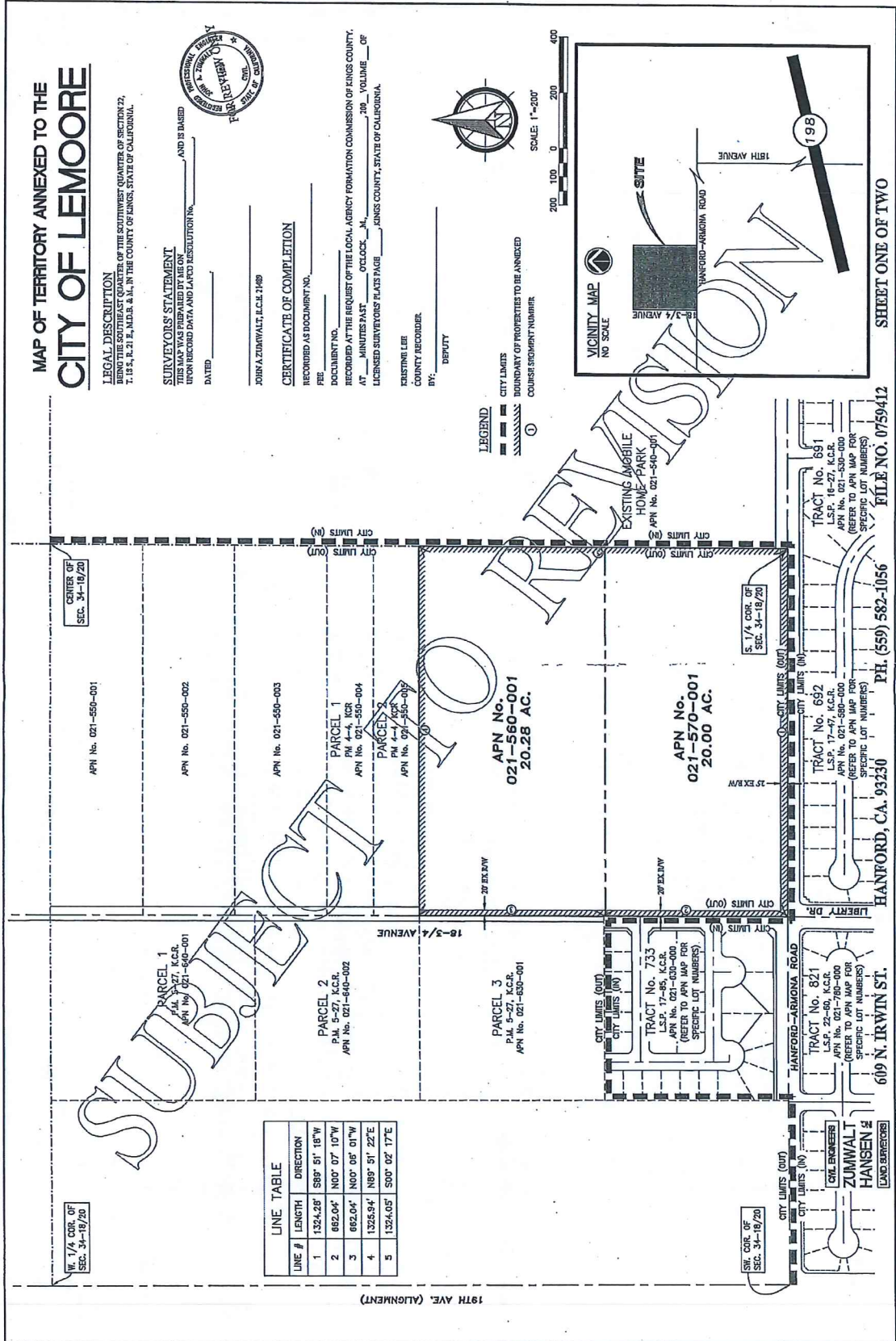


SCALE: 1"=200'
200 100 0 200 400

LEGEND
--- CITY LIMITS
--- BOUNDARY OF PROPERTIES TO BE ANNEXED
① COURSE/STATION NUMBER



SHEET ONE OF TWO



LINE TABLE		
LINE #	LENGTH	DIRECTION
1	1324.28'	S89° 51' 10" W
2	862.04'	N00° 07' 10" W
3	862.04'	N00° 05' 01" W
4	1325.94'	N89° 51' 22" E
5	1324.65'	S00° 02' 17" E

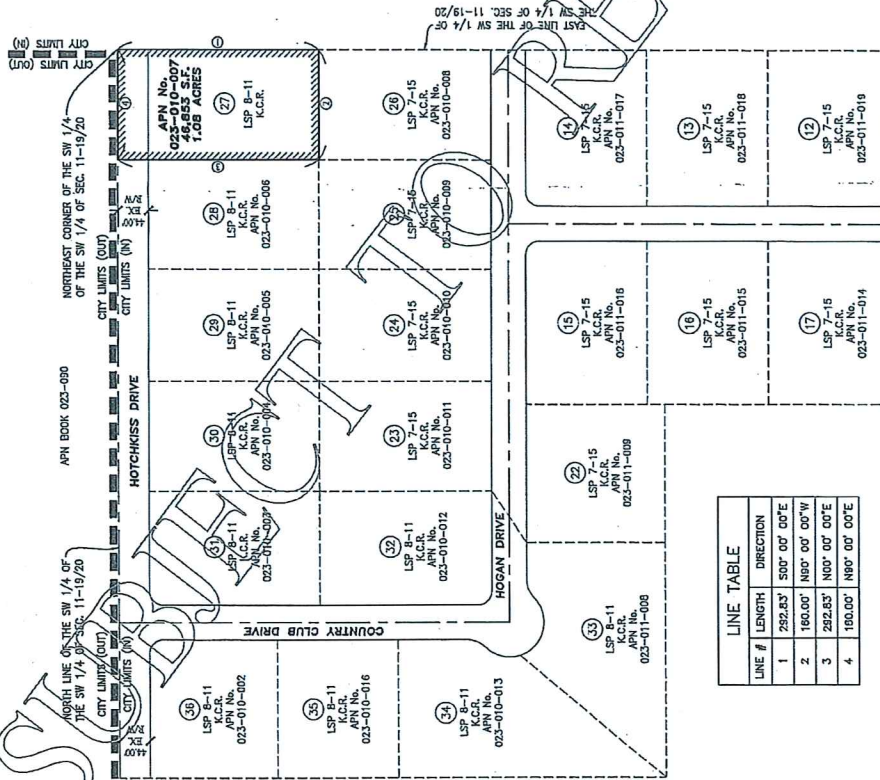
APPROVED
BY PLANNING COMMISSION
AUG 14 2017
RESOLUTION # 2017-15

MAP OF TERRITORY ANNEXED TO THE CITY OF LEMOORE

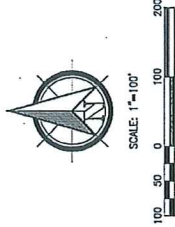
LEGAL DESCRIPTION

LOT 27 AS SHOWN ON A MAP RECORDED IN VOL. 1, AT PG. 11 OF LICENSED SURVEYORS PLATS KING COUNTY RECORDS, BEING A PORTION OF THE SURFACES TO THE CITY OF LEMOORE, COUNTY OF KINGS, STATE OF CALIFORNIA, 304, 340A, 341, IN THE COUNTY OF LEMOORE, STATE OF CALIFORNIA.

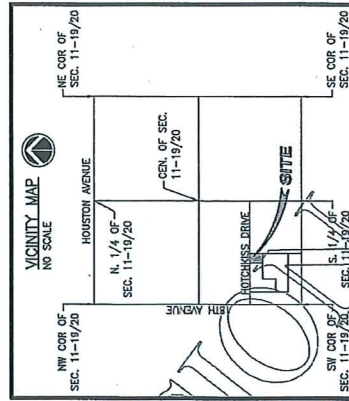
APPROVED
BY PLANNING COMMISSION
AUG 14 2017
RESOLUTION # 2017-15



LINE TABLE		
LINE #	LENGTH	DIRECTION
1	292.83'	S00° 00' 00"E
2	160.00'	N80° 00' 00"W
3	292.83'	N00° 00' 00"E
4	160.00'	N80° 00' 00"E



LEGEND
CITY LIMITS
BOUNDARY OF PROPERTIES TO BE ANNEXED
COURSE AND DISTANCE



CIVIL ENGINEERS
ZUMWALT
HANSEN &
LAND SURVEYORS

609 N. IRWIN ST. HANFORD, CA. 93230 PH (559) 582-1056 FILE NO. 0759412 SHEET TWO OF TWO

RESOLUTION NO. 2017-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
APPROVING VESTING TENTATIVE SUBDIVISION MAP NO. 2017-01 (TRACT 920), PLANNED UNIT
DEVELOPMENT NO. 2017-01, SUBJECT TO THE ADOPTION OF AN ORDINANCE ESTABLISHING
AN OVERLAY ZONE, AND MAJOR SITE PLAN REVIEW NO. 2017-01
TO DIVIDE 40 ACRES INTO 175 SINGLE-FAMILY LOTS AND A PARK/PONDING BASIN, AND FOR
APPROVAL OF NEW SINGLE-FAMILY HOME MASTER PLANS (FLOOR PLANS AND ELEVATION
PLANS) LOCATED AT THE NORTHEAST CORNER OF HANFORD-ARMONA ROAD AND LIBERTY
DRIVE (18³/₄ AVENUE) JUST OUTSIDE THE CITY OF LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 14, 2017, at 7:00 p.m. on said day, it was moved by Commissioner Etchegoin, seconded by Commissioner Koelewyn, and carried that the following Resolution be adopted:

WHEREAS, Lennar Homes has requested approval of a vesting tentative subdivision map, planned unit development, and major site plan review to divide 40 acres into 175 single-family lots and a park/ponding basin, and for approval of new single-family home master plans (floor plans and elevation plans), located at the northeast corner of Hanford Armona Road and 18³/₄ Avenue, just outside the City of Lemoore (APN: 021-570-001 and 021-560-001); and

WHEREAS, the City Council of the City of Lemoore initiated annexation proceedings for the site on June 20, 2017, and;

WHEREAS, the proposed site is 40 acres in size and is rezoned Low Density Residential (RLD); and

WHEREAS, an initial study was prepared in conformance with the California Environmental Quality Act (CEQA) Guidelines, and it was found that the proposed project could not have a significant effect on the environment, with mitigations. Therefore, a Mitigated Negative Declaration has been prepared, accepted, and will be utilized for this project; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its August 14, 2017, meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed projects:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan and all applicable provisions of the Subdivision Ordinance.
2. The proposed project does not exceed the total density under the base zoning district or the general plan land use designation.
3. The proposed project will not be substantially detrimental to adjacent property, and will not materially impair the purposes of the Zoning Ordinance or the public interest.

4. As proposed and conditioned herein, the site design of the project is consistent with the new residential development standards in the Zoning Ordinance.
5. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city.
6. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
7. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties.
8. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore approves Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Planned Unit Development No. 2017-01 subject to the future adoption of an ordinance by the City Council establishing an overlay zone for the Planned Unit Development, and Major Site Plan Review No. 2017-01, subject to the following conditions:

1. The site shall be developed consistent with the approved tentative map and applicable development standards found in the Zoning Ordinance and City Municipal Code, including the overlay zone established for the Planned Unit Development by ordinance.
2. The site shall be developed consistent with the Site Plan Review comments dated June 30, 2017.
3. The project shall be developed and maintained in substantial compliance with the vesting tentative map, except for any modifications that may be needed to meet these conditions of approval.
4. The final subdivision map shall be submitted in accordance with City ordinances and standards.
5. Plans for all public and private improvements, including but not limited to, water, sewer, storm drainage, road pavement, curb and gutter, sidewalk, street lights, landscaping, and fire hydrants shall be approved by the City Engineer, and these improvements shall be completed in accordance with the approved plans to the satisfaction of the Public Works Department.
6. Park land in-lieu fees shall be paid to the City for 2.78 acres minus the acres provides for the park on the final map, in accordance with the procedures in Section 8-7N-4 of the City Municipal Code. Fees shall be paid prior to approval of the final map.
7. The park shall be constructed and opened to the public for use prior to the final inspection of the 5th new home constructed in Phase 2.
8. A public facilities maintenance district shall be formed in conjunction with the final map acceptance in order to provide the maintenance costs for the park, storm drain basin, common landscaping, and other improvements, in accordance with existing City policy.

9. The project shall be subject to the applicable development impact fees adopted by resolution of the City Council.
10. A noise and odor easement shall be recorded on the property, in a form acceptable to the City Attorney, to acknowledge the presence of nearby industry and railroad, and the right of the industry and railroad to continue to emit such noise and odors as are otherwise allowable by law and to ensure that industry in these areas is not unreasonable hindered by residential users and owners that move nearby at a later date.
11. The developer shall comply with the standards, provisions, and requirements of the San Joaquin Valley Air Pollution Control District that relate to the project.
12. A 6-foot to 7-foot block wall shall be constructed adjacent Liberty Drive, Hanford-Armona Road, and the east side of the subdivision.
13. Fire hydrant types and locations shall be approved by the Lemoore Volunteer Fire Department.
14. Concrete pads for installation of mailboxes shall be provided in accordance with determinations made by the Lemoore Postmaster.
15. Street trees from the city approved street tree list shall be planted with root barriers as per Public Works Standards and Specifications.
16. Street lights shall be provided within the project as per City local street lighting standards.
17. All sidewalks shall be of "Parkway Type" as per City standard.
18. Lot sizes less than 7,000 square feet are approved, consistent with the sizes shown on the vesting tentative map.
19. The building setbacks shall be as follows: front yard – 18 to 22 feet, side yard 5 feet, street side yard 10 feet, rear yard 10 feet.
20. The front yard setback of adjacent homes shall have a minimum 2-foot stagger between adjacent lots.
21. Any existing roadway, sidewalk, or curb and gutter that is damaged during construction shall be repaired or replaced to the satisfaction of the Public Works Department.
22. All signs shall require a sign permit separate from the building permit.
23. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
24. Master home plans shall be substantially consistent to the floor plans and elevations submitted with the vesting tentative map, unless subsequently modified by the Planning Commission.
25. For homes placed on corner lots, the stone/brick veneer placed on the front of the homes shall be wrapped around the street side of the home up to the fence, and stucco/foam window treatments used on the front of the home shall also be used on the street side of

the home where windows are visible from the street. Where stone/brick veneer on the front of the home, the veneer on the street side of the home need only be at the base of the home.

26. All homes shall be oriented to the street with garages deemphasized and living areas placed toward the front of homes.

27. This tentative subdivision map approval shall expire within two years, unless a final map is filed or an extension is granted via legislation or by the City, in accordance with the Subdivision Map Act. Approvals and expiration dates for the Major Site Plan Review and Planned Unit Development shall run consisted with the vesting tentative map.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 14, 2017, by the following votes:

AYES: Etchegoin, Koelewyn, Badasci, Clement, Meade

NOES: Marvin

ABSTAINING:

ABSENT: Dow

APPROVED:


Ron Meade, Chairperson

ATTEST:


Kristie Baley, Commission Secretary

RESOLUTION NO. 2020-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
APPROVING A ONE YEAR EXTENSION TO VESTING TENTATIVE SUBDIVISION MAP NO. 2017-01
(TRACT 920) TO DIVIDE 40 ACRES INTO 175 SINGLE-FAMILY LOTS AND A PARK/PONDING
BASIN LOCATED AT THE NORTHEAST CORNER OF HANFORD-ARMONA ROAD AND LIBERTY
DRIVE (18¾ AVENUE) IN THE CITY OF LEMOORE**

At a Special Meeting of the Planning Commission of the City of Lemoore duly called and held on June 22, 2020, at 7:00 p.m. on said day, it was moved by Commissioner Franklin, seconded by Commissioner Dey, and carried that the following Resolution be adopted:

WHEREAS, Lennar Homes has requested to extend the approval of Vesting Tentative Subdivision Map No. 2017-01 (Tract 920) to divide 40 acres into 175 single-family lots and a park/ponding basin located at the northeast corner of Hanford Armona Road and 18¾ Avenue, in the City of Lemoore (APN: 021-570-001 and 021-560-001); and

WHEREAS, the approval for the vesting tentative tract map expires August 14, 2020 and the applicant submitted the application for extension on May 13, 2020, prior to the expiration date; and

WHEREAS, the Lemoore Planning Commission held a duly noticed Special Meeting on June 22, 2020 and granted a one year extension to Vesting Tentative Subdivision Map No. 2017-01 (Tract 920) with previously approved conditions of approval as listed in Resolution No. 2017-15 to remain intact; and

WHEREAS, The Vesting Tentative Subdivision Map involves a Planned Unit Development, which requires the approval of the Lemoore City Council.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed project:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan and all applicable provisions of the Subdivision Ordinance.
2. The proposed project does not exceed the total density under the base zoning district or the general plan land use designation.
3. The proposed project will not be substantially detrimental to adjacent property, and will not materially impair the purposes of the Zoning Ordinance or the public interest.
4. As proposed and conditioned herein, the site design of the project is consistent with the new residential development standards in the Zoning Ordinance.
5. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city.

6. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
7. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties.
8. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore approves a one year extension to Vesting Tentative Subdivision Map No. 2017-01 (Tract 920) to expire on August 14, 2021, subject to the following conditions:

1. The site shall be developed consistent with the approved tentative map and applicable development standards found in the Zoning Ordinance and City Municipal Code, including the overlay zone established for the Planned Unit Development by ordinance.
2. The site shall be developed consistent with the Site Plan Review comments dated June 30, 2017.
3. The project shall be developed and maintained in substantial compliance with the vesting tentative map, except for any modifications that may be needed to meet these conditions of approval.
4. The final subdivision map shall be submitted in accordance with City ordinances and standards.
5. Plans for all public and private improvements, including but not limited to, water, sewer, storm drainage, road pavement, curb and gutter, sidewalk, street lights, landscaping, and fire hydrants shall be approved by the City Engineer, and these improvements shall be completed in accordance with the approved plans to the satisfaction of the Public Works Department.
6. Park land in-lieu fees shall be paid to the City for 2.78 acres minus the acres provides for the park on the final map, in accordance with the procedures in Section 8-7N-4 of the City Municipal Code. Fees shall be paid prior to approval of the final map.
7. The park shall be constructed and opened to the public for use prior to the final inspection of the 5th new home constructed in Phase 2.
8. A public facilities maintenance district shall be formed in conjunction with the final map acceptance in order to provide the maintenance costs for the park, storm drain basin, common landscaping, and other improvements, in accordance with existing City policy.
9. The project shall be subject to the applicable development impact fees adopted by resolution of the City Council.
10. A noise and odor easement shall be recorded on the property, in a form acceptable to the City Attorney, to acknowledge the presence of nearby industry and railroad, and the right of the industry and railroad to continue to emit such noise and odors as are otherwise

allowable by law and to ensure that industry in these areas is not unreasonable hindered by residential users and owners that move nearby at a later date.

11. The developer shall comply with the standards, provisions, and requirements of the San Joaquin Valley Air Pollution Control District that relate to the project.
12. A 6-foot to 7-foot block wall shall be constructed adjacent Liberty Drive, Hanford-Armona Road, and the east side of the subdivision.
13. Fire hydrant types and locations shall be approved by the Lemoore Volunteer Fire Department.
14. Concrete pads for installation of mailboxes shall be provided in accordance with determinations made by the Lemoore Postmaster.
15. Street trees from the city approved street tree list shall be planted with root barriers as per Public Works Standards and Specifications.
16. Street lights shall be provided within the project as per City local street lighting standards.
17. All sidewalks shall be of "Parkway Type" as per City standard.
18. Lot sizes less than 7,000 square feet are approved, consistent with the sizes shown on the vesting tentative map.
19. The building setbacks shall be as follows: front yard – 18 to 22 feet, side yard 5 feet, street side yard 10 feet, rear yard 10 feet.
20. The front yard setback of adjacent homes shall have a minimum 2-foot stagger between adjacent lots.
21. Any existing roadway, sidewalk, or curb and gutter that is damaged during construction shall be repaired or replaced to the satisfaction of the Public Works Department.
22. All signs shall require a sign permit separate from the building permit.
23. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
24. Master home plans shall be substantially consistent to the floor plans and elevations submitted with the vesting tentative map, unless subsequently modified by the Planning Commission.
25. For homes placed on corner lots, the stone/brick veneer placed on the front of the homes shall be wrapped around the street side of the home up to the fence, and stucco/foam window treatments used on the front of the home shall also be used on the street side of the home where windows are visible from the street. Where stone/brick veneer on the front of the home, the veneer on the street side of the home need only be at the base of the home.

26. All homes shall be oriented to the street with garages deemphasized and living areas placed toward the front of homes.

27. This Vesting Tentative Subdivision Map approval shall expire August 14, 2021, unless a final map is filed or an extension is granted via legislation or by the City Council, in accordance with the Subdivision Map Act. Approvals and expiration dates for the Planned Unit Development and Major Site Plan Review shall run consistent with the Vesting Tentative Subdivision Map.

Passed and adopted at a Special Meeting of the Planning Commission of the City of Lemoore held on June 22, 2020, by the following votes:

AYES: Franklin, Dey, Clement, Meade, Etchegoin

NOES:

ABSTAINING:

ABSENT: Koelewyn

APPROVED:



Ray Etchegoin, Chairperson

ATTEST:



Kristie Baley, Commission Secretary

RESOLUTION NO. 2021-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
APPROVING A ONE YEAR TIME EXTENSION TO VESTING TENTATIVE SUBDIVISION MAP NO.
2017-01 (TRACT 920) AND ACCOMPANYING PLANNING ENTITLEMENTS TO DIVIDE 40 ACRES
INTO 175 SINGLE-FAMILY LOTS AND A PARK/PONDING BASIN LOCATED AT THE NORTHEAST
CORNER OF HANFORD-ARMONA ROAD AND LIBERTY DRIVE (18³/₄ AVENUE) IN THE CITY OF
LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 9, 2021, at 7:00 p.m. on said day, it was moved by Commissioner FRANKLIN, seconded by Commissioner ETCHEGOIN, and carried that the following Resolution be adopted:

WHEREAS, Lennar Homes of California, Inc., requested a one-year extension for Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Site plan Review No. 2017-01, and Planned Unit Development No. 2017-01 to divide 40 acres into 175 single-family lots and a park/ponding basin located at the northeast corner of Hanford-Armona Road and 18³/₄ Avenue, in the City of Lemoore (APN: 021-570-001 and 021-560-001); and

WHEREAS, Vesting Tentative Subdivision Map 2017-01 and accompanying Planning entitlements were previously approved by the City of Lemoore on August 14, 2017; and

WHEREAS, the submittal of the Final Subdivision Map for Phase 1 extended the expiration date of the Vesting Tentative Map to August 14, 2020; and

WHEREAS, the Vesting Tentative Subdivision Map was previously extended one year per the City of Lemoore Municipal Code Section 8-7F-10 to August 14, 2021; and

WHEREAS, the request for extension automatically extends the Vesting Tentative Subdivision Map for 60-days to allow for review per the Municipal Code; and

WHEREAS, the applicant has demonstrated reasonable efforts to pursue the project and the need for an extension of the Vesting Tentative Subdivision Map; and

WHEREAS, the Planning Commission has determined that granting an extension will not create a negative impact to the public health, safety, or welfare.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby finds that the potential environmental effects of the Project were adequately analyzed by the Initial Study/Mitigated Negative Declaration that was adopted pursuant to the California Environmental Quality Act (CEQA) on June 20, 2017 in conjunction with the annexation of the property.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore hereby grants a one-year extension to Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Site plan Review No. 2017-01, and Planned Unit Development No. 2017-01, which shall expire on August 14, 2022. This extension is granted subject to compliance with the conditions of the original approval contained in Resolution 2017-15.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 9, 2021, by the following votes:

AYES: FRANKLIN, ETCHEGOIN, CLEMENT, DEY, MEADE

NOES:

ABSTAINING:

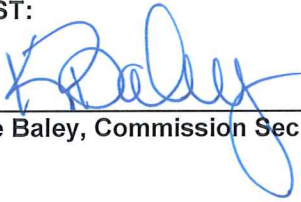
ABSENT: BREWER, NIX

APPROVED:



Ronald Meade, Chairperson

ATTEST:



Kristie Baley, Commission Secretary

RESOLUTION NO. 2022-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
APPROVING A ONE YEAR TIME EXTENSION TO VESTING TENTATIVE SUBDIVISION
MAP NO. 2017-01 (TRACT 920) AND ACCOMPANYING PLANNING ENTITLEMENTS
TO DIVIDE 40 ACRES INTO 175 SINGLE-FAMILY LOTS AND A PARK/PONDING BASIN
LOCATED AT THE NORTHEAST CORNER OF HANFORD-ARMONA ROAD
AND LIBERTY DRIVE (18¾ AVENUE) IN THE CITY OF LEMOORE
(APN 021-570-001 and 021-560-001)**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 11, 2022, at 7:00 p.m. on said day, it was moved by Commissioner Etchegoin, seconded by Commissioner Franklin, and carried that the following Resolution be adopted:

WHEREAS, Lennar Homes of California, Inc., requested a one-year extension for Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Site plan Review No. 2017-01, and Planned Unit Development No. 2017-01 to divide 40 acres into 175 single-family lots and a park/ponding basin located at the northeast corner of Hanford-Armona Road and 18¾ Avenue, in the City of Lemoore (APN: 021-570-001 and 021-560-001); and

WHEREAS, Vesting Tentative Subdivision Map 2017-01 and accompanying Planning entitlements were previously approved by the City of Lemoore on August 14, 2017; and

WHEREAS, the submittal of the Final Subdivision Map for Phase 1 extended the expiration date of the Vesting Tentative Map to August 14, 2020; and

WHEREAS, the Vesting Tentative Subdivision Map was previously extended one year per the City of Lemoore Municipal Code Section 8-7F-10 to August 14, 2021; and

WHEREAS, the Vesting Tentative Subdivision Map was previously extended one year per the City of Lemoore Municipal Code Section 8-7F-10 to August 14, 2022; and

WHEREAS, the request for extension automatically extends the Vesting Tentative Subdivision Map for 60-days to allow for review per the Municipal Code; and

WHEREAS, the applicant has demonstrated reasonable efforts to pursue the project and the need for an extension of the Vesting Tentative Subdivision Map; and

WHEREAS, the Planning Commission has determined that granting an extension will not create a negative impact to the public health, safety, or welfare.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby finds that the potential environmental effects of the Project were adequately analyzed by the Initial Study/Mitigated Negative Declaration that was adopted pursuant to the California Environmental Quality Act (CEQA) on June 20, 2017, in conjunction with the annexation of the property.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore hereby grants a one-year extension to Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Site plan Review No. 2017-01, and Planned Unit Development No. 2017-01, which shall

expire on August 14, 2023. This extension is granted subject to compliance with the conditions of the original approval contained in Resolution 2017-15.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on July 11, 2022, by the following votes:

AYES: Etchegoin, Franklin, Clement, Couch, Meade, Dey

NOES:

ABSTAINING:

ABSENT: Brewer

APPROVED:



Michael Dey, Chairperson

ATTEST:



Kristie Baley, Commission Secretary



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Staff Report

To: Lemoore Planning Commission **Item No.** 6
From: Steve Brandt, City Planner
Date: July 31, 2023 **Meeting Date:** August 14, 2023
Subject: **Zone Map Amendment No. 2023-02 and General Plan Amendment No. 2023-02:** initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps on the north side of Hanford-Armona Road east of Lemoore Avenue. The properties proposed to be designated and rezoned Professional Office (PO) are 021-220-022 and 021-220-023. The property proposed to be designated and rezoned Medium Density Residential (RMD) is 021-220-021. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Proposed Motion:

Adopt Resolution No. 2023-07, recommending approval of Zone Map Amendment No. 2023-02 and General Plan Amendment No. 2023-02 in accordance with the findings in the resolution.

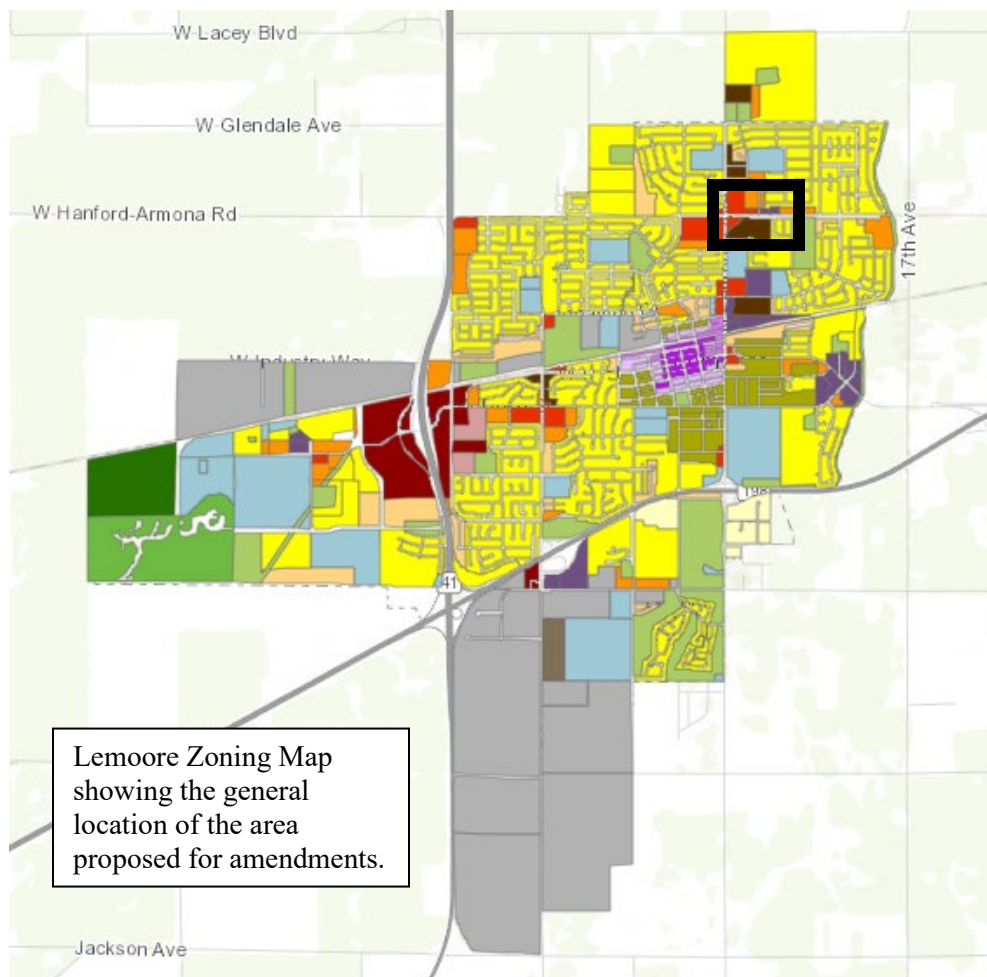
Background:

The City received a grant from the California Department of Housing and Community Development (HCD) to update or modify City ordinances and procedures in a way that would encourage more housing development in Lemoore. Staff is bringing several updates to the Planning Commission to hold a public hearing and then to make a recommendation to the City Council. Previous review sessions were held at Planning Commission meetings on March 13, April 24, and July 10 to review and discuss this project and other similar projects on the August 14, 2023, agenda.

Proposed Changes:

The Mixed Use General Plan designation and related MU zone has not worked out as was intended by the General Plan when it was adopted in 2008. Developers have shied away from the sites zoned MU and there has been no development on them. Staff is proposing elimination of the Mixed Use designation (except in the downtown) and the MU zoning from the General Plan Map and the Zoning Map. The chapter on Mixed Use (Zoning Ordinance Chapter 7) will remain in the Zoning Ordinance just in case there is ever a desire to bring the zone back.

The map below shows the general location in the city of the parcels proposed to be changed. The site being proposed for change is located on the north side of Hanford-Armona Road east of Lemoore Avenue. The existing and proposed land use designations and zones are shown in Exhibit A and Exhibit B of the proposed resolution (attached). The map on the top-right of each exhibit shows which parcels are affected. The map on the bottom-left of each exhibit shows the existing map while the map on the bottom-right shows the proposed changes. Two parcels, one vacant and one with a laundromat would be designated and zoned Professional Office (PO). Two other parcels, one vacant and one with a church, would be designated Medium Density Residential. Both the laundromat and the church would be allowed uses in the respective new zones.



City staff mailed notification of the proposed changes via certified mail on June 27 to all affected property owners, with a phone number they could call to ask questions or discuss the proposed changes. Staff also mailed notification of this Planning Commission public hearing and will send a third notice of the upcoming September 5 City Council hearing, where the final decision on the proposed changes will be made.

For this general plan amendment and zone map change, no property owners have contacted City staff to discuss the proposal.

The table below estimates how the proposed changes would affect the number of residential units that could be constructed on the site, using the realistic density averages from the City's Housing Element. The table shows the effect of this proposal will be the addition of one potential housing unit.

Zone	Zone Name	Vacant Acres to be Added or Subtracted	Housing Element Realistic Density	HE Lower Income	HE Moderate Income	HE Above Moderate Income	Total Potential Housing Units Added or Subtracted
Hanford-Armona Road east of Lemoore Ave.							
MU	Mixed Use	-0.27	9.00	-1	-1	0	-2
PO	Professional Office	0.07	0.00	0	0	0	0
RMD	Medium Density Residential	0.20	14.00	3	0	0	3
Subtotal		0.00		2	-1	0	1

Besides this general plan amendment and zoning map amendment, there are three other similar proposed changes proposed. When considered together, they could collectively increase the capacity to approve housing units by a total of 232 units, with almost all of that being in the lower income range. The State considers lower income to be less than 80% of the median income of a community.

Environmental Assessment:

Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Attachments:

Draft Resolution with Zoning and General Plan Maps

RESOLUTION NO. 2023-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2023-02 AND ZONE MAP
AMENDMENT NO. 2023-02 INITIATED BY THE CITY OF LEMOORE TO ELIMINATE
THE MIXED USE DESIGNATION AND MU ZONING FROM THE GENERAL PLAN
AND ZONING MAPS ON THE NORTH SIDE OF HANFORD-ARMONA ROAD EAST OF
LEMOORE AVENUE IN THE CITY OF LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 14, 2023, at 5:30 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, the general plan amendment and zone map amendment were initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps on the north side of Hanford-Armona Road east of Lemoore Avenue; and

WHEREAS, the properties proposed to be designated and rezoned Professional Office (PO) are 021-220-022 and 021-220-023. The property proposed to be designated and rezoned Medium Density Residential (RMD) is 021-220-021; and

WHEREAS, Exhibit A (attached) shows the General Plan Map existing and proposed land use designations; and

WHEREAS, Exhibit B (attached) shows the Zoning Map existing and proposed zones; and

WHEREAS, the project has been determined to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its August 14, 2023, meeting.

NOW BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed General Plan Amendment and Zone Map Amendment based on facts detailed in the August 14, 2023, staff report, which is hereby incorporated by reference, as well as the evidence and testimony presented during the Public Hearing:

1. The General Plan Amendment is in the public interest and that the general plan as amended will remain internally consistent.
2. The Zone Map Amendment is consistent with the general plan goals, policies, and implementation programs.
3. The General Plan Amendment and Zone Map Amendment will not result in a decrease in the capacity of the City of Lemoore to approve housing development projects.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of General Plan Amendment No. 2023-02 and Zone Map Amendment No. 2023-02 based on the evidence presented.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 14, 2023, by the following votes:

AYES:

NOES:

ABSTAINING:

ABSENT:

APPROVED:

Mitchell Couch, Chairperson

ATTEST:

Kristie Baley, Planning Commission Secretary

Exhibit A
General Plan Amendment No. 2023-02

**General Plan Amendment – Hanford-Armona
Road east of Lemoore Avenue**

From: Mixed Use

To: Medium Density Residential
Professional Office

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Mixed Use
- Professional Office
- Greenway (Including Storm Drain Basins)

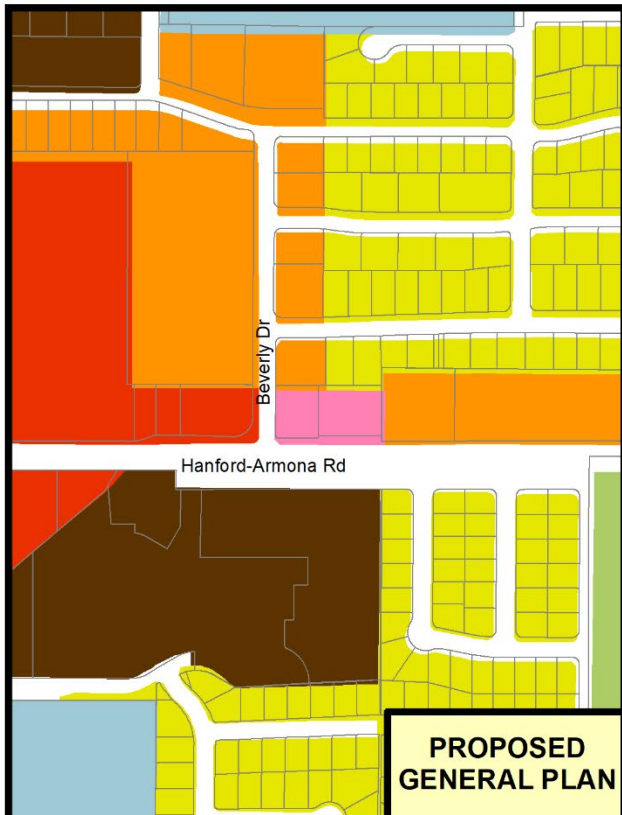
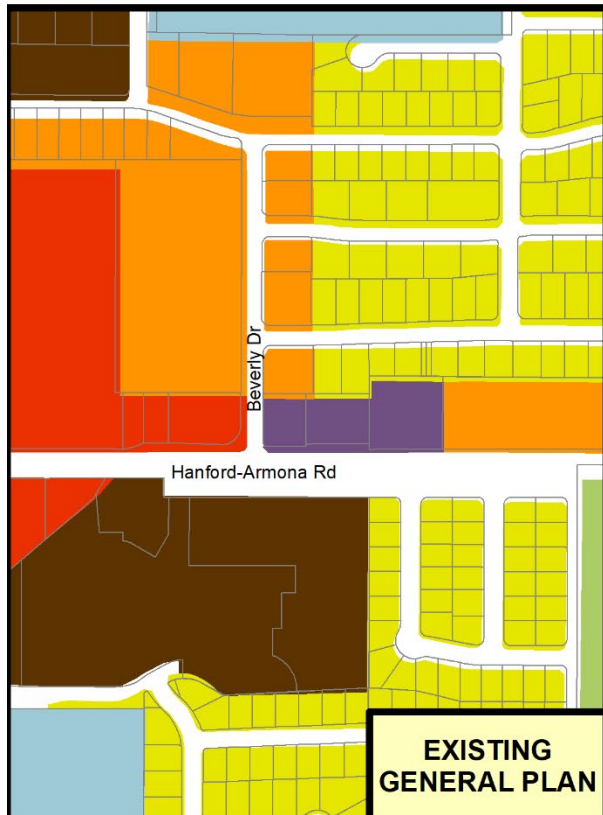
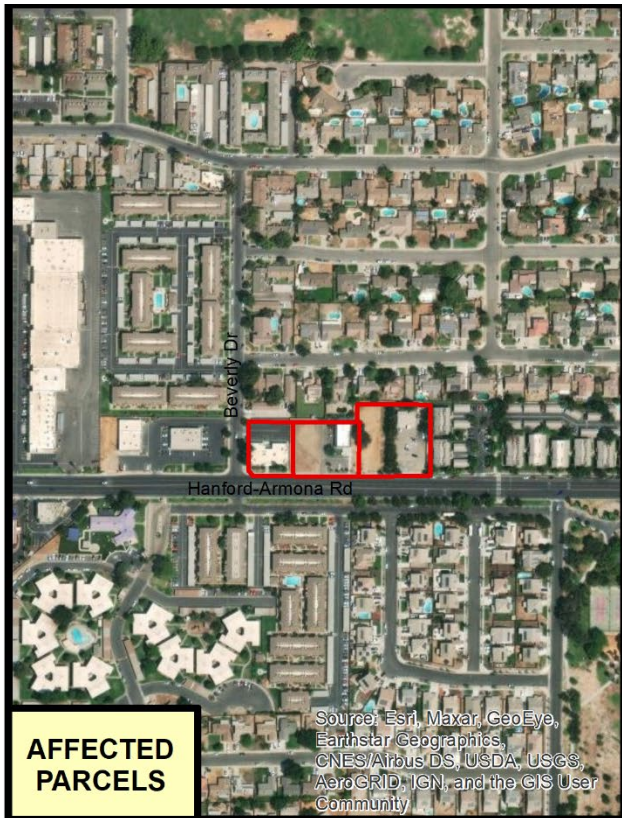


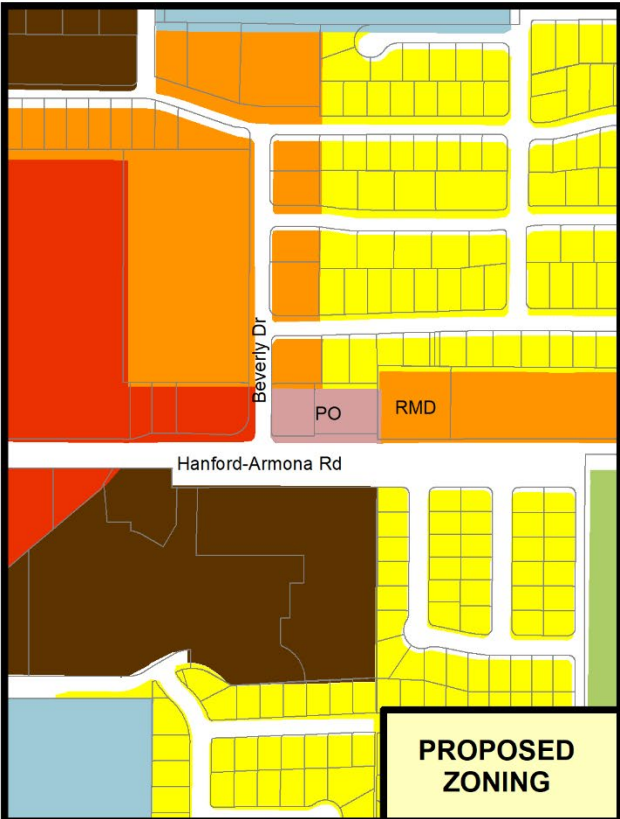
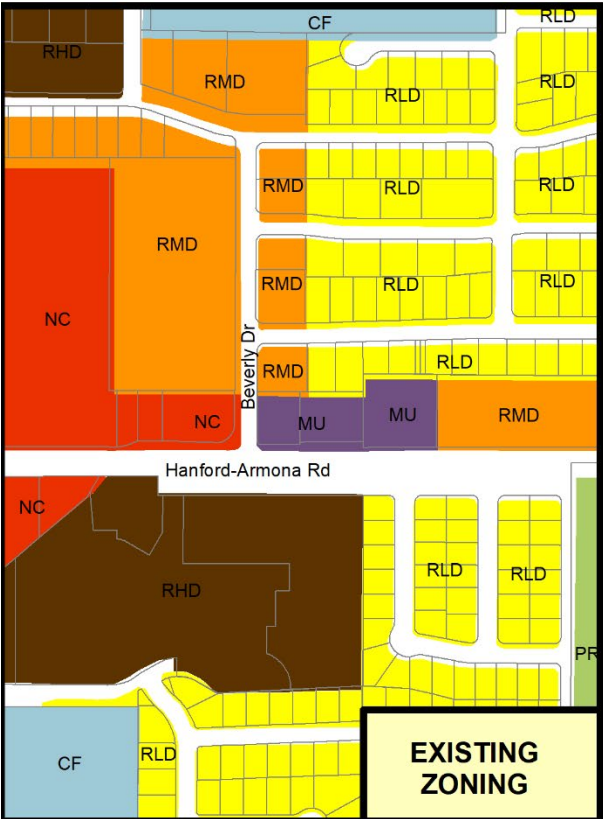
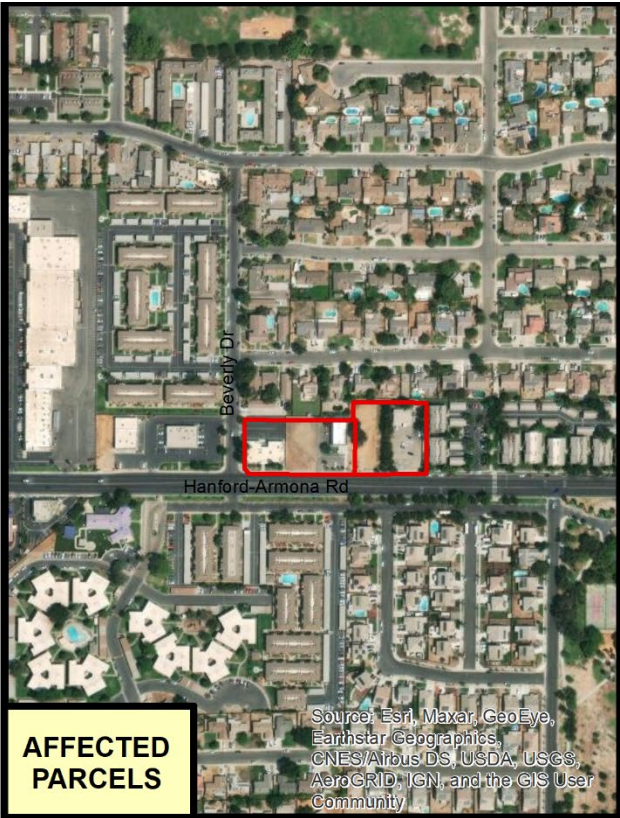
Exhibit B
Zoning Map Amendment No. 2023-02

Zoning Map Amendment – Hanford-Armona Road east of Lemoore Avenue

From: Mixed Use (MU)

To: Medium Density Residential (RMD)
Professional Office (PO)

- Low Density Residential (RLD)
- Medium Density Residential (RMD)
- High Density Residential (RHD)
- Neighborhood Commercial (NC)
- Mixed Use (MU)
- Public Services and Community Facilities (CF)
- Parks and Recreation/Ponding Basin (PR)
- Medium Density Residential (RMD)
- Professional Office (PO)





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Staff Report

To: Lemoore Planning Commission **Item No.** 7
From: Steve Brandt, City Planner
Date: July 31, 2023 **Meeting Date:** August 14, 2023
Subject: **Zone Map Amendment No. 2023-03 and General Plan Amendment No. 2023-03:** initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps in the vicinity of Lemoore Avenue and Cinnamon Drive. The properties proposed to be designated and rezoned Neighborhood Commercial (NC) are 021-340-001, 021-340-004, 021-340-005, 021-340-006, 021-340-007, 021-340-008, 021-350-002, and 021-350-006. The properties proposed to be designated and rezoned High Density Residential (RHD) are 021-330-003, 021-240-040, 021-350-003, and 021-350-004. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Proposed Motion:

Adopt Resolution No. 2023-08, recommending approval of Zone Map Amendment No. 2023-03 and General Plan Amendment No. 2023-03 in accordance with the findings in the resolution.

Background:

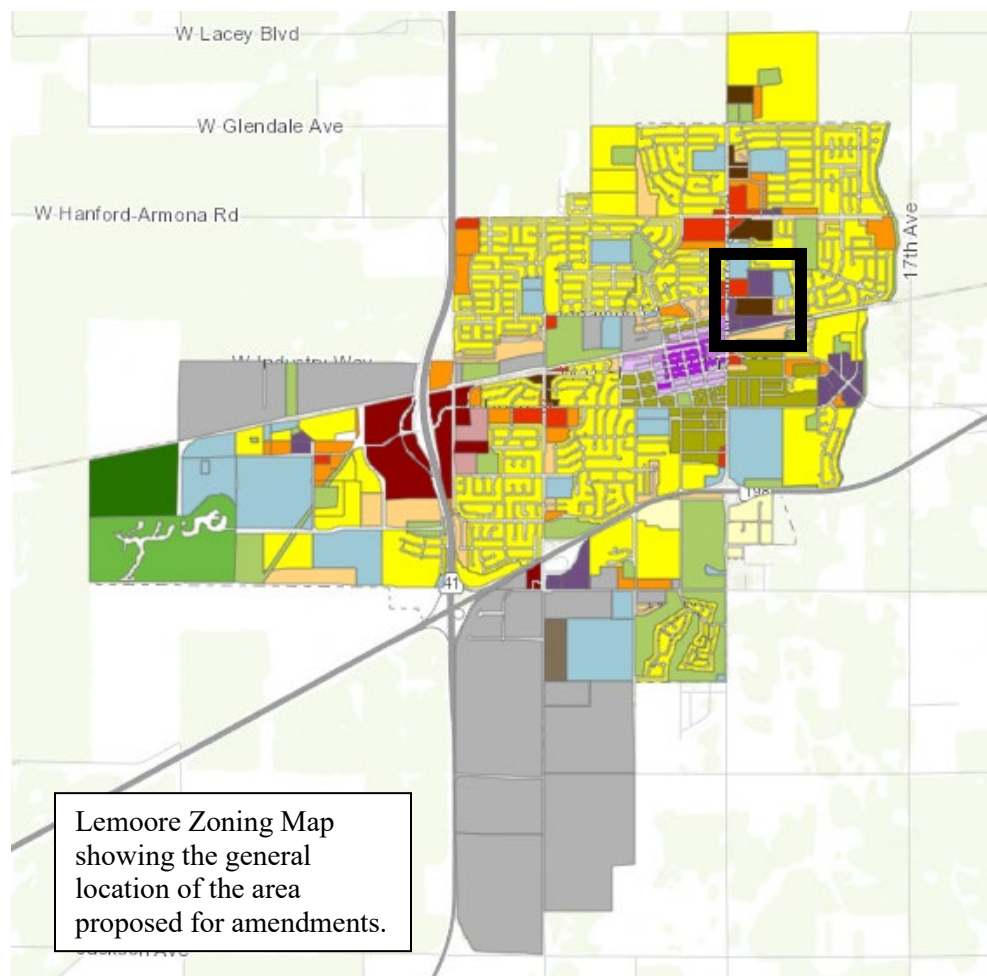
The City received a grant from the California Department of Housing and Community Development (HCD) to update or modify City ordinances and procedures in a way that would encourage more housing development in Lemoore. Staff is bringing several updates to the Planning Commission to hold a public hearing and then to make a recommendation to the City Council. Previous review sessions were held at Planning Commission meetings on

March 13, April 24, and July 10 to review and discuss this project and other similar projects on the August 14, 2023, agenda.

Proposed Changes:

The Mixed Use General Plan designation and related MU zone has not worked out as was intended by the General Plan when it was adopted in 2008. Developers have shied away from the sites zoned MU and there has been no development on them. Staff is proposing the elimination of the Mixed Use designation (except in the downtown) and the MU zoning from the General Plan Map and the Zoning Map. The chapter on Mixed Use (Zoning Ordinance Chapter 7) will remain in the Zoning Ordinance just in case there is ever a desire to bring the zone back.

The map below shows the general location in the city of the parcels proposed to be changed. The site being proposed for change is located in the vicinity of Lemoore Avenue and Cinnamon Drive. The existing and proposed land use designations and zones are shown in Exhibit A and Exhibit B of the proposed resolution (attached). The map on the top-right of each exhibit shows which parcels are affected. The map on the bottom-left of each exhibit shows the existing map while the map on the bottom-right shows the proposed changes. Four vacant parcels would be designated and zoned High Density Residential (RHD). Seven other parcels, one vacant and the others with commercial uses, would be designated Neighborhood Commercial (NC). These uses would remain allowed uses in the new zone.



City staff mailed notification of the proposed changes via certified mail on June 27 to all affected property owners, with a phone number they could call to ask questions or discuss the proposed changes. Staff also mailed notification of this Planning Commission public hearing and will send a third notice of the upcoming September 5 City Council hearing, where the final decision on the proposed changes will be made.

For this general plan amendment and zone map change, no property owners have contacted City staff to discuss the proposal.

The table below estimates how the proposed changes would affect the number of residential units that could be constructed on the site, using the realistic density averages from the City's Housing Element. The table shows the effect of this proposal will be the addition of 141 potential housing units.

Zone	Zone Name	Vacant Acres to be Added or Subtracted	Housing Element Realistic Density	HE Lower Income	HE Moderate Income	HE Above Moderate Income	Total Potential Housing Units Added or Subtracted
Lemoore Avenue and Cinnamon Drive							
MU	Mixed Use	-27.43	9.00	-123	-124	0	-247
NC	Neighborhood Commercial	5.87	0.00	0	0	0	0
RHD	High Density Residential	21.57	18.00	388	0	0	388
Subtotal		0.00		265	-124	0	141

Besides this general plan amendment and zoning map amendment, there are three other similar proposed changes proposed. When considered together, they could collectively increase the capacity to approve housing units by a total of 232 units, with almost all of that being in the lower income range. The State considers lower income to be less than 80% of the median income of a community.

Environmental Assessment:

Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Attachments:

Draft Resolution with Zoning and General Plan Maps

RESOLUTION NO. 2023-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2023-03 AND ZONE MAP
AMENDMENT NO. 2023-03 INITIATED BY THE CITY OF LEMOORE TO ELIMINATE
THE MIXED USE DESIGNATION AND MU ZONING FROM THE GENERAL PLAN
AND ZONING MAPS LOCATED IN THE VICINITY OF LEMOORE AVENUE
AND CINNAMON DRIVE IN THE CITY OF LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 14, 2023, at 5:30 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, the general plan amendment and zone map amendment were initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps in the vicinity of Lemoore Avenue and Cinnamon Drive; and

WHEREAS, the properties proposed to be designated and rezoned Neighborhood Commercial (NC) are 021-340-001, 021-340-004, 021-340-005, 021-340-006, 021-340-007, 021-340-008, 021-350-002, and 021-350-006. The properties proposed to be designated and rezoned High Density Residential (RHD) are 021-330-003, 021-240-040, 021-350-003, and 021-350-004; and

WHEREAS, Exhibit A (attached) shows the General Plan Map existing and proposed land use designations; and

WHEREAS, Exhibit B (attached) shows the Zoning Map existing and proposed zones; and

WHEREAS, the project has been determined to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its August 14, 2023, meeting.

NOW BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed General Plan Amendment and Zone Map Amendment based on facts detailed in the August 14, 2023, staff report, which is hereby incorporated by reference, as well as the evidence and testimony presented during the Public Hearing:

1. The General Plan Amendment is in the public interest and that the general plan as amended will remain internally consistent.
2. The Zone Map Amendment is consistent with the general plan goals, policies, and implementation programs.
3. The General Plan Amendment and Zone Map Amendment will not result in a decrease in the capacity of the City of Lemoore to approve housing development projects.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of General Plan Amendment No. 2023-03 and Zone Map Amendment No. 2023-03 based on the evidence presented.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 14, 2023, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Mitchell Couch, Chairperson

ATTEST:

Kristie Baley, Planning Commission Secretary

Exhibit A
General Plan Amendment No. 2023-03

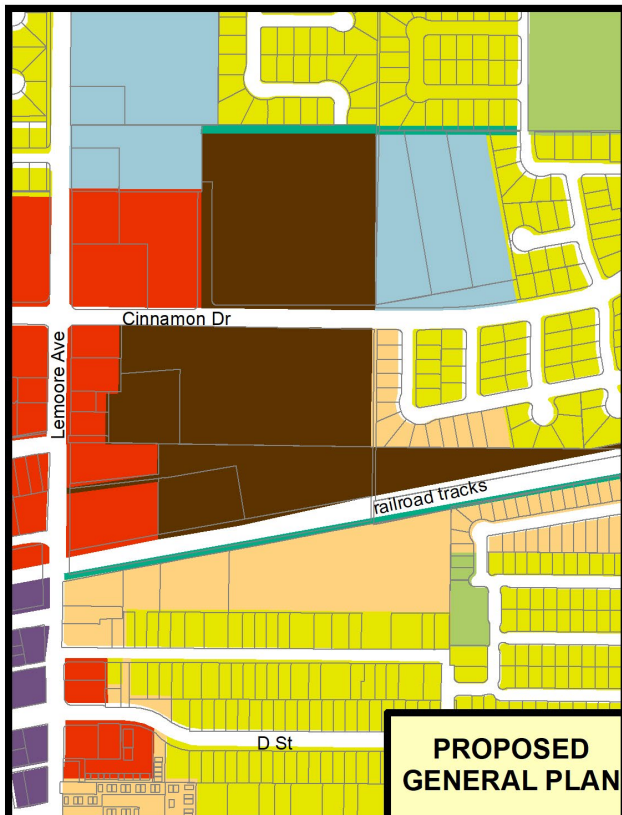
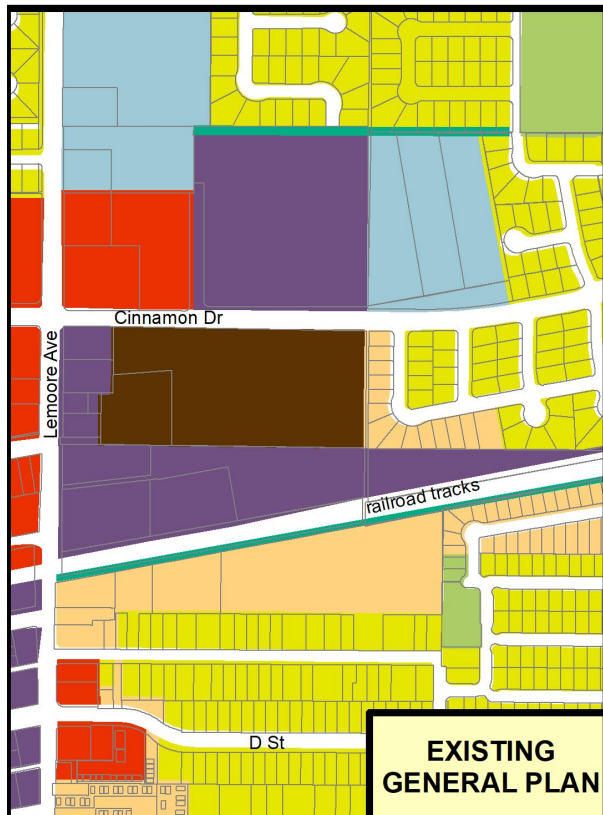
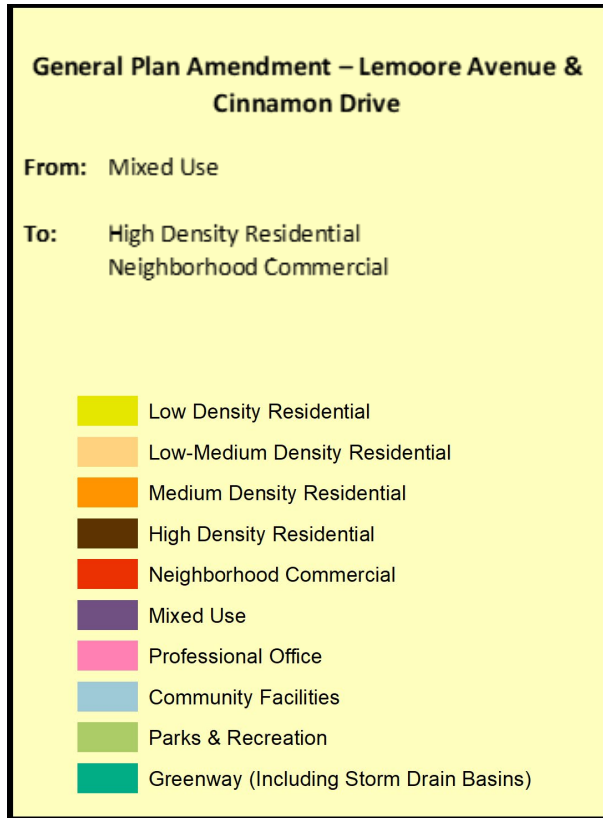
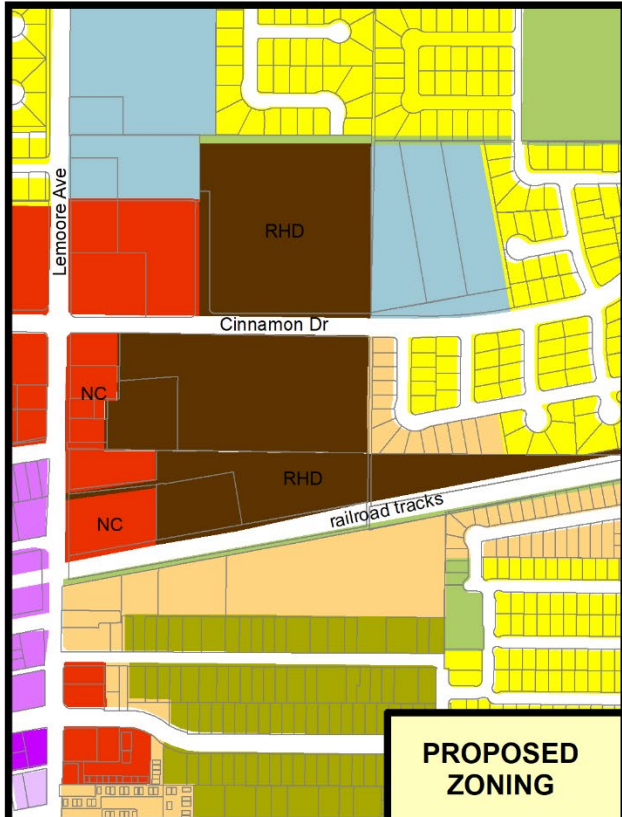
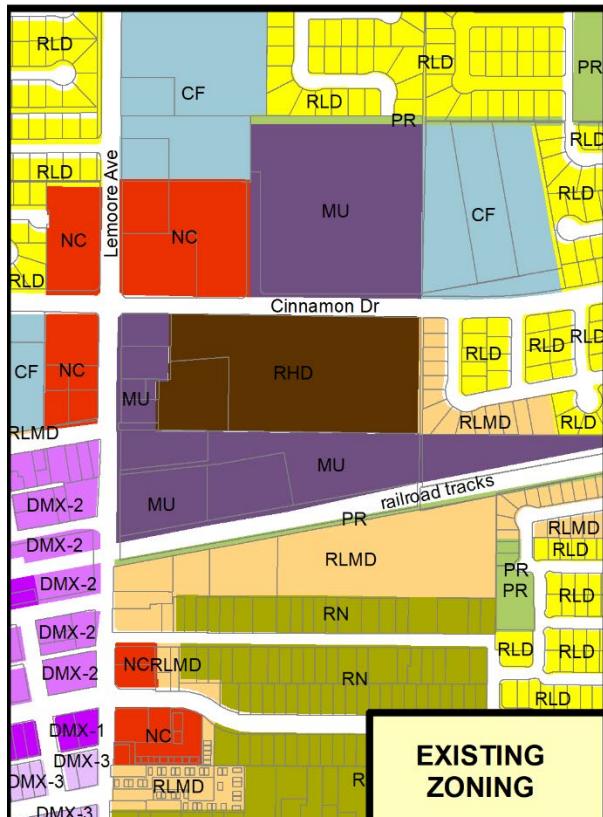
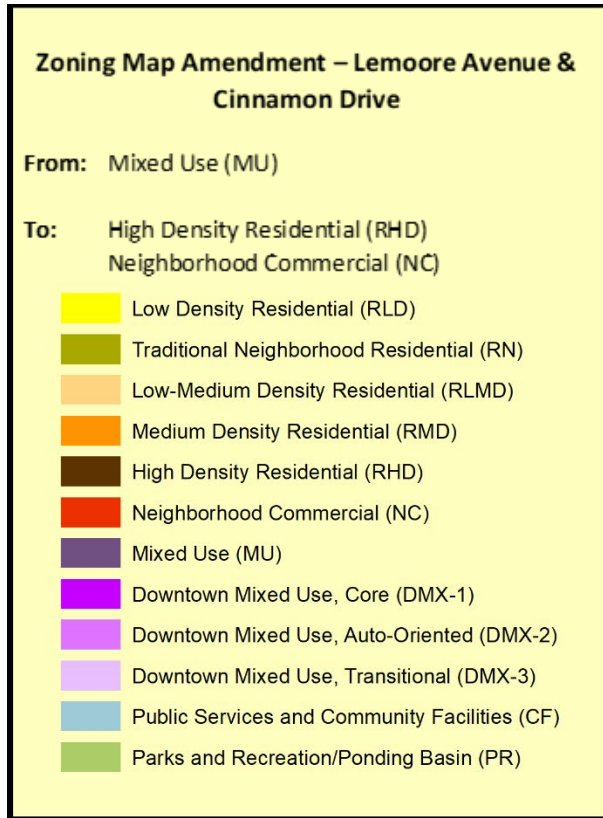


Exhibit B Zone Map Amendment No. 2023-03





711 W Cinnamon Drive • Lemoore, California 93245 • (559) 924-6744 • Fax (559) 924-9003

Staff Report

To: Lemoore Planning Commission **Item No.** 8

From: Steve Brandt, City Planner

Date: July 31, 2023 **Meeting Date:** August 14, 2023

Subject: **Zone Map Amendment No. 2023-04 and General Plan Amendment No. 2023-04:** initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps in the vicinity of Bush and D Streets. The properties proposed to be designated and rezoned to Professional Office (PO) are 023-020-006, 023-020-007, 023-020-038, 023-020-039. The properties proposed to be designated and rezoned to Neighborhood Commercial (NC) are 023-020-066, 023-020-067, 023-020-068, 023-020-069, 023-020-093, 023-020-072, 023-020-043, 023-020-036, 023-020-076, 023-020-077, and 023-020-078. The properties proposed to be designated and rezoned to Medium Density Residential (RMD) are 023-020-037 and 023-020-030. The properties proposed to be designated and rezoned to High Density Residential (RHD) are 023-020-071 and 023-020-073. The properties proposed to be designated to Neighborhood Commercial (but not rezoned because they are not within the city limits) are 023-020-027, 023-020-028, and 023-020-032. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Proposed Motion:

Adopt Resolution No. 2023-09, recommending approval of Zone Map Amendment No. 2023-04 and General Plan Amendment No. 2023-04 in accordance with the findings in the resolution.

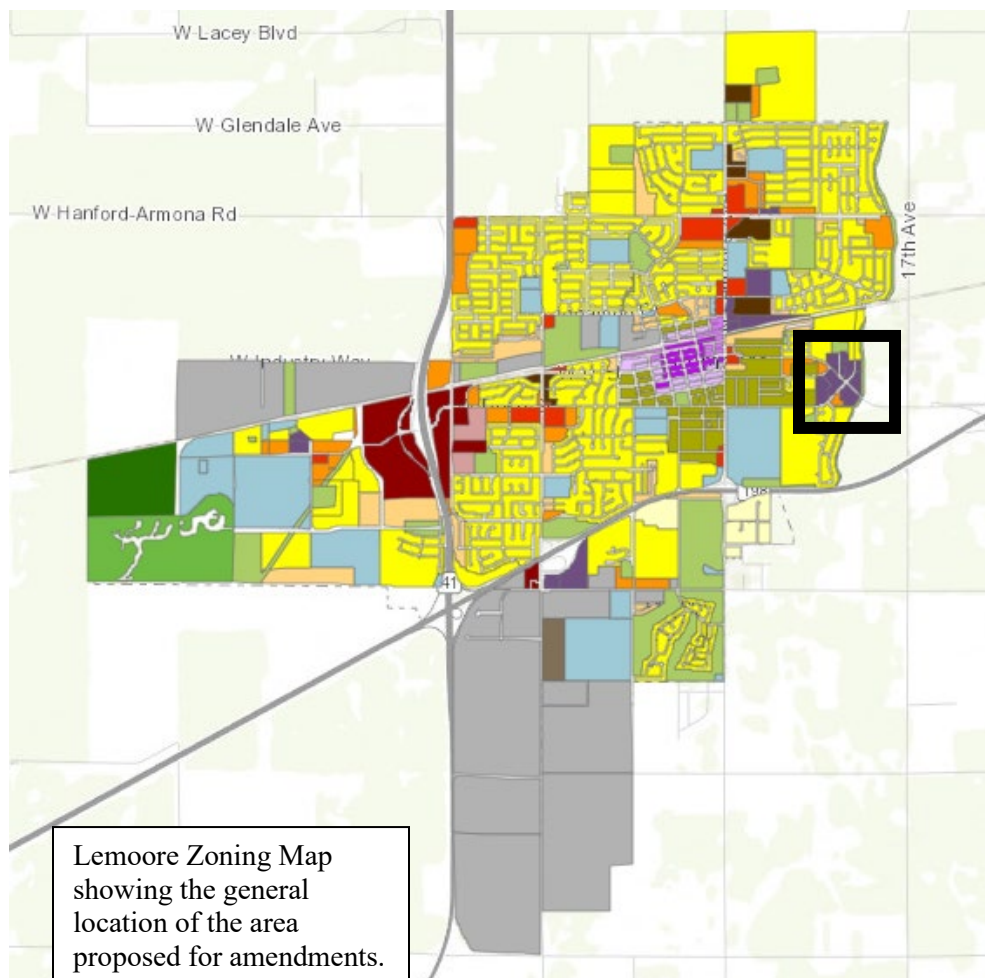
Background:

The City received a grant from the California Department of Housing and Community Development (HCD) to update or modify City ordinances and procedures in a way that would encourage more housing development in Lemoore. Staff is bringing several updates to the Planning Commission to hold a public hearing and then to make a recommendation to the City Council. Previous review sessions were held at Planning Commission meetings on March 13, April 24, and July 10 to review and discuss this project and other similar projects on the August 14, 2023, agenda.

Proposed Changes:

The Mixed Use General Plan designation and related MU zone has not worked out as was intended by the General Plan when it was adopted in 2008. Developers have shied away from the sites zoned MU and there has been no development on them. Staff is proposing the elimination of the Mixed Use designation (except in the downtown) and the MU zoning from the General Plan Map and the Zoning Map. The chapter on Mixed Use (Zoning Ordinance Chapter 7) will remain in the Zoning Ordinance just in case there is ever a desire to bring the zone back.

The map below shows the general location in the city of the parcels proposed to be changed.



The site being proposed for change is located in the vicinity of Bush and D Streets. The existing and proposed land use designations and zones are shown in Exhibit A and Exhibit B of the proposed resolution (attached). The map on the top-right of each exhibit shows which parcels are affected. The map on the bottom-left of each exhibit shows the existing map while the map on the bottom-right shows the proposed changes.

Four vacant parcels would be designated and zoned High Density Residential (RHD). Seven other parcels, one vacant and the others with commercial uses, would be designated Neighborhood Commercial (NC). These uses would remain allowed uses in the new zone.

City staff mailed notification of the proposed changes via certified mail on June 27 to all affected property owners, with a phone number they could call to ask questions or discuss the proposed changes. Staff also mailed notification of this Planning Commission public hearing and will send a third notice of the upcoming September 5 City Council hearing, where the final decision on the proposed changes will be made.

Five property owners contacted the City staff and discussed these proposed changes. After the discussion, two of the property owners stated that they supported the changes and two were neutral but would accept the proposed changes. One property owner, who owns the properties on either side of Daphne Street that are proposed for Medium Density Residential zoning, stated that he believed the Neighborhood Commercial zone would be more appropriate, and requested that this zone be placed on the properties instead. After reviewing this alternative zoning for those two properties, Staff believes that Medium Density Residential, Neighborhood Commercial, and Professional Office could all be made to work on the sites. The draft resolution shows Medium Density Residential, but the Planning Commission could recommend either Neighborhood Commercial or Professional Office instead by modifying the staff recommendation.

The table below estimates how the proposed changes would affect the number of residential units that could be constructed on the site, using the realistic density averages from the City's Housing Element. The table shows the effect of this proposal will be the addition of 37 potential housing units.

Zone	Zone Name	Vacant Acres to be Added or Subtracted	Housing Element Realistic Density	HE Lower Income	HE Moderate Income	HE Above Moderate Income	Total Potential Housing Units Added or Subtracted
Bush and D Streets							
MU	Mixed Use	-11.96	9.00	-56	-57	0	-108
RHD	High Density Residential	6.34	18.00	114	0	0	114
RMD	Medium Density Residential	-2.12	14.00	-30	0	0	-30
RMD	Medium Density Residential	4.37	14.00	61	0	0	61
NC	Neighborhood Commercial	3.37	0.00	0	0	0	0
Subtotal		0.00		89	-57	0	37

Besides this general plan amendment and zoning map amendment, there are three other similar proposed changes proposed. When considered together, they could collectively increase the capacity to approve housing units by a total of 232 units, with almost all of that being in the lower income range. The State considers lower income to be less than 80% of the median income of a community.

If the two parcels proposed for Medium Density Residential were instead designated and rezoned to Neighborhood Commercial or Professional Office, there would be 61 less potential housing units, making the overall increase in capacity from the four projects on the agenda 171 potential housing units instead of 232 potential housing units.

Environmental Assessment:

Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Attachments:

Draft Resolution with Zoning and General Plan Maps

RESOLUTION NO. 2023-09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2023-04 AND
ZONE MAP AMENDMENT NO. 2023-04 INITIATED BY THE CITY OF LEMOORE TO ELIMINATE
THE MIXED USE DESIGNATION AND MU ZONING FROM THE GENERAL PLAN
AND ZONING MAPS LOCATED IN THE VICINITY OF BUSH AND D STREETS
IN THE CITY OF LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 14, 2023, at 5:30 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, the general plan amendment and zone map amendment were initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps in the vicinity of Bush and D Streets; and

WHEREAS, the properties proposed to be designated and rezoned to Professional Office (PO) are 023-020-006, 023-020-007, 023-020-038, 023-020-039. The properties proposed to be designated and rezoned to Neighborhood Commercial (NC) are 023-020-066, 023-020-067, 023-020-068, 023-020-069, 023-020-093, 023-020-072, 023-020-043, 023-020-036, 023-020-076, 023-020-077, and 023-020-078. The properties proposed to be designated and rezoned to Medium Density Residential (RMD) are 023-020-037 and 023-020-030. The properties proposed to be designated and rezoned to High Density Residential (RHD) are 023-020-071 and 023-020-073. The properties proposed to be designated to Neighborhood Commercial (but not rezoned because they are not within the city limits) are 023-020-027, 023-020-028, and 023-020-032; and

WHEREAS, Exhibit A (attached) shows the General Plan Map existing and proposed land use designations; and

WHEREAS, Exhibit B (attached) shows the Zoning Map existing and proposed zones; and

WHEREAS, the project has been determined to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its August 14, 2023, meeting.

NOW BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed General Plan Amendment and Zone Map Amendment based on facts detailed in the August 14, 2023, staff report, which is hereby incorporated by reference, as well as the evidence and testimony presented during the Public Hearing:

1. The General Plan Amendment is in the public interest and that the general plan as amended will remain internally consistent.
2. The Zone Map Amendment is consistent with the general plan goals, policies, and implementation programs.

3. The General Plan Amendment and Zone Map Change will not result in a decrease in the capacity of the City of Lemoore to approve housing development projects.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of General Plan Amendment No. 2023-04 and Zone Map Amendment No. 2023-04 based on the evidence presented.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 14, 2023, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Mitchell Couch, Chairperson

ATTEST:

Kristie Baley, Planning Commission Secretary

Exhibit A
General Plan Amendment No. 2023-04

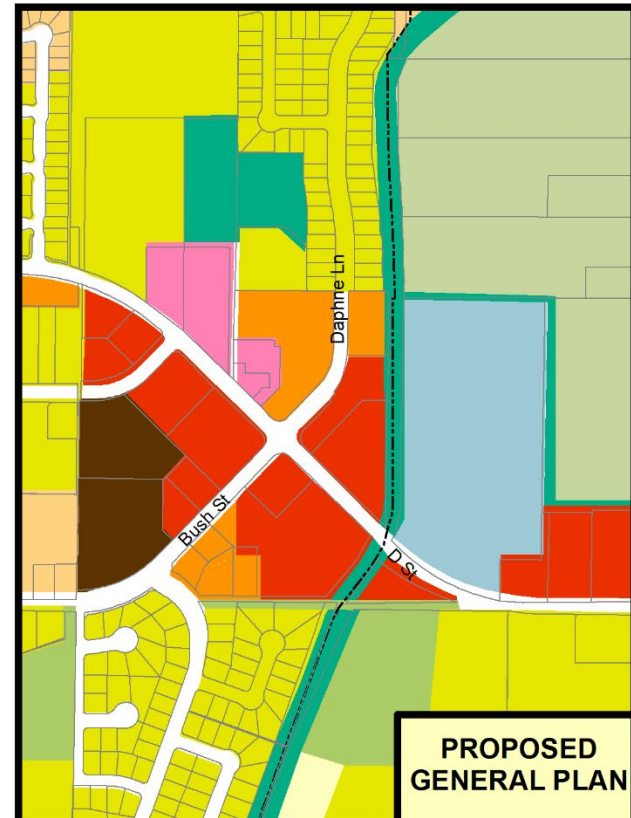
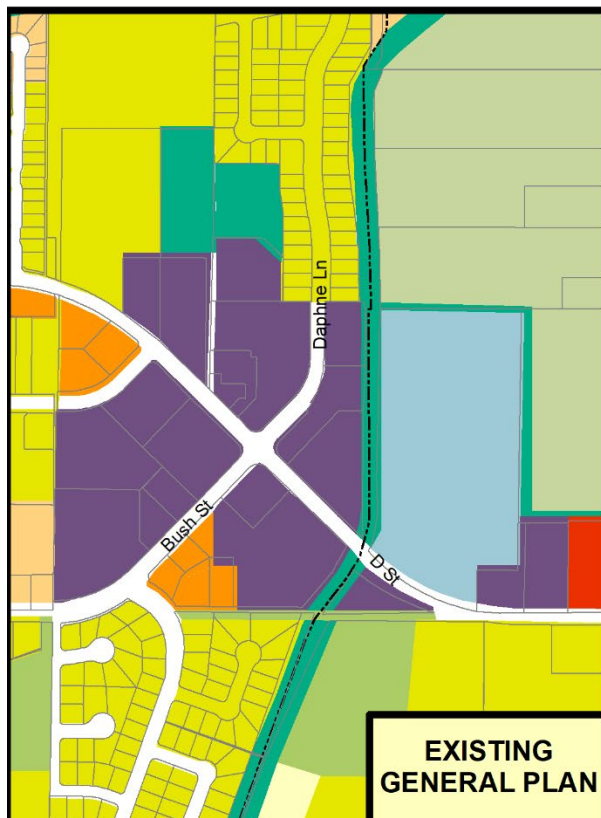
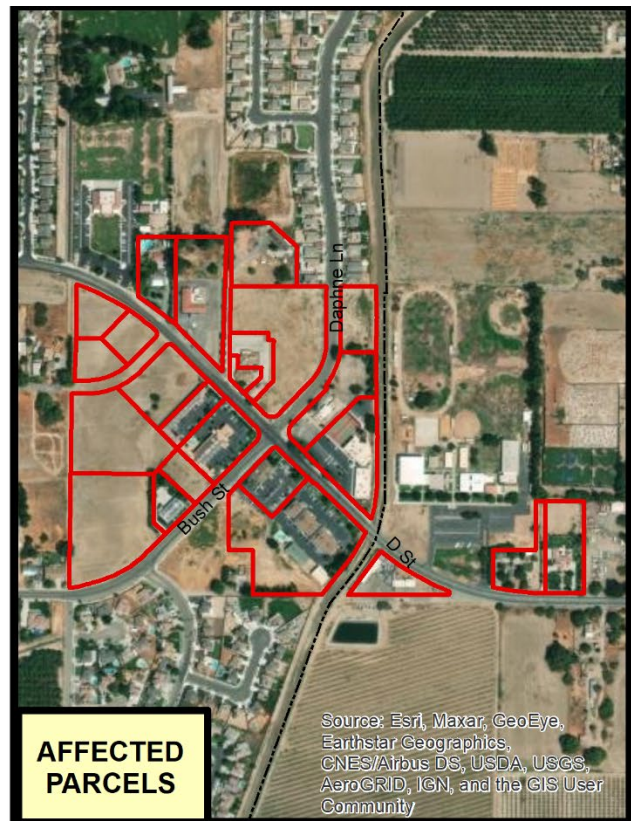
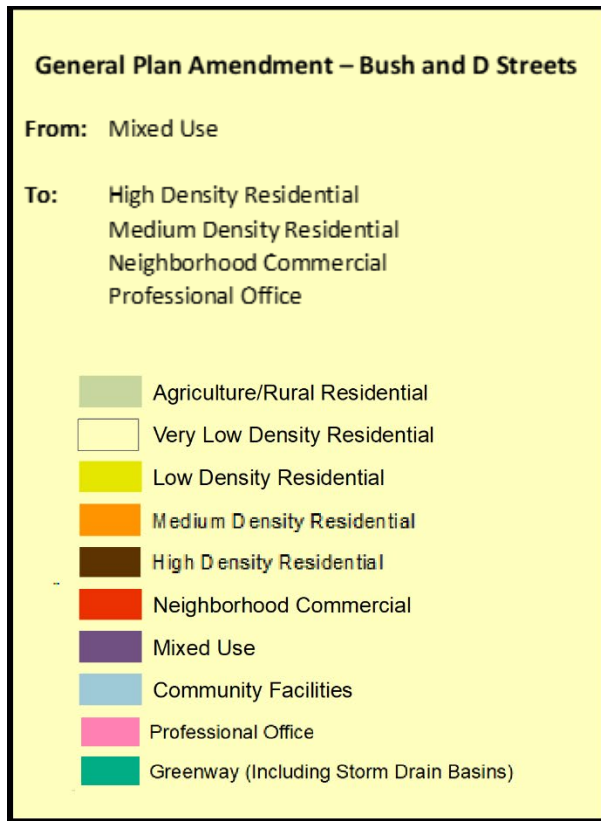
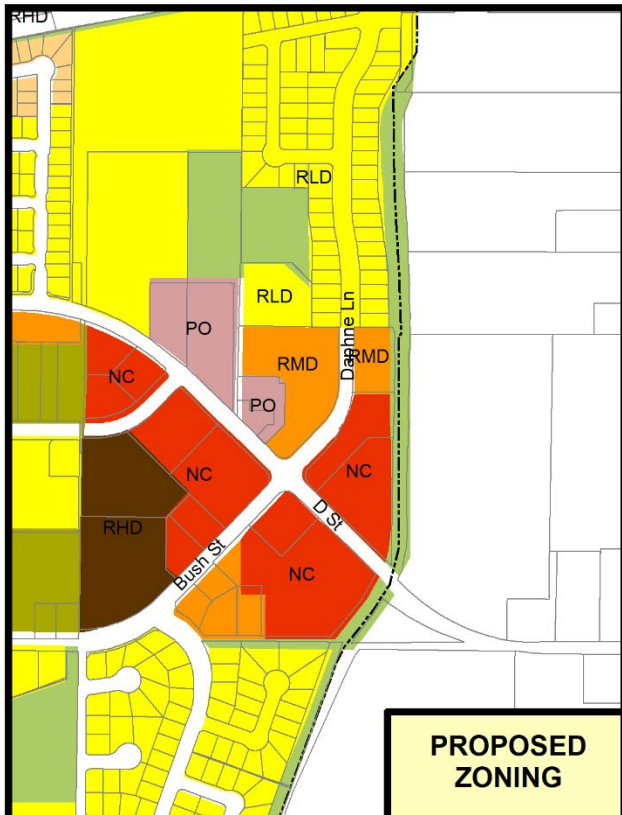
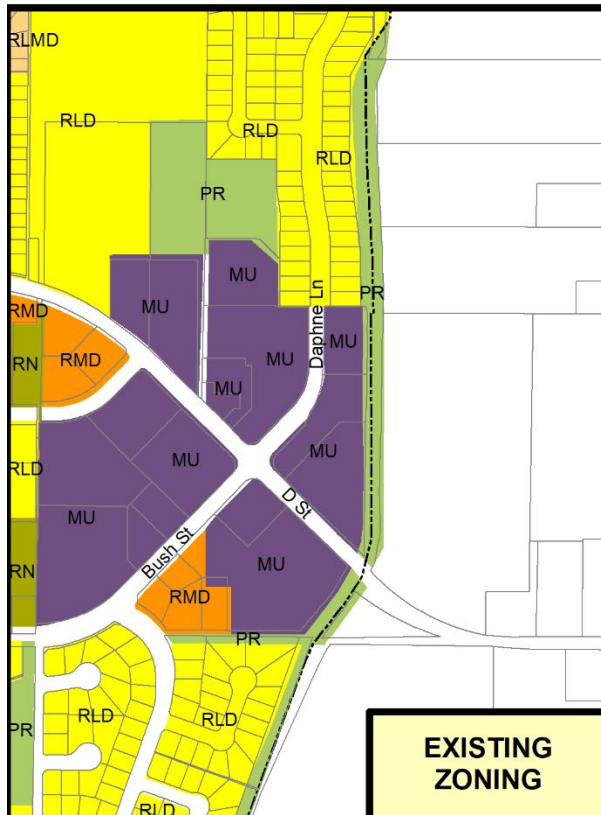
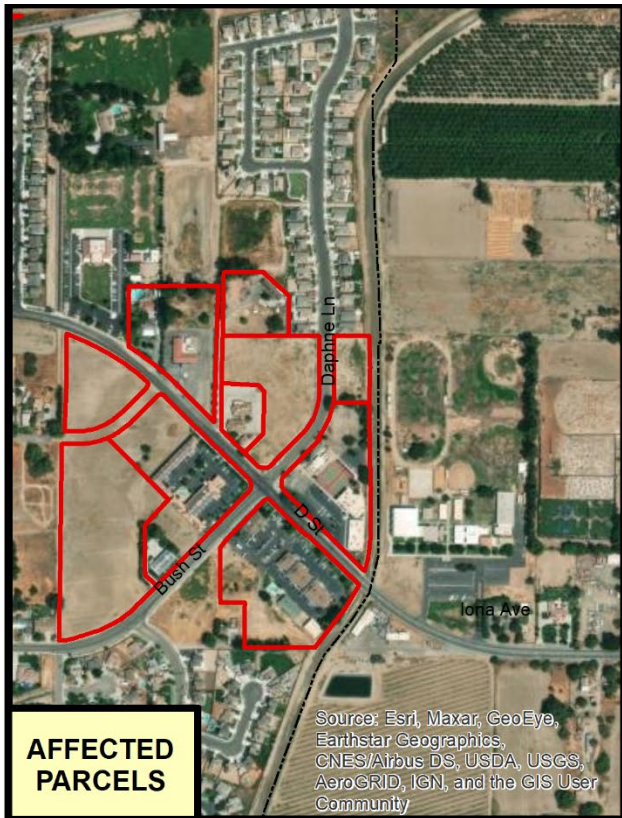
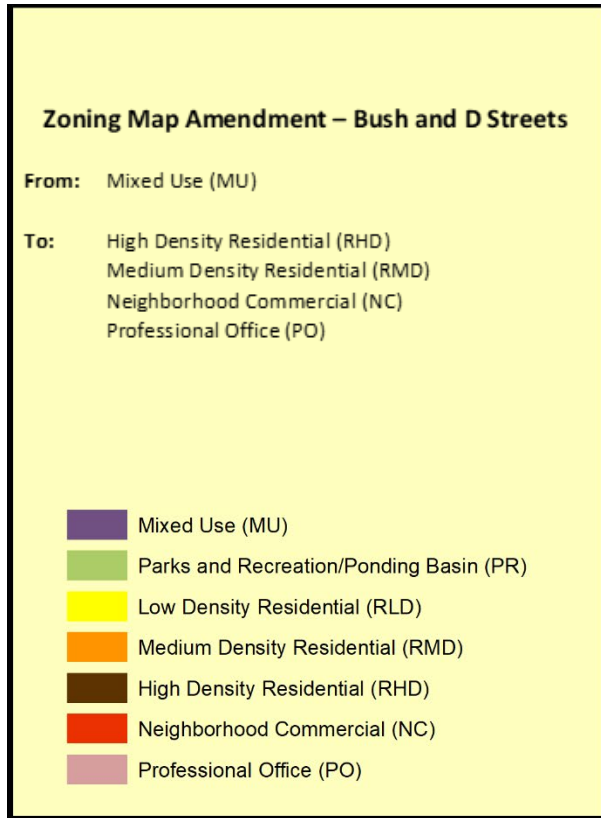


Exhibit B
Zone Map Amendment No. 2023-04





711 W Cinnamon Drive • Lemoore, California 93245 • (559) 924-6744 • Fax (559) 924-9003

Staff Report

To: Lemoore Planning Commission **Item No. 9**
From: Steve Brandt, City Planner
Date: July 31, 2023 **Meeting Date:** August 14, 2023
Subject: **Zone Map Amendment No. 2023-05 and General Plan Amendment No. 2023-05:** initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps in the vicinity of College Avenue. The property proposed to be designated and rezoned Low Density Residential (RLD) is 023-510-002. The properties proposed to be designated and rezoned Medium Density Residential (RMD) are 023-510-042 and 023-510-043. The property proposed to be designated and rezoned Community Facilities (CF) is 023-510-019. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Proposed Motion:

Adopt Resolution No. 2023-10, recommending approval of Zone Map Amendment No. 2023-05 and General Plan Amendment No. 2023-05 in accordance with the findings in the resolution.

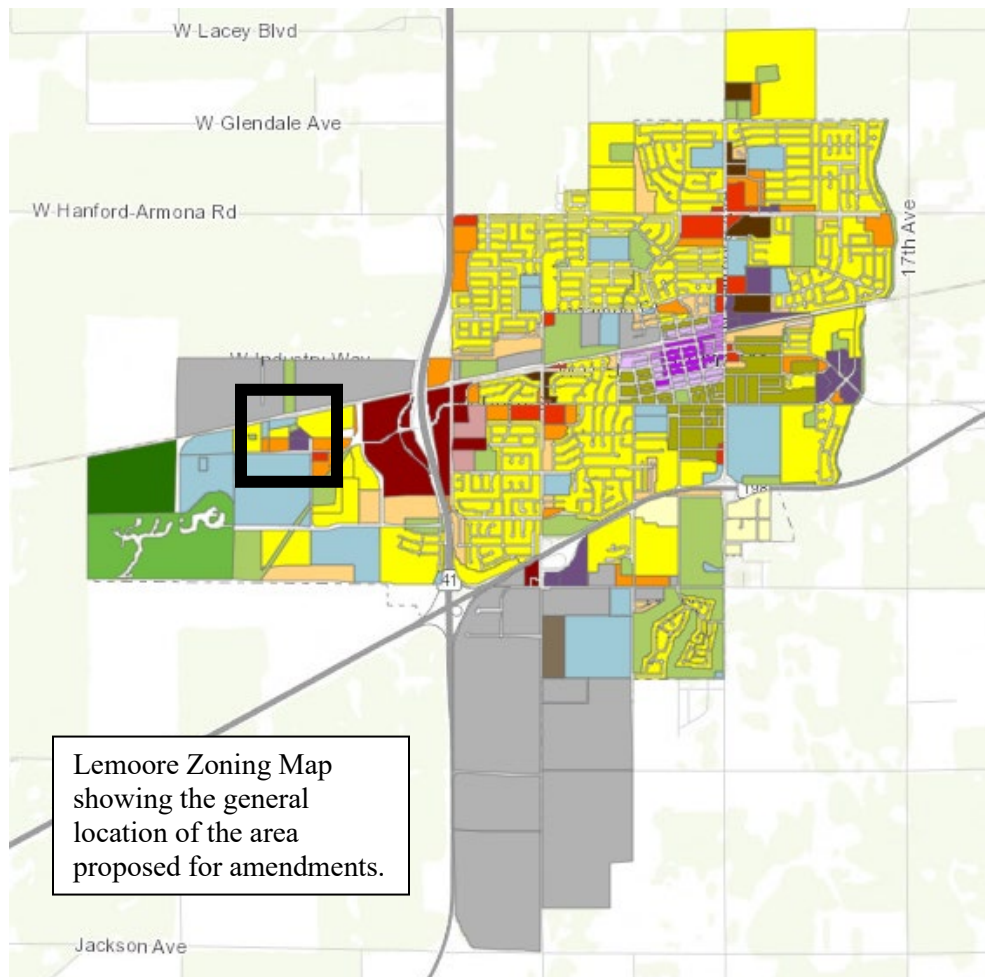
Background:

The City received a grant from the California Department of Housing and Community Development (HCD) to update or modify City ordinances and procedures in a way that would encourage more housing development in Lemoore. Staff is bringing several updates to the Planning Commission to hold a public hearing and then to make a recommendation to the City Council. Previous review sessions were held at Planning Commission meetings on March 13, April 24, and July 10 to review and discuss this project and other similar projects on the August 14, 2023, agenda.

Proposed Changes:

The Mixed Use General Plan designation and related MU zone has not worked out as was intended by the General Plan when it was adopted in 2008. Developers have shied away from the sites zoned MU and there has been no development on them. Staff is proposing the elimination of the Mixed Use designation (except in the downtown) and the MU zoning from the General Plan Map and the Zoning Map. The chapter on Mixed Use (Zoning Ordinance Chapter 7) will remain in the Zoning Ordinance just in case there is ever a desire to bring the zone back.

The map below shows the general location in the city of the parcels proposed to be changed. The site being proposed for change is located west of SR 41 in the vicinity of College Avenue. The existing and proposed land use designations and zones are shown in Exhibit A and Exhibit B of the proposed resolution (attached). The map on the top-right of each exhibit shows which parcels are affected. The map on the bottom-left of each exhibit shows the existing map while the map on the bottom-right shows the proposed changes.



The City's water treatment and solar farm site would be designated and zoned Community Facilities (CF). One vacant parcel would be designated and zoned Medium Density Residential (RMD). One vacant parcel would be designated Low Density Residential (RLD).

City staff mailed notification of the proposed changes via certified mail on June 27 to all affected property owners, with a phone number they could call to ask questions or discuss the proposed changes. Staff also mailed notification of this Planning Commission public hearing and will send a third notice of the upcoming September 5 City Council hearing, where the final decision on the proposed changes will be made.

One property owner has contacted the City staff recently, the owner of the parcel proposed for Low Density Residential. Currently her parcel has a mix of three different zones. She was not sure what she wanted to do with her property but said that the mix of zones was confusing to potential buyers.

One July 31, City staff met with representatives from Naval Air Station Lemoore. They stated that they were concerned about future residential development in the area due to their standard training patterns but were not authorized to give a specific recommendation on this proposal.

The table below estimates how the proposed changes would affect the number of residential units that could be constructed on the site, using the realistic density averages from the City's Housing Element. The table shows the effect of this proposal will be the addition of 53 potential housing units.

Zone	Zone Name	Vacant Acres to be Added or Subtracted	Housing Element Realistic Density	HE Lower Income	HE Moderate Income	HE Above Moderate Income	Total Potential Housing Units Added or Subtracted
North of College							
MU	Mixed Use	-6.56	9.00	-29	-30	0	-59
RLD	Low Density Residential	6.19	4.50	0	14	15	28
PR	Greenway	-0.70	0.00	0	0	0	0
CF	Community Facilities	-3.57	0.00	0	0	0	0
RMD	Medium Density Residential	4.64	18.00	34	0	0	84
Subtotal		0.00		5	-16	15	53

Besides this general plan amendment and zoning map amendment, there are three other similar proposed changes proposed. When considered together, they could collectively increase the capacity to approve housing units by a total of 232 units, with almost all of that being in the lower income range. The State considers lower income to be less than 80% of the median income of a community.

Environmental Assessment:

Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act

(CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Attachments:

Draft Resolution Zoning and General Plan Maps

RESOLUTION NO. 2023-10

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2023-05 AND
ZONE MAP AMENDMENT NO. 2023-05 INITIATED BY THE CITY OF LEMOORE TO ELIMINATE
THE MIXED USE DESIGNATION AND MU ZONING FROM THE GENERAL PLAN
AND ZONING MAPS LOCATED IN THE VICINITY OF COLLEGE AVENUE
IN THE CITY OF LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 14, 2023, at 5:30 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, the general plan amendment and zone map amendment were initiated by the City of Lemoore to eliminate the Mixed Use designation and MU Zoning from the General Plan and Zoning Maps in the vicinity of College Avenue; and

WHEREAS, the property proposed to be designated and rezoned Low Density Residential (RLD) is 023-510-002. The properties proposed to be designated and rezoned Medium Density Residential (RMD) are 023-510-042 and 023-510-043. The property proposed to be designated and rezoned Community Facilities (CF) is 023-510-019; and

WHEREAS, the parcel proposed to be designated and rezoned Communities Facilities (CF) is owned by the City of Lemoore and used for solar power generation and water treatment and storage; and

WHEREAS, Exhibit A (attached) shows the General Plan Map existing and proposed land use designations; and

WHEREAS, Exhibit B (attached) shows the Zoning Map existing and proposed zones; and

WHEREAS, the project has been determined to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its August 14, 2023, meeting.

NOW BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed General Plan Amendment and Zone Map Change based on facts detailed in the August 14, 2023, staff report, which is hereby incorporated by reference, as well as the evidence and testimony presented during the Public Hearing:

1. The General Plan Amendment is in the public interest and that the general plan as amended will remain internally consistent.
2. The Zone Map Amendment is consistent with the general plan goals, policies, and implementation programs.
3. The General Plan Amendment and Zone Map Amendment will not result in a decrease in the capacity of the City of Lemoore to approve housing development projects.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of General Plan Amendment No. 2023-05 and Zone Map Amendment No. 2023-05 based on the evidence presented.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 14, 2023, by the following votes:

AYES:

NOES:

ABSTAINING:

ABSENT:

APPROVED:

Mitchell Couch, Chairperson

ATTEST:

Kristie Baley, Planning Commission Secretary

Exhibit A
General Plan Amendment No. 2023-05

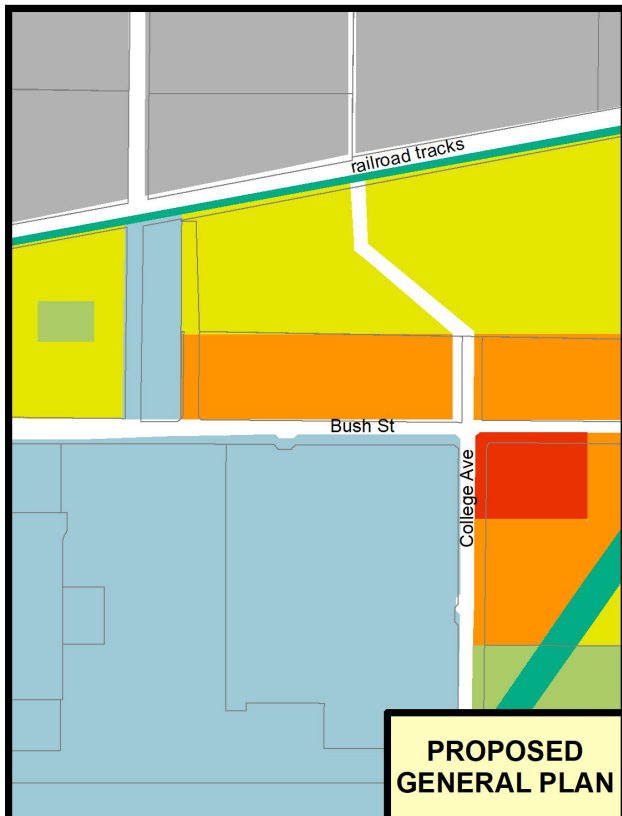
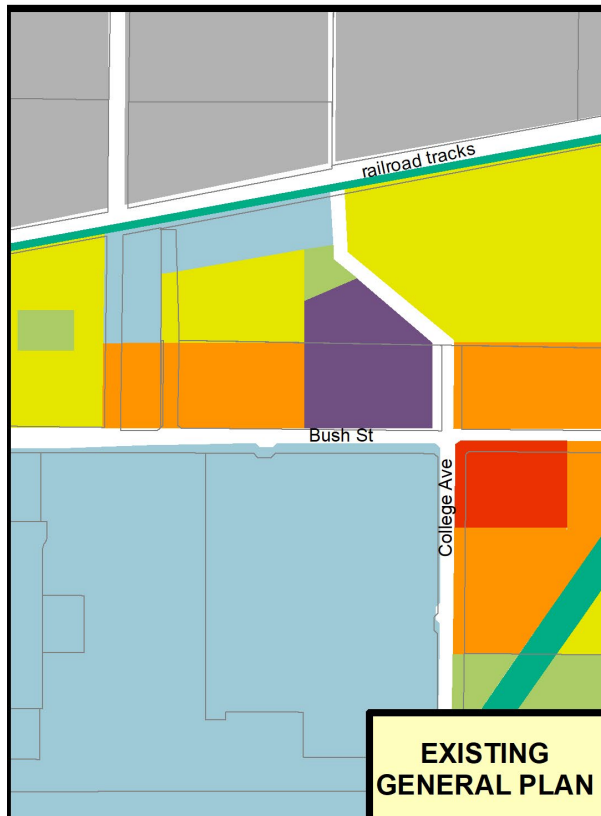
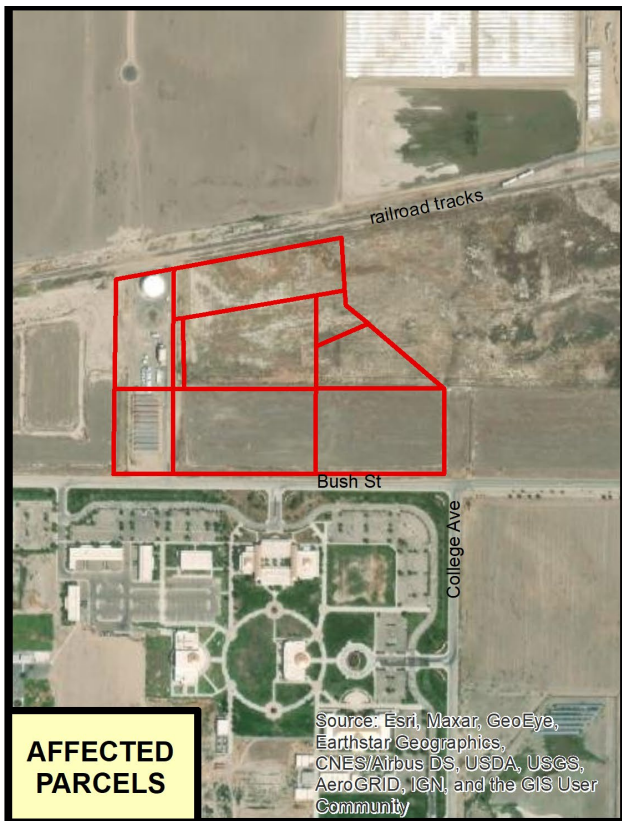
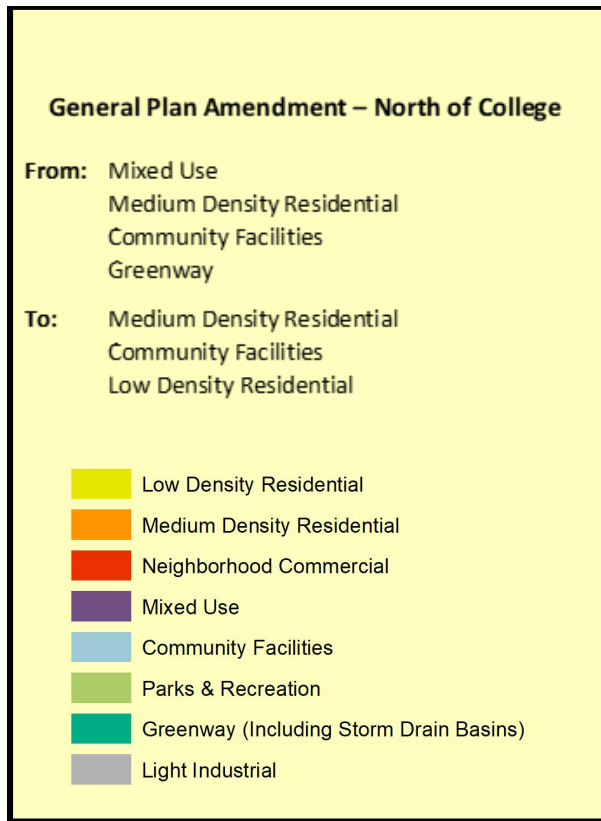


Exhibit B
Zone Map Change No. 2023-05

Zoning Map Amendment – North of College

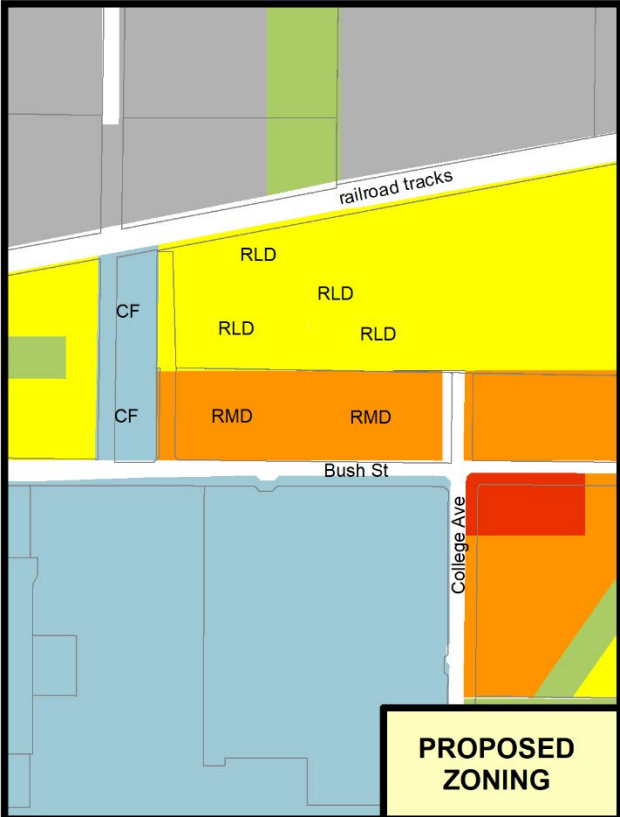
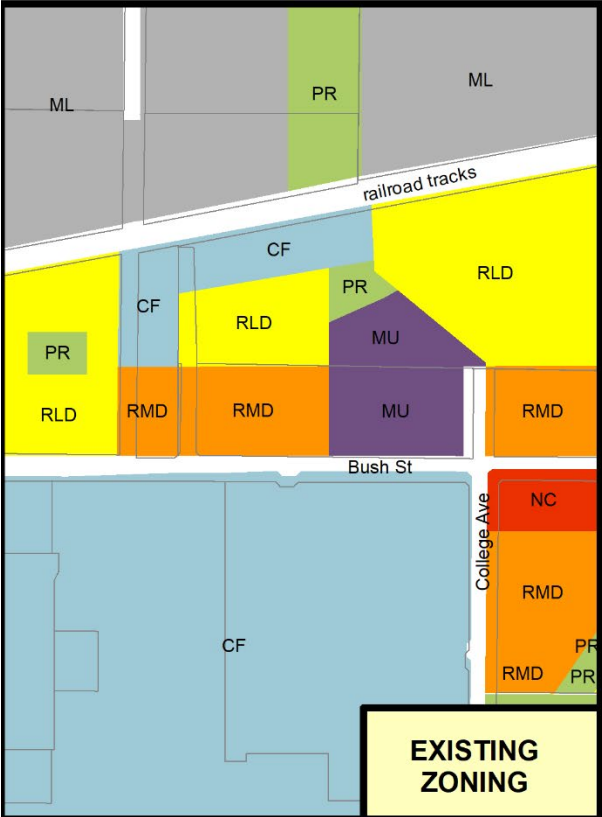
From: Mixed Use (MU)
Medium Density Residential (RMD)
Community Facilities (CF)
Parks and Recreation/Ponding Basin (PR)

To: Medium Density Residential (RMD)
Community Facilities (CF)
Low Density Residential (RLD)

- Low Density Residential (RLD)
- Medium Density Residential (RMD)
- Neighborhood Commercial (NC)
- Mixed Use (MU)
- Light Industrial (ML)
- Public Services and Community Facilities (CF)
- Parks and Recreation/Ponding Basin (PR)



AFFECTED PARCELS





711 W Cinnamon Drive • Lemoore, California 93245 • (559) 924-6744 • Fax (559) 924-9003

Staff Report

To: Lemoore Planning Commission **Item No.** 10
From: Steve Brandt, City Planner
Date: August 1, 2023 **Meeting Date:** August 14, 2023
Subject: **Zone Text Amendment No. 2023-01:** initiated by the City of Lemoore to modify Sections 9-2A-7-1 "Planning Permit and Entitlements and Review and Appeal Authority", 9-2B-12 "Minor Site Plan and Architectural Review", 9-2B-15 "Major Site Plan and Architectural Review", 9-4A-5 "Description of Land Uses", 9-4B-2 "Allowed Uses and Required Entitlements for Base Zoning Districts", 9-4D-12 "Accessory Dwelling Units", 9-5A-4A "Development Standards for Residential Zoning Districts", and 9-5C-3 "Design Standards for Residential Projects" of the City Ordinance, in a way that will encourage more housing development in Lemoore. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Proposed Motion:

Adopt Resolution No. 2023-11, recommending approval of Zone Text Amendment No. 2023-01 in accordance with the findings in the resolution.

Background:

The City received a grant from the California Department of Housing and Community Development (HCD) to update or modify City ordinances and procedures in a way that would encourage more housing development in Lemoore. Staff is bringing several updates to the Planning Commission to hold a public hearing and then to make a recommendation to the City Council. Previous review sessions were held at Planning Commission meetings on March 13, April 24, and July 10 to review and discuss this project and other similar projects on the August 14, 2023, agenda.

Proposed Changes:

The following list describes the scope of the changes being proposed. There have been no changes of note since the last study session on July 10.

Residential development standards – Staff is proposing to reduce the by-right minimum lot size from the current 7,000 sq.ft. to 5,000 sq.ft. This should streamline the approval process because subdivision proposals that meet the new minimum lot size will not be required to obtain approval of a Planned Unit Development (PUD). Other cities in the Valley have changed their minimum lots sizes to either 4,000, 4,500, 5,000, or 6,000 sq.ft. Staff is recommending changing the minimum lot size standard in Lemoore to 5,000 sq.ft. because that appears to be the new industry standard, meaning that just about every homebuilder is designing homes that fit on a 5,000 sq.ft. lot. This would mean that new subdivisions where all the proposed lots are 5,000 sq.ft. or greater would not be required to apply for the PUD. The following tables shows that four out of eight subdivisions approved in the last seven years would not have needed a PUD if these changes had been in place previously.

Tentative Subdivision Maps Approved in Last 7 Years

	PUD Required Before Text Amendment	PUD Required After Text Amendment
Brisbane East (Nunley)	Yes	No
Tract 908 (Wathen)	Yes	No
Tract 920 (Lennar)	Yes	No
Lacey Ranch (Granville Homes)	Yes	Yes
Tract 848 (Lennar)	Yes	Yes
Revised Tract 820 (GJ Gardner)	Yes	Yes
Tract 935 (Lennar)	Yes	No
Silva 11 (Daley)	No	No

The proposed changes are shown in Table 9-5A-4A on Text Amendment Pages 15 and 16. The proposed changes show a minimum single-family lot size of 5,000 square feet. Developers that desire to have lots less than 5,000 square feet in size would be required to obtain a PUD. Lot size maximums would be removed as a requirement. The minimum front yard setback would be reduced to 15 feet, while retaining the requirement for a 2-foot stagger in the front. Side yards would be a minimum of 5 feet and no longer require an additional 5 feet for the second story. There would be no change to the rear yard setback.

Site Plan and Architectural Review – Staff will be working on text changes that would make Site Plan Review a ministerial process that is always approved by the City staff. This would mean that projects that only need Site Plan Review approval would no longer go to the Planning Commission for review. Staff will also be proposing a new preliminary site plan process that is consistent with SB330, a 2019 law that limits what Cities can ask of developers that want to utilize a preliminary site plan review process. The process would also be completely managed by Staff. The following table shows site plans that were reviewed in the last seven years, whether they were approved by Staff or the Planning Commission, and whether or not they would still go to Planning Commission if these text changes had been in place at that time.

**Site Plans approved in last 7 years
(except Subdivision and Parcel Maps)**

	Site Plan Review Approving Authority <u>Before</u> Text Amendment	Site Plan Review Approving Authority <u>After</u> Text Amendment
Cinnamon Villas II	Planning Commission	Staff
Granville Multi-family project	Planning Commission	Staff
Jack in the Box redesign	Staff	Staff
Beard industrial buildings	Planning Commission	Staff
Hwy 41/Hanford-Armona Rd apartments and commercial	Planning Commission	Planning Commission
Dollar General	Planning Commission	Staff
Grocery Outlet	Planning Commission	Planning Commission
Wimpy's	Staff	Staff
Dutch Brothers	Staff	Staff
Champion/Larish duplexes	Staff	Staff
Tacos Los Juanes	Staff	Staff
Helena Chemical industrial project	Planning Commission	Staff
Leprino solar project	Staff	Staff
New Industrial building	Planning Commission	Staff
Master Storage expansion	Planning Commission	Staff
Johnny Quik	Planning Commission	Planning Commission
Panda Express	Staff	Staff
19 th /Bush Car wash and convenience store	Planning Commission	Planning Commission
Venture Place industrial development	Planning Commission	Staff
Last Day Ministries expansion	Planning Commission	Planning Commission
Smith Avenue Apartments	Planning Commission	Staff
Ice Kiosk	Staff	Staff
Salas Harvesting office buildings	Staff	Staff
Plain Insane Graphics commercial building	Staff	Staff
Maverik mini-mart and fueling station	Planning Commission	Planning Commission

Accessory Dwelling Unit (ADU) Ordinance – Staff is updating the ADU Ordinance to ensure compliance with State law, which was changed in 2019 and again in 2020. The goal will be to make the process more understandable so as to encourage more ADUs. The changes are on Text Amendment Pages 10 through 14 and affect Section 9-4D-12, as well as on page 8 where the accessory dwelling units are changed from requiring an administrative use permit to be an permitted use. As per State law, a site could have both an accessory dwelling unit and a junior accessory dwelling unit (JADU). The new code is consistent with the standards allowed to be implemented by State law.

Cottage home ordinance – Staff is looking at adding a cottage home ordinance to the Zoning Ordinance. In the new ordinance text, a cottage would be considered a special type of accessory dwelling unit where the City provides the homeowner with preapproved building plans so that the homeowner does not have the expense of having an architect draw up building plans. It would have to meet both the ADU and the cottage home standards. The specific text can be found on Text Amendment Pages 13 and 14.

Tiny house ordinance – Staff is looking at adding a tiny house ordinance to the Zoning Ordinance. In the new ordinance text, a tiny house would be considered a special type of accessory dwelling unit. It would have to meet both the ADU and the tiny house standards. The specific text can be found on Text Amendment Page 14. The text has been converted into a table to make it easier for Staff and the public to interpret.

SB9 Compliance – SB9 was a new 2021 State law that allows existing property owners (not developers) to add a second main home on their lot or to split their lot to accommodate a second home even if the lot split does not meet the minimum zoning requirements. At the time of adoption, this law was described in the press as “the end of single-family zoning in California.” While that may not be exactly true, the law does contain certain overrides of local zoning that Cities must allow. No one in Lemoore has tried to take advantage of this law yet. This new law is being acknowledged with new text in the Allowed Uses Table 9-4B-2, which is found on Text Amendment Page 8. It is listed as “Dwelling, additional, meeting provisions of Government Code Section 66852.21.”

Other Definition Changes – On Text Amendment Page 7, there are revised definitions for large and small family day care. This is to bring the City’s definition more in line with the State’s definition. There is also a new definition for Short-term Rental Unit, more commonly known as an Airbnb or Vrbo rental. This use is being added to the zoning ordinance to distinguish it from a bed and breakfast or a hotel.

Environmental Assessment:

Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Attachments:

Draft Resolution with Exhibit A specifically describing the proposed text changes.

RESOLUTION NO. 2023-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF ZONE TEXT AMENDMENT NO. 2023-01
INITIATED BY THE CITY OF LEMOORE TO MODIFY SECTIONS 9-2A-7-1 "PLANNING PERMIT AND
ENTITLEMENTS AND REVIEW AND APPEAL AUTHORITY", 9-2B-12 "MINOR SITE PLAN AND
ARCHITECTURAL REVIEW", 9-2B-15 "MAJOR SITE PLAN AND ARCHITECTURAL REVIEW", 9-4A-
5 "DESCRIPTION OF LAND USES", 9-4B-2 "ALLOWED USES AND REQUIRED ENTITLEMENTS
FOR BASE ZONING DISTRICTS", 9-4D-12 "ACCESSORY DWELLING UNITS", 9-5A-4A
"DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS", AND 9-5C-3 "DESIGN
STANDARDS FOR RESIDENTIAL PROJECTS" OF THE CITY ZONING ORDINANCE
IN A WAY THAT WILL ENCOURAGE MORE HOUSING DEVELOPMENT IN LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 14, 2023, at 5:30 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, the zone text changes were initiated by the City of Lemoore to encourage more housing development in the City of Lemoore; and

WHEREAS, the Planning Commission held study sessions related to the proposed zone text amendments on March 13, April 24, and July 10, 2023; and

WHEREAS, Exhibit A (attached) describes the specific text amendments proposed in underline/strikeout format; and

WHEREAS, the project has been determined to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its August 14, 2023, meeting.

NOW BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed Zone Text Amendments based on facts detailed in the August 14, 2023, staff report, which is hereby incorporated by reference, as well as the evidence and testimony presented during the Public Hearing:

1. The Zone Text Amendment is consistent with the general plan goals, policies, and implementation programs.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of Zone Text Amendment No. 2023-01 based on the evidence presented.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 14, 2023, by the following votes:

AYES:

NOES:

ABSTAINING:

ABSENT:

APPROVED:

Mitchell Couch, Chairperson

ATTEST:

Kristie Baley, Planning Commission Secretary

Exhibit A

ZONE TEXT CHANGE NO. 2023-01

Modifying Sections:

- 9-2A-7-1 “Planning Permit and Entitlements and Review and Appeal Authority”
- 9-2B-12 “Minor Site Plan and Architectural Review”
- 9-2B-15 “Major Site Plan and Architectural Review”
- 9-4A-5 “Description of Land Uses”
- 9-4B-2 “Allowed Uses and Required Entitlements for Base Zoning Districts”
- 9-4D-12 “Accessory Dwelling Units”
- 9-5A-4A “Development Standards for Residential Zoning Districts”
- 9-5C-3 “Design Standards for Residential Projects”

New text to be added is underlined.

Text to be removed is in ~~strikeout~~ format.

**TABLE 9-2A-7-1
PLANNING PERMIT AND ENTITLEMENTS AND REVIEW AND APPEAL AUTHORITY¹**

Planning Permit Or Entitlement	Notice/Hearing Requirement	Authority		
		Planning Director	Planning Commission	City Council
Administrative permits:				
Zoning clearance (e.g., building permit, signs, business license)	None	Final	<u>Appeal-</u>	Appeal
Temporary use permit	None	Final	<u>Appeal-</u>	Appeal
Tree permit for trees on private property	None	Final	<u>Appeal-</u>	Appeal
Reasonable accommodation	None	Final	<u>Appeal-</u>	Appeal
Similar use determination	None	Final	<u>Appeal-</u>	Appeal

Official zoning interpretation	None	Final	<u>Appeal-</u>	Appeal
Minor home occupation permit	None	Final	<u>Appeal-</u>	Appeal
Highway oriented sign permit	None	Final	<u>Appeal-</u>	Appeal
Administrative use permit	None	Final	<u>Appeal-</u>	Appeal
Minor deviation	None	Final	<u>Appeal-</u>	Appeal
Minor site plan and architectural review	None	Final	-	Appeal
Sign program	None	Final	<u>Appeal-</u>	Appeal
<u>Site plan and architectural review</u>	<u>None</u>	<u>Final</u>	<u>Appeal</u>	<u>Appeal</u>
Quasi-judicial permits and entitlements:				
Conditional use permit	Public hearing	Recommending	Final	Appeal ²
Major home occupation permit	Public hearing	Recommending	Final	Appeal
Major site plan and architectural review	Public hearing	Recommending	Final	Appeal ²
Planned unit development	Public hearing	Recommending	Final	Appeal ³
Variance	Public hearing	Recommending	Final	Appeal ²
Public convenience or necessity	Public hearing	Recommending	Final	Appeal ²
Legislative approvals:				
Specific plan	Public hearing ³	Recommending	Recommending	Final
Development agreement	Public hearing ³	Recommending	Recommending	Final
<u>Planned Unit Development</u>	<u>Public hearing</u> ³	<u>Recommending</u>	<u>Recommending</u>	<u>Final</u>
Zoning amendment	Public hearing ³	Recommending	Recommending	Final
Prezoning	Public hearing ³	Recommending	Recommending	Final
General plan amendment	Public hearing ³	Recommending	Recommending	Final

9-2B-12: ~~MINOR~~ SITE PLAN AND ARCHITECTURAL REVIEW:

A. Purpose: The purpose of ~~minor~~-site plan and architectural review is for the review of the design and layout of new development in the City to ensure that it is consistent with the regulations of this title, other relevant titles in the Lemoore Municipal Code, and all relevant City policies, requirements, and development standards that would apply to the project prior to the issuance of subsequent permits, such as discretionary actions required by the City Zoning Ordinance or City Subdivision Ordinance, improvement plans, and building permits. It is the intent that site plan and architectural review be a ministerial action limited to review of the project development project for conformance with City of Lemoore ordinances, policies, requirements, and development standards. (Ord. 2013-05, 2-6-2014)

B. Applicability: ~~Minor-site~~Site plan and architectural review shall be required prior to the issuance of any ministerial building permits or site improvement plans and prior to ~~or in conjunction with~~any discretionary action of corresponding development applications (e.g., conditional use permit, variance). Site plan and architectural review may serve as the preliminary application for housing development projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019.

1. Review Required: ~~Minor-site~~Site plan and architectural review is required for all of the following activities:

a. New nonresidential or mixed-use developments ~~of less than twenty thousand (20,000) gross square feet;~~

b. ~~Additions-Nonresidential building additions greater than 1,000 square feet; of less than twenty thousand (20,000) square feet to existing commercial, office, and industrial buildings;~~

c. Conceptual plan for a mixed-use center as required by chapter 7, "Mixed Use Development Standards", of this title.

d. New multi-family residential developments of more than two units (e.g., apartments, condominiums, townhomes) ~~of less than thirty (30) units on a single site.~~ (Ord. 2018-03, 5-15-2018)

e. The design and layout of new residential subdivisions as part of the tentative subdivision map process as provided in title 8, chapter 7, "Land Division", of the Municipal Code;

f. Demolition or exterior alterations and additions to nonresidential buildings that are more than seventy five (75) years old.

2. Exemptions: The following activities are specifically exempt from ~~minor~~-site plan and architectural review:

a. Single-family residential ~~custom~~ homes and duplexes on an existing lot;

b. Additions to or the exterior remodels of single-family residential homes within normal setbacks;

c. Accessory structures consistent with the provisions of section 9-4D-18, "Residential Accessory Structures", of this title;

- d. Changes to the exterior facade of existing buildings;
- e. Painting existing buildings in the DMX zoning districts with historic color palettes as described in subsection 9-6-4C, "Colors And Painting", of this title;
- f. Repairs and maintenance to the site or structure that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure and that employ the same materials and design as the original construction;
- g. Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure (including solar collectors); and
- h. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments.
- i. Nonresidential building additions of 1,000 square feet of gross floor area or less.

C. Approval Authority: The designated approval authority for ~~minor~~-site plan and architectural design review shall be the Planning-Community Development Director.

D. Process: The applicant shall provide a completed application on a form prepared by the City, a site plan and, if new non-residential buildings or multi-family dwellings are proposed, an elevation plan. No public hearing or notice is required for a ~~minor~~-site plan and architectural review. Site plan and architectural review is a ministerial process conducted by City staff to determine compliance with existing City of Lemoore ordinances, policies, requirements, and development standards and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15268.

E. Approval ~~Findings~~: A ~~minor~~-site plan and architectural review permit, or any modification thereto, shall be granted only when the designated approving authority ~~makes a finding~~ finds that the proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and policies and improvement standards adopted by the City, or that a general plan amendment or zoning amendment is going to be subsequently applied for by the developer. If the site plan submitted requires major changes before this finding can be made, the developer may be required to make changes and submit the site plan again.

F. Post approval Implementation: A ~~minor~~-site plan and architectural design review permit is ministerial in nature. As such, the Planning Director may not impose discretionary conditions on the issuance of the permit. If the proposed development project requires approval of a discretionary action after completion of the site and architectural design review process, conditions of approval can be placed on the discretionary approval (Ord. 2013-05, 2-6-2014)

G. Appeals. If the applicant disagrees with the interpretation or application of a City ordinance, policy, requirement, or development standard, they may appeal the interpretation per procedures in Section 9-2A-7 and 9-2A-8.

H. Expiration. A site plan and architectural design review permit shall expire one (1) year after issuance unless an application for a related discretionary approval or a building permit is submitted. Upon written request by the applicant prior to expiration, the Community Development Director may extend the expiration for an additional one (1) year.

~~9-2B-15: MAJOR SITE PLAN AND ARCHITECTURAL REVIEW:~~

~~—A.—Purpose: The purpose of major site plan and architectural review is for the review of the design and layout of new development in the City to ensure that it is consistent with the regulations of this title and will not result in a detriment to the City or the environment. The City desires to maintain and enhance Lemoore's sense of place; design commercial and mixed-use centers to be of pedestrian scale so people can feel comfortable and congregate in these areas; promote visually appealing architecture and high quality developments that promote a small town atmosphere; and protect and accentuate Lemoore's environmental assets, its surrounding natural landscape, agricultural farmland, open canals, and wetlands. (Ord. 2013-05, 2-6-2014)~~

~~—B.—Applicability: Major site plan and architectural review shall be required prior to the issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., conditional use permit, variance).~~

~~—1.—Review Required: A major site plan and architectural review is required for the following items:~~

~~—a.—New nonresidential or mixed-use developments of twenty thousand (20,000) gross square feet or more;~~

~~—b.—Additions of twenty thousand (20,000) square feet or more to existing commercial, office, and industrial buildings;~~

~~—c.—New multi-family residential developments (e.g., apartments, condominiums, townhomes) except where there are less than thirty (30) units on a single site;~~

~~—d.—The design and layout of new residential subdivisions as part of the tentative subdivision map process as provided in title 8, chapter 7, "Land Division", of the Municipal Code;~~

~~—e.—Demolition or exterior alterations and additions to nonresidential buildings that are more than seventy five (75) years old. (Ord. 2018-03, 5-15-2018)~~

~~—2.—Exemptions: Those activities exempt from minor site plan and architectural design review as provided in subsection 9-2B-12 B2 of this article shall also be exempt from major site plan and architectural design review.~~

~~—C.—Approval Authority: The designated approval authority for major site plan and architectural design review shall be the Planning Commission.~~

~~—D.—Public Hearing And Notice: Public hearing and notice are required for a major site plan and architectural review pursuant to section 9-2A-6, "Public Notice, Hearings, And Decisions", of this chapter.~~

~~—E.—Approval Findings: A major site plan and architectural review permit, or any modification thereto, shall be granted only when the designated approving authority makes all of the following findings:~~

~~—1.—The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the City;~~

~~—2.—The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;~~

~~—3. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties;~~

~~—4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and~~

~~—5. In the case of proposed alterations, additions, or demolitions to nonresidential buildings that are more than seventy five (75) years old:~~

~~— a. Alterations And Additions: The alteration or addition is compatible with the downtown revitalization plan.~~

~~— b. Demolitions: The applicant has demonstrated that the existing use cannot generate a reasonable rate of return; the existing building constitutes a hazard to public safety and is economically infeasible to rehabilitate, the design quality of the replacement building will be superior to the existing building and will be compatible with adjacent buildings and the character of downtown Lemoore, or the proposed demolition or removal is necessary to allow a project that will have public benefits outweighing the public benefits of retaining the existing building.~~

~~—F. Conditions Of Approval: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-05, 2-6-2014)~~

9-4A-5: DESCRIPTION OF LAND USES:

CHILD DAYCARE FACILITY: Facility that provides nonmedical care and supervision of minor children for periods of less than twenty four (24) hours for an individual child. These facilities include the following, all of which are required to be licensed by the State:

1. Child Daycare Center: Commercial or nonprofit child daycare facility operated outside of a home, typically able to accommodate fifteen (15) or more children, including infant centers, preschools, sick child centers, daycare centers, and school age daycare facilities. These may be operated in conjunction with a school or church facility, apartment complex, or as an independent land use. Also includes employer sponsored childcare centers.

2. Family Daycare Home, Large: A ~~single-family residence~~home that regularly provides daycare care, protection, and supervision while the parents or guardians are away for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside at the home. This description is consistent with section 1596.78 of the Health and Safety Code.

3. Family Daycare Home, Small: A ~~single-family residence~~home that regularly provides daycare care, protection, and supervision while the parents or guardians are away for six (6) eight (8) or fewer children, including children under the age of ten (10) years who reside at the home, or up to eight (8) children if the conditions of section 1597.44 of the Health and Safety Code are met. Per State law, ~~these small family daycare~~ uses may not be regulated differently than single-family dwellings. This description is consistent with section 1596.78 of the Health and Safety Code.

~~DWELLING, ACCESSORY UNIT: An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats.~~

DWELLING, ACCESSORY UNIT (ADU): An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit may be an efficiency unit, as defined in Health and Safety Code Section 17958.1, and a manufactured home, as defined in Health and Safety Code Section 18007.

DWELLING, JUNIOR ACCESSORY UNIT (JADU): 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.

SHORT-TERM RENTAL UNIT: Residential structure where all or a portion of the structure is rented for overnight lodging for a period of less than 30 days. A short-term rental unit or site that provides a meal as part of its service is considered a bed and breakfast inn and is included under the definition of "bed and breakfast inn".

TABLE 9-4B-2
ALLOWED USES AND REQUIRED ENTITLEMENTS FOR BASE ZONING DISTRICTS

P	=	Permitted by right		N	=	Not permitted
A	=	Administrative use permit required		C	=	Conditional use permit required

Land Use/Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts				Mixed Use Zoning Districts				Office, Commercial, And Industrial Zoning Districts				
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH
Residential uses:																				
Caretaker housing	C	P	P	P	P	P	P	C	N	C	C	P	P	P	P	C	C	P	P	P
Child daycare facility - family daycare home, large ¹	N	A	A	A	A	A	A	N	N	N	N	A	A	A	A	N	N	N	N	N
Child daycare facility - family daycare home, small	N	P	P	P	P	P	P	N	N	N	N	P	P	P	P	N	N	N	N	N
Dwelling, multi-family	N	N	N	N	P	P	P	N	N	N	N	P ²	P	P	P	P ²⁷	N	C	N	N
Dwelling, second unit <u>accessory unit</u> ³	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	N	N	N	N	N	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	N	N	N	N	N	N
Dwelling, single-family	P	P	P	P	P	P	N	N	N	N	N	N	A	P	N	N	N	N	N	N
Dwelling, two-family	N	N	A	P	P	P	N	N	N	N	N	N	P	P	N	N	N	N	N	N
<u>Dwelling, additional, meeting provisions of Government Code Section 66852.21</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Emergency shelter	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	C	N
Employee housing, large	P	C	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N
Employee housing, small	P	P	P	P	P	P	N	N	P	N	N	N	P	P	N	N	N	N	N	N
Gated residential community	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N
Group residential	N	N	N	N	N	P	P	N	N	N	C	P	P	P	P	N	N	N	N	N
Guesthouse	P	P	P	P	P	P	N	N	N	N	N	N	P	P	N	N	N	N	N	N
Live-work facility ⁵	N	N	N	N	N	N	A	N	N	N	N	A	A	A	A	A	N	N	N	N

Marijuana personal cultivation - personal recreational and medicinal use ²⁸	P ²⁸	P ²⁸	P ²⁸	P ²⁸	P ²⁸	P ²⁸	P ²⁸	N	N	N	N	N	N	N	N	N	N	N	N
Mobilehome park ⁶	N	C	C	C	C	A	A	N	N	N	N	N	N	N	N	N	N	N	N
Recreational vehicle park ²⁴	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N
Residential care facility ²⁵	P	P	P	P	P	P	P	N	N	N	N	N	A	P	C	C	N	N	N
Residential care home	N	P	P	P	P	P	P	N	N	N	N	C	P	P	P	N	N	N	N
Single room occupancy (SRO) facility	N	N	N	N	N	N	P	N	N	N	N	C	C	C	N	N	N	N	N
Supportive housing	P	P	P	P	P	P	P	N	N	N	N	P	P	P	P	N	N	N	N
Transitional housing	P	P	P	P	P	P	P	N	N	N	N	P	P	P	P	N	N	N	N
Retail, service, and office uses:																			
<u>Short-term rental unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>

Notes:

- 1

See additional regulations for large family daycare homes in section [9-4D-7](#) of this chapter.
2.

Only permitted on the first floor when located along an alley or side street; otherwise must be on an upper floor.
3.

See additional regulations for [second accessory](#) dwelling units in section [9-4D-12](#) of this chapter.
4.

Reserved.
5.

See additional regulations for live-work facilities in section [9-4D-8](#) of this chapter.
6.

See additional regulations for mobilehome parks in section [9-4D-10](#) of this chapter.
7.

Minimum lot size shall be 20,000 square feet.
8.

All activities and storage shall be located within an enclosed structure(s).
9.

See additional regulations for community gardens in section [9-4D-3](#) of this chapter.
10.

See special permit requirements in title 3, chapter 4, article C of the Municipal Code.
11.

Maximum tenant space shall be 10,000 square feet.
12.

See additional regulations for wireless telecommunication facilities in section [9-4D-15](#) of this chapter.
13.

Facilities less than 75 feet tall are permitted by right, except that ~~major~~-site plan and architectural review is still required. Otherwise, a conditional use permit is required in addition to ~~major~~-site plan and architectural review.
14.

See additional regulations for alcoholic beverage sales in section [9-4D-2](#) of this chapter.
15.

Use is permitted by right when located on the ground floor. Otherwise, a conditional use permit is required.
16.

See additional regulations for drive-in and drive-through facilities in section [9-4D-4](#) of this chapter.
17.

See additional regulations for massage therapy in section [9-4D-9](#) of this chapter. Additionally, see additional permit requirements in title 4, chapter 7 of the Municipal Code.
18.

Maximum tenant space shall be 30,000 square feet; however, store size may be larger upon approval of an administrative use permit.
19.

See additional regulations for semipermanent mobile food vendors in section [9-4D-13](#) of this chapter.
20.

See additional regulations for sexually oriented businesses in section [9-4D-14](#) of this chapter.
21.

See additional regulations for thrift stores in section [9-4D-16](#) of this chapter.
22.

See additional regulations for fueling stations in section [9-4D-6](#) of this chapter.
23.

Use is permitted by right when located more than 500 feet from a residential use or district.
24.

See additional regulations for recreational vehicle parks in section [9-4D-11](#) of this chapter.
25.

This "sensitive receptor" use shall not be located within:

a.

500 feet of a freeway, urban roads carrying 100,000 vehicles per day, or rural roads carrying 50,000 vehicles per day.

b.

1,000 feet of a distribution center (that accommodates more than 100 trucks a day, more than 40 trucks with operating transport refrigeration units [TRUs] a day, or where TRU operation exceeds 300 hours per week).

c.

300 feet of any dry cleaning operation that uses toxic chemicals. For operations with 2 or more machines, a minimum 500 feet shall be provided. For operations with 3 or more machines, a larger distance may be required based upon consultation with the Kings County Air District.

d.

300 feet of a "large gas station", defined as a facility with a throughput of 3.6 million gallons or more per year.
26.

If developed incidental to an existing charitable operation, this use is allowed subject to approval of an administrative use permit.
27.

Permitted on second floors above retail and neighborhood serving office when ancillary in size and does not interfere with primary retail use.
28.

Use is permitted as allowed by State law and as authorized in title 4, chapter 8 of the Municipal Code.

9-4D-12: ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS:

~~A.—Purpose And Applicability: This section applies to accessory dwelling units within the City. Accessory dwelling units are permitted upon issuance of an administrative use permit in the agricultural and residential zoning districts subject to the standards of this section. The purpose of this section is to regulate accessory dwelling units in residential zoning districts and on residential property consistent with State law. Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.~~

~~—B.—Development Standards: Pursuant to Government Code section 65852.2, accessory dwelling units shall be permitted on agricultural and residential parcels when the following conditions are met:~~

~~—1.—The parcel contains an existing single-family dwelling.~~

~~—2.—No more than one (1) accessory dwelling unit shall be allowed per parcel.~~

~~—3.—The property owner shall occupy either the primary unit or accessory dwelling unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.~~

~~—4.—An accessory dwelling unit shall not exceed:~~

~~—a.—Fifty percent (50%) of the existing living area of the primary dwelling when attached to the primary dwelling. For purpose of this standard, "living area" shall mean the interior habitable area of a dwelling unit, including basements, attics, bedrooms, kitchens, living room, etc. It does not include a garage or any accessory structure; or~~

~~—b.—One thousand two hundred (1,200) square feet when detached from the primary dwelling.~~

~~—5.—Building setbacks for attached accessory dwelling units shall comply with all required building setbacks for the primary dwelling unit.~~

~~—6.—The maximum height of a detached accessory dwelling unit shall not exceed the height of the primary dwelling unit.~~

~~—7.—No accessory dwelling unit may be sold separately from the primary dwelling unit. (Ord. 2017-06, 5-16-2017)~~

A. Purpose and intent. This section is intended to meet the requirements of State law in providing for 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. To the extent there is a conflict between the provisions of this section and the provisions of either Government Code Section 65852.2 or 65852.22, including as either may be amended, the applicable provision(s) of Government Code Sections 65852.2 and 65852.22 shall apply. The requirements and exceptions specified in Government Code Sections 65852.2 and 65852.22 shall apply to the construction of ADUs and

JADUs pursuant to this section. 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. Determinations. ADUs and JADUs are residential uses. ADUs and JADUs that comply with this section are considered accessory uses and accessory buildings and therefore do not exceed the allowable density for the lots upon which ADUs and JADUs are located. ADUs and JADUs that comply with this section are considered to be consistent with the general plan and zoning designations for the lot. ADUs and JADUs, and the availability to construct ADUs and JADUs, will be counted for purposes of identifying adequate sites for housing in the City's housing element, as provided in Government Code Section 65583.1(a), and to reduce the City's share of the regional housing need, as provided in Government Code Section 65583.1(d).

C. Unless otherwise stated in this section, the requirements and standards of this Title that apply to the lot and the primary dwelling shall apply to any ADU and/or JADU, including height, setback, and landscaping. All Fire and Building Code requirements that apply to detached dwellings and accessory structures generally shall apply to ADUs and JADUs.

D. Development Standards. ADUs, JADUs, tiny homes, and multi-generational housing units shall meet that applicable standards in Table 9-4D-12-A.

TABLE 9-4D-12-A

DEVELOPMENT STANDARDS FOR ADUs, JADUs, TINY HOMES, AND MULTI-GENERATIONAL HOUSING UNITS

<u>Requirement</u>	<u>ADU (including Cottage Home)</u>	<u>JADU</u>	<u>Tiny Home (type of ADU)</u>	<u>Multi-generational housing unit (not an ADU or JADU)</u>
<u>Zone districts where allowed:</u>	<u>All residential and mixed use zone districts</u>	<u>All residential and mixed use zone districts</u>	<u>All residential and mixed use zone districts</u>	<u>All residential and mixed use zone districts</u>
<u>Lot types where allowed:</u>	<u>Lots with either single-family or multi-family dwelling (existing or proposed)</u>	<u>Lots with a single-family dwelling (existing or proposed)</u>	<u>Lots with a single-family dwelling (existing or proposed)</u>	<u>Lots with a single-family dwelling (existing or proposed)</u>
<u>Number allowed on a single-family lot:</u>	<u>One (1)</u>	<u>One (1) in addition to one (1) ADU</u>	<u>See ADU</u>	<u>One (1)</u>
<u>Attached to or detached from main dwelling:</u>	<u>Either attached or detached. Attached must have separate exterior entry.</u>	<u>Attached. Must have separate exterior entry.</u>	<u>Detached</u>	<u>Attached</u>
<u>Number allowed on a multi-family lot:</u>	<u>Up to two (2) detached. If attached, up to 25% of</u>	<u>None</u>	<u>None</u>	<u>None</u>

	<u>the existing multi-family dwelling units</u>			
<u>Owner occupancy:</u>	<u>No requirements</u>	<u>Property must reside in either the main dwelling or the JADU</u>	<u>No requirements</u>	<u>No requirements</u>
<u>Unit size:</u>	<u>At least 220 sq.ft. If detached, up to 1,200 sq.ft. If attached, up to 50% of the existing primary dwelling, or 1,200 sq.ft., whichever is greater.</u>	<u>At least 220 sq.ft. and not more than 500 sq.ft.</u>	<u>The first floor shall be at least 100 sq.ft.</u>	<u>No size requirement</u>
<u>Building setbacks:</u>	<u>For attached ADUs, following main dwelling setbacks. For detached ADUs, 15 feet minimum setback from front property line and four (4) feet minimum setback from side and rear property lines.</u>	<u>Per main dwelling setback requirements.</u>	<u>15 feet minimum setback from front property line and four (4) feet minimum setback from side and rear property lines.</u>	<u>Per main dwelling setback requirements</u>
<u>Maximum height:</u>	<u>For detached ADUs, 16 feet. For attached ADUs, per main dwelling height requirements</u>	<u>Per main dwelling height requirements</u>	<u>14 feet</u>	<u>Per main dwelling height requirements</u>
<u>Separate kitchen required:</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Separate bathroom required:</u>	<u>Yes</u>	<u>No, but if no bathroom, there must be an interior entryway to the main dwelling</u>	<u>Yes</u>	<u>Yes</u>
<u>Connection to water and sewer required:</u>	<u>Yes. May be shared with main dwelling, but not required.</u>	<u>Yes. May be shared with main dwelling, but not required.</u>	<u>Yes, if occupancy is intended to be for more than 72 hours</u>	<u>Yes</u>
<u>Additional on-site parking required:</u>	<u>One (1) space unless an exception is made per Government Code 65852.2. The additional parking space may be tandem and within a</u>	<u>No</u>	<u>No</u>	<u>No</u>

	<u>building setback area if it is paved with a non-permeable surface.</u>			
<u>Fire sprinklers required:</u>	<u>Yes, if required for the main dwelling unit</u>	<u>Yes, if required for the main dwelling unit</u>	<u>No</u>	<u>Yes, if required for the main dwelling unit</u>

E. Building standards.

1. ADUs and JADUs must be architecturally compatible with the primary dwelling, having similar materials, colors, and style of construction. The design and size of ADUs and JADUs shall conform to all applicable standards of the building, health, and other codes adopted by the City.

2. Attached ADUs and JADUs shall be compatible with and made structurally a part of the primary dwelling (e.g., share a common wall with the primary dwelling, rely partially on the primary dwelling for structural support, or be attached to the primary dwelling).

3. Adequate provisions shall be made for the water and sewer service and drainage generated by the occupancy of the accessory dwelling unit as determined by the City Engineer. The ADU/JADU can either have shared or separate services for electric, gas, sewer, and water.

F. Connection, impact, and other fees.

1. Except as provided in Government Code Sections 65852.2 and 65852.22, ADUs and JADUs are subject to fees and assessments required by the Lemoore Municipal Code for new residential construction, including connection fees, and capacity charges. However, development impact fees shall not be assessed on ADUs or JADUs.

2. An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.

G. Permit approval. 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 in accordance with (Gov. Code, 35852.2 subd. (a)(3) and (b)).

If the permit application to create an ADU or a JADU is submitted with a permit application to construct 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.

H. Cottage home program standards. This subsection provides locational and general standards for the cottage home program which is allowed in the applicable residential areas, subject to the following criteria and standards. This subsection does not supplant the remainder of this section for ADU and JADU construction.

1. Cottage home. A cottage home is a type of ADU where pre-approved building plans are made available by the City and the ADU is constructed in compliance with the provided plans and this subsection. A cottage home shall count towards the limit on the number of ADUs permitted on a single lot.

2. Zone districts. A cottage home is allowed in zones that allow an ADU.

3. Application procedures. Applications for the cottage home program shall be filed with the Community Development Department.

4. Developmental standards. A cottage home shall be constructed in compliance with the following developmental standards:

a. Only one cottage home unit shall be created on a single-family parcel.

b. The cottage home shall be built using plans provided by the City.

c. Adequate provisions shall be made for the water and sewer service and drainage generated by the occupancy of the cottage home unit as determined by the City Engineer. The cottage home can have either shared or separate services for electric, gas, sewer, and water.

J. Tiny house standards. A tiny house may be approved for use as an accessory dwelling unit if the following requirements are met:

1. The tiny house meets all the requirements for an accessory dwelling unit.

2. The tiny house has at least 100 square feet of first floor interior living space and includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry.

3. The tiny house is designed and built to look like a conventional building structure.

4. The tiny house is licensed and registered with the California Department of Motor Vehicles and meets ANSI 119.2 or 119.5 requirements.

5. The tiny house is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection and cannot (nor is it designed to) move under its own power.

6. The tiny house is no larger than allowed by California State Law for movement on public highways.

7. No mechanical equipment is located on the roof of the movable tiny house.

8. When sited on a lot for more than 72 hours at a location visible from the public street, the tiny house shall have skirting that covers the wheels and undercarriage and that extends to ground level.

9. When sited on a lot for more than 72 hours, water and sewer connections shall be made permanent prior to occupancy. Shut-off valves, meters, and regulators shall not be located beneath the tiny house.

**TABLE 9-5A-4A
DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS**

Measurement/Zoning District	Residential Zoning Districts						
	AR	RVLD	RLD	RN	RLMD	RMD	RHD
Site area per dwelling unit, minimum (square feet) ¹	No minimum	15,000	6,000 <u>5,000</u>	3,000	3,000	2,500	1,700
Lot dimensions:							
Lot size, minimum (square feet)	40,000	15,000 <u>10,000</u>	7,000 <u>5,000</u>	3,000	3,000	2,000	2,000
Lot size, maximum (square feet)	No maximum	40,000	15,000 0	7,000	7,000	5,000 ⁴	No maximum
Lot width, minimum ¹⁰	150'	150' <u>100'</u>	60' <u>50'</u>	50'	60'	60'	60'
Lot depth, minimum	200'	150'	100'	90'	90'	80'	80'
Setbacks, minimum:							
Front yard:							
Generally ^{2,12}	60'	40' <u>25'</u>	18' <u>15'</u>	15'	20' <u>15'</u>	20' <u>15'</u>	20' <u>15'</u>
To garage, front facing	-	-	20'	20'	20'	20'	20'
To garage, side load	-	-	15'	-	-	-	-
To porch	-	-	12'	12'	12'	12'	-
Side yard:							
Interior side	15'	10'	5' ⁴	5' ⁴	5'	10'	10'
Street side ¹²	25'	15'	15' <u>10'</u>	15' <u>10'</u>	15' <u>10'</u>	15'	15'
Combined both sides	-	-	10'	10'	10'	-	-
Rear yard:							
Generally	10' ⁴	10' ⁴	10' ⁴	10' ⁴	10'	10'	10'
To detached alley loaded garage	5'	5'	5'	0'	0'	0'	0'
Abutting a street ¹¹	20'	20'	20'	20'	20'	-	-
Separation between buildings, minimum ⁷	10'	10'	10'	10'	10'	10'	10'
Height, maximum	40'	40'	35'	35'	35'	45'	60'

Notes:

1. Accessory dwelling units and junior accessory dwelling units are not counted when calculating site area per dwelling unit. Larger lot sizes may be permitted through site plan and architectural review for condominiums, townhomes, and similar attached developments.

~~2. Reserved. For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum 2 foot stagger between adjacent lots. Reduced setbacks may be approved as part of a planned unit development overlay zoning district or master home plan approval as a way to provide varied setbacks.~~

3. For every 1 foot in additional height, an additional 1 foot in setback is required.
4. Additional 5 feet is required for each additional story.
5. Required setback is 10 feet when adjacent to any residential zoning district.
6. Required setback is 15 feet when adjacent to any residential or mixed use zoning district.
7. Separation requirements apply to buildings on the same site as well as separation between buildings on adjacent parcels.
8. Also see subsection [9-5D1-2E](#), "Special Landscape Requirements", of this chapter for corresponding minimum landscaping and pervious surface requirements.
9. Additional building height may be allowed through site plan and architectural review when additional height is necessary for mechanical equipment as part of an industrial operation.
10. For flag lots, the minimum width for the access corridor shall be 10 feet. The lot width shall be measured from the front property line as described in section 9-5A-3, "Setback Determination And Requirements", of this article.
11. See section 9-5B-7, "Urban-Rural Edge", of this chapter.
12. 15 foot landscape buffer required along arterial and collector streets in addition to minimum setback. These 2 standards are not cumulative and may overlap. See subsection 9-5D1-2E2, "Landscape Buffers Required Along Arterial And Collector Streets", of this chapter.

(Ord. 2013-05, 2-6-2014; amd. Ord. 2015-08, 1-5-2016)

9-5C-3: DESIGN STANDARDS FOR RESIDENTIAL PROJECTS:

The standards contained in this section shall apply to new residential development, including single-family residential subdivisions, master home plans, and multi-family residential developments. These standards are intended to implement the design concepts described above.

2. Building Placement And Orientation: Create diverse residential streetscapes that facilitate interaction between residents and include homes and residential structures that orient to the street.

~~—— a. For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum two foot (2') stagger between adjacent lots.~~

ba. Multi-unit residential buildings (e.g., townhomes, condominiums, apartments) shall be designed with different building setbacks and facade variations when multiple buildings are provided.

eb. Orient home and building sites to take advantage of solar heating and opportunities for solar energy generation.

~~-dc.~~ Residential development adjacent to open space/parks and other public spaces shall maintain visual access from residential units and common buildings to provide "eyes on the street" surveillance opportunities.

ed. Buildings shall be designed with structural and spatial variety along the front facades to avoid monotonous appearance.



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Staff Report

To: Lemoore Planning Commission **Item No.** 11
From: Steve Brandt, City Planner
Date: August 1, 2023 **Meeting Date:** August 14, 2023
Subject: **Ordinance Text Amendment No. 2023-02:** initiated by the City of Lemoore to modify Sections of Title 8 "Building and Development Regulations", Chapter 7 "Land Division" of the City Ordinance, in a way that will encourage more housing development in Lemoore. Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Proposed Motion:

Adopt Resolution No. 2023-12, recommending approval of Ordinance Text Amendment No. 2023-02 in accordance with the findings in the resolution.

Background:

The City received a grant from the California Department of Housing and Community Development (HCD) to update or modify City ordinances and procedures in a way that would encourage more housing development in Lemoore. Staff is bringing several updates to the Planning Commission to hold a public hearing and then to make a recommendation to the City Council. Previous review sessions were held at Planning Commission meetings on April 24, and July 10 to review and discuss this project and other similar projects on the August 14, 2023, agenda.

Proposed Subdivision Ordinance Changes:

The following list describes the scope of the changes being proposed in the Subdivision Ordinance. There have been no changes of note since the last study session on July 10.

The Subdivision Ordinance was last updated in 2012. Antonio Westerlund, the City surveyor, and his surveyor team have the Ordinance with the intent on recommending updates to the text of the Ordinance. The Subdivision Ordinance describes the specific requirements for subdivision and parcel maps. The review team found ways to streamline the preparation and review process. Changes include:

- A clear, updated list of what is required on subdivision maps and parcel maps.
- Changes to Article D – Lot Line Adjustments to confirm to existing practice.
- Major changes to Article E – Voluntary Parcel Mergers that simplifies the submittal requirements for parcel mergers (combining two adjacent lots into one lot).
- A new Article O implementing the urban lot split that is now required by the State.
- A new requirement for developers to submit their maps and improvement plans in AutoCAD to make it easier to update the City's GIS data.
- Movement of the specific language and signature blocks needed on maps out of the ordinance and into a standards document to be placed on the City website, so that the language can be updated more quickly by City staff when changes occur.
- An update to recognize all of the State-approved time extension opportunities for map.

The specific text changes are shown in underline/strikeout format in Exhibit A of the draft resolution.

Environmental Assessment:

Pursuant to CEQA (California Environmental Quality Act) Guidelines, it has been determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines.

Attachments:

Resolution with Exhibit A specifically describing the proposed text changes.

RESOLUTION NO. 2023-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF ORDINANCE TEXT AMENDMENT NO. 2023-02
INITIATED BY THE CITY OF LEMOORE TO MODIFY SECTIONS OF TITLE 8 "BUILDING AND
DEVELOPMENT REGULATIONS", CHAPTER 7 "LAND DIVISION" OF THE CITY SUBDIVISION
ORDINANCE, IN A WAY THAT WILL ENCOURAGE MORE HOUSING DEVELOPMENT
IN THE CITY OF LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 14, 2023, at 5:30 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, the ordinance text changes were initiated by the City of Lemoore to encourage more housing development in the City of Lemoore; and

WHEREAS, the Planning Commission held study sessions related to the proposed zone text amendments on April 24, and July 10, 2023; and

WHEREAS, Exhibit A (attached) describes the specific text amendments proposed in underline/strikeout format; and

WHEREAS, the project has been determined to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) (common sense exemption) and Section 15305 (minor alterations to land use limitations exemption) of the CEQA Guidelines; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its August 14, 2023, meeting.

NOW BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed Ordinance Text Amendments based on facts detailed in the August 14, 2023, staff report, which is hereby incorporated by reference, as well as the evidence and testimony presented during the Public Hearing:

1. The Subdivision Ordinance Text Amendments are consistent with the general plan goals, policies, and implementation programs.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of Ordinance Text Amendment No. 2023-02 based on the evidence presented.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 14, 2023, by the following votes:

AYES:

NOES:

ABSTAINING:

ABSENT:

APPROVED:

Mitchell Couch, Chairperson

ATTEST:

Kristie Baley, Planning Commission Secretary

Exhibit A

New text to be added is underlined.
Text to be removed is in ~~strikeout~~ format.

Subdivision Ordinance

Title 8 – Building and Development Regulations

Chapter 7 – Land Division

City of Lemoore

Planning Commission Draft

August 14, 2023

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For these amendments to the ordinance:

Red underlined text is new text to be added.

~~Red strikeout text~~ is existing text to be removed.

Green underlined text is existing text being moved from another section of the ordinance.

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Article A

ESTABLISHMENT AND PURPOSE

Sections:

8-7A-1	Title.
8-7A-2	General Purpose.
8-7A-3	Applicability.

8-7A-1 Title.

This chapter shall be known as the LAND DIVISION CODE OF THE CITY OF LEMOORE. (Ord. 2012-01, 4-17-2012)

8-7A-2 General Purpose.

This chapter is adopted pursuant to article XI, section 7 of the California Constitution and to supplement and implement the subdivision map act¹.

It is the purpose of this chapter to regulate and control the division of land within the city and to supplement the provisions of the subdivision map act concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the subdivision map act, and the procedure to be followed in securing the official approval of the city regarding the maps. To accomplish this purpose, the regulations contained in this chapter are determined to be necessary to:

- A. Preserve the public health, safety, and general welfare.
- B. Promote orderly growth and development through implementation of the city's general plan.
- C. Ensure that properly designed infrastructure necessary to support public service needs, including, but not limited to, transportation and utility infrastructure, is provided in conjunction with subdivisions. (Ord. 2012-01, 4-17-2012)

8-7A-3 Applicability.

- A. Relationship To Prior Ordinance: The provisions of this chapter, as it existed prior to the effective date of the ordinance enacting this chapter, ordinance 2012-01, are repealed and superseded as provided in ordinance 2012-01, with major additions and edits provided by ordinance 2023-XX.

¹ Gov.C. § 66410 et seq.

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- B. Prior Rights And Violations: The enactment of this chapter shall not terminate or otherwise affect vested land division approvals or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this chapter.
- C. Effect Of Land Division Code Changes On Pending Applications: Following the effective date of this chapter, or any amendment of this chapter, regulations of this chapter are applicable to all pending entitlement applications that have not been deemed complete, unless prohibited by state law.
- D. Conflicting Requirements:
 - 1. Land Division Code And Municipal Code Provisions: If conflicts occur between this land division code, the municipal code, or other plans and policies adopted by the city, the land division code shall govern.
 - 2. Development Agreements: If conflicts occur between the requirements of this land division code and standards adopted as part of any development agreement, the requirements of the development agreement shall govern.
- E. Other Requirements/Permits: Nothing in this land division code eliminates the need for obtaining any other permits required by the city, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.
- F. Public Nuisance: Neither the provisions of this title nor the approval of any permit authorized by this title shall authorize the maintenance of any public nuisance as defined in the municipal code.
- G. Severability, Partial Invalidation Of Land Division Code: If any portion of this title is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determinations shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that this chapter and each article, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this chapter may be declared invalid, unconstitutional, or unenforceable. (Ord. 2012-01, 4-17-2012)

Article B

ADMINISTRATION

Sections:

8-7B-1	Purpose.
8-7B-2	Responsibilities.
8-7B-3	Procedures.
8-7B-4	Application Processing.
8-7B-5	Interpretation.
8-7B-6	Enforcement.
8-7B-7	Certificate of Compliance.
8-7B-8	Definitions of Specific Terms.

8-7B-1 Purpose.

The purpose of this article is to establish the administration of this chapter and to set forth the basic responsibilities of the officials and bodies charged with its administration. Further, this article specifies the authority and procedures for clarifying any ambiguity in the regulations of this chapter in order to ensure consistent interpretation and application of this chapter. (Ord. 2012-01, 4-17-2012)

8-7B-2 Responsibilities.

Except as expressly provided otherwise in this chapter, the responsibility for actions taken under this chapter shall be as stated below and summarized in table 8-7B-2-1, "Approving Authority", of this section.

A. City Council: The city council shall be responsible for:

1. The approval or denial of final maps and parcel maps.
2. The acceptance, acceptance subject to improvement, or rejection of offers of dedications shown on final and parcel maps.
3. The approval, conditional approval, or denial of reversions to acreage.
4. Acting as the appeal board for hearing appeals of planning commission actions as provided in this chapter.

B. Planning Commission: The planning commission shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into five (5) or more parcels (tentative subdivision maps).

2. The approval, conditional approval or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into four (4) or fewer parcels (tentative parcel maps) where a tentative map is required by this chapter.
 3. The approval or denial of requests for extensions of time for tentative maps subject to the provisions of the subdivision map act (section 66452.6).
 4. Acting as the appeal board for hearing appeals of planning director actions as provided in this chapter.
- C. Planning Director: The planning director shall be responsible for:
1. The approval, conditional approval, or denial of lot line adjustments and certificates of compliance.
 2. The approval or denial of mergers of contiguous parcels under common ownership without reversion under article E, "Voluntary Parcel Merger", of this chapter.
 3. The waiver of the requirement to file a parcel map.
 4. In conjunction with the public works director and city engineer, recommending approval, conditional approval, or disapproval of the design of proposed subdivisions, and the kinds, nature, and extent of on site and off site improvements required in connection therewith to the planning commission and/or the city council.
 5. Reporting on land use matters related to proposed subdivisions to the planning commission and/or city council, including, but not limited to, consistency with the city general plan and the zoning code (title 9 of the municipal code).
 6. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land to the planning commission and/or the city council.
 7. Reviewing and making recommendations concerning proposed subdivisions in the unincorporated territory of the County of Kings in accordance with Subdivision Map Act section 66453 when the planning director has elected to do so.
- D. Public Works Director: The public works director shall be responsible for:
1. Conducting investigations and reporting on the design and improvement of all proposed subdivisions and making recommendations thereon to the planning director, the planning commission, and the city council.
 2. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps based upon the requirements of this chapter, the subdivision map act, title 9 of the municipal code, the general plan, or the standards, rules, or regulations adopted by the city pursuant to this chapter.
 3. Such additional powers and duties as prescribed by law and by this chapter.
- E. City Engineer: The city engineer (or, as required by law, the city surveyor) shall be responsible for:

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1. Reviewing tentative, final, and parcel maps for compliance with the standards of this chapter, the subdivision map act, and other local or state law and providing a recommendation on such matters to the public works director and planning director.
2. Investigating requests for and recommending action on certificates of compliance as provided in section 66499.35 of the subdivision map act.
3. Completing those certificates on final and parcel maps as required by this chapter and the subdivision map act.
4. Ministerially approving or denying urban lot split parcel maps under article O, "Urban Lot Split Parcel Map", of this chapter.
5. All other duties as prescribed by the subdivision map act, including, but not limited to, section 66416.5.

**TABLE 8-7B-2-1
APPROVING AUTHORITY**

R	Symbolizes the “recommending body”
F	Symbolizes the “final decision-making body”

Type of Subdivision Permit or Decision	Designated Approval Authority				
	City Engineer	Public Works Director	Planning Director	Planning Commission	City Council
Administrative decisions:					
Urban lot split parcel map	R		F		
Certificates of compliance	R	-	F	-	-
Subdivision permits:					
Voluntary parcel merger	R	R	F	-	-
Lot line adjustment	R	R	F	-	-
Waiver of parcel map	R	R	F	-	-
Tentative subdivision map	R	R	R	F	-

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Type of Subdivision Permit or Decision	Designated Approval Authority				
	City Engineer	Public Works Director	Planning Director	Planning Commission	City Council
Tentative parcel map (when required by this chapter)	R	R	R	F	-
Vesting tentative subdivision map	R	R	R	F	-
Requests for extension of tentative maps ¹	R	R	R	F	-
Requests for amendment to conditions of approval ¹	R	R	R	F	-
Reversion to acreage	R	R	R	-	F
Offers and recordation:					
Offers of dedication	R	R	-	-	F
Parcel map	R	R	R	-	F
Final map	R	R	R	-	F

Note:

1. Requests for extension of tentative maps and amendments to conditions of approval shall be decided by the same authority that originally approved the permit.

(Ord. 2012-01, 4-17-2012)

8-7B-3 Procedures.

A. Application: Application for subdivision permits and map approvals under this chapter shall be submitted to the city as follows:

1. Applications for subdivision permits shall be made to the planning director. The application shall be made on a form provided by the planning department and accompanied by those materials specified by this chapter or as otherwise required by the city. The application shall also be accompanied by a fee as established by the city council.

2. Applications for final map, parcel map, and certificate of compliance shall be made to the planning director. The application shall be made on a form provided by the planning department and accompanied by those materials specified by this chapter or as otherwise required by the city. The application shall also be accompanied by a fee as established by the city council.
- B. Concurrent Application With Planning Permits: Application for subdivision permits (lot line adjustment(s), tentative subdivision map(s), tentative parcel map(s), and vesting tentative map(s)) may be submitted concurrently with applications for planning permits as provided in title 9, "Zoning", of the municipal code. When a proposed project requires more than one permit with more than one approving authority as identified in this chapter or in title 9, "Zoning", of the municipal code, all project permits shall be processed concurrently, and final action shall be taken by the highest level designated approving authority for all such requested permits. (Ord. 2012-01, 4-17-2012)

8-7B-4 Application Processing.

Unless otherwise provided for in this chapter, applications for subdivision permits and decisions shall be processed as follows:

- A. Application And Fee: Applications for subdivision permits and decisions shall be made to the city on a form provided by the city, accompanied by those materials specified in this chapter or as otherwise required by the city, along with a filing fee as established by resolution of the city council.
- B. Determination Of Completeness: Applications for subdivision permits and decisions shall be reviewed for completeness as follows. These provisions are consistent with the process provided under section 9-2A-5, "Application Requirements And Process", of the municipal code.
 1. Application Completeness With Notification: Within 30 days of application submittal to the planning department, the planning director shall determine whether or not the application is complete. The planning director shall notify the applicant of the determination either that:
 - a. All the submittal requirements have been satisfied and the application has been accepted as complete.
 - b. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.
 2. Application Completeness Without Notification: If the written determination is not made within 30 days after receipt of the application and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter.
 3. Resubmittal: Upon receipt and resubmittal of any incomplete application, a new 30 day period shall begin during which the planning director shall determine the completeness of

the application. Application completeness shall be determined and noticed as specified in subsection B1 of this section.

4. Incomplete Application: If additional information or submittals are required and the application is not made complete within six (6) months of the completeness determination letter, the application shall be deemed by the city to have been withdrawn, and no action will be taken on the application. Unexpended fees, as determined by the city, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this chapter.
 5. Right To Appeal: The applicant may appeal the determination in accordance with subsection E, "Appeals", of this section.
- C. Application Review And Report: Unless otherwise provided for in this chapter, applications for subdivision permits and decisions shall be reviewed, and a report prepared, as follows. These provisions are consistent with the process provided for under subsection 9-2A-5D, "Application Review, Report, Determination, And Conditions", of the municipal code.
1. Project Routing: Upon acceptance of the application and either prior to or after it is deemed complete, the planning director shall forward copies of the application to affected agencies within five (5) days asking them to provide their input or comments within 15 working days.
 2. Environmental Review: After determination of a complete application, the project shall be reviewed as required by the California environmental quality act (CEQA) to determine whether the project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a negative declaration or mitigated negative declaration may be issued, or whether an environmental impact report (EIR) shall be required.
 3. Application Review: The planning director, in conjunction with the public works director, city engineer, and other agencies, shall review all applications to determine compliance with provisions of this chapter and other applicable city regulations (e.g., zoning code, general plan). The project review will include any required environmental review as required by CEQA. Pursuant to section 66452.1 of the subdivision map act, and unless extended by mutual consent of the subdivider and the city, the designated approving authority shall make a decision on the tentative map within 50 days of adopting or certifying the environmental determination for the project.
 4. Staff Report: When this chapter requires planning commission or city council action, the planning director shall provide a written recommendation to the designated approving authority to either approve, conditionally approve, or deny the application. The staff report may be amended as necessary at any time prior to the hearing to address issues or information not reasonably known at the time the report is due.
 5. Report Distribution: Each staff report shall be furnished to the applicant and property owner at the same time as it is provided to the designated approving authority prior to consideration of the requested approval. In the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative

project, pursuant to section 66452.3 of the subdivision map act, the report shall also be provided to the tenants of the subject property at least three (3) days prior to any hearing or action on such map.

D. Public Hearing And Public Notice: Where this chapter or the subdivision map act requires a public hearing by the designated approving authority prior to making a decision on an application for a subdivision permit or decision, a public hearing shall be held, and public notice provided, as described below. These requirements are consistent with those provided in section 9-2A-6, "Public Notice, Hearings, And Decisions", of the municipal code.

1. Notice Of Hearing: Pursuant to California Government Code section 65091, not less than 10 days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and include a general explanation of the matter to be considered and a general description of the real property (text or diagram), if any, which is the subject of the hearing.
 - a. Notice of the public hearing shall be published in at least one newspaper of general circulation in the city.
 - b. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property within a radius of 300 feet of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current tax assessor's records. If the number of owners exceeds 1,000, the city may, in lieu of mailed notice, provide notice by placing notice of at least one-eighth (1/8) page in one newspaper of general circulation within the city.
 - c. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to the project applicant.
 - d. Notice of the public hearing shall be provided to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential functions or services to the project whose ability to provide those facilities and services may be significantly affected.
 - e. Notice of the public hearing shall be posted at city hall.
2. Requests For Notification: Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the city clerk. The city may impose a reasonable fee for the purpose of recovering the cost of such notification.
3. Failure To Receive Notice: Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this chapter shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.
4. Hearing Procedure: Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The designated

approving authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be noticed again.

E. Appeals: Decisions of the designated approving authority may be appealed as provided below. These provisions are consistent with the procedures provided in section 9-2A-8, "Appeals", of the municipal code.

1. Appeal Applicability And Authority: Any person dissatisfied with a determination or action of the planning director or planning commission made pursuant to this chapter may appeal such action to the designated appeal authority listed in table 8-7B-4-1, "Appeal Authority", of this section, within 10 days from the date of the action, or as otherwise provided by this chapter or the subdivision map act. Actions by the city council are final, and no further administrative appeals are available.

**TABLE 8-7b-4-1
APPEAL AUTHORITY**

Approving Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
City Engineer, Public Works Director, or Planning Director	X	
Planning Commission		X

2. Filing An Appeal: All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within 10 days following the date of determination or action for which an appeal is made, or as otherwise provided by this chapter or the subdivision map act. The appeal shall be accompanied by a filing fee established by resolution of the city council. The appeal shall be submitted to the city clerk. The filing of an appeal shall stay the issuance of any necessary subsequent permit(s) associated with any right or entitlement that will be subject of the appeal (e.g., building permits).
3. Notice And Schedule Of Appeal Hearings: Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of subsection D, "Public Hearing And Public Notice", of this section.
4. Appeal Hearing And Action: Each appeal shall be considered a de novo (new) hearing, and the appeal authority may reverse, modify, or affirm the decision of the approving authority in whole or in part. In taking its action on an appeal, the appeal authority shall state the basis for its action. The appeal authority may modify, delete, or add such conditions as it deems necessary. The appeal authority may also refer the matter back to the approving

authority for further action. The action of the appeal authority is final on the date of decision and, unless expressly provided by the chapter, may not be further appealed. A person may seek judicial review of a final decision of the city in accordance with applicable sections of the California Government Code or Code Of Civil Procedures.

- F. Effective Date: Decisions on subdivision permits shall become effective on the eleventh day after the date of action, immediately following expiration of the 10 day appeal period. This is consistent with the procedures provided in subsection 9-2A-6E, "Action/Determination Procedures", of the municipal code. All other decisions shall become effective upon approval. (Ord. 2012-01, 4-17-2012)

8-7B-5 Interpretation.

If ambiguity arises concerning the meaning or applicability of the provisions of this chapter, it shall be the responsibility of the planning director to review pertinent facts, determine the intent of the provision, and issue an administrative interpretation of said provision(s) as specified in this section.

A. Rules Of Interpretation:

1. Terminology: When used in this chapter, the following rules apply to all provisions of this title:
 - a. Language: The words "shall", "must", "will", "is to", and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
 - b. Tense And Number: The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
 - c. Conjunctions: "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including, but not limited to".
2. Number Of Days: Whenever the number of days is specified in this chapter, or in any permit, condition of approval, or notice issued or given as provided in this chapter, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or city holiday, time limits shall extend to the end of the next working day.
3. Minimum Requirements: When interpreting and applying the regulations of this chapter, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

- B. Record Of Interpretation: Whenever the planning director determines that an ambiguity in a subdivision regulation exists or when an applicant requests an interpretation based on his or her judgment or understanding of this chapter, the planning director shall issue an official interpretation. The procedure for preparation, content, procedure, and keeping of official

interpretations shall be as provided for official zoning interpretations in section 9-2B-8, "Official Zoning Interpretation", of the municipal code.

- C. Appeals: Interpretations may be appealed as specified in subsection 8-7B-4E, "Appeals", of this article. (Ord. 2012-01, 4-17-2012)

8-7B-6 Enforcement.

- A. Generally: Except as otherwise provided herein, the planning director, public works director, and city engineer are authorized and directed to enforce the provisions of this chapter and the subdivision map act for subdivisions within the city. The city attorney is authorized on behalf of the City of Lemoore to file a suit in a superior court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the subdivision map act, this chapter, or the conditions and term of approvals granted thereunder.
- B. Certificates Of Compliance: Applications for certificates of compliance shall be filed with the planning department. The city engineer shall be responsible for their issuance and recordation. The form of the application and requirements for a certificate of compliance shall be prescribed by the city. A nonrefundable fee in the amount established by resolution of the city council for each lot or parcel for which a certificate is sought shall accompany the application.
- C. Illegal Subdivisions: No board, commission, officer, or employee of the city shall issue any certificate or permit or grant any approval necessary to develop any real property within the city that has been divided, or which resulted from a division, in violation of the provisions of the subdivision map act or of this chapter.

Whenever the city has knowledge that real property has been divided in violation of the subdivision map act or this chapter, the city engineer shall, upon receipt of information of such violation, file the notices required by section 66499.36 of the subdivision map act and thereafter follow the procedures set forth in that section. (Ord. 2012-01, 4-17-2012)

8-7B-7 Certificate of Compliance.

- A. Purpose: This section describes the procedures and processing for certificates of compliance, consistent with the requirements of section 66499.35 of the subdivision map act.
- B. Applicability: A certificate of compliance is a document, recorded by the county recorder, which acknowledges that a parcel or lot of real property (hereinafter parcel) is considered by the city to be a legal parcel or lot of record. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a certificate of compliance from the city.
- C. Application: A certificate of compliance application shall be made on a form provided by the planning department and submitted to the department. The form shall be accompanied by an application deposit or fee as established by resolution of the city council. The application shall also include a chain of title, consisting of copies of deeds beginning before the division of the property and running through to the time of application for the certificate of compliance, unless the parcel(s) in question was created through a recorded subdivision map.
- D. City Review And Action: The application for certificate of compliance shall be reviewed and acted upon as provided below.

1. Planning Director Review: The planning director, in consultation with the city engineer, shall review the request and make a determination on the application as follows:
 - a. If the planning director makes a determination that the parcel(s) complies with the subdivision map act and this chapter, the planning director shall cause a certificate of compliance to be filed for record with the county recorder. The form of the certificate shall be as described below.
 - b. If the planning director determines that the parcel(s) does not comply with the provisions of the subdivision map act or this chapter, the planning director shall issue a conditional certificate of compliance. The city may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of the property at the time the applicant acquired their interest in the property and that had been established at that time by the subdivision map act and this chapter. Upon making a determination and establishing conditions, the planning director shall file a conditional certificate of compliance for record with the county recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee to assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with the conditions shall not be required until the time that a permit or other grant of approval for development of the property is issued by the City.
2. Form Of Certificate: The certificate of compliance shall identify the property, shall state that the division complies with the provisions of the subdivision map act and this chapter, and shall include all information required under section 66499.35 of the subdivision map act.
3. Effective Date: A certificate of compliance shall not become final until the document has been recorded by the county recorder.
4. Recorded Final Map Or Parcel Map: A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described in the final or parcel map. (Ord. 2012-01, 4-17-2012)

8-7B-8 Definitions of Specific Terms.

For the purposes of this chapter, the following terms, phrases, and words shall have the following definitions:

"A" Definitions:

ALLEY: A public or private way providing a secondary means of vehicular access to abutting property.

"B" Definitions:

BUILDING SITE: See "lot", as defined in title 9, "Zoning", of the municipal code.

"C" Definitions:

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CEQA: Refers to the California Environmental Quality Act, Public Resources Code section 21000 et seq., and the state CEQA guidelines.

CITY ENGINEER: The engineer of the City of Lemoore, or his or her designee.

CITY SURVEYOR: The land surveyor of the City of Lemoore, or his or her designee.

COUNTY: The County of Kings.

"D" Definitions:

DESIGNATED REMAINDER: Any unit or units of improved or unimproved land not divided for the purpose of sale, lease, or finance and designated as remainder by a subdivider for purposes of section 66424.6 of the subdivision map act.

DRIP LINE: A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

DWELLING UNIT: A group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants. See title 9, "Zoning", of the municipal code.

"E" Definitions:

EASEMENT: A right of way offered or dedicated to the city or other public entity or a public utility for purposes of providing access to a division of land, for placing utilities, or for any other specific purpose.

"F" Definitions:

FINAL MAP: A map showing a subdivision of five (5) or more parcels for which a tentative and final map are required by the subdivision map act and this chapter, prepared in accordance with the provisions of the subdivision map act and this title, and designed to be filed for recordation in the office of the county recorder.

FIRE PROTECTION: Such fire hydrants and other protective measures as may be reasonably required by the city fire marshal for protection of property to be located within a subdivision.

FLOOD HAZARD: A hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge, or damage buildings, or erode the banks of watercourses.

FRONTAGE ROAD: A street lying adjacent and approximately parallel to and separated from a freeway or other public street, and which affords access to abutting property.

"G" Definitions:

GENERAL PLAN: The general plan of the city of Lemoore.

GEOLOGICAL HAZARD: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

"H" Definitions:

HIGHWAY: A roadway defined as a freeway in section 23.5 of the Streets And Highways Code of the state of California.

"I" Definitions:

IMPROVEMENT PLANS: The plans, profiles, cross sections, and specifications for all proposed improvements. Improvement plans are often referred to as civil plans.

IMPROVEMENT STANDARDS: The requirements for design and construction of improvements established by the city council as set forth in the city's "Standard Specifications For Public Works Improvements".

INUNDATION: Ponded water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

"J" Definitions: Reserved for future use.

"K" Definitions: Reserved for future use.

"L" Definitions:

LOOP OUT STREET: A street formed by the intersection of two (2) streets where one street curves into another to form a two-way intersection. The outside curb flares out, or loops out, to provide sufficient turning space for larger vehicles, such as fire and solid waste.

LOT: A parcel of land which is identified on a final map or parcel map recorded in the office of the county recorder of Kings County with a separate and distinct number or letter. See "lot" as defined in title 9, "Zoning", of the municipal code.

LOT, FLAG: A parcel of land shaped like a "flag" as defined in title 9, "Zoning", of the municipal code.

LOT LINE ADJUSTMENT: The relocation of an interior lot line between four (4) or fewer existing adjoining parcels, where the 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.

LOT, THROUGH: A "lot" having frontage on two (2) parallel or approximately parallel streets, as defined in title 9, "Zoning", of the municipal code.

"M" Definitions:

MOBILEHOME SPACE: Any space designated, designed, or usable for the occupancy of one mobilehome on a temporary, semipermanent, or permanent basis.

MULTIPLE-FAMILY DWELLING: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other, but under one roof. See "dwelling, multi-family" as defined in title 9, "Zoning", of the municipal code.

"N" Definitions: Reserved for future use.

"O" Definitions: Reserved for future use.

"P" Definitions:

PARCEL MAP: A map showing a subdivision of four (4) or fewer parcels, as required by the subdivision map act and this chapter, prepared in accordance with the provisions of the subdivision map act and this chapter, and designed to be filed for recordation in the office of the county recorder. This excludes a remainder parcel and may be greater than four (4) parcels if certain exceptions apply.

PLANNED DEVELOPMENT: A real property development other than a condominium project, or a stock cooperative, having either or both of the following features: (a) Common area that is owned either by an association or in common by the owners of the separate interest who possess appurtenant rights to the beneficial use and enjoyment of the common area. (b) Common area and an association that maintains the common area with the power to levy assessments that may become a lien upon the separate interests in accordance with Article 2 (commencing with Section 6808) of Chapter 7 of Civil Code.

PLANNING DIRECTOR: The planning director of the City of Lemoore, or his or her designee.

PRIVATE ROAD EASEMENT: A parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the county recorder.

PUBLIC FACILITIES MAINTENANCE DISTRICT: Any assessment district formed for the purposes of financing the maintenance of public facilities, as provided in title 7, chapter 10, "City Maintenance Districts", of the municipal code.

PUBLIC WAY: Any street, highway, alley, pedestrian way, equestrian or hiking trail, biking path, channel, viaduct, subway, tunnel, bridge, easement, right of way, or other way in which the public use has a right of use.

PUBLIC WORKS DIRECTOR: The public works director of the City of Lemoore, or his or her designee.

"Q" Definitions: Reserved for future use.

"R" Definitions:

ROADWAY: That portion of a right of way for a street, highway, or alley designed or used predominately to accommodate the movement of motor vehicles.

"S" Definitions:

SINGLE-FAMILY DWELLING UNIT: A detached building designed exclusively for occupancy by one family. See "dwelling, single-family" as defined in title 9, "Zoning", of the municipal code.

SPECIFIC PLAN: A plan for a specific plan as described in title 9, "Zoning", of the municipal code.

STREET, ARTERIAL: A street that is used or is intended to be used as the principal route of traffic flow, connecting areas of major traffic generation to highways and county roads.

STREET, COLLECTOR: A street that is used or is intended to be used for the principal purpose of collecting traffic from local streets and transferring it to arterial streets or highways.

STREET, CUL-DE-SAC: A street that terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point.

STREET, DEDICATED: A right of way dedicated to the city and legally accepted by the city council for public use as a street.

STREET, LOCAL: Any street other than a collector street, arterial, or freeway that provides direct access to abutting properties and serves local versus through traffic. Also used to mean a street that is used or is intended to be used for the principal purpose of serving as access to abutting properties.

STREET, PRIVATE: A street privately owned and maintained (e.g., by a homeowners' association) and approved by the city council for street purposes, which has not been dedicated or accepted as a public street and which connects parcels or lots with a public street.

STREET, PUBLIC: Any street which is dedicated or proposed to be dedicated for public use and is maintained or proposed to be maintained by the city, the county, or the state.

STREET, STUB: A street that terminates at the boundary line of a subdivision but is intended and designed to be extended at a later date to provide access to abutting parcels or lots.

SUBDIVIDER: A person, firm, corporation, partnership, or association, as defined in section 66423 of the subdivision map act, who proposes to divide, divides, or causes to be divided real property into a subdivision for themselves or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers".

SUBDIVISION: 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 as defined in section 66424 of the subdivision map act.

SUBDIVISION MAP ACT: The subdivision map act of the state of California, Government Code section 66410 et seq., inclusive, as that act currently provides or is subsequently amended.

"T" Definitions:

TEMPORARY TURNAROUND: A paved area for turning vehicles at the end of a dead end street, which is constructed either within the dedicated right of way or upon a temporary easement and which is intended to be replaced or removed after a period of time.

TENTATIVE MAP: A map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. See article F, "Tentative Maps", of this chapter.

TWO-FAMILY DWELLING UNIT: A detached building designed exclusively for occupancy by two (2) families living independently of each other, but under one roof. See "dwelling, two-family" as defined in title 9, "Zoning", of the municipal code.

"U" Definitions:

URBAN LOT SPLIT: A subdivision of an existing lot within a single-family residential zoning district into no more than two new parcels that meet all of the requirements set forth in Government Code section 66411.7 and article O, "Urban Lot Split Parcel Map" of this chapter.

"V" Definitions:

VEHICULAR ACCESS RIGHTS: The right of vehicular access of owners or occupants of abutting lands to a public way.

VESTING TENTATIVE MAP: A tentative map which shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed, in accordance with article H, "Vesting Tentative Maps", of this chapter. Consistent with sections 66498.1(b) and 66474.2(a) of the subdivision map act, approval of a vesting tentative map confers 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 application is complete.

VOLUNTARY PARCEL MERGER: The joining of two (2) or more contiguous parcels of land under one ownership into one parcel.

"W" Definitions:

WATER SUPPLY: Such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential, commercial, and industrial use and for public and private fire protection purposes.

"X" Definitions: Reserved for future use.

"Y" Definitions: Reserved for future use.

"Z" Definitions:

ZONING CODE: The zoning code of the City of Lemoore, Title 9 of the municipal code, and revisions thereto. (Ord. 2012-01, 4-17-2012)

Article C

DIVISION OF LAND; REQUIRED MAPS

Sections:

8-7C-1	Purpose.
8-7C-2	Required Maps.

8-7C-1 Purpose.

The purpose of this article is to establish the types of maps that are required for the division of land in the city. (Ord. 2012-01, 4-17-2012)

8-7C-2 Required Maps.

- A. General Requirements: Generally, the division of land creating five (5) or more parcels requires the preparation and approval of a tentative map (referred to as a tentative subdivision map) and the subsequent preparation, approval, and recordation of a final map as described in this chapter. Those specific types of land division requiring a tentative subdivision map and final map are described in subsection B of this section.

When the division of land does not require the preparation of a tentative subdivision map and a subsequent final map pursuant to section 66426 of the subdivision map act, a parcel map shall instead be required (e.g., the creation of 4 or fewer parcels). The process for preparation, approval, and recordation of parcel map shall be as described in this chapter. In certain circumstances, as provided in subsection C of this section, a tentative parcel map shall be prepared and approved prior to the parcel map. Additionally, and separate from the tentative parcel map process and as provided under section 66428(b) of the subdivision map act, the requirement for a parcel map may be waived by the city pursuant to the provisions of section 8-7G-12, "Waiver Of Parcel Map", of this chapter.

Lastly, there are, as provided in the subdivision map act, a class of subdivisions that are exempt entirely from the requirements of a tentative map, final map, or parcel map. Those classes of subdivisions are described in subsection D of this section.

- B. Divisions Of Land Requiring A Tentative Subdivision Map And Final Map And Exemptions Thereto: As provided in section 66426 of the subdivision map act, a tentative subdivision map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units except where:
1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body.

2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway.
 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 the governing body as to street alignments and widths.
 4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than one-quarter of a one-quarter section.
 5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to section 66418.2 of the subdivision map act.
- C. Divisions Of Land Requiring A Parcel Map And Those Specific Divisions Also Requiring A Tentative Parcel Map: The division of land in a manner that does not require a tentative subdivision map and final map as provided in subsection B of this section shall require the preparation of a parcel map. This specifically includes the division of land into four (4) or fewer parcels and those divisions of land described in subsections B1 through B5 of this section. Generally, only a parcel map shall be required, and the preparation of a tentative parcel map shall be prepared at the option of the subdivider (section 66428(c) of the subdivision map act); however, if the proposed division of land meets any of the following qualifications, a tentative parcel map shall also be prepared and approved prior to the preparation, approval, and recordation of the final parcel map. This section shall not limit the subdivider, upon their own decision, to elect to submit for a tentative parcel map prior to a parcel map where a tentative parcel map is not required by this chapter.
1. The proposed subdivision is greater than twenty (20) acres.
 2. The proposed subdivision involves the relocation or abandonment of existing easements or rights of way held by the city or another public agency.
 3. The parcel map, as presented, cannot be approved by the city for recording without the imposition of conditions of approval to ensure consistency with the general plan, this code, the city's improvement standards, or address other issues of public safety.
- D. Projects Exempt From Map Requirements: As provided by state law, the following divisions of land are specifically exempt from the requirements of a tentative map, final map, or parcel map:
1. Lot line adjustments between four (4) or fewer existing adjoining parcels and where a greater number of parcels than originally existed is not being created. The lot line adjustment shall be reflected in a recorded deed. No record of survey shall be required unless otherwise required by section 8762 of the Business And Professions Code. The procedure for a lot line adjustment shall be as provided in article D, "Lot Line Adjustments", of this chapter.
 2. Subdivisions of a portion of the operating right of way of a railroad corporation, defined by section 230 of the state Public Utilities Code, which are created by short term leases terminable by either party on not more than thirty (30) days' notice in writing.

3. Land conveyed to or from a governmental agency, public entity, or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights of way, unless a showing is made by the department in individual cases, upon substantial evidence, that public policy necessitates a parcel map.
4. Any other actions specifically excluded from section 66412 et seq. of the subdivision map act. (Ord. 2012-01, 4-17-2012)

Article D

LOT LINE ADJUSTMENTS

Sections:

8-7D-1	Purpose.
8-7D-2	General Provisions.
8-7D-3	Process for Reviewing Lot Line Adjustments.
8-7D-4	Appeals.
8-7D-5	Recording.
8-7D-6	Record of Survey.

8-7D-1 Purpose.

The purpose of this article is to establish the procedures for application, processing, and deciding applications for lot line adjustments between four (4) or fewer existing adjoining parcels and where a greater number of parcels than originally existed is not being created. (Ord. 2012-01, 4-17-2012)

8-7D-2 General Provisions.

The designated approving authority for lot line adjustments shall be the planning director. The procedure provided by this article is an alternative to the procedures provided by articles F, "Tentative Maps", and G, "Final Maps And Parcel Maps", of this chapter. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map, a final map, or a parcel map for any lot line adjustment. (Ord. 2012-01, 4-17-2012)

8-7D-3 Process for Reviewing Lot Line Adjustments.

- A. Application: An application for a lot line adjustment may be made by owner(s) of all affected parcels or individuals authorized by the owner(s) to make an application. Such application shall be filed with the planning department 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.
 2. 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.
 3. A filing fee as established by resolution of the city council.
 4. Upon filing the application, the planning department will assign the application a Lot Line Adjustment number.
 5. The 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 license/registration per the Professional Land Surveyor's Act, Section 8761.

6. The legal descriptions 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 license/registration per the Professional Land Surveyor's Act, Section 8761.
7. One (1) copy of a map exhibit, legibly drawn on a sheet(s) eight and a half inches by eleven inches (8-1/2" x 11"), and titled Exhibit C, Lot Line Adjustment No. 202x-xx. that includes an Owner's Statement in a format determined by the City Engineer or City Surveyor and the Planning Director, as well as the following:
 - 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 boundary lines with dimensions and curve radii of the proposed parcels.
 - d. Each parcel identified with a letter, assessor parcel number, deed document number and area of each existing parcel (Existing Parcel A, Existing Parcel B etc.).
 - e. Each parcel identified with a letter and area of each proposed parcel (Adjusted Parcel A, Adjusted Parcel B etc.).
 - f. Identification, location, and dimensions of all existing and proposed improvements.
 - g. The names, widths, and locations of the existing and proposed public and private streets.
 - h. The location, width, purpose, and owners of existing easements or rights of way and all easements located to boundary, if applicable.
 - i. The date of application, the north arrow, scale of drawing, and assessor's parcel number(s) of the area to be adjusted and a legend, if applicable.
 - j. The owner's name, assessor parcel number, and deed document number of all adjoining parcels.
 - k. The location and width of watercourses and areas potentially subject to flooding, and methods of floodwater drainage control.
 - l. The location of existing wells and septic systems.
 - m. The location of structures, irrigation ditches, and railroad rights of way, if any.
 - n. The location and width of proposed building setbacks.
 - o. A small scale vicinity map portraying and orienting the boundaries of the proposed lot line adjustment with respect to surrounding areas and roads.
 - p. The existing use and existing zoning district of the property.
 - q. The proposed use and proposed zoning district of the property.

- r. The method of sewage disposal, storm drainage, and source of water.
 - s. The location, trunk diameter, drip line location, and species name of any trees, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be adjusted. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known.
 - t. 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 license/registration per the Professional Land Surveyor's Act, Section 8761.
- B. Application Review: Applications for lot line adjustments shall be reviewed as provided in subsections 8-7B-4B, "Determination Of Completeness", and 8-7B-4C, "Application Review And Report", of this chapter.
- C. Timely Processing: Applications for lot line adjustments 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 the lot line adjustment.
- D. Decision By The Approving Authority: A decision on the application for lot line adjustment shall be made by the designated approving authority after review and recommendation by the public works director and city engineer. The application shall be decided within the time limits described in this chapter and the subdivision map act.
- E. Conditions Of Approval: In deciding applications for lot line adjustments, the designated approving authority may impose conditions on the approval of the application. In accordance with section 66412(d) of the subdivision map act, the conditions imposed shall be limited to:
- 1. Ensuring conformity to the city's general plan, any applicable specific plan, the zoning code, and the city's adopted building code.
 - 2. Requiring the prepayment of real property taxes.
 - 3. The relocation of existing utilities, infrastructure, or easements.
- F. Findings: The designated approving authority shall approve a lot line adjustment sought pursuant to this article if the designated approving authority finds:
- 1. That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record.
 - 2. That the lot line adjustment will not result in the elimination or reduction in size of the accessway to any resulting parcel, or that the application is accompanied by new easements to provide access which meet all the city requirements regarding access to parcels in the location and of the size as those proposed to be created.

3. That the resulting parcels conform to the requirements of the city's general plan, any applicable specific plan, the city's adopted building code, and the city's zoning code. (Ord. 2012-01, 4-17-2012)

8-7D-4 Appeals.

The applicant or any interested person adversely affected by any action of the designated approving authority on a lot line adjustment may, within 10 days after the decision, appeal the decision consistent with subsection 8-7B-4E, "Appeals", of this chapter. (Ord. 2012-01, 4-17-2012)

8-7D-5 Recording.

Pursuant to section 66412(d) of the subdivision map act, the lot line adjustment shall be reflected in perfecting deeds. The perfecting deeds shall be in a form satisfactory to the county recorder. It shall be submitted to the planning department for a determination that the perfecting deeds complies with the approved lot line adjustment. The approved perfecting deeds shall thereafter be forwarded by the planning department to the county recorder's office for recording. The applicant shall pay all recording fees. (Ord. 2012-01, 4-17-2012)

8-7D-6 Record of Survey.

If a field survey was conducted or if monuments are set at the new parcel lines, a record of survey shall be required pursuant per the Professional Land Surveyor's Act, Section 8762 of the Business and Professions Code, unless the boundary is monumented as part of a land division with a recorded map.

Article E

VOLUNTARY PARCEL MERGER

Sections:

8-7E-1	Purpose.
8-7E-2	Voluntary Parcel Merger Authorized.
8-7E-3	Process for Reviewing a Voluntary Parcel Merger.
8-7E-4	Appeals.
8-7E-5	Recording.

8-7E-1 Purpose.

The purpose of this article 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 66499.203/4 of the subdivision map act. The procedure provided by this article is an alternative to the procedures provided by articles F, "Tentative Maps" and G, "Final Maps And Parcel Maps", of this chapter. 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)

8-7E-2 Voluntary Parcel Merger Authorized.

Pursuant to section 66499.203/4 of the subdivision map act, the planning commission 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 article. (Ord. 2012-02, 6-5-2012)

8-7E-3 Process for Reviewing a Voluntary Parcel Merger.

- A. Application: An application for a merger pursuant to this article 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 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.
 2. A filing fee as established by resolution of the 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 license/registration per the Professional Land Surveyor's Act, Section 8761. Upon filing the application, the planning department will assign the application a Voluntary Parcel Merger number.

5. One (1) copy of a map, legibly drawn on a sheet(s) eight and one half (8½) inches by 11 inches, 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 license/registration per the Professional Land Surveyor's Act, Section 8761.
 6. A perfecting deed, which will record when the Notice of Voluntary Parcel Merger is approved.
- B. Application Review: Applications for voluntary parcel mergers shall be reviewed as provided in subsections 8-7B-4B, "Determination Of Completeness", and 8-7B-4C, "Application Review And Report", of this chapter.
- C. 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 voluntary parcel merger.

- D. Decision By The Approving Authority: A decision on the application for voluntary parcel merger shall be made by the designated approving authority after review and recommendation by the public works director and city engineer. The application shall be decided within the time limits described in this chapter and the subdivision map act.
- E. Findings: The designated approving authority shall not approve a Voluntary Parcel Merger pursuant to this article 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)

8-7E-4 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 consistent with subsection 8-7B-4E, "Appeals", of this chapter. (Ord. 2012-02, 6-5-2012)

8-7E-5 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 for a determination that the final documentation complies with the approved merger. The perfecting deed shall be submitted to the 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 to the county recorder's office for recording. The applicant shall pay all recording fees. (Ord. 2012-02, 6-5-2012)

Article F

TENTATIVE MAPS

Sections:

8-7F-1	Purpose.
8-7F-2	Tentative Map Required.
8-7F-3	Preliminary Design Evaluation.
8-7F-4	Tentative Map Application.
8-7F-5	Tentative Map Process and Procedures.
8-7F-6	Withdrawal of Tentative Map.
8-7F-7	Resubmittal of Application.
8-7F-8	Tentative Map Revision or Amendment.
8-7F-9	Expiration of Tentative Map Approval.
8-7F-10	Time Extension.

8-7F-1 Purpose.

The purpose of this article is to establish the city's regulations, standards, and procedures for consideration of tentative subdivision map and tentative parcel map application. (Ord. 2012-01, 4-17-2012)

8-7F-2 Tentative Map Required.

For every subdivision for which a tentative map is required pursuant to article C, "Division Of Land; Required Maps", of this chapter (e.g., tentative subdivision map, tentative parcel map), the subdivider shall file with the city a tentative map prepared in accordance with the provisions of this article. (Ord. 2012-01, 4-17-2012)

8-7F-3 Preliminary Evaluation.

Prior to submitting a tentative map application, the subdivider may schedule a preapplication meeting with the planning director, or his or her designated representative, with any applicable fees, to discuss the proposed subdivision. At the preapplication meeting, the subdivider shall have an opportunity to discuss physical conditions, facts, and policies affecting the proposed subdivision. The subdivider may also present for review a preliminary map showing approximate lot lines, proposed street alignments, or other features of the proposed subdivision. The planning director or representative shall inform the subdivider of the city's policies, general plan, zoning, fees, and infrastructure and development standards that may pertain to the proposed subdivision and may make recommendations concerning modifying improvements and/or design of the proposed division of land. (Ord. 2012-01, 4-17-2012)

8-7F-4 Tentative Map Application.

A. Application Components: A subdivider seeking approval of a tentative subdivision map or tentative parcel map (as required by this chapter) shall file an application for tentative map

approval consistent with the requirements of this chapter. The application shall consist of the following components:

1. A completed application form, of which the blank form shall be provided by the planning department.
2. One (1) copy of the tentative map, consistent with the requirements of this section.
3. A filing fee as established by resolution of the city council.
4. 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.
5. All items referenced within the preliminary title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting application.
6. The following drawings, statements, and other data, and as many additional copies thereof as may be required, shall be filed on or with the tentative map:
 - a. A vicinity or key map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, major access streets, property lines, other adjacent properties in the subdivider's ownership, and other significant features which will have a bearing upon the proposed subdivision and its location and relationship to surrounding areas.
 - b. A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision.
 - c. A soils report and map, when specifically requested by the city due to questionable site specific soil conditions. A preliminary soils report, prepared by a civil or geotechnical engineer registered in the state and based on adequate test borings or excavations. At least three (3) test borings shall be done for subdivisions of up to three (3) acres, and thereafter at least one test boring shall be done for each additional three (3) acres or fraction thereof. If the preliminary soils report indicates the presence of critically expansive soils, or other soil problems which, if not corrected, could lead to structural defects, the soils report accompanying the final subdivision map shall contain an investigation of each lot within the subdivision. If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials to corrode or deteriorate, a soils investigation of each potentially affected lot in the subdivision may be required. The city engineer may require additional information or reject the report if he determines it to be incomplete, inaccurate, or unsatisfactory. Percolation test(s) shall be conducted for each lot on which a private sewer system is proposed. A soils map showing lots and location of test bores and percolation tests shall be submitted with the soils report. The soils report shall include recommendation by the civil engineer on any corrective action(s) likely to prevent structural damage to each structure proposed to be constructed in the area where soil problem exists.

- d. A preliminary grading plan. Submission of the preliminary grading plan may be waived by the city engineer when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation, and erosion control of the proposed subdivision.
- e. All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees, or other requirement.

B. Preparation And Form Of Tentative Map:

- 1. The tentative map shall be clearly and legibly drawn and shall be drawn to scale by or under the direction of a licensed land surveyor and/or registered civil engineer authorized to practice land surveying. The scale of the map shall be at least one inch equals one hundred feet (1" = 100'). If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. No single sheet, when printed at scale, shall exceed 24 inches in length and 36 inches in width. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the tentative map along with his/her seal or stamp and expiration date of license/registration per the Professional Land Surveyor's Act, Section 8761.
- 2. The city engineer may, in his or her sole discretion, waive the requirements that the tentative map be prepared by a licensed land surveyor and/or registered civil engineer authorized to practice land surveying if the city engineer finds that the tentative map submitted is clearly and legibly drawn, drawn to scale, and satisfies the requirements of subsections C and D of this section. The decision to waive or not waive the foregoing requirement shall be final and not subject to appeal.

C. Information On Tentative Map: The tentative map shall contain the following information in addition to such information as is required by the subdivision map act:

- 1. Proposed subdivision name and county tract number, if any.
- 2. Names, addresses, and telephone numbers of the record owner(s) and subdivider(s) of the land.
- 3. Name, address, and telephone number of the person, firm, or organization that prepared the map, and the applicable registration or license number.
- 4. Date of preparation, north point, and scale of the map. If based on a survey, the date of the survey.
- 5. Boundaries of the subdivision with sufficient information to locate the property.
- 6. Name of adjacent subdivisions, if any, and property lines sufficient to show their relationship to the proposed subdivision. Identify adjoining properties with owner name, assessor parcel number and deed document reference.
- 7. 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 tract boundaries where necessary to show drainage conditions on

surrounding property which may affect the subdivision. 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.

8. 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; and any vernal pools or wetlands located on the property to be subdivided. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known.
9. The location of all railroad rights of way and grade crossings; approximate locations of all existing wells, abandoned wells, and sumps; and an indication of any physical restrictions or conditions in the subdivision which affects the use of the property.
10. The location of all structures on the site or on adjacent properties; the distances between structures to be retained and existing or proposed street and lot lines; and notations concerning all structures which are to be removed.
11. The location and width of existing and proposed building setbacks.
12. The locations shown by hatched lines of existing utilities in and adjacent to the subdivision; 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 subdivision, the direction and distance to the nearest sewer and water main with size and invert elevation of sewer and size of main, and the proposed method of providing sewage disposal.
13. The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width, and directions of flow of all watercourses and flood control channels within and adjacent to the property involved; and the proposed method of providing stormwater, drainage, and erosion control. 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.
14. The locations, widths, and names or designations of all existing or proposed streets, alleys, pedestrian ways, and other rights of way, whether public or private, within and adjacent to the subdivision; the radius of each centerline curve; and any planned line for street widening or for any other public project in and adjacent to the subdivision.
15. The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; and the approximate area of the average lot.
16. The total area in square footage or acreage to the nearest one-tenth (1/10) acre of each lot proposed to be utilized for other than single-family or two-family housing.
17. The boundaries of existing and proposed public areas in and adjacent to the subdivision, 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).
18. 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 be listed in the public notice required under subsection 8-7B-4D, "Public Hearing And Public Notice", of this chapter and following proper abandonment proceedings under chapter 3 of division 9 of the Streets And Highways Code commencing with section 8320.

19. If separate final or 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 maps shall not limit the ability of the city to impose reasonable conditions relating to the filing of multiple final maps.
- D. Additional Information To Be Provided For Condominium Conversions: When a tentative map includes a condominium conversion, the application for tentative map shall also include all of the following information:
 1. The following information shall be shown on the tentative map, or in a separate document, or one or more separate map sheets:
 - a. The entire site with dimensions.
 - b. Footprints of all units with dimensions, and a block number and letter identifying each unit.
 - c. The right of way and roadway width of all public and private streets within or adjacent to the site.
 - d. The dimensions of commercial driveways within the site.
 - e. All existing and proposed parking spaces, together with dimensions.
 - f. Existing and proposed landscaping with common names of the trees.
 - g. Location and type of existing and proposed outdoor lighting.
 - h. Sidewalks within and adjacent to the site together with dimensions.
 - i. Location, height, and material of any existing and proposed walls, fences, and hedges.
 2. The following documents and information shall be submitted with the tentative map application for a condominium conversion:
 - a. A statement of repairs and improvements to be made by the subdivider to refurbish and restore the building and other structures to achieve compliance with applicable codes.
 - b. A copy of the declaration of covenants, conditions, and restrictions required by state law, which will apply to all owners of the proposed condominium units.
 - c. Square footage and number of rooms in each unit.
 - d. Evidence that all written notifications required by section 66427.1 of the subdivision map act have been delivered to the existing tenants of the property. (Ord. 2012-01, 4-17-2012)

8-7F-5 Tentative Map Process and Procedures.

- A. General Application Review And Processing: The designated approving authority shall approve, conditionally approve, or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination that the project is exempt from the requirements of CEQA. The planning director shall thereafter report the decision of the approving authority to the subdivider. Pursuant to section 66412.3 of the subdivision map act, in reaching a decision upon the tentative map, the approving authority shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the subdivision map act, failure to act within the above specified time limits shall be deemed or considered approval of the tentative map.
- B. Approval And Application Of Conditions: The tentative map may be approved or conditionally approved by the approving authority if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific plan, and all applicable provisions of this chapter. The approving authority may require that, as a condition of approval, the subdivider pay all required development impact fees at the rate for such fees in effect at the time such fees would normally be levied (e.g., building permit issuance). The approving authority may modify or delete any of the conditions of approval recommended in the planning director's report. The approving authority may add additional requirements as a condition of its approval.
- C. Findings For Denial: Except as otherwise required by state or federal law, the approving authority shall deny approval of the tentative map if it makes any of the following findings:
 - 1. That the proposed map, together with the provisions for its design and improvement, is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code.
 - 2. That the site is not physically suitable for the type of development.
 - 3. That the site is not physically suitable for the proposed density of development.
 - 4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the designated approving authority may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to section 21081(c) of CEQA that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
 - 5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems.
 - 6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the designated approving authority may approve a map if it 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

subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

7. Subject to section 66474.4 of the subdivision map act, that the land is subject to a contract entered into pursuant to the California land conservation act of 1965 (commencing with section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

D. Appeal: The decision of the designated approving authority may be appealed as provided in subsection 8-7B-4E, "Appeals", of this chapter. (Ord. 2012-01, 4-17-2012)

8-7F-6 Withdrawal of Tentative Map.

Requests for withdrawal of any application for tentative map shall be submitted to the planning director in writing unless made at a public hearing on the tentative map. (Ord. 2012-01, 4-17-2012)

8-7F-7 Resubmittal of Application.

No application for a tentative map approval shall be accepted, nor any hearings held thereon, for an application for the same or substantially same tentative map that has been previously denied until a period of one year has elapsed from the date of the final denial of the application by the body having final jurisdiction of the matter. (Ord. 2012-01, 4-17-2012)

8-7F-8 Tentative Map Revision or Amendment.

- A. Revisions Or Amendments Generally: Unless deemed by the city engineer to be in substantial compliance with the approved tentative map, any request to revise or amend an approved or conditionally approved tentative map shall be deemed an application for a new tentative map. Such new tentative map shall be processed in conformance with the requirements of this chapter in effect at the time such revised map is filed, including any changes in street standards which have become effective since the original tentative map was filed. The approval or conditional approval of any revised tentative map shall void all prior approved tentative maps.
- B. Amendment Of Conditions Of Approval: A subdivider may apply for a revision or amendment to the conditions of approval for a conditionally approved tentative map, provided there is no proposed change to the layout or design of the subdivision or modifications in the proposed lot sizes. Modification of the conditions on a conditionally approved tentative map shall not extend the time limits imposed by this chapter or the subdivision map act. (Ord. 2012-01, 4-17-2012)

8-7F-9 Expiration of Tentative Map Approval.

- A. Initial Life: Except as provided in section 8-7F-10, "Time Extension", of this article, the approval or conditional approval of a tentative map shall expire twenty four (24) months after the date of approval by the designated approving authority. This twenty four (24) month period shall be referred to as the "initial life".
- B. Effect Of Expiration: Expiration of an approved or conditionally approved tentative map (including any extensions) shall terminate all proceedings, and no final map of all or any

portion of real property included within the tentative map shall be filed without first processing a new tentative map application. (Ord. 2012-01, 4-17-2012)

8-7F-10 Time Extension.

The initial life of an approved or conditionally approved tentative map may be extended in any of the following ways, or as otherwise provided by the subdivision map act:

- A. Discretionary Extension: Prior to the expiration of an approved or conditionally approved tentative map, the subdivider may file a written application for an extension of the expiration date. The process for submission, review, and consideration of the request for extension shall be as follows:
 1. The application shall be filed with the planning director. The application shall include the following information:
 - a. A completed application form, of which the blank form shall be provided by the planning department.
 - b. Tentative map number and county tract number of the subject subdivision and/or other unique information used to reference the approved tentative map.
 - c. Requested period of extension.
 - d. Reasons for seeking extension including facts showing why the requirements for recording a final map cannot be completed within the period provided.
 - e. A description of all efforts made to date to record the final map and the current status of the project.
 - f. A description of what remains to be done to record the final map and what steps the subdivider proposes to complete the required subdivision improvements.
 2. Upon receipt of this application, the approval of the tentative map shall automatically be extended for sixty (60) days or until the application for the extension is approved or denied, whichever occurs first.
 3. The designated approving authority for requests for extension of a tentative map shall be the planning commission. In accordance with the subdivision map act and case law, the designated approving authority may not impose additional conditions on the tentative map as part of the approval of a discretionary extension. However, the designated approving authority may add or amend conditions based on any changed circumstances or new city policies with the consent of the applicant.
 4. The process for review and processing the request for extension shall be the same as provided in section 8-7F-5, "Tentative Map Process And Procedures", of this article.
 5. The tentative map may be extended for a period or periods not exceeding a total of six (6) years as provided in section 66452.6 of the subdivision map act.
 6. The designated approving authority shall deny the request for extension if the approving authority makes a finding that the granting of the extension will create a negative impact to the public health, safety, or welfare.

7. If the designated approving authority denies a subdivider's application for an extension, the subdivider may appeal the decision within 15 days in accordance with the provisions of subsection 8-7B-4E, "Appeals", of this chapter.

- B. Filing Of Multiple (Phased) Final Maps: If multiple final maps are to be filed for the subdivision pursuant to the subdivision map act, and if the subdivider is required to spend more than \$236,790.00 or any greater amount pursuant to section 66452.6 of the subdivision map act, to construct, improve, or finance (e.g., payment of impact fees) the construction of public improvements that are located outside the property boundaries of the tentative map, excluding improvements of public rights of way which abut the property to be subdivided and which are reasonably related to the development of the property, each filing of a final map shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, or the date of the previously filed (recorded) final map, whichever is later but in no event more than 10 years from such approval or conditional approval.

As provided in section 66452.6(a)(3), "public improvement" shall include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities. Examples include, but are not limited to, roadway improvement projects that are conditioned as part of project approval but do not occur within the boundaries or along the perimeter of the project.

- C. Development Agreement: In accordance with section 66452.6(a)(1) of the subdivision map act, a tentative map on a property subject to a statutory development agreement between the city and the subdivider (or any successor in interest) may extend the life of the tentative map for a period of time as specified in the development agreement, which period shall not exceed the term of the development agreement itself.
- D. Development Moratorium: In accordance with section 66452.6(b)(1) of the subdivision map act, the initial life of an approved or conditionally approved tentative map shall not include any time during which a development moratorium, imposed after approval or conditional approval of the tentative map, is in effect. However, the length of the moratorium will not exceed five (5) years.
- E. Litigation: In accordance with section 66452.6(c) of the subdivision map act, upon approval by the city, a pending lawsuit involving the approval or conditional approval of a tentative map shall stay the life of a tentative map for up to five (5) years. The subdivider may submit an application to the city requesting the stay. The procedures for considering and taking action upon the request for the stay shall be as provided in subsection A, "Discretionary Extension", of this section. The city shall take action on the request to deny the stay within forty (40) days of receipt of the subdivider's application. The city shall not impose conditions upon the approval of a request for stay.
- F. Special Legislative Extensions: On occasion, the California legislature has adopted statutory extensions to tentative maps. Examples include, but are not limited to, the following specific references. Any additional extensions that are adopted by the legislature in the future are hereby incorporated into this code by reference. The city shall honor any applicable extension provided by the legislature, including, but not limited to:

City of Lemoore Municipal Code Title 8, Chapter 7 - Subdivision Ordinance

1. Section 66452.21 of the subdivision map act, providing a 12-month extension to all tentative maps that have not expired as of July 15, 2008, and would expire before January 1, 2011.
2. Section 66452.22 of the subdivision map act, providing a 24-month extension to all tentative maps that have not expired as of July 15, 2009, and would expire before January 1, 2012.
3. Section 66452.23 of the subdivision map act, providing a 24-month extension to all tentative maps that have not expired as of July 15, 2011, and would expire before January 1, 2014. (Ord. 2012-01, 4-17-2012)
4. Section 66452.24 of the subdivision map act, providing a 24-month extension to all tentative maps that were approved on or after January 1, 2000, and would expire before July 11, 2013.
5. Section 66452.25 of the subdivision map act, providing a 24-month extension to all tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013, and would expire October 10, 2015.
6. Section 66452.26 of the subdivision map act, providing a 24-month extension to all tentative maps that were approved on or after January 1, 2006, and not later than July 11, 2013, and would expire January 1, 2021.
7. Section 65914.5 of the Government Code, providing an 18-month extension to all tentative maps that were approved on or before March 4, 2020, and would have otherwise expired on December 21, 2021, with some exceptions as described in the State Government Code section.

Article G

FINAL MAPS AND PARCEL MAPS

Sections:

8-7G-1	Purpose.
8-7G-2	Timing.
8-7G-3	Preparation and Form of Final Map or Parcel Map.
8-7G-4	Certificates and Statements of Final Map or Parcel Map.
8-7G-5	Survey of Final Map or Parcel Map.
8-7G-6	Filing of Final Map or Parcel Map.
8-7G-7	City Engineer's Review.
8-7G-8	Planning Director's Review.
8-7G-9	Approval of Final Map or Parcel Map, Execution of Subdivision Agreement, and Acceptance of Dedication
8-7G-10	Multiple Final Maps or Parcel Maps
8-7G-11	Separate Dedications
8-7G-12	Waiver of Parcel Map

8-7G-1 Purpose.

The purpose of this article is to establish the process for preparing, reviewing, and approving final maps and parcel maps. (Ord. 2012-01, 4-17-2012)

8-7G-2 Timing.

Within 24 months of the date of approval or conditional approval of the tentative map, or within any further time period for which an extension has been granted or made as a matter of law, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map or parcel map to be prepared and recorded in accordance with the provisions of this article and the subdivision map act. (Ord. 2012-01, 4-17-2012)

8-7G-3 Preparation and Form of Final Map or Parcel Map.

- A. Preparation Of Final Map Or Parcel Map: The final map or parcel map shall be prepared by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying, shall be based upon a survey, in the manner required by this article and the subdivision map act.

Three (3) draft copies shall be submitted to the city for review by the planning director, public works director, and city engineer for their accuracy prior to calling for final mylar versions for recording.

- B. Final Map Or Parcel Map Description And Contents:

1. Description:

- a. The final map or parcel map shall be legibly drawn, printed, or reproduced by a process guaranteeing a 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 by 660 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 each adjoining sheet shall be clearly shown. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication, and seals required by law and by this chapter shall appear on the first sheet and may be combined where appropriate.
2. Information Required:
- a. Index And Location Map:
 - (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.
 - (2) 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.
 - b. Subdivision Name; Exterior Boundaries: The subdivision name, if one is used, and the tract number shall conspicuously appear on each sheet of the final map or parcel map. 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 name of the final map or parcel map. The exterior boundary of the land to be divided shall be indicated by a border one-eighth (1/8) of an inch in width.
 - c. Lots And Blocks: Each lot shall be numbered or lettered consecutively beginning with lot number 1; except that when the final map or parcel map is an additional phase of an existing subdivision, the lot numbers shall commence with the next number higher than in the preceding phase. The area of each lot shall be shown on the final map or parcel map. Blocks, if used, shall be consecutively lettered or numbered. Each block and each parcel shall be shown completely on one sheet.
 - d. Public Dedications: The final map or parcel map shall show the width, location, proper reference to record information shall be stated and names without abbreviation or other sufficient designation of the following:
 - (1) New streets.
 - (2) Public areas and easements.
 - (3) Adjoining streets.

- (4) All other existing streets, easements, rights of way, and other real property interests to be dedicated for public purposes.
- e. Technical Information:
 - (1) Dimensions of all lot lines, subdivision perimeter, and centerline of streets shall be in feet and decimals thereof to the nearest one-hundredth (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 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.
 - (2) All required information shall be shown in full for all portions of the map. No ditto marks shall be used with respect to any required information.
 - (3) 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.
- f. Record Of Easements: The final map or parcel map shall show the location, width, and sidelines of all easements to which the lots are subject. Easements for storm drains, sewers, and other purposes shall be denoted by broken lines. Each easement shall be clearly labeled and identified, and if already of record, proper reference to the record information shall be stated. Easements being offered for dedication shall be so indicated in the statement of dedication.
- g. Abandonment Of Public Streets And Easements: The final map or parcel map shall adequately delineate any public streets or public easements to be left in effect after the subdivision. The filing of the final map or parcel map shall constitute abandonment of all public streets and public easements not shown on the final map or parcel map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the city clerk. Before a public easement vested in another public entity may be abandoned pursuant to this subsection, the city shall notify that public entity of the proposed abandonment. The city shall submit with the final map or parcel map written verification that the public entity has received the notice. No public easement vested in another public entity shall be abandoned pursuant to this subsection if that public entity objects to the proposed abandonment. Off-site abandonments shall follow the procedures for abandonment established in chapter 3 of division 9 of the Streets And Highways Code, commencing with section 8320. (Ord. 2012-01, 4-17-2012)

8-7G-4 Certificates and Statements on Final Map or Parcel Map.

The title sheet of the final map or parcel map shall contain those certificates required by the subdivision map act. It shall also contain any other certificates and statements as outlined below.

- A. Owner's Statement: Subject to Section 66436 of the Subdivision Map Act, a statement signed by all parties having record title interest in the land subdivided, consenting to the preparation and recordation of the map and dedication to the public, subject to Section 66439(d), of specific parcels or easements in a format determined by the City Engineer or City Surveyor and the Planning Director.
- B. Engineer's or Surveyor's Statement: A statement signed by the engineer or surveyor responsible for preparation of the final map or parcel map, as provided in Section 66441 of the Subdivision Map Act in a format determined by the City Engineer or City Surveyor and the Planning Director.
- C. City Engineer's and City Surveyor's Statements: A statement, signed and sealed by the city engineer and city surveyor (as required by Section 66442 of the Subdivision Map Act), that the map was examined by him and the subdivision as shown is substantially the same as it appeared on the approved tentative map and, if required, any approved alterations thereof, and that all the provisions of the Subdivision Map Act and any local ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct, in a format determined by the City Engineer or City Surveyor and the Planning Director.
- D. Tax Collector's Statement: A 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 Planning Director.
- E. Approving Authority's Statement: A statement signed by the secretary or clerk of the designated approving authority, 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 Planning Director.
- F. City Clerk's Statement: If any real property is offered for dedication for public use on the final map or parcel map or by a separate instrument, a statement signed by the city clerk shall be provided on the final map or 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 Planning Director.
- G. Recorder's Certificate: The following certificate shall be located in the lower right corner of the first certificate sheet and shall be completed by the county recorder upon recordation of the final map or parcel map in a format determined by the City Engineer or City Surveyor and the Planning Director.
- H. Restrictions Statement: Any previously existing nonstandard easements or documents that restrict the use of the land recorded previously or concurrently with the map must be listed in

the restrictions 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.

- I. Owners of Interest Statement: If necessary, the following statement shall be included on final maps and parcel maps if the owners will not have an interest that may ripen into a fee title in a format determined by the City Engineer or City Surveyor and the Planning Director.
- J. Notary Public Certificate: Where certificates or statements required by this Section or the Subdivision Map Act require a notary public certificate per Civil Code 1189, the following certificate shall be used in a format determined by the City Engineer or City Surveyor and the Planning Director.

(Ord. 2012-01, 4-17-2012)

8-7G-5 Survey of Final Map or Parcel Map.

A complete and accurate survey of the land to be subdivided shall be made by a licensed land surveyor or registered civil engineer authorized to practice land surveying in accordance with the provisions of article K, "Survey And Monuments", of this chapter. (Ord. 2012-01, 4-17-2012)

8-7G-6 Filing of Final Map or Parcel Map

The subdivider shall cause all certificates and statements to be executed except those to be executed by the city engineer, city surveyor, city clerk, planning commission, tax collector, and the county recorder, and shall file the following with the planning director:

- A. Four (4) copies of the final map or parcel map, each conforming to the requirements of section 8-7G-3, "Preparation And Form Of Final Map Or Parcel Map", of this article.
- B. Copy of approved tentative map and conditions of approval.
- C. Closure calculations and other survey information.
- D. 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 or parcel map application.
- E. 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.
- F. Copies of record maps and record documents used as reference map submitted.
- G. Draft copies of any off site easements or rights of way required.
- H. Improvement plans, and engineer's cost estimate for such, when applicable as outlined in section 8-7M-2, "Improvement Requirements And Plans", of this chapter.
- I. The application review fee as established by resolution of the city council. (Ord. 2012-01, 4-17-2012)

8-7G-7 City Engineer's Review.

Upon submittal of the final map or parcel map and accompanying documents, offers of dedication, offers of deed, offers of easement, fees, and materials for filing, the city engineer shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications, and provisions made or required by the designated approving authority, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of these regulations, planned street lines, and other applicable specific plans and ordinance, shall forward the same to the planning director for review and further action.

Should the map or other accompanying documents, fees, or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the city engineer, does not materially affect the validity of the map, the city engineer may waive the defect and forward to the city council.

The city engineer may recommend against approval of the recording a portion of a final map or parcel map when, in the process of checking the final map or parcel map, he determines that said portion does not by itself provide adequate or satisfactory access, design, or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map, if applicable. (Ord. 2012-01, 4-17-2012)

8-7G-8 Planning Director's Review.

The planning director shall review the final map or parcel map to determine its compliance with the approved tentative map and the conditions of approval imposed by the designated approving authority. If the director determines that the final map or parcel map is in compliance with the approved tentative map, that all conditions of approval have been met or performed, and that the final map or parcel map has been recommended for approval by the city engineer, the director shall present it to the council with his or her recommendation. If a subdivision improvement agreement is proposed, it shall be presented to the council in the same meeting as the final map or parcel map. (Ord. 2012-01, 4-17-2012)

8-7G-9 Approval of Final Map or Parcel Map, Execution of Subdivision Agreement, and Acceptance of Dedication.

- A. Generally: The city engineer shall execute the city engineer's certificate on the final map or parcel map before forwarding to the city council for their acceptance.

The city council shall consider the final map or parcel map and any associated offers of dedication, deed, and easement at the meeting at which it receives the final map or parcel map or at its next regular meeting after the meeting at which it receives the final map or parcel map. The city council shall review the final map or parcel map and approve it if it conforms to the approved or conditionally approved tentative map and if all requirements and conditions imposed on the subdivision pursuant to this chapter or the subdivision map act have been met or performed. If the final map or parcel map does not conform, the city council shall disapprove the map. The city council shall also accept, accept subject to improvement, or reject any or all offers of dedication in conformance with the approvals for the tentative map and the provisions of this chapter and the subdivision map act.

If improvements required under the terms of this chapter or as a condition of approval have not been completed, the city council shall provide for such improvements by approving a subdivision improvement agreement. No final map or parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with article M, "Improvements", of this chapter and appropriate surety has been provided to the satisfaction of the city. The city manager is authorized to execute subdivision improvement agreements, as permitted by section 66462(d) of the subdivision map act, in accordance with the city's standard subdivision agreement.

No public hearing shall be required, and no public notice shall be required for review, consideration, and action by the city council on a final map or parcel map, offers of dedication, deed, and easement, or improvement agreement.

As permitted by section 66458(d) of the subdivision map act, the city may accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map.

- B. Determinations For Condominium Conversions: No final map or final parcel map for a condominium conversion shall be approved unless all the following determinations are made:
1. Each existing tenant has received notification of intent to convert, pursuant to subsection 8-7F-4D of this chapter and section 66452.9 of the subdivision map act, at least sixty (60) days prior to the filing of the tentative map or tentative parcel map.
 2. Each existing tenant and each person applying for rental of a unit in the project has, or will have, received all applicable notices and rights required by chapter 2 or 3 of the subdivision map act.
 3. Each tenant has, or will have, received ten (10) days' written notice that an application for a public report will be, or has been, submitted to the California department of real estate and that such report will be available on request.
 4. Each tenant of the proposed condominium conversion has been, or will be, given written notification within ten (10) days of approval of a final map.
 5. Each tenant has been, or will be, given at least one hundred eighty (180) days written notice of intention to convert before tenancy is terminated due to the conversion or proposed conversion.
 6. Each tenant has been, or will be, given notice of an exclusive right, pursuant to section 66427.1(d) of the subdivision map act, to contract for the purchase of such tenant's unit on the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant. (Ord. 2012-01, 4-17-2012)

8-7G-10 Multiple Final Maps or Parcel Maps.

Multiple final maps or parcel maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: a) the subdivider, at the time the tentative map is filed, informs the planning director of the subdivider's intention to file multiple final maps or parcel maps on such tentative map, or b) after filing of the tentative map, the city and the subdivider concur in the filing of multiple final maps or parcel maps. In providing such

notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps or parcel maps.

The filing of a final map or parcel map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. Each final map or parcel map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision phase number. Unless specific timing thresholds are set forth in the conditions of approval, the city engineer and planning director shall determine the improvements required and conditions that must be satisfied in conjunction with a given final map or parcel map phase to ensure a logical and orderly development of the whole subdivision. The subdivision improvement agreement executed by the subdivider for that map phase shall provide for the design and construction of all such required improvements. (Ord. 2012-01, 4-17-2012)

8-7G-11 Separate Dedications.

When completed outside of a dedication on a map, dedications may be required to be made by separate instrument with fees paid to cover the cost of processing. After receiving the instrument of dedication and accompanying title report, the city engineer shall approve or disapprove the instrument of dedication as to its suitability for recordation, specifically including a cover sheet, legal description, and map in eight and one-half inch by eleven inch (8 1/2" x 11") format. After approving an offer to dedicate, the city engineer shall notify the planning director to request original signed and notarized document(s) with the applicant's land surveyor's or registered civil engineer's original seal.

Offer of dedication shall be brought to the city council for consideration of acceptance or acknowledgment for later acceptance. (Ord. 2012-01, 4-17-2012)

8-7G-12 Waiver of Parcel Map

Where a parcel map is required by the subdivision map act or this chapter, but the subdivider seeks to waive this requirement, the following procedures shall apply:

A. Waiver Of Parcel Maps Generally: The planning director shall be the designated approving authority for the waiver of the requirements for the recordation of a parcel map. Such a waiver may be provided in any case when the land being divided consists of a lot or parcels shown on a recorded parcel map or final subdivision map and the full street improvements have been constructed or monumentation is evident, or where each of the lots has a gross acreage of forty (40) acres or more or each of which is a quarter-quarter section or larger. The designated approving authority may grant the waiver and will issue a certificate of compliance if:

1. The subdivider files an application with the planning director, including any fees required, verifying the existence of monumentation in the installation of street improvements;
2. The application contains a legal description for each of the lots to be created; and
3. The designated approving authority finds that the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title.

B. Waiver Of Parcel Maps For Condominiums:

City of Lemoore Municipal Code Title 8, Chapter 7 - Subdivision Ordinance

1. The planning director may waive the requirements for a final parcel map imposed by the subdivision map act for the construction of a condominium project on a single lawful parcel.
2. The procedure for determining whether such a waiver for a condominium is appropriate shall be initiated by an application for waiver filed with the planning director.
3. The application shall contain a legal description for the single lawful parcel and a description of the proposed condominium project.
4. The designated approving authority shall make a determination on the waiver request after review and recommendation by the public works director and city engineer.
5. If an application for waiver on a residential condominium project is filed contemporaneously with an application to adopt or amend a specific plan, then the application for waiver shall be first considered by the planning commission at a public hearing. After this hearing, the planning commission shall provide a written recommendation to the city council, which shall make the final determination on the application.
6. No applications for a waiver of the requirement for a tentative or parcel map for the construction of a condominium project on a single lawful parcel shall be granted unless it is found that the proposed division of land complies with the requirements of the subdivision map act and this code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the subdivision map act and this code. (Ord. 2012-01, 4-17-2012)

Article H

VESTING TENTATIVE MAPS

Sections:

8-7H-1	Purpose.
8-7H-2	Right to File a Vesting Tentative Map.
8-7H-3	Application for Vesting Tentative Map.
8-7H-4	Processing and Approving Authority.
8-7H-5	Development Rights Upon Approval.
8-7H-6	Filing and Processing of Final Vesting Map.
8-7H-7	Administration of Vested Rights.

8-7H-1 Purpose.

The purpose of this article is to establish the procedures for the submission, review, and action by the city of vesting tentative maps. These provisions supplement the standard of the subdivision map act. The intent of vesting tentative maps is to provide greater protection earlier in the development process by "locking in place" the ordinances, policies, and standards of the city at the time the application is deemed complete. (Ord. 2012-01, 4-17-2012)

8-7H-2 Right to File a Vesting Tentative Map.

Whenever a provision of the subdivision map act or this chapter requires the filing of a tentative map (e.g., a tentative subdivision map, tentative parcel map), a vesting tentative map may instead be filed. Such vesting tentative map shall be in accordance with the provisions of this article. 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 a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (Ord. 2012-01, 4-17-2012)

8-7H-3 Application for Vesting Tentative Map.

This section describes the required content and process for filing a vesting tentative map.

- A. Form And Content Consistent With Tentative Map Requirement: A vesting tentative map shall be filed in the same form and have the same content as required by this chapter for tentative maps. The application shall be filed in the same manner as tentative maps.
- B. Titled Vesting Tentative Map: At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map".
- C. Additional Submittal Requirements: At the time a vesting tentative subdivision map is filed, the subdivider shall also supply the following information to the city:
 1. Plans and studies for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in accordance with city standards and

approved by the city engineer, including, but not limited to, sewer, water, storm drainage, dry utilities (e.g., electrical, gas, and roads).

2. Plans for all site development, including, but not limited to, grading, drainage facilities, and miscellaneous structures, prepared by a registered civil engineer in accordance with city standards and approved by the city engineer.
3. Geological studies in such form as acceptable to the city engineer and the building official, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location.
4. Specific information on the uses to which the proposed buildings will be put.
5. The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations.
6. Architectural plans satisfactory for review by the city, including site plans, floor plans, exterior elevations, and other information necessary for building permit plan checks.
7. Landscape plans, including planting and irrigation details, and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for review by the city.
8. Traffic reports and analysis, in a form approved by the city engineer, if required.
9. Acoustical report, prepared by a licensed engineer in a form acceptable to the city, if in an area anticipated to be greater than sixty five decibels (65 dB) CNEL.
10. Flood control information and statements showing compliance with flood hazard regulations.
11. Such other exhibits, studies, and information that fully depict features of the development which the developer desires review for the purpose of approval concurrently with the vesting tentative map.

The city may request, and the applicant shall promptly furnish, information as may reasonably be necessary to enable the city to evaluate the vesting effect that would follow from approval of the map.

- D. Other Land Use Permits: If other discretionary land use approvals are required in connection with development under the vesting tentative map, the subdivider shall obtain such approval prior to, or process them concurrently with, the filing of the vesting tentative map. For purposes of this section, "discretionary land use approvals" shall include, but not be limited to, general plan amendments, zone district amendments, conditional use permits, and variances. (Ord. 2012-01, 4-17-2012)

8-7H-4 Processing and Approving Authority.

The processing of a vesting tentative map shall be the same as provided in this chapter for tentative maps. The designated approving authority for vesting tentative maps shall be the planning commission. Review and action on a vesting tentative map shall be limited to those ordinances, policies, and standards in effect at the date the city has determined the application to be complete. (Ord. 2012-01, 4-17-2012)

8-7H-5 Development Rights Upon Approval.

- A. Generally: The approval of a vesting tentative map by the city shall confer a vested right to apply for permits needed to proceed with development and have the city exercise its discretion to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to section 65943 of the Government Code.
- B. Disclaimers:
1. This article does not enlarge, diminish, or alter the power of the city to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.
 2. Nothing in this article removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any state or federal laws, regulations, or policies.
 3. In the event that section 66474.2 of the subdivision map act is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.
 4. Notwithstanding this article, the city may condition or deny a permit, extension, or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:
 - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required in order to comply with state or federal law. (Ord. 2012-01, 4-17-2012)

8-7H-6 Filing and Processing of Final Vesting Map.

A final vesting map shall be filed and processed in the same manner, form, and content, and shall be subject to the same fees prescribed for final maps and parcel maps as required by this chapter. The "initial life" for vesting tentative maps shall be the same as for tentative maps as provided in this chapter, and the life of a vesting tentative map may be extended as provided by this chapter. (Ord. 2012-01, 4-17-2012)

8-7H-7 Administration of Vested Rights.

- A. Concurrent Approvals: Approval of a vesting tentative map applies only to actions considered and approved by the designated approving authority. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

- B. Initial Life Of Vested Rights: The rights conferred by a vesting tentative map as provided by this article shall last for an initial period of one year after recording of the final map. This period may be extended as provided below.
- C. Extension Of Vested Rights Through Recording Of A Final Map: Where several final maps or final parcel 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 or final parcel map for that phase is recorded. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial vesting period shall begin for each phase on the date the final map for that phase is recorded.
- D. Extension Of Vested Rights Through Period For Subsequent Approvals: The initial time period shall be automatically extended by any time used by the local agency for processing a complete application for a grading permit or for design or architectural review, if the time used by the local agency to process the application exceeds thirty (30) days from the date that a complete application is filed.
- E. Extension Of Vested Rights By Moratorium Or Stay: Vesting rights shall automatically be extended any time during which a development moratorium or stay on the project is in effect.
- F. Automatic Extension Of Vested Rights: Vesting rights shall automatically be extended by any time used by a city department for processing a complete application for a grading permit or for design or architectural review, if the time used by the city exceeds thirty (30) days from the date a complete application is filed.
- G. Extension Of Vested Rights Through Building Permit: If the subdivider submits a complete application for a building permit during the periods of time specified above, the rights conferred by this article shall continue until the expiration of that permit, or any extension of that permit granted by the city.
- H. Termination Of Vested Rights: Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:
 - 1. A final map is not recorded within the initial life of the vesting tentative map unless a longer period is provided by state law, or an extension is granted as provided by this chapter.
 - 2. If a final map is recorded, the vesting rights shall end one year after the date of final map recordation as provided in subsection B of this section.
 - 3. The expiration of a building permit, including extension, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid. (Ord. 2012-01, 4-17-2012)

Article I

REVERSIONS

Sections:

8-7I-1	Purpose.
8-7I-2	Initiation of Reversion Proceedings.
8-7I-3	Review of Petition.
8-7I-4	Findings of Reversion.
8-7I-5	Conditions for Reversion
8-7I-6	Filing with County Recorder.
8-7I-7	Merging and Resubdividing without Reversion.
8-7I-8	Requirements for Parcel Mergers and Unmergers.

8-7I-1 Purpose.

The purpose of this article is to describe how subdivided property may be reverted to acreage, and merged and unmerged, pursuant to the provisions of the subdivision map act. (Ord. 2012-01, 4-17-2012)

8-7I-2 Initiation of Reversion Proceedings.

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the real property or by the city council on its own motion.

A. By Owners: In the case of initiation by the owners, the petition shall be submitted to the planning division and shall contain the following information:

1. Evidence of title to the real property within the subdivision.
2. A final map or parcel map consistent with the requirements of article G, "Final Maps And Parcel Maps", of this chapter, and which delineates dedications which will not be vacated, and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The purpose of this map is a reversion to acreage".
3. Such other additional data as required by the city.
4. Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the city council.

B. By City Council: The city council may, by resolution, initiate proceedings to revert property to acreage. The city council shall direct the planning director to obtain the necessary information to initiate and conduct the proceedings. (Ord. 2012-01, 4-17-2012)

8-7I-3 Review of Petition.

The notice, hearing, and procedural requirements for review of a tentative map requiring city council approval shall be followed in connection with the review of a proposed reversion to

acreage, provided that, upon the conclusion of the hearing before the city council, the city council may approve the reversion to acreage and take final action on the final map or parcel map. (Ord. 2012-01, 4-17-2012)

8-7I-4 Findings of Reversion.

Subdivided property may be reverted to acreage only if the city council finds that:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversions to acreage are unnecessary for present or prospective public purposes.
- B. Either:
 - 1. All owners of an interest in the real property within the subdivision have consented to reversion.
 - 2. None of the improvements required to be made have been made within two (2) years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later.
 - 3. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record. (Ord. 2012-01, 4-17-2012)

8-7I-5 Conditions for Reversion.

The city council may require the following as conditions of the reversion:

- A. The owners dedicate or offer to dedicate streets, public rights of way, or easements.
- B. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the subdivision map act or this chapter.
- C. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the subdivision map act or this chapter or necessary to protect the public health, safety, or welfare. (Ord. 2012-01, 4-17-2012)

8-7I-6 Filing with County Recorder.

Upon approval of the reversion to acreage, the city clerk shall transmit the final map or parcel map, together with the city council resolution approving the reversion, to the county recorder for recordation. Reversion shall be effective upon the final map or parcel map being filed for record by the county recorder. (Ord. 2012-01, 4-17-2012)

8-7I-7 Merging and Resubdividing without Reversion.

Except as provided in article E, "Voluntary Parcel Merger", of this chapter for merger of contiguous parcels under common ownership, subdivided lands may be merged and resubdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by this chapter and the subdivision map act. (Ord. 2012-01, 4-17-2012)

8-7I-8 Requirements for Parcel Mergers and Unmergers.

Except as provided otherwise in this article, the requirements for the merger and unmerger of parcels shall be as set forth in the subdivision map act. (Ord. 2012-01, 4-17-2012)

Article J

SUBDIVISION DESIGN STANDARDS

Sections:

8-7J-1	Purpose.
8-7J-2	Applicability of Standards and Review.
8-7J-3	General Lot and Block Design.
8-7J-4	Roadways and Access.
8-7J-5	Utilities and Services.
8-7J-6	Grading and Drainage.

8-7J-1 Purpose.

The purpose of this article is to establish specific design standards and requirements for the subdivision of land in the city, consistent with the goals and policies set forth in the general plan. (Ord. 2012-01, 4-17-2012)

8-7J-2 Applicability of Standards and Review.

The provisions of this article shall apply to all subdivisions, in addition to other standards of this code, including title 9, "Zoning", of the municipal code. The design of proposed subdivisions shall be reviewed for consistency with these standards as part of the review and consideration of the tentative map. (Ord. 2012-01, 4-17-2012)

8-7J-3 General Lot and Block Design.

- A. Lot Area: Proposed lots shall comply with the minimum lot area requirements, where applicable, for the underlying property as described in the general plan and zoning code.
- B. Lot Orientation: Subdivision design shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision as provided in section 66473.1 of the subdivision map act as follows:
 - 1. Passive or natural heating opportunities, such as lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.
 - 2. Passive or natural cooling opportunities, such as lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- C. Frontage, Width, And Depth:
 - 1. All lots shall have frontage on a public or private street.
 - 2. Proposed lots shall comply with the minimum frontage requirements, lot widths, and lot depths, as applicable, described in title 9, "Zoning", of the municipal code, for the property.
 - 3. Double frontage lots shall be avoided.

- D. Block Configuration: Blocks shall be designed to allow for adequate building sites for the type of use proposed; to allow for convenient pedestrian and vehicular circulation, access, traffic control and safety; and with regard to limitations created by topography.
1. Generally, maximum block length shall be 500 feet; except
 2. Blocks with single-family residential uses may be up to 600 feet long, or up to 750 feet long when mid-block pedestrian connections are provided.
- E. Development Density: The density of proposed development shall be consistent with the allowable density as described in the city's general plan and consistent zoning. (Ord. 2012-01, 4-17-2012)

8-7J-4 Roadways and Access.

A. Lot Access:

1. Each local street providing access to lots within a subdivision shall connect directly to or by way of one or more local streets to a collector street or arterial street.
2. Each route of access to collector streets or arterial streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses that it serves. However, residential subdivisions shall be designed to encourage vehicle speeds less than 25 miles per hour and traffic volumes less than 500 average daily traffic (500 ADT).
3. In determining the adequacy of a route of access, the deployment of fire equipment or other services under emergency conditions shall be considered.
4. A tentative map that makes use of a local street that passes through a predominantly residential neighborhood as a route of access to industrial, commercial, or other subdivisions generating traffic that would conflict with the residential character of the neighborhood may be denied.
5. A frontage road, or through or side-on lots, or other types of limited access layout may be required where a subdivision adjoins or contains an existing or proposed freeway or arterial street. To accomplish the purpose of this section, waivers of vehicular and pedestrian access rights to the freeway or arterial street will be required.

B. Roadway Network Design: The alignment of streets shown on a tentative map shall be consistent with the general plan and any applicable specific plan, and as follows:

1. Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivisions and to the logical continuation of existing streets where the adjoining land is not subdivided.
2. The realignment of streets in contemplation of the development, or use of adjoining property, and the provision of streets or dead end street extensions to facilitate the subdivision of adjoining property may be required.
3. Permanently dead ended streets (except cul-de-sacs as defined in these regulations) are prohibited. When a street is temporarily dead ended, a barricade or temporary turning area

or temporary connection to another street may be required. Permanent turnarounds may be required at the end of dead end streets where the future extension of the street is remote.

4. The use of cul-de-sacs shall be limited to no more than ten percent (10%) of the length of all streets in a subdivision.
 5. The use of loop out streets is encouraged over cul-de-sacs.
 6. All streets shall intersect or intercept each other so that for a distance of at least 100 feet back from the intersection all streets are approximately at right angles to each other.
 7. Street alignment shall provide for streets entering opposite each other to have their centerlines directly opposite. Where this is not possible, street jogs shall have a minimum centerline offset of 180 feet. No jogs shall interrupt the continuity of a major or collector street.
 8. A subdivision of 40 or more lots shall have at least two (2) points of ingress/egress, unless otherwise allowed by the designated approving authority. Additional points of ingress/egress may be required through the site plan review process for a subdivision of 100 or more lots.
 9. All street cross sections shall be consistent with those specified in the general plan.
- C. Roadway Design To Conform To City Improvement Standards: The design of public roads within subdivisions (e.g., roadway cross sections) shall conform to the City's adopted improvement standards and to the satisfaction of the City, unless expressly deviated at the time of approval of the tentative map, or where a special cross section is required to conform to an adopted planned street line, an applicable specific plan, an existing street, or cross sections in the general plan depending on surrounding conditions. (Ord. 2012-01, 4-17-2012)
- D. Sidewalks: All new residential subdivisions shall conform to the City's adopted improvement standards. The new subdivisions may utilize either parkway style sidewalks (e.g., sidewalks separated from the curb by a landscaped area), or "monolithic" or attached sidewalks. Either type of sidewalk must remain in compliance with the City's design standards. (Ord. 2018-03, 5-15-2018)
- E. Street Landscaping: Streets shall be provided within landscaping consistent with the City's adopted improvement standards and to the satisfaction of the City. Street trees (trees within the public right-of-way) shall be planted as required by title 9, chapter 5, article D1, "Landscaping Standards", of the municipal code. (Ord. 2012-01, 4-17-2012)

8-7J-5 Utilities and Services.

- A. Availability Of Service: All public utilities, including water, sewer, storm drainage, telecommunication, power, and gas, shall be of adequate capacity to meet the demand of the subdivision.
- B. Location Of Utilities: All public utilities shall be located either in the public right of way or in public utility easements of sufficient width as determined by the city engineer.
- C. Utilities To Be Undergrounded: 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 Public Works Director may waive this requirement upon finding that the undergrounding would not result in a public benefit.

- D. Centralized Mail Service: Where necessary, easements shall be provided for centralized postal service facilities within subdivisions. (Ord. 2012-01, 4-17-2012)

8-7J-6 Grading and Drainage.

- A. Grading: Grades of all streets shall be consistent with adequate surface drainage requirements and the approved grading plan of the proposed subdivision.
- B. Drainage: All lots shall be graded to provide adequate, positive drainage in accordance with the city's adopted improvement standards. Drainage across property lines will not be allowed unless the city engineer determines that there is no practical alternative and appropriate easements are provided to the satisfaction of the city engineer. Provisions shall be made during construction for proper erosion control, including the prevention of sedimentation or damage to off-site property. (Ord. 2012-01, 4-17-2012)

Article K

SURVEY AND MONUMENTS

Sections:

- | | |
|---------------|--|
| 8-7K-1 | Purpose. |
| 8-7K-2 | Survey Procedure and Practice. |
| 8-7K-3 | Survey and Monumentation Standards. |

8-7K-1 Purpose.

The purpose of this article is to provide the requirements and standards for survey work of, and placement of monumentation within, subdivisions at the time of final map or parcel map recordation. (Ord. 2012-01, 4-17-2012)

8-7K-2 Survey Procedure and Practice.

The procedure and practice for the survey of any land subject to a final map or parcel map shall conform to the standard practices and principles of land surveying, section 8771 of the business and professions code of the professional land surveyors' act , and the requirements listed below.

- A. Preparation Of Survey And Documentation: All documents related to the survey shall be signed by a California licensed land surveyor or registered civil engineer authorized to practice land surveying.
- B. Survey Monuments: Whenever the city has established a system of coordinates that is within a reasonable distance of the proposed subdivision, as determined by the city, the field survey shall be tied to the established monumentation system.
- C. Traverse: The traverse of the exterior boundaries of the subdivision computed from field measurements of the ground must close within a limit of error of one (1) foot to 10,000 feet of perimeter before balancing the survey.
- D. Field Documentation: When required by the city, the land surveyor or registered civil engineer authorized to practice land surveying preparing the survey shall prepare and submit to the city complete field notes, in a form satisfactory to the city engineer, showing references, ties, locations, elevations, and other necessary data relating to monuments. (Ord. 2012-01, 4-17-2012)

8-7K-3 Survey and Monumentation Standards.

In surveying the subdivision, the land surveyor or registered civil engineer authorized to practice land surveying shall set sufficient monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the land surveyor or registered civil engineer authorized to practice land surveying for all new subdivisions requiring a final map or parcel map, unless waived by the city engineer, in compliance with this section.

- A. Boundary Monuments:

1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.
 2. All exterior boundary monuments shall be set prior to recordation of the final map or parcel map, or as certified on the final map or parcel map.
- B. Interior Monuments: Whenever interior monuments are required, the monuments shall be set at:
1. All block and lot corners and angle points.
 2. The beginnings and ends of curves.
 3. Points of intersection with centerlines of other existing and proposed streets and alleys.
 4. The points of intersection with the exterior boundary lines.
- C. Monument Type And Position: All monuments set in the course of the survey shall be as specified by the city engineer and shall be set to the depth and in the manner prescribed by the city engineer.
- D. Identification Of Monuments: All monuments shall be permanently and visibly marked or tagged with the registration or license number of the land surveyor or registered civil engineer's authorized to practice land surveying who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.
- E. Replacement Of Damaged Or Destroyed Monuments: Any monument which is damaged or destroyed before acceptance of all improvements by the city shall be replaced by the land surveyor or registered civil engineer authorized to practice land surveying of record.
- F. Timing of Monument Installation: The timing of the installation of a monument shall be in compliance with sections 66495 and 66496 of the subdivision map act.
- G. Notice Of Completion: Within five (5) days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the subdivider and the city engineer that the final monuments have been set. Verification of payment to the land surveyor or registered civil engineer authorized to practice land surveying shall be filed as required by section 66497 of the subdivision map act. The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with subsection 8-7M-2C of this chapter. If security is provided for monumentation, this amount of the security may be released upon verification of the setting of the monuments by the city.
- H. Inspection And Approval: All monuments shall be subject to the inspection and approval of the city engineer.
- I. Survey Information To Be Shown On Final Map Or Parcel Map: The following survey information shall be shown on each final map or parcel map for which a field survey was made in compliance with this chapter:
1. Monuments (together with their precise position and description), or other evidence found on the ground, to determine the boundaries of the subdivision.

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2. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers, and pages of record, or by section, township, and range, or other proper designation.
3. The location and description of any required monuments to be set after recordation of the final map, and the statement that they are "to be set".
4. Bearing and length of each lot line, block line, and boundary line and each required bearing and distance.
5. Length, radius, and angle of each curve and tangent and the bearing of each radial line to each lot corner on each curve.
6. The centerlines of any street or alley in or adjoining the subdivision which have been established by the city, together with reference to a field book or map showing the centerline and the monuments which determine its position. If determined by ties, that fact shall be so stated.
7. Any other survey data or information as may be required to be shown by the city or by the provisions of this chapter. (Ord. 2012-01, 4-17-2012)

Article L

DEDICATIONS AND RESERVATIONS

Sections:

8-7L-1	Purpose.
8-7L-2	Dedications.
8-7L-3	Reservations.
8-7L-4	Dedications Made Outside of a Map.

8-7L-1 Purpose.

The purpose of this article is to identify a process for the city to require and accept, or reserve, dedications of land for public purposes, including streets, highways, drainage courses, public utility easements, other public easements, public school sites, and local transit facilities consistent with the subdivision map act. (Ord. 2012-01, 4-17-2012)

8-7L-2 Dedications.

- A. Overview: As a condition of approval of a tentative subdivision map or tentative parcel map, the city may require, to the extent permitted by applicable law, dedication, or irrevocable offer of dedication of real property within a subdivision for public use. For purposes of this article, dedications include, but are not limited to, streets, bikeways, parks, landscaping, recreation facilities, irrigation ditches, school sites, alleys, including access and abutter's rights, drainage, public utility easements, and other public easements.

The city may also require the design of a subdivision for which a tentative subdivision map or tentative parcel map is required to provide one or more cable television systems, duly franchised by the city, an opportunity to construct, install, and maintain on land identified on the map as dedicated or to be dedicated to public utility use any equipment necessary to extend cable television service to each residential parcel in the subdivision.

- B. Form Of Dedication: The form of dedications (easement or fee in title) shall be specified on the final or parcel map and be to the satisfaction of the city engineer.

1. If the dedication is required to be in fee for public purposes, the subdivider shall include the following language in the dedication clause on the final map or parcel map, or any separate instrument:

The real property described below is dedicated in fee for public purposes: (here insert a general description of the dedicated property that is adequate to convey the property).

2. If the dedication is required to be an easement for public purposes, the subdivider shall include the following language in the dedication clause on the final map or parcel map, or any separate instrument:

The real property described below is dedicated as an easement for public purposes: (here insert a general description of the easement that is adequate to convey the dedicated property).

- C. Acceptance Or Rejection Of Dedications: At the time the city council approves a final map or parcel map, it shall also accept, accept subject to improvement, or reject any offers of dedication. The city clerk shall certify or state on the final map or parcel map the action of the city council. Acceptance of offers of dedication on a final map or parcel map shall not be effective until the final map or parcel map is filed in the county recorder's office.
- D. Certificate For Dedications And Reconveyance:
1. The city shall record a certificate with the county recorder for all property which has been dedicated in fee for public purposes other than for open space, park, or schools. This certificate shall be attached to the final map or final parcel map and shall include:
 - a. Name and address of subdivider dedicating the property.
 - b. Legal description of the dedicated property.
 - c. A statement that the city shall reconvey the property to the subdivider if the city council determines that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.
 2. The subdivider may request the city to determine whether the same public purpose for which a dedication was required still exists. The city may charge the subdivider a fee in the amount reasonably required to make such determination.
 3. If the council determines that the same purpose for which a dedication was required does not exist, the city shall reconvey the property to the subdivider or his successor in interest, except any portion of the property required for that same public purpose or for public utilities. (Ord. 2012-01, 4-17-2012)

8-7L-3 Reservations.

- A. Overview Of Reservations: As a condition of approval of a tentative map or tentative parcel map, the city may require, to the extent permitted by law, that areas of real property within a subdivision be reserved for public use. For purposes of this article, such reservations include, but are not limited to, sites appropriate for parks, recreational facilities, fire stations, libraries, and other public uses.
- B. Standards For Reservations: Reservations required in connection with subdivision shall be subject to the following conditions:
1. The required reservation(s) shall be based on and in accordance with policies and standards for such public uses contained in the adopted general plan or any adopted specific plan.
 2. The reserved area(s) shall be of such size and shape as to permit the balance of the property within which the reservation(s) are located to develop in an orderly manner.
 3. The amount of land reserved shall not make development of the remaining land held by the subdivider economically unfeasible.

4. Each reserved area shall conform to the adopted general plan or any adopted specific plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event the city or other public agency does not acquire it within the time prescribed by subsection C1 of this section.

C. Reservation Procedures:

1. The public agency for whose benefit an area has been reserved shall, at the time of final map or final parcel map approval, enter into a binding agreement to acquire such reserved area within two (2) years after the completion and acceptance of all improvements. Such period of time may be extended by mutual agreement.

The purchase price for the reserved area shall be the market value thereof at the time of the filing of the tentative map or tentative parcel map, plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs on any loan covering the reserved area.

2. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in subsection C1 of this section, the reservation shall automatically terminate. (Ord. 2012-01, 4-17-2012)

8-7L-4 Dedications Made Outside of a Map.

When a dedication of easement or fee is made to the city and is not included as part of a final map or parcel map (e.g., off-site improvements), such dedications shall be offered through perfecting deed, exhibit map, and legal description with original land surveyor or registered civil engineer's stamp and notarized signatures. If the dedication(s) are needed for immediate use, the city council will consider accepting then recording. If dedications are needed for future use, the city council will consider acknowledging then recording documents. Fees shall be paid by the applicant to cover the cost of reviewing and processing all documents. (Ord. 2012-01, 4-17-2012)

Article M

IMPROVEMENTS

Sections:

8-7M-1	Purpose.
8-7M-2	Improvement Requirements and Plans.
8-7M-3	Oversizing Improvements.
8-7M-4	Improvement Deferral.

8-7M-1 Purpose.

The purpose of this article is to establish a review and permit process for the construction of physical improvements to land such as streets, sewers, and other utilities. The intent is also to establish a process for allowing a final map or parcel map to be recorded prior to the completion of required improvements upon execution of certain agreements and/or security. (Ord. 2012-01, 4-17-2012)

8-7M-2 Improvement Requirements and Plans.

- A. Applicability: After the approval of the final map or parcel map, or a land use permit or building permit requiring the installation of improvements, the subdivider shall construct or install all improvements in streets, alleys, pedestrian ways, bike paths and trails, channels, easements, and other rights of way as are necessary for the general use of the subdivision, to meet local traffic and drainage needs in accordance with the provisions of this article, and to satisfy the conditions of approval of the tentative map.
- B. Improvement Design: The construction of public improvements, including materials and methods, shall conform to the standard plans and specifications of the city as adopted by resolution of the city council.
- C. Review And Processing Of Improvement Plans: Before the construction of any improvements, the subdivider or developer shall submit plans to the city as follows:
 - 1. Preparation And Content: Improvement plans shall be prepared by a registered civil engineer licensed to practice in the state of California. Improvement plan submittals shall include the following information:
 - a. Any drawings, specifications, calculations, design reports, and other information required by the city engineer in compliance with the city's standard specifications and plans.
 - b. Utility master plans (water, sewer, and storm drainage) as approved by the public works director.

- c. Grading, drainage, erosion and sediment control, and a stormwater pollution prevention plan (SWPPP) for the entire subdivision for review and approval by the public works director.
 - d. Soils report, if not previously submitted.
 - e. Landscape and irrigation plans for any landscaping installed along streets or in public areas.
 - f. The improvement plan/specification checking, and construction inspection fees as required by resolution of the city council.
 - g. A detailed engineer's cost estimate of all improvements upon:
 - (1) The submittal of initial improvement plans.
 - (2) The approval of improvement plans.
2. Submittal Of Plans: Three (3) sets of improvement plans shall be submitted to the planning department, along with the application deposit as established by resolution of the city council.
3. Review And Approval: Improvement plans shall be reviewed and approved, conditionally approved, or denied by the planning director, public works director, and city engineer within the time limits provided by section 66456.2 of the subdivision map act. The city engineer will review the plans based on sound engineering practices, design standards, and applicable city policies. The public works director will review the plans to ensure conformance with the city's public works standards. The planning director will review the plans to determine compliance with the approved tentative map, conditions of approval, and the city's general plan and any applicable specific plans. Comments, if any, shall be forwarded to the subdivider in a timely manner.
4. AutoCAD file. Upon approval of plans, the developer shall submit an AutoCAD file (latest version) of all improvements for the City's incorporation into the City Geographic Information System.
5. Effect of Approval: The final approval of improvement plans shall generally be required before approval of a final map or parcel. The approval of improvement plans shall not bind the city to accept the improvements nor waive any defects in the improvements as installed.
6. Changes to Approved Plans: Any changes to approved plans shall be reviewed and action upon consistent with subsection G of this section.
- D. Timing of Improvements: Except as listed below, required improvements shall be constructed or otherwise installed after approval of the improvement plans and before the approval of the final map or parcel map, or before final building inspection or any certificate of occupancy.
- 1. Improvements are deferred in compliance with section 8-7M-4, "Improvement Deferral", of this article.
 - 2. Improvements are required as a condition of approval of a subdivision of four (4) or fewer lots, in which case improvements shall be as required under section 66411.1 of the subdivision map act.

- E. Inspection of Improvements: The city engineer shall make any inspections deemed necessary to ensure that all construction complies with the approved improvement plans. Where required by the city engineer, the developer shall enter into an agreement with the city to pay the full cost of any contract inspection services determined to be necessary by the city engineer.
- F. Correction of Deficiencies: The developer shall be responsible for correcting any deficiencies identified during the construction process.
- G. Revisions To Approved Plans: Revisions to approved improvement plans may be proposed, and shall be reviewed and approved or disapproved by the city engineer as follows:
 - 1. Requests by the subdivider or project engineer for revisions to the approved plans shall be submitted in writing to the city engineer and shall be accompanied by revised drawing(s) showing the proposed revision. If the revision is acceptable, the original shall be returned to the subdivider and project engineer for revising. The revised plans shall be immediately transmitted to the city engineer for initialing. Construction of any proposed revision will not be permitted to commence until revised plans have been initialed by the city engineer.
 - 2. When revisions are deemed necessary by the city engineer to protect public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider and project engineer. The subdivider's engineer shall revise the plans and transmit the original to the city engineer for initialing within the time specified by the city engineer.
- H. Acceptance Of Improvements:
 - 1. Verification: Before acceptance for maintenance or final approval by the city council of development improvements, the city engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications, and the developer shall provide deeds for dedication of easements or rights of way.
 - 2. Acceptance: After all items are completed and all items on the deficiency list have been corrected and as built improvement plans received, the city council shall accept the subdivision improvements.
 - 3. Notice Of Completion: If the subdivision is accepted by the city, the city clerk shall file a notice of completion with the county recorder. (Ord. 2012-01, 4-17-2012)

8-7M-3 Oversizing Improvements.

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity, or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such a condition is imposed, provision for reimbursement to the subdivider in the manner provided by section 66486 of the subdivision map act will be contained in the subdivision improvement agreement or in a separate reimbursement agreement between the city and the subdivider. (Ord. 2012-01, 4-17-2012)

8-7M-4 Improvement Deferral.

- A. Right To Defer Improvements And Requirement To Enter Into Improvement Agreement: Prior to approval of the final map, all public improvements shall be completed in accordance with approved improvement plans to the satisfaction of the city engineer or, as a condition of the final map, the subdivider shall enter into a subdivision improvement agreement with the city, in the form prepared by and approved by the city, to ensure timely completion of the improvements at his expense. All public improvements required by the agreement shall be completed to the satisfaction of the city engineer prior to the occupancy of any structures in the subdivision.
- B. Form, Filing, And Term Of Improvement Agreement:
1. The improvement agreement shall be in writing, shall be approved as to form by the city attorney, and shall be secured and conditioned as provided in this section. An acknowledged abstract of said agreement shall be recorded simultaneously with the final map or the parcel map.
 2. The recorded improvement agreement shall be on file with the city clerk prior to recordation of the final map or parcel map.
 3. The term of the improvement agreement shall begin on the date of filing of the final map or parcel map and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the city engineer.
- C. Minimum Requirements For Improvement Agreement: The improvement agreement shall include all of the following provisions as minimum terms and conditions of the agreement:
1. Mutually agreeable terms to complete all required improvements at the subdivider's expense.
 2. A provision that the subdivider shall comply with all requirements of these regulations, of this code, and of other applicable laws, and with all terms and conditions of required improvement permits.
 3. A statement indicating a period of time, satisfactory to the city engineer, within which the subdivider shall complete all improvement work.
 4. A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the city may, at its option, complete the required improvement work and the subdivider and his or her surety shall be firmly bound under a continuing obligation for payment of the full cost and expense incurred or expended by the city in completing such work.
 5. Provision for the repair and replacement of defective material and workmanship of said improvements by the subdivider for a period of twelve (12) months after the improvements have been accepted by the city engineer.
 6. Provision for the inspection of all improvements of the subdivision by the city engineer for a period of twelve (12) months after said improvement acceptance date.
 7. A provision guaranteeing payment to the city for all engineering and inspection costs and fees and all other incidental expenses incurred by the city.

8. A description of all lands within the exterior boundaries of the subdivision.
- D. Optional Components For Improvement Agreement: The improvement agreement may also include the following provisions and other additional items, terms, and conditions as may be determined necessary by the city to carry out the intent and purposes of these regulations:
1. Provision for the repair, at the subdivider's expense, of any damage to public streets that may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes.
 2. Mutually agreeable terms to acquire public easements or dedications that are outside the boundaries of the subdivision at the subdivider's expense.
 3. Mutually agreeable terms to improve, at some undetermined future date, easements or dedications offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate cash bond in the manner prescribed by subsection E of this section; and further providing that only the requirements of this provision shall not delay the release of any other improvement security provided pursuant to this article.
 4. Provision for reimbursement to be paid to the subdivider under the provisions of section 66486 of the subdivision map act.
 5. Provision for the setting of required monuments after the recordation of the final map or parcel map.
 6. Provision for the method of payment of any fees imposed by this article.
- E. Improvement Security: Where an improvement agreement is entered into prior to the recordation of a final map or parcel map, the improvements shall be secured by the subdivider as part of the improvement agreement. Improvement security shall be provided and released consistent with the requirements below.
1. Form Of Security: Security shall be provided in one or more of the following forms, consistent with section 66499 of the subdivision map act and in a form satisfactory to the city:
 - a. Bond or bonds by one or more duly authorized corporate sureties.
 - b. A deposit, either with the city or a responsible escrow agent or trust company, at the opinion of the city, of money or negotiable bonds of the kind approved for securing deposits of public monies.
 - c. An instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least twenty percent (20%) of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.

2. Amount Of Security: Security shall be provided in the following amounts:
 - a. Performance security (performance): An amount of one hundred percent (100%) of the total city engineer approved estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed.
 - b. Payment security (labor and materials): An amount of fifty percent (50%) of the total city engineer approved estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts.
 - c. Warranty security: An amount of ten percent (10%) of the total city engineer approved estimated cost of the improvement to be necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.
3. Changes In Approved Improvements: When the approved improvement plans are changed and are to be approved by the city after surety is provided, the approval of the changes shall be conditioned, and shall not be fully exercised, until the surety is modified consistently. No increase in surety shall be required if the changes do not exceed ten percent (10%) of the original estimated costs of the improvements.
4. Nonprofit California Corporations: Pursuant to section 66499.3 of the subdivision map act, entities that are California nonprofit corporations, funded by the United States Of America or one of its agencies, or funded by the state of California or one of its agencies, are exempt from the requirements of subsections E1a and E1b of this section, provided they meet and fulfill the alternative security requirements specified in section 66499.3(c) of the subdivision map act.
5. Release Of Improvement Security Generally: Improvement security shall be released upon completion of the improvements as follows:
 - a. Performance Security: The performance security shall be released only upon completion or fulfillment of all terms and conditions of the improvement agreement and acceptance by the city engineer. Such acceptance shall occur when the certificate of completion is signed by the city engineer. If a warranty security is not submitted, performance security shall be released twelve (12) months after acceptance of improvements and correction of all warranty deficiencies.
 - b. Payment Security: Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvements by the city, be reduced to an amount equal to the amount of all claims filed and of which notice has been given to the city. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

- c. Warranty Security: The warranty security shall be released upon satisfactory completion of the warranty period, provided that all warranty deficiencies have been corrected.
 - d. Release Not Applicable To: Pursuant to sections 66499.7 and 66499.9 of the subdivision map act, the release of improvement security as set forth above shall not apply to any costs, reasonable expenses, or fees, including reasonable attorney fees.
6. Release Of Security Through Assessment District Proceedings: If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security of the subdivider may be reduced by the city by the amount corresponding to the amount of such bonds furnished by the contractor. See title 7, chapter 10, "City Maintenance Districts", of the municipal code for details regarding establishment and use of maintenance and assessment districts. (Ord. 2012-01, 4-17-2012)

Article N

DEDICATIONS OF LAND FOR PARKS AND RECREATION FACILITIES

Sections:

8-7N-1	Purpose.
8-7N-2	Requirements and Exemptions.
8-7N-3	Standards and Formulas for Dedication of Park Land.
8-7N-4	Fees in Lieu of New Development Park Land Dedication.
8-7N-5	Fees for Citywide Park Land.
8-7N-6	Time Schedule for Use of Land and Fees.
8-7N-7	Credit for Private Open Space.
8-7N-8	Sale of Dedicated Land.
8-7N-9	Phased Final Maps and Parcel Maps.
8-7N-10	Off Site Dedication.

8-7N-1 Purpose.

This article is enacted pursuant to the authority granted by section 66477 of the subdivision map act. The park and recreational facilities for which dedication of land and/or payment of fee is required shall be in accordance with the parks, schools, and community facilities element of the general plan. Land dedication under this article shall conform to the city general plan, to any adopted specific plan, and to the applicable provisions of section 66477 of the subdivision map act. (Ord. 2012-01, 4-17-2012)

8-7N-2 Requirements and Exemptions.

A. Park Land Required: As a condition of approval of a final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes at the time and according to the standards and formula contained in this article.

This requirement for land dedication and/or in-lieu fee shall be separate from any park impact fee established by resolution of the city council to address improvements to existing parks and construction of new parks as is necessary to support the increase in population provided through new development.

B. Exemptions: The provisions of this article shall not apply to subdivisions:

1. Not used for residential purposes, provided, however, that a condition shall be placed on the approval of such subdivision that if a building permit is requested for construction of a residential structure or structure on one or more of the parcels within four (4) years of the filing of the map, the owner of each such parcel shall be required to pay an in-lieu fee

pursuant to this article, calculated as of the date the building permit is issued, as a condition to the issuance of a building permit; a note to this effect shall be placed on the final map.

2. To permit separate ownership of two (2) or more existing residential dwelling units when all such units are more than five (5) years old, and no new units are added. (Ord. 2012-01, 4-17-2012)

8-7N-3 Standards and Formulas for Dedication of Park Land.

- A. Dedication Standards: It is found and determined that the public interest, convenience, health, welfare, and safety require that no less than six (6) acres of property for each 1,000 persons residing within the city be devoted to local recreation and park purposes. This standard shall be broken down as follows:
 1. New Development Park Land: A standard of five (5) acres per each 1,000 persons for landscaped open spaces, parks, trail systems, and/or special community service facilities in new residential developments.
 2. Citywide Park Land: A standard of one acre per each 1,000 persons, to be met with an impact fee, for city owned and operated parks and special recreation areas that serve all residents.
- B. When Park Land Dedication Is Required: Where a recreational or park facility has been designated in the general plan or a specific plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local recreation or park facility sufficient in size and topography to serve the residents of the subdivision.
- C. Calculation Of Required Park Land Dedication For New Development:
 1. The amount of land to be dedicated shall be determined according to the formula $D \times F = A$ in which:
D = the number of dwelling units
F = a "factor" herein described
A = the buildable acres to be dedicated
 2. A "buildable acre" is a typical acre of the subdivision, with a slope less than ten percent (10%), and located in other than an area on which building is excluded because of flooding, public rights of way, easements, or other restrictions.
 3. The factors below are constants that, when multiplied by the number of dwelling units permitted in the subject area, will produce five (5) acres of new development park land per 1,000 population:
FS = .0160 relating to single-family dwelling units
FT = .0148 relating to two-family dwelling units
FM = .0127 relating to multiple-family dwelling units
Fmh = .0174 relating to mobilehome dwelling units

4. The factors in subsection C3 of this section shall be updated from time to time with the latest data available from the United States census which has a low margin of error. As of the 2000 census, this information was available from tables H032 (tenure by units in structure) and H033 (total population in occupied housing units by tenure by units in structure) of summary file 3.

The factors shall be calculated based upon the following equation:

5 acres	= Park factor
$(1,000 \div \text{Household Size})$	

The household size shall be determined based upon the total population in each dwelling category (table H033) divided by the total number of occupied units in that dwelling category (table H032).

Note that the census uses a greater range of unit types than that used in this article. Table 8-7N-3-C-1 of this section describes how the census unit types are converted into the four (4) unit types used in this article.

**TABLE 8-7N-3-C-1
CENSUS UNITS CONVERSION TO PARK LAND UNITS**

Census Unit Type	Park Land Factor Unit Type
1, detached 1, attached	Single-family dwelling
2	Two-family dwelling
3 or 4 5 to 9 10 to 19 20 to 49 50 or more	Multi-family dwelling
Mobilehome	Mobilehome dwelling
Boat, RV, van, etc.	Not used

- D. Determination Of The Number Of Dwelling Units On Multi-Family Parcels: Unless the subdivider enters into an agreement with the city for a lower density, the number of dwelling units on multi-family parcels shall be based on the maximum development potential allowed by right based upon the general plan land use map and the gross acreage of the parcel.
- E. Required Improvements On Dedicated Land: The subdivider shall provide all of the following prior to the city accepting the park land dedication:
 1. Provide full street improvements, including, but not limited to, curbs, gutters, street paving, traffic control devices, streetlights, and sidewalks, to land which is dedicated pursuant to this article.
 2. Provide improved surface drainage through the site.

3. Provide other improvements which the designated approving authority determines to be essential to the acceptance of the land for recreational purposes. (Ord. 2012-01, 4-17-2012)

8-7N-4 Fees in Lieu of New Development Park Land Dedication.

A. Ability To Pay Fee: A new development may pay a fee in lieu of dedicating land for park land if:

1. There is no park or recreational facility designated in the city's general plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, and/or where the designed approving authority requires the payment of in-lieu fees.
2. The proposed subdivision contains 50 parcels or less.

B. Formula For Fees: When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value as described below, plus 48 percent for off-site improvements such as utility line extensions, curb, gutter, and pavement, and streetlights.

For purposes of calculating the in-lieu fee under this section, the fair market value shall be determined in the following manner:

1. The subdivider shall request that an appraisal be prepared pursuant to the procedures set forth below and shall pay the in- lieu fee based upon the fair market value established in that appraisal.
2. Upon request of the subdivider, the city shall cause an appraisal to be made. The appraisal shall be made at the subdivider's expense, payable to the city in advance, by a person on the city's list of approved appraisers, who will be qualified as a certified general real estate appraiser by the California office of real estate appraisers and shall meet the standards specified in the uniform standards of professional appraisal practice. The appraiser shall appraise the property at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid off in full prior to the date of appraisal. Factors to be considered during the evaluation shall include the following:
 - a. Conditions of the tentative map.
 - b. The general plan.
 - c. Zoning and density.
 - d. Property location.
 - e. Off-site improvements facilitating use of the property.
 - f. Site characteristics of the property.
 - g. Existing public improvements.

The appraisal shall value the property as of a date no earlier than 90 days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal shall clearly state the fair market value of the property.

- C. Use Of Fees: Fees collected pursuant to this section shall be used and expended solely for the acquisition, improvement, and expansion of the public parks, playgrounds, and recreational facilities reasonably related to serve the needs of the residents of the proposed subdivision. (Ord. 2012-01, 4-17-2012)

8-7N-5 Fees for Citywide Park Land.

The city has, through its general plan, established a goal of providing one acre for each 1,000 persons for city owned and operated parks and special recreation areas that serve all residents. This requirement shall be satisfied through the payment of a fee in lieu of any dedication requirement. The fee shall be as established by resolution of the city council. (Ord. 2012-01, 4-17-2012)

8-7N-6 Time Schedule for Use of Land and Fees.

Any fee collected under this article shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision. (Ord. 2012-01, 4-17-2012)

8-7N-7 Credit for Private Open Space.

The city may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in section 11003 of the Business And Professions Code, condominiums as defined in section 783 of the Civil Code, and other common interest developments, as provided in this section.

- A. Amount Of Credit: Credit shall not exceed 25 percent of the total required dedication or fee, or both, otherwise required by this article for the subdivision, and shall be deducted from the dedication or fees, or both, otherwise required.
- B. Qualifying Credits: The city allows all of the following land or facilities as private open space credit, provided such land or facilities are held in a recorded easement by the city:
1. "Open spaces", which are generally defined as parks, extensive areas with tree coverage, when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of 20,000 square feet.
 2. "Court areas", which are generally defined as tennis courts, badminton courts, shuffleboard courts, or similar hard surfaced areas especially designed and exclusively used for court games.
 3. "Recreational swimming areas", which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawn area, bathhouse, or other facilities developed and used exclusively for swimming and diving.
 4. Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.
 5. "Special areas", which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle/bicycle trails, including pedestrian walkways separated from public roads, planting strips, improved access or right of way in excess of

requirements, and similar type open space or recreational facilities which, in the sole judgment of the city, qualifies for a credit.

- C. Procedure For Allowing Credit: Credit under this section may be allowed at the discretion of the designated approving authority for the subdivision at the time of tentative map approval if it can be shown that the allowance of the credit is consistent with the policies of the general plan. (Ord. 2012-01, 4-17-2012)

8-7N-8 Sale of Dedicated Land.

If, during the period between dedication of land for park purposes and the commencement of first stage development, circumstances arise that indicate that another site would be more suitable for park or recreational purposes serving the subdivision, by mutual agreement of the subdivider or owner and the city council, the land may be sold upon the approval of the city council, with the resultant funds being used for the purchase of a more suitable site. (Ord. 2012-01, 4-17-2012)

8-7N-9 Phased Final Maps and Parcel Maps.

If the proposed subdivision is recorded through the use of phased final maps or parcel maps, as provided by this chapter, requirement for dedication of lands for public parks and recreation facilities or in-lieu payment shall be required on a proportional share of the area subject to the phased map versus the overall approved project. The planning director shall, at the time of filing of each phased map, recalculate the amount of land required to be dedicated in accordance with this article, based on the land area and units included in the proposed final map or parcel map. Nothing in this section shall preclude the subdivider from satisfying the requirements of this article as part of the first phased map. However, in no instance shall the dedication accepted by the city or in-lieu fees collected by the city for the subdivision be less than the proportional requirement that has been recorded. (Ord. 2012-01, 4-17-2012)

8-7N-10 Off Site Dedication.

Dedication of land outside of the subdivision may be authorized by the city by action on the tentative map and be credited toward the developer's park land dedication requirement pursuant to this article. (Ord. 2012-01, 4-17-2012)

Article O

URBAN LOT SPLIT PARCEL MAP

Sections:

- 8-7O-1 Purpose and Scope.**
- 8-7O-2 Application.**
- 8-7O-3 Approval.**
- 8-7O-4 Location requirements.**
- 8-7O-5 Design and improvement requirements.**
- 8-7O-6 Access standards.**
- 8-7O-7 Map requirements.**
- 8-7O-8 Concurrent processing with other permits.**
- 8-7O-9 Prohibition of further subdivision.**

8-7O-1 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 RN and RLMD, under section 9-3-2 of title 9 “Zoning” municipal code, to create no more than two new parcels.

8-7O-2 Application.

- A. A completed application form, of which the blank form shall be provided by the planning department.
- B. One (1) copy of the urban lot split parcel map, consistent with the requirements of section 8-7O-7 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 planning 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 planning department.

8-7O-3 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.

8-7O-4 Location requirements.

- A. The parcel is located in one of the following single-family residential zoning districts AR, RVLD, RLD, RN or RLMD, as defined in Title 9, 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.

8-7O-5 Design and 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 Lemoore design standards. All storm drainage facilities must be designed and constructed in compliance with this code and City of Lemoore 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 Lemoore 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 Lemoore 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.

8-7O-6 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.

8-7O-7 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 8-7G-4.
- 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 uses.
 - 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.

8-7O-8 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.

8-7O-9 Prohibition of further subdivision.

A lot created by a parcel map under this article may not be further subdivided.