

Visalia City Council Agenda



For the regular meeting of: Monday, December 5, 2005

Location: City Hall Council Chambers

Mayor: Jesus J. Gamboa
Vice Mayor: Greg Kirkpatrick
Council Member: Greg Collins
Council Member: Donald K. Landers
Council Member: Bob Link

All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion on any item on the Consent Calendar, please contact the City Clerk who will then request that Council make the item part of the regular agenda.

Employee Introductions:

Introduction of Sandra Cloyd, Support Services Assistant, Community Development & Public Works Department.

Gus Aiello, Finance Manager, introduces Kari Blofsky, Financial Analyst and Kortney Langley, Administrative Analyst.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

1. Presentation by College of the Sequoias President Don Goodyear, "COS at a Critical Junction...balancing community needs with District resources."
2. Presentation of COS Bond Measure Survey Results and recommendation to support a bond effort should the COS Board choose to place a bond on a 2006 ballot.

**Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.*

ITEMS OF INTEREST

CLOSED SESSION

6:00 p.m. (Or, immediately following Work Session)

3. Public Employment
Title: Public Works Director
Assistant City Manager

4. Conference with Real Property Negotiators
Property: 830 E. Roosevelt Avenue
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salmon, Bob Nance or David Jacobs, William & Joann Bawks
5. Conference with Real Property Negotiators
Property: 416 E. School Street and 1134 E. Center Avenue
Under Negotiation: Price, terms, conditions of potential purchase and sale agreement
Negotiators: Steve Salomon, Bob Nance, Charles Wensley, Present and General Manager of Viking Ready Mix Co., Inc.
6. Conference with Real Property Negotiators
Property: 120 W. Center St.
Under Negotiation: Price, terms, conditions for potential inclusion in a purchase and sale agreement
Negotiators: Steve Salomon, Eric Frost, Bob Nance, Michael L. Farley of Farley Law Firm
7. Conference with Real Property Negotiators
Property: portion of a parcel located at the northeast corner of Hurley Avenue and Shirk Street; 6750 W. Hurley Avenue; APN 085-020-062
Under Negotiation: Price, terms, conditions of right-of-way acquisition for the widening of Hurley Avenue and Shirk Street associated with the Stonegate Estates subdivision
Negotiators: Steve Salomon, Doug Damko, Warren and Alisa Gubler
8. Conference with Real Property Negotiators
Property: northeast corner of Road 76 and Ferguson Avenue
Under Negotiation: Price, terms, conditions for inclusion in a potential purchase and sale agreement
Negotiators: Steve Salomon, Andrew Benelli, Larry Montgomery of the Allen Group

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION -

SPECIAL PRESENTATIONS/RECOGNITION

Special Presentation to P.A.L. (Police Activities League) from Visalia Sunset Rotary.

CITIZENS REQUESTS - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item for discussion purposes. Comments related to Regular or Public Hearing Items listed on this agenda will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment. The Council Members ask that you keep your comments brief and

positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight. In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (speaker timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your address.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

9. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) City Council authorization to send Letter of Concerns regarding the San Joaquin Valley Unified Air Pollution Control District Board Proposed Draft Rule 9510 and Rule 3180 (Indirect Source Rule.)
 - c) Appointment of Adam Peck to serve as a Planning Commissioner to fill the unexpired term of Doug Thompson and direct staff to begin the recruitment process for a new alternate.
 - d) Authorization to award the purchase of six natural gas powered refuse trucks to Central Valley Kenworth and Ruckstell California Sales for the purchase price of \$1,510,660.
 - e) Authorization to appropriate \$26,946.65 in asset forfeiture funds and authorize the purchase of 26 Taser X26 units.
 - f) Review and provide direction on the City's bank account with Visalia Community Bank.
 - g) Authorization to purchase seven (7) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$365,646 each for a total of \$2,559,522.
 - h) Authorize the expenditure of \$1,146,695.56 to San Joaquin Valley Railroad from the Capital Improvement Program for the upgrade to the existing railroad crossings and tracks at Oak Avenue and Tipton Street, Caldwell Avenue west of Santa Fe Street and Pinkham Street north of K Avenue. Project Nos. 1111-00000-720000-0-9682-2004 (Oak Avenue), 1241-00000-720000-0-9211-2004 (Caldwell Avenue) and 1241-00000-720000-0-9723-2005 (Pinkham Street.)
 - i) Request authorization to accept a portion of the "Irrevocable Offer to Dedicate Real Property" for Cameron Avenue right-of-way for public right of way purposes as offered by the Visalia Church of Christ per Document No. 92-072398 generally located on the Cameron Avenue alignment east of Court Street; **Resolution 2005-170 required.**

j) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation* of the final map(s) related thereto (if applicable):

1. Authorize the Recordation of the Final Map for Salierno Estates, located at the southeast corner of Cameron Avenue and Court Street (76 lots) and the Formation of Landscape and Lighting District No. 05-27, Salierno Estates; **Resolution 2005-71 and 2005-172 required.** APN: 126-100-029 & 030.
2. Authorize the Recordation of the Final Map for Sterling Oaks Unit #1, located at the Southeast corner of Demaree Street and Riggin Ave (91 lots) and the Formation of Landscape & Lighting District No. 05-23, Sterling Oaks Units 1 through 2 (208 lots); **Resolution 2005-173 and 2005-174 required.**
3. Authorize the Recordation of the Final Map for Wild Horse Ranch #1, located Northwest corner of Demaree Street and Riverway Ave, (46 Lots) and the Formation of Landscape and Lighting District No. 05-24, Wild Horse Ranch #1 & 2 (60 Lots) **Resolution 2005-174 and 2005-175 required;** APN: 077-050-016.

k) Authorization to record the final map for the following:

1. Pheasant Ridge Unit No. 2 Phase 1 Subdivision located East of Shirk at Delaware Court. APN: 077-100-067.
2. Wild Horse Ranch #2, located Northwest corner of Demaree Street and Riverway Ave, (16 Lots), APN: 077-050-15.
3. Final map for Stonegate Estates, located on the east side of Shirk Street 300 feet north of Hurley Avenue (8 lots) APN: 085-020-029.

l) Authorization to file Notice of Completion for the following:

1. Giddings Heights, Unit No. 5 Subdivision, containing 47 lots, located on the north side of Ferguson Ave. between Dinuba Blvd. and Giddings Street.
2. Eagle Glen Unit No. 2 Subdivision, containing 55 lots, located at the Northeast corner of McAuliff Street and Walnut Avenue.
3. Eagle Glen Unit No. 3 Subdivision, containing 22 lots, located at the Northeast corner of McAuliff Street and Walnut Avenue.
4. Crossroads Subdivision, containing 28 lots, located on the east side of Pinkham Street at La Vida Avenue between K Road and Caldwell Avenue.

m) **Introduction of the following Ordinance(s):**

1. **Ordinance 2005-23** authorizing the lease of .68 acres of property at the Visalia Municipal Airport to Optimal Aviation Services, LLC for the purpose of constructing an Aircraft Storage Facility.
2. **Ordinance 2005-24** for Construction and Demolition Recycling Ordinance (Chapter 8.29) to increase the recycling and reuse of construction and demolition debris.

n) **Second Reading of the following Ordinance(s):**

1. **Ordinance 2005-21** for the Authorization to sell parts of APN #'s 098-070-031; 098-070-014; 098-070-022, 321 North Lovers Lane, totaling 11.17 acres to the Visalia Unified School District for the sale price of \$893,600.00 for development of an elementary school.

10. PUBLIC HEARING -

- a. Certification of Negative Declaration No. 2005-35, **Resolution 2005-164 required.** (*A separate Motion by the Council is required.*)
- b. Initiation of Annexation 2005-06, Houston Ave. Island, generally located on the south side of Houston Ave., between Lovers Lane and Simon, **Resolution 2005-165 required.**

11. PUBLIC HEARING -

- a) Certify Negative Declaration No. 2005-103, **Resolution 2005-177 required.** (*A separate Motion by the Council is required.*)
- b) Consider the Appeal of the Planning Commission's Denial of Riverbend Estates Tentative Subdivision Map 5500, a request by Del Valle Capital Corporation to divide 25.3 acres into 111 numbered lots for single-family residence uses and six lettered lots for common areas facilities. **Resolution 2005-178 required.**

The site is located on the south side of Goshen Avenue, between Cain Street and Lovers Lane (APN: 098-142-003, 047.)

12. PUBLIC HEARING - Appeal of Planning Commission Denial of Variance No. 2005-14, a request by Sierra Designs to allow a Variance from the four-foot fence height limit within the front yard setback in the R-A zone. The site is located at 1725 Roeben Street (APN 087-442-005). **Resolution 2005-163 required.**

13. PUBLIC HEARING -

- a) Certification of Negative Declaration No. 2005-118. **Resolution 2005-168 required.** (*A separate Motion by the Council is required.*)
- b) Initiation of Proceedings for Annexation No. 2005-16 (Walnut-Shirk SE): a request by Boyd R. Oakley (Forester Weber & Assoc., agent) to annex two parcels and right-of-way totaling 20.41 acres into the City limits of Visalia. The site is located on the southeast corner of Walnut Avenue and Shirk Street, City of Visalia, County of Tulare. (APN: 119-540-017, 119-620-008). **Resolution 2005-169 required.**

14. PUBLIC HEARING -

- a) Certify Negative Declaration No. 2005-111. **Resolution 2005-166 required.** (*A separate Motion by the Council is required.*)
- b) General Plan Amendment No. 2005-18 is a request by Vernon F. Phan to change the General Plan land use designation from Residential High Density to Convenience

Commercial on .32 acre. The project site is located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010). **Resolution 2005-167 required.**

- c) **Introduction of Ordinance 2005-22** for Change of Zone No. 2005-19, a request by Vernon F. Phan to change the Zoning from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial) on .32 acre. The project site is located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010).

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, December 19, 2005

Work Session 4:00 p.m.

Regular Session 7:00 p.m.

City Hall Council Chambers

707 West Acequia Avenue

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Presentation of COS bond survey results and recommendation to support a bond effort should the COS Board choose to place a bond on a 2006 ballot.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Steve Salomon, 713-4512, Leslie Caviglia, 713-4317

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session
Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 20

Department Recommendation and Summary:

Recommendation: It is recommended that the Visalia City Council support the COS Board should the Board choose to place a bond on the ballot in 2006.

Summary: Last March, the Council met with the COS Board and the City Councils of Tulare and Hanford to discuss areas of mutual interest, especially how to address the capital needs of COS in order to meet the growing educational needs in this two county area. As part of those discussions, the Visalia City Council agreed to pay half the cost (\$12,500) to have Fairbanks, Maslin, Maullin & Associates conduct a survey to assess voter support for a bond measure.

The survey was conducted in October, and the results were presented to the COS Board in November. The survey tested voter support for an \$87 million community college bond measure that would build education centers in Tulare and Hanford, build a public 4-year college center in Visalia where higher education classes leading to bachelor degrees could be held, a distance learning center in Corcoran, upgrade the computer technology and repair aging classrooms. The results indicate that voters support the college, understand that the college has significant unmet capital needs, and would support a bond if it addresses the appropriate unmet needs.

If the College puts a measure on the ballot, it would require 55% voter approval in order to pass.

Some of the key survey indicators that indicate voter support for from the survey are:

*60% initially said they would definitely or probably vote yes for an \$87 million bond. These numbers rose to 63% after positive statements about the bond and dropped to 58% after negative statements about the bond were presented.

*58% initially said they would vote yes if it cost \$16 per \$100,000 of assessed value to pay for the bond.

*80% said state funding cuts to local government for essential services like education, health care and public safety are an extremely or somewhat serious problem

*71% said that cuts in state funding to community colleges is an extremely or somewhat serious problem

*65% said COS is doing an excellent/good job, a higher approval rating than Fresno State or Cal Poly, SLO.

*87% said that it was very or somewhat accurate that residents throughout our area, in addition to Visalia, need access to educational and training opportunities

*In a series of questions, more than 70% said that building facilities for nursing and healthcare training, upgrades for computer technology, safety equipment and maintenance, upgrades to electrical systems and removal of hazardous materials from the classrooms were extremely important.

*81% said expanding training for firefighters and police officers to ensure that our community has effective public safety services

As the attached November presentation indicates, voter support is stronger since the last poll in 2003, with voters more willing to support the measure and more understanding of the issues that confront the community college district.

Election Options: One of the options to the community college district is to divide the district into smaller voting units based on high school area boundaries. If the district wants, they could pose separate questions to voters in the Tulare area, and the Hanford area, and a third to Visalia voters, either in a single or separate elections. In this case, the measure(s) would ask voters whether they support paying for facilities or upgrades in their area only.

The most recent survey polled the likely success of such an option. It broke out the facilities and costs that would be associated with providing a comprehensive community college education center in Hanford, and another in Tulare, and polled the voters in those areas to see if they would vote for such options. In Visalia, voters were asked: "If the election was today, and the College of the Sequoias bond measure to construct new permanent classrooms to accommodate growing enrollment; repair aging classrooms; reduce overcrowding, expand public safety, nursing and other job training centers; and upgrade technology at the Visalia campus by issuing \$35 million in bonds, how would you vote? Would you vote yes in favor of it or no to oppose it?"

In Hanford, a \$26 million bond was proposed, which would currently cost \$24.55 per \$100,000 of assessed value. In answer to the \$87 million bond, 63% of the Hanford voters said they would or might support it. That rose to 66% when asked generally about a Hanford specific bond, but dropped to 52% support when asked if they would support the \$24.55 per \$100,000 of assessed value that it would take to pay for the \$26 million bond on their own.

In Tulare, the same \$26 million bond question was posed, and because of the larger population base, the assessed value cost was currently \$21 per \$100,000. In answer to the \$87 million bond, 71% of the Tulare residents said they would or might support the measure. That dropped to 67% when asked about an individual bond, and dropped to 56% when asked if they would support the \$21 per \$100,000 it would take to pay for an individual bond.

In Visalia, 61% said they would support a \$35 million dollar Visalia-specific bond, and when asked about supporting it if it cost \$13 per \$100,000, 60% indicated they would still support it. Although the \$35 million bond is higher than the other possible area-specific bonds, Visalia's higher assessed valuation and makes the tax rate lower. In answer to the \$87 million bond, 64% said they would or might vote yes.

Prior to the survey, there was speculation that there would be stronger support for area-specific bonds. In the smaller communities, there is initially strong support for the area-specific concept, but that support drops significantly when the associated costs are understood. Interestingly, support from Visalia remains fairly consistent for both the district wide and area specific measures.

It is in Visalia's best interest for the entire \$87 million to be funded, in order to ensure there is ample classroom space and adequate technology, to alleviate overcrowding on the Visalia campus and to provide a 4-year college center. Whether this is achieved in a single measure or through multiple campaigns is a question the COS Board will have to wrestle with based on the polling data and whether they believe supporters can better manage and fund a single or multiple campaigns. The District is seeking advice from campaign consultants and will be meeting with one or more campaign consultants shortly to discuss the pros and cons of the options, and to determine whether they want to propose bond measure(s) in 2006.

It is staff's recommendation that the Visalia City Council pledge to support a bond measure in 2006, recognizing that strong involvement by Council members and community leaders will be needed to pass a measure. It is also recommended that the Council and staff continue to take an active role in explaining and educating citizens about the need for the additional and improved educational facilities, providing that the District chooses to place a measure on the ballot that would include new and improved facilities for the Visalia campus.

Prior Council/Board Actions:

The Council included a budget allotment during the mid-year budget review to pay for half of a voter survey to assess voter support for a COS Bond for new facilities, technology upgrades and major maintenance repairs.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Copy of November presentation to COS Board from Fairbanks, Maslin, Maullin & Associates
Copy of the top line results from the survey conducted in October

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to support the COS Board should they choose to place a measure on a 2006 ballot that would include new and improved facilities for the Visalia campus.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:\$	
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes_____ No_____		

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required?	Yes	No
Review and Action:	Prior:	Required:

NEPA Review:

Required?	Yes	No
Review and Action:	Prior:	Required:

Tracking Information: (Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9b

Agenda Item Wording:

City Council Authorization to Send Letter of Concerns Regarding the San Joaquin Valley Unified Air Pollution Control District Board Proposed Draft Rule 9510 and Rule 3180 (Indirect Source Rule)

Deadline for Action:

December 5, 2005

Submitting Department:

Administration

Contact Name and Phone Number:

Carol L. Cairns, Assistant City Manager 713-4324 and Mike Olmos, Community Development and Public Works Director 713-4332

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):_1_

Department Recommendation:

At the November 7, 2005, Council Meeting, staff updated City Council regarding two new draft rules that constitute the proposed Indirect Source Rule that the San Joaquin Valley Unified Air Pollution Control District Board will be considering implementing at their December Board meeting. A representative from the District presented an overview of the draft rules.

After reviewing the materials and discussing the issues with District representatives, staff recommends that the City Council give authorization for a letter to be sent to the San Joaquin Valley Unified Air Pollution Control District Board outlining the city's concerns with the adoption of Draft Rule 9510 and Rule 3180.

Summary:

The following concerns have been identified by staff and will be incorporated into the letter to the District:

- Concerns regarding the Indirect Source Rule (ISR) have been raised by local governments, trade organizations, chambers of commerce and other organizations representing a broad range of interests in the San Joaquin Valley. These organizations recognize the air quality improvements the SJVAPCD is trying to achieve through the Indirect Source Rule, however, they continue to question the impact of the fee program on efforts to improve the Valley's economy. The South Valley continues to struggle with low education rates, unemployment exceeding State averages, and high levels of poverty. The City of Visalia shares the concerns about the economic impact of the proposed ISR, and we request that the economic impacts of the proposed rules be more thoroughly analyzed prior to the District taking action on the Rule. The City believes that by understanding the long term economic effects of the rule changes, the citizens of the Valley and the Air District Board can make a fully informed decision about the Indirect Source Rule.

- From our understanding of the proposed ISR, new public service facilities such as hospitals, schools, police and fire safety buildings, and other critical facilities will be subject to potentially significant air quality fees upon development. These types of facilities are already very difficult to fund and, as a result, there is a tremendous need for additional public service facilities throughout the Valley. The impact of the proposed ISR on the ability to provide critical public facilities needs to be fully evaluated. Methods to fund air quality fees for these facilities should be developed before the ISR goes into effect. Alternatively, because of the critical nature of these facilities, the District should consider exempting public service facilities from the ISR fee program and instead work with local agencies on identifying reasonable air quality mitigations for these facilities.
- Given the relatively low income levels for families in the Valley, and rising cost of housing, housing affordability remains a significant challenge. Recent increases in housing costs have priced the majority of South Valley families out of the home ownership market. These price increases have also raised lease rates for rental housing. The proposed IRS will create a fee structure and add air quality mitigations that will cause further upward pressure on housing prices. Housing affordability is a critical concern in the City of Visalia. The District needs to be sensitive to the impact of ISR on housing costs, and consider options such as exempting affordable housing projects from ISR fees and phasing in the fee program for market rate housing over an extended period so that pressures on housing costs can be lessened.
- The air quality programs to be funded by the ISR fees need to be well defined. The City recognizes that the ISR is needed to meet air quality deadlines established by State and Federal mandates and to avoid significant sanctions. Nonetheless, the public must be able to clearly understand the specific programs that the District will undertake with ISR fee revenue and the anticipated air quality benefits of the program must be well quantified and monitored. Periodic reporting of fee revenue, program expenditures, and resulting air quality impacts is necessary, along with ongoing evaluation and adjusting of the ISR as its effects are realized.

BACKGROUND:

The San Joaquin Valley Unified Air Pollution Control District has proposed two draft RULES (9510 and 3180) that will impose new taxes and fees on new homes, small and large business and other new construction projects within the Central Valley counties of Fresno, Kern, Kings Madera, San Joaquin, Stanislaus and Tulare.

The San Joaquin Valley Air Basin (SJVAB) is classified as a nonattainment area for the state and federal health based ambient ozone and PM 10 standards by the California Air Resources Board (ARB) and the U.S. Environmental Protection Agency (EPA). The SJVAB is currently classified as serious nonattainment for the 24-hour and annual National Ambient Air Quality Standards (NAAQS) for particulate matter 10 microns in size and smaller (PM10), extreme nonattainment for the federal 1-hour ozone standard, serious nonattainment for the new federal 8-hour ozone standard, and severe nonattainment for the 1-hour state ozone standard.

The San Joaquin Valley Unified Air Pollution Control District (District) recently adopted its 2003 PM10 Plan, which projects attainment of the NAAQS and PM10 at the earliest practicable date of December 31, 2010. As part of its PM10 attainment strategy, the District is required to reduce directly emitted PM10 and the PM10 precursor oxides of nitrogen (NOx). The 2003 PM10 Plan commits the District to develop new rules or amend existing rules to achieve these emission reductions. The *Indirect Source Rule (ISR)* is one of the commitments contained in

the 2003 PM10 Plan to meet these requirements. The ISR commitment will be implemented through **Rule 3180** and **Rule 9510**. **Indirect sources are land uses that attract or generate motor vehicle trips.**

Proposed Rule 3180

The purpose of proposed Rule 3180 is to recover the costs of administering Rule 9510. The proposed rule includes a non-refundable application filing fee to be paid when an application is submitted to the District. Once an application and the application fee are received, District staff will log the total staff hours spent on the project. The application evaluation fee will comprise those hours at a weighted average labor rate and subtract the application fee, so that only the cost of the actual hours spent on the project will be recovered.

Rule 3180 also contain a fee equal to 4% of the air impact mitigation fees to recover the cost of administering off-site mitigation projects. The 4% would be payable when the air impact mitigation fees are collected.

Proposed Rule 9510

The purpose of proposed Rule 9510 is to reduce emissions of NOx and PM10 from new development projects. The rule applies to development projects that will seek to gain a discretionary approval for projects that, upon full build-out will include any one of the following:

- 50 residential units
- 2,000 square feet of commercial space
- 25,000 square feet of industrial space
- 20,000 square feet of medical office space
- 39,000 square feet of general office space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of recreational space
- 9,000 square feet of uncategorized space.

This rule also applies to transportation projects whose construction exhaust emissions will result in a total of two tons per years of NOx and PM10 combined. However, there are several sources that are exempt. These include transportation projects that meet certain conditions, transit projects, reconstruction projects that result from a natural disaster, and development projects whose primary source of emissions are subject to District Rule 2201 or 2010. Also, development projects that have a mitigated baseline below two tons per year for NOx and PM10 shall be exempt from the mitigation requirements of the rule. Anti-circumvention language was added to prevent piecemealing of development projects.

Prior Council/Board Actions:

none

Committee/Commission Review and Actions:

n/a

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes _____ No _____	

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Copies of this report have been provided to:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9c

Agenda Item Wording: Appointment of Adam Peck to serve as a Planning Commissioner to fill the unexpired term of Doug Thompson and direct staff to begin the recruitment process for a new alternate.

Deadline for Action: N/A

Submitting Department: Administration, Community Development

Contact Name and Phone Number: Leslie Caviglia, 713-4317, Fred Brusuelas, 713-4364

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session
Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 2 hours

Department Recommendation and Summary:

It is recommended that designated Planning Commission alternate Adam Peck be appointed to the Planning Commission to serve the unexpired term of Doug Thompson effective Jan. 1, 2006 for the remainder of the term, which end June 30, 2006. At that time, the Council could choose to appoint Peck to a full four year term ending in 2010. Since he will have served less than half of this term, he could ultimately be eligible for two full term appointments

During the Planning Commission recruitment process held last summer to fill the vacancy left by Liz Wynn, Larry Segure was appointed to fill the position, and the Council selected Adam Peck to be an alternate, with the option of appointing him to the Commission should a vacancy occur within a year.

Adam's selection came as a result of a recruitment for the position last summer. Notices advertising that applications were being accepted were sent to local newspapers, radio stations, Committee and Commission members and the people who had applied to serve on the City Council last year. A total of 22 applications were filed with the City Clerk's office. Some were filed as a direct result of the vacancy left by Wynn, others had been on file. A total of 11 applicants were available and still interested in serving on the Planning Commission. Several of the 22 were still interested, but out of town for an extended period and not available for an interview. Others had moved or their situation had changed and they were no longer interested in serving on the Planning Commission.

Subcommittees of the Council interviewed the applicants. Mayor Link and Vice Mayor Jesus Gamboa interviewed 6 candidates; Council members Greg Kirkpatrick and Don Landers interviewed the other 5.

The subcommittees recommended Larry Segure, Adam Peck, Shawn Smith, Steve Farnsworth, George Shelton and Jim Runyon be interviewed by the full Council. Based on the interviews and a review of the applications, the Council voted to appoint Segure as the Commissioner and Adam Peck as an alternate, should a vacancy occur within the year.

The other Planning Commission terms are as follows:

Victor Perez	June 2007
Sam Logan	June 2008
Vincent Salinas	June 2009
Larry Segure	June 2009

Since there is no longer an alternate designated, it is recommended that the Council direct staff to begin a recruitment process immediately and bring forward the applicants for consideration after the first of the year.

Prior Council/Board Actions:

Larry Segure was appointed to the Planning Commission in August, 2005 to serve the unexpired term of Liz Wynn. Adam Peck was appointed the alternate at that time.

Liz Wynn was reappointed to the Planning Commission in May, 2005 for a term that began July 1, 2005. She submitted her resignation in June, to be effective at the end of July.

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to confirm the appointment Adam Peck to fill the unexpired term of Doug Thompson, said term to conclude June 30, 2006 and to begin a new recruitment process for the appointment of a new alternate.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$1,200	New Revenue:\$
Amount Budgeted: \$1,200	Lost Revenue:\$
New funding required: \$N/A	New Personnel:\$
Council Policy Change: Yes____	No__x__

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9d

Agenda Item Wording:

Award the purchase of six natural gas powered refuse trucks to Central Valley Kenworth and Ruckstell California Sales for the purchase price of \$1,510,660.

Deadline for Action:

December 5, 2005

Submitting Department:

Community Development & Public Works

Contact Name and Phone Number

Jim Bean, Public Works Manager 713-4564
Andrew Benelli, Assistant Director 713-4340

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary:

Staff recommends awarding the purchase of six new refuse trucks to Central Valley Kenworth and Ruckstell California Sales as sole source.

The City's Vehicle Replacement Program recommends the acquisition of six new refuse trucks during this fiscal year. The Program also recommends that the six new trucks are powered with natural gas engines. These trucks will replace five existing diesel powered trucks. The additional truck that will be purchased is to service additional collection demands generated by new growth.

Funding:

The fiscal year 05/06 budget includes an allocation of \$1,510,660 in the Solid Waste Fund to purchase the new trucks. The total estimated cost of the vehicles will be \$1,556,000 which exceeds the amount budgeted by approximately \$45,000. However, the City has been awarded three grants that will help fund the purchase. The grants are for \$100,660 from the San Joaquin Valley Air Pollution Control District, \$100,000 from the Department of Energy, and \$396,196 from the Tulare County Association of Governments (Federal Highway Funds). The grant funds are paid as reimbursements to the City after the trucks are purchased. After all grant funds are reimbursed, the total net cost to the City will be \$959,144.

The cost of the new trucks is higher than anticipated because of the rising cost of steel and tires. The compressed natural gas engines cost significantly more than diesel engines. The trucks are also being ordered with axle scales and global positioning systems. The scales help the drivers know when the trucks are filled to capacity. The global positioning systems are

helpful for supervisors to adjust route sizes and to maximize operator performance. The cost of the new trucks is less than three percent higher than the allocated funds.

Sole Source Purchases:

Staff recommends purchasing of the cabs and chassis from Central Valley Kenworth and the refuse bodies from Ruckstell California Sales for a total of \$1,556,000.

Central Valley Kenworth is the only dealership in the valley that sells Crane Carrier cab and chassis. The Crane Carrier cab and chassis is the only truck available that can be ordered with a John Deere compressed natural gas engine. The John Deere and Cummins engines are the two compressed natural gas engines commonly used in solid waste vehicles. Staff research on the two types of engines has indicated that the John Deere engine is a more reliable natural gas engine.

Ruckstell California Sales is the only dealer in the Valley that sells and installs Heil refuse bodies. The City has been using Heil bodies for the last 20 years and staff recommends continuing with Heil bodies because of their high reliability, quality construction, and to keep the refuse bodies standardized for parts.

The cab and chassis will be completed in approximately 120 days and then shipped to the body manufacturer where the truck bodies will be installed. The trucks will be delivered to the City August of 2006.

Prior Council/Board Actions:

In June 2004, Council awarded the purchase of eight refuse trucks to Central Valley Kenworth and Ruckstell California Sales as sole source fiscal year 2004/05.

Committee/Commission Review and Actions:

N/A

Alternatives:

Do not award as sole source. Advertise for competitive bids.

Attachments: N/A

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to award the purchase of six new natural gas powered refuse trucks to Central Valley Kenworth and Ruckstell California Sales as sole source.

Financial Impact

Funding Source:

Account Number: _____ Solid Waste Fund (4411) (Call Finance for assistance)

Budget Recap:

Total Estimated cost:	\$1.5M	New Revenue:	\$
Amount Budgeted:	\$1.5M	Lost Revenue:	\$
New funding required:	\$		
New Personnel:	\$		
Council Policy Change:	___	No___	

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No
Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005 - Item 9e

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Authorization to appropriate \$26,946.65 in asset forfeiture funds and authorize the purchase of 26 Taser X26 units.

Deadline for Action:

Submitting Department: Police Department

Contact Name and Phone Number: Lt. Steve Puder, ext. 4036

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary:

It is recommended that the City Council authorize the appropriation of \$26,946.65 from the asset forfeiture fund for the purchase of 26 Taser X26 units to equip the personnel in Youth Services, Reserves and Investigations.

One of the most important tasks for any law enforcement agency is the ability to equip its officers with the tools necessary to do their jobs effectively and safely. This includes the officers' ability to control potentially violent subjects while minimizing the number of altercation-related injuries to both the officer and the subject.

In March 2004, the Visalia Police Department was provided \$22,798.35 from two state technology grants which purchased 21 Taser X26 units. In August 2004, the Visalia City Council authorized the appropriation of \$50,417.96 in asset forfeiture funds and authorized the Visalia Police Department to purchase 51 Taser X26 units to equip the department's uniformed officers with additional less lethal capabilities.

Since July 2004, the Visalia Police Department has utilized the Taser X26 units in 74 separate incidents, with satisfactory results. The Visalia Police Department has noticed a reduction in the number of altercation related on-duty injuries to its officers since utilizing the Taser units. There also has been a reduction in the number and severity of injuries to suspects since utilizing the Taser units.

Currently, officers in the Youth Services and Reserve Units are not assigned a Taser X26 unit due to the limited inventory. Officers in both units are often called upon to assist Patrol units with in-progress calls where a Taser may be necessary. Currently, officers assigned to the Investigation Division, do not have access to a Taser unit. These officers are often tasked with

This document last revised: 12/2/05 4:01:00 PM

By author: .

File location and name: H:\(1) AGENDAS for Council\120505\Item 9e Taser Transmittal.doc

serving search warrants and apprehending violent felony suspects as part of their assigned duties and have limited access to less-lethal capabilities.

A review of on-duty injuries for our Department during a five year period, prior to the utilization of Tasers, revealed that nearly 100 injuries to officers were the result of an officer attempting to effect an arrest. These injuries were the results of either a physical altercation with a combative subject or while chasing after a fleeing suspect. These injuries have resulted in costly medical claims, lost time and even medical retirements. Although it is uncertain if all of these injuries could have been avoided with the deployment of a Taser, however, even a fraction would make the use of a Taser a valuable asset to the Department and its officers.

Since the introduction of the Taser X26 at the Visalia Police Department, the department has noticed a significant reduction in the number of on-duty altercation related injuries. Since the Taser was introduced in July 2004, there have only been 9 incidents where an officer was injured during an altercation, which equates to a 64% reduction in on-duty officer altercation related injuries. One of those injuries was to a Youth Service officer that was involved in a physical altercation on campus and that officer did not have access to a Taser.

The Taser X26 is a conducted energy weapon that utilizes compressed nitrogen to shoot two small probes up to 25 feet. These probes are connected to the weapon by high voltage insulated wire. Once the probes make contact with the target, the Taser X26 transmits powerful electrical pulses along the wires and into the body of the target through up to 2" of clothing. The transmission of pulsed energy to the subject causes immediate involuntary incapacitation to the central nervous system of the target.

The utilization of the Taser X26 as a less lethal device clearly enhances the safety of our officers and the general public. Based on the success that the Visalia Police Department has experienced with the Taser X26 units, the reduction in on-duty injuries to its officers and the reduction in the number and severity of injuries to suspects, it is proposed that an additional 26 units be purchased and provided to officers in the Youth Services Units, Reserve Units and Investigations Division. The Youth Services Unit would be provided with 11 of the Taser units. The Reserve Unit would be provided 9 of the Taser units and the Investigation Division would be provided with the remaining 6 units, to be utilized on a check-out basis.

Asset forfeiture funds would fund 100% of the purchase price. There is currently in excess of \$56,000 in the Asset Forfeiture Fund. This would leave approximately \$29,000 in the fund.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Not purchase the Taser X26 units.

Attachments:

City Manager Recommendation:

This document last revised: 12/2/05 4:01:00 PM

By author: .

File location and name: H:\(1) AGENDAS for Council\120505\Item 9e Taser Transmittal.doc

Recommended Motion (and Alternative Motions if expected):

I move to authorize the appropriation of \$26,946.65 in asset forfeiture funds to the Visalia Police Department for the purchase of an additional 26 Taser X26 units.

Financial Impact

Funding Source:

Account Number: (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$ 26,946.65	New Revenue:\$
Amount Budgeted: \$	Lost Revenue:\$
New funding required:\$ 26,946.65	New Personnel:\$
Council Policy Change: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No X

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No X

Review and Action: Prior:

This document last revised: 12/2/05 4:01:00 PM

By author: .

File location and name: H:\(1) AGENDAS for Council\120505\Item 9e Taser Transmittal.doc

Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9f

Agenda Item Wording: Review and provide direction on the City's bank account with Visalia Community Bank

Deadline for Action: None

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session
Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Department Recommendation and Summary:

Recommendation: Council directed staff to review the City's bank account with Visalia Community Bank and to bring the discussion back to Council. After reviewing the account, staff recommends closing the bank account.

Discussion: The City of Visalia has had a bank account with Visalia Community Bank for a number of years. The account was opened to facilitate the sale of Visalia City Coach monthly passes. Without a City Transit business office, the bank helped provide a sales office to bus passengers desiring to purchase bus passes. At one time, all the Visalia Community Bank branches sold passes for the City.

With the opening of the transit center, the need for ticket outlets has greatly decreased. Although the bank balance was over \$5,000 in the past, Finance will reduce the cash amount shortly. Visalia Community Bank has also reduced the sales locations from all branches to just their main office on Center Street. As a result, the bank now sells 3-5 passes a month which is more of an accommodation to past customers than anything else. Since the Transit Center opened, the need for ticket outlets has diminished somewhat. More riders now purchase their tickets or passes from the Center. While there is still a need for ticket outlets, especially in outlining areas, the locations are selected based usage and proximity to a bus stop.

Staff recommends closing the account because it is not greatly used and the new transit center is close by. Staff would work with the bank to notify customers of the change and make an orderly transition.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Council may wish to leave the account open, allowing current customers to continue using this outlet as in the past.

Attachments: None

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to direct City staff to close the Visalia Community Bank account and notify customers that monthly passes are available at the Transit Center.

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required?	Yes	No
Review and Action:	Prior:	Required:

NEPA Review:

Required?	Yes	No
Review and Action:	Prior:	Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia
Agenda Item Transmittal

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9g

Agenda Item Wording: Authorization to purchase seven (7) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$365,646 each for a total of \$2,559,522.

Deadline for Action: December 5, 2005.

Submitting Department: Administration Department- Transit Division

Contact Name and Phone Number:

Monty Cox, Transit Manager, 713-4591
Leslie Caviglia, Deputy City Manager, 713-4317

For action by:

City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

Work Session
 Closed Session
Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Department Recommendation: Authorization to purchase seven (7) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$365,646 each for a total of \$2,559,522.

Summary: The City is taking advantage of options that the County of Merced has in place with Orion Bus (commonly known as piggybacking). The price is based on a competitive bidding process conducted by the County of Merced. The City of Visalia transit staff conducted extensive research into the options available from various bus manufacturers. We also made site visits to other California transit properties to compare the various options. Based on the information we obtained we selected a few bus models that met our needs and then went shopping for available options (piggyback opportunities) focusing on price and delivery time. The one opportunity that met all our needs and was available to be delivered on our schedule was Orion Bus Industries. If Council approves, we will be purchasing seven (7) 35-foot, low-floor, compressed natural gas (CNG) buses which will be delivered in about one year and we are also obtaining an option for six (6) more two years later.

This purchase is the next step toward making our bus fleet 100% alternative fuel. While we currently have five (5) smaller CNG buses used for Dial-A-Ride and three (3) hybrid electric trolleys, these will be our first alternative-fueled fixed route buses. This is consistent with current City policy to utilize alternative fuel wherever possible. Delivery of these buses will also coincide with the completion of the new CNG fueling facility located on Cain Street between the Corporation Yard and the new bus operations facility. By the end of the next ten years our bus fleet will be 100% alternative fuel vehicles.

Funding for these buses comes from a few sources. Eighty percent (80%) comes from federal transit grants and twenty percent (20%) from the Local Transportation Fund (LTF), which is derived from the ¼ cent county sales tax and can only be used for transportation purposes. The

federal funds are composed of specifically allocated as well as congressionally earmarked funds that staff has made use of in order to maximize the use of the LTF funds.

These buses are scheduled to replace seven diesel buses ranging in age from 14 to 16 years old. Current FTA guidelines require us to keep federally funded buses for a minimum of 12 years.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: None recommended.

Attachments: None

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move that the City Council approve the purchase of seven (7) 35 foot low floor fixed route compressed natural gas (CNG) replacement buses in the amount of \$365,646 each for a total of \$2,559,522.

Financial Impact

Funding Source:
Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes _____	No <u>X</u>

Copies of this report have been provided to:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9h

Agenda Item Wording: Authorize the expenditure of \$1,146,695.56 to San Joaquin Valley Railroad from the Capital Improvement Program for the upgrade to the existing railroad crossings and tracks at Oak Avenue and Tipton Street, Caldwell Avenue west of Santa Fe Street and Pinkham Street north of K Avenue. Project Nos. 1111-00000-720000-0-9682-2004 (Oak Avenue), 1241-00000-720000-0-9211-2004 (Caldwell Avenue), 1111-00000-720000-0-9348-1999 (Caldwell/Santa Fe Signal) and 1241-00000-720000-0-9723-2005 (Pinkham Street.)

Deadline for Action: December 5,2005

Submitting Department: Community Development and Public Works

Contact Name and Phone Number: Jim Funk 713-4491; Fred Lampe 713-4270; Manuel Molina 713-4491; David Jacobs 713-4492

Department Recommendation and Summary: Staff recommends that the City Council authorize the expenditure of \$1,146,695.56 to San Joaquin Valley Railroad from the Capital Improvement Program for the upgrade to the existing railroad crossings and tracks at Oak Avenue and Tipton Street, Caldwell Avenue west of Santa Fe Street and Pinkham Street north of K Avenue. There are sufficient funds in each Capital Improvement Program project to fund the railroad track and warning signal upgrades. There is approximately \$1.2M available for the 1.15M in improvements. Nevertheless, with the award of each C.I.P. project in the near future the project manager will need to request authorization for additional funding to construct the proposed roadway improvements.

Presently, the Engineering Division is preparing to construct road improvements in three locations that cross or parallel existing San Joaquin Valley Railroad tracks. The projects are the extension of Oak Avenue between Santa Fe Street and Tipton Street, the widening of Caldwell Avenue between Santa Fe Street and West Street and the widening of the intersection of Pinkham Street at K Avenue. Each project widens an existing roadway crossing existing tracks or extends a roadway where one currently does not exist. The proposed public improvements adjacent to the railroad tracks require approval from the California Public Utilities Commission. As part of the C.P.U.C. approval, recommendations to upgrade warning signals are made by the railroad operators/owners. Typically, these recommendations are accepted by the C.P.U.C. and passed on to the jurisdiction proposing the road improvements to be constructed as part of a road project.

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 5 min.

Engineering staff has met with the local railroad operator, San Joaquin Valley Railroad Company, and its signal contractor to quantify the warning signal improvements required to obtain C.P.U.C. approval. An additional requirement of the local railroad company has been to upgrade the tracks when improvements to adjacent roadways are proposed. Therefore, with the three City Capital projects the tracks will be upgraded to concrete panels.

The cost to upgrade the signal warning devices and the tracks is paid for solely by the City. San Joaquin Valley Railroad Company has a contract with Quality Signal Construction of Woodland, California to provide construction services for the local tracks. The City does not have the option to bid the project in a typical competitive bid process as the work falls under a contract between the railroad company (SJVRR) and their contractor. The City has received a cost estimate from San Joaquin Valley Railroad for each of the three projects noted and is requesting City Council approval to expend the funds from the Capital Improvement Program to cover cost associated with upgrading the warning devices and tracks. The three Capital Improvement Projects are noted below.

Oak Avenue

The Oak Avenue Street Improvement project is generally located on Oak Avenue between Santa Fe and Tipton Streets. Construction of the improvements will open Oak Avenue from Santa Fe Street to Tipton Street with this project and ultimately continue to Burke Street. In addition, this project will also upgrade the existing railroad tracks from Santa Fe to Tipton Streets. The Oak Avenue Street Improvement project is anticipated to start in mid-January 2006 and the contract allows for 35 working days. Therefore, the approximate completion date would be early March 2006. Per the information provided by San Joaquin Valley Railroad, the estimated cost of the warning signal and track upgrades is \$434,104.30.

Caldwell Avenue at Santa Fe Street

Currently, plans are being finalized to widen Caldwell Avenue from West Street to Santa Fe Street and install a traffic signal at Santa Fe Street and Caldwell Avenue. The proposed roadway will have two traffic lanes in both the eastbound and westbound directions. The project will install curb, gutter and raised median islands with street lighting. Santa Fe Street, at the intersection with Caldwell Avenue, will be widened to its ultimate width and traffic signals will be installed. The existing traffic signals at West Street and Caldwell Avenue and Court Street and Caldwell Avenue will be modified to the new lane configuration and additional detector loops will be installed. The project is scheduled to go to bid in the next 30 days with construction to occur early 2006. The project's exact time line has not been finalized but, depending on costs and weather conditions, construction of the public improvements should be completed by late spring or early summer 2006.

In order to widen Caldwell Avenue at the existing railroad crossing west of Santa Fe Street the California Public Utilities Commission is requiring the existing railroad signaling equipment be upgraded. The required upgrade will include concrete approach aprons on both sides of the tracks. Crossing gates must also be installed along with a lighted warning cantilever facing eastbound traffic. The railroad signaling equipment will be connected to the traffic signals at Santa Fe Street to coordinate both when trains are crossing. Per the information provided by San Joaquin Valley Railroad, the estimated cost of the warning signal and track upgrades is \$426,784.20.

Pinkham Street – K Avenue Intersection

The project consists of reconstructing Pinkham Street on the north and south approaches to the railroad tracks using vertical curves. The reconstruction widens the existing roadway and includes curbs, gutters, pavement, public sidewalks and landscaping. K Avenue will be reconstructed east and west of the Pinkham Street intersection using vertical curves to elevate the roadbed to match the Pinkham Street vertical curve. The improvements consist of a widened intersection that includes curbs, gutters, pavement, and public sidewalks. Based on the current construction schedule the project will begin construction in early February 2006 and should be completed by April 2006.

Additionally, the City will fund the upgrade of existing railroad tracks to concrete panels at the intersection of Pinkham Street along with the upgrade of the existing at-grade crossing. Crossing gates must also be installed along with lighted warning devices facing north and south bound traffic. The estimated cost of the warning signal and track upgrades is \$285,807.06.

Doe Avenue crossing project update

The next priority railroad crossing repair will be at Doe Avenue. There has been an ongoing issue with the railroad spur crossing on Doe Avenue west of Shirk Street. The problem is the track crossing is lower than the street, creating a bump in the road. The City will try to solve the problem with a temporary fix and then work with the railroad for a permanent fix. The temporary fix will lower the road grade to match the tracks for a smoother transition. The drainage in the area will need to be looked at to ensure that lowering the roadway will not create a problem. The temporary fix will be completed by the City's Street Department in approximately 90 days. The permanent fix will install concrete or rubberized crossing panels. The permanent solution will need to be worked out with the railroad company and could require a substantial amount of track work. The tracks will need to be raised to match the road grade. The permanent solution is expected to cost anywhere from \$100,000 to \$400,000 depending on how much track needs to be raised. The timing for the permanent fix is dependent on the railroad company, but is expected to be constructed in 2006. An existing CIP project (1111-00000-720000-0-9367-2006) will be used to fund the project. The current CIP project has \$75,000 budgeted, which will need additional funds for the permanent fix for the Doe Avenue crossing.

Prior Council/Board Actions: Approval of C.I.P. Projects

Committee/Commission Review and Actions: None

Alternatives: Do not award contract.

Attachments: Location Maps & Contract Bids; Oak Avenue, Caldwell Avenue and Pinkham Street

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the expenditure of \$1,146,695.56 to San Joaquin Valley Railroad from the Capital Improvement Program for the upgrade to the existing railroad crossings and tracks at Oak Avenue and Tipton Street, Caldwell Avenue west of Santa Fe Street and Pinkham Street north of K Avenue

Financial Impact

Funding Source:

Account Numbers: 1111-00000-720000-0-9682-2004 (Oak Avenue)
1241-00000-720000-0-9211-2004 (Caldwell Avenue)
1111-00000-720000-0-9348-1999 (Caldwell Avenue)
1241-00000-720000-0-9723-2005 (Pinkham Street.)

Budget Recap:

Total Estimated cost: \$1,146,695.56 New Revenue: \$
Amount Budgeted: \$1,251,066.00 Lost Revenue: \$
New funding required:\$ New Personnel: \$
Council Policy Change: Yes___ No__X

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No X
Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No X
Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Tracking Information: no tracking necessary

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9i

Agenda Item Wording: Request authorization to accept a portion of the "Irrevocable Offer to Dedicate Real Property" for Cameron Avenue right-of-way for public right of way purposes as offered by the Visalia Church of Christ per Document No. 92-072398 generally located on the Cameron Avenue alignment east of Court Street. (Resolution No. 2005-170)

Deadline for Action: N/A

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary: Staff recommends that the City Council accept a portion of the "Irrevocable Offer to Dedicate Real Property" for Cameron Avenue right-of-way for public right of way purposes as offered by the Visalia Church of Christ per Document No. 92-072398 generally located on the Cameron Avenue alignment east of Court Street.

An irrevocable offer of dedication is a means used by public agencies to ensure that right of way can be obtained at a future time. Government Code Section 7050 states that an irrevocable offer of dedication "may be accepted at any time by the city council of the city within which such real property is located at the time of acceptance." Irrevocable offers of dedication are acquired by public agencies during development entitlement processes, such as subdivisions or conditional use permits, to enable dedication to be exercised when the need to widen or improve a street becomes necessary.

This irrevocable offer for Cameron Avenue was required by the City at the time the church developed their property. At that time, the City planned for Cameron to be a collector status street with 84 feet of right of way. The north 42 feet of right of way was located on the church property and the south 42 feet was located on undeveloped land. The irrevocable offer obtained by the City was for the north 42 feet of right of way located on the church property.

Between 1992 and the present, the City made changes to its Circulation Element and the designation of Cameron Avenue as a collector status street between Court Street and Santa Fe Street was eliminated. The Salierno Estates tentative map was approved with Cameron Avenue planned as a local street with 52 feet of right of between Court Street and Santa Fe Street. The 52 feet of right of way is evenly split with 26 feet located on the properties north of Salierno Estates and 26 feet located on Salierno Estates. The church is one of the properties

north of Salierno Estates. Only 26 feet of right of way is necessary from the church for Cameron Avenue. The City will only need to accept a 26 foot wide portion of the 42 foot irrevocable offer of dedication obtained from the church in 1992. The remaining portion of the irrevocable offer of dedication will continue to be in effect and can be accepted at a future date if the City decides to widen Cameron Avenue.

Salierno Estates will be constructing street improvements on Cameron Avenue between Court Street and Santa Fe Street. Cameron Avenue is being constructed as a local street with a 30 foot curb to curb width. The full width of Cameron Avenue is being constructed between Court Street and Church Street. The south ½ of Cameron Avenue is being constructed between Church Street and the west line of the railroad right of way. Cameron Avenue will not connect to Santa Fe Street until the railroad use is abandoned and the remaining street improvements are completed to make Cameron Avenue full width between Church Street and Santa Fe Street. The connection of Cameron Avenue to Santa Fe Street will not occur at this time because of resistance from the Public Utilities Commission regarding another street crossing over the railroad right of way. A railroad crossing and connection to Santa Fe will be pursued by the City when Visalia Parkway, located 900 feet south of Cameron Avenue, is extended east. Visalia Parkway is planned to be an east-west arterial and is an important circulation component in this portion of the community.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: None recommended

Attachments: Location Map, Detail of Irrevocable Offer, Salierno Estates Tentative Map, Resolution

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

1. Move to accept a portion of the "Irrevocable Offer to Dedicate Real Property" for Cameron Avenue right-of-way for public right of way purposes as offered by the Visalia Church of Christ per Document No. 92-072398 generally located on the Cameron Avenue alignment east of Court Street.
2. Direct the City Clerk to record the resolution accepting a portion of the "Irrevocable Offer to Dedicate Real Property" for Cameron Avenue right-of-way for public street purposes.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No X

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No X

Review and Action: Prior:
Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

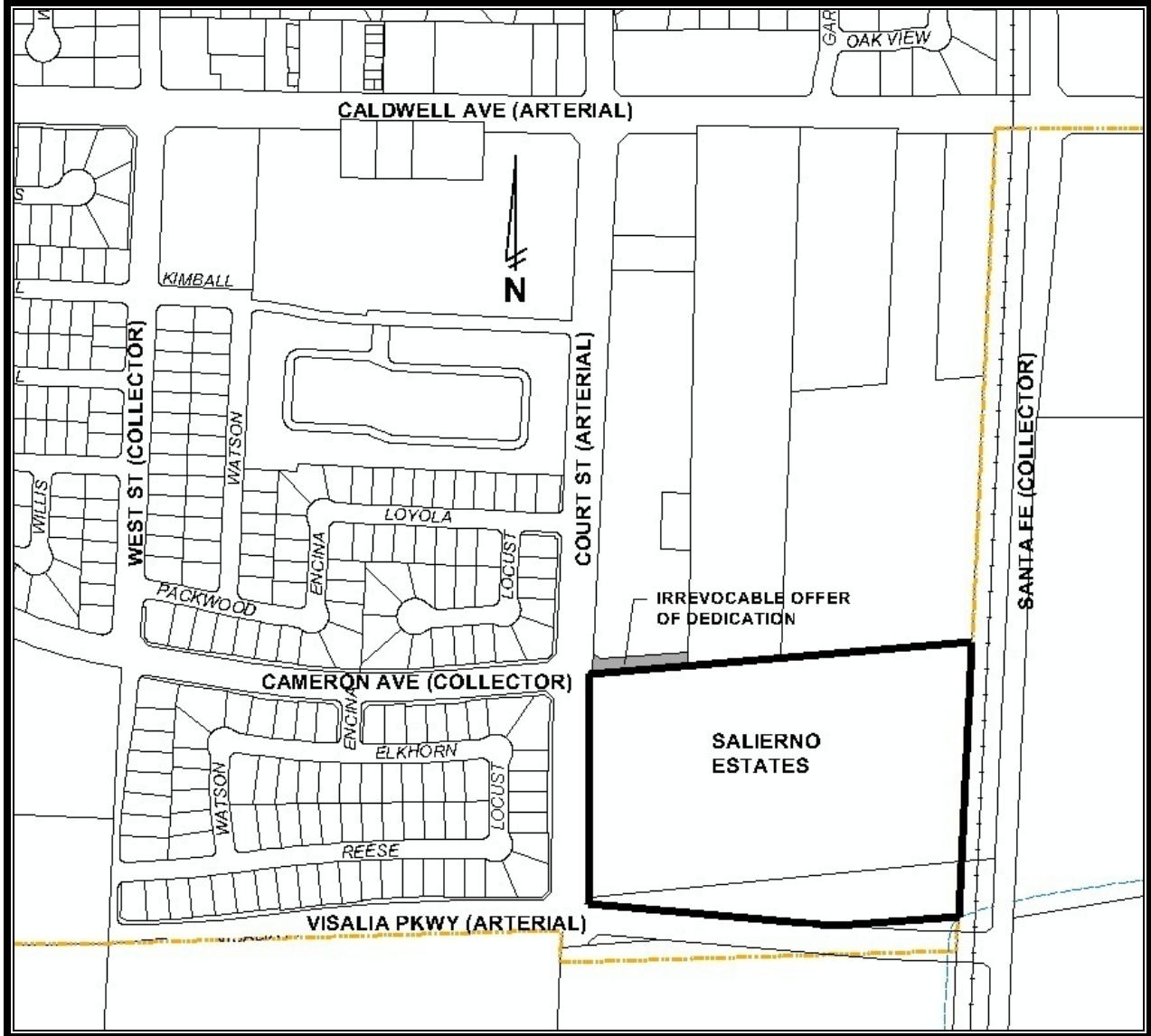
Risk Management Review (Signature):

City Attorney Review (Signature):

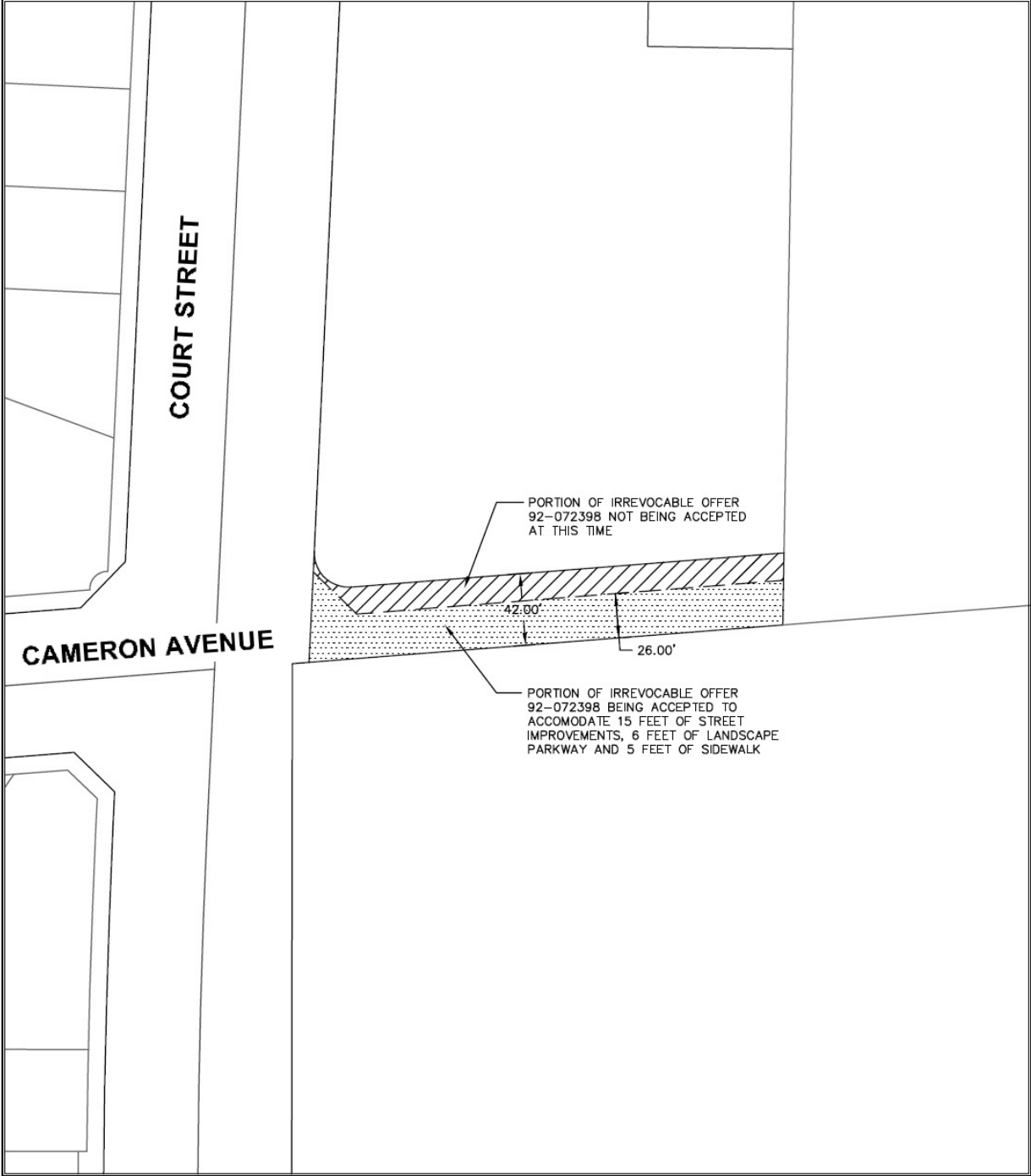
Administrative Services Finance Review (Signature):

Others:

LOCATION MAP



DETAIL OF IRREVOCABLE OFFER



SALIERNO ESTATES TENTATIVE MAP (LIMITS OF STREET IMPROVEMENTS SHOWN)



**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9j(1)

Agenda Item Wording: Authorize the Recordation of the Final Map for Salierno Estates, located at the southeast corner of Cameron Avenue and Court Street (76 lots) and the Formation of Landscape and Lighting District No. 05-27, Salierno Estates (Resolution Nos. 05-__171__ and 05-__172_ required). APN: 126-100-029 & 030

Deadline for Action: N/A

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for Salierno Estates containing 76 single-family lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$ 1,413,217.54 and Labor and Material Bond in the amount of \$ 706,608.77; 3) cash payment of \$ 281,797.80 distributed to various accounts; and 4) Final Map. The developer of this project is D. R. Horton.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the developer for street improvements made to Arterial and Collector streets. This

development is constructing street improvements on Visalia Parkway (Arterial) and Court Street (Arterial). The City will be reimbursing the developer approximately \$560,000 for Arterial/Collector street improvements and \$60,000 for Storm Water Master Plan lines. The reimbursement will come through a combination of fee credits for Transportation Impact Fees, fee credit for Storm Drainage Impact Fees and cash payment.

Salierno Estates will be constructing street improvements on Cameron Avenue between Court Street and Santa Fe Street. Cameron Avenue is being constructed as a local street with a 30 foot curb to curb width. The full width of Cameron Avenue is being constructed between Court Street and Church Street. The south ½ of Cameron Avenue is being constructed between Church Street and the west line of the railroad right of way. Cameron Avenue will not connect to Santa Fe Street until the railroad use is abandoned and the remaining street improvements are completed to make Cameron Avenue full width between Church Street and Santa Fe Street. The connection of Cameron Avenue to Santa Fe Street will not occur at this time because of resistance from the Public Utilities Commission regarding another street crossing over the railroad right of way.

The City has purchased the right of way for Visalia Parkway for the South Sewer Trunk Line Project that is presently under construction. Salierno Estates will be constructing street improvements on the north ½ of Visalia Parkway between Court Street and Kloth Street after the sewer trunk line is in place. The street improvements on Court Street and Visalia Parkway will provide a second point of access for Salierno Estates. The City will pursue a railroad crossing approval for Visalia Parkway when the City extends the street east of Salierno Estates and connects to Santa Fe Street. This extension will be planned and budgeted by the City at the time development activity begins to occur east of Santa Fe Street. Visalia Parkway is planned to be an east-west arterial and is an important circulation component in this portion of the community.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-__171__ Initiating Proceedings for Formation of Assessment District No. 05-27, Salierno Estates; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-172__ confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights and trees on local streets. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district.

Prior Council/Board Actions: The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision.

Committee/Commission Review and Actions: The tentative subdivision map for Salierno Estates subdivision was approved by the Planning Commission on August 23, 2004. The tentative map will expire on August 23, 2006.

Alternatives: N/A

Attachments: Location Map; Salierno Estates Tentative Map; Resolution Initiating Proceedings; Clerk’s Certification; Resolution Ordering the Improvements; Exhibits “A”, “B”, “C”, “D”

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

“I move to authorize the recordation of the Final Map for Salierno Estates and I move to adopt Resolution No. 05-__171__ Initiating Proceedings for Formation of Assessment District No. 05-27 “Salierno Estates” and adopt Resolution No. 05-__172__ Ordering the Improvements for Assessment District No. 05-27 “Salierno Estates.”

Financial Impact

Funding Source:
Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior: Negative Declaration completed with tentative map
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

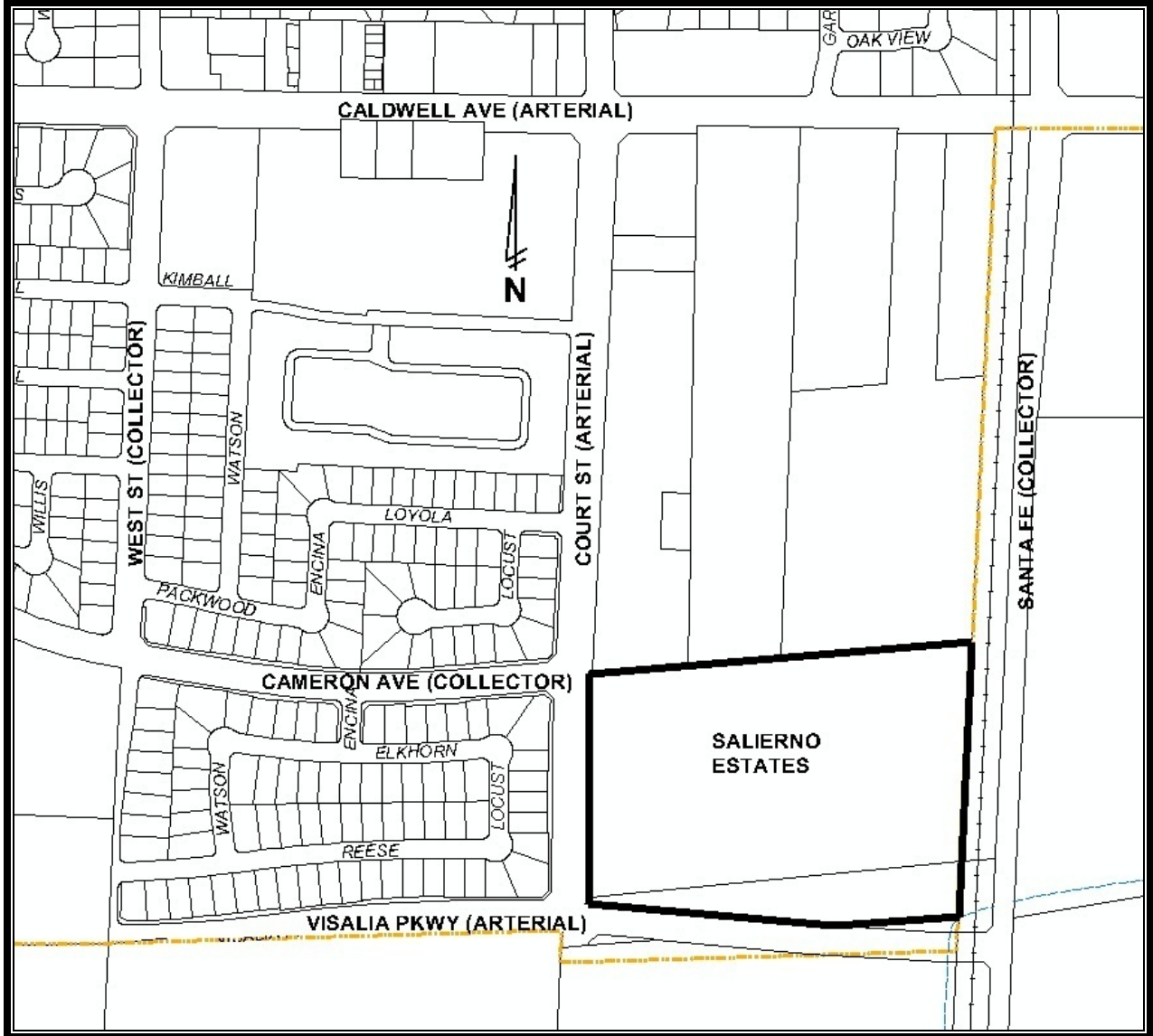
Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

LOCATION MAP



SALIERNO ESTATES TENTATIVE MAP (LIMITS OF STREET IMPROVEMENTS SHOWN)



RESOLUTION NO. 05-171___

RESOLUTION INITIATING PROCEEDINGS
FOR FORMATION OF
ASSESSMENT DISTRICT 05-27
SALIERNO ESTATES
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The proposed district shall be designated "Assessment District No. 05-27, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-27, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Salierno Estates".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-27
SALIERNO ESTATES
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-27, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 7th day of November, 2005 by its Resolution No. 05-171 & 172__

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

RESOLUTION NO. 05-__172__

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-27
SALIERNO ESTATES
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for “Assessment District No. 05-27, City of Visalia, Tulare County, California” and directed the preparation and filing of the Engineer’s Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer’s Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer’s Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer’s Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer’s Report and levies the assessment for the fiscal year 2005-06.
6. The City Council hereby forwards the following attachments to Tulare County Recorder’s Office for recordation:
 - a. Clerk’s Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer’s Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer’s Report

PASSED AND ADOPTED

Exhibit "A"
Assessment Diagram
Assessment District No. 05-27
City of Visalia, Tulare County, California



Exhibit "A"

Assessment Diagram Assessment District No. 05-27 City of Visalia, Tulare County, California



Exhibit "B"

Landscape Location Diagram
Salierno Estates

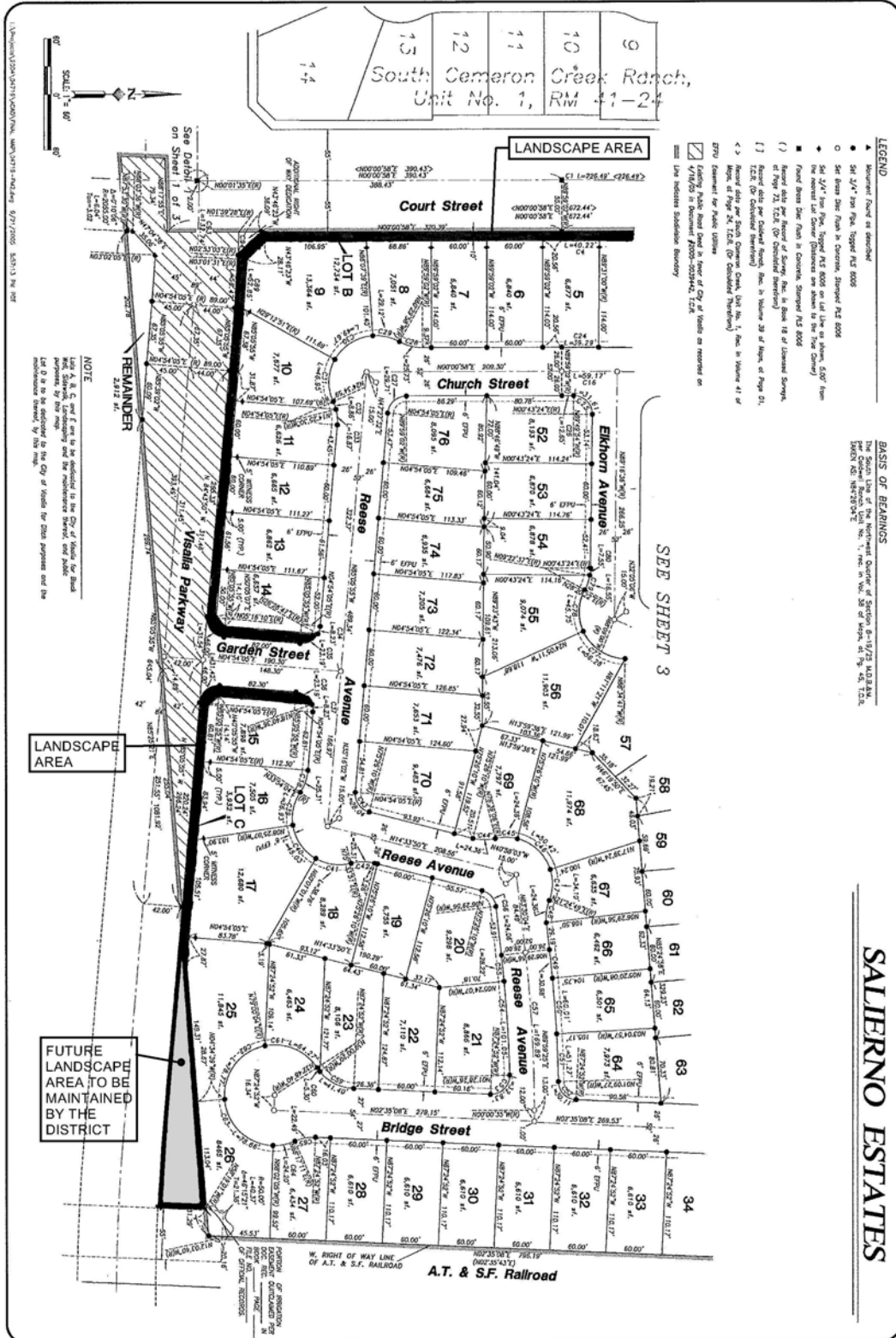


Exhibit "C"

Tax Roll Assessment
Salierno Estates
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$230.13	To Be Assigned	05-27001	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27002	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27003	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27004	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27005	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27006	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27007	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27008	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27009	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27010	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27011	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27012	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27013	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27014	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27015	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27016	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27017	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27018	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27019	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27020	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27021	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27022	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27023	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27024	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27025	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27026	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27027	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27028	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27029	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27030	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27031	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27032	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27033	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27034	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27035	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27036	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27037	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27038	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27039	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27040	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27041	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27042	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27043	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27044	Salierno Estates

Exhibit "C"

Tax Roll Assessment
Salierno Estates
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$230.13	To Be Assigned	05-27045	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27046	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27047	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27048	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27049	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27050	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27051	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27052	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27053	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27054	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27055	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27056	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27057	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27058	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27059	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27060	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27061	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27062	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27063	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27064	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27065	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27066	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27067	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27068	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27069	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27070	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27071	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27072	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27073	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27074	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27075	Salierno Estates
To Be Assigned	\$230.13	To Be Assigned	05-27076	Salierno Estates

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-27
Salierno Estates
Fiscal Year 2005-06

General Description

This Assessment District (District) is located at the southeast corner of Cameron Avenue and Court Street. Exhibit "A" is a map of Assessment District 05-27. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 76.

Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The block wall provides security, aesthetics, and sound suppression. The maintenance of the landscape areas, street lights and block walls is vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments, the City Council has determined that landscape areas, street lights and block walls should be included in a maintenance district to ensure satisfactory levels of maintenance.

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls and street lights. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District.

Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. This District has an area that is considered to be the frontage of the subdivision along Visalia Parkway that is not able to be landscaped at this time. The estimated costs will be calculated for the landscaping that will be presently maintained and will also be calculated for the future landscaping. The lots in the District will be responsible to maintain the future landscaping at the time it is installed.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-27
Salierno Estates
Fiscal Year 2005-06

The quantities and estimated costs for the landscaping to be presently installed are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	10210	\$0.180	\$1,837.80
Shrub Area	Sq. Ft.	24945	\$0.180	\$4,490.10
Water	Sq. Ft.	35155	\$0.050	\$1,757.75
Electricity	Sq. Ft.	35155	\$0.008	\$281.24
Trees In Landscape Lots	Each	74	\$25.00	\$1,850.00
Trees In Local Street Parkways	Each	76	\$25.00	\$1,900.00
Street Lights	Each	23	\$105.00	\$2,415.00
Project Management Costs	Lots	76	\$18.00	\$1,368.00
TOTAL				\$15,899.89
10% Reserve Fund				\$1,589.99
GRAND TOTAL				\$17,489.88
COST PER LOT				\$230.13

The estimated quantities and estimated costs for the future landscaping to be installed are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	4380	\$0.180	\$788.40
Shrub Area	Sq. Ft.	4380	\$0.180	\$788.40
Water	Sq. Ft.	8760	\$0.050	\$438.00
Electricity	Sq. Ft.	8760	\$0.008	\$70.08
Trees In Landscape Lots	Each	20	\$25.00	\$500.00
Project Management Costs	Lots	76	\$0.00	\$0.00
TOTAL				\$2,584.88
10% Reserve Fund				\$258.49
GRAND TOTAL				\$2,843.37
COST PER LOT				\$37.41

Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment (A_{max}) for any given year "n" based on the following formula:

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-27
Salierno Estates
Fiscal Year 2005-06

$$A_{\max} \text{ for any given year "n"} = (\$17,489.88) (1.05)^{(n-1)}$$

where "n" equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years' deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year's annual assessment.

Example 1. The estimated year four cost of maintaining the improvements in the district is \$19,063.97 [a 9% increase over the base year estimated cost of \$17,489.88]. The maximum annual assessment for year four is \$20,246.72 [$A_{\max} = (\$17,489.88) (1.05)^{(4-1)}$]. The assessment will be set at \$19,063.97 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$19,763.56 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$17,489.88]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$395.27 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$20,246.72 [$A_{\max} = (\$17,489.88) (1.05)^{(4-1)}$]. The year four assessment will be set at \$19,763.56 plus the deficit amount of \$395.27 which equals \$20,158.83 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$19,063.97 [a 9% increase over the base year assessment of \$17,489.88] and damage occurred to the masonry wall raising the year five expenses to \$21,337.65 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$20,970.37 (a 10% increase over the previous year) and below the maximum annual assessment of \$21,259.06 [$A_{\max} = (\$17,489.88)$].

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-27
Salierno Estates
Fiscal Year 2005-06

(5-1)
(1.05)]. The difference of \$367.28 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: Dec 5th 2005

Agenda Item Number (Assigned by City Clerk): 9j(2)

Agenda Item Wording: Authorize the Recordation of the Final Map for Sterling Oaks Unit #1, located at the Southeast corner of Demaree Street and Riggins Ave (91 lots) and the Formation of Landscape & Lighting District No. 05-23, Sterling Oaks Units 1 through 2 (208 lots); Resolution 2005-173 and 2005-174 required.

Deadline for Action: N/A

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Peter Spiro 713-4256

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Sterling Oaks Unit #1 containing 91 Lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$1,333,530.50 and Labor and Material Bond in the amount of \$666,765.25; 3) cash payment of \$425,167.35 distributed to various accounts; and 4) Final Map. This subdivision is being developed by Ennis Land Development LCC.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 100% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements along Demaree Street (Arterial) with a total segment of 2,600 linear feet as well as installing 1,300 linear feet of curb and gutter on Riggin Avenue. The developer also is installing a main 36-inch storm drain trunk line in Demaree that is needed to convey the storm runoff to an existing basin on the north side of Riggin east of the Linwood alignment. Pursuant to the city policy regarding The Transportation impact fees, the City will be reimbursing the developer (Ennis Homes) approximately \$1,306,000 for street improvements and right of way dedication. A portion of the reimbursement will be in the form of Transportation Impact Fee credits. The rest of the reimbursement will be a cash payment made when the work is completed.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-__173__ Initiating Proceedings for Formation of Assessment District No. 05-23 Sterling Oaks; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-__174__ confirming the Engineer's Report, ordering the improvements and levying the annual assessments. The assessment calculated in this Engineer's report- Exhibit "D"- contains both phases of Sterling Oaks Development, a portion of the first phase is a gated community.

By council policy adopted September 17, 2004, L & L Districts formed after that date are required to include assessments for local streets.

Since The Tentative Subdivision Map was approved before September 17, 2004, this district is not subjected to the newly adopted street maintenance policy.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights and trees on local streets.. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district.

Prior Council/Board Actions: The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision.

Committee/Commission Review and Actions: The tentative subdivision map for Sterling Oaks Subdivision was approved by the Planning Commission on September 22nd 2003. The tentative map expired on September 22nd 2005, the developer applied for a tentative map extension and currently it's valid through September 22nd 2006.

Alternatives: N/A

Attachments: Resolution Initiating Proceedings; Clerk’s Certification; Resolution Ordering the Improvements; Exhibits “A”, “B”, “C”, “D”, and attachment “E”

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

“I move to authorize the recordation of the Final Map for Sterling Oaks Unit #1 and I move to adopt Resolution No. 05-__173__ Initiating Proceedings for Formation of Assessment District No. 05-23 “Sterling Oaks” and adopt Resolution No. 05-__174__ Ordering the Improvements for Assessment District No. 05-23 “Sterling Oaks”

Financial Impact

Funding Source:
Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes____ No____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:
Required? Yes No
Review and Action: Prior:
Required:

NEPA Review:
Required? Yes No
Review and Action: Prior:

Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 05-173__

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 05-23
STERLING OAKS #1
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pocket park amenities,if applicable.
2. The proposed district shall be designated Assessment District No. 05-23, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-23, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Sterling Oaks".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-23
STERLING OAKS

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-23, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 5TH of December, 2005 by its Resolution No. 05-__173 & 174_____

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

RESOLUTION NO. 05-__174__

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-11
STERLING OAKS
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-23, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2005-06.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report
 - Attachment E - Ownership disclosure

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram
Assessment District No. 05-23
City of Visalia, Tulare County, California

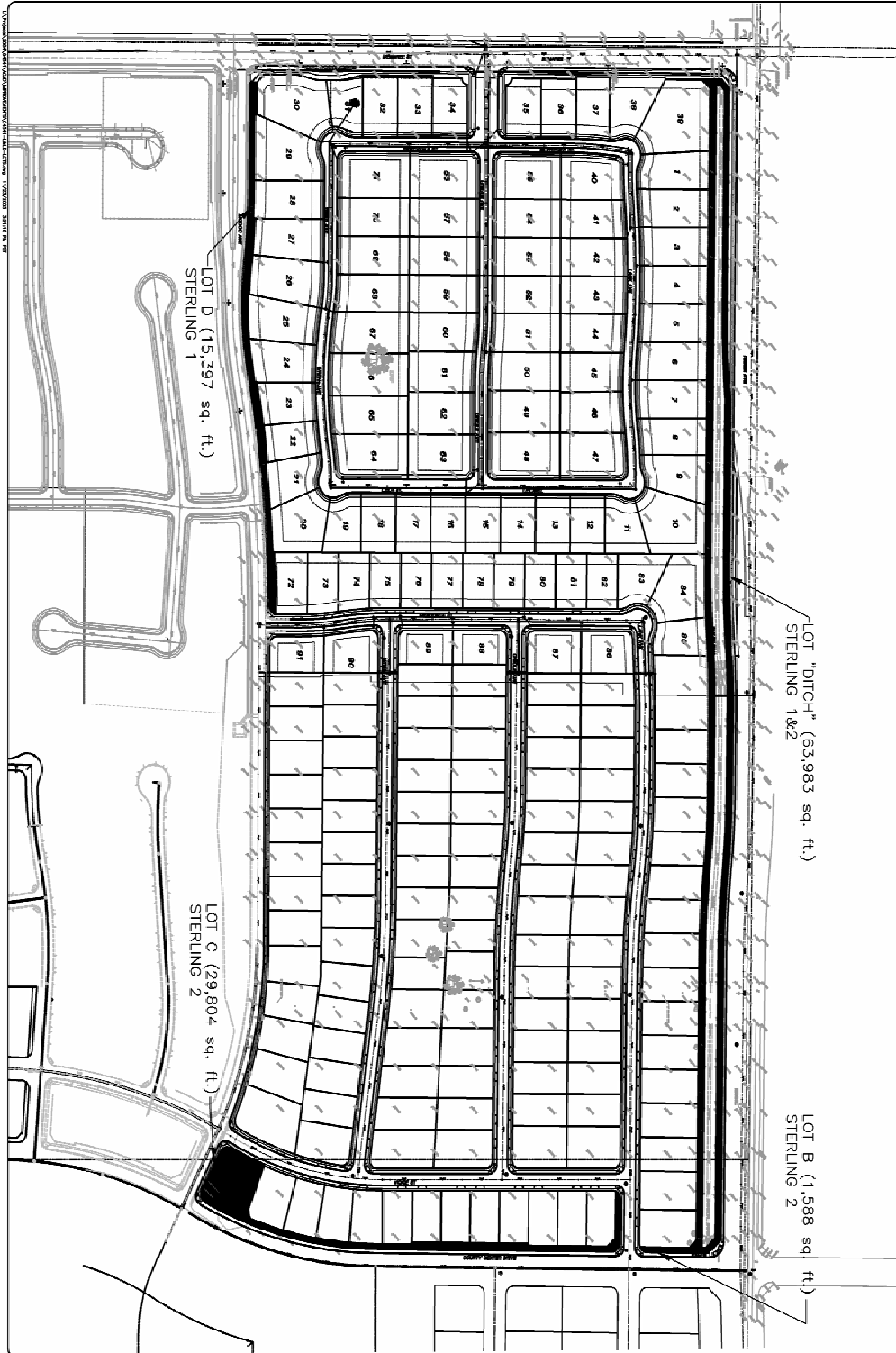


Exhibit "B"

Landscape Location Diagram
STERLING OAKS

Exhibit "B"

Landscape Location Diagram STERLING OAKS



APPROVED FOR: ENNIS HOMES 1415 N. WINDYBROOK BLVD FORT WORTH, TX 76104 (817) 333-1111 WWW.ENNISHOMES.COM		DESIGNED BY: Quad Knop 5110 N. CROSS AVE. P.O. BOX 3009 WILLOW, CO 80559 (303) 733-1540 (303) 733-7811 WWW.QUADKNOP.COM	APPROVED BY: DATE: _____ PROJECT: _____ SHEET: _____		REVISIONS 1.2.2011 01. REVISION TO MATCH SHARED SHEET 1.21.2011 02. REVISION TO MATCH SHARED SHEET 1.21.2011 03. REVISION TO MATCH SHARED SHEET 1.21.2011 04. REVISION TO MATCH SHARED SHEET

Exhibit "C"

Tax Roll Assessment
Sterling Oaks
Fiscal Year 2005-06

To Be Assigned	\$237.14	To Be Assigned	05-23180	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23181	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23182	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23183	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23184	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23185	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23186	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23187	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23188	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23189	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23190	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23191	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23192	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23193	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23194	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23195	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23196	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23197	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23198	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23199	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23200	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23201	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23202	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23203	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23204	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23205	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23206	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23207	Sterling Oaks/Public
To Be Assigned	\$237.14	To Be Assigned	05-23208	Sterling Oaks/Public

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-23
Sterling Oaks
Fiscal Year 2005-06

General Description

This Assessment District (Sterling Oaks) is located at the south east corner of Demaree Street and Riggan Ave. Exhibit "A" is a map of Assessment District 05-23. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pocket park amenities, pavement on local streets and any other applicable equipment or improvements. The maintenance of irrigation systems, block walls and pocket park amenities includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur.

Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The block wall provides security, aesthetics, and sound suppression. The purpose of pocket parks is to offer small open space/recreational venues of a more passive or intimate nature that serves residents within or adjacent to a planned residential development. The maintenance of the landscape areas, street lights, block walls and pocket parks is vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments and to concurrently have an adequate funding source for the maintenance of all internal local streets within the subdivision, the City Council has determined that landscape areas, street lights, block walls, pocket parks and all internal local streets should be included in a maintenance district to ensure satisfactory levels of maintenance.

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls, street lights and pocket parks. The lots not adjacent to landscape areas, block walls, street lights and pocket parks benefit by the uniform maintenance and overall appearance of the District. All lots in the District have frontage on an internal local street and therefore derive a direct benefit from the maintenance of the local streets. All lots in the District derive a benefit from the nearby access to the various pocket parks.

Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable amenities.

Exhibit “D”

Engineer's Report
 Landscape & Lighting Assessment District 05-23
 Sterling Oaks
 Fiscal Year 2005-06

The quantities and estimated costs are as follows:

TABLE “1”-Shared costs for all Lots-

Description	Unit	Amount	Cost per unit	Total Cost
Turf Area	Sq. Ft.	26945	\$0.180	\$4,850.10
Shrub Area	Sq. Ft.	54775	\$0.180	\$9,859.50
Trees	Each	277	\$25.00	\$6,925.00
Water	Sq. Ft.	81720	\$0.050	\$4,086.00
Electricity	Sq. Ft.	81720	\$0.008	\$653.76
Trees In Local Street Parkways	Each	0	\$25.00	\$0.00
Street Lights	Each	39	\$105.00	\$4,095.00
Project Management Costs	Lots	208	\$18.00	\$3,744.00
TOTAL				\$34,213.36
10% Reserve Fund				\$3,421.34
GRAND TOTAL				\$37,634.70
COST PER LOT				\$180.94

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-23
Sterling Oaks
Fiscal Year 2005-06

Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment (A_{\max}) for any given year "n" based on the following formula:

$$A_{\max} \text{ for any given year "n"} = (\$106,736.53) (1.05)^{(n-1)}$$

where "n" equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years' deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year's annual assessment.

Example 1. The estimated year four cost of maintaining the improvements in the district is \$49,474.77 [a 9% increase over the base year estimated cost of \$106,736.53]. The maximum annual assessment for year four is

$$\$52,544 [A_{\max} = (\$106,736.53) (1.05)^{(4-1)}].$$

The assessment will be set at \$49,474.77 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$51,290.36 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$106,736.53]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$1,118.13 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is

$$\$52,544.25 [A_{\max} = (\$106,736.53) (1.05)^{(4-1)}].$$

The year four assessment will be set at \$51,290.36 plus the deficit amount of \$1,118.13 which equals \$52,408.49 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-23
Sterling Oaks
Fiscal Year 2005-06

Example 3. The estimated year four cost of maintaining the improvements in the district is \$49,474.77 [a 9% increase over the base year assessment of \$106,736.53] and damage occurred to the masonry wall raising the year five expenses to \$60,359.22 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$54,422.24 (a 10% increase over the previous year) and below the maximum annual assessment of
\$55,171.46 [$A_{\max} = (\$106,736.53) (1.05)^{(5-1)}$].

The difference of \$5,187.76 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-23
Sterling Oaks
Fiscal Year 2005-06

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-23
Sterling Oaks
Fiscal Year 2005-06



CITY OF VISALIA
Ownership Disclosure

SITE:

Address or APN(s) _____
Short Title or Name of proposed project STERLING OAKS UNIT NO. 1
Summary description of the proposed project Development of 71 homesites

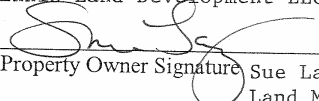
PROPERTY OWNER(S):

If more than two owners, please provide information and signature(s) on a separate sheet.

Name (print) Ennis Land Development LLC Name (print) _____
643 N. Westwood St
Mailing Address Porterville, CA 93257 Mailing Address _____
Phone (559) 781-8888 Phone _____

Statement: I/We declare under penalty of perjury that I am/we are the legal owner(s) of the property involved in this application.
Ennis Land Development LLC

11/16/05
Date _____


Property Owner Signature Sue Lafferty
Land Manager

Date

Property Owner Signature

OTHER INVOLVED PARTIES:

Fill in all that apply.

It is planned that the property will be sold to Ennis Homes, Inc.
(Write "none" if property owner(s) do not plan to sell property.)

Developer/Builder Ennis Land Development LLC
Mailing Address 643 N. Westwood St, Porterville, CA 93257
Phone (559) 781-8888 Fax (559) 781-3606

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-23
Sterling Oaks
Fiscal Year 2005-06

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder is a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Brian Ennis and Pam Coons, Managing Members

NOTICE: If the above information regarding ownership and interest in this property changes before the project goes before City Council or Planning Commission, it is the responsibility of such parties to notify the City of Visalia of this change(s).

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5th 2005 ,

Agenda Item Number (Assigned by City Clerk): 9j(3)

Agenda Item Wording: Authorize the Recordation of the Final Map for Wild Horse Ranch #1, located northwest corner of Demaree Street and Riverway Avenue (46 Lots) and the Formation of Landscape and Lighting District No. 05-24, Wild Horse Ranch #1&2 (60 Lots) (Resolution Nos. 05-175 and 05-176 required). APN: 077-050-016

Deadline for Action: None

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Peter Spiro 713-4256

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for Wild Horse Ranch #1 containing 46 Lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$ 706,337.50 and Labor and Material Bond in the amount of \$353,168.75; 3) cash payment of \$114,023.28 distributed to various accounts; and 4) Final Map. The property is owned and being developed by Hidden Oak Development INC.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

On May 17, 2004, the City Council on a 5-0 vote initiated the annexation containing the land for this subdivision. The annexation was subsequently approved by the Tulare County LAFCO and recorded in February 2005. A copy of the tentatively-approved map for the Wild Horse Ranch Subdivision was included in the Council's staff report.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for street improvements made to Arterial or Collector streets. This development is constructing street improvements to about 700 feet of Demaree Street (Arterial). The developer is also constructing 1320 linear feet of Riverway Avenue. The City will be reimbursing the developer (Hidden Oak Development) for the actual construction costs of the improvements to Demaree and Riverway and also for the right of way acquired for these streets. The estimated cost of the improvements and right of way is \$ 206,895. Portions of the costs will be reimbursed with Transportation Impact Fee credits. The remaining costs will be paid in cash to the developer when the work is complete.

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-_175_ Initiating Proceedings for Formation of Assessment District No. 05-24, Wild Horse Ranch; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-_176__ confirming the Engineer's Report, ordering the improvements and levying the annual assessments. This L&L District will include Wild Horse Ranch #1 & #2 subdivisions, both of which have final maps on the December 5th, 2005 agenda.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights and trees on local streets. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

By council policy adopted September 17, 2004 L& L Districts formed after that date are required to include assessments for local streets.

Since The Tentative Subdivision Map was approved before September 17, 2004, this district is not subjected to the newly adopted street maintenance policy.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district.

Prior Council/Board Actions: The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision.

Committee/Commission Review and Actions: The tentative subdivision map for Wild Horse Ranch #1 subdivision was approved by the Planning Commission on April 26, 2004. The tentative map will expire on April 26, 2006.

Alternatives: N/A

Attachments: Resolution Initiating Proceedings; Clerk’s Certification; Resolution Ordering the Improvements; Exhibits “A”, “B”, “C”, “D”

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

“I move to authorize the recordation of the Final Map for Wild Horse Ranch #1 and I move to adopt Resolution No. 05-__175__ Initiating Proceedings for Formation of Assessment District No. 05-24 “Wild Horse Ranch” and adopt Resolution No. 05-__176__ Ordering the Improvements for Assessment District No. 05-24 “Wild Horse Ranch.”

Financial Impact

Funding Source:
Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:
Required? Yes No
Review and Action: Prior:
 Required:

NEPA Review:
Required? Yes No
Review and Action: Prior:
 Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 05-__175__

RESOLUTION INITIATING PROCEEDINGS
FOR FORMATION OF
ASSESSMENT DISTRICT 05-24
Wild Horse Ranch
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The proposed district shall be designated "Assessment District No. 05-24, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-24, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Wild Horse Ranch".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-24
Wild Horse Ranch
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 05-24, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 5th day of December, 2005 by its Resolution No. 05-__175 & 176__

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

RESOLUTION NO. 05-__176__

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-24
Wild Horse Ranch
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for "Assessment District No. 05-24, City of Visalia, Tulare County, California" and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2005-06.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram Assessment District No. 05-24 City of Visalia, Tulare County, California

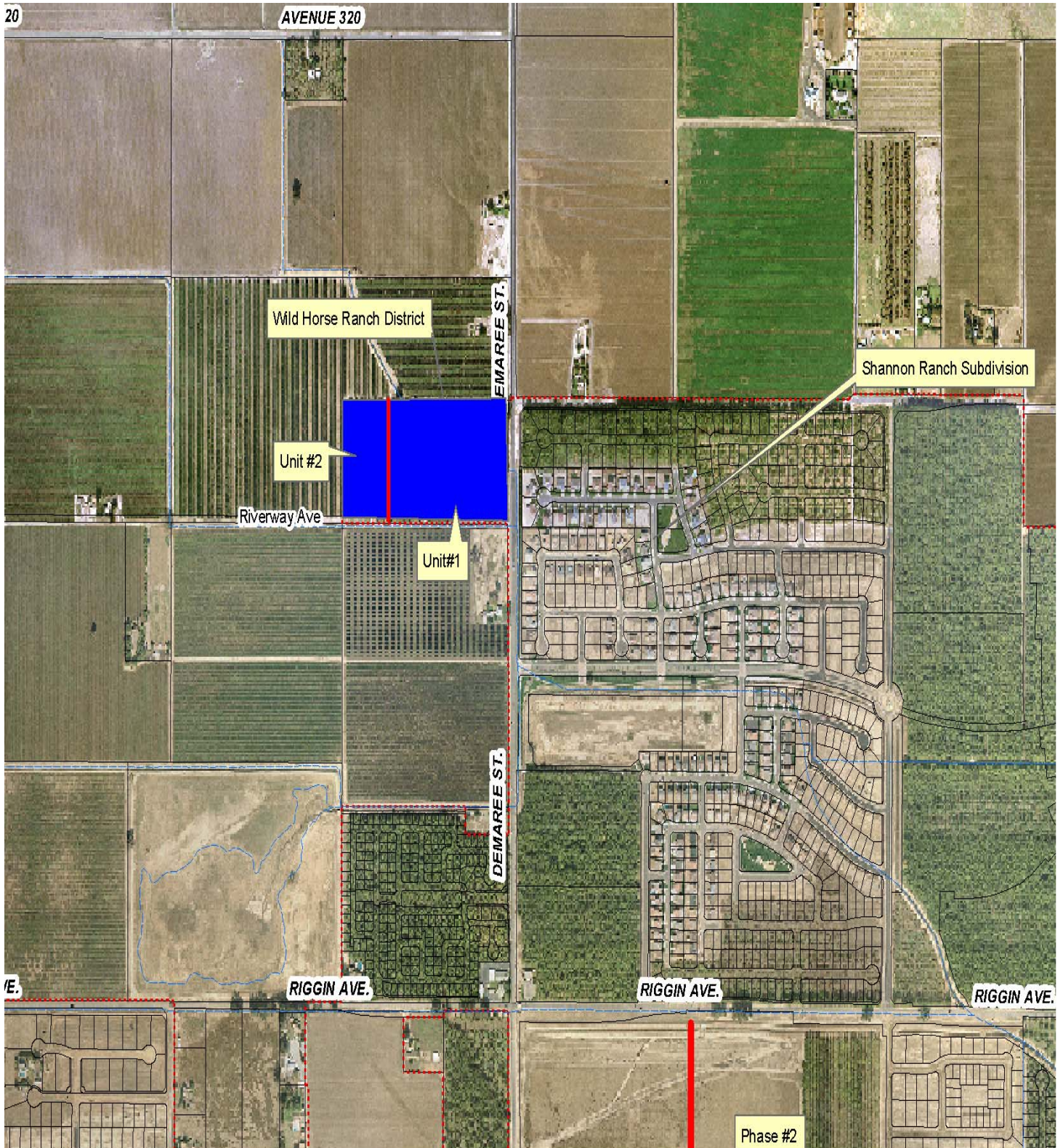


Exhibit "B"

Landscape Location Diagram Wild horse Ranch

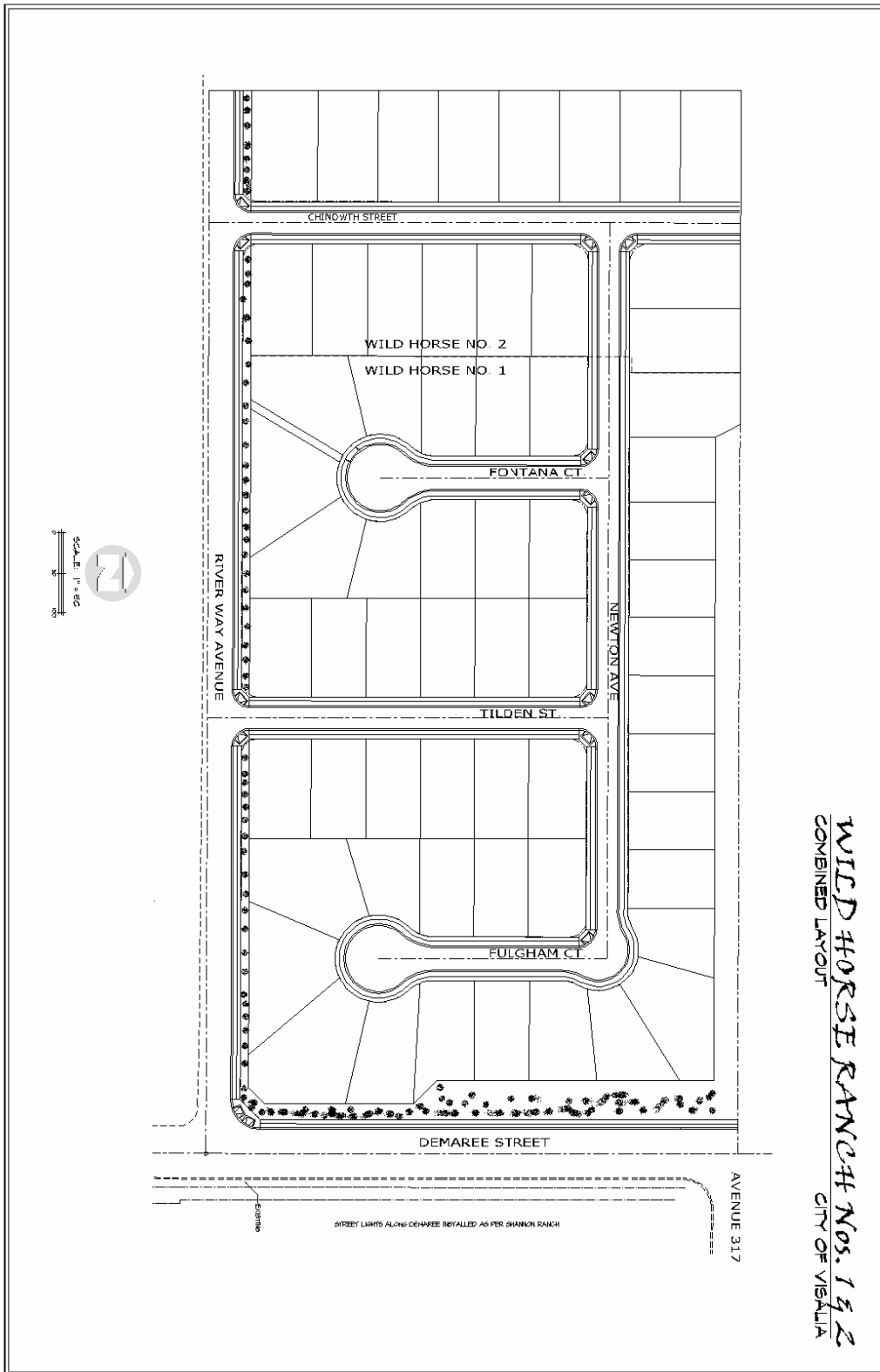


Exhibit "C"

Tax Roll Assessment
Wild Horse Ranch
Fiscal Year 2005-06

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$197.24	To Be Assigned	05-24001	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24002	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24003	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24004	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24005	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24006	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24007	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24008	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24009	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24010	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24011	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24012	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24013	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24014	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24015	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24016	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24017	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24018	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24019	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24020	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24021	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24022	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24023	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24024	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24025	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24026	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24027	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24028	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24029	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24030	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24031	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24032	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24033	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24034	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24035	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24036	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24037	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24038	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24039	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24040	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24041	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24042	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24043	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24044	Wild Horse Ranch

Exhibit "C"

Tax Roll Assessment
Wild Horse Ranch
Fiscal Year 2005-06

To Be Assigned	\$197.24	To Be Assigned	05-24045	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24046	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24047	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24048	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24049	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24050	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24051	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24052	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24053	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24054	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24055	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24056	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24057	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24058	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24059	Wild Horse Ranch
To Be Assigned	\$197.24	To Be Assigned	05-24060	Wild Horse Ranch

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-24
Wild Horse Ranch
Fiscal Year 2005-06

General Description

This Assessment District (District) is located at the northwest corner of Demaree and Riverway ave. Exhibit "A" is a map of Assessment District 05-24. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district are 60.

Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The block wall provides security, aesthetics, and sound suppression. The maintenance of the landscape areas, street lights and block walls is vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments, the City Council has determined that landscape areas, street lights and block walls should be included in a maintenance district to ensure satisfactory levels of maintenance.

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls and street lights. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District.

Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-24
Wild Horse Ranch
Fiscal Year 2005-06

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	6337	\$0.180	\$1,140.66
Shrub Area	Sq. Ft.	16712	\$0.180	\$3,008.16
Water	Sq. Ft.	23049	\$0.050	\$1,152.45
Electricity	Sq. Ft.	23409	\$0.008	\$187.27
Trees In Landscape Lots	Each	73	\$25.00	\$1,825.00
Trees In Local Street Parkways	Each	40	\$25.00	\$1,000.00
Street Lights	Each	13	\$105.00	\$1,365.00
Project Management Costs	Lots	60	\$18.00	\$1,080.00
				<hr/>
TOTAL				\$10,758.54
10% Reserve Fund				\$1,075.85
				<hr/>
GRAND TOTAL				\$11,834.40
COST PER LOT				\$197.24

Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment (A_{max}) for any given year "n" based on the following formula:

$$A_{max} \text{ for any given year "n"} = (\$11,834.40) (1.05)^{(n-1)}$$

where "n" equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years' deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year's annual assessment.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-24
Wild Horse Ranch
Fiscal Year 2005-06

Example 1. The estimated year four cost of maintaining the improvements in the district is \$12,899.5 [a 9% increase over the base year estimated cost of (\$11,834.40)]. The maximum annual assessment for year four is
$$\$13,699.8 [A_{\max} = (\$11,834.40) (1.05)^{(4-1)}].$$

The assessment will be set at \$12,899.5 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$13,372.2 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$11,834.40]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$267.46 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is
$$\$13,699.8 [A_{\max} = (\$11,834.40) (1.05)^{(4-1)}].$$

The year four assessment will be set at \$13,639.66 plus the deficit amount of \$267.46 which equals \$13,639.60 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$12,899.50 [a 9% increase over the base year assessment of \$11,834.40] and damage occurred to the masonry wall raising the year five expenses to \$15,737.4 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$14,189.45 (a 10% increase over the previous year) and below the maximum annual assessment of
$$\$14,384.8 [A_{\max} = (\$11,834.40) (1.05)^{(5-1)}].$$

The difference of \$1,547.9 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-24
Wild Horse Ranch
Fiscal Year 2005-06

City Engineer Certification

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

Andrew Benelli
Assistant Director Engineering

RCE 50022

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9k(1)

Agenda Item Wording: Authorization to record the final map of Pheasant Ridge Unit No. 2, Phase 1 Subdivision, located East of Shirk Street at Delaware Court.

APN: 077-100-067

Deadline for Action: December 19, 2005

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Greg Dais 713-4164

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary: The recommendation is that City Council approve the recordation of the final map of Pheasant Ridge Unit No. 2, Phase 1, Subdivision containing nine single family lots. All bonds, cash payments, subdivision map agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$ 59,465.74 and Labor and Material Bond in the amount of \$ 29,732.87; 3) Cash payment of \$ 29,883.58 distributed to various accounts; and 4) Final map. The project is being constructed by Larry and Gayle Nelson.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

Pheasant Ridge Unit No. 2, Phase 1, Subdivision was included in the Landscape and Lighting District that was created with Pheasant Ridge Unit No. 1 Subdivision.

Prior Council/Board Actions: Pheasant Ridge Unit No. 2, Phase 1, Subdivision was annexed into the Landscape and Lighting District by City Council on November 7, 2005.

The tentative subdivision map for Pheasant Ridge Unit No. 2, Phase 1, Subdivision was approved by Visalia Planning Commission on October 25, 2004 with the expiration date of October 25, 2006.

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments: Location sketch, subdivision map and ownership disclosure.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to authorize recordation of the final map of Pheasant Ridge Unit No. 2, Phase 1, Subdivision.

Financial Impact

Funding Source:
Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes _____ No _____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Environmental finding completed for tentative
subdivision map.
Required:

NEPA Review:

Required? Yes No
Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: Dec 5th 2005

Agenda Item Number (Assigned by City Clerk): 9k(2)

Agenda Item Wording: Authorize the Recordation of the Final Map for Wild Horse Ranch #2, located northwest corner of Demaree Street and Riverway Ave, (16 Lots), APN: 077-050-15

Deadline for Action: None

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Peter Spiro 713-4256

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map for Wild Horse Ranch Unit #2 containing 16 single family residential Lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$224,374.20 and Labor and Material Bond in the amount of \$112,187.10; 3) cash payment of \$22,437.42 distributed to various accounts; and 4) Final Map. This property is being developed by Hidden Oak Development LCC.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map. This phase of Wild Horse Ranch Development sets at the north side of Riverway Avenue with a frontage of 330 linear feet and it will be constructed with the first phase of Wild Horse Ranch.

Landscape & Lighting

Landscape and Lighting District #05-24 (Wild Horse Ranch) is being formed with the final map for Wild Horse Ranch #1 that is scheduled for the December 5th City Council meeting , hence no actions or resolutions are needed for this Unit.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights and trees on local streets. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district

Prior Council/Board Actions: The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision.

Committee/Commission Review and Actions: The tentative subdivision map for Wild Horse Ranch Unit #2 subdivision was approved by the Planning Commission on Feb 16,2005. The tentative map will expire on Feb 16, 2007.

Alternatives: N/A

Attachments: Resolution Initiating Proceedings; Clerk's Certification; Resolution Ordering the Improvements; Exhibits "A",

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Wild Horse Ranch Unit#2

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:



Wild Horse Ranch District

Unit #2

Riverway Ave

Unit #1

RIGGIN AVE.

EMAREE ST.

DEMAREE ST.

E.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9k(3)

Agenda Item Wording: Authorize the Recordation of the Final Map for Stonegate Estates, located on the east side of Shirk Street 300 feet north of Hurley Avenue (8 lots). APN: 085-020-029

Deadline for Action: N/A

Submitting Department: Community Development & Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary:

Staff recommends that City Council approve the recordation of the final map for Stonegate Estates containing 8 single-family lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$ 219,789.50 and Labor and Material Bond in the amount of \$ 109,894.75; 3) cash payment of \$ 45,395.94 distributed to various accounts; and 4) Final Map. The applicant on this project is Mangano Company.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

According to Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the developer for street improvements made to Arterial and Collector streets. This development is constructing street improvements on Shirk Street (Arterial) and Hurley Avenue (Collector). The City will be reimbursing the developer approximately \$160,000 for

Arterial/Collector street improvements. The reimbursement will come through a combination of fee credits for Transportation Impact Fees and cash payment.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: The tentative subdivision map for Stonegate Estates subdivision was approved by the Planning Commission on May 9, 2005. The tentative map will expire on May 29, 2007.

Alternatives: N/A

Attachments: Location Map; Tentative Map

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):
Move to authorize the recordation of the Final Map for Stonegate Estates.

Financial Impact

Funding Source:
Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$	
Amount Budgeted: \$	Lost Revenue: \$	
New funding required:\$	New Personnel: \$	
Council Policy Change: Yes_____ No_____		

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior: Negative Declaration completed with tentative map
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

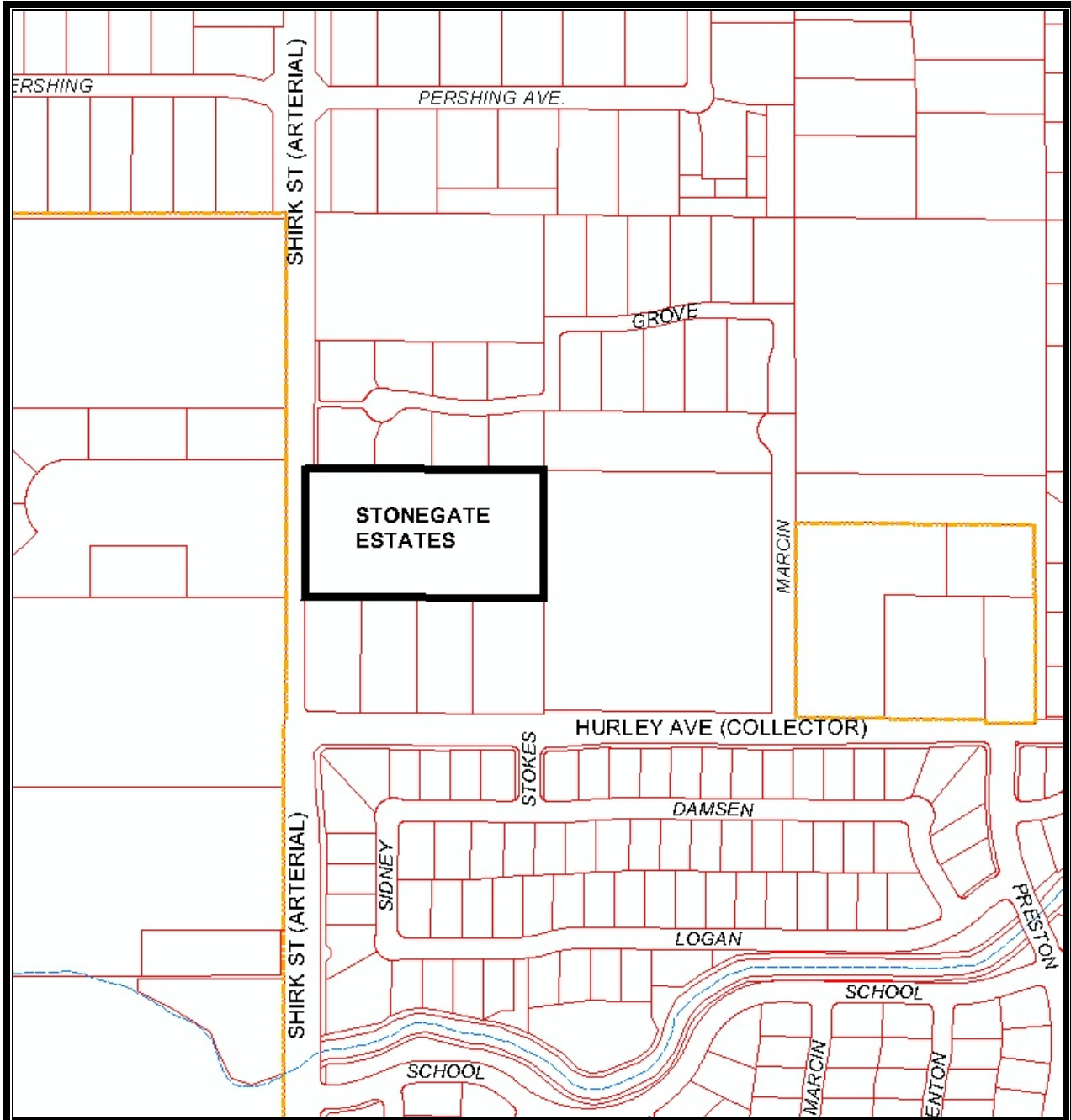
Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

LOCATION MAP



**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9I(1)

Agenda Item Wording: Request authorization to file a Notice of Completion for Giddings Heights, Unit No. 5 Subdivision, containing 47 lots, located on the north side of Ferguson Ave. between Dinuba Blvd. and Giddings Street.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Ed Juarez – 713-4446

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 1 Min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Sam A. & Marlene E. Sciacca. Sam A. & Marlene E. Sciacca have submitted a Letter of Credit in the amount of \$19,415.50 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of November 17, 2003.

Committee/Commission Review and Actions: The tentative subdivision map for Giddings Heights, Unit No. 5 Subdivision was approved by Planning Commission on April 28, 2003.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Giddings Heights, Unit No. 5 Subdivision.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Environmental finding completed for tentative subdivision map.
Required:

NEPA Review:

Required? Yes No
Review and Action: Prior:
Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9I(2)

Agenda Item Wording: Request authorization to file a Notice of Completion for Eagle Glen Unit No. 2 Subdivision, containing 55 lots, located at the Northeast corner of McAuliff Street and Walnut Avenue.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Ed Juarez – 713-4446

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 1 Min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Ennis Homes, Inc. Ennis Homes, Inc. has submitted a maintenance bond in the amount of \$85,222.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of January 12, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Eagle Glen Unit No. 2 Subdivision was approved by Visalia City Council on April 1, 2002 (on appeal) with the expiration date of April 1, 2004.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Eagle Glen Subdivision Unit No. 2.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Environmental finding completed for tentative subdivision map.
Required:

NEPA Review:

Required? Yes No
Review and Action: Prior:
Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9I(3)

Agenda Item Wording: Request authorization to file a Notice of Completion for Eagle Glen Unit No. 3 Subdivision, containing 22 lots, located at the Northeast corner of McAuliff Street and Walnut Avenue.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Ed Juarez – 713-4446

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 1 Min.

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Ennis Homes, Inc. Ennis Homes, Inc. has submitted a maintenance bond in the amount of \$7,820.00 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of June 7, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Eagle Glen Unit No. 3 Subdivision was approved by Visalia City Council on April 1, 2002 (on appeal) with the expiration date of April 1, 2004. The map has received one extension with an expiration date of April 1, 2006.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Eagle Glen Subdivision Unit No. 3.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No
Review and Action: Prior: Environmental finding completed for tentative subdivision map.
Required:

NEPA Review:

Required? Yes No
Review and Action: Prior:
Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9I(4)

Agenda Item Wording: Request authorization to file a Notice of Completion for Crossroads Subdivision, containing 28 lots, located on the east side of Pinkham Street at La Vida Avenue between "K" Avenue and Caldwell Avenue.

Deadline for Action: None

Submitting Department: Community Development & Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Ed Juarez – 713-4446

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary: The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Cameron Creek Residential Investors, LLC, a Delaware Limited Liability Company. Cameron Creek Residential Investors, LLC has submitted a maintenance bond in the amount of \$18,706.24 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Crossroads Subdivision in conjunction with South Point Estates, Parks Place and Sunrise Park subdivisions have completed the majority of the street improvements on Pinkham Street between Caldwell Avenue and K Avenue. Traffic is not currently allowed on Pinkham between K Road and La Vida Avenue. The City is planning a Capital Improvement project to improve the K Road and Pinkham intersection. This project is currently being advertised for construction bids. If the bids are satisfactory, the project will be scheduled for award on December 19th. Construction should begin within thirty days of the award. The project will involve installing concrete panels where Pinkham crosses the railroad tracks and raising the grade of K Street to more closely match the railroad tracks. Curb and gutter will also be installed on both Pinkham and K Road. Pinkham will be open to traffic when the improvements are substantially completed. The contractor will be required to complete the project in sixty working days (not including weather delays).

Prior Council/Board Actions: Final Map recording was approved at the Council meeting of October 18, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Crossroads Subdivision was approved by the Planning Commission on August 23, 2004 with the expiration date of August 23, 2006.

Alternatives: N/A

Attachments: Location map, final map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Crossroads Subdivision.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes____ No____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior: Environmental finding completed for tentative subdivision map.

Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:

Required:

Review and Approval - As needed:

Department Head Review (Signature):

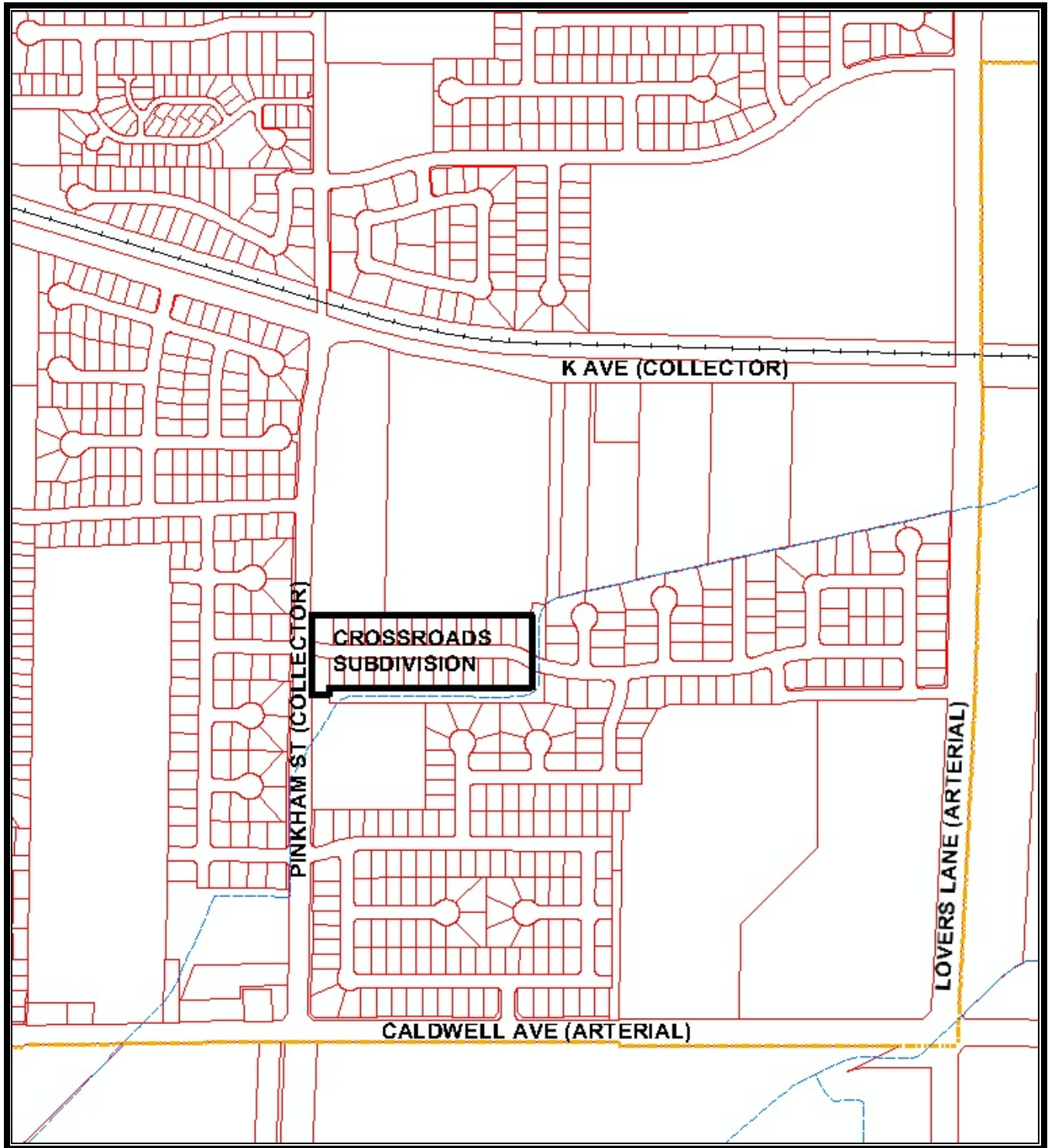
Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

LOCATION MAP



City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9m(1)

Agenda Item Wording: Introduction of Ordinance No. 2005-23 authorizing the lease of .68 acres of property at the Visalia Municipal Airport to Optimal Aviation Services, LLC. for the purpose of constructing an Aircraft Storage Facility.

Deadline for Action:

Submitting Department: Administrative Services – Airport

Contact Name and Phone Number: Mario Cifuentez, II
Airport Manager, x4480

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): _____

Department Recommendation and Summary:

Executive Summary:

City Staff recommends that Council authorize the City Manager to execute this lease agreement with Optimal Aviation Services, LLC. Optimal Aviation Services, LLC. is owned and operated by Mr. David Lanham. Mr. Lanham is an experienced pilot and charter operation manager and has been a long time tenant at the Visalia Airport and currently leases space from an existing airport tenant. The term of this lease is twenty-five (25) years. The lease rate will be \$694.17 per month, adjusted annually based on the California Consumer Price Index.

Background:

Optimal Aviation Services, LLC. Is a new business. However, the owner, David Lanham is a long time tenant of the Visalia Airport. Mr. Lanham manages several aircraft for tenants at the airport and others across the valley. He has continued to acquire control over several larger aircraft and he desires to relocate the aircraft to Visalia under one facility. In addition, Mr. Lanham ultimately hopes to operate a full-service air charter operation and is looking for a quality facility to operate his business from.

Optimal Aviation Services proposes to construct a new hangar facility of approx. 15,000 square feet, an above ground fuel farm, and significant ramp improvements on the 30,000 square foot leasehold. The site is located just South of Fire Station 3 in the new corporate hangar area where taxiways were constructed in the Summer of 2004.

This lease agreement is a Standard Airport Ground Lease Agreement containing the same terms and conditions as all other agreements executed since 1995. The agreement has a twenty-five (25) year term, with three five (5) year options. The lease also requires a fair market analysis of the rent at the expiration of the original term and prior to the execution of each option.

This document last revised: 12/2/05 5:06:00 PM

By author: Mario Cifuentez

File location and name: H:\(1) AGENDAS for Council\120505\Item 9m(1) Introduction of Optimal Aviation Ordinance.doc

Prior Council/Board Actions:

Committee/Commission Review and Actions:

The Airport Committee recommends Introduction of this ordinance and execution of the associated Lease Agreement.

Alternatives:

Attachments: Proposed Ordinance

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move introduction of Ordinance No. 2005-23 authorizing the lease of .68 acres of property at the Visalia Municipal Airport to Optimal Aviation Services, LLC.

Financial Impact

Funding Source:

Account Number: 4011-452011-40401 (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$8,330.04 annually
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes_____ No <input checked="" type="checkbox"/>		

Copies of this report have been provided to:

This document last revised: 12/2/05 5:06:00 PM

By author: Mario Cifuentez

File location and name: H:\(1) AGENDAS for Council\120505\Item 9m(1) Introduction of Optimal Aviation Ordinance.doc

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

ORDINANCE NO. 2005-23

This document last revised: 12/2/05 5:06:00 PM

By author: Mario Cifuentez

File location and name: H:\(1) AGENDAS for Council\120505\Item 9m(1) Introduction of Optimal Aviation Ordinance.doc

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF VISALIA AND OPTIMAL AVIATION SERVICES, LLC. FOR .68 ACRES OF PROPERTY AT THE VISALIA MUNICIPAL AIRPORT

WHEREAS, the City of Visalia owns and operates certain real property commonly referred to as the Visalia Municipal Airport; and

WHEREAS, the City of Visalia desires to lease a portion of said real property to a commercial fixed base operator for the purpose of providing support services to users of the Visalia Municipal Airport; and

WHEREAS, Optimal Aviation Services, LLC. is a longtime tenant of the Visalia Municipal Airport and desires to continue to provide said services; and

WHEREAS, the City of Visalia and Optimal Aviation Services, LLC. desire to enter into a lease agreement for said real property; and

WHEREAS, the said real property is more particularly shown on Exhibit A attached hereto and described as .68 acres of airport property.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA:

Section 1. The City Manager of the City of Visalia be, and is hereby authorized to execute on behalf of the City of Visalia, that certain Lease Agreement by and between the City of Visalia as Lessor and Optimal Aviation Services, LLC. as Lessee, dated January 1, 2006, is hereby approved and the City Manager of the City of Visalia is hereby authorized to execute the same on behalf of the City of Visalia.

Section 2. This ordinance shall go into effect thirty (30) days after its passage.

This document last revised: 12/2/05 5:06:00 PM

By author: Mario Cifuentez

File location and name: H:\(1) AGENDAS for Council\120505\Item 9m(1) Introduction of Optimal Aviation Ordinance.doc

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9m(2)

Agenda Item Wording:

First Reading of the Construction and Demolition Recycling Ordinance (Chapter 8.29) to increase the recycling and reuse of construction and demolition debris. Ordinance 2005-24

Deadline for Action:
12-5-05

Submitting Department:
Community Development and Public Works

Contact Name and Phone Number

Andrew Benelli, Community Development & Public Works
Assistant Director 713-4340
Jim Bean, Public Works Manager, Solid Waste & Fleet
713-4564

Department Recommendation and Summary:

City staff recommends that Council approve the first reading of the Construction and Demolition Recycling Ordinance. (Chapter 8.29) With the implementation of this new construction and demolition ordinance, the City will be committed to the recycling of construction and demolition by requiring that contractors establish a Recycling and Reuse Plan for construction and demolition (C&D) waste. Visalia's adoption and implementation of the proposed C & D Ordinance, in conjunction with adoption of the ordinance by other jurisdictions in the Consolidated Waste Management Authority (CWMA), will assist the City and CWMA to meet the fifty percent waste recycling mandate established by state law.

History:

In 1989, the California Integrated Waste Board enacted the California Waste Management Act of 1989. (AB 939). AB 939 contains language that requires that all California cities and counties prepare, adopt and implement source reduction and recycling plans to reach landfill diversion goals. AB 939 also requires that cities and counties make substantial reductions in the volume of waste materials going to the landfills, or face fines up to \$10,000 per day.

In 1999, the City of Visalia entered into a joint powers agreement with the cities of Dinuba, Lindsay, and Porterville to form the Consolidated Waste Management Authority (CWMA). Per the agreement, the CWMA was created to act as an "independent public agency to comprehensively plan, develop, operate and manage the collection, diversion, recycling, processing and disposal of solid waste within the County of Tulare". When the CWMA was first formed the cities had a combined annual diversion rate of 52%. In 2002, four other cities (Exeter, Farmerville, Woodlake and Tulare) joined the CWMA. In 2003, the CWMA's combined annual diversion rate dropped to 44% (the tonnages are always one year in arrears). An analysis of the decrease indicates that it primarily resulted from more construction and demolition material being deposited at the County landfills. The County also increased their efforts to identify the source of material that was being deposited by "self-haulers." The self

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 05

hauls are all deliveries not made by city disposal trucks or other recognized city contract haulers. The self hauls include everything from pickup trucks to dump trucks. Many loads are delivered in trucks with large roll off bins. A significant amount of the material delivered by self haul is construction and demolition waste from Visalia or other cities belonging to the CWMA. The City of Visalia's current diversion rate is about 47%.

In April 2005, the CWMA's tonnage report was sent to the California Waste Management Board, showing that the diversion rate had fallen to 44%. Because the diversion level was less than 50% the CWMA had to request a time extension to meet State's requirements. The CWMA also had to prepare a plan to raise the diversion level back up to 50% or better. The CWMA has agreed to the following programs to reach this goal:

- All eight cities will implement commercial green waste programs,
- All eight cities will adopt Construction and Demolition Ordinances,
- Expand public outreach programs, and;
- Temporarily implement a waste to energy program.

With all of these programs in place CWMA staff is confident that the diversion level will increase back above the 50% level.

The CWMA Board has adopted a model Construction and Demolition Ordinance (C & D) for all of the member cities to use. Mayor Link is Visalia's representative on the CWMA Board. The CWMA cities were required by the State to introduce a C & D Ordinance to their respective City Councils before November 1, 2005. The CWMA Board has set a goal for the cities to have the C & D Ordinances adopted by March 1, 2006. Staff members from the CWMA cities have met with representatives from the Building Industry Association (BIA) to review the model ordinance. The BIA indicated that they support the concepts in the model ordinance and want to work with the cities to make the implementation as simple as possible. The BIA stated that they would prefer that all of the cities and the County adopt similar ordinances. Because of this request Tulare County and the CWMA have both adopted the same C&D model ordinance. The CWMA member cities and Tulare County held an informational meeting for the contractors and private haulers at the Visalia Convention Center on November 16, 2005 to discuss the new model ordinance. Tulare County recently issued a Request for Proposals (RFP) to vendors interested in accepting and processing construction and demolition materials at the County's three landfill sites.

All of the CWMA Cities must promote the reduction of solid waste and reduce the stream of solid waste going to landfills so that the CWMA can meet the State requirement for 50% diversion. Waste from construction, demolition, and renovation of buildings represents a significant portion of the material being deposited in the landfills, and much of this waste is suitable for recycling and reuse. With the implementation of this new construction and demolition ordinance, the City will be committed to the reduction of construction and demolition by requiring that contractors establish a Recycling and Reuse Plan for construction and demolition (C&D) waste. Many California cities and counties have already adopted C&D ordinances. In this area, Fresno County, City of Fresno and the City of Sanger have implemented construction and demolition ordinances similar to the one proposed in this staff report, to assist them to reach their goals set by AB 939.

The C&D Ordinance will require contractors and builders to submit a "Recycling and Reuse Plan" when they apply for a building permit. A copy of the form that the contractors will be required to complete is attached to this report. The contractors will be providing a list of the material that they expect to generate and estimating the amount that will be recycled. They also will have to list the facilities where the recyclable material will be delivered. The contractors must also submit a second copy of the form within 30 days of completing the project. The second submittal provides the City with the actual quantities of material that was recycled. The contractors must also submit weigh tickets or other documentation to validate the quantities that were recycled. For details concerning disposal requirements, penalties or other information, please see the attached C&D Ordinance proposal.

Prior Council/Board Actions:

Introduced the new C&D model ordinance to Council on October 17,2005 during a Work Session.

Alternatives:

1. Do not approve the first reading of the Construction & Demolition Ordinance (Chapter 8.29) and seek other programs to meet the fifty percent diversion mandate.

Attachments:

1. The City of Visalia C&D Ordinance (Chapter 8.29)
2. The City of Visalia's Recycling and Reuse Plan

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Approve the first reading of the C&D ordinance 2005-24.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: ___ No___		

Environmental Assessment Status

CEQA Review:

Required?	Yes	No
Review and Action:	Prior:	Required:

NEPA Review:

Required?	Yes	No
Review and Action:	Prior:	Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

ORDINANCE NO. 2005-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA, AMENDING THE VISALIA MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.29, CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT TO TITLE EIGHT OF THE VISALIA MUNICIPAL CODE

WHEREAS, under California law as embodied in the California Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.), the City of Visalia is required to prepare, adopt and implement source reduction and recycling plans to reach landfill diversion goals, and is required to make substantial reductions in the volume of waste materials going to the landfills, or face fines up to \$10,000 per day; and

WHEREAS, in order to meet these goals it is necessary that the City of Visalia promote the reduction of solid waste, and reduce the stream of solid waste going to landfills; and

WHEREAS, waste from construction, demolition, and renovation of buildings represents a significant portion of the volume of waste presently coming from the City of Visalia and much of this waste is particularly suitable for recycling and reuse; and

WHEREAS, waste reduction, reuse and recycling of Construction and Demolition (C&D) Materials reduces the amount of C&D Materials transported for disposal in landfills and transformation facilities, increases site and worker safety, and are cost effective; and

WHEREAS, the City's commitment to the reduction of waste requires the establishment of programs for recycling and salvaging of construction and demolition (C&D) waste; and

WHEREAS, except in unusual circumstances, it is feasible to divert at least fifty percent (50%) of all C&D Materials from construction, demolition, and renovation projects; and

WHEREAS, certain types of projects are exempt from these requirements; and

WHEREAS, to ensure compliance with this Chapter and ensure that those contractors that comply with this Chapter are not placed at a competitive disadvantage, it is necessary to impose a penalty for non-compliance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VISALIA HEREBY ORDAINS THAT:

Title Eight of the Visalia Municipal Code is amended by adding a new Chapter 8.29, "CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT," to read in its entirety as follows:

CHAPTER 8.29

CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

Section 8.29.10 –PURPOSE

The purpose of this Chapter is to increase the recycling and reuse of construction and demolition debris, consistent with the goals of the California Integrated Waste Management Act of 1989.

Section 8.29.20 –DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the following meanings unless the context otherwise requires:

- (a) "**ACCESSORY STRUCTURE**": means a structure containing no kitchen or bathroom and located upon the same lot or parcel as the principal use or structure to which it is an accessory. The structure is customary, incidental and subordinate to the use of the principal building or the principal use of the land. All accessory structures shall be constructed with, or subsequent to, the construction of the principal structure or activation of the principal use.
- (b) "**APPLICANT**": means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City of Visalia for the applicable permits to undertake any construction, demolition or renovation project within the City of Visalia boundaries, as defined in this Section, and who is, therefore, responsible for meeting the requirements of this Section.
- (c) "**BUILDING OFFICIAL or DIRECTOR**": means the Officer or other designated authority charged with the administration and enforcement of this Section, or the City of Visalia duly authorized representative.
- (d) "**CONSTRUCTION**": means all building, landscaping, remodeling, including the addition, removal or destruction of buildings and landscaping.
- (e) "**CONSTRUCTION AND DEMOLITION DEBRIS**": means and includes
 - (1) Used or commonly discarded materials generally considered to be not water soluble and non-hazardous in nature, including but are not limited to, steel, copper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project; or
 - (2) Remnants of new materials, including but are not limited to, cardboard, paper, plastic, wood and metal scraps from any construction, demolition and/or landscape project.
- (f) "**CONTRACTOR**": means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor, owner-builder, or otherwise) any construction, demolition, remodeling, renovation or landscaping service relating to buildings or accessory structures in the City of Visalia's jurisdictional boundaries.
- (g) "**COVERED PROJECT**": means and includes any project which consists of one or more of the following:
 - (1) Demolition projects that are 500 square feet or greater.
 - (2) Any project involving renovation of a kitchen and/or bath facility irrespective of total square footage or value.

- (3) The renovation, remodel or addition to an existing residential structure that is equal to or greater than 500 square feet and/or projects that exceed \$20,000 in construction cost.
 - (4) The renovation, remodel or addition to an existing commercial or multi-family residential structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000 in construction cost.
 - (5) Residential development and any new residential structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
 - (6) Commercial or multi-family residential development, and any new structure that is equal to or greater than 1,000 square feet and/or projects that exceed \$20,000.
 - (7) All City of Visalia sponsored construction, demolition and renovation projects that are equal to or greater than 1,000 square feet.
 - (8) All City of Visalia public works and construction projects which are awarded pursuant to the competitive bid procedures.
- (h) **"DECONSTRUCTION"**: means a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.
- (i) **"DEMOLITION"**: means the deconstructing, razing, ruining, tearing down or wrecking of any structure, wall, fence or paving, whether in whole or in part, whether interior or exterior. Demolition needs to be done by a contractor or owner-builder.
- (j) **"DESIGNATED RECYCLABLE AND REUSABLE MATERIALS"**: means and includes:
- (1) Inert solids, asphalt and masonry building materials generally used in construction including, but are not limited to, concrete, rock, stone and brick.
 - (2) Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.
 - (3) Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use. The following materials are excluded as the materials are not recyclable and should be land filled: bamboo, palm fronds and yucca.
 - (4) Metals including all metal scrap such as, but are not limited to, pipes, siding, window frames, door frames and fences.
 - (5) Roofing materials including wood shingles and shakes as well as asphalt, stone and slate based roofing material.
 - (6) Salvageable materials and structures including, but are not limited to, doors, windows, fixtures, hardwood flooring, sinks, bathtubs and appliances.
 - (7) Any other materials that the Building Official or Director determines can be diverted due to the identification of a recycling facility, reuse facility or market accessible from the County.
- (k) **"DIRECTOR"**: means the City's **Director of the Public Works** Department or his/her authorized representative.

- (l) **"DIVERT" and "DIVERSION"**: means to use material for any lawful purpose other than disposal in a landfill, transformation facility or alternative daily cover. Methods to divert materials from landfills include Reuse, Salvage and Recycling. Diversion does not include illegal dumping.
- (m) **"EMERGENCY DEMOLITION"**: means an emergency demolition can be performed only when a facility is determined to be structurally unsound and in danger of imminent collapse **and** a state or local government agency has issued an immediate demolition order. The order for emergency demolition only applies to the part of the building that is unsound; attached buildings may not be demolished under this order and must be treated as a regular demolition.
- (n) **"FACILITIES"**: means recycling, salvage and reuse establishments and landfills.
- (o) **"INERT SOLIDS"**: includes asphalt, concrete, rock, stone, brick, sand, soil and fines.
- (p) **"NON-COVERED PROJECTS"**: Construction, demolition and renovation projects within the City of Visalia that do not meet the established thresholds for Covered Projects.
- (q) **"OWNER-BUILDER"**: see "CONTRACTOR".
- (r) **"PERMIT"**: means an official document or certificate issued by the Building Official authorizing performance of a specified activity.
- (s) **"PROJECT"**: means any activity involving construction, demolition or renovation, and which requires issuance of a permit from the City of Visalia.
- (t) **"RECYCLABLES"**: means materials which would otherwise become solid waste but which are capable of or suitable for recycling.
- (u) **"RECYCLING"**: means the process of collecting, sorting, cleansing, treating and reconstituting or converting construction and demolition debris that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace or in the form of useable energy. Recycling does not include transformation.
- (v) **"RECYCLING AND REUSE PLAN"**: means a form provided by the City of Visalia for the purpose of compliance with this Chapter that must be submitted by the Applicant for any Covered Project.
- (w) **"RENOVATION"**: means any change, addition or modification to an existing structure.
- (x) **"REUSE"**: means further or repeated use of Construction and Demolition Debris.
- (y) **"SALVAGE"**: means the controlled removal of materials from a Covered Project for the purpose of recycling, reuse or storage for later reuse.
- (z) **"SOURCE SEPARATED"**: means recyclables that have been segregated from solid waste by or for the generator thereof on the premises at which they were generated for handling different from that of solid waste.
- (aa) **"STRUCTURE"**: means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Section 8.29.30 –DECONSTRUCTION AND SALVAGE AND RECOVERY

- (a) Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall be counted towards the diversion requirements of this Section.

Section 8.29.40 –DIVERSION REQUIREMENTS

- (a) One hundred percent (100%) of inert solids and at least fifty percent (50%) by weight of the remaining construction and demolition debris resulting from the project shall be diverted to an approved facility or by salvage.
- (b) For each Covered Project, the diversion requirements of this Section shall be met by submitting and following a C&D Debris Recycling and Reuse Plan that includes the following:
 - (1) Deconstructing and salvaging all or part of the structure as practicable, and
 - (2) Directing one hundred percent (100%) of inert solids to reuse or recycling facilities approved by the City of Visalia, and
 - (3) Source separating non-inert materials, such as cardboard and paper, wood, metals, green waste, new gypsum wallboard, tile, porcelain fixtures, and other easily recycled materials, and directing them to recycling facilities approved by the City of Visalia and taking the remainder (but no more than 50% by weight) to a facility for disposal.
- (c) The Applicant for any Covered Project shall make reasonable efforts to ensure that all construction and demolition waste diverted or land filled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales that are in compliance with all regulatory requirements for accuracy and maintenance.
- (d) Although it may not be an explicit condition of the building permit, Contractors working on Non-Covered Projects are encouraged to divert material from construction and demolition projects to the maximum extent practicable in accordance with this Chapter.

Section 8.29.50 –PROJECTS EXEMPT FROM THIS CHAPTER

- (a) Emergency demolition required to protect the public health, safety or welfare.
- (b) City of Visalia-sponsored demolition of a substandard structure or construction required to protect public health or safety in an emergency.
- (c) Projects in any single-family residential district, which consist solely of a swimming pool.
- (d) Projects for which only a plumbing permit, electrical permit or mechanical permit is required.
- (e) A project for which a valid building permit has been lawfully issued by the City of Visalia prior to the effective date of this Ordinance.
- (f) A project of the City of Visalia public construction for which the notice inviting bids has been published prior to the effective date of this Ordinance.

Section 8.29.60 –SUBMISSION AND REQUIRED CONTENTS OF C&D DEBRIS RECYCLING AND REUSE PLAN

- (a) Prior to issuance of permit, every Applicant for building or demolition permits involving any Covered Project shall complete and submit a properly completed C&D Debris Recycling and Reuse Plan to the Building Official, unless a C&D Debris Recycling and Reuse Plan for the project is already on file with the City of Visalia.
- (b) A C&D Debris Recycling and Reuse Plan must contain all of the following information:
 - (1) The name and address of the person applying for the permit.

- (2) Unless waived by the Building Official or designee, evidence that the owner or owners of the subject property acknowledge that they are aware of and understand that a violation of any provision of this Section may result in the imposition of penalties and that any unpaid penalties imposed may be declared a lien on the subject property.
- (3) A description of the project, including location, scope, required permit(s) and estimated timeline for completion of the project.
- (4) The names and addresses of all vendors and facilities proposed to be used to collect, receive, dispose, recycle, reuse or salvage the project C&D debris.
- (5) The recycling or reuse percentage rate, as applicable, of each vendor and facility proposed to be used to recycle or reuse the project C&D debris.

Section 8.29.70 –EVIDENCE OF COMPLIANCE WITH C&D DEBRIS RECYCLING AND REUSE PLAN

- (a) A C&D Debris Recycling and Reuse Plan shall be approved or denied no later than thirty (30) days after a complete application is made.
- (b) Notwithstanding any other provision of this Section, no permit shall be issued for any Covered Project unless and until the C&D Debris Recycling and Reuse Plan have been approved.
 - (1) All of the information has been remitted on the C&D Debris Recycling and Reuse Plan.
 - (2) The C&D Debris Recycling and Reuse Plan establish a mechanism such that the diversion requirement shall be met.
- (c) If the Director determines that the C&D Debris Recycling and Reuse Plan application is incomplete or fails to indicate that one hundred percent (100%) of inert solids and at least fifty percent (50%) by weight of all construction and demolition debris generated by the Project will be reused or recycled, he or she shall either:
 - (1) Return the C&D Debris Recycling and Reuse Plan application to the Building Official marked “Denied”, including a statement of reasons, which shall then immediately stop processing the building or demolition permit application, or
 - (2) Return the C&D Debris Recycling and Reuse Plan to the Building Official marked “Further Explanation Required”.
- (d) Within 30 days following project completion, a final compliance report containing the following information and documentation must be submitted to the Building Official, listing every vendor or facility that collected, transported or received any C&D debris.
 - (1) Copies of receipts from every vendor or facility that collected, transported or received any project C&D debris. Each receipt must specify the weight of any project C&D debris handled by the vendor or facility and must clearly demonstrate that all such C&D debris originated from the project site.
 - (2) A calculation of the actual percentage, determined by weight, of project C&D debris that was recycled or reused for each vendor or facility that collected, transported or received material.
 - (3) A description of the manner in which the project C&D debris was recycled or reused and the name and address of all vendors and facilities employed in the recycling or reuse of project C&D debris, including the recycling or reuse rate of each vendor or facility, as applicable.

- (e) Failure to accurately account for and submit the required documentation for all project C&D debris in the final compliance report constitutes a violation of this Section.

Section 8.29.80 –DIVERSION REQUIREMENT EXEMPTION

- (a) Application: If an Applicant for a Covered Project experiences circumstances that the Applicant believes make it infeasible to comply with established Diversion Requirements, the Applicant may request, in writing, an exemption from one or all of the waste diversion requirements during the building permit process.
- (b) Meeting with Director: The Director, or designee, shall review all exemption request information supplied by the Applicant and may meet with the Applicant to assess alternative ways of meeting waste diversion requirements. Based on the information supplied by the Applicant, the Director, or designee, shall determine whether it is possible for the Applicant to meet any or all of the Diversion Requirements of the project.
- (c) Granting of Exemption: If it is determined that it is infeasible for the Applicant to meet all of the diversion requirements specified herein, the Director, or designee, shall determine alternate permit conditions and the Building Official will inform the Applicant, in writing, of any such alternative requirements.

Section 8.29.90 –ON-SITE PRACTICES

During the term of the Covered Project, the Applicant shall according to the Applicant's C&D Debris Recycling and Reuse Plan recycle, reuse or divert the required percentages of waste, and keep records of the tonnage. To the maximum extent feasible, project waste shall be source separated on-site to increase diversion.

Section 8.29.100 –REPORTING

- (a) Progress reports during construction may be required.
- (b) All documentation is subject to verification by the City of Visalia.
- (c) It is unlawful for any person to submit documentation to the City of Visalia under this Section which that person knows to contain any false statements, including but not limited to, false statements regarding tonnage of materials recycled or diverted.

Section 8.29.110 –ENFORCEMENT

The Director or his designee shall administer this Ordinance and shall enforce the requirements of this Chapter, including but not limited to, the authority to order that work be stopped where any work is being done contrary to the provisions of this Ordinance.

Section 8.29.120 –NOTICE OF VIOLATION AND ADMINISTRATIVE PENALTIES

- (a) In addition to any other remedy authorized by this Ordinance or applicable law, any violation of the provisions of this Chapter shall be subject to an administrative penalty, enforcement, and collection proceedings, as set forth in this Ordinance and authorized by Section 53069.4 of the California Government Code. Each day of a continuing violation constitutes a separate violation.
- (b) Except as otherwise provided in subsection (c), the Director may impose an administrative penalty for each violation in an amount not to exceed \$100 for the first violation, \$250 for the second violation of the same provision of this Chapter within one year after the first violation, and \$500 for each additional violation of the same provision of this Chapter within one year after the first violation.

- (c) If the Director determines that a project is in violation of the requirements of Section 8.29.40, the Director may impose an administrative penalty equal to \$100 for every ton or fraction of a ton of Construction and Demolition Debris that was not recycled or reused as required.
- (d) Whenever the Director determines that a violation of any provision of this Chapter has occurred, the Director is authorized to issue a notice of violation. The Director's issuance of a notice of violation is final unless an administrative review has been filed as provided in Section 8.29.130. If such an administrative review is not filed, the Director may withhold approval of any and all Recycling and Reuse Plans submitted by the responsible person on any Covered Project(s) until the applicable administrative penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 8.29.150. In addition, when a final administrative determination has been made that a violation has occurred, the Director is authorized to suspend and/or revoke any and all Permits issued pursuant to this Chapter and to direct the appropriate City officials to order the cessation of all work and activities on the Covered Project in question until such time as the applicable penalty has been paid.
- (e) The notice of violation shall specify the conditions constituting the violation, the time, if any, within which the violation must be corrected, the applicable administrative penalty, and the availability of an administrative appeal as provided in this Chapter. The notice of violation shall also state that if such an administrative appeal is not filed and the applicable administrative penalty has not been paid, the Director may withhold approval of any and all Recycling and Reuse Plans submitted by the responsible person on any Covered Project(s) until such penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 8.29.150.
- (f) A notice of violation shall be served upon a responsible person(s) by personal delivery or by registered or certified mail, return receipt requested, at the Director's election. In the event, after reasonable effort, the Director is unable to serve the notice of violation as set above, service shall be accomplished by posting a copy of the notice on the premises of the project. The date of service is deemed to be five days after the date of mailing, the date of personal delivery, or the date of posting, as applicable.
- (g) The total amount of administrative penalties imposed for a project under this section may not exceed fifteen percent of the value of the project, as described on the Permit application(s), or \$50,000, whichever is more.

Section 8.29.130 – ADMINISTRATIVE REVIEW OF NOTICE OF VIOLATION

- (a) Any person upon whom a notice of violation has been served may request an administrative review of the accuracy of the contents of the notice and/or the propriety of any administrative penalty by filing a written notice of appeal with the Director no later than 30 days after the date of service of the notice of violation. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses that the appellant wishes to be considered in connection with the appeal.
- (b) The appeal shall be heard by a hearing officer designated by the City Manager. The hearing officer shall conduct a hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the

appellant and the city, and shall give the appellant ten days prior written notice of the date of the hearing. The hearing officer shall sustain, rescind, or modify the notice of violation by written decision. The hearing officer shall have the power to waive any portion of an administrative penalty in a manner consistent with the decision. Service of the hearing officer's decision shall be made on the appellant in the manner provided in subsection (f) of Section 8.29.120. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision. If judicial review of the final administrative decision is not sought in accordance with the provisions of Section 8.29.140, the decision of the hearing officer shall be deemed confirmed and the Director may withhold approval of any and all Recycling and Reuse Plans submitted by the responsible person on any Covered Project(s) until the applicable administrative penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place.

Section 8.29.140 – JUDICIAL REVIEW

Within 20 days after service of the written decision of the hearing officer, a person contesting that decision may seek review of the decision by filing an appeal in the superior court pursuant to section 53069.4 of the Government Code. A copy of the notice of appeal must be served in person or by first-class mail upon the clerk of the City of Visalia by the person filing the appeal and a copy of the notice of appeal must be submitted to the Director. If the decision of the court is against the contestant, the Director may withhold approval of any and all Recycling and Reuse Projects submitted by the responsible person on any Covered Project(s) until the applicable administrative penalty has been paid, or the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 8.29.150.

Section 8.29.150 – COLLECTION OF ADMINISTRATIVE PENALTIES

- (a) Prior to recordation of a lien declared under this Chapter in the amount of an unpaid administrative penalty, notice shall be given to the owner of the property to be subject to the lien and shall be served in the same manner as a summons may be served pursuant to section 415.10 et seq. of the Code of Civil Procedure.
- (b) The lien shall attach upon recordation in the office of the county recorder. The lien shall specify the amount of the lien, the date of the violations, the date of the final decision, the street address (if any), legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel.
- (c) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, the city shall record a notice of the discharge containing the information specified in subsection (b).

Section 8.29.160 –EFFECTIVE DATE

The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in a newspaper printed and published in the County of Tulare, State of California, together with the names of the City of Visalia, City Council members voting for and against the same.

Section 8.29.170 –SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective. To this end, the provisions of this Ordinance are declared severable.

THE FOREGOING ORDINANCE was passed and adopted by the City of Visalia in the County of Tulare, State of California, on the ____ day of _____, 200__, at a regular meeting of said City Council duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Mayor, City of Visalia, City Council



City of Visalia
CONSTRUCTION AND DEMOLITION DEBRIS
RECYCLING AND REUSE PLAN

Complete and Submit to:

Today's Date: _____

City of Visalia

315 E. Acequia, Visalia, CA 93292

Telephone: (559) 713-4444 Fax: (559) 713-4812

Office Hours: 8:00 AM – 5:00 PM. Monday – Friday

Applicant Name: _____

Applicant's Mailing Address:

Phone: _____

Fax: _____

Email: _____

Project Name: _____

Project Site Address: _____

Assessor's Parcel Number: _____ - _____ - _____

Plan Check Number(s): _____

Project Type: Construction Demolition Grading Renovation, Remodel or Addition
 Residential Non-Residential

Relation to Project: Owner Contractor Authorized Representative

Expected Project Start Date: _____ Expected Project End
Date: _____

Project Description:

FOR SOLID WASTE USE ONLY

RRP ID: _____ Project Valuation: \$ _____

Meets 50% Requirement: Yes No

Project Exempt? Yes Reason: _____

Approved Percent if Lower than 50%: _____ %

Reason for Approval of Lower Percent: _____

RRP Approved: Yes No Date: _____

Approved by: _____ (559) 713- _____



City of Visalia
CONSTRUCTION AND DEMOLITION DEBRIS
RECYCLING AND REUSE PLAN
Vendors & Facilities

In Table 1, list all recyclers, waste haulers, deconstruction contractors, salvage companies, recycling facilities, materials recovery facilities, landfills, and transfer stations that will be used for disposal, recycling, or reuse of project construction and demolition (C&D) debris. List any potential alternative vendors and facilities to be used. This will avoid the need to submit an amended RRP in case the services of a vendor or facility outside of the original selection are used.

Obtain Handling Method and Estimated Recycling Rate by contacting each facility.

TABLE 1

Material Hauling Company	Address of Facility Where Materials will be Delivered	Facility Phone Number	Facility Handling Method*	Estimated Recycling / Reuse Rate (%) <i>(if applicable)</i>	Final Total Tonnage Recycling / Reuse Rate (%)

*Provide a description of the manner in which the project C&D debris will be handled (recycled, reused, salvaged, disposed, processed, etc.)
 **The Recycling / Reused Rate is the amount of material recycled / reused by a facility divided by the amount of material delivered to that facility.



**CITY OF VISALIA
CONSTRUCTION AND DEMOLITION
DEBRIS
RECYCLING AND REUSE PLAN
Signature Page**

Project Name: _____

Project Site Address: _____

Street

City, State, Zip

Owner Information: _____

Print Name

Street

City, State, Zip

Please sign below if you are the owner(s) or Legal representatives(s)

Note that any violation of the provisions of Chapter 8.29, of the Visalia Municipal Code will be subject to a penalty, enforcement, and collection proceedings, as set forth in this Chapter and authorized by Section 53069.4 of the California Government Code. The Building Official or Designee may withhold approval of any and all C&D Debris Recycling and Reuse Plans submitted by the responsible person on any project(s) until the applicable penalty has been paid. In addition, the amount of any unpaid penalty may be declared a lien on any real property on which the project took place, as provided in Chapter 8.28.110 of the Visalia Municipal Code.

The undersigned fully acknowledges the requirements of Chapter 8.29, of the Visalia Municipal Code, on Construction and Demolition Debris. If you are not the owner(s), attach a notarized statement indicating you are the legal representative.

Signature

Print Name

Date

Signature

Print Name

Date

Signature

Print Name

Date

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 9n(1)

Agenda Item Wording: Second reading of Ordinance 2005-21; Authorization to sell various parts of APN #'s 098-070-031; 098-070-014; 098-070-022 totaling 11.17 acres to the Visalia Unified School District for the sale price of \$893,600.00 for development of an elementary school. Ordinance 2005-21 required.

Deadline for Action: none

Submitting Department: Park & Recreation Department

Contact Name and Phone Number:

Don Stone, 713-4397

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 3 min.

Department Recommendation and Summary: Staff recommends that the Visalia City Council adopt Ordinance No. 2005-21 authorizing the sale of portions of City-owned property, APN #'s 098-070-031; 098-070-014; 098-070-022 totaling 11.17 acre be sold to Visalia Unified School District as a future site of an elementary school for \$893,600.

In closed session on May 16, 2005 the Council authorized staff to negotiate an agreement with the Visalia Unified School District to purchase a portion of the property at 321 North Lovers Lane for the appraised price of \$80,000 per acre. The appraisal was conducted by the Hopper Co. in September of 2004 and updated April 15, 2005. The Hopper Co. determined a value of \$80,000 per acre. The comparable sales ranged from \$45,000 to \$78,700 per acre but when adjusted for current market conditions the ranged from \$71,000 to \$84,000. In a later action the Council authorized a topographical survey be undertaken and a legal description be developed. The survey was conducted by Lane Engineering for the purpose of identifying the riparian setback, Mill Creek Parkway right of way, and the exact area to the parcel to be sold. The areas are as follows:

- Parcel 1 11.17-acres, to be purchased by Visalia Unified School District
- Parcel 2 & 3 .86 & .1-acre remainder areas
- Parcel 4 3-acres to be retained for Mill Creek riparian setback
- Parcel 5 .64-acres Mill Creek Parkway right of way

The parcel includes two houses currently occupied by renters. Under the terms of the proposed purchase sales agreement the School District will assume responsibility for these leases. The

two remainders can be sold at a later date and the City will retain parcels 4 and 5 for right of way and riparian setback. The City's community gardening project now located at the site will be relocated after this year's garden season has ended.

Staff recommends that the proceeds from the sale be designated for park projects as follows:

1. To the extent necessary, fund any deficit for Riverway Sports Park- Phase 1
2. Acquire a 6-acre neighborhood park and storm water basin site on the north side of Goshen Avenue at Virmargo Street as a replacement for the Lovers Lane location.

Prior Council/Board Actions: Council actions: July 12, 2004 authorized appraisal; March 7, 2005 authorized update of appraisal.

Committee/Commission Review and Actions: The Park and Recreation Commission, at the June 15, 2004 meeting, voted to support the sale of the property to the VSUD.

Alternatives: N/A

Attachments: Ordinance; Exhibit "A", Location map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to adopt Ordinance 2005-21 authorizing the sell various parts of APN #'s 098-070-031; 098-070-014; 098-070-022 totaling 11.17 acres to the Visalia Unified School District for the sale price of \$893,600.00 for development of an elementary school and authorize proceeds be used as follows; 1. To the extent necessary, fund any deficit for Riverway Sports Park- Phase 1 and / or use to acquire a 6-acre neighborhood park and storm water basin site on the north side of Goshen Avenue at Virmargo Street as a replace for the Lovers Lane location and identify a suitable park to be named in honor of the generous donation of property by the James Coopman.

Financial Impact

Funding Source:
Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes____ No____		

Copies of this report have been provided to: Visalia Unified School District

Environmental Assessment Status

CEQA Review:

Required? Yes No x

Review and Action: Prior: Required: VSUD is lead agency and will prepare CEQA document

NEPA Review:

Required? Yes No x

Review and Action: Prior: Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

ORDINANCE NO. 2005-21

DECLARING INTENT TO SELL TO 11.17 ACRES, PORTIONS OF APN #'S
098-070-031; 098-070-014; 098-070-022 TO THE VISALIA UNIFIED SCHOOL DISTRICT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia owns all the legal and beneficial interest in certain real properties hereon referred to as Exhibit "A".

Section 2: Said real property is more particularly and legally described in Exhibits "A" attached hereto and made a part hereof

Section 3: The City Council of the City of Visalia, having considered evidence submitted in oral and written form, finds the subject real property is not now, nor will be of public use or necessity, and

Section 4: The City of Visalia wishes to sell real property and the rights and entitlement, and

Section 5: Having found the subject property to have no further public use or necessity, the Council declares said property to be surplus and hereby authorizes the sale of said property

Section 6: This ordinance shall become effective thirty days after passage hereof.

PASSED AND ADOPTED:

Bob Link, Mayor

ATTEST:

APPROVED BY CITY ATTORNEY:

Steven M. Salomon, City Clerk

Daniel M. Dooley

EXHIBIT 'A'

LEGAL DESCRIPTION

Separate PDF

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Public Hearing –

1. Certification of Negative Declaration No. 2005-35. (Resolution No. 2005- 164 required.)
2. Initiation of Annexation 2005-06, Houston Ave. Island, generally located on the south side of Houston Ave, between Lovers Lane and Simon (Resolution No. 2005- 165 required.)

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.):_10_

Submitting Department: Administration

Contact Name and Phone Number: Phyllis Coring, Special Projects Manager 713-4566

Department Recommendation and Summary:

Staff recommends that Council adopt Resolution No. 2005-164 , certifying Negative Declaration No. 2005-35 and adopt Resolution No. 2005-165 initiating Annexation 2005-06, Houston Ave. Island. This is an annexation of a county island, approximately 9.8 acres in size, that is generally located on the south side of Houston Ave., east of Lovers Lane.

Background

A public hearing was held on this project on August 15, 2005. At the hearing, property owners expressed interest in having the property annexed with a zoning classification more dense than the R-1-6 (6,000 sq. ft. site area per dwelling unit) that had been proposed. While the action before Council is consideration of annexation, determination of the zoning classification at this point in the process was considered important because of the state law that provides that the general plan designation or zoning of property may not be changed for a period of two years following annexation, unless special findings are made.

Visalia Zoning Ordinance provides that a zone classification consistent with the General Plan Land Use designation will be applied to properties upon annexation. The project area is designated "Low Density Residential" which provides for a density of between 2 to 10 units per

acre. A zone classification that would be consistent with the Land Use Element designation, but denser than the R-1-6 zone, is the R-1-4.5 zone, which allows one dwelling unit per 4,500 sq. ft. Council requested the option to consider either zone or a combination of both zone classifications and directed staff to revise and re-circulate the negative declaration, ask the property owners for their input and develop a recommendation. Staff completed those tasks and re-noticed the public hearing.

Property Owner Input

Staff solicited input from the property owners. One property owner requested R-1-6. All others who responded requested either R 1-4.5 or a combination of R 1-4.5 with R-1-6 along Roosevelt. The property owner recommendations are illustrated on Attachment A.

Staff Recommendation Regarding Zoning

Planning and Administration staffs recommend that the R 1-6 zone be applied to the Roosevelt frontage to a depth of 135 feet, and that the remainder of the property be classified R 1-4.5. This would maintain consistency with the surrounding single family residential subdivisions south of Roosevelt and provide flexibility for infill development along Houston Avenue. The staff recommendation is illustrated on Attachment B.

Houston Avenue Island

Houston Avenue Island consists of approximately 9.8 acres and contains 8 parcels. It is generally located between Lovers Lane and Simon St., on the south side of Houston Avenue. All of the 8 parcels within the island have sanitary sewer available. There are existing sanitary sewer lines in both Houston Ave and in Roosevelt Ave., which runs along the southern border of the island. Homes on three of the parcels are connected to the system.

This annexation is being processed through the special "Island Annexation" legislation enacted by the State, as described below. A "Question and Answer" pamphlet that provides information regarding some of the questions staff anticipated might be asked was included with the original public hearing notice that was sent to property owners. In addition, on August 3, 2005, a neighborhood meeting was held for the property owners in the "island" to provide an opportunity to ask questions and for staff to provide information and to describe the annexation process.

The Visalia Land Use Element designates the site for Low Density Residential and Tulare County currently zones the property AE – 20, an agricultural designation.

City Services, including Police and Fire protection, will be provided to the island upon annexation. As previously mentioned, sanitary sewer service is already being provided. Many of the city services, such as Park and Recreation programs, are already available to the residents of the island, and following annexation, the full complement of city services and programs will be provided.

Costs to Property Owners

This document last revised 12/2/05 4:56 PM

By author: Phyllis Coring

File location and name:

Council\

Property taxes do not increase as a result of annexation. The City and County entered into a tax sharing agreement that identifies how the property taxes that are collected would be shared between the two agencies. Costs to property owners that would be incurred through annexation are storm water and waterway fees, which are charged for properties that are developed. The current rate per parcel/ per month is \$2.47 plus 24¢/1000 sq. ft. of parcel area, so the fee varies depending upon the size of the parcel. Most of the parcels are already paying this fee. A ground water recharge fee is also charged for parcels connected to California Water Service, once inside the city. That fee rate varies depending upon size of the service and is usually 35¢/month for residential uses. If there are businesses run from the home, a Business Tax and Home Occupation Permit would be charged. In addition, if a home has an alarm system, a yearly fee would be required to be paid to the Visalia Police Department.

Island Annexations

This island annexation, Houston Avenue Island, is being processed through special State Legislation that became effective January 1, 2000 and that will sunset January 1, 2007. This legislation provides a streamlined process for island annexations that meet certain criteria. This state legislation provides a window of opportunity to create a more efficient method for local government to deliver public services and eliminate the costly duplication of services that result when two agencies, the City and the County, provide similar urban services within the same general geographic area. The legislation provides that island annexations initiated by City Council must be approved by the Local Agency Formation Commission (LAFCO) if specific criteria are met. The criteria are:

- It does not exceed 150 acres in area, that area constitutes the entire island
- The territory constitutes an entire unincorporated island located within the limits of a city.
- It is surrounded, or substantially surrounded, by the city to which annexation is proposed.
- It is substantially developed or developing.
- It is not prime agricultural land.
- It will benefit from the annexation or is receiving benefits from the annexing city.

The City is in the process of annexing the number of existing County islands. Five islands have been annexed through this special legislation to date.

Effective Date of Annexation

The resolution and proposal questionnaire include a request to LAFCO that the effective date of the annexation be set for April 1, 2006, to allow for LAFCO noticing requirements for a public hearing in February and the time period before the Certificate of Completion may be filed. Staff believes that it will be helpful for residents of the island and service providers to know specifically when the change in jurisdiction will take place.

Environmental Findings

When initiating this annexation, the Council is required to make an environmental finding, in accordance with the California Environmental Quality Act (CEQA). Staff is recommending that the Council certify Negative Declaration No. 2005-35, which was prepared for the Annexation 2005-06. The Negative Declaration was re-circulated to accommodate the ability for Council to

consider the R-1-6 and/or R-1-4.5 zoning classifications. The re-circulated Negative Declaration document is attached.

Summary

A resolution initiating the annexation along with the Proposal Questionnaire and Plan for Services that are required is attached. Should City Council adopt the resolution, staff will file the proposed annexation with LAFCO. Staff anticipates that the LAFCO hearing would be held in February, 2006.

Committee/Commission Review and Actions:

The Planning Commission reviewed 16 potential island annexations on January 26, 2004 and forwarded them to the City Council with the finding that they are consistent with the Visalia General Plan.

Alternatives: None recommended.

Attachments: Vicinity Map, showing location of proposed annexation
Attachment A – Property Owner Input Regarding Zoning
Attachment B – City Staff Recommendation Regarding Zoning
Resolution Certifying Negative Declaration
Resolution Initiating Annexation with Map and Legal Description
Proposal Questionnaire
Plan for Services
Negative Declaration

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move that Council adopt Resolution No. 2005- 164 , certifying Negative Declaration No. 2005-35 and adopt Resolution No. 2005-165 initiating Annexation 2005-06, Houston Avenue Island.

Financial Impact

Funding Source:

Account Number: 0011-00000-720000-0-9514-2005

Budget Recap:

Total Estimated cost: \$	2,309.00 (filing fees only)	New Revenue:	\$
Amount Budgeted: \$		Lost Revenue:	\$
New funding required: \$		New Personnel:	\$
Council Policy Change:	_____	No_x_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? yes

Negative Declaration No. 2005-35 has been prepared for this project.

Review and Action: Prior:
Required

NEPA Review:

Required? No

Review and Action: Prior:
Required

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-164

This document last revised 12/2/05 4:56 PM
By author: Phyllis Coring
File location and name:
Council\

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
ADOPTING NEGATIVE DECLARATION NO. 2005-35, THAT EVALUATES ENVIRONMENTAL
IMPACTS FOR ANNEXATION 2005-06, HOUSTON AVENUE ISLAND

WHEREAS, Annexation 20005-06, Houston Avenue Island (the "Project") is a proposal to annex a 9.8 acre island, generally located on the south side of Houston Ave., between Lovers Lane and Simon St. (APN's 103-300-046,0048,050,049, 103-180-027,026,055,047,056)

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Council on December 5, 2005 for the Project; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this Project, and that no mitigation measures would be required for the Project; and

WHEREAS, on the basis of this Initial Study, a Negative Declaration has been prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

WHEREAS, the Initial Study and Negative Declaration for the Project were prepared and noticed for review and comment; and

WHEREAS, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

WHEREAS, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and found that the Initial Study and Negative Declaration contain and reflect the independent judgment of the City of Visalia; and

WHEREAS, pursuant to AB 3158, Chapter 1706 of the Statute of 1990, the City Council of the City of Visalia hereby finds that no evidence has emerged as a result of said Initial Study to indicate that the proposed project will have any potential, either individually or cumulatively, for adverse effect on wildlife resources.

NOW, THEREFORE, BE IT RESOLVED that a Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2005-35 which evaluates environmental impacts for Annexation 2005-06, Houston Avenue Island. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

This document last revised 12/2/05 4:56 PM
By author: Phyllis Coring
File location and name:
Council\

RESOLUTION NO. 2005-165

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA TO THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION, INITIATING PROCEEDINGS
FOR ANNEXATION 2005-06, HOUSTON AVE ISLAND

WHEREAS, the City Council of the City of Visalia, desires to initiate proceedings for Annexation 2005-06, Houston Ave. Island, the annexation to said city of territory described on the attached legal description, Exhibit "A", and as depicted on the attached map, Exhibit "B"; and

WHEREAS, the Council of the City of Visalia desires to annex said territory to the City of Visalia for reasons not limited to the following; the annexation will contribute to and facilitate the efficient provision of governmental services to the subject territory, will facilitate the extension and maintenance of public works facilities, will eliminate the duplication of governmental services currently being provided within the subject territory, will result in consistent zoning and building standards within existing neighborhoods, will result in logical jurisdictional boundaries between the City of Visalia and the County of Tulare and will allow residents within the territory to participate in the local government of the community; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended, commencing with Section 56000 of the Government code of the State of California; and

WHEREAS, the territory within the proposed annexation constitutes an island of unincorporated area meeting the requirements specifically enumerated in Government Code Section 56375.3 (a) (1); and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Council on August 15, 2005, pursuant to Government Code Section 56755, and requested that the matter be re-noticed to a future date in order to consider alternative zoning for the subject territory; and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice, held a public hearing before said Council on December 5, 2005, pursuant to Government Code Section 56755; and

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and each subject agency, as provided in Government Code Section 56654 and to the Tulare County Department of Education and the Superintendent of Visalia Unified School District, as provided in Section 56658; and

WHEREAS, the Visalia Planning Commission reviewed this proposal on January 26, 2004, and found it to be consistent with the General Plan.

WHEREAS, the City of Visalia and the County of Tulare entered into a Tax Sharing Agreement (Tulare County Agreement No. 21725) on August 19, 2003 for the purpose of

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By author: Phyllis Coring

File location and name:

Council\

establishing the division of property tax revenues for annexation of county islands meeting the requirements of Government Code Section 56375.3 and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended; and

WHEREAS, an Initial Study was prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) and which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required, and

WHEREAS, notice of the intent to adopt a Negative Declaration was published and posted for a period of not less than 20 days in accordance with the provisions of CEQA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Visalia as follows:

1. Application is hereby made to the Executive Office of the Local Agency Formation Commission, County of Tulare, State of California, as proposed in the Proposal Questionnaire, Exhibit "C", entitled Annexation 2005-06, Houston Avenue Island and as described in Exhibit "A" and as illustrated on Exhibit "B".
2. The proceedings are being taken for this proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended, and Council of the City of Visalia requests that the annexation be subject to the following terms and conditions:
 - A. That the annexation be processed in accordance with the provisions of California Government Code Section 56375.3 (a) (1).
 - B. That all applicable City fees apply to properties and uses within the proposed annexation, including, but not limited to, Storm Drain Fees and Ground Water Recharge.
 - C. That the annexation is subject to the Property Tax Agreement for County Island Annexations between the County of Tulare and the City of Visalia, that being Tulare County Agreement No. 21725, and that pursuant to Section 4. a. of said agreement, the City will request that the Tulare County Auditor identify an appropriate Tax Rate Area in accordance with the terms of that section prior to action by the Local Agency Formation Commission.
 - D. That the annexation effective date be set for April 1, 2006.
3. Upon annexation, the subject territory will be zoned R-1-6 (Single Family Residential), to a depth of 135 feet from centerline of Roosevelt and the remainder zoned R-1-4.5 as illustrated in Exhibit "D", in conformance with the Visalia General Plan designation as Low Density Residential and as provided in Visalia Municipal Code Section 17.06.050.
4. The City Clerk, of the City of Visalia, or his designee, is authorized and directed to file a certified copy of this resolution with the Executive Officer of LAFCO, of the County of Tulare, State of California.

5. The Council of the City of Visalia hereby finds as follows:

A. That an Initial Study was prepared for this project, consistent with the provisions of CEQA, which disclosed that environmental impacts associated with the project are determined to be not significant and Negative Declaration No. 2005-35 has been certified.

B. That there is no evidence before the City Council that the proposed project will have any potential for adverse effects on wildlife resources as defined in California Fish and Game Code Section 711.2. The site does not contain any riparian habitat, sensitive natural communities, or wetlands and does not contain any known sensitive, threatened, or endangered species.

C. The territory in Annexation No. 2005-06, Houston Ave. Island is within the Visalia Sphere of Influence as adopted by the Tulare County Local Agency Formation Commission.

Passed and Adopted

EXHIBIT "A"

ANNEXATION No. 2005-06, Houston Avenue Island

That portion of the North half of the Northwest quarter of Section 27, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, County of Tulare, State of California, described as follows:

Commencing at the northwest corner of said Section 27;

Thence, (1) South $89^{\circ}41'19''$ East along the north line of said Section 27 a distance of 1,650 feet more or less;

Thence, (2) South a distance of 8.30 feet more or less to a point on the south right of way line of State Highway 216 (Houston Avenue) the True Point of Beginning and an angle point in the existing City limit line;

Thence, (3) continuing South along the existing City limit line a distance of 660 feet more or less to the north right of way line of Roosevelt Avenue and an angle point in the existing City limit line;

Thence, (4) West along said north right of way line and the existing City limit line a distance of 660 feet more or less to an angle point in the existing City limit line;

Thence, (5) North leaving said north right of way line and along the existing City limit line a distance of 660 feet more or less to the south right of way line of State Highway 216 (Houston Avenue);

Thence, (6) South $89^{\circ}53'28''$ East along said south right of way line and the existing City limit line a distance of 660 feet more or less to the True Point of Beginning and containing 10 acres of land more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Exhibit "B"

ANNEXATION NO. 2005-06

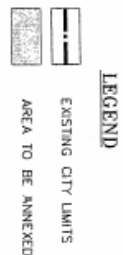
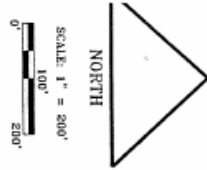
HOUSTON AVENUE ISLAND

9.81 ACRES

CITY OF VISALIA

EFFECTIVE:

A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 27, T18 S, R.25 E, M.D.8, & M., COUNTY OF TULARE, STATE OF CALIFORNIA



COURSE:

1	S89°41'19"E	1650.00±
2	SOUTH	8.30±
3	SOUTH	660.00±
4	WEST	660.00±
5	NORTH	660.00±
6	S89°53'28"E	660.00±



VICINITY SKETCH N.T.S.

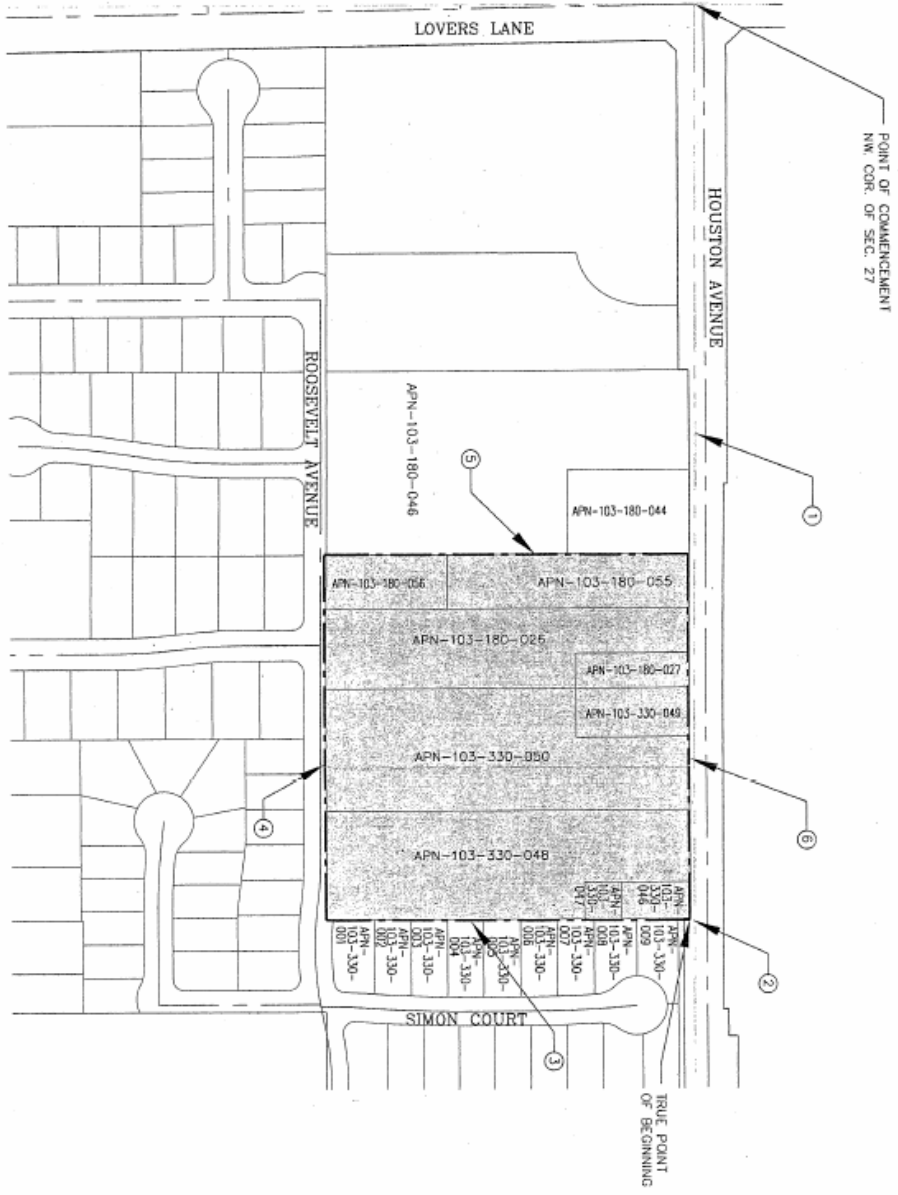


Exhibit "C"

PROPOSAL QUESTIONNAIRE
Houston Avenue Island

A. GENERAL

1. **Type of Proposal:** Annexation to the City of Visalia
2. **Title of Proposal:** Annexation 2005-06, Houston Avenue Island
3. **Statutory provisions governing proceedings that will be initiated if application is approved:**

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.
4. **Describe generally the location of the subject territory:**

The proposed annexation is located in northeast Visalia. It is situated between Lovers Lane and McAuliff St., Houston Avenue and Roosevelt Avenue.

B. PHYSICAL FEATURES

1. **Land Area:** 9.81 acres
2. **Description of General Topography:**

Property is flat.
3. **Describe natural boundaries such as rivers, mountains, etc.:**

None
4. **Designate and describe generally the major highways and streets, the rivers, drainage basins, flood control channels, and similar features within and adjacent to the subject property:**

The island is directly adjacent to Houston Avenue, which runs in an east-west direction Lovers Lane, an arterial street, is adjacent to the proposed annexation to the west.

C. POPULATION AND LAND USE

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1. Estimated total population of subject territory: (Indicate source of your information)

There are 19 residences within the proposed annexation. Using the Census 2000 data of 2.91 persons per household, the estimated population is 55 persons in the proposed annexation.

2. Estimated population density of subject territory: (Population per acre)

5.6 persons/acre

3. Proximity to other population areas: (Give location of such populated areas with respect to subject territory and brief description of such population areas)

The subject properties are located in northeast Visalia. The proposed annexation is a county island, completely surrounded by the City. There are residential subdivisions, public and quasi-public uses surrounding the island.

4. Describe present land use in subject territory and in adjacent incorporated and unincorporated areas and designate the number and type of structures in the subject territory (i.e., single-family, multiple-family, commercial, industrial, publicly owned, others):

The subject territory is zoned an agricultural classification under the County of Tulare, but is developed with residential uses that front onto Houston Avenue. The southern portion of the parcels are undeveloped.

North: Visalia Unified School District Complex

South: residential subdivision

East : residential subdivision

West : undeveloped residential property under city of Visalia jurisdiction.

There is an approved single family residential subdivision on the site.

D. ASSESSED VALUATION IN SUBJECT TERRITORY

1. Land	\$ 367,364
2. Improvements	306,037
3. Exemptions	14,000
4. Net Value	\$ 659,401
5. Estimated per capita assessed valuation	\$ 11,989.

E. INHABITED OR UNINHABITED

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By author: Phyllis Coring

File location and name:

Council\

State the number of persons residing within the subject territory who have been registered to vote within the territory for at least 54 days prior to the date of the filing of this application.

N/A – This annexation is being processed as an “island annexation.”

F. GOVERNMENTAL SERVICES AND CONTROLS

- 1. Indicate which of the following governmental services and controls, and any other governmental services and controls which you deem significant, that are now available in the subject territory, which agency now provides such services, and which agency will provide such services after the proposed action.**

<u>Service</u>	<u>Agency Providing Service</u>	
	<i>Now</i>	<i>After</i>
Police Protection	Tulare County	City of Visalia
Fire Protection	Tulare County	City of Visalia
Water Supply	California Water Service/Private	California Water Service/Private
Sewage Disposal	Private/City of Visalia	Private/City of Visalia
Street Lighting	City of Visalia	City of Visalia
Street Maintenance	City of Visalia	City of Visalia
Others	Tulare County	City of Visalia

- 2. Describe the governmental services and controls that are needed and are not now provided in the subject territory, or which should be provided at an increased level, indicating which services and controls can be provided as a result of the proposed action, and how the cost of such services and controls will be met (i.e., property taxes, connection fees, special assessment districts, or other means).**

The City of Visalia will provide new and an increased level of services to the parcels within the proposed annexation. The City currently provides street lighting, street maintenance and repair, transit, park and recreation programs. The area will be served with increased fire and police protection. City of Visalia sanitary sewer lines have been installed in Houston and Roosevelt and sanitary sewer is available to properties in the county island. Currently three of the properties are connected to the system. The sanitary sewer system is funded through connection charges and user fees. Housing programs will become available, which include low interest loans for first time home buyers and

rehabilitation of rental units and services are available for repairs to homes of senior citizens.

The Plan for Services is attached and outlines the funding source of each service.

3. What is the present property tax rate in the subject territory?

According to the Tulare County Auditor's website, the 2004/2005 property tax rate is 1.09054 per \$100 assessed valuation. (TRA 153028)

4. What is the likelihood of significant residential, commercial, industrial, and other urban growth in the subject territory and in adjacent incorporated and unincorporated areas during the next ten years? Explain your answer.

There are residential subdivisions being developed adjacent to the county island and in the immediate vicinity. There is limited potential for residential development within this county island and interest has been expressed for development of infill residential projects.

In the next ten years Visalia is expected to add 25,000-30,000 more people to its population. It is expected that industrial development will continue at a pace that will provide jobs and an economy to growing community. New development to accommodate the increase in population and supporting uses will primarily occur on the unurbanized edge of existing development.

5. What are the probable future need for governmental services and controls in the subject territory during the next ten years or foreseeable future?

This area will need increased police and fire protection and may benefit from planning and building controls and housing programs. The properties not already connected to sanitary sewer service may need that service in the future. The City of Visalia is prepared to provide these services. The services that will be provided are listed in the Plan for Services.

G. EFFECT OF PROPOSED ACTION AND ALTERNATIVE ACTIONS

What will be the probable effect of the proposed action and of alternative actions on the following: (Explain your answer. It is not sufficient to merely state "not applicable" or "no effect.")

1. The cost and adequacy of governmental services and controls in the subject territory and adjacent areas.

The cost to Tulare County of providing municipal services to the parcels within the proposed subdivision will be reduced or eliminated. Increased services will be provided to the territory as indicated in the Plan for Services. The City of Visalia already provides many services to the area including sanitary sewer service, solid waste collection, street maintenance, and recreation programs. The overall cost of providing services should be reduced by eliminating the duplication of effort by two agencies serving the same general geographic area.

- 2. The general social and economic interests of the community (i.e., explain generally how the social and economic interests of the subject territory, the city and the county will be benefited or adversely affected).**

Annexation will afford the residents within the territory the opportunity to be represented and participate in the City government on the same basis as residents of the surrounding community. The individual properties will be benefited by the increased in the services that will be provided upon annexation. It will increase the efficiency of the City and County government by clarifying the jurisdictional boundary and consolidating the service area.

- 3. The local government structure of the county. (i.e., explain generally how the proposed action will contribute to the logical and reasonable development of local governmental structures of the county.)**

The annexation will result in a clear and logical delineation between the City and County jurisdictions.

H. BOUNDARIES OF TERRITORY

- 1. Do the boundaries of the territory described in the proposal conform with lines of ownership and assessment? If the answer is "no", indicate the parcel or parcels which are divided by the proposed boundaries and state reasons why the proposed boundaries were not laid out to conform to lines of ownership and assessment.**

Yes

- 2. Has any or all of the subject territory been included within a proposal undertaken under the same provisions of law, which was disapproved by the Local Agency Formation Commission within one year preceding the filing of this application? If the answer is "yes" identify the proposal and attach a description of the territory involved in the former proposal.**

No

- 3. (To be answered in connection with city annexations.) Will the annexation of the territory described in the proposal result in the creation of an island,**

or a strip or corridor of unincorporated territory, completely surrounded by the annexing city? If your answer is "yes", then give the following information.

No, this annexation will eliminate an existing county island.

a. Describe generally boundaries of island, strip or corridor and designate on map attached to application.

N/A

b. Characteristics of island, strip or corridor:

N/A

Population

N/A

Population density (per acre)

N/A

Total Assessed Valuation (Land and Improvements)

N/A

Land Use

N /A

Land Use in surrounding territory

N/A

c. Describe present and proposed sewer and water services within the island, strip or corridor.

N/A

d. Why was the island, strip or corridor not included within the boundaries of the proposal?

N/A

e. Could this island, strip or corridor reasonably be annexed to another city or reasonably be incorporated as a new city: Explain.

N/A

f. Explain fully how the application of the restrictions of the Government Code would be detrimental to the orderly development of the community.

N/A

I. TERMS AND CONDITIONS

The proposal is to be subject to the following terms and conditions:

- A. That the annexation be processed in accordance with the provisions of California Government Code Section 56375.3 (a) (1).
- B. That all applicable City fees apply to properties and uses within the proposed annexation, including, but not limited to, Storm Drain Fees and Ground Water Recharge.
- C. That the annexation is subject to the Property Tax Agreement for County Island Annexations between the County of Tulare and the City of Visalia, that being Tulare County Agreement No. 21725, and that pursuant to Section 4. a. of said agreement, the City will request that the Tulare County Auditor identify an appropriate Tax Rate Area in accordance with the terms of that section prior to action by the Local Agency Formation Commission.
- D. That the annexation effective date be set for April 1, 2006.

J. NAME EACH CITY OR DISTRICT LOCATED WHOLLY OR PARTIALLY WITHIN THE BOUNDARIES OF THE SUBJECT TERRITORY

Visalia Public Cemetery District	Tulare County Flood Control District
Kaweah Delta Health Care District	College of the Sequoias Jr. College District
Kaweah Delta Water Conservation District	Visalia Unified School District
Delta Vector Control District	Tulare County Pest Control/Red Scale Protection District
San Joaquin Valley Air Pollution Control District	Levee District No. 1
Visalia Memorial District	

K. MAILED NOTICE OF HEARING

List names and addresses of the officers or persons, not to exceed three in number, who are to be furnished with copies of the Executive Officer's report and who are to be given mailed notice of hearing:

1. Steven M. Salomon, City Manager, City of Visalia, 425 E. Oak Ave., Suite 301, Visalia 93291
2. Phyllis Coring, City of Visalia, 425 E. Oak Ave., Suite 301, , Visalia 93291
3. Mike Olmos, City of Visalia, 315 E. Acequia Ave., Visalia, CA 93291

L. APPLICANT

State name and address of applicant or applicants:

City of Visalia, Administration, City Hall, 425 E. Oak Ave., Suite 301,, Visalia, CA 93291

M. SIGNATURE(S) OF PERSON(S) COMPLETING QUESTIONNAIRE

Phyllis Coring

Special Projects Manager
Title

(559) 713-4566
Telephone No.

425 E. Oak Ave., Suite 301,, Visalia, CA 93291
Address

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number: 11

Agenda Item Wording:

Public hearing to **Certify Negative Declaration No. 2005-103**, Resolution No. 2005-177 required.

Public Hearing to **Consider the Appeal of the Planning Commission's Denial of Riverbend Estates Tentative Subdivision Map 5500**, a request by Del Valle Capital Corporation to divide 25.3 acres into 111 numbered lots for single-family residence uses and six lettered lots for common area facilities. Resolution 2005-178 required.

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 30

The site is located on the south side of Goshen Avenue, between Cain Street and Lovers Lane (APN: 098-142-003, 047)

Deadline for Action: Section 16.04.040 of the City Subdivision Ordinance requires that a hearing be held within 30 days of the filing of the Appeal. The Appeal, attached Exhibit "A", was filed on October 28, 2005. Del Valle Homes recognized that the Appeal was being filed during a City Council election period, and requested the December 5, 2005, date for the hearing of the Appeal.

Council Action: The City Council may overrule or modify any ruling or determination of the Commission in regard to a tentative map and may make conditional exceptions if specific circumstances pertaining to the property involved justify a variance from the provisions of this code. (Subdivision Ordinance Section 16.16.120)

Submitting Department: Community Development and Public Works Department - Planning

Contact Name and Phone Number: Andrew J. Chamberlain AICP, Senior Planner 713-4003

Recommendation and Summary: The Planning Commission recommends that the City Council deny Riverbend Estates Tentative Subdivision Map. The Planning Commission discussion of the project focused on compatibility with adjacent service commercial land uses and potential traffic impacts on adjacent roadways. The project failed to receive an affirmative action at the Planning Commission which constituted a denial of the project (see Memorandum Exhibit C).

It should be noted that since the Planning Commission's action, the applicant has met extensively with Sunset Waste Systems, Inc. to reach a consensus on resolving Sunset's concerns. The results of these discussions, wherein Sunset waste Systems, Inc. will no longer oppose the project are addressed in the Alternatives section of this report.

Project Summary: Riverbend Estates Tentative Subdivision Map is a request to divide 25.3 acres into 111 single-family lots with an additional six lots consisting of a storm drain basin, a tot lot and landscaping lots. The project site is currently vacant. The site is designated in the General Plan as Low Density Residential, and is zoned R-1-6. The proposed subdivision is consistent with the R-1-6 zoning.

The site is generally of a level grade and contains fallow remnants of previous walnut and grape farming. The site is not under Williamson Act contract or agricultural preserve. Mill Creek is on the southern boundary of the site, with Goshen Avenue fronting the project on the north.

The surrounding area has a mix of small and medium-sized business and individual home sites. The area to the west is characterized by numerous service commercial businesses such as mechanical repair, metal fabrication, storage, and waste sorting/recycling (Sunset Waste Systems, Inc.) that take access from Cain Street or Goshen Avenue. The site is considered an in-fill project site since it is within the developed portion of the current City limits, has available services and infrastructure, and is surrounded by existing or approved urban uses that are consistent with their underlying General Plan and zoning designations for urban development.

The single-family parcels will range in size from 5,056 square feet to 13,003 square feet. The project includes the use of block walls along the west property line to provide a permanent open space area and tot lot directly adjacent to the central portion of the adjacent Sunset Waste Systems, Inc. recycling site. The open space/tot lot is intended to provide separation from the proposed homes and the central tipping yard area at Sunset Waste Systems, Inc.

The project would have access from Goshen Avenue at two points, with two additional points of access to a future residential development to the east. Goshen Avenue is designated as an Arterial road (84-foot right-of-way) between Ben Maddox Way and Lovers Lane.

The applicants are requesting approval to use the mix of lot design which allows the use of lots with a minimum lot size of 5,000 square feet. The Mixed Lot Design provides for increased densities through the use of lots less than 6,000 square feet, with the mixed lot development standards. These standards include allowing no more than three consecutive lots less than the typical 6,000 square feet depending upon width and area, and that corner lots be a minimum of 70 feet wide.

Mill Creek, a designated Community Waterway, runs along the south side of the site. The map contains a 50-foot wide riparian setback along the creek and a single-loaded street to open the neighborhood to the creek area. Pursuant to the City's Waterways and Trails Master Plan, the applicant is required to pay the waterway impact fee. Land acquisition, construction, and maintenance become the responsibility of the City. The applicant and City Parks and Recreation staff have met and reached conceptual agreement on the acquisition and development of the riparian setback area. The agreement will stipulate that the City will purchase the setback at fair market value, the City and subdivider will share in costs to landscape and improve the pedestrian area, and the maintenance of landscaping along the riparian area will be included in the Landscape and Lighting Maintenance District (see Condition No. 19).

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on October 24, 2005. The Planning Commission voted 2-3-0 on the motion to adopt Resolution No. 2005-133, which would have approved the project and the associated Negative Declaration. Consequently, the project was denied due to a lack of an affirmative vote. No further motions by the Planning Commission were offered. The Planning Commission did not take a specific action to deny the project, but its failure to approve the project constitutes a denial.

The primary reasons cited for not approving the project were:

1. That the proposed location of the Tentative Subdivision Map is incompatible with the adjacent service commercial uses, specifically the Sunset Waste Systems, Inc. facility, whereby the proposed tentative subdivision map would not be consistent with the intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance, due to the potential for conflicts and complaints by future residents concerning odors and refuse blowing onto individual residential lots.
2. That the proposed location of the tentative subdivision map and/or the conditions under which it would be built or maintained may be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, in that differing vehicle traffic (i.e. refuse trucks and passenger vehicles), and traffic volumes being generated by commercial and residential land uses on Goshen Avenue may degrade Goshen Avenue's current and future Level of Service (LOS) below the minimum acceptable standards of LOS D for an arterial road.

During the public hearing four persons spoke to the item. Three persons spoke in support of the item from Del Valle Homes. The primary speaker, Sal Gonzales, urged support of the item and introduced the other two speakers, his engineer and landscape architect, who provided added information related to the project.

Mike Lane, representing Sunset Waste Systems, Inc., spoke in opposition to the project. He raised several compatibility issues, including noise from the operation which is currently permitted to operate until 10:00 pm. Other issues raised were potential vehicle conflicts on Goshen Avenue with the trucks which frequent the facility, and odor from the recycle materials which can contain up to 30 or 40 percent refuse were other issues. Mr. Lane questioned the Negative Declaration findings being recommended by staff of "no significant impact" based upon the operational profile of the facility. The issue of the zoning on the subdivision site was also raised, in that there was an un-adopted Zoning Map, made available in 2001, for the project site which showed it as Service Commercial rather than residential.

Staff recommended approval of the project based on its consistency with the underlying General Plan land use and zoning designations of low density residential. With regard to Mr. Lane's contentions, staff referred the Planning Commission to the conditions placed on Sunset Waste's operation by Conditional Zoning Agreement 2001-01 (copy attached with this report). Staff contended the conditions in CZA 2001-01 already constitute adequate governing measures by which the concerns he raised had been considered by the City, with the conclusion the potential impacts on a future residential development on the project site would be mitigated to less than significant levels by Sunset Waste's compliance with their own conditions of approval.

Related Projects:

None

Prior Council/Board Actions:

None.

Alternatives:

The City Council may move to approve Riverbend Estates Tentative Subdivision Map. The project applicants led by Mr. Gonzales, and the managers of Sunset Waste Systems, Inc., represented by Mr. Lane, met with staff on November 21, 2005, to discuss the project. The representatives of Sunset Waste Systems, Inc. and the project proponents, Del Valle Homes,

reached a tentative agreement to work together as neighbors based upon the following points, which were further confirmed in Mr. Lane's letter dated November 29, 2005 (see Exhibit H):

1. Del Valle homes has offered to eliminate proposed lots 78 and 79 adjacent to the Sunset Waste facility, and to add the area to the tot lot/open space area to increase the size of the permanent buffer (see Revised Tentative Subdivision Map, Exhibit G).
2. Del Valle Homes has agreed that they would pay all cost overages for the wall along the west property line adjacent to Sunset Waste Systems, Inc., through their Conditional Zoning Agreement 2001-01 (Exhibit B), is required to provide a wall 7 feet in height (6 feet 8 inches typical) and Del Valle would pay to have an approximate four-foot high retaining wall, and for a debris trap (to catch wind blown paper) on top of the wall. The result would be a wall which is approximately 10 feet tall on the Sunset Waste side and 7 feet tall on the subdivision side due to the amount of fill need for the project. The wall would be topped with a wire trap angled onto the Sunset Waste side which would be approximately two feet high.
3. The successors in interest of Del Valle will provide access to Sunset Waste Systems, Inc. to allow their crews to enter the basin/open space and tot lot to pick up any incidental wind blown trash from the Sunset Waste facility.
4. Del Valle has agreed to add a Right-To-Operate disclosure statement to the deeds of all the lots in the subdivision. This would put all of the home buyers on notice of the facility and its right to operate. Please note: *A mutually agreed upon form of the disclosure statement has not yet been submitted by the applicant and Sunset Waste Systems, Inc. for inclusion in the staff report. By agreement of the two parties, the disclosure statement will be reviewed by both parties, with the final draft version of the agreement to be provided to the City Council for inclusion as Conditions of Approval if the Appeal is upheld. In the interim, proposed conditions referencing this agreement as well as a disclosure concerning potential noise and odor incidences are included as Condition Nos. 10 and 11 of the Alternative Resolution to uphold the Appeal and approve the project.*

If the City Council desires to approve the Tentative Subdivision by upholding the Appeal by Del Valle Homes, the edited conditions in the Resolution to Uphold the Appeal and Approve the Project is recommended to incorporate these agreed to items into the approved project.

Correspondence Received

The applicant has submitted a letter dated November 28, 2005, supporting their contentions that the project should be approved by the City Council (see Exhibit F).

Lane Engineers, Inc., representing Sunset Waste Systems, Inc. has submitted a letter dated November 29, 2005, that summarizes their concerns about the project, and itemizes the mitigation measures agreed to between the developer and Sunset Waste Systems, Inc. that would cause Sunset Waste Systems to not be opposed to the project (Exhibit H). These are the same itemized points contained in the Alternatives section above, with the added item for landscaping along the detention basin using aromatic plant and tree species. This mitigation item is included in the project approval resolution as Condition No. 18.

Sunset Waste Systems, Inc., submitted a letter dated November 30, 2005, that requests the City Council continue the hearing for a period of two weeks because neither they nor their representative would be able to attend the December 5, 2005, public hearing (see Exhibit I). Because the additional conditions requested by Sunset's representative, Mike Lane, have been

imported into the recommended project conditions, staff believes that continuance of this item is unnecessary unless Council finds that further and significant modification of the project conditions should be considered.

Attachments:

- Resolution for Negative Declaration and Environmental Document
- Resolution to Deny Appeal
- Alternative Resolution to Uphold the Appeal
- General Plan Land Use and Circulation Element Map
- Zoning Map
- Aerial Map
- Location Map
- Planning Commission Staff Report
- Exhibit A - Appeal
- Exhibit B - Conditional Zoning Agreement 2001-01
- Exhibit C - Planning Commission Memorandum
- Exhibit D - Proposed Aromatic Plant Material
- Exhibit E - Interested Parties Statement
- Exhibit F – Applicant’s Letter dated November 28, 2005
- Exhibit G – Applicant’s Revised Tentative Subdivision Map
- Exhibit H – Lane Engineers Letter dated November 29, 2005
- Exhibit I – Sunset Waste Systems, Inc. Letter dated November 30, 2005

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to certify Negative Declaration No. 2005-103 by adoption of Resolution No.2005-177, and to deny Riverbend Estates Tentative Subdivision Map by adoption of Resolution No. 2005-178.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior:

Required: A Negative Declaration has been prepared for the project. It will need to be certified prior to a decision on the project, should the City Council choose to approve or deny the project.

NEPA Review:

Required? No

Review and Action: Prior:

Required:

Tracking Information:

Anticipated schedule of review:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005- 177

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, ADOPTING
NEGATIVE DECLARATION NO. 2005-103, WHICH EVALUATES
ENVIRONMENTAL IMPACTS FOR RIVERBEND ESTATES TENTATIVE
SUBDIVISION MAP

WHEREAS, Riverbend Estates Tentative Subdivision Map 5500, is a request by Del Valle Capital Corporation to divide 25.3 acres into 111 numbered lots and six lettered lots (hereinafter "Project"). The site is located on the south side of Goshen Avenue, between Cain Street and Lovers Lane (APN: 098-142-003, 047); and

WHEREAS, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on October 24, 2005 for the Project; and

WHEREAS, the Planning Commission of the City of Visalia did not vote to approve the project, therefore the project was denied by the Planning Commission based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this Project, and that no mitigation measures would be required for the Project; and

WHEREAS, on the basis of this Initial Study, a Negative Declaration has been prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

WHEREAS, the Initial Study and Negative Declaration for the Project were prepared and noticed for review and comment; and

WHEREAS, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

WHEREAS, the Planning Commission of the City of Visalia denied the project, the Planning Commission did not certify the Negative Declaration; and

WHEREAS, the project applicant appealed the denial, and the Planning Commission did not certify the Negative Declaration, then the City Council of the City of Visalia shall consider the Initial Study and Negative Declaration; and

WHEREAS, pursuant to AB 3158, Chapter 1706 of the Statute of 1990, the City Council of the City of Visalia hereby finds that no evidence has emerged as a result of

said Initial Study to indicate that the proposed project will have any potential, either individually or cumulatively, for adverse effect on wildlife resources.

NOW, THEREFORE, BE IT RESOLVED that a Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2005-103 which evaluates environmental impacts for Riverbend Estates Tentative Subdivision. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291

RESOLUTION TO DENY THE APPEAL AND THE PROJECT

RESOLUTION NO. 2005-178

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, DENYING RIVERBED ESTATES TENTATIVE SUBDIVISION MAP, LOCATED ON THE SOUTH SIDE OF GOSHEN AVENUE BETWEEN CAIN STREET AND LOVERS LANE.

WHEREAS, Riverbend Estates Tentative Subdivision Map No. 5500 is a request by Del Valle Capital Corporation to divide 25.3 acres into 111 numbered lots and six lettered lots. The site is located on the south side of Goshen Avenue, between Cain Street and Lovers Lane (APN: 098-142-003, 047); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on October 24, 2005; and

WHEREAS, the Planning Commission of the City of Visalia found the subdivision to not be in accordance with Section 16.16 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing and did not approve such subdivision; and

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

WHEREAS, The City Council of the City of Visalia, after a duly published notice scheduled a public hearing to consider Negative Declaration No. 2005-103, and the Appeal of the Planning Commission's action.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia makes the following specific findings based on the evidence presented, and denies the Appeal and the subject Tentative Subdivision Map:

1. That the proposed location of the Tentative Subdivision Map is incompatible with the adjacent service commercial uses, specifically the Sunset Waste Systems, Inc. facility, whereby the proposed tentative subdivision map would not be consistent with the intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance, due to the potential for conflicts and complaints by future residents concerning odors and refuse blowing onto individual residential lots.
2. That the proposed location of the tentative subdivision map and/or the conditions under which it would be built or maintained may be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, in that differing vehicle traffic (i.e. refuse trucks and passenger vehicles), and traffic volumes being generated by commercial and residential land uses on Goshen Avenue may

degrade Goshen Avenue's current and future Level of Service (LOS) below the minimum acceptable standards of LOS D for an arterial road.

**ALTERNATIVE RESOLUTION TO
UPHOLD THE APPEAL AND APPROVE
THE PROJECT – Changes shown in caps.**

RESOLUTION NO. 2005-178

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
UPHOLDING THE APPEAL AND APPROVING RIVERBEND ESTATES TENTATIVE
SUBDIVISION MAP NO. 5500, A REQUEST TO DIVIDE 25.3 ACRES INTO 111
NUMBERED LOTS AND SIX LETTERED LOTS. THE SITE IS LOCATED ON THE
SOUTH SIDE OF GOSHEN AVENUE, BETWEEN CAIN STREET AND LOVERS
LANE.

WHEREAS, Riverbend Estates Tentative Subdivision Map No. 5500 is a request by Del Valle Capital Corporation to divide 25.3 acres into 111 numbered lots and six lettered lots. The site is located on the south side of Goshen Avenue, between Cain Street and Lovers Lane (APN: 098-142-003, 047); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on October 24, 2005; and

WHEREAS, the Planning Commission of the City of Visalia found the subdivision to not be in accordance with Section 16.16 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing and did not approve such subdivision; and

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

WHEREAS, The City Council of the City of Visalia, after a duly published notice scheduled a public hearing to consider Negative Declaration No. 2005-103, and the Appeal of the Planning Commission's action.

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

1. That the proposed location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed location of the tentative subdivision map and the conditions under which it would be built or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2005-103 was adopted by separate Resolution of the City Council.

4. That there is no evidence before the City Council that the project would have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any impacted riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

BE IT FURTHER RESOLVED that the City Council upholds the Appeal and approves the subdivision on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia and subject to the following conditions:

1. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-34.
2. That the final map be developed in substantial compliance with the approved tentative subdivision map shown in Exhibit "A", EXCEPT THAT LOTS 78 AND 79 SHALL BE ELIMINATED, AND THE AREA CONTAINED BY SAID LOTS SHALL BE INCORPORATED INTO THE "TOT LOT", AS SHOWN ON REVISED TENTATIVE SUBDIVISION MAP DATED 11-28-05.
3. That the intersection of Streets "D" and "H" in front of lots 78 and 79 be designed to be more of a 90 degree intersection, to be approved by the Engineering Department prior to or as a part of the final map review.
4. Landscaping Lot "D" is to be expanded to wrap around the "Not a Part" parcel to provide for the maintenance of the street landscaping.
5. That the Landscape Lots and Right-Of-Way adjacent to the "Not A Part" have reservation strip whereby the "Not A Part" does not have any access rights to the adjacent streets excepting Goshen Avenue.
6. ~~That the habitable structures on proposed Lots 78 and 79 be setback minimum of 50 feet from the rear property line. (DELETED SINCE LOTS 78 AND 79 ARE ELIMINATED).~~
7. That a solid wall be installed between the gaps in the service commercial buildings along the southwestern side of the site, and that the developer work with the adjacent service commercial neighbors to eliminate and/or hide the razor wire
8. That the wall along Sunset Waste be only 4 feet high for the first 35 feet (approximately) from the Goshen Avenue right-of-way, to the front enclosure wall for the Sunset Waste site.
9. That the wall between Sunset Waste and the proposed subdivision may be extended up to 10 feet high on the Sunset Waste side by agreement of the applicant and Sunset Waste, and that said additional wall height will require that the applicant also plant vines along the taller section of the wall to reduce the visual impact, AND THAT A TWO FOOT-HIGH DEBRIS CATCHER BE ADDED TO THE TOP OF SAID WALL. Mature tree growth may replace the vines in the future.

10. That a deed notice for potential Noise/Odor issues related to the adjacent service commercial uses be utilized for this subdivision.
11. That a "Right to Conduct Business" or similar type of document, be used in conjunction with, or as a part of, the disclosure for potential noise and odors, to provide notice to home buyers by the applicant.
12. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or walls, and other improvements along the public street frontages and within open space areas of the subdivision (Ponding Basin and Tot Lot to be included), including maintenance for appurtenant local streets, maintenance for street trees, and the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision. The assessment district(s) shall also include provisions for the City of Visalia to collect payments for same from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll.
13. That on all lots adjacent to block walls, setbacks shall be measured from the inside face of the block wall.
14. That all lots be developed to R-1-6 Mixed Lot Size/Frontage Standards as provided in Zoning Ordinance Section 17.12.
15. That the storm drainage infrastructure be developed in a manner to provide for future connection to a Goshen Avenue line which would then result in the Ponding Basin becoming open space for the neighborhood.
16. That all other city codes and ordinances be met.
17. THAT SUNSET WASTE, INC. SHALL BE ALLOWED ACCESS TO THE DETENTION BASIN AND TOT LOT BY THE DEVELOPER AND THEIR SUCCESSORS IN INTEREST FOR THE PURPOSE OF LITTER PICK-UP, PURSUANT TO CONDITIONAL ZONING AGREEMENT 2001-01.
18. THAT PRIOR TO RECORDATION OF THE FINAL MAP, A FINAL LANDSCAPE AND IRRIGATION PLAN SHALL BE PREPARED FOR THE DETENTION BASIN/TOT LOT THAT INCLUDES AROMATIC TREE AND PLANT SPECIES, AND SHALL INCLUDE TREE SPACING AND MINIMUM PLANTING SIZES, AND SHALL BE REVIEWED FOR APPROVAL BY THE CITY ENGINEER AND CITY PLANNER, OR THEIR DESIGNATED REPRESENTATIVES.
19. PRIOR TO ACCEPTANCE OF A NOTICE OF COMPLETION FOR THE SUBDIVISION IMPROVEMENTS, THE RIPARIAN SETBACK AREA SHALL BE DEVELOPED TO THE STANDARDS CONTAINED IN THE WATERWAYS AND TRAILS MASTER PLAN, AND FURTHER SUBJECT TO THE FOLLOWING:
 - A. THE DEVELOPER SHALL PAY THE APPLICABLE WATERWAYS AND TRAILS IMPACT FEES FOR THE PROJECT;
 - B. THE CITY SHALL ACQUIRE THE RIPARIAN SETBACK AREA FROM THE DEVELOPER FOR FAIR MARKET VALUE, BASED ON A CURRENT APPRAISAL IN ACCORDANCE WITH CITY REQUIREMENTS;

- C. THE DEVELOPER AND CITY SHALL SHARE EQUALLY IN THE COST OF INSTALLING THE PAVED PATHWAY AND LANDSCAPING IMPROVEMENTS WITHIN THE RIPARIAN SETBACK AREA; SAID IMPROVEMENTS TO BE IN ACCORDANCE WITH CITY WATERWAYS POLICIES AND STANDARDS; THESE IMPROVEMENTS WILL BE INSTALLED BY DEVELOPER AND CITY SHALL REIMBURSE ITS SHARE OF THE COST TO THE DEVELOPER. CURRENT ESTIMATED TOTAL COST OF SAID IMPROVEMENTS IS \$120,000; THE FINAL TOTAL COST OF RIPARIAN IMPROVEMENTS SHALL BE APPROVED BY CITY AND DEVELOPER.
- D. MAINTENANCE OF THE LANDSCAPING AND IMPROVEMENTS WITHIN THE RIPARIAN SETBACK AREA SHALL BE INCLUDED IN THE LANDSCAPE AND LIGHTING DISTRICT FOR THE SUBDIVISION.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number: 12

Agenda Item Wording:

Appeal of Planning Commission Denial of Variance No. 2005-14, a request by Sierra Designs to allow a Variance from the four-foot fence height limit within the front yard setback in the R-A Zone. The site is located at 1725 Roeben Street (APN: 087-442-005).

Resolution 2005-163

Deadline for Action: None.

Submitting Department: Community Development – Planning

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 20

Contact Name and Phone Number: Becky Fraser (713-4359), Paul Scheibel, AICP (713-4369)

Planning Commission Action and Summary

On October 10, 2005, the Planning Commission denied Variance No. 2005-14, a request by Sierra Designs, Inc. on behalf of Dr. and Mrs. Aditya Verma, to allow a seven-foot tall wrought iron fence along the front property line at 1725 Roeben Street. Roeben Street is a collector status roadway with an 84-foot right-of-way configuration (32-foot pavement half-width from center line to curb, five feet of landscape parkway, and then a five-foot wide sidewalk at the right-of-way/property line). The request is a variance from the four-foot height limit within the front yard setback. The appellant is proposing a seven-foot tall wrought iron fence that would be located approximately 16 feet from the curb and approximately five feet from the right-of-way line (see Exhibit "A"). The R-A zone requires a 35-foot front setback.

The action by the Commission resulted from insufficient evidence to make the necessary findings for a variance as discussed below. The applicant has appealed the Commission's denial of the variance. Following the appeal hearing, Council can choose to uphold the Commission's action and deny the applicant's appeal on the variance request, or uphold the appeal and approve the variance, based on the necessary findings. The Council may also consider an alternate procedure by evaluating the request under the less restrictive criteria for an "exception" as described later in this report. While this particular request was filed and evaluated by the Planning Commission as a variance application, the Municipal Code allows this type of request to be considered under the less restrictive exception process.

The subject site is a one-acre sized residential lot that presently has a house and landscape grounds under construction for the property owners, Dr. and Mrs. Aditya Verma. The parcel was created in January 2004 by Parcel Map 4453 which created four residential lots from a 2.17 acre parcel along the west side of Roeben Street. There is an existing house on the adjacent property to the north. The property to the south is undeveloped. There are no similar fence encroachments along Roeben Street between Walnut and Tulare Avenues. The house footprint

is setback approximately 60 feet from the right-of-way line. The house design also includes a circular driveway with a covered entry that will extend to within 30 feet of the right-of-way.

The Planning Commission found that the five findings for a variance could not be made [please see the Alternatives section of this report for a discussion of the fence exception provisions (Zoning Ordinance Section 17.42.100) as they apply to this particular application). The Planning Commission agreed with the staff recommendations that the intent of the fence height limit is intended to allow property owners to delineate their private space while still providing an open streetscape that avoids the appearance of a tunnel effect along the streetscape, or encourages a fortress perception among individual properties. In addition, applying a uniform fence height reduces the tendency for other adjacent or nearby properties to also erect taller fences on the premise their properties would become more vulnerable to trespass than properties with taller fences. Finally, a seven-foot tall fence could be erected on their property beyond the 35-foot front setback area prescribed for the R-A Zone, which may address the security concerns of the applicant and future home owner (see Exhibit D).

Committee/Commission Review and Actions

The Planning Commission held a public hearing on October 10, 2005, denying Variance No. 2005-15 on a 3-2 vote (Commissioner Perez and Chairman Logan – No). Three of the five Planning Commissioners found that the five findings could not be made to approve the requested Variance, specifically citing that other properties in the neighborhood do not have a seven-foot tall fence in the front setback of a R-A Zone, and that there are no practical difficulties or exceptional or extraordinary circumstances applicable to the property that warrants approval of the request. Commissioner Perez and Chairman Logan concurred with the Variance request, finding that there are similar fences in height and material located within the area (but outside the City limits), and that the fence height would not constitute an exceptional or extraordinary circumstance unique to the property on that basis.

During the public hearing two people spoke on the item. The applicant, Mr. Daniel Veyna and his client, Dr. Verma, spoke in support of the request. They both stressed the fact that Dr. Verma is a cardiologist and he is on call three to four times a week. He often has to leave his house at 2:00 a.m. and if he had a seven-foot high fence around his house he would feel more comfortable leaving his family alone in the middle of the night. Additionally, Dr. Verma expressed fear that he and his family could become victims of a home invasion, based on his profession and ethnicity.

Because the reasons for the fence height variance expressed by the applicant in the application and in testimony before the Planning Commission addressed only Dr. Verma's security concerns and not issues related to neighborhood compatibility, the Planning Commission was not able to make findings for approving the Variance.

Appeal

The attached appeal (Exhibit B) from the applicant/agent, Mr. Daniel M. Veyna, states several additional reasons why the Variance should be approved. There are several neighbors supporting the fence; the optional fence location discussed in the staff report would place the fence directly in the driveway; there is no tunnel effect with the proposed fence; there are similar fences taller, closer and solid than the proposed seven-foot wrought iron fence; the proposed fence would not set a precedent because there have only been 17 applications for fence height variance within the City of Visalia in the last 14 years; and security issues alone should be a reason for the seven-foot tall wrought iron fence 16-feet from the curb.

Additional Correspondence

There were four neighbors that wrote letters (See attached Exhibit "C") supporting the seven-foot wrought iron fence that was not available at the Planning Commission hearing. They all state that the wrought iron fence would be an asset to the neighborhood and they do not object to the location of the fence, approximately 16-feet from the curb.

Prior Council/Board Actions

None.

Alternatives

1. Find that the Variance meets the objectives of the Zoning Ordinance and uphold the appeal by approving the Variance (alternate resolution for approval attached).
2. Alternately, the City Council may apply the findings contained in Zoning Ordinance Section 17.42.100 (Exception Action of the Planning Commission) which specifically applies to fence encroachments. This provision allows for granting fence encroachments without making the added positive findings of hardship, special privilege, or practical difficulty associated with standard variance requests. The findings required for a fence exception are as follows:

A. The city planning commission may grant an exception to a regulation prescribed by this title with respect to fences and walls, and, upon recommendation of the historic preservation advisory board, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas, provided that all of the following criteria is applicable:

1. That the granting of the fence exception will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

2. That the granting of the exception does not create an obstructed visibility that will interfere with traffic safety in the public right-of-way or to adjacent properties;

3. That the exception proposal becomes an integral part of the existing site development (e.g., design, material, contour, height, distance, color, texture).

B. The city planning commission may grant exceptions or modifications to zoning code requirements in accordance with the provisions of Chapter 17.32, Article 2, density bonuses. The granting of the exception shall become effective upon the granting of the density bonus by the city council. (Prior code § 7564)

In the past, the City has processed fence height variances through both the variance process and the exception process. This request was submitted and processed as a Variance, so the alternative was not presented to the Planning Commission as an option. However, the Planning Commission did determine that granting the Variance request would

be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

In adopting Resolution No. 2005-132 which denied the Variance, the Planning Commission found that the proposed seven-foot tall fence within the front setback area -

(C)ould affect public health or safety, or may be injurious to properties of improvements in the vicinity by creating a distinct differential of front yard fencing among similar properties in the area, which could result in a perception of lessened security among property owners who do not enjoy the presence of a taller front yard fence.

Consequently, since all three of the findings must be made to approve a fence exception, it is staff's conclusion that the Planning Commission's findings regarding this request would not have supported an exception request. If the City Council desires to approve the request, staff recommends that it be approved as an exception. The applicable finding in the affirmative regarding health, safety, and welfare may be found in Finding No. 5 of the Alternative City Council Resolution, included in this report. An affirmative finding for Finding No. 2 can be made on the basis the site is in a mid-block location free of traffic visibility concerns, and the fence would not extend onto another property. Finding No. 3 can also be answered in the affirmative because the fence is shown as part of the site plan (Exhibit A) for the property which depicts the intended buildout design for the site.

Attachments

- Exhibit "A" – Site Plan
- City Council Resolution Upholding the Denial of Variance No. 2005-14
- Alternate City Council Resolution Upholding Appeal and approving Variance No. 2005-14
- Planning Commission Resolution Denying Variance No. 2005-14 (unsigned)
- Exhibit "B" – Applicant's Appeal (Including letter to Council and 5 Findings by appellant)
- Exhibit "C" – Letters of support. Received on October 17, 2005 with the applicants appeal
- Exhibit "D" – Site Plan Depicting 35-Foot Setback
- Location Map
- Aerial Map
- Planning Commission Staff Report

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to deny Variance No. 2005-14 by adoption of Resolution No. 2005-163 .

Copies of this report have been provided to:

Applicant- Daniel Venya

Property Owner- Dr. Verma

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Environmental Assessment Status

CEQA Review:

Required? No

Exempt from CEQA (Categorical Exemption No. 2005-98)

Review and Action: Prior:
Required:

NEPA Review:

Required? No

Review and Action: Prior:

Required:

DENYING THE VARIANCE

RESOLUTION NO. 2005-163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA DENYING VARIANCE NO 2005-14, A REQUEST FOR A VARIANCE FROM THE STANDARD FOUR-FOOT FENCE HEIGHT LIMIT WITHIN THE FRONT YARD SETBACK IN THE R-A ZONE. THE SITE IS LOCATED AT 1725 ROEBEN STREET

WHEREAS, Variance No. 2005-14 is a request by Sierra Design to allow a Variance from the standard four-foot fence height limit within the R-A Zone. The site is located at 1725 Roeben Street (APN 087-442-005); and

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Commission on October 10, 2005, and denied such request for variance; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Council on December 5, 2005; and

WHEREAS, the City Council of the City of Visalia does not find the Variance to be in accordance with Section 17.42.110, of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the City Council finds the project to be Categorically Exempt consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines. (Exemption No. 2005-116)

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Visalia denies the Variance and makes the following specific findings based on the evidence presented:

1. That strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;

Requiring the setbacks prescribed by Chapter 17.36 of the Zoning Ordinance would not place the applicant in a particular hardship or difficulty since the desired fence could be placed on the property beyond the front setback area.

2. That there are not exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;

This site is similar in size and configuration to other parcels in this zone in this area.

The subject site sufficiently meets all of the minimum standards to site area and width as prescribed by the Zoning Ordinance. This would not preclude the applicant from erecting the desired wall in accordance with the Zoning Ordinance standards.

3. That strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

A site survey and review of the City's Variance records do not reveal that other such fences have been erected in the immediate area.

4. That the granting of the Variance will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;

The fences of other properties in this zone have complied with the required setbacks.

5. That the granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The granting of the Variance could affect public health or safety, or may be injurious to properties of improvements in the vicinity by creating a distinct differential of front yard fencing among similar properties in the area, which could result in a perception of lessened security among property owners who do not enjoy the presence of a taller front yard fence.

6. That the requested action is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-116).

7. That there is no evidence before the City Council that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

APPROVING THE VARIANCE

RESOLUTION NO. 2005-163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING VARIANCE NO 2005-14, A REQUEST FOR A VARIANCE FROM THE STANDARD FOUR-FOOT FENCE HEIGHT LIMIT WITHIN THE FRONT YARD SETBACK IN THE R-A ZONE. THE SITE IS LOCATED AT 1725 ROEBEN STREET.

WHEREAS, Variance No. 2005-14 is a request by Sierra Design to allow a Variance from the four-foot fence height limit within the front yard setback in the R-A zone. The site is located at 1725 Roeben Street (APN 087-442-005); and

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Commission on October 10, 2005, and denied such variance; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Council on December 5, 2005; and

WHEREAS, the City Council of the City of Visalia finds the Variance to be in accordance with Section 17.42.110, of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the City Council finds the project to be Categorically Exempt consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines. (Exemption No. 2005-116)

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves the Variance and makes the following specific findings based on the evidence presented:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. Per the applicant, the codes were intended to restrict safety for individuals that provide a needed and life saving community service. The applicant is a Doctor that is on call three to four times a week.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone. Per the applicant, there are only two to three individuals in the City of Visalia which can provide the emergency. Due to the nature of emergencies, when on call, Doctor Verma is required to be in the hospital within 20 minutes. This does not allow him to seek residence in the county where fences similar to the one he requests would be allowed.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone. There are several variances that were granted with a similar height and location to the property line.
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone. There are several variances that were granted with a similar height and location to the property line.
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Analysis: The granting of the variance would not create an obstructed visibility that would interfere with traffic safety in the public right-of-way, or the adjacent properties. The fence would be wrought iron and located approximately 16-feet from the curb, per Exhibit "A."
6. That the requested action is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-116).
7. That there is no evidence before the City Council that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

BE IT FURTHER RESOLVED that the City Council hereby gives approval to the variance, on the real property described in accordance with the terms of this resolution under the provisions of Section 17.42.120 of the ordinance code of the city of Visalia, subject to the following conditions:

1. That the site be developed consistent with the submitted plans (Exhibit "A").
2. That all other City codes and ordinances be met.

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 2005-132

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING VARIANCE NO 2005-14, A REQUEST FOR A VARIANCE FROM THE FOUR-FOOT FENCE HEIGHT LIMIT WITHIN THE FRONT YARD SETBACK IN THE R-A ZONE. THE SITE IS LOCATED AT 1725 ROEBEN STREET.

WHEREAS, Variance No. 2005-14 is a request by Sierra Designs to allow a Variance from the four-foot fence height limit within the front yard setback in the R-A zone. The site is located at 1725 Roeben Street (APN 087-442-005); and

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice did hold a public hearing before said Commission on October 10, 2005; and

WHEREAS, the Planning Commission of the City of Visalia finds the variance to not be in accordance with Section 17.42.110, of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines. (Exemption No.2005-116)

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15315.

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

- 8. That strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Requiring the setbacks prescribed by Chapter 17.36 of the Zoning Ordinance would not place the applicant in a particular hardship or difficulty since the desired fence could be placed on the property beyond the front setback area.

- 9. That there are not exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

This site is similar in size and configuration to other parcels in this zone in this area. The subject site sufficiently meets all of the minimum standards to site area and width as prescribed by the Zoning Ordinance. This would not preclude the applicant from erecting the desired wall in accordance with the Zoning Ordinance standards.

- 10. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties*

classified in the same zone;

A site survey and review of the City's Variance records do not reveal that other such fences have been erected in the immediate area.

11. *That the granting of the Variance will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*

The fences of other properties in this zone have complied with the required setbacks.

12. *That the granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;*

The granting of the Variance could affect public health or safety, or may be injurious to properties of improvements in the vicinity by creating a distinct differential of front yard fencing among similar properties in the area, which could result in a perception of lessened security among property owners who do not enjoy the presence of a taller front yard fence.

13. That the requested action is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2005-116).

14. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

Commissioner Thompson offered the motion to this resolution. Commissioner Segrue seconded the motion and it carried by the following vote:

AYES: Commissioners Thompson, Salinas, Segrue
NOES: Commissioners Logan, Pérez
ABSTAINED:
ABSENT:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Fred Brusuelas, AICP
Community Development & Public Works Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2005-132, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on October 10, 2005.

Fred Brusuelas, AICP
Community Development & Public Works Assistant Director

Sam Logan, Chairperson

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2005

Agenda Item Number (Assigned by City Clerk): 13

Agenda Item Wording:

a) Certification of Negative Declaration No. 2005-118.
Resolution No. 2005-168 required.

b) Initiation of Proceedings for Annexation No. 2005-16 (Walnut-Shirk SE): a request by Boyd R. Oakley (Forester Weber & Assoc., agent) to annex two parcels and right-of-way totaling 20.40 acres into the City limits of Visalia. The site is located on the southeast corner of Walnut Avenue and Shirk Street, City of Visalia, County of Tulare. (APN: 119-540-017, 119-620-008). Resolution No. 2005-169 required.

Deadline for Action: None

Submitting Department: Community Development and Public Works Dept. - Planning

Contact Name and Phone Number: Brandon Smith, Associate Planner 713-4636

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
 - Consent Calendar
 - Regular Item
 - Public Hearing

Est. Time (Min.): 10

Department Recommendation and Summary:

Staff is recommending that the City Council first adopt Negative Declaration No. 2005-118, then initiate a 20.40-acre annexation that will bring developed and vacant land planned for the development of rural residences into the City limits. If approved by Council, staff would then file an application for annexation with the Local Agency Formation Commission (LAFCO).

Description of Site

Annexation No. 2005-16 (Walnut-Shirk SE) is an approximately 20.40-acre annexation of privately-owned property located on the southeast corner of Walnut Avenue and Shirk Street. The site contains land that has been used for field crops, but is now fallow. There are two rural residences with accessory structures, an old milk barn, and a plant nursery located on approximately 3 acres on the northwestern portion of the site, which will be removed prior to the development of this site. A small oak tree is located in the center of the site and will be preserved as part of the development. Watson Ditch, which is not a City-designated waterway, flows through the center of the site in an east-west direction. To the north and east, there are existing subdivisions inside the City limits containing custom homes. Land to the south and west is under agricultural use.

General Plan Consistency

The entire site is located within the 98,700 Population and the current 129,000 Population Urban Development Boundaries and the LAFCO Sphere of Influence. The current City limit line is located on the north and east boundaries of the site. The territory proposed for annexation has a General Plan Land Use Designation of Rural Residential, which has been in place since the 1991 General Plan Land Use Element Update (see the attached General Plan Land Use Map for all land use designations in the vicinity of the site.) The land use designation is consistent with the Rural Residential land use designations which are also in place for properties immediately to the north and east and have been developed since 1999. These properties have been inside the City limits since 1992 and 1995 respectively.

The site is not located within the boundaries of the West Highway 198 Master Plan area, as these boundaries only reach as far south as Walnut Avenue. Thus, the property will be able to develop consistent with the Rural Residential zoning upon annexation into the City limits and approval of entitlements. The Rural Residential designation permits residences at a minimum lot size of one acre. Subdivisions developed at a density of two units per acre are allowed with a Conditional Use Permit in the Rural Residential zone.

Rural residential land uses at this site would be consistent with the land use compatibility map of the adopted Visalia Airport Master Plan. According to the map, the entire site is located in Compatibility Zone D, which permits residential development up to a density of 8 units per acre. The proposed project will not require review by the City or County Airport Commissions.

The property has a Tulare County zoning designation of AE-20 and a General Plan Land Use Designation of Rural Residential. (A resolution approved by the County in 1992 allowed the County's General Plan designations to be consistent with the City's General Plan designations for properties inside the UDB.) The County zoning designation permits only one residence per lot. Thus, this zoning would not support the proposed project. However, if the City Council does not initiate the proposed annexation, the applicant could request a zone change with the County so that zoning is consistent with its General Plan, thereby allowing residential lots at a minimum lot size of 12,500 sq. ft. when serviced by individual septic tanks and wells.

Proposed Project

The applicants of the annexation (Boyd Oakley, represented by Forester Weber & Associates – see attached ownership disclosure) have an interest to develop the site for rural single-family residential purposes, and have submitted separate requests for a Tentative Subdivision Map and a Conditional Use Permit to allow development at a density of 2 units per acre, consistent with development to the east. Development of the site would essentially finish out the Oak Meadows residential subdivision that was started to the east (see attached subdivision map and aerial photo). As shown on these exhibits, the Oak Meadows subdivision has two existing stub streets on the east boundary of the site that would be completed by this subdivision.

The proposed Valley Oak Tentative Subdivision Map would divide the site's 19.19 acres into 28 lots for single-family residential use. The subdivision contains lot sizes generally ranging from 20,000 square feet to 29,000 square feet. At the time that the subdivision would develop, the southeast corner of Shirk and Walnut (an arterial-arterial intersection) would be constructed to City standards, including curb, gutter, sidewalk, and paving. The Engineering division has secured the needed right-of-way to pursue improvements on the northeast corner of Shirk and Walnut, and would construct these improvements with or prior to development of the subdivision. The subdivision will include a 46' ditch easement for Watson Ditch (encompassing

the 16' wide ditch and 15' banks on both sides), which matches that on the existing subdivision to the east.

The subdivision map is scheduled to be reviewed by the Planning Commission on December 12, 2005. If the Council has any comments pertaining to the subdivision map as shown, staff requests that the Council refer these comments to Planning staff. Any concerns expressed by Council will be forwarded to the Planning Commission during the via the tentative map staff report.

Williamson Act Designation

The project site is covered entirely by a Williamson Act Agriculture Preserve and Land Conservation Contract that contains a valid protest by the City of Visalia. The property is within Williamson Act Agricultural Preserve No. 1220 and is under Land Conservation Contract No. 4285, both established in 1970. Under provisions of State Law effective at the time, the City of Visalia protested the formation of this preserve and contract with the City's (blanket) Resolution No. 686 in a letter dated July 29, 1970 (see attached). An attached map shows the location of the preserve and the City limits at the time the preserve was protested by the City on July 29, 1970, as well as a 1 mile marker from those City limits. Therefore, the City can choose to not succeed to the contract. Assuming that LAFCO agrees that the contract was successfully protested, the contract and preserve will be eliminated upon annexation and the property owner will not be required to apply for cancellation of the contract.

As part of the annexation agreement requirement, staff will be requiring that the applicant enter into an indemnification agreement to hold the City harmless against any actions which could be brought regarding the Williamson Act contracts.

Adjacent parcels located to the west and northwest also contain Agricultural Preserves and Land Conservation Contracts, entered into in 1969 and 1975. Staff did not find evidence of a valid protest for these preserves. The General Plan designates these properties for Agriculture land use. The property on the northwest corner of Shirk and Walnut is located inside the 98,700 and 129,000 Urban Development Boundaries, while property on the southwest corner is outside these boundaries. The attached location map shows Agricultural Preserves in the vicinity of the site.

Pre-Annexation Agreement

If the Council takes the recommended action of initiating the annexation, staff would be lodging an application for annexation to the Tulare County LAFCO. Before staff will file the application with LAFCO, property owners will be required to sign a Pre-Annexation Agreement which will memorialize the following conditions applicable to the annexation:

- Indemnification to the City and County to defend these agencies harmless from any possible action brought on by the State Department of Conservation regarding the site's protested Williamson Act designation;
- Payment of all associated impact fees at the time that final subdivision maps are recorded and/or building permits are issued in association with the proposed project;
- Compliance with the policies and fees contained within the Groundwater Mitigation Ordinance;
- Payment of the General Plan Maintenance Fees upon approval of the annexation by Tulare County LAFCO. Staff has determined that a total of \$5,643 in fees would be

associated with the Silva Annexation, based on 19 acres of developable land in the annexation area assessed at a rate of \$297 per developable acre.

Environmental Findings

When initiating an annexation, the Council is required to make an environmental finding, in accordance with the California Environmental Quality Act (CEQA). Staff is recommending that the Council certify Negative Declaration No. 2005-118, which was prepared for the annexation. The Negative Declaration document is attached.

Prior Council/Board Actions: None.

Committee/Commission Review and Actions: On November 14, 2005, the Planning Commission found that the annexation is consistent with the General Plan.

Alternatives: None.

Attachments:

- Ownership Disclosure Form(s)
- Resolution for Annexation
- Annexation Map
- Negative Declaration No. 2005-118
- Williamson Act Documentation including City letter of protest
- Tentative Subdivision Map
- Location Sketch
- Map verifying property was within 1 mi. of City limits at time of Williamson Act protest
- Aerial Photo
- General Plan Land Use Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution No. 2005-168 certifying Negative Declaration No. 2005-118, and adopt Resolution No. 2005-169 initiating Annexation 2005-16 (Walnut-Shirk SE), and authorizing staff to make application to the Tulare County Local Agency Formation Commission.

Copies of this report have been provided to:

Financial Impact

Funding Source:

Account Number: None. Annexation application fees are being paid by the property owner.

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue:\$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes___	No_X__

Environmental Assessment Status

CEQA Review:

Required? Yes

Review and Action: Prior:
Required: Negative Declaration No. 2005-118 must be certified prior to initiation of the annexation.

NEPA Review:

Required? No

Review and Action: Prior:
Required:

Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Signed resolution for Annexation to Tulare Co. LAFCO:

Deliver to contact person by Monday, December 12, 2005

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-168

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, ADOPTING NEGATIVE DECLARATION NO. 2005-118, WHICH EVALUATES ENVIRONMENTAL IMPACTS FOR ANNEXATION NO. 2005-16 (WALNUT-SHIRK SE), VALLEY OAK TENTATIVE SUBDIVISION MAP, AND CONDITIONAL USE PERMIT NO. 2005-43.

WHEREAS, Annexation No. 2005-16 (Walnut-Shirk SE) is a request to annex two parcels and right-of-way totaling 20.41 acres into the City limits of Visalia, Valley Oak Tentative Subdivision Map is a request to divide 19.21 acres into 28 single-family residential lots, and Conditional Use Permit No. 2005-43 is a request to allow two dwelling units per acre in the R-A zone (hereinafter "Project"). The project is located on the southeast corner of Walnut Avenue and Shirk Street, City of Visalia, County of Tulare. (APN: 119-540-017, 119-620-008); and

WHEREAS, the City Council of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Council on December 5, 2005 for the Project; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this Project, and that no mitigation measures would be required for the Project; and

WHEREAS, on the basis of this Initial Study, a Negative Declaration has been prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

WHEREAS, the Initial Study and Negative Declaration for the Project were prepared and noticed for review and comment; and

WHEREAS, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

WHEREAS, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and found that the Initial Study and Negative Declaration contain and reflect the independent judgment of the City of Visalia; and

WHEREAS, pursuant to AB 3158, Chapter 1706 of the Statute of 1990, the City Council of the City of Visalia hereby finds that no evidence has emerged as a result of said Initial Study to indicate that the proposed project will have any potential, either individually or cumulatively, for adverse effect on wildlife resources.

NOW, THEREFORE, BE IT RESOLVED that a Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will

have a significant effect on the environment and hereby adopts Negative Declaration No. 2005-118 which evaluates environmental impacts for Annexation No. 2005-16 (Walnut-Shirk SE), Valley Oak Tentative Subdivision Map, and Conditional Use Permit No. 2005-43. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2005-169

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA REQUESTING THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS
FOR ANNEXATION 2005-16 (WALNUT-SHIRK SE)

WHEREAS, the City Council of the City of Visalia, desires to initiate proceedings for annexation to said city of territory described on the attached legal description; and

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

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

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

WHEREAS, the Visalia Planning Commission reviewed this proposal on November 14, 2005, and found it to be consistent with the General Plan; and

WHEREAS, the City Council hereby makes the following findings with regard to the project:

1. The annexation is consistent with the policies and intent of the General Plan. Specifically, the site is located inside the City's current Urban Development Boundary and inside the LAFCO Sphere of Influence.
2. There is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.
3. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2005-118 is hereby certified.
4. The site is currently in an agricultural preserve and under a Land Conservation Contract.
5. There is information in the public record to show that the City successfully protested the agricultural preserve contract.
6. The Council finds that the General Plan Maintenance Fee for this annexation will be \$5,643.00 which shall be paid upon approval of the annexation by LAFCo.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Visalia as follows:

1. The potential environmental effects of the proposed annexation have been reviewed and the Environmental Coordinator of the City of Visalia has determined that the proposal falls within the scope of issues and impacts addressed in Negative Declaration No. 2005-118, and that no mitigation measures are required.
2. Application is hereby made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, as proposed in the Proposal Questionnaire, as described in the legal description entitled "Annexation No. 2005-16 (Walnut-Shirk SE)", and as illustrated in the map entitled "Annexation No. 2005-16 (Walnut-Shirk SE)".
3. Proceedings shall be taken for this annexation proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. The Council hereby requests waiver of the conducting authority proceedings in accordance with Government Code Section 56663(c).
5. The Council hereby exercises its option to not succeed to the agricultural preserve contract encumbering the site.
6. Upon annexation, the territory shall be zoned R-A, consistent with the pre-zonings designated by the General Plan Land Use Map.
7. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.
8. Prior to City lodging an application to LAFCO on behalf of applicant(s), applicant(s) shall enter into an annexation agreement with City which memorializes the required fees, policies, and conditions applicable to the annexation.

City of Visalia
Agenda Item Transmittal

Meeting Date: December 5, 2005

Agenda Item Number: 14

Agenda Item Wording:

Public hearing for:

1. Certify Negative Declaration No. 2005-111. Resolution 2005-166 required.
2. General Plan Amendment No. 2005-18 is a request by Vernon F. Phan to change the General Plan land use designation from Residential High Density to Convenience Commercial on .32 acre. The project site is located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010). Resolution 2005-167 required.
3. First Reading of Change of Zone No. 2005-19 is a request by Vernon F. Phan to change the Zoning from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial) on .32 acre.. The project site is located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010). Ordinance 2005-22 required.

Deadline for Action: None

Contact Name and Phone Number: Travis Page, Planner (559) 713-4449
Mike Olmos, Department of Public Works and City Development (559) 713-4332

Recommendation and Summary: On October 24, 2005 the Planning Commission recommended that the Council approve General Plan Amendment No. 2005-18 and Change of Zone 2005-19. The amendment and change of zone are being proposed in order to facilitate a new convenience store, which is a Conditionally Permitted Use in the CC (Convenience Commercial) Zone (see attachments). The proposed action would change the land use designation on approximately .32 acre from High Density Residential to .32 acre of Convenience Commercial, and to change the zone from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial).

Land Use Designations: The General Plan Land Use Element provides guidance as to where commercial centers that are to serve neighborhoods should be located. Policy 3.5.5 states:

For action by:

- City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:

- Work Session
 Closed Session
 Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 20

“Designate Convenience Centers for personal and convenience goods and services for nearby residential areas. Such centers may be in new, in-fill, and/or consolidated existing strip commercial development and at a scale which is compatible with surrounding residences. Special site design standards shall be imposed on these facilities including high quality architecture, landscaping, signage and lighting to ensure that they are aesthetically pleasing.

Convenience Centers may be approved by a conditional use permit on one corner of arterial / collector intersections on sites of 3 acres or less, on no more than one corner of the intersection and at least at one-half mile intervals between neighborhood shopping centers. Where possible, such centers are to be developed as part of planned unit developments or master planned as part of a development.”

The proposed change in land use would provide for future commercial services on the northeast corner of Jacob Street, a collector status street, and Murray Avenue, an arterial status street. This site also meets the location requirements for a Convenience Center as the closest land zoned for neighborhood shopping center is approximately 1.5 miles away at the northeast corner of Demaree Street and Goshen Avenue, or at the northeast corner of Ben Maddox Way and Houston Avenue. There are no other properties zoned Convenience Commercial within two miles of this site.

The locational criteria were developed to keep commercial traffic primarily on arterial and collector streets and to place convenience commercial areas in proximity to nearby residential neighborhoods. The intersections are typically signalized which helps control traffic movements and the width of the collectors and arterials are designed to handle the additional traffic generated by commercial activity. The Murray / Jacob intersection is a signalized intersection.

Land Use Consistency: This area currently contains a mix of commercial, office, single and multi-family developments. There is a mini-mart / gas station within ¼ mile west of this site on the southwest corner of Goshen Avenue and Giddings Street zoned Commercial / Shopping Office. There is also a commercial strip center within ¼ mile east of this site on the southwest corner of Murray Street and Willis Street zoned Commercial Downtown. Both of these sites provide general commercial goods and services to the residences in the vicinity. There are no General Plan locational requirements for Convenience Centers as they relate to properties designated Shopping / Office Commercial or Downtown Commercial.

Impact of Zone Change: The Zoning Ordinance has development standards which reduce the impact that commercially zoned properties may have to adjacent residential properties. This site is adjacent to property designated for High Density Residential to the north and east. A block wall is required between any commercial development and residential development, and larger setbacks are also required for commercial developments next to residential development. These details will be included in a future CUP application.

The loss of the .32 acre of multi-family zoned land is not considered significant loss to the multi-family inventory in comparison to the total inventory of multi-family zoned land throughout the city. Currently there are 834 acres of multi-family zoned property in the city limits. 609 acres are zoned R-M-2, and 225 acres are zoned R-M-3. This site is an infill site that has remained vacant for many years.

Conceptual Site: The applicant has indicated that if the General Plan Amendment and Change of Zone are approved, he will proceed with a formal application for a Conditional Use Permit. He has submitted a conceptual elevation and site plan for the proposed location. He has indicated that he wishes to develop a one-story family convenient store to serve the surrounding community. The proposed project will be reviewed by the Planning Commission following the submittal of a formal Conditional Use Permit application.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on October 24, 2005 and recommended approval of General Plan Amendment No. 2005-18 and Change of Zone No. 2005-19 on a 5-0 vote. At the meeting one person, Jesus Gutierrez, spoke on the applicant's behalf.

Prior Council/Board Actions:

None.

Alternatives:

None recommended

Attachments:

- Resolution for Negative Declaration
- Environmental Document
- Resolution and Ordinance
- Conceptual Elevation
- Conceptual Site Plan
- Existing and Proposed Land Use Map
- Existing and Proposed Zoning Map
- Location Map
- Planning Commission Staff Report
- Aerial Map

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to certify Negative Declaration No. 2005-111 by adoption of Resolution No. 2005-166

I move to approve General Plan Amendment No. 2005-18 and Change of Zone 2005-19 by adoption of Resolution No. 2005-167 and Ordinance No. 2005-22.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost:	\$	New Revenue:	\$
Amount Budgeted:	\$	Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change:	Yes_____ No_____		

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required Yes

?

Review and Action:

Prior:

Required:

A Negative Declaration has been prepared for the project. It will need to be certified prior to a decision on the project.

NEPA Review:

Required No

?

Review and Action:

Prior:

Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-166

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, ADOPTING NEGATIVE DECLARATION NO. 2005-111, WHICH EVALUATES ENVIRONMENTAL IMPACTS FOR GENERAL PLAN AMENDMENT NO. 2005-18 AND CHANGE OF ZONE NO. 2005-19.

WHEREAS, General Plan Amendment No. 2005-18 and Change of Zone No. 2005-19 (hereinafter "Project") Vernon F. Phan to change the Zoning from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial) on .32 acre located on the northeast corner of Murray Avenue and Jacob Street APN 093-243-009; and

WHEREAS, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on October 24, 2005 for the Project; and

WHEREAS, the Planning Commission of the City of Visalia considered the project in accordance with Section 17.44.070, 17.54.070 and 17.38.110 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this Project, and that no mitigation measures would be required for the Project; and

WHEREAS, on the basis of this Initial Study, a Negative Declaration has been prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

WHEREAS, the Initial Study and Negative Declaration for the Project were prepared and noticed for review and comment; and

WHEREAS, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

WHEREAS, the Planning Commission of the City of Visalia found that the Negative Declaration contains and reflects the independent judgment of the City of Visalia; and

WHEREAS, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and concurs with the findings of the Planning Commission; and

WHEREAS, pursuant to AB 3158, Chapter 1706 of the Statute of 1990, the City Council of the City of Visalia hereby finds that no evidence has emerged as a result of said Initial Study to indicate that the proposed project will have any potential, either individually or cumulatively, for adverse effect on wildlife resources.

NOW, THEREFORE, BE IT RESOLVED that a Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2005-111 which evaluates environmental impacts for General Plan Amendment No. 2005-18 and Change of Zone 2005-19. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

**NOTICE OF A PROPOSED
NEGATIVE DECLARATION**

Project Title: General Plan Amendment No. 2005-18 and Change of Zone No. 2005-19

Project Description: General Plan Amendment No. 2005-18 is a request to change the General Plan land use designations on approximately .32 acres from High Density Residential to Convenience Commercial. Change of Zone No. 2005-19 is a request to change the zoning on approximately .32 acres from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial).

The site is located at the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010). Vernon F. Phah, applicant.

Contact Person: Jason Pausma, Associate Planner Phone: (559) 713-4348

Time and Place of Public Hearing: A public hearing will be held before the Planning Commission on October 24, 2005 at 7:00 p.m. in the City Hall Council Chambers located at 707 W. Acequia, Visalia, CA. A public hearing will be held before the City Council on November 21, 2005 at 7:00 p.m. in the City Hall Council Chambers located at 707 W. Acequia, Visalia, CA.

Pursuant to City Ordinance No. 2388, the Environmental Coordinator of the City of Visalia has reviewed the proposed project described herein and has found that it will not result in any significant effect upon the environment because of the reasons listed below:

Reasons for Negative Declaration: Initial Study No. 2005-111 has not identified any significant, adverse environmental impacts that may occur because of the project. Copies of the initial study and other documents relating to the subject project may be examined by interested parties at the City of Visalia, Redevelopment Agency, 315 E. Acequia Ave., Visalia, CA, 93291.

Comments on this proposed Negative Declaration will be accepted until October 20, 2005

Date: September 21, 2005

Signed: _____
Paul Scheibel, AICP
Environmental Coordinator
City of Visalia

NEGATIVE DECLARATION

DESCRIPTION OF PROJECT:

Proposal: **General Plan Amendment No. 2005-18** is a request to change the General Plan land use designations on approximately .32 acres from High Density Residential to Convenience Commercial. **Change of Zone No. 2005-19** is a request to change the zoning on approximately .32 acres from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial).

Location: The site is located at the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010). Vernon F. Phah, applicant.

Project Facts: Refer to Initial Study for project facts, plans and policies, discussion of environmental effects and mitigation measures, and determination of significant effect.

Attachments:

Initial Study	(X)
Environmental Checklist	(X)
Maps	(X)
Mitigation Measures	()
Letters	()

DECLARATION OF NO SIGNIFICANT EFFECT:

This project will not have a significant effect on the environment for the following reasons:

- (a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- (b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Negative Declaration has been prepared by the City of Visalia Planning Division in accordance with the California Environmental Quality Act of 1970, as amended. A copy may be obtained from the City of Visalia Planning Division Staff during normal business hours.

APPROVED
Paul Scheibel, AICP
Environmental Coordinator

By: _____

Date Approved: September 21, 2005

Review Period: 20 days

INITIAL STUDY

I. GENERAL

A. Description of the Project:

General Plan Amendment No. 2005-18 is a request to change the General Plan land use designations on approximately .32 acres from High Density Residential to Convenience Commercial. **Change of Zone No. 2005-19** is a request to change the zoning on approximately .32 acres from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial).

The change in land use designations is to facilitate the construction of a proposed convenience store. The site is located at the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010). Vernon F. Phah, applicant.

B. Identification of the Environmental Setting: The project site is currently vacant land. The surrounding zoning and land uses are as follows:

North: R-M-3 (Multi-Family Residential) / single-family residences

South: C-SO (Shopping and Office Commercial) / Murray Street, office and commercial buildings

East: R-M-3 / single-family residence

West: R-M-3 / office building

Fire and police protection services, street maintenance of public streets, refuse collection, and wastewater treatment will be provided by the City of Visalia upon development of the area.

C. Plans and Policies: The General Plan Land Use Element (LUE) designates the site as High Density Residential. The site is zoned R-M-3 (Multi-Family Residential). The proposed General Plan Amendment and Change of Zone would amend the General Plan Land Use Map and Zoning Map to the appropriate land use of Convenience Commercial.

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project. The City of Visalia Land Use Element and Zoning Ordinance contain land use mitigation measures that are designed to reduce/eliminate impacts to a level of non-significance.

III. MITIGATION MEASURES

None. The City of Visalia Zoning Ordinance contains guidelines, criteria and requirements for the mitigation of potential impacts related to light/glare, visibility screening, noise and traffic/parking to eliminate and/or reduce potential impacts to a level of non-significance.

IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

The project is compatible with the General Plan and Zoning Ordinance as the project relates to surrounding properties.

V. NAME OF PERSON WHO PREPARED INITIAL STUDY

Jason Pausma
Associate Planner

Paul Scheibel, AICP
Environmental Coordinator

INITIAL STUDY

ENVIRONMENTAL CHECKLIST

Name of Proposal	General Plan Amendment No. 2005-18 and Change of Zone No. 2005-19		
NAME OF PROPONENT:	Vern F. Phan	NAME OF AGENT:	Jesus R. Gutierrez
Address of Proponent:	2423 E. Vine Ct.	Address of Agent:	1004 W. Main St., Suite A
	Visalia, CA 93292		Visalia, CA 93291
Telephone Number:	559-799-2314	Telephone Number:	559-625-9150
Date of Review	September 21, 2005	Lead Agency:	City of Visalia

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact

2 = Less Than Significant Impact

3 = Less Than Significant Impact with Mitigation Incorporated

4 = Potentially Significant Impact

Impact

I. AESTHETICS

Would the project:

- 1 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 1 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 1 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

III. AIR QUALITY

Would the project:

II. AGRICULTURAL RESOURCES

Would the project:

- 1 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?

- 1 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 1 b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 2 c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- 1 d) Expose sensitive receptors to substantial pollutant concentrations?

- 1 e) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

- 1 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 1 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 1 c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 1 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?

- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?

- 1 c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

V. CULTURAL RESOURCES (continued)

Would the project:

- 1 d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?

- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

- 1 f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wild lands?

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

- 1 a) Violate any water quality standards of waste discharge requirements?
- 1 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 1 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- 1 d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface

runoff in a manner which would result in flooding on- or off-site?

- 1 e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- 1 f) Otherwise substantially degrade water quality?
- 1 g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- 1 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 1 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- 1 j) Inundation by seiche, tsunami, or mudflow?

IX. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- 1 c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

X. MINERAL RESOURCES

Would the project:

- 1 a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 1 b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XI. NOISE

Would the project:

- 2 a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

XI. NOISE (continued)

Would the project:

- 1 b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 2 c) A substantial permanent increases in ambient noise levels in the project vicinity above levels existing without the project?
- 2 d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- 1 f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XII. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 1 b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- 1 c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIII. PUBLIC SERVICES

Would the project:

- 2 a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- 1 i) Fire protection?
- 1 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

XIV. RECREATION

Would the project:

- 1 a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 1 b) Does the project includes recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XV. TRANSPORTATION / TRAFFIC

Would the project:

- 2 a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- 1 b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 1 d) Substantially increases hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

1 e) Result in inadequate emergency access?

1 f) Result in inadequate parking capacity?

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

1 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

1 b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

1 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

1 d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?

1 e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

1 f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

1 g) Comply with federal, state, and local statutes and regulations related to solid waste?

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

1 a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

1 b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

1 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

The proposed project will not adversely affect the view of the Sierra Nevada Mountain Range, a scenic vista that can be seen from the City of Visalia on clear days.

There are no scenic resources on the site.

The City has development standards related to landscaping and other amenities that will ensure that the visual character of the area is not degraded.

The proposed project will not create new sources of light.

AGRICULTURAL RESOURCES

The site is not zoned for agricultural use. The project site is bordered by single-family houses and commercial development. The project will not involve the conversion of farmland. The project will not have an effect on any agricultural resources.

The site is not under Williamson Act contract or not within an Agricultural Preserve.

The project will not involve other changes in the existing environment which due to their location or nature, could result in conversion of Farmland to nonagricultural use.

AIR QUALITY

The project in itself does not disrupt implementation of the San Joaquin valley Unified Air Pollution Control District's air quality plan. .

The project will not violate an air quality standard or contribute substantially to an existing or projected air quality violation.

The San Joaquin Valley is a region that is already at non-attainment for air quality. This site was evaluated in the EIR for the City of Visalia Land Use Element Update for conversion to an urban development. The City adopted urban development boundaries as mitigation measures for air quality.

The project's proposed land uses generally do not generate substantial pollutant concentrations.

The project's proposed land uses generally do not generate objectionable odors.

BIOLOGICAL RESOURCES

There is no identified candidate, sensitive, or special status species on the project site, according to the EIR for the City of Visalia.

The project is not located within or adjacent to a sensitive riparian habitat or other natural community.

The project is not located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act.

Redevelopment of the site will not act as a barrier to animal movement. The site has been used for urban uses for several years, and native wildlife no longer resides in the area.

The City has a municipal ordinance in place to protect oak trees. All oak trees on the project site will under the jurisdiction of this ordinance. Any Oak Trees to be removed from the site are subject to the jurisdiction of the municipal ordinance.

There are no local or regional habitat conservation plans for the area.

CULTURAL RESOURCES

There are no known historical resources located within the project area. If some potentially historical or cultural resource is unearthed during construction all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.

There are no known archaeological resources located within the project area. If some archaeological resource is unearthed during construction all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.

There are no known unique paleontological resources or geologic features located within the project area.

There are no known human remains buried in the project vicinity. If human remains are unearthed during construction all work should cease until the proper authorities are notified and a qualified professional archaeologist can evaluate the finding and make any necessary mitigation recommendations.

GEOLOGY AND SOILS

The State Geologist has not issued an Alquist-Priolo Earthquake Fault Map for Tulare County. The project area is not located on or near any known earthquake fault lines. Therefore, the project will not expose people or structures to potential substantial adverse impacts involving earthquakes.

Construction of the project will require minimal movement of topsoil. A grading and drainage plan must be submitted to the City of Visalia for review and approval prior to construction of the new maintenance facility.

The project area is relatively flat and the underlying soil is not known to be unstable. Soils in the Visalia area have few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area generally have low expansion characteristics.

Due to low clay content, soils in the Visalia area have an expansion index of 0-20, which is defined as very low potential expansion. The project will not have a significant effect on geologic, soil, or ground conditions.

HAZARDS AND HAZARDOUS MATERIALS

Hazardous materials such as gasoline and pesticides will most likely be found within the project area after the site is developed, but only in quantities typically used for commercial use or application. This will not create a significant hazard.

There is no reasonably foreseeable condition or incident involving the project that could result in release of hazardous materials into the environment.

There is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites within one-quarter mile of the project area. Hazardous materials such as gasoline and pesticides will most likely be found within the project area after the site is developed, but only in quantities typically used for commercial use or application. This will not create a significant hazard.

The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.

The project area is not located within any airport land use plan or within 2 miles of a public airport.

The project area is not within the vicinity of any private airstrip.

The project will not interfere with the implementation of any adopted emergency response plan or evacuation plan.

There are no wild lands within or near the project area.

HYDROLOGY AND WATER QUALITY

The project will not violate any water quality standards. Development standards are already in place to require that storm water drainage be held on-site with a drainage basin or to connect to the City storm water drainage system.

The project will not substantially deplete groundwater supplies in the project vicinity.

The project will not result in substantial erosion on- or off-site.

Development standards are already in place to require that storm water drainage be held on-site with a drainage basin or to connect to the City storm water drainage system.

Development standards are already in place to require that storm water drainage be held on-site with a drainage basin or to connect to the City storm water drainage system.

There are no reasonably foreseeable reasons why the project would result in the degradation of water quality.

The project is located within Zone X500 and is therefore not prone to 100-year flood events. Sites designated as being within Zone X500 are areas of 500-year flood.

The project is located within Zone X500 and is therefore not prone to 100-year flood events. Sites designated as being within Zone X500 are areas of 500-year flood. The proposed development would not impede or redirect flood flows.

The project would not expose people or structures to risks from failure of levee or dam.

Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, so there will be no impacts related to mudflow.

LAND USE AND PLANNING

The project will not physically divide an established community.

The proposed project includes a general plan amendment and a change to zone from high density multi-family residential to a Convenience Commercial designation. The change will facilitate the development of a proposed convenience store. The incremental loss of the .32 acres of multi-family designated land is not a significant impact when compared to the total inventory of multi-family designated land in the City of Visalia.

The project does not conflict with any applicable conservation plan.

MINERAL RESOURCES

No mineral areas of regional or statewide importance exist within the Visalia area.

There are no mineral resource recovery sites delineated in the Visalia area.

NOISE

The project will result in noise generation typical of urban development. There will be noise generated by traffic along designated arterial and collector streets. The City's standards for setbacks and/or construction of walls between commercial and residential properties will reduce noise levels to a level that is less than significant.

The project will not result in ground-borne vibration or ground-borne noise levels. There are no existing uses near the project area that create ground-borne vibration or ground-borne noise levels.

Noise levels will increase beyond current levels as a result of the project. These levels will be typical of noise levels associated with a public parking lot. Therefore, the increase is less than significant.

Noise levels will increase during the construction of the maintenance facility but shall remain within the limits defined by the City Noise Ordinance.

The project area is not within an airport land use plan, nor is it within 2 miles of a public airport.

There is no private airstrip near the project area.

POPULATION AND HOUSING

Development of the site will not result in increased housing in the area.

The project will not displace any existing housing.

This site is vacant. Development of the site will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere.

PUBLIC SERVICES

Current fire protection facilities can adequately serve the site without a need for alteration.

Current police protection facilities can adequately serve the site without a need for alteration.

Current school facilities can adequately serve the site without a need for alteration.

Current park and recreation facilities can adequately serve the site without a need for alteration.

Other public facilities can adequately serve the site without a need for alteration.

RECREATION

The proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.

TRANSPORTATION AND TRAFFIC

Development of the site will result in increased traffic in the area. This site was evaluated

in the EIR for the City of Visalia Land Use Element Update for urban use.

statement of overriding considerations was made.

The site is projected for urban development by the City and County General Plans. The project is not proposed to exceed what has already been planned for in this area.

The project will not create adverse environmental effects to a human population.

The project will not result in nor require a need to change air traffic patterns.

There are no planned designs that are considered hazardous.

The project will not result in inadequate emergency access.

The project will be required to meet the City's parking requirements for commercial development.

UTILITIES AND SERVICE SYSTEMS

The project is not proposed to exceed what has already been planned for in this area

The project is not proposed to exceed the existing sanitary sewer facilities.

The City has an adopted storm water master plan which will provide for the proposed project. The proposed project will not exceed the existing storm water drainage system.

There are sufficient water supplies to support the project.

The City has determined that there is adequate capacity existing to serve the site's projected wastewater treatment demands at the City's wastewater treatment plant.

Current solid waste disposal facilities can adequately serve the site without a need for alteration.

The project should be able to meet the applicable regulations for solid waste.

MANDATORY FINDINGS OF SIGNIFICANCE

The project will not significantly affect any fish or wildlife habitat.

The project will not create adverse environmental effect to a human population. The site was evaluated in the EIR for the City of Visalia Land Use Update for conversion to urban use. Where effects were still determined to be significant a

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 90020160). The Environmental Impact Report prepared for the City of Visalia Land Use Element (Amendment No. 90-04) was certified by Resolution NO. 91-105 adopted on September 3, 1991. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**

City of Visalia

Date

RESOLUTION NO. 2005-167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF VISALIA APPROVING GENERAL PLAN
AMENDMENT NO. 2005-18, A REQUEST TO CHANGE THE GENERAL
PLAN LAND USE DESIGNATIONS FROM RESIDENTIAL HIGH DENSITY
TO CONVENIENCE COMMERCIAL ON .32 ACRE. THE PROJECT SITE IS
LOCATED ON THE NORTHEAST CORNER OF MURRAY AVENUE
AND JACOB STREET

WHEREAS, General Plan Amendment No. 2005-18 is a request by Vernon F. Phan to change the General Plan land use designation from Residential High Density to Convenience Commercial on .32 acre The project site is located on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010); and

WHEREAS, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on October 24, 2005; and

WHEREAS, the Planning Commission of the City of Visalia considered the general plan amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the City Council of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Council on December 5, 2005; and

WHEREAS, the City Council of the City of Visalia considered the General Plan Amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

BE IT FURTHER RESOLVED that the City Council of the proposed General Plan Amendment based on the following specific findings and based on the evidence presented:

1. That the proposed General Plan Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed land use designation would be compatible with the adjacent land uses.

3. That an Initial Study was prepared for the requested General Plan Amendment consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and therefore a negative declaration will be used for this project.
4. That there is no evidence before the Planning Commission that the proposed project to change this site to Convenience Commercial use will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves the General Plan Amendment described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.080 of the Ordinance Code of the City of Visalia and based on the above findings.

ORDINANCE NO. 2005-22

AN ORDINANCE OF THE CITY OF VISALIA, APPROVING CHANGE OF ZONE NO. 2005-19, TO CHANGE THE ZONING FROM R-M-3 (MULTI-FAMILY RESIDENTIAL) TO CC (CONVENIENCE COMMERCIAL) ON APPROXIMATELY .32 ACRE FOR THE DEVELOPMENT OF A NEW CONVENIENCE STORE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended to the City Council Change of Zone No. 2005-19, to change the zoning from R-M-3 (Multi-Family Residential) to CC (Convenience Commercial), for the development of a new convenience store for Vernon Phan, on the northeast corner of Murray Avenue and Jacob Street (APN 093-243-009, 010).

Section 2: This property and Zoning Map of the City of Visalia is hereby amended to show said property changes.

Section 3: This ordinance shall become effective 30 days after passage hereof.