

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

**MONDAY, FEBRUARY 12, 2018; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA**

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
  - Time Extension for Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit No. 2013-17.
  - Request for Finding of Consistency for the Visalia Unified School District's Proposed School Site located south of the intersection of W. Houston Ave. and N. Woodland St. (APNs: 089-030-028 and 089-030-029).
  - Request to initiate a Zoning Text Amendment (ZTA) to allow the Ambulance Service use (Zoning Matrix Line M54) in the IL (Light Industrial) Zone District, Citywide.
5. PUBLIC HEARING – Brandon Smith  
Conditional Use Permit No. 2018-01: A request by Steve Larios (Gerard and Cindy Homer, property owners), to allow a church within a 2,802 square foot portion of a building in the C-MU (Commercial Mixed Use) zone. The project site is located at 2374 West Whitendale Avenue, approximately 800 feet north of Whitendale Avenue and 750 feet west of Mooney Boulevard. (APN: 121-240-061)
6. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-
  - Update on Mobile Food Truck Work Session Item.
  - Update on Micro-Brewery Overlay District Work Session Item.
  - Update on City Council Strategic Planning Meeting

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

### **APPEAL PROCEDURE**

**THE LAST DAY TO FILE AN APPEAL IS THURSDAY, FEBRUARY 22, 2018 BEFORE 5 PM**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.visalia.city](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, FEBRUARY 26, 2018**



# City of Visalia

## Memo



To: Planning Commission  
From: Paul Bernal, City Planner  
Date: February 12, 2018  
Re: Time Extension for Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit No. 2013-17

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### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension of Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit No. 2013-17, is set to expire on September 23, 2018, pursuant to Section §66452.6(e) of the Subdivision Map Act.

### **BACKGROUND:**

On September 23, 2013, the Visalia Planning Commission approved Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit (CUP) No. 2013-17 through adoption of Resolution Nos. 2013-44 and 45. Diamond Oaks Vesting Tentative Subdivision Map was a request to subdivide 55.9 acres into a 180 lot Planned Unit Development residential subdivision with 168 lots in the former R-1-6 zone (now the R-1-5 zone) and 12 lots in the R-M-2 and R-M-3 zones. Conditional Use Permit (CUP) No. 2013-17 was a request to create a Planned Residential Development for the Diamond Oaks Subdivision with modified lot sizes, setbacks, and the redistribution of R-M-2 and R-M-3 zoned property adjacent to Caldwell Avenue. The Diamond Oaks subdivision project is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way.

The applicant has improvement plans to the Engineering Division for the first phase of the subdivision. As of June 2016, the improvement plans for Phase 1 are complete. However, the signalization improvement plans for the Burke Street and Caldwell Avenue intersection, which is required to be installed with the first phase of the Diamond Oaks subdivision, have been reviewed and corrections to the intersection signalization plans have been sent back to the applicant's engineer. The additional time is needed to complete and have approved intersection signalization plans.

### **STATE LEGISLATURE TIME EXTENSIONS:**

The original expiration date for the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and CUP No. 2013-17 was September 23, 2015, two years from the date of approval by the Planning Commission. The project proponents requested and were granted a one-year time extension request on August 10, 2015, followed by a subsequent two-year time extension request which was granted on July 25, 2016, extending the expiration date to September 23, 2018. Please note, the two-year time extension request was granted upon the Time Extension request being pulled from the Planning Commission's Consent Calendar and the Planning Commissioner's discussing and ultimately approving a two year request rather than a one year time extension. The two year time extension approval is still within the time extensions afforded to tentative maps pursuant to Section §66452.6 of the State's Subdivision Map Act.

Due to the timing and approvals of the Diamond Oaks Vesting Tentative Subdivision Map, none of the automatic time extensions approved by the California State Legislature were applicable to this map. Therefore, the project's expiration date with the previously approved time extension stands at September 23, 2018.

**REQUEST:**

The proponents of the Diamond Oaks Vesting Tentative Subdivision Map and CUP have submitted a written request dated January 22, 2018, requesting a one-year extension pursuant to Section §66452.6(e) of the Subdivision Map Act (SMA), which states:

*Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.*

If the time extension is granted pursuant to Section §66452.6(e) of the SMA, the Diamond Oaks Vesting Tentative Subdivision Map would be extend for a sixth and final year. This additional sixth year is a change from the previous five year time extension allowances referenced in previous time extension request before the Planning Commission.

Staff recommends that the one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions. The extension request, if approved by the Planning Commission, will extend the expiration date of the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and CUP No. 2013-17 from September 23, 2018 to September 23, 2019. This would be the last time extension allowed under the current SMA unless the State Legislature adopts any new legislation that would automatically extend the life of a map beyond the time limits currently identified.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date to record a final subdivision map(s). If the request is denied, the applicant would have to record the final map prior to the September 23, 2018 expiration date. If a final map is not recorded by the September 23, 2018 date, a new tentative subdivision map would be required.

**ATTACHMENTS**

1. Letter of Request for the Time Extension
2. Approved Resolution No. 2013-045 for Subdivision Map No. 5547
3. Approved Resolution No. 2013-044 for CUP No. 2013-17
4. Tentative Subdivision Map / CUP Site Plan
5. Location Map
6. Section §66452.6 of the SMA





Lane Engineers, Inc.  
Civil • Structural • Surveying

January 22, 2018

Mr. Paul Bernal  
City of Visalia Community Development  
Planning Division  
315 E. Acequia Ave.  
Visalia, CA 93291

Dear Mr. Bernal:

On behalf of our client, Diamond Oaks, LP, and pursuant to California Government Code § 66452.6(e), Lane Engineers, Inc. respectfully requests a one-year extension for Diamond Oaks Vesting Tentative Map No. 5547 and Conditional Use Permit No. 2013-17 (approved by Planning Commission on September 23, 2013). Additional time is needed to coordinate public utilities and construction operations. Please forward this request to the planning commission for action as soon as possible.

Attached is a check payable to the City of Visalia in the amount of \$216.00 to process the extension request. If you should have any questions, or need additional information, please contact the undersigned engineer.

Respectfully,

Lawrence J. Simonetti, P.E.

cc: Kevin Fistolera

RESOLUTION NO 2013-45

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING DIAMOND OAKS VESTING TENTATIVE SUBDIVISION MAP NO. 5547 IS A REQUEST BY DIAMOND OAKS, LP, TO SUBDIVIDE 55.9 GROSS ACRES INTO 180 LOTS FOR RESIDENTIAL USE, WITH 168 LOTS IN THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONE AND 12 LOTS IN THE IN THE R-M-2 AND R-M-3 (MEDIUM AND MEDIUM HIGH DENSITY RESIDENTIAL) ZONE. THE SITE IS LOCATED ON THE SOUTH SIDE OF EAST CALDWELL AVENUE BETWEEN SOUTH BURKE STREET AND SOUTH BEN MADDOX WAY (APN: 126-100-012)

**WHEREAS**, Diamond Oaks Vesting Tentative Subdivision Map No. 5547 is a request by Diamond Oaks, LP to subdivide 55.9 gross acres into 180 lots for residential use, with 168 lots in the R-1-6 (Single-Family Residential) zone and 12 lots in the R-M-2 and R-M-3 (Medium and Medium High Density Residential) zone. The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way (APN: 126-100-012); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on September 23, 2013; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the vesting tentative subdivision map in accordance with Section 16.16 of the Subdivision Ordinance of the City of Visalia, and with Section 17.26 of the Zoning Code of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

**NOW, THEREFORE, BE IT RESOLVED**, that a Mitigated Negative Declaration No. 2013-059 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia approves the proposed tentative parcel map based on the following specific findings and based on the evidence presented:

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed vesting tentative subdivision map would be compatible with adjacent land uses.

3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-059, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the vesting tentative subdivision map is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the tentative parcel map on the real property hereinabove 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, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-025.
2. That the vesting tentative subdivision map be prepared in substantial compliance with Exhibit "A".
3. That the project shall be developed per the Phasing Plan depicted on Exhibit "C" or as mutually agreed to by the City Planner / City Engineer and the applicant.
4. That the setbacks for the single-family residential lots shall comply with the R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) standards for the front, side and street side yard setbacks, except for the rear yards. The rear yards shall comply with the rear yard setback depicted on Exhibit "B". Rear yard setbacks depicted in Exhibit "E" are as follows:
  - House Plan 1580 – 19-feet
  - House Plan 1358 – 23-feet
  - All other housing plans/options shall conform to the 25-foot setback requirement per the R-1-6 standards
5. That the setbacks for the triplex multi-family lots (Lots 169 – 176) in the Diamond Oaks subdivision be established per Exhibit "B" with the following exceptions:
  - Lot 173: Rear Yard – 17-feet
  - Lot 174: Rear Yard – 16-feet, 9-inches
  - Lot 175: Rear Yard – 18-feet, 6-inches
  - Lot 176: Rear Yard – 18-feet, 6-inches
6. That the Caldwell Avenue / Burke Street intersection shall be fully signalized and that the traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements. The installation of the traffic signals shall occur with Phase 1 of the Diamond Oaks Subdivision development.

7. That the raised median in Caldwell Avenue between Burke Street and Ben Maddox Way shall be constructed with Phase 1 of the Diamond Oaks Subdivision development, including the construction of curb, gutter sidewalk, park strip, bus turnout, and travel lanes across Lots 177, 178, 179 and 180 of the Diamond Oaks Subdivision Map.
8. That the Valley Oak Trees located within the jurisdiction of the City of Visalia, and as identified in the Valley Oak Tree Evaluation, Exhibit "F", as "Very Poor/Dead," shall be removed subject to the issuance of a Valley Oak Tree Removal Permit. Removal of Valley Oak Trees located in the County of Tulare shall be subject to their requirements.
9. That Valley Oak Trees located within the jurisdiction of the City of Visalia, and as identified in the Valley Oak Tree Evaluation, Exhibit "F", to remain on-site, shall be properly maintained, trimmed and watered as stated in the evaluation. Development around Valley Oak Trees is subject to the City's Standard Specification for Building Around Valley Oak Trees. Any Valley Oak Tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit. Valley Oak Trees located in the County of Tulare shall be subject to the rules and requirements of Tulare County.
10. An amendment to this conditional use permit will be required for the multi-family development on Lots 177 through 180. The multi-family development shall require the submittal of precise site and elevation plans. Approval of this amended conditional use permit will be at the discretion of the Planning Commission prior to the development of the multi-family development.
11. That the intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.
12. That the developer shall inform and have future home owners of the Diamond Oaks subdivision sign and acknowledge the "Right to Farm" Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
13. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-059 are hereby incorporated as conditions of this Vesting Tentative Subdivision Map.
14. That Conditional Use Permit No. 2013-17 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
15. That this Vesting Tentative Subdivision Map become null and void unless Conditional Use Permit No. 2013-17 is approved.



16. That the timeline for the lapse of this Conditional Use Permit shall be tied to the timelines for the Diamond Oaks Vesting Tentative Subdivision Map No. 5547.
17. That all applicable federal, state, regional, and city policies and ordinances be met.
18. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Vesting Tentative Subdivision Map No. 5547.

Commissioner Taylor offered the motion to this resolution. Commissioner Salinas seconded the motion and it carried by the following vote:

AYES: Commissioners Peck, Soltesz, Segrue, Salinas, Taylor  
NOES:  
ABSTAINED:  
ABSENT:

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2013-45, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 23, 2013.

  
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Josh McDonnell, Assistant Director / City Planner

  
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Adam Peck, Chairperson

RESOLUTION NO 2013-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA  
APPROVING CONDITIONAL USE PERMIT NO. 2013-17;  
A REQUEST BY DIAMOND OAKS, LP TO ALLOW A PLANNED RESIDENTIAL  
DEVELOPMENT, WITH RELOCATION OF APPROXIMATELY 13.8 GROSS ACRES  
OF R-M-2 (MULTI-FAMILY RESIDENTIAL 3,000 SQUARE FEET PER DWELLING  
UNIT) AND R-M-3 (MULTI-FAMILY RESIDENTIAL 1,500 SQUARE FEET PER  
DWELLING UNIT) ZONED PROPERTY AND MODIFIED DEVELOPMENT  
STANDARDS. THE SITE IS LOCATED ON THE SOUTH SIDE OF EAST CALDWELL  
AVENUE BETWEEN SOUTH BURKE STREET AND SOUTH BEN MADDOX WAY  
(APN: 126-100-012)

**WHEREAS**, Conditional Use Permit No. 2013-17 is a request by Diamond Oaks, LP to allow a Planned Residential Development, with relocation of approximately 13.8 gross acres of R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit) zoned property and modified development standards. The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way (APN: 126-100-012); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on September 23, 2013; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the conditional use permit to be in accordance with Section 17.38.110 and Section 17.28 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

**NOW, THEREFORE, BE IT RESOLVED**, that a Mitigated Negative Declaration No. 2013-059 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia approves the proposed conditional use permit based on the following specific findings and based on the evidence presented:

1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.

2. That the proposed conditional use permit would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-059, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

BE IT FURTHER RESOLVED that the Planning Commission approves the conditional use permit on the real property herein described in accordance with the terms of this resolution under the provisions of Chapter 17.38 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-025.
2. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibit "B", unless otherwise specified in the conditions of approval.
3. That the project shall be developed per the Phasing Plan depicted on Exhibit "C" or as mutually agreed to by the City Planner / City Engineer and the applicant.
4. That the setbacks for the single-family residential lots shall comply with the R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) standards for the front, side and street side yard setbacks, except for the rear yards. The rear yards shall comply with the rear yard setback depicted on Exhibit "B". Rear yard setbacks depicted in Exhibit "B" are as follows:
  - House Plan 1580 – 19-feet
  - House Plan 1358 – 23-feet
  - All other housing plans/options shall conform to the 25-foot setback requirement per the R-1-6 standard.
5. That the setbacks for the triplex multi-family lots (Lots 169 – 176) in the Diamond Oaks subdivision shall be established per Exhibit "B" with the following exceptions:
  - Lot 173: Rear Yard – 17-feet
  - Lot 174: Rear Yard – 16-feet, 9-inches
  - Lot 175: Rear Yard – 18-feet, 6-inches
  - Lot 176: Rear Yard – 18-feet, 6-inches



6. That the Caldwell Avenue / Burke Street intersection shall be fully signalized and that the traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements. The installation of the traffic signals shall occur with Phase 1 of the Diamond Oaks Subdivision development.
7. That the raised median in Caldwell Avenue between Burke Street and Ben Maddox Way shall be constructed with Phase 1 of the Diamond Oaks Subdivision development, including the construction of curb, gutter sidewalk, park strip, bus turnout, and travel lanes across Lots 177, 178, 179 and 180 of the Diamond Oaks Subdivision Map.
8. That the Valley Oak Trees located within the jurisdiction of the City of Visalia, and as identified in the Valley Oak Tree Evaluation, Exhibit "F", as "Very Poor/Dead," shall be removed subject to the issuance of a Valley Oak Tree Removal Permit. Removal of Valley Oak Trees located in the County of Tulare shall be subject to their requirements.
9. That Valley Oak Trees located within the jurisdiction of the City of Visalia, and as identified in the Valley Oak Tree Evaluation, Exhibit "F", to remain on-site, shall be properly maintained, trimmed and watered as stated in the evaluation. Development around Valley Oak Trees is subject to the City's Standard Specification for Building Around Valley Oak Trees. Any Valley Oak Tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit. Valley Oak Trees located in the County of Tulare shall be subject to the rules and requirements of Tulare County.
10. An amendment to this conditional use permit will be required for the multi-family development on Lots 177 through 180. The multi-family development shall require the submittal of precise site and elevation plans. Approval of this amendment conditional use permit will be at the discretion of the Planning Commission prior to the development of the multi-family development.
11. That the intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.
12. That the developer shall inform and have future home owners of the Diamond Oaks subdivision sign and acknowledge the "Right to Farm" Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
13. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-059 are hereby incorporated as conditions of this Vesting Tentative Subdivision Map.
14. That the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 shall be approved, and that requirements of the subdivision map which relate to this CUP shall be fulfilled.

15. That this Conditional Use Permit No. 2013-17 become null and void unless the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 is approved.
16. That the timeline for the lapse of this Conditional Use Permit shall be tied to the timelines for the Diamond Oaks Vesting Tentative Subdivision Map No. 5547.
17. That all applicable federal, state, regional, and city policies and ordinances be met.
18. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-17.

Commissioner Taylor offered the motion to this resolution. Commissioner Salinas seconded the motion and it carried by the following vote:


AYES: Commissioners Peck, Soltesz, Segrue, Salinas, Taylor  
NOES:  
ABSTAINED:  
ABSENT:

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2013-44, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 23, 2013.

  
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Josh McDonnell, Assistant Director / City Planner

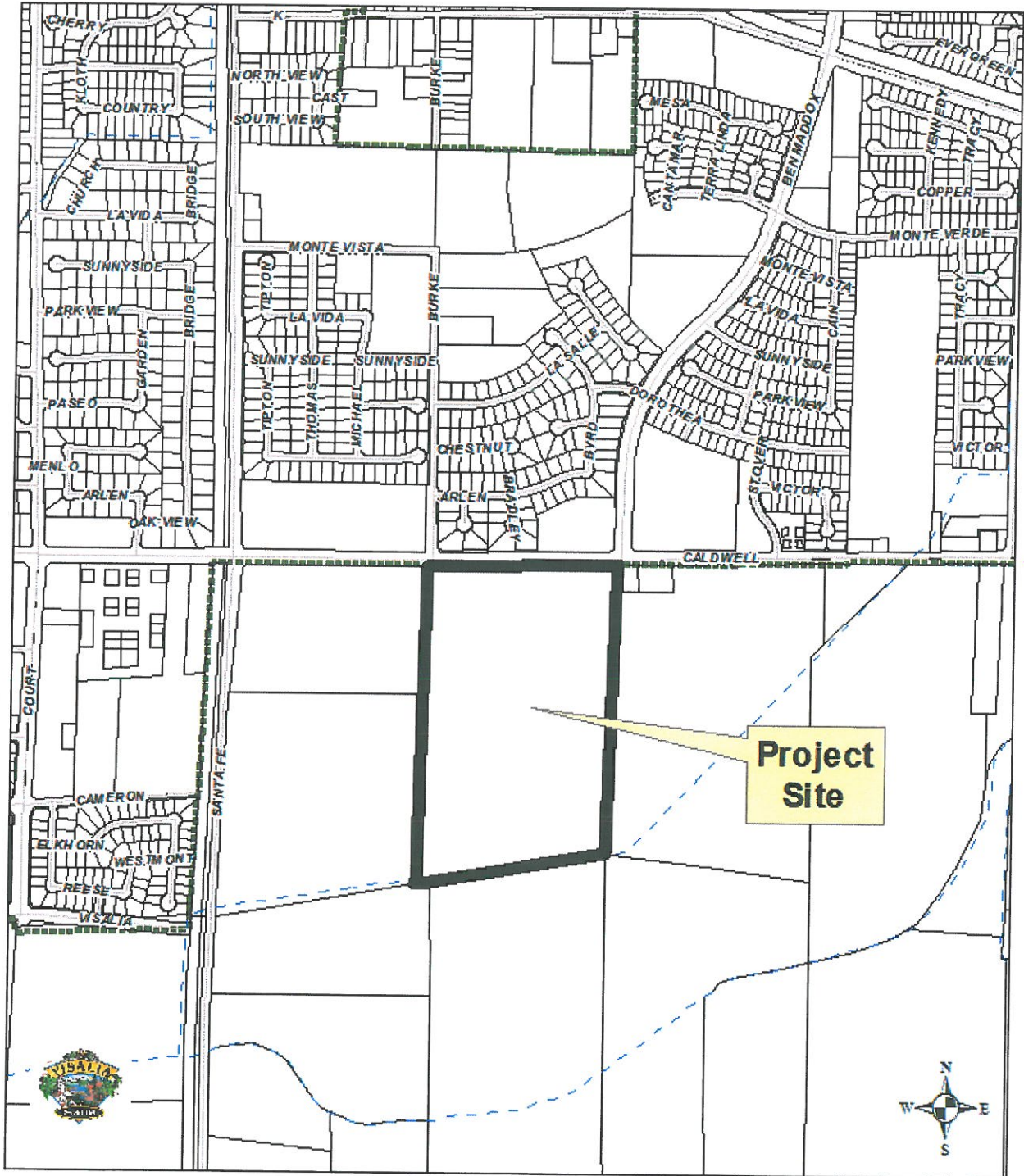
  
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Adam Peck, Chairperson







# Vicinity Map



**State of California**

**GOVERNMENT CODE**

**Section 66452.6**

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66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency which approved or conditionally



approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for

purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency which owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency which owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency which owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

(Amended by Stats. 2011, Ch. 382, Sec. 7.5. (SB 194) Effective January 1, 2012.)