Call to Order
Roll Call

**ORAL COMMUNICATIONS**
This is the opportunity to address the Council on any matter scheduled for Closed Session.

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION

**REPORT ON ANY ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

**PROCLAMATIONS**
“Adult Literacy Day” - April 19, 2007
“Municipal Clerks Week” - April 29 - May 5, 2007
“Cinco de Mayo Week” - April 30 - May 6, 2007
“World Asthma Day” - May 1, 2007

**PRESENTATION**
Outstanding Business Honoree - KTIP Radio Station
Semi-Annual Report from the Library Board of Trustees
Semi-Annual Report from the Parks & Leisure Services Commission
CAFR
City Manager’s Featured Projects for April 2007

**ORAL COMMUNICATIONS**
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

**CONSENT CALENDAR**
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. City Council Minutes of March 6, 2007

2. Claim - Joey Montalvo
   Re: Considering rejection of claim in the amount of $925.94 for property damage allegedly sustained on
February 7, 2007 at Main Street and Morton when the claimant drove across freshly painted street striping done by a City contractor.

3. **Claim - Southern California Edison**  
   Re: Considering rejection of claim in the amount of $5000 for property damage allegedly sustained on October 1, 2006 at E/S Indiana Street when the claimant’s vault was damaged by a City contractor reconstructing Indiana Street.

4. **Budget Adjustments for the 2006/2007 Fiscal Year**  
   Re: Approving budget adjustments for the CMAQ Hybrid Grant and vehicle purchase, and the OTS Safety Mini-Grant and traffic overtime for the Seatbelt Enforcement Program.

5. **OHV Park Budget Adjustment for the 2006-07 Fiscal Year**  
   Re: Increasing the OHV Budget by $43,000 to be distributed between the OHV operational budgets due to increased revenues.

6. **Acceptance of Improvements - Meadow Breeze, Phase One (Gary Smee - Smee Builders)**  
   Re: Accepting the required public improvements for the subdivision located north of Pioneer Avenue, along Salisbury to Brian Avenue, including Pamela Court.

7. **Conveyance of Land and Station Building to Porterville Historical Museum**  
   Re: Quitclaiming the museum property and building to the Porterville Historical Museum under the same restrictions as set forth by the railroad.

8. **Intent to Vacate Temporary Easements for Vehicular Access and Storm Water Flow and Retention Related to the Development of Sierra Meadows, Phase II Subdivision (Smee Builders)**  
   Re: Adopting a Resolution of Intent to Vacate Temporary Easements for Vehicular Access and Storm Water Flow and Retention for those easements generally located between Chess Terrace and Jaye Street originally dedicated for the development of Sierra Meadows, Phase One Subdivision, and setting May 15, 2007, as the date for the public hearing.

9. **Intent to Vacate a Portion of Public Water, Sewer and Storm Drain Facilities Easement Related to the Development of the Skilled Nursing Facility (Sierra View District Hospital)**  
   Re: Adopting a Resolution of Intent to Vacate a Portion of Public Water, Sewer and Storm Drain Facilities Easement generally located in the former Cleveland Avenue right of way west of Pearson Avenue for the purpose of constructing another facility, and setting May 15, 2007, as the date for the public hearing.

10. **Water Conservation Plan**  
    Re: Approving moving into Phase II of the Water Conservation Plan and setting June 5, 2007 to have a public hearing to consider moving into Phase III for the months of June through September if necessary.

11. **Memorandum of Understanding between the Porterville Development Center and the City of Porterville**  
    Re: Approving an amended MOU with the Porterville Development Center in order for the Porterville Fire Department to provide fire protection at the PDC facility.

12. **Approval of Administrative Policy Regarding Employee Identification Cards**  
    Re: Establishing a policy for the wearing of employee identification cards by non-uniformed City employees at City-owned facilities during work hours.
13. Retirement of Police Service Dog “Emor”  
   Re: Approving the retirement and purchase of a Police service dog by his current handler upon the assumption of all liability by that individual.

14. Zalud House “Memories of Yesterday” Fundraiser  
   Re: Authorizing a Wine Tasting Event on May 12, 2007 at the Zalud House.

15. Approval for Community Civic Event - Boys and Girls Club of Porterville Reception  
   Re: Approving a reception at Centennial Plaza on May 3, 2007 from 5:30 p.m. to 7:30 p.m. to announce the new Boys & Girls Club of Porterville.

   Re: Approving multi-day event from May 4 to May 6, 2007 including a parade down Main Street and a Fiesta with Beer Garden at the Municipal Ball Park on Olive Avenue, subject to stated restrictions.

   Re: Approving car show to take place on May 5, 2007 from 8:00 a.m. to 4:00 p.m. in the northern section of Veterans’ Park, subject to stated restrictions.

   A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

18. Multifamily Housing Revenue Bond Issuance by California Statewide Communities Development Authority for PAM Development  
   Re: Conducting a public hearing for the sale of tax-exempt obligations for the financing of the acquisition and rehabilitation of the Evergreen Apartments and Alder Apartments by PAM Development, Inc.

19. Conditional Use Permit 1-2007 – Proposed Family Pizzeria/Arcade to be located at 45 North Second Street (Formerly the Police PAL Building)  
   Re: Consideration of a CUP to allow for a family pizzeria/arcade similar to a “Chuck E. Cheese’s”, including the sale of beer and wine with the serving of meals, and the installation of wall lights in-lieu of street lights.

20. Conditional Use Permit 2-2007 (John Halopoff)  
   Re: Consideration of a CUP to allow for the construction of one new two-story duplex on a vacant lot zoned PO on the west side of Fourth Street, north of Morton Avenue.

21. Conditional Use Permit 3-2007 (Mr. & Mrs. Johal, Olive Minit Mart)  
   Re: Consideration of a CUP to allow for the development of a new self-service automotive fuel dispensing operation and canopy in conjunction with an existing convenience mart located at the southeast corner of Olive Avenue and Cottage Street.

22. Tentative Parcel Map 1-2007 (City of Porterville)  
   Re: Consideration of a Tentative Parcel Map to divide a 229.51± acre vacant site into four parcels and two remaining parcels for that site located on the east side of West Street between Wukchumni Avenue and Teapot Dome Avenue (Porterville Airport) for the development of an industrial park.
23. Ordinance Providing for Code Enforcement Officer and Establishing an Administrative Code Enforcement Citation Program
Re: Consideration of adopting an ordinance pertaining to the code enforcement officer and an Administrative Code Enforcement Citation Program, including the setting of fines.

24. Subdivision Ordinance Amendment – Municipal Code Amendment to Chapter 21
Re: Consideration of amending various sections of the Porterville Subdivision Ordinance, including the consideration of “pocket parks.”

25. Request to Establish Fees for Applications for Temporary Signs
Re: Consideration of establishing a $19.75 fee for applications for temporary sign permits.

26. Ennis Estates Tentative Subdivision Map (Ennis Land Development, Inc.)
Re: Continuing public hearing to Meeting of May 1, 2007.

27. Murry Park Master Plan
Re: Notice of the rescheduling this hearing to the meeting of May 15, 2007.

SECOND READING
28. Ordinance No. 1719, Regulation of Squatter Camps
Re: Adopting Ordinance No. 1719 adding Article VII, Sections 18-76 through 18-83 to Chapter 18 of the Porterville Municipal Code Pertaining to the Regulation of Squatter Camps.

SCHEDULED MATTERS
Re: Request to approve a 144-unit apartment complex at the northeast corner of Mathew Street and Olive Avenue.

30. Authorization to Advertise for Bids for HVAC Unit Replacement at City Hall and Putnam Community Center, and Approval of an Associated Budget Adjustment
Re: Consideration of three options for replacing two HVAC units. Option 1 - retain a professional to evaluate the size needed for the facilities, with preparation of specifications and project manual; Option 2 - work with Johnson Controls on the replacement of the units; and, 3 - work with Johnson Controls through an amendment to their PDA Agreement.

31. Approval of Considerations for Softball Challenge between Cities of Porterville and Tulare
Re: Approving the Youth Services Foundation as the City’s fund-raising beneficiary for this event; approving the Youth Foundation Services for the operation of the Sports Complex concession during the event; approving the sharing of the parking fees with Tulare’s Boys & Girls Scouts; and, approving the collection of donations for a BBQ meal by the Youth Services Foundation.

32. Request by Council Member–Discussion of Standard Downtown Design Requirements and Color Palate Program

33. Request by Council Member–Discussion of Implementation of a Property Improvement Award Program

34. Consideration of Retaining a Legislative Advocate to Assist with Economic Development Project
Re: Consideration of authorizing negotiation with Michael J. Arnold and Associates, Inc. for State legislative assistance.

ORAL COMMUNICATIONS
OTHER MATTERS

CLOSED SESSION
Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of April 27, 2007

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
Proclamation

WHEREAS: The Porterville Public Library received California Literacy Campaign funds from the California State Library to implement an adult literacy program to assist in the collective community effort to address the illiteracy of adults in Porterville; and

WHEREAS: Tutors are local volunteers who have a sincere interest in community service and the desire to assist other adults in learning to read or enhancing their reading skills; and

WHEREAS: The clients serviced in this effort are both urban and rural residents who have formed an enthusiastic group of learners; and

WHEREAS: A number of learners from existing programs in the community have proven that one-on-one tutoring really does make a difference in the overall success of adults who are learning to read; and

WHEREAS: The Porterville Public Library has set aside Thursday, April 19, 2007 for its Seventh Annual Adult Literacy Day; and

NOW THEREFORE, I, CAMERON HAMILTON, Mayor of the City of Porterville, do hereby proclaim April 19, 2007, as:

"ADULT LITERACY DAY"

in the City of Porterville, California, and urge the citizens of our community to join in acknowledging the efforts of the program administrators, volunteer tutors and learners in their future endeavors.

PROCLAIMED this 17th day of April, 2007.

Cameron Hamilton, Mayor
WHEREAS: The Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

WHEREAS: The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS: The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies, and other governmental agencies; and

WHEREAS: The Municipal Clerk serves as the election officer for the municipality; and serves as the historian of the community, as the entire recorded history of the municipality and its citizens is in the Clerk’s care; and

WHEREAS: Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality rendering equal service to all; and

WHEREAS: Municipal Clerks continually strive to improve the administration of the affairs of the Office of Municipal Clerk through higher education, seminars, workshops, and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS: It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, CAMERON HAMILTON, Mayor of the City of Porterville, do hereby proclaim the week of April 29 through May 5, 2007, as:

“MUNICIPAL CLERKS WEEK”

in Porterville, and urge all citizens to join us in extending appreciation to our Municipal Clerks and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

PROCLAIMED this 17th day of April, 2007.

Cameron Hamilton, Mayor
WHEREAS: It has been a tradition in the City of Porterville to observe Cinco De Mayo Week in honor of our Mexican American citizens, their history and cultural heritage; and

WHEREAS: The Cinco De Mayo celebration commemorates the 145th anniversary of the Battle of Puebla, Mexico on May 5th 1862 where the Mexican Armed Forces led by General Ignacio Zaragoza were victorious in driving from Mexican soil the expeditionary French forces of Napoleon III; and

WHEREAS: For the past eighty (80) years Porterville’s Comision Honorífica Mexicana Americana, Inc. has dedicated its resources and talent to the preservation and celebration of its Mexican cultural heritage and observance of its historical legacy by annually organizing the Cinco De Mayo Fiesta; and

WHEREAS: The City of Porterville looks to the future with high hopes, confident that it will be marked by continued progress in our commitment to promote equality, cultural diversity and racial harmony;

NOW THEREFORE, I, CAMERON HAMILTON, Mayor of the City of Porterville, do hereby proclaim the week of April 30, 2007 through May 6th, 2007, as--

"CINCO DE MAYO WEEK"
"MAKING A DIFFERENCE TOGETHER,
JUNTOS LOGRAMOS LA DIFERENCIA"

and encourage all citizens to join me in saluting Porterville’s Mexican American Community and its culture in the spirit of our All American City.

PROCLAIMED this 17th day of April, 2007.

______________________________
Cameron Hamilton, Mayor
City of Porterville

Proclamation

WHEREAS, Asthma is a chronic, inflammatory disease in which the airways of the lungs constrict and swell causing wheezing, breathlessness, chest tightness, and coughing; and

WHEREAS, Asthma has reached epidemic proportions in California affecting about 1 in 6 children under the age of 18; and

WHEREAS, Asthma is the leading cause of childhood hospitalizations, chronic illness, school absenteeism of more than 14 million missed school days nationally and a 232% increased disability due to asthma over the past three decades, and

WHEREAS, Exposure to allergens, irritants and environmental triggers such as dust mites, mold, pollen, cockroaches, pet dander, environmental tobacco smoke, and poor air quality can exacerbate asthma; and

WHEREAS, National observance of World Asthma Day offers an opportunity to educate our community about ways to control asthma, ensure every person with asthma is properly diagnosed and receives appropriate treatment, and families in our community learn how to effectively control environmental triggers of asthma; and

WHEREAS, The City of Porterville recognizes the Tulare County Asthma Coalition for their efforts, past and present, to fight asthma and raise asthma awareness throughout the community.

NOW, THEREFORE, I, CAMERON J. HAMILTON, Mayor of Porterville, do hereby proclaim Tuesday May 1, 2007, as....

"WORLD ASTHMA DAY"

in this community, and encourage all citizens to become aware of the risk asthma presents and participate in asthma awareness programs.

DATED this 17th day of April, 2007.

Cameron Hamilton, Mayor
LIBRARY BOARD OF TRUSTEES
SEMI-ANNUAL REPORT TO CITY COUNCIL

April 10, 2007

Honorable Mayor and Members of the City Council:

The Library Board would like to thank you for setting aside time to hear a report on the successful accomplishments of the Porterville Public Library and Literacy Program.

The library is a vital component in meeting the educational needs of our community. The Library Board therefore would encourage the City Council to support the needs of the library in our growing community. We ask the council to look at the long range plan for the library including maximizing current electrical needs, improving restrooms, providing adequate parking, and most importantly, replacing the old library building (built in 1952) to better serve our growing community.

We would like to publicly thank the following: City and library staff for their promptness and efficiency in disseminating information to the Library Board; “Friends of the Library” for the monies to purchase the new Self check out system and the A. A. U. W. for their “Measure H” support which enabled the library to hire 3 new FT staff.

The following information is an overview of the interface between the library and the community:

- Three new FT Staff (Measure H)
- Restored Library Hours
- Additional open day for the Heritage Branch Library
- New RFID system and new security gates
- New computer classes
- Special guest readers
- New carpet in the library

The library continues to serve a diverse population with varying levels of education. The following information represents the statistics of the library:

- 28 Volunteer tutors; and 36 learners in the Literacy Program
- 48,000 Library patrons
- 63,300 items checked out in January-March
- 11,900 computer sessions in January-March
- 9,400 computer hours logged in by the public January-March on 22 public computers with internet access
- 740 computer hours @ Margaret J. Slattery Children’s Library
- 5,100 items checked out in January-March at MJS Children’s Library
- 575 tours of the library (school children, parents, & adults)
- Source of thousands of federal and state forms for tax preparation
In closing, the board would ask that the City Council consider including in the City’s General Plan the construction of a new library designed with up to date technology and ample parking for the future needs of our community.

Respectfully submitted by the Porterville City Library Board

Vicky Trueblood, Chair

Joe Moreno, Vice Chair

Vikki Cervantes

Ellen Nichols

Hector Villicana
CITY MANAGER’S FEATURED PROJECT FOR
APRIL 2007

1. Code Enforcement Officer
2. WDR Annexation
3. Date Avenue Housing Project (HOME)
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MARCH 6, 2007, 7:00 P.M.

Call to Order at 7:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived at 7:55 p.m.), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

Pledge of Allegiance Led by Mayor Pro Tem Felipe Martinez
Invocation - one individual participated.

PRESENTATIONS
City Employee of the Month - Linda Wammack
Recognition of Smith's Alley
County General Plan Update Presentation Slides
It was noted that the County’s presentation would be postponed until April 3, 2007.

ORAL COMMUNICATIONS
• Greg Shelton, 888 North Williford Drive, spoke regarding the City’s farming operation, voicing concern with the City’s renewal of its farm management contract with Mr. Nuckols without using the bid process. He indicated that local farmers who might be interested in bidding on the contract were in the audience that evening.
• Rick Perigo, a Terra Bella resident and local hay farmer, spoke against the City awarding the farm management contract without the bid process. He voiced his interest in bidding on the contract.
• Jeff Sheets, came forward and identified himself as the individual currently contracted with the City to dry farm its land at the Airport. He agreed with Mr. Perigo’s comments and voiced his interest in bidding on the farm management contract.
• Gene Badders, came forward and identified himself as a local hay farmer. He stated that he too was qualified to bid on the farm management contract and requested the opportunity to do so. He then spoke against “no-bid contracts.”
• Boyd K. Leavitt, 457 East Oak Avenue, spoke of the need for an ordinance regulating the parking of commercial vehicles in residential areas. He spoke in favor of a strict distinction between commercial and residential zones.
• Derrick Morris, a Lancaster resident, came forward and indicated he might be relocating to the area. He spoke of the need for infrastructure and suggested ways in which the City could raise funds to address the needs in the community.
• Matt Rogers, 496 East Putnam Avenue, spoke on Item No. 22, indicating his property was adjacent to the Putnam Community Center. He inquired as to the proposed food distribution, parking, hours of operation and clean-up at the facility.

CONSENT CALENDAR
Item Nos. 7 and 8 were removed for further discussion.

1. CITY COUNCIL MINUTES OF OCTOBER 20, 2006; DECEMBER 1, 2006; AND DECEMBER 5, 2006
Recommendation: That the City Council approve the City Council Minutes of October 20, 2006; December 1, 2006; and December 5, 2006.

Documentation: M.O. 01-020607
Disposition: Approved.

2. CLAIM - PHELPS

Recommendation: That the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 02-020607
Disposition: Approved.

3. CLAIM - LONG

Recommendation: That the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 03-020607
Disposition: Approved.

4. CLAIM - SNYDER

Recommendation: That the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 04-020607
Disposition: Approved.

5. BUDGET ADJUSTMENTS FOR THE 2006-2007 FISCAL YEAR

Recommendation: That the City Council approve the proposed budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the schedule presented.

Documentation: M.O. 05-020607
Disposition: Approved.

6. AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 29 PROJECT (PUMPING PLANT)

Recommendation: That the City Council:
1. Approve the Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize staff to appropriate the necessary Water Replacement Funds during the construction award process.
9. ACCEPTANCE OF FINAL SUBDIVISION MAP - SIERRA ESTATES

Recommendation: That the City Council:
1. Approve the Final Map of Sierra Estates Subdivision;
2. Accept all offers of dedication shown on the Final Map; and
3. Authorize the City Clerk to file said Map with the County Recorder.

10. WORKFORCE HOUSING REWARD GRANT PROGRAM

Recommendation: That the City Council:
1. Authorize the application submittal to the Department of Housing and Community Development for the Workforce Housing Reward Grant Program;
2. Approve the draft resolution authorizing the execution of the Standard Agreement and any other documents necessary to secure a Workforce Housing Reward Grant from the State of California; and
3. Authorize the Mayor to sign the application, the Standard Agreement, and all other participation documents, and the Community Development Director to sign all drawdown requests and other administrative documents required for the Workforce Housing Reward Grant Program.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE HISTORICAL MUSEUM, INC. AND PORTERVILLE HARLEY RIDER’S ASSOCIATION - HOT AUGUST BIKE SHOW - AUGUST 25, 2007

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Museum for a Bike Show on Saturday, August 25, 2007, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

12. ASSIGNMENT OF AIRPORT LEASE - LOT 38

Recommendation: That the City Council:
1. Approve the assigning of the Lease Agreement between the City of Porterville and Barbara Dillard to Mr. & Mrs. Cundiff; and
2. Approve the modification to the Lease revising the term and allowing for future extension of the Lease.

Documentation: M.O. 09-020607
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Item Nos. 1 through 6, and 9 through 12.

AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: P. Martinez

7. REJECT ALL BIDS FOR THE RETAINING WALL AT CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (LDS) – 837 E. MORTON

Recommendation: That the Council:
1. Reject all bids; and
2. Direct Engineering to re-advertise for bids.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Council Member Hernandez commented that Mr. Prado’s bid did not significantly exceed the engineer’s estimate, and inquired as to the timeline to re-bid the project, which staff provided.

Mayor Hamilton queried staff as to whether the retaining wall was still necessary due to the lack of rainfall. Mr. Rodriguez indicated that it would likely hold-up, but that the costs would continue to increase. He then noted the difficulty in obtaining bids on projects such as the subject project, due to their small size. Mr. Rodriguez indicated that the engineer’s bid was possibly low, and informed the Council of the City’s commitment to the Church to remedy the situation. A discussion ensued as to the cost of re-bidding the project versus awarding the contract to Mr. Prado.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member McCracken that the Council award the LDS Retaining Wall Project to David Prado, Masonry Contractor, in the amount of $8,000; authorize a 10% M.O. 10-020607 contingency to cover unforeseen construction costs; authorize progress payments up to 90% of the contract amount; direct staff to fund $5,775 from interest earned on the C.O.P.s and fund $2,225 from Engineering “carry-over” to pay for the project; and that the 10% contingency be funded from Engineering’s “carry-over.”
AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: P. Martinez

Disposition: Alternative option approved.

8. ACCEPTANCE OF THE EFFLUENT OUTFALL DELIVERY SYSTEM

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Council Member Hernandez thanked staff for a job well done.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: P. Martinez

Disposition: Approved.

PUBLIC HEARINGS

13. URGENCY ORDINANCE EXTENDING INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

Recommendation: That the City Council hold the public hearing concerning the extension, consider and adopt the proposed Ordinance Extending the Interim Ordinance Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes, read by title only, and waive further reading.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

The public hearing opened at 7:39 p.m.
• Rick Morse, a Visalia resident, came forward as President of the Tulare County Chapter of Americans for Safe Access, and spoke in favor of the proposed moratorium. He provided the Council with Americans for Safe Access literature, and spoke of meetings recently held with representatives from Tulare County. He commented on his personal knowledge of the benefits derived from use of medical marijuana, and on the need in the community for dispensaries. He stated that his organization’s desire was to work with local governments to ensure dispensaries were operated appropriately. He then spoke of expert testimony given during meetings with the County, and suggested that the Council listen to audio tapes of that testimony prior to making a decision.

Council Member Pedro Martinez arrived and took his seat at the dias.

• Brandon Morse, a Visalia resident, Vice President of the Tulare County Chapter of Americans for Safe Access, commented that there were many individuals in the Porterville community that would benefit from local access to medical marijuana. He spoke in favor of the proposed moratorium, and commented on the need for a properly drafted ordinance to regulate the dispensaries.
• Derrick Morris, a Lancaster resident, inquired whether there was a charitable organization that could assist with the effort.
• Jose Alvarez, a Lindsay resident, indicated that he was interested in operating a dispensary in Porterville and spoke of his desire to work with the City. He spoke of the suffering of his mother due to cancer and of the relief that medical marijuana could provide to her and others in the area. He commented on the benefits of providing a safe venue for patients seeking medical marijuana, rather than relying on the black market and being exposed to criminal elements. He provided the Council with a copy of a list of California cities and counties that had adopted medical marijuana guidelines.

The public hearing closed at 8:01 p.m.

Council Member Pedro Martinez spoke against regulating medical marijuana dispensaries. He indicated that he would support an ordinance that banned them pursuant to Federal law. He noted that while the advocates for dispensaries claimed many individuals in Porterville were in need of access to medical marijuana, he had not seen an outcry from such individuals. He stated that with the information he had received thus far, he was in favor of adopting a ban.

Council Member McCracken spoke in favor of extending the moratorium so as to provide the Council with more time to review the matter. He then spoke of the disparity in the County’s numbers of patients – citing its need to increase the fee on Compassionate Use Cards due to only 25 cards being issued – and that of the public commentary received that evening during which it was stated that 1,200 patients in Porterville, and 15,000 patients county-wide, were in need.

City Attorney Julia Lew clarified that the current moratorium would not expire until March 26th, and in the event the Council approved the extension that evening, it would not go into effect until that time. She stated that the extension was for a time frame of 10 months and 15 days.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the proposed Ordinance Extending the
Ordinance 1717  Interim Ordinance Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes, read by title only, and waive further reading. The motion carried unanimously.

Mr. Longley read the ordinance by title only.

Disposition:  Approved.

14. REGULATIONS REGULATING AND/OR PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

Recommendation:  That the City Council:
1. Hold the public hearing concerning the proposed Alternatives;
2. Consider and decide whether to pursue Alternative A or B (or different Alternative); and
3. Provide further direction concerning the Alternative chosen.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report, which contained two alternatives: Alternative A - the regulation of medical marijuana dispensaries; and Alternative B - the prohibition of medical marijuana dispensaries.

The public hearing opened at 8:10 p.m.

• Rick Morse, a Visalia resident, came forward as President of the Tulare County Chapter of Americans for Safe Access. He spoke of the California I.D. Program and of its loopholes. He stated that many of the patients in need of medical marijuana were not participating in that program, citing its cost prohibitiveness.

The public hearing closed at 8:15 p.m.

Council Member McCracken inquired as to whether an ordinance could be drafted that initially banned dispensaries in accordance with Federal law, but at the same time set forth regulations for the operation of dispensaries in the event Federal law changed. City Attorney Julia Lew stated that such an ordinance, which she called Alternative “C,” could be drafted.

COUNCIL ACTION:  MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council direct staff to prepare an ordinance that would ban the operation of dispensaries in Porterville, in accordance with Federal law, and including language to regulate the location and operation of dispensaries, in the event Federal law changed.

AYES:  McCracken, F. Martinez, Hernandez, Hamilton
NOES:  P. Martinez
ABSTAIN:  None
ABSENT:  None
A brief discussion ensued as to the timeline for the item, during which it was decided there was no extreme urgency. Ms. Lew stated that she would have a draft available for Council’s review as soon as possible.

Disposition: Alternative “C” approved.

15. REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY – INDIANA STREET PROJECT, PUTNAM AVENUE TO OLIVE AVENUE

Recommendation: That the City Council:
1. Open the public hearing; take public comments, concerns and questions;
2. Approve the Resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and
3. Authorize staff to record a General Notice of Reimbursement Fee with the Office of the Tulare County Clerk-Recorder.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 8:23 p.m and closed at 8:24 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the Resolution Implementing Resolution 14-2007 Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and authorize staff to record a General Notice of Reimbursement Fee with the Office of the Tulare County Clerk-Recorder.

Disposition: Approved.

16. SUBDIVISION ORDINANCE AMENDMENT – MUNICIPAL CODE AMENDMENT TO ARTICLE 21

Recommendation: That the City Council:
1. Adopt the draft ordinance approving an amendment to Chapter 21 of the Porterville Municipal Code and give first reading to the draft ordinance;
2. Waive further reading of the draft ordinance, approving an amendment to Chapter 21 of the Porterville Municipal Code, and order to print.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 8:35 p.m.

Ron Irish, 768 North Prospect, 1) recognized Ms. Wammack on being selected as Employee of the Month; 2) spoke favorably of the late Mr. Howard Smith; and 3) voiced concern with the Subdivision Ordinance Amendment as drafted. Mr. Irish spoke of his
intent as a previous Council Member with regard to requiring pocket parks in new developments. He voiced concern with the proposed Park Impact Fees, and indicated that it had never been his intent to double bill a developer by requiring the inclusion of a pocket park. He suggested that as drafted, the ordinance appeared to provide another revenue source for the Parks & Leisure Services Department. He requested that the Council proceed cautiously on the item.

• Jim Winton, 150 West Morton Avenue, thanked staff for including him in the process. He then spoke against the proposed abolition of the Subdivision Review Committee (“SRC”), noting its efficiency, and stating that SRC was comprised of the same people and met at the same time as the Project Review Committee. Mr. Winton then cited various sections in the ordinance in which he took issue, those being: 1) Section 21-9(a) – the inclusion of “drainage systems” needed clarification; 2) Section 21-9(b)(2) – “etc.” should be stricken, and more specific language included; and 3) Section 21-10(a) – whether all of the amenities listed were required. He then agreed with the comments pertaining to the Park Impact Fees made by Mr. Irish, and suggested that a more appropriate fee structure would be one calculated by the number of units rather than per acre.

• Dick Eckhoff, 197 North Main Street, spoke against the per acre fee structure for the Park Impact Fees.

• Greg Woodard, 1056 West Morton, agreed with the comments made by Mr. Irish, and commented that developers should be encouraged to include pocket parks in their developments, rather than allowing an in-lieu fee to be paid. He then noted the importance of quality of life, and suggested that any developer constructing at least 49 or 50 units should be encouraged, and not discouraged, from including open space in their developments.

The public hearing closed at 8:50 p.m.

Council Member McCracken commented that if the Council wanted pocket parks, it should mandate pocket parks and forget about the in-lieu fee.

Council Member Hernandez acknowledged the concerns raised during the public commentary, and spoke of the need to continuing working on the item.

Council Member Pedro Martinez also acknowledged the concerns raised, and suggested that Mr. Irish and Council Member Hernandez work with staff, and any other interested parties, to resolve the issues. He spoke of the need for pocket parks and also for the need to fund development of additional parks to compensate for growth in the community.

Mayor Pro Tem Felipe Martinez agreed that Mr. Irish’s participation would be beneficial, and suggested that staff work with members of the public to resolve some of the concerns raised.

Mr. Dunlap spoke of the item’s relevance to the direction taken with the General Plan Update. He indicated that all of the subdivisions that had been encouraged to provide pocket parks, to date, had provided them and had also paid the Park Impact Fee. He stated that there was not a provision that one was in lieu of the other. He stated that if it was the intent of the Council to have pocket parks provide the sole recreational amenity for future growth of the community, then that would be a big problem.
He stated that pocket parks could never provide the sole recreational amenity for the community because they would not accommodate larger uses. Mr. Dunlap indicated that the only way for future growth to be accommodated was through Park Impact Fees or through debt extension. He stated that the Update of the General Plan included a significant focus on parks and recreational space planned for the growth of the community. He stated that to bring the General Plan to fruition, more than the $585 per unit in Park Impact Fees would be required. Mr. Dunlap added that the proposed ordinance would likely need to be revisited once the General Plan Update had been approved. He stated that if it was the Council’s intent to only proceed with pocket parks, then staff would need to hear that immediately so as to change the direction of the General Plan.

Council Member McCracken commented that he did not believe the intent of the previous Council was for pocket parks to replace existing or future City parks, but that they were to provide additional recreational means. He then spoke against proceeding with any in-lieu fees, stating that if the Council wanted pocket parks, then developers should be required to provide pocket parks.

Mr. Longley clarified for everyone’s edification that currently, a significant portion of the Park Impact Fees collected went towards debt service. He stated that the matter would be reconciled during the budget process.

Mr. Dunlap next elaborated on the various types and quantity of parks proposed in the General Plan. He stated that the focus of the Update was on quality of life, and as such the Preferred Plan was based on 8 acres of park/open space per 1,000 people, which he indicated was 3 acres greater than that required in the Quimby Act. He added that the City’s current Park Impact Fees were much lower than other cities surveyed, and approximately 1/3 less than the City of Tulare, which was the closest fee. He noted the importance of quality of life from a planning standpoint.

The Council Members unanimously agreed that both types of parks – pocket parks and City parks – should be pursued, and that Council Member Hernandez was to work with Former Council Member Irish, and other interested parties to revise the proposed ordinance. A discussion ensued as to the timeline for staff bringing the item back to the Council. It was decided to continue the public hearing until the second meeting in April, that being April 17, 2007.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council continue the public hearing to the M.O. 13-030607 Meeting of April 17, 2007. The motion carried unanimously.

Disposition: Continued to April 17, 2007.

17. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council continue the item to the March 20, 2007 City Council Meeting.

City Manager John Longley presented the item.

• Brian Ennis, Ennis Land Development, Inc., 643 North Westwood, updated the Council on the progress of negotiations. He clarified that the applicant on the item was not Ennis
Homes, and requested that it be corrected. He stated that the parties were still pursuing a mutually beneficial resolution, and requested that the item again be continued to a future date, without waiving any rights to proceed with the current project as previously submitted. He spoke of the 15 notice period, and further requested that the project not be subjected to any new ordinances adopted subsequent to the Map being submitted for approval.

A discussion ensued during which the ability for the applicant’s rights with regard to not being subjected to new ordinances was discussed. Ms. Lew stated that the applicant could enter into a development agreement with the City so as to trigger an earlier date for protection against new legislation.

Mayor Pro Tem Felipe Martinez moved that the Council continue the public hearing to the Meeting of March 20, 2007.

Council Member Pedro Martinez seconded the motion.

Mr. Dunlap informed the Council that a meeting would be coordinated with the applicant, during which a development agreement could be discussed.

- Jim Winton, 150 West Morton Avenue, stated that he believed the Subdivision Map itself, and not the building permits that followed, were subject to the ordinances and standards that were in effect when the application was accepted as complete.

Ms. Lew indicated that Mr. Winton’s comments were correct in that the applicant would be provided certain protections pursuant to the Permit Streamlining Act, as of the date the application had been received by the City and deemed complete.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council continue the item to the Meeting of March 20, 2007. The motion carried unanimously.


The Council recessed for ten minutes.

SECOND READING
18. ORDINANCE 1714, ZONE CHANGE 3-2007

Recommendation: That the City Council give Second Reading to Ordinance No. 1714, waive further reading, and adopt said ordinance.

City Manager John Longley presented the item and the staff report.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance No. 1714, waive further reading, and adopt said ordinance, being AN

Ordinance 1714
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 3-2007 (FORMERLY 1-2006) FROM M-1 (LIGHT MANUFACTURING) TO C-2 “D” (GENERAL COMMERCIAL DESIGN REVIEW OVERLAY) FOR THAT 10.7± ACRE VACANT SITE LOCATED ON THE NORTHEAST CORNER OF SOUTH JAYE STREET AND STATE ROUTE 190. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

19. ORDINANCE 1715, ZONE CHANGE 1-2007

Recommendation: That the City Council give Second Reading to Ordinance 1715, waive further reading, and adopt said ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1715, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING FINDINGS SUPPORTING FACTS THAT SUBSTANTIAL CHANGES HAVE OCCURRED AND APPROVING ZONE CHANGE 1-2007 ON PROPERTY LOCATED ON THE SOUTH SIDE OF WEST MORTON AVENUE. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

20. ORDINANCE 1716, ZONE CHANGE 2-2007

Recommendation: That the City Council give Second Reading to Ordinance 1716, waive further reading, and adopt said ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council give Second Reading to Ordinance 1716, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
Ordinance 1716

PORTERVILLE APPROVING FINDINGS SUPPORTING FACTS THAT
SUBSTANTIAL CHANGES HAVE OCCURRED AND APPROVING
ZONE CHANGE 2-2007 ON PROPERTY LOCATED ON THE
SOUTHWEST CORNER OF WEST MORTON AVENUE AND NORTH
SALISBURY STREET. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

21. MOU WITH KINGS/TULARE AREA AGENCY ON AGING, AUTHORIZATION TO
EXPEND FUNDS IN SUPPORT OF SENIOR CITIZEN ACTIVITIES, AND BUDGET
ADJUSTMENT FOR 06/07 FISCAL YEAR

Recommendation: That the City Council approve the Memorandum of Understanding ("MOU")
with Kings/Tulare Area Agency on Aging; authorize expenditure of funds in
support of senior citizen activities; and authorize the necessary budget
adjustments.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim
Perrine presented the staff report.

Council Member Pedro Martinez moved that the Council approve staff’s recommendation.

Mayor Pro Tem Felipe Martinez seconded the motion.

Mayor Hamilton inquired as to whether the Senior Council’s actual utility costs had been
reconciled with the $500 per month stipend. He stated that the Council was to have received the
information a month and a half prior to that evening, and that he had yet to see the information. A
discussion ensued during which Mr. Perrine indicated that he believed that during many months the
utility bills fell into that $500 range, and that during summer months, the utility costs substantially
exceeded the stipend.

Council Member McCracken suggested that, if the Council chose to not fund the Senior Council,
the utility bills would likely be provided.

Mayor Hamilton commented that he wanted to be fair, but he wanted to see all of the information
prior to making any determination in the matter.

Mr. Longley stated that staff had provided the information to the Council approximately 3 to 4
months prior, yet he did not recall the exact costs. A discussion ensued as to what the Council recalled
previously receiving, during which the contention was that it was not sufficient.

Mayor Hamilton moved that the Council approve staff’s recommendation, amended to remove
Senior Council funding so as to continue that portion until after the Council received the information
from the Senior Council, as requested.
Council Member McCracken seconded the motion.

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve the Memorandum of Understanding with Kings/Tulare Area Agency on Aging and authorize expenditure of funds and the necessary budget adjustments in support thereof; and direct staff to continue the item pertaining to funding senior citizen activities until such time as utility bills are provided to the Council by the Senior Council.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: Hernandez
ABSTAIN: None
ABSENT: None

Mr. Longley clarified that the Council sought to receive copies of the actual utility bills for 2006. Mayor Hamilton added that the Senior Council was to have also provided revenue and expenditures for 2006 so that the Council could determine whether or not the Senior Council needed the subsidy.

Disposition: Partially approved, direction given to staff.

22. LICENSE AGREEMENT WITH COMISIÓN HONORIFICA MEXICANA, INC. FOR THE COMMUNITY CENTER LOCATED ON EAST PUTNAM

Recommendation: That the Council approve the proposed License Agreement.

Council Member Pedro Martinez noted a potential conflict of interest, recused himself from the discussion, and exited the Council Chambers.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.

In response to a question posed by Council Member McCracken, City Attorney Julia Lew clarified that the Comision was not bound to any hours of operation, but rather the language referencing hours of operation in paragraph 3 was an intention statement. She added that there were other regulations in the City’s Code that would preclude certain activities and noise levels.

With regard to the comments made during Oral Communications, Mayor Hamilton stated that those types of issues should be handled on a complaint basis. He suggested that the Comision meet with their neighbors and listen to their concerns.

Mayor Pro Tem Felipe Martinez moved that the Council approve the proposed License Agreement.

Council Member Hernandez seconded the motion, and inquired as to landscape maintenance.
City Attorney proposed that the following language could be added to Section 4a, to read as follows: “The property, including all facilities located upon the property, shall be maintained in a neat and clean appearance, with all mature trees preserved, and all landscaping sustained in a healthy and vigorous growing condition by CHMA.”

- Roberto de la Rosa, 450 West Ellis Avenue, came forward on behalf of the Comision Honorifica Mexicana Americana, Inc., and thanked the Council for accepting its proposal. He indicated that he believed the Comision’s Board would agree with the proposed language regarding landscaping, and spoke favorably of the Comision’s use of the building.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez SECONDED by Council Member Hernandez that the Council approve the proposed License Agreement, as amended to add language to Section 4a, as follows: “The property, including all facilities located upon the property, shall be maintained in a neat and clean appearance, with all mature trees preserved, and all landscaping sustained in a healthy and vigorous growing condition by CHMA.”

AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Disposition: Approved, as amended.

23. OPTIONS FOR USE OF CDBG ENTITLEMENT FUNDS NOT UTILIZED FOR POOL WATER SLIDE PROJECT

Recommendation: That the City Council retain the CDBG funds allocated for the Water Slide Project in the Murry Park Improvement Project Fund for use on other projects that have been identified to enhance the park.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report and PowerPoint presentation.

In response to questions posed by the Council, Mr. Perrine indicated that the Section 108 funds currently programmed for the Heritage Center Ball Field Project could only be used at the Heritage Center. He stated that the previous year staff had proposed initiating the process to use half of those Section 108 funds for downtown parking improvements. He stated that the Council’s direction at that time was to utilize those funds only at the Heritage Center. It was clarified that part of the funds were CDBG funds.

Mayor Hamilton inquired as to why a $900,000 EIR was necessary. Community Development Director Brad Dunlap indicated that the EIR was approximately $65,000, and that most of the remaining balance pertained to design and construction management. He stated that the majority of the $65,000
represented costs associated with the archeological survey needed due to mill artifacts unearthed near the pool site. He stated that this was also the cause for the delay.

Mayor Pro Tem Felipe Martinez voiced support for keeping the focus on improving Murry Park, noting it was jewel of the community, and in need of attention.

Mr. Perrine elaborated on the efforts to date with regard to the Murry Park Improvement Project. He stated that approximately $300,000 had been spent to date in preparation of the adoption of the Master Plan. He stated that the next phase would be to commence work on the improvement designs and the implementation of those improvements, as directed by the Council. He stated that there was potentially $248,000 available for design and actual construction of specific improvements.

A lengthy discussion ensued with regard to the timeline for items identified in staff’s presentation, and the allocation of funds for each of the phases, particularly Phase I. It was determined that Phase I, which included design elements for all phases, need not be fully completed to move onto other phases identified in staff’s presentation.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council retain the CDBG funds allocated for the Water Slide Project in the Murry Park Improvement Project fund for use on other projects within Murry Park, to be identified by staff. The motion carried unanimously.

Disposition: Approved.

24. CARD TABLES – GAMBLING WAGERING LIMITS

Recommendation: That the City Council consider the proposed regulations and give first reading to the Ordinance of the City Council of the City of Porterville Replacing Article I, Section 15-20 of Chapter 15 Concerning the Regulation of Card Tables.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the draft ordinance replacing Article I, Section 15-20 of Chapter 15 concerning the regulation of card tables, give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPLACING ARTICLE I, SECTION 15-20, OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING GAMBLING REGULATIONS. The motion carried unanimously.

Mr. Longley read the ordinance by title only.

Disposition: Approved.
ORAL COMMUNICATIONS

• Dick Eckhoff, address on record, spoke of the need for parks, suggesting the City’s park acreage had remained stagnant while its population continued to grow. He then commented that the concept of pocket parks was a quality of life issue, and that developers would benefit from including such an amenity through increased sales.

• Greg Shelton, address on record, requested the Parks & Leisure Services Commission’s involvement in Item No. 23.

• Derrick Morris, a Lancaster resident, suggested a “green” approach to cleaning Murry Park’s pond by using bottom dwelling fish; and spoke of ways in which to raise funds for infrastructure and employment. He suggested imposition of vehicle fee to fund development of highway leading across Sierra Nevadas to Las Vegas.

• Mario Sides, 56 South Waukeshaw St., voiced concern with concrete improvements required by him due to his installation of a pool, and with his construction being halted by the City. He noted that he resided in a cul de sac that had no other sidewalks or curbs, and questioned the rationale behind the requirement. Public Works Director Baldo Rodriguez clarified the process with Mr. Sides and requested that he contact him the following day.

OTHER MATTERS

• Council Member Hernandez voiced his desire to make Murry Park a priority; and reminded the Council that he would not be in attendance at the next regular meeting due to his scheduled travel to the Mayor’s Conference in Miami, FL.

• Council Member Pedro Martinez:
  1. Informed the Council that he had attended a portion of the Tulare City Council Meeting that evening and had presented the softball fundraising challenge to them, which they had accepted;
  2. Updated the Council on the progress he and Council Member McCracken had made with regard to the design of the City flag; and
  3. Requested an agenda item to increase the number of fireworks permits from 11 to 12, effective 2007, suggesting a guaranteed permit for the Porterville Youth Service Foundation. City Attorney Julia Lew indicated that she would research the legality of a guaranteed permit for the organization, noting the difference with the Exchange Club’s permit.

• Mayor Hamilton spoke of his family’s bereavement and thanked the Council for the beautiful flowers.

• Council Member Pedro Martinez, spoke of the letter from Tulare County with regard to the possible closure of its Porterville clinic and CPS office in Porterville. It was requested that an item be placed on the next agenda regarding the issue.

ADJOURNMENT

The Council adjourned at 10:45 p.m. to the meeting of March 20, 2007.

Patrice Hildreth, Deputy City Clerk

Cameron Hamilton, Mayor
SUBJECT: CLAIM - MONTALVO

SOURCE: Administration

COMMENT: Joey Montalvo has filed a claim against the City for property damage sustained on February 7, 2007 on Main Street at Morton Avenue. The claimant is alleging that while driving north on Main Street to turn left on Morton, he drove across freshly painted street striping which transferred to his vehicle. Mr. Montalvo has been notified that he should be contacting the contractor doing that project, Safety Striping.

The amount being claimed as of the presentation of this claim is $925.94, based on automotive estimates.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Item No. 2
CLAIM AGAINST CITY OF PORTERVILLE

Claimant's name: Joey Montalvo
Claimant's Telephone No.: 559-782-8437
Claimant's address: 358 W. Bellevue Ave Porterville CA 93257

Date of incident/accident: 02-1-07 2:30 am
Date injuries, damages, or losses were discovered: 02-07-07
Location of incident/accident: Driving north on main st made a left turn on morton

Driving north on main from Gibson to morton
When the tires hit the paint it flicked paint along left side of truck

What did entity or employee do to cause this loss, damage, or injury? The tires hit the paint

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? Streets dept

What specific injuries, damages, or losses did claimant receive? Left side of truck front to back has yellow paint all over truck

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(0)] $25.94

How was this amount calculated (please itemize)? See attached

Date Signed: 2-7-07 Signature: Joey Montalvo

If signed by representative:
Representative's Name
Address
Telephone #
Relationship to Claimant
CD LOG NO 35-1  DATE 02/07/07

SHOP: XPERTIZE AUTO BODY & PAINT R  INSPECTION DATE: 02/07/07
ADDRESS: 21 N.E. ST.  CONTACT: JUAN DELEON
CITY STATE: PORTERVILLE, CA  PHONE 1: (559) 784-5464
ZIP: 93257-  PHONE 2: (559) 756-0547

EMAIL: XPERTIZEAUTO@YAHOO.COM  CELL PHONE: (559) 756-0547

OWNER: MONTALVO, JOEY A.  FAX: (559) 784-5566
ADDRESS: 358 WEST BELLEVIEW  HOME PHONE: (559) 782-8433
CITY STATE: PORTERVILLE, CA  CELL PHONE:  
ZIP: 93257

POINT OF IMPACT: 5

DAYS TO REPAIR: 0

LIC#:  STATE:  VIN:  MILEAGE:  ACCTING CTL#:

BODY COLOR:  VEH. INSP#:  
CONDITION:  

DRIVEABLE: YES

*=USER-ENTERED VALUE  E=REPLACE OEM  NG=REPLACE NAGS
EC=REPLACE ECONOMY  UE=REPLACE OE SURPLUS  UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT  EU=REPLACE SALVAGE  EP=REPLACE PXN
OE=REPLACE PXN OE SRLPS  PC=PXN RECONDITIONED  PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE  ET=PARTL REPL LABOR  IT=PARTIAL REPAIR
L=REFINISH  BR=BLEND REFINISH
TT=TWO-TONE  CG=CHIPGUARD  SB=SUBLET
N=ADDITIONAL LABOR  RI=R&I ASSEMBLY  P=CHECK
AA=APPEAR ALLOWANCE  RP=RELATED PRIOR  UP=UNRELATED PRIOR

2007 GMC SIERRA C1500  SLT 4DOOR CREW CAB  8CYL GASOLINE 5.3 FLEX
CODE: U8065C/G OPTNS 2/24FIMN

OPTIONS:
- TWO-STAGE - EXTERIOR SURFACES
- HEATED FRONT SEATS
- PRIVACY GLASS

TWO-STAGE - INTERIOR SURFACES
- HEATED REMOTE CONTROL MIRRORS
- HEATED BACK GLASS

OP GDE MC DESCRIPTION MFG.PART NO. PRICE AJ% B%
------- ---------- ---------- ------ ------ 
L 0621 13 COMPLETE SIDE LT REFINISH

13.4 4
2007 GMC SIERRA C1500 SLT 4DOOR CREW CAB
CD LOG NO 35-1

1 ITEMS

MC MESSAGE(S)
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

| PAINT MATERIAL | 348.40 |
| PARTS & MATERIAL TOTAL | 348.40 |

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| TAX ON REFINISH LABOR | @ | 7.750% | 41.54 |
| SUBLET REPAIRS | |
| TOWING | |
| STORAGE | |

GROSS TOTAL

| 925.94 |

NET TOTAL

| 925.94 |

SHOPLINK UU990 ES CD LOG 35-1 DATE 02/07/07 01:42:51PM R6.37 CD 12/06
PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 93257
HOST LOG
(C) 1998 - 2006 AUDATEX NORTH AMERICA, INC.

2.5 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.
AUDATEX TWO-STAGE EXTERIOR THRESHOLD OF 2.5 HOURS WAS CALCULATED IN THIS ESTIMATE.
Faggart Buick Pontiac, GMC
License #: AA000380 Federal ID #: 941533513
Faggart Buick Body Shop
133 South Main Street
Porterville, CA 93257
(559) 781-2979 Fax: (559) 781-6731

Preliminary Estimate

Written By: JOHNNY ALVARADO
Adjuster:

Insured: JOEY MONTALVO
Owner: JOEY MONTALVO
Address:

Day:
Evening:

Inspect
Location:

Insurance
Company:

Days to Repair

2007 GMC C1500 4X2 SIERRA CREW SL 8-4.8L-FI 4D P/U Int:
VIN: [Obfuscated] Lic: [Obfuscated] CA Prod Date: Odometer:

Condition: Excellent
Air Conditioning Tilt Wheel
Intermittent Wipers Keyless Entry
Body Side Moldings Dual Mirrors
Clear Coat Paint Power Steering
Power Windows Power Locks
AM Radio FM Radio
Search/Seek CD Player
Driver Air Bag Passenger Air Bag
Split Bench Seats Rear Step Bumper
Overdrive Styled Steel Wheels

Cruise Control
Theft Deterrent/Alarm
Roof Console
Power Brakes
Power Mirrors
Stereo
Anti-Lock Brakes (4)
Cloth Seats
Automatic Transmission

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<td>1</td>
<td>80.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subtotals => 80.00 6.0 0.0
**PRELIMINARY ESTIMATE**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parts</td>
<td>80.00</td>
</tr>
<tr>
<td>Body Labor</td>
<td>6.0 hrs @ $ 55.00/hr</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$ 410.00</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>$ 80.00 @ 7.7500%</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$ 416.20</td>
</tr>
</tbody>
</table>

**ADJUSTMENTS:**
- Deductible: 0.00

**CUSTOMER PAY:**
- $ 0.00

**INSURANCE PAY:**
- $ 416.20

Limited Warranty -
We Guarantee Our Service Work For One (1) Year or 12,000 miles, Whichever Comes First.

If Your Repair or replacement fails in normal service within that period, we'll fix it free of charge. No guarantee on rust work. All parts are new unless otherwise specified.

"By law you may choose another licensed smog check facility to perform any needed repairs or adjustments, which smog check indicates are necessary."

NOTICE TO CUSTOMERS -
We make a separate charge for the storage and disposal of toxic waste. Rather than recover these costs by increasing our labor rates to all of our service customers, we make this charge only on these particular repairs or services which generate these wastes. These are uniform charges which are calculated annually for each particular service and are available on request. estimates are good for 90 days
SUBJECT: CLAIM - SOUTHERN CALIFORNIA EDISON

SOURCE: Administration

COMMENT: Southern California Edison has filed a claim against the City for property damage discovered on October 1, 2006 at one of their facilities at E/S Indiana Street. The claimant is alleging that an SCE vault was struck and damaged by workers of a City contractor, Mitch Brown Construction, during excavation activities for the reconstruction of Indiana Street.

The amount being claimed as of the presentation of this claim is $5,000.00, based on repair estimates.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Item No. 3

DCM

Appro./Funded

CM
Our File No. 200700243

CLAIM AGAINST A GOVERNMENTAL AGENCY

The Southern California Edison Company, a corporation, is hereby presenting its claim for damage/loss to City Of Porterville.

1. Date of occurrence/discovery October 01, 2006
2. Location of occurrence E/S Indiana St. Porterville
3. Cause of damage/loss Unknown employees of Mitch Brown Construction working for and at the direction of the City of Porterville struck and damaged an SCE vault during excavating activities.
4. Amount or estimate of damage/loss $5,000.00
5. Name and address (if known) of public employee or agency causing damage N/A

All correspondence in regard to this claim should be addressed to: Southern California Edison Company (Claims Department), P.O. Box 900, Rosemead, California 91770, Attention: Sylvia Colunga

VERIFICATION AND CERTIFICATION

State of California, County of Los Angeles (ss.) Sylvia Colunga, being by me duly sworn, deposes and says: that he/she is a Claims Representative for Southern California Edison Company, a corporation, claimant; that he/she has read the foregoing claim and knows the contents thereof; and that the same is true and correct of his/her own knowledge, except as to the matters which are therein stated upon his/her information or belief, and as to those matters that he/she believes to be true.

____________________________
Claimant's Signature

P.O. Box 900 2244 Walnut Grove Ave. Rosemead, California 91770 (626) 302-6800 Fax (626) 569-2573
STATEMENT

January 12, 2007

200700243

City Of Porterville
Atten: City Clerk
291 N Main St
Porterville, CA 93257

Cost to repair and/or replace facilities discovered damaged on or about October 01, 2006; located at E/S Indiana St. Porterville, California.

Estimated cost: $5,000.00
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2006-07 FISCAL YEAR

SOURCE: Administrative Services

COMMENT: During the course of the fiscal year, budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council’s consideration.

There are four (4) adjustments proposed for Council consideration:

No. 1: CMAQ Hybrid Vehicle Grant
This revenue budget adjustment accounts for the funds to be received in a grant from Congestion, Mitigation, and Air Quality (CMAQ) funds for the purchase of two (2) hybrid vehicles.

No. 2: Hybrid Vehicle Purchase
This expenditure budget adjustment accounts for the expending of funds received in a CMAQ grant for the purchase of two (2) hybrid vehicles, which is eleven percent (11%) more than the grant amount due to the City’s share of the expense.

No. 3: Office of Traffic Safety Mini-Grant
This revenue budget adjustment accounts for the funds to be received in a grant from the State of California’s Office of Traffic Safety to conduct a seatbelt enforcement program.

No. 4: Police Department Traffic Overtime for Seatbelt Enforcement Program
This expenditure budget adjustment accounts for the expending of funds received in a grant from the State’s Office of Traffic Safety to conduct a seatbelt enforcement program.

RECOMMENDATION: That the Council approve the attached budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.

ATTACHMENT: Budget Adjustment Worksheet

Item No. 4
<table>
<thead>
<tr>
<th>NO.</th>
<th>FUND</th>
<th>DESCRIPTION</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>001-4517</td>
<td>CMAQ Hybrid Vehicle Grant</td>
<td>$47,925.54</td>
</tr>
<tr>
<td>2</td>
<td>003-5030-095-720</td>
<td>Hybrid Vehicle Purchase</td>
<td>$54,134.82</td>
</tr>
<tr>
<td>3</td>
<td>001-4516</td>
<td>Office of Traffic Safety Mini-Grant</td>
<td>$7,600.00</td>
</tr>
<tr>
<td>4</td>
<td>001-5020-007-030</td>
<td>Police Department Traffic Overtime for Seatbelt Enforcement Program</td>
<td>$7,600.00</td>
</tr>
</tbody>
</table>
SUBJECT: OHV PARK BUDGET ADJUSTMENT FOR THE 2006-07 FISCAL YEAR

SOURCE: PARKS AND LEISURE SERVICES

COMMENT: Based on funding limitations, operation of the OHV Park for the full year was not certain at the time of budget development for the fiscal year ending June 30, 2007. Consequently, Off Highway Vehicle Park revenue was projected very conservatively for the 2006/2007 fiscal year. However, due to an increase in privately sponsored races held at the Park, a substantial increase in ridership and revenue has been realized.

To date, OHV Park revenue is $62,000, a 72% increase over the same period last year and 248% higher than the $25,000 revenue estimated for this fiscal year. Based on the schedule of races planned through June, final revenues for the OHV Park are estimated to be $68,000, an increase of $43,000 over the budget projection.

As a result of increased usage and the substantially reduced operational budget, expenditures are currently at 112% of the $64,000 budgeted for 06/07. Projected expenditures for the fiscal year should amount to a total of $107,000.

To ensure appropriate maintenance and staffing levels at the Park, it is recommended that a budget adjustment of $43,000 be made to the Off Highway Vehicle Park budgets. This increase is equal to the increase in revenue generated by the Park.

RECOMMENDATION: That the Council authorize a total budget increase of $43,000 to be distributed among the Off Highway Vehicle Park expenditure accounts as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-5065-01</td>
<td>Salaries, Regular</td>
<td>$6,500</td>
</tr>
<tr>
<td>01-5065-02</td>
<td>Salaries, Part-time</td>
<td>$8,500</td>
</tr>
<tr>
<td>01-5065-03</td>
<td>Overtime</td>
<td>$400</td>
</tr>
<tr>
<td>01-5065-09</td>
<td>Benefits</td>
<td>$1,000</td>
</tr>
<tr>
<td>01-5065-11</td>
<td>Vehicle Maintenance</td>
<td>$1,775</td>
</tr>
<tr>
<td>01-5065-12</td>
<td>Bldg/Grounds Maint</td>
<td>$4,225</td>
</tr>
<tr>
<td>01-5065-19</td>
<td>Other Equip Maint</td>
<td>$9,545</td>
</tr>
<tr>
<td>01-5065-23</td>
<td>Professional Services</td>
<td>$4,000</td>
</tr>
<tr>
<td>01-5065-23</td>
<td>Rentals</td>
<td>$6,755</td>
</tr>
<tr>
<td>01-5065-35</td>
<td>Tools under $1,000</td>
<td>$300</td>
</tr>
</tbody>
</table>

ITEM NO.: 5

[Signatures]
SUBJECT: ACCEPTANCE OF IMPROVEMENTS – MEADOW BREEZE, PHASE ONE (GARY SMEE – SMEE BUILDERS)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, has requested that the public improvements constructed for their subdivision, be accepted by the City for maintenance. All required improvements, including sidewalks, have been completed, inspected by City staff and found to be acceptable.

The subdivider has submitted the required one (1) year maintenance guarantee.

RECOMMENDATION: That City Council:

1. Accept the public improvements of Meadow Breeze, Phase One Subdivision for maintenance;

2. Authorize the filing of the Notice of Completion; and

3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENT: Locator Map
SUBJECT: CONVEYANCE OF LAND AND STATION BUILDING TO PORTERVILLE HISTORICAL MUSEUM

SOURCE: Administration

COMMENT: At the City Council Meeting of March 20, 2007, the City Council approved, in Closed Session, an offer to quitclaim the City’s property located at 257 North “D” Street to the Porterville Historical Museum. The offer for the current Porterville Historical Museum land and buildings was subject to approval by the Museum representatives, which has been conveyed to the City and is attached.

The deed restriction language that the station building will be used as a museum that is currently in the City’s deed from the Southern Pacific Railroad, has been included in the proposed quitclaim deed to the Museum. Under the terms of the deed to the Museum, in the event the building ceases to be used as a museum, the City shall have the power to terminate all right, title and interest conveyed by the deed.

RECOMMENDATION: That the City Council adopt the draft resolution authorizing the quitclaim of the subject property and authorizing the Mayor to sign all necessary documents.

Attachment: 1 - Letter of Acceptance by the Porterville Historical Museum Board
2 - Draft Resolution
3 - Quitclaim Deed

Item No. 7
Thursday, April 12, 2007

Georgia Hawley
City of Porterville
291 N Main Street
Porterville, CA 93257

Dear Georgia:

This letter is to confirm our conversation that the Porterville Museum agrees to the terms of the Quitclaim deed.

The Porterville Historical Museum's Board of Directors voted on April 9, 2007 to accept the conditions put forth in the Quick Claim Deed from the City of Porterville.

Sincerely,

[Signature]

Wayne Foltz
President
RESOLUTION NO. _____-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING A QUIT CLAIM DEED TO THE PORTERVILLE HISTORICAL MUSEUM

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby authorizes a Quit Claim Deed to the Porterville Historical Museum, for all of its right, title and interest in and to all that piece or parcel of land, together with the station building thereon, situated in the City of Porterville, County of Tulare, State of California, described as follows:

Beginning at the northeast corner of Lot 1 of Block 8 of Hockett and Parkhurst North Extension of the City of Porterville being at the intersection of the west line of "D" Street with the south line of Cleveland Street; thence Southerly along the east line of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of said Block 8 being also the west line of said "D" Street 270 feet to the southeast corner of said Lot 9 of Block 8, being at the intersection of the west line of said "D" Street with the north line of West Putnam Street (formerly known as Lafayette Street); thence Westerly, along said north line of West Putnam being also the south line of said Lot 9 and its westerly prolongation, 112 feet to a point in a line parallel with and distant 50 feet easterly, measured at right angles, from the original located center line of Southern Pacific Company's main track (Exeter to Famoso); thence Northerly along said parallel line 270 feet to a point in the westerly prolongation of the north line of said Lot 1, being in the south line of said Cleveland Street; thence Easterly along said line, 112 feet to the point of beginning.

Together with all right, title and interest of the Grantor in and to the land underlying the public streets, highways and alleys abutting upon the property herein described.

The deed is subject to the condition that the station building be used as a museum. In the event it ceases to be used for such purpose, the said land and building shall revert to Grantor. In that event, Grantor or its successors and assigns, without paying any compensation for any buildings or other improvements on the above premises and without making any compensation or incurring any liability for damages or losses of any kind, shall have the power to terminate all right, title, and interest in the property granted by this deed to the Porterville Historical Museum and its successors and assigns, in the manner provided by law for the exercise of this power of termination. Immediately upon such a termination, Grantee or its successors or assigns shall forfeit all rights or title to that property, and the property shall revert to Grantor or Grantor's successors or assigns. The conveyance is made subject to easements, covenants, conditions, reservations and restrictions of record.
BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign all necessary documents for said quitclaim, with said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been authorized by the City Council for the City of Porterville.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

________________________________________
Georgia Hawley, Chief Deputy City Clerk
QUITCLAIM DEED

Recording requested by:
Porterville Historical Museum

When recorded mail to:
Porterville Historical Museum
Attn: Wayne Foltz
257 North “D” Street
Porterville, CA 93257

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ______ day of April, 2007, from CITY OF PORTERVILLE, a municipal corporation of the State of California, Grantor, to PORTERVILLE HISTORICAL MUSEUM, a nonprofit public benefit corporation of the State of California, Grantee:

WITNESSETH:

Grantor hereby quitclaims to Grantee all of its right, title and interest in and to all that piece or parcel of land, together with stations building thereon, situated in the City of Porterville, County of Tulare, State of California, described as follows:

Beginning at the northeast corner of Lot 1 of Block 8 of Hockett and Parkhurst North Extension of the City of Porterville being at the intersection of the west line of “D” Street with the south line of Cleveland Street; thence Southerly along the east line of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of said Block 8 being also the west line of said “D” Street 270 feet to the southeast corner of said Lot 9 of Block 8, being at the intersection of the west line of said “D” Street with the north line of West Putnam Street (formerly known as Lafayette Street); thence Westerly, along said north line of West Putnam being also the south line of said Lot 9 and its westerly prolongation, 112 feet to a point in a line parallel with and distant 50 feet easterly, measured at right angles, from the original located center line of Southern Pacific Company’s main track (Exeter to Famoso); thence Northerly along said parallel line 270 feet to a point in the westerly prolongation of the north line of said Lot 1, being in the south line of said Cleveland Street; thence Easterly along last said line, 112 feet to the point of beginning.

Together with all right, title and interest of the Grantor in and to the land underlying the public streets, highways and alleys abutting upon the property herein described.

Mail tax statements as directed above.
This deed is subject to the condition that the station building be used as a museum. In the event it ceases to be used for such purpose, the said land and building shall revert to Grantor. In that event, Grantor or its successors and assigns, without paying any compensation for any buildings or other improvements on the above premises and without making any compensation or incurring any liability for damages or losses of any kind, shall have the power to terminate all right, title, and interest in the property granted by this deed to the Porterville Historical Museum and its successors and assigns, in the manner provided by law for the exercise of this power of termination. Immediately upon such a termination, Grantee or its successors or assigns shall forfeit all rights or title to that property, and the property shall revert to Grantor or Grantor's successors or assigns.

This conveyance is made subject to easements, covenants, conditions, reservations and restrictions of record.

Executed on ______________________, 2007, at Porterville, California.

____________________________________
Cameron Hamilton, Mayor
City of Porterville

ACKNOWLEDGEMENT

State of California
County of Tulare

On ______________________, 2007, before me, __________________________________, Notary Public, personally appeared Cameron Hamilton, Mayor of the City of Porterville, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the written instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature ______________________
SUBJECT: INTENT TO VACATE TEMPORARY EASEMENTS FOR VEHICULAR ACCESS AND STORM WATER FLOW AND RETENTION RELATED TO THE DEVELOPMENT OF SIERRA MEADOWS, PHASE TWO SUBDIVISION (Smee Builders)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate easements for temporary vehicular access and storm water flow and retention. These easements are generally located between Chess Terrace Street and Jaye Street, north of Gibbons Avenue. The easements were necessary for the orderly development of the first phase of this subdivision. Construction of the public improvements for phase two ends the need for these easements. The City has authority to vacate these easements under Section 8320, Part 3, Division 9, of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since these easements are in favor of the City of Porterville. Abandonment of these easements does not affect other agencies or other utility companies. The need for additional public utility easements will be addressed during the processing of the Sierra Meadows, Phase Two Subdivision Final Map.

RECOMMENDATION: That the City Council:

1. Pass a Resolution of Intent to Vacate easements dedicated to the City of Porterville by document numbers 2004-0134036 and 2004-0134037, recorded December 28, 2004 in the Office of the Tulare County Recorder; and

2. Set the Council Meeting of May 15, 2007, or as soon thereafter, as the time and place for a public hearing.

ATTACHMENTS: Resolution
Exhibit "A" - Legal Descriptions
Exhibit "B" - Locator Maps
RESOLUTION NO. _________-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, EASEMENTS
FOR VEHICULAR ACCESS AND STORM WATER FLOW AND RETENTION

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to vacate, abandon,
and close to public use those certain easements for vehicular access and storm water
flow and retention in the City of Porterville, County of Tulare, State of California, and
known as easements no longer necessary due to the orderly development of Sierra
Meadows, Phase Two Subdivision, of which easements are generally located within the
southwestern portion of said proposed development.

SECTION 2: A map or plan of said public easements intended to be vacated,
abandoned and closed to public use is on file in the office of the City Clerk of the City of
Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation
of easements and rights of way for structures enumerated, if any, in Section 8340 of the
California Streets and Highways Code.

SECTION 4: Notice is further given that on Tuesday, the 15th day of May, 2007,
at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council
Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby
fixed for the time and place for hearing any objections to the vacation, abandonment
and closing to public use of said easements way.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
By: Georgia Hawley, Chief Deputy City Clerk
Exhibit A

(Parcel 1)

A temporary easement for storm water flow and retention over, across, through and within the North 673 feet of the South 698 feet of the West 50 feet of the Northeast quarter of the Southwest quarter of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California.

CONTAINING 33,650 square feet more or less.

(Parcel 2)

A temporary easement for vehicular access over, across, through and within that portion of the Northeast quarter of the Southwest quarter of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

BEGINNING AT a point in the West line of the Northeast quarter of said Southwest quarter, said point being North 00°33’07” East, 668.00 feet of the Southwest corner of the Northeast quarter of said Southwest quarter;

THENCE, North 00°33’07” East, 60.00 feet;

THENCE, South 89°54’08” East, 30.00 feet;

THENCE, South 00°33’07” West, 60.00 feet;

THENCE, North 89°54’08” West, 30.00 feet, to the POINT OF BEGINNING.

CONTAINING 1,800 square feet more or less

END OF DESCRIPTION
SUBJECT: INTENT TO VACATE A PORTION OF PUBLIC WATER, SEWER AND STORM DRAIN FACILITIES EASEMENT RELATED TO THE DEVELOPMENT OF THE SKILLED NURSING FACILITY (Sierra View District Hospital)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate a portion of a 60-foot wide water, sewer and storm drain facilities easement, generally located in the former Cleveland Avenue right of way west of Pearson Drive. The easement, which crosses the subject development, is necessary for the maintenance of underground pipelines associated with the Dialysis Center and other Sierra View District Hospital facilities. The District is seeking the vacation for the purpose of constructing a new Skilled Nursing Facility within the existing easement. An elderberry bush located near the southwest corner of the District’s property has forced the building to be shifted north into the easement. The underground utilities will be rerouted around the new building during construction and new easements recorded prior to issuance of a building permit, if necessary.

The existing easement (Document No. 2006-0042458), vacation legal description and plat are attached for Council’s reference. The City has authority to vacate a portion of said existing easement under Section 8320, Part 3, Division 9, of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since this easement is in favor of the City of Porterville. Abandonment of a portion of this easement does not affect other agencies or other utility companies.

RECOMMENDATION: That the City Council:

1. Pass a Resolution of Intent to Vacate a portion of an easement for maintenance of water, sewer and storm drain facilities dedicated to the City of Porterville by Document No. 2006-0042458, recorded April 21, 2006, in the Office of the Tulare County Recorder; and

2. Set the Council Meeting of May 15, 2007, or as soon thereafter, as the time and place for a public hearing.

ATTACHMENTS: Resolution
Document No. 2006-0042458
Exhibit "A" – Legal Description
Exhibit "B" – Locator Map
RESOLUTION NO. __________-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, A PORTION OF AN
EASEMENT DEDICATED AS DESCRIBED IN DOCUMENT 2006-0042458

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to vacate, abandon,
and close to public use that certain portion of a water, sewer and storm drain facilities
easement in the City of Porterville, County of Tulare, State of California, and known as
a portion of an easement no longer necessary due to the orderly development of the
new facilities proposed by the Sierra View District Hospital, of which easement is
generally located between Villa Street and Pearson Drive, north of the Porter Slough.

SECTION 2: A map or plan of said portion of the public easement intended to
be vacated, abandoned and closed to public use is on file in the office of the City Clerk
of the City of Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation
of easements and rights of way for structures enumerated, if any, in Section 8340 of the
California Streets and Highways Code.

SECTION 4: Notice is further given that on Tuesday, the 15th day of May, 2007,
at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council
Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby
fixed for the time and place for hearing any objections to the vacation, abandonment
and closing to public use of a portion of said easement.

________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________
By: Georgia Hawley, Chief Deputy City Clerk
Easement Deed

The undersigned grantor(s) declare(s)
Documentary transfer tax is $__________

Unincorporated area ______ City of Porterville
Parcels NO. APN 252-260-082, 252-260-077

____ computed on full value of interest or property conveyed, or
____ computed on full value less value of liens or encumbrances remaining at time of sale, and

For a valuable consideration, receipt of which is hereby acknowledged,

Sierra View District Hospital

hereby grant(s) to City of Porterville, a municipal corporation an easement for maintenance of water, sewer, and storm drain facilities upon, over, across and within that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

See exhibit "A" & "B" attached hereto

By

[Signature]
Kelly Morgan
President / CEO
Sierra View Local Health Care Unit
Authorized Agent of the Legal Owners of said property
Dated 4-3-06

STATE OF CALIFORNIA

COUNTY OF Tulare

On 4-3-06 before me, Vickie Schulz, A Notary Public in and for said County and State, personally appeared

Kelli Morgan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

Title Order No.

THIS IS TO CERTIFY, That pursuant to the authority conferred by City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the public and City Council of the City of Porterville consents to the acceptance for public purposes the real property described within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
This 3rd day of April, 2006

Michael K. Reed, PLS #7514, City Engineer
Exhibit “A”
Legal Description

Easements for maintenance of water, sewer, and storm drain facilities over and across Parcel A of Lot Line Adjustment 11-2005, recorded October 13, 2005 as Document No. 2005-0113890 of Tulare County Records, located in the Southwest quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the centerlines of which are described as follows:

Easement 1 - 60 feet wide
Commencing at the intersection of the centerline of Pearson Drive and the former Cleveland Avenue, per Morton Gardens subdivision map recorded in Book 26, page 42 of Maps, Tulare County Records; thence, North 89° 12'24" West, along the former centerline of Cleveland Avenue, 30.00 feet to the West right of way line of Pearson Avenue and the TRUE POINT OF BEGINNING; thence, continuing North 89° 12'24" West, 135.00 feet; thence North 89° 11'20" West, 2.94 feet; thence, westerly along a 1000 foot radius curve, concave to the North, having a central angle of 05° 25'04"", an arc distance of 94.56 feet; thence, North 83° 46'16" West, 297.28 feet to the West line of said Parcel A. The sidelines of said Easement 1 shall extend or shorten on the East and West lines of said Parcel A.

EASEMENT 1 AREA = 31,795 SQ FT = 0.73 ACRES

Easement 2 - 10 feet wide
Commencing at the intersection of the centerline of Pearson Drive and the former Cleveland Avenue, per said Morton Gardens map; thence, North 89° 12'24" West, along the former centerline of Cleveland Avenue, 30.00 feet to the West right of way line of Pearson Avenue; thence, continuing North 89° 12'24" West, 135.00 feet; thence North 89° 11'20" West, 2.94 feet; thence, westerly along a 1000 foot radius curve, concave to the North, having a central angle of 01° 01'21"", an arc distance of 17.85 feet; thence, North 01° 49'53" East, 30.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 01° 49'53" East, 98.98 feet.

EASEMENT 2 AREA = 990 SQ FT = 0.02 ACRES

Easement 3 - 30 feet wide
Commencing at the intersection of the centerline of Pearson Drive and the former Cleveland Avenue, per said Morton Gardens map; thence, North 89° 12'24" West, along the former centerline of Cleveland Avenue, 30.00 feet to the West right of way line of Pearson; thence, continuing North 89° 12'24" West, 135.00 feet; thence North 89° 11'20" West, 2.94 feet; thence, westerly along a 1000 foot radius curve, concave to the North, having a central angle of 05° 25'04"", an arc distance of 94.56 feet; thence, North 83° 46'16" West, 114.67 feet; thence, North 06° 38'08" East, 30.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 06° 38'08" East, 53.36 feet.

EASEMENT 3 AREA = 1,601 SQ FT = 0.04 ACRES
END OF DESCRIPTION
EXHIBIT “A”

PORTION OF EXISTING EASEMENT
TO BE ABANDONED

All that portion of Parcel A of Lot Line Adjustment 11-2005, recorded October 13, 2005 as Document No. 2005-0113890, Official Records of Tulare County, lying in the Southwest quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, being a portion of the Easement for maintenance of water, sewer and storm drain facilities described in the deed granted to the City of Porterville, recorded April 21, 2006, as Document No. 2006-0042458, Official Records of Tulare County, more particularly described as follows:

COMMENCING at the Southwest corner of the Easement described in said Document No. 2006-0042458; thence South 86°40’54” East, along the South line of the Easement as described in said Document No. 2006-0042458, a distance of 5.08 feet to the TRUE POINT OF BEGINNING of this description; thence North 02°16’16” West, a distance of 20.58 feet; thence North 66°24’39” East, a distance of 13.62 feet; thence North 87°43’44” East, a distance of 130.41 feet; thence South 47°16’16” East, a distance of 12.92 feet; thence South 02°16’16” East, a distance of 31.29 feet to a point on the South line of the Easement described in said Document No. 2006-0042458; thence North 86°40’54” West, along said South line, a distance of 152.96 feet to the TRUE POINT OF BEGINNING.

Containing an area of 4,947 square feet more or less.

F:\2006\06-242\Word Docs\ABAND-LGL.doc
SUBJECT: WATER CONSERVATION PLAN

SOURCE: Public Works Department - Field Services Division

COMMENT: Water conservation and awareness have always been areas of concern for the Porterville Community. With the yearly rainfall and runoff totals below normal averages, efforts to promote water conservation are a high priority. In addition to the benefits of conserving water as a limited natural resource, additional benefits accrue to the community in the form of a reduced impact on the Wastewater Treatment Plant and a reduction in energy costs when water supplies are conserved.

Historically, June through August are the high water consumption months; therefore, a media campaign promoting water conservation will begin in May with newspaper and radio messages. Water conservation will also be promoted during the Porterville Fair with conservation information and water saving kits distributed to the public.

The City is currently in Phase I of the City’s Water Conservation Plan. Phase II applies during periods when there is a water supply shortage. All indications suggest that this year will be especially difficult to maintain appropriate water delivery to the City’s customers.

The lack of precipitation this past season has resulted in reduced storage capacity behind the dam. Staff anticipates encountering a lowered water table due to diminished aquifer recharging and expects the problem to be exasperated when area farmers begin operating their field pumps. Voluntary conservation is requested at this time with increased public information being implemented immediately.

As indicated above, the City’s ability to provide adequate water service to its customers will be seriously tested this summer. Staff may be forced to recommend sooner than later that the City move forward with Phase III of the City’s Water Conservation Plan. During Phase III periods, a 20% rate increase on all residential and landscape accounts goes into effect. As the season progresses, staff may request that Council adopt modifications to the Water Conservation Plan in conjunction with or in lieu of Phase III operations that encourages increased water conservation.

Staff will closely monitor the water system and provide a report to Council at the June 5, 2007 meeting.

RECOMMENDATION: That City Council:

1. Approve the City moving into Phase II as of May 1, 2007;

Dir  Appropriated/Funded  Item No. 0
2. Set a Public Hearing for June 5, 2007 to move into Phase III for the months of June thru September if severe water supply shortage is projected; and

3. If severe water supply shortage is not projected, City staff will only have a Water Conservation Report at the June 5, 2007 Public Hearing.

ATTACHMENT: Production Graph
Monthly Production 2004 - 2007
(Primary Water System)

Peak Production 2005
Peak Production 2006
Master Plan w/ Reserve
Master Plan
2004
2005
2006
2007

Million Gallons/Month

1  2  3  4  5  6  7  8  9  10  11  12

Month
SUBJECT: Memorandum of Understanding between the Porterville Developmental Center and City of Porterville

SOURCE: FIRE DEPARTMENT

COMMENT: In November 1992, the Porterville Developmental Center (PDC) disbanded their fire department's suppression operations within the PDC facility and, at that time, the City of Porterville issued a Letter of Understanding Regarding Fire Protection At The Porterville Developmental Center. The agreement delineated several conditions that must be met and maintained by the Porterville Developmental Center. Recently it was brought to light that some of those conditions that were delineated in the agreement were not being met. However, after several meetings, the facility has addressed our concerns and has complied with the Letter of Understanding.

At present PDC has not re-established their fire department and it appears they will not do so in the near future. As the facility is located in the City limits, the City of Porterville is required to provide some type of fire protection at the PDC facility. Several years ago, PDC began housing forensic clients that require added safety precautions for our suppression crews that will be responding to an incident at the facility. This change requires the existing agreement to be modified. An amended memorandum has been drafted for City Council’s review and approval.

RECOMMENDATION: That the City Council:

1) Review and approve the amended Memorandum of Understanding between the Porterville Developmental Center and the City of Porterville; and

2) Authorize the Memorandum of Understanding to be implemented.

ATTACHMENTS:

1) Letter of Understanding Regarding Fire Protection At Porterville Developmental Center dated November 1992; and,

2) Amended Memorandum Of Understanding Between the Porterville Developmental Center and City of Porterville Fire Department.
MEMORANDUM OF UNDERSTANDING
BETWEEN THE
PORTERVILLE DEVELOPMENTAL CENTER (CENTER)
OFFICE OF PROTECTIVE SERVICES (OPS)
AND
CITY OF PORTERVILLE FIRE DEPARTMENT (PFD)

The purpose of this MEMORANDUM is to revise the previous agreement between the CENTER and PFD that was initially established on or about November 9, 1992. The MEMORANDUM defines the relationship between the CENTER, OPS and PFD relative to fire protection services.

1. The term of this MEMORANDUM commences on the date of its execution by all parties and shall remain in effect until either party notifies the other party in writing, at least 30 days in advance, the need to revise, modify, or to terminate the agreement.

2. The CENTER will report all fires to the PFD Dispatch Center by calling 9-1-1.

3. The CENTER, OPS will ensure that law enforcement or fire personnel will be on-duty at the CENTER on a 24-hour/7-day a week basis to respond to fire alarms on CENTER grounds. The assigned OPS personnel will be equipped with a radio that shares the same frequency as PFD to coordinate the arrival and provide accurate information to responding fire units.

4. If the CENTER fire alarm system is activated, the designated on-site OPS personnel will respond to the fire alarm to identify the source of the alarm activation. PDC clinical staff on scene will evacuate all residents of a unit immediately in the event of a possible fire or disaster event. If the OPS personnel suspect anything other than a false alarm, he/she will contact the CENTER switchboard telephone operator who will call 9-1-1 to dispatch the PFD.

5. The PFD emergency units will always respond to the main entrance of the CENTER grounds. PFD will be met at the main entrance by the designated law enforcement personnel who will escort them to the emergency scene.

6. Traffic and perimeter control of the emergency scene will be the responsibility of the OPS. In the event a fire apparatus engine requires entrance to the Secure Treatment Area, OPS will provide two police officers as escort for security purposes.

John Sawyer, Executive Director
Porterville Developmental Center

Cam Hamilton, Mayor
City of Porterville

Kevin Cook, Acting Commander, OPS
Porterville Developmental Center

John Longley, City Clerk
City of Porterville

Effective: ________________________
December 9, 1992

Rene Diaz
Administrative Services Director
State of California
Porterville Developmental Center
P. O. Box 2000
Porterville, CA 93258-2000

LETTER OF UNDERSTANDING REGARDING FIRE PROTECTION
AT THE PORTERVILLE DEVELOPMENTAL CENTER

Dear Mr. Diaz:

The purpose of this letter is to document the things that we agreed upon when we met in your office on October 30, 1992 pertaining to City of Porterville Fire Department providing fire protection services at the Porterville Developmental Center.

1) The Porterville Developmental Center will report all fires to the City of Porterville Dispatch Center by calling 9-1-1.

2) There will always be someone on duty at PDC 24 hrs/day, 7 days/week assigned the responsibility of responding on alarms on the PDC grounds. The assigned person will be equipped with a radio with the Porterville Fire Department frequency so that the responding units can communicate directly with this person.

3) If the PDC local alarm system is activated, the designated on-site person will respond to check it out. If at any point that person suspects anything other than a false alarm, he/she will contact the PDC switchboard operator who will call 9-1-1.

4) Porterville Fire Department units will always respond to the front entrance of the Porterville Developmental Center grounds and whenever possible will be met there by the security person who will guide them to the emergency scene.

5) Traffic control and perimeter control at the scene of an emergency will be handled by PDC security.

Jerry O. Mainord
Fire Chief
6) All PDC personnel will operate in accordance with the memo from Fire Chief Ben Powell concerning fire reporting procedures, a copy of which is attached.

Your confirmation of this understanding will be appreciated.

Sincerely,

J. O. Mainord, Fire Chief
Porterville Fire Department

JOM:mu
cc: Fire Chief Ben Powell
    Porterville City Manager C. G. Huffaker
PORTERVILLE DEVELOPMENTAL CENTER
Porterville, California

INTEROFFICE MEMO
October 13, 1992

TO: Facility-wide

FROM: Ben Powell, Fire Chief

SUBJECT: FIRE REPORTING PROCEDURES — TO BE POSTED AT EACH WORK STATION AND TELEPHONE

Effective October 25, 1992 the Porterville City Fire Department and the California Division of Forestry will begin providing fire protection services to the facility upon request. In addition to following FB 62, please follow the procedures as outlined below when REPORTING a fire.

In the event of a FIRE:

1. Begin immediate evacuation of clients/staff to a safe area.
2. Place the call to PBX on 181.
3. Inform PBX of your NAME and UNIT/RESIDENCE LOCATION.
4. Report the nature and extent of the fire, i.e., specific site location, degree of involvement (example: trash can, curtains, entire room, etc.).
5. PBX will then place the 911 call to the city.
6. The on-duty Part-time Fire Fighter and Police who will also respond.

When there is a SMOKE SMELL, FIRE ALARM, EQUIPMENT FAILURE, etc.:

1. Begin immediate evacuation of clients/staff to a safe area.
2. Place the call to PBX via the 181 number.
3. Inform PBX of your NAME AND UNIT/RESIDENCE LOCATION.
4. Report the exact nature and extent of the emergency.
5. The Fire Chief, Facility Police, and/or the on-duty part-time Fire Fighter will respond, assess the emergency, and if necessary, initiate 911 through PBX.

Know your task in an emergency situation!

Prompt notification is vital. Smoke and flames travel extremely fast.

BP: rg
SUBJECT: APPROVAL OF ADMINISTRATIVE POLICY REGARDING
EMPLOYEE IDENTIFICATION CARDS

SOURCE: Administrative Services

COMMENT: During the prior fiscal year, the Fire Department was successful in applying for and receiving an Office of Homeland Security grant for the provision of an employee identification card system, the purpose of the grant to target enhanced personnel security measures at the Porterville Municipal Airport.

Concurrent with the efforts of improving security measures at the Airport with personnel identification cards, City staff has considered and proposes to implement the same identification card system City-wide. In support of this objective, an Administrative Policy has been developed for the Council's consideration for implementation.

It is proposed by staff that the policy require the wearing of identification cards by non-uniform attired City employees at City-owned facilities during an employee's designated work hours.

RECOMMENDATION: That the City Council approve and authorize staff to proceed with the implementation of Administrative Policy IV-B-7, "Employee Identification Cards."

ATTACHMENT: Draft Administrative Policy
CITY OF PORTERVILLE

ADMINISTRATIVE POLICY

SUBJECT: EMPLOYEE IDENTIFICATION CARDS

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<td>April 17, 2007</td>
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I. PURPOSE: To provide standards for the use and display of identification cards worn by employees of the City of Porterville.

II. POLICY: All employees of the City of Porterville shall wear the identification card issued by the City only while in any City-owned facility and not attired in a City uniform.

III. PROCEDURE: When a position within the City service requires the employee to wear an identification card, obligations and responsibilities are placed upon the employee in the manner that the identification card is to be worn.

A. GENERAL PROVISIONS:

Identification cards identify employees as part of the City organization. They are designed to distinguish City employees from other individuals in City-owned facilities, and colored to differentiate employees of departmental assignment. Identification cards are to be properly worn and used only while performing official functions of the City.

B. SPECIFIC PROVISIONS:

1. Identification cards are to be worn only in City-owned facilities during an employee’s designated work hours.
2. Identification cards are to be worn on an approved lanyard supplied by the City.
3. Identification cards are not to be amended or modified, including the affixing of pins or stickers, without prior City approval.
4. Employees wearing a City Department uniform are not required to wear an identification card.
5. Identification cards are not to be loaned to either other employees or non-employees.
6. Individual departmental regulations on identification card use are in addition to these provisions, which are on file in the Personnel Office.
SUBJECT: RETIREMENT OF POLICE SERVICE DOG "EMOR"

SOURCE: Police Department

COMMENT: In October 2003, the City of Porterville purchased "Emor," a five-year-old Belgian Malinois, for use as a police service dog. "Emor" was purchased from Officer Jake Castellow, his current handler. "Emor" has been working as a police service dog for more than seven years. He is also almost nine years old. In addition, Jake Castellow has promoted to Sergeant, and has been reassigned to the Department’s Special Investigations Unit. Due to the above factors, "Emor" is being retired from service.

The agreement to purchase "Emor" stipulated that Jake Castellow has the first option to purchase "Emor" back from the City should "Emor" cease to work as a police service dog, or if Jake Castellow should transfer, promote, or leave the canine program at PPD. It was also stipulated that this purchase would be at fair market value, taking into consideration that the average working life of a police service dog is five years.

"Emor" is being retired based on current age and working history. "Emor" is too old to be retrained with another handler. Although in good health at this time, he is starting to "slow" down. Because he will no longer be able to act in the capacity of a police service dog, the fair market value of "Emor" is one dollar ($1.00.)

RECOMMENDATION: That the City Council:
1) Approve the retirement and sale of K-9 "Emor" to Jake Castellow, his current handler, for one dollar ($1.00); and
2) Authorize the Mayor to execute the agreement necessary to complete the transaction.

Item No. 13
AGREEMENT TO PURCHASE CITY PROPERTY

This agreement to Purchase City Property (hereinafter referred to as "AGREEMENT") is made and entered into by and between Jake Castellow (hereinafter referred to as "Castellow") and the CITY OF PORTERVILE (hereinafter referred to as "CITY") and the Porterville Police Department (hereinafter referred to as "PPD") and (hereinafter collectively referred to as "PARTIES").

RECITALS

WHEREAS, CASTELLOWS is currently a Police Sergeant with the PPD.

WHEREAS, CASTELLOWS is the current canine handler of "Emor," a nine-year-old Belgian Malinois.

WHEREAS, CASTELLOWS has offered to purchase "Emor" from the CITY and the PPD at the time "Emor" ceases to work as a police service dog for the CITY.

WHEREAS, CASTELLOWS understands that "Emor" is a trained police dog and assumes any liability arising out of, connected with, or resulting from the actions of "Emor" from and after the date of this agreement.

WHEREAS, the PARTIES desire to enter into this AGREEMENT.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the PARTIES hereby agree as follows:

1. CASTELLOWS shall purchase "Emor" from the CITY for the sum of one dollar ($1.00) and ownership shall pass to CASTELLOWS as of the DATE OF THIS AGREEMENT.

2. CASTELLOWS shall assume all risk of loss and expenses related to the care and maintenance of "Emor" as of the DATE OF THIS AGREEMENT.

3. CASTELLOWS shall assume all liability arising out of, connected with, or resulting from the actions of "Emor" as of the DATE OF THIS AGREEMENT.

Executed at Porterville, California, this ___ day of April, 2007.

__________________________________________
Jake Castellow, POLICE SERGEANT

__________________________________________
Cameron Hamilton, MAYOR
COUNCIL AGENDA: APRIL 17, 2007

SUBJECT: ZALUD HOUSE “MEMORIES OF YESTERDAY” FUNDRAISER

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Fundraising Strategy Committee for the Zalud House wishes to assist City staff in conducting a “Memories of Yesterday” event to raise funds for the Zalud House. The event is planned for the evening of May 12, 2007 and will consist of wine and hors d’oeuvres, within the garden area of Zalud House. A donation of $25 is being requested from each attendee, and only those of at least 21 years of age will be permitted onto the property, and no offsite consumption is to be allowed. Various businesses including the Porterville Recorder and KTIP Radio have already agreed to cosponsor and promote the event. Efforts will be made to secure co sponsorship by an organization with an annual alcohol sales permit and insurance for the wine service. Other co sponsorships are being explored for the donations of the wine.

The Zalud House is public property and is normally closed during the time of this event. Authorization to conduct the event needs to be provided by the City Council.

RECOMMENDATION: That the City Council authorize the “Memories of Yesterday” Zalud House Wine Tasting event on May 12, 2007.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
BOYS & GIRLS CLUB OF PORTERVILLE RECEPTION

SOURCE: Administrative Services - Finance Division

COMMENT: The Boys & Girls Clubs of the Sequoias is requesting approval to hold a reception to announce the new Boys & Girls Club of Porterville at Centennial Plaza on Thursday, May 3, 2007, from 5:30 p.m. to 7:30 p.m. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit “A.”

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Boys & Girls Clubs of the Sequoias, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit “A”, map and amplifier permit.

D.D. Appropriated/Funded C.M. Item No. 15
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

BOYS & GIRLS CLUBS OF THE SEQUOIAS
BOYS & GIRLS CLUB OF PORTERVILLE RECEPTION

APRIL 17, 2007

Business License Supervisor:
    S. Perkins
    No requirements.

Public Works Director:
    B. Rodriguez
    No comments.

Community Development Director:
    B. Dunlap
    Assumption is the use can be contained within the park but occupy entire park.

Field Services Manager:
    B. Styles
    No comments.

Fire Chief:
    M. G. Garcia
    No comments.

Parks and Leisure Services Director:
    J. Perrine
    Portable toilets needed.

Police Chief:
    C. McMillian
    No comments

Interim Deputy City Manager:
    J.D. Lollis
    See Exhibit “A”, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Boys & Girls Clubs of the Sequoias
Event: Boys & Girls Club of Porterville
Event Chairman: Wendy Bishop and Wendi Lopez
Location: Centennial Plaza
Date of Event: May 3, 2007
Time of Event: 5:30 pm to 7:30 pm

RISK MANAGEMENT: Conditions of Approval

That the Boys & Girls Clubs of the Sequoias provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 3-19-07  Event date: Thursday, May 3

Name of Event: Boys & Girls Club of Porterville Reception

Sponsoring organization: Boys & Girls Clubs of the Tule District
PHONE # 559-592-4074
Address: 1003 San Juan Ave, Exeter, CA 93221

Authorized representative: Wendy Bishop
PHONE # 559-801-5925
Address: 1003 San Juan Ave, Exeter, CA 93221

Event chairperson: Wendy Bishop
PHONE # 559-333-2794

Location of event (location map must be attached):
Centennial Plaza

Type of event/method of operation: Reception, local restaurants serving

Nonprofit status determination: 501-c 3 77-0309289

City services requested (an (fees associated with these services will be billed separately)

- Barricades (quantity): 
- Police protection: Yes ☑ No ☒
- Street sweeping: Yes ☐ No ☑
- Refuse pickup: Yes ☐ No ☑
- Other: 

Parks facility application required: Yes ☑ No ☒
Assembly permit required: Yes ☐ No ☑

STAFF COMMENTS (list special requirements or conditions for event):

Approve Deny

Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Chief Fire Oper.
Parks Dir
Police Chief
Deputy City Mgr

1 of 4
CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

First aid station: Organization/Applicant will establish a first aid station to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Boys & Girls Clubs of the Sequoia

(Name of organization)

(Wendy DeLady)

(Signature) 3-19-07

(Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Boys & Girls Club of Porterville Reception

Sponsoring organization: Boys & Girls Clubs of the Sequoias

Location: Centennial Park

Event date: 5/3/17 5:30-7:50PM

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION. This form should be completed at the time of application, but must be submitted one week prior to the event.

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<th>Type of Activity</th>
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CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Boys & Girls Clubs of Porterville Reception**

Sponsoring organization: **Boys & Girls Clubs of the Sequoias**

Event date: **May 3, 2007**

Hours: **3:30 - 7:00 pm**

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED**

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**Sidewalks**

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**Parking lots and spaces**

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<th>Location</th>
<th>Activity</th>
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4 of 4
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   
   Boys & Girls Club of Porterville
   Phone # 559-333-2784

2. Address where amplification equipment is to be used:
   
   Centennial Plaza
   Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   Boys & Girls Club of Porterville Board members
   Diana Osegueda-Martinez

4. Type of event for which amplification equipment will be used:
   
   Community Reception to Announce New Club

5. Dates and hours of operation of amplification equipment:
   
   5:00pm - 7:00pm

6. A general description of the sound amplifying equipment to be used:
   
   Microphone For Speakers
I hereby certify that all statements and answers on this registration form are true and correct.

Porterville Boys & Girls Club
Applicant

3-29-07
Date

Chief of Police

Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc:

________________________________________

______________________________

________________________________________
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
COMISION HONORIFICA MEXICANA-AMERICANA, INC.
CINCO DE MAYO FESTIVITIES
May 4, 2007 to May 6, 2007

SOURCE: Administrative Services - Finance Division

COMMENT: The Comision Honorifica Mexicana-Americana, Inc., is requesting approval to hold its annual Cinco de Mayo festivities from May 4, 2007 to May 6, 2007. The event includes a parade down Main Street on Saturday, May 5, 2007, from 7:00 a.m. to 12:00 p.m., and a fiesta with a beer garden in the Municipal Ball Park from Friday, May 4, 2007, through Sunday, May 6, 2007, from 8:00 a.m. to midnight.

The following street and sidewalk closures are requested:

PARADE ROUTE: Main Street from Morton Avenue to Vine Avenue.
PARADE LINEUP:
Harrison Avenue from Hockett Street to Second Street;
Thurman Avenue from Hockett Street to Thurman Street; and
Putnam Avenue from Division Street to Second Street.
PARADE DISBURSEMENT: Olive Avenue from Hockett Street to
Third Street; Second Street from Olive Avenue to Garden Avenue.
PARADE VIEWING:
Garden Avenue from Main Street to Second Street
Mill Avenue from Division Street to Second Street
Oak Avenue from Division Street to Second Street
Cleveland Avenue from Main Street to Second Street
SIDEWALKS: Main Street from Putnam Avenue to Olive Avenue, both
sides.

No street closure has been requested for Olive Avenue between A
Street and Plano Street for the fiesta; however staff is recommending
that Council give the authority to the Chief of Police, or his designated
representative, to close the street if the volume of pedestrian and
vehicular traffic warrants closure for reasons of public safety.

The application has been submitted under the Community Civic Event
Ordinance No. 1326, as amended. It has been routed according to the
ordinance regulations and reviewed by all the departments involved.
The requirements are listed on the attached copy of the Application, Agreement and Exhibit “A.”

RECOMMENDATION: That the Council approve:

1. The Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement, and Exhibit “A”.

2. Authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns; and

ATTACHMENT: Community Civic Event Application, Agreement, Exhibit A Map, and Outside Amplifier Permit.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 3/4/07  Event date: 5-4-07 to 5-6-07

Name of Event: Cinco de Mayo Festivities

Sponsoring organization: Commission Honorifica Mex.Am. PHONE # 535-2607
P.O. Box 2043 TERRA BELLA CA. 93270

Authorized representative: Fred Beltran PHONE # 535-2607
Address: 24731 AVE 80 TERRA BELLA CA. 93270

Event chairperson: Roberto de la Rosa PHONE #

Location of event (location map must be attached): MAIN ST.-PARADE

Municipal Ballpark Fiesta

Type of event/method of operation: MAIN ST. PARADE

MUNICIPAL BALLPARK FESTIVITIES

Nonprofit status determination: 501(c)(3)

City services requested (an (fees associated with these services will be billed separately)

<table>
<thead>
<tr>
<th>Barricades (quantity):</th>
<th>Parade</th>
<th>Street sweeping</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>Police protection</td>
<td>Yes</td>
<td>Refuse pickup</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Other</td>
<td></td>
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</table>

Parks facility application required: Yes  No
Assembly permit required: Yes  No

STAFF COMMENTS (list special requirements or conditions for event):

Approve  Deny
_________  _______  Bus Lic Spvr
_________  _______  Pub Works Dir
_________  _______  Comm Dev Dir
_________  _______  Field Svcs Mgr
_________  _______  Chief Fire Oper.
_________  _______  Parks Dir
_________  _______  Police Chief
_________  _______  Deputy City Mgr
CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

At least 48" must remain clear on sidewalks for pedestrian traffic.
Do not block any entrance to or exit from buildings.
Area must be accessible to emergency and safety personnel and vehicles.
Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

First aid station: Organization/Applicant will establish a first aid station to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

[Signature]
(Name of organization)

[Signature]
(Signature)

2/20/07
(Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Cinco de Mayo Festivities**

Sponsoring organization: **Comision Honorifica Mex. Am.**

Location: **Porterville Municipal Ballpark**  Event date: 5/4/07 to 5/6/07

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

<table>
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<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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<td>CHMA</td>
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<td>FOOD BOOTH</td>
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CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Cinco de Mayo Parade**

Sponsoring organization: **Comision Honoraria Mex. Am.**

Event date: **5/5/07**

Hours: **7:00 AM to 1:00 PM**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
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<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>MAIN ST.</td>
<td>MORTON</td>
<td>OLIVE</td>
<td>PARADE ROUTE</td>
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<tr>
<td>HARRISON</td>
<td>HOCKETT</td>
<td>SECOND</td>
<td>LINE UP</td>
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<tr>
<td>THURMAN</td>
<td>&quot; MAI N</td>
<td>&quot;</td>
<td>LINE UP</td>
</tr>
<tr>
<td>CLEVELAND</td>
<td>&quot; DIVISION</td>
<td>&quot;</td>
<td>VIEW</td>
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<tr>
<td>PUTNAM</td>
<td>&quot; DIVISION</td>
<td>&quot;</td>
<td>LINE UP</td>
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<tr>
<td>MILL</td>
<td>&quot; MAIN</td>
<td>&quot;</td>
<td>VIEW</td>
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<tr>
<td>CAF GARDEN</td>
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<td>&quot;</td>
<td>VIEW</td>
</tr>
<tr>
<td>OLIVE</td>
<td>HOCKETT</td>
<td>THIRD GARDEN</td>
<td>DISPERSE</td>
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<tr>
<td>SECOND</td>
<td>OLIVE</td>
<td>GARDEN</td>
<td>DISPERSE</td>
</tr>
</tbody>
</table>

**Location**

**Activity**

**PARKING LOTS AND SPACES**

**SIDEWALKS**

**MAIN ST.** FROM **PUTNAM** TO **OLIVE**, BOTH SIDES
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

COMISION HONORIFICA MEXICANA-AMERICANA, INC.

CINCO DE MAYO FESTIVITIES

MAY 4, 2007 - MAY 6, 2007

Business License Supervisor: S. Perkins
   No comment.

Public Works Director: Baldo Rodriguez
   Provide general clean-up after event.

Community Development Director: B. Dunlap
   No comments.

Field Services Manager: B. Styles
   No comments.

Chief of Fire Operations: M. G. Garcia
   No comments.

Director of Parks/Leisure Services: J. Perrine
   No comments.

Police Chief: C. McMillan
   Requires City Council approval for street closures.

Interim Risk Manager: J.D. Lollis
   See attached Exhibit A, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Comision Honorifica Mexicana-Americana, Inc.
Event: Cinco de Mayo Festivities
Event Chairman: Roberto de la Rosa (559) 784-1214
Location: Parade - Main Street from Morton Avenue to Olive Avenue including
the closure of select cross-streets and parallel streets
Fiesta - Municipal Ball Park on Olive Avenue
Date of Event: May 4, 2007 to May 6, 2007

RISK MANAGEMENT: Conditions of Approval

1. The use of sidewalks for any purpose other than to allow for the free-flow of
pedestrian traffic is prohibited within a ten (10) ft. radius of all walk-up Automated
Teller Machines (ATM), and the minimum clear sidewalk width for pedestrian
traffic at all other locations is five (5) feet.

2. That the Comision Honorifica Mexicana-Americana, Inc., provide a Certificate of
Commercial General Liability Insurance Coverage evidencing coverage of not less
than $2,000,000 per occurrence, and having the appropriate Endorsement
naming the City of Porterville, its Officers, Employees, Agents and Volunteers as
“Additional Insured” against all claims arising from, or in connection with, the
Permittee’s operation and sponsorship of the aforementioned Community Civic
Event; and a Certificate of Liquor Liability Insurance evidencing coverage of not
less than $1,000,000 per occurrence and naming the City of Porterville, its
Officers, Employees, Agents and Volunteers as “Additional Insured” against
all claims arising from, or in connection with, the Permittee’s operation of a beer
garden.

a. Said Certificate of Insurance shall be an original (fax and xerographic copies not
accepteble), the Certificate shall be signed by an agent authorized to bind
insurance coverage with the carrier, and the deductible, if any, shall not be greater
than $1,000.

a. Said insurance shall be primary to the insurance held by the City of Porterville, be
with a company having an A.M. Best Rating of no less that A:VII, and the
insurance company must be an “admitted” insurer in the State of California.

EXHIBIT “A,” Page 2
CITY OF PORTERVILLE

OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-14 & 18-9)

This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   Comision Honrificia Mex. Am
   FRED BERTAN
   386 E. DATE AVE P.O. BOX 2843 PORTERVILLE
   Phone # 535-2607

2. Address where amplification equipment is to be used:
   MUNICIPAL BALLPARK
   Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   TEE TOWN PRODUCTIONS
   
4. Type of event for which amplification equipment will be used:
   Cinco de Mayo Festivities

5. Dates and hours of operation of amplification equipment:
   
6. A general description of the sound amplifying equipment to be used:
   15" speakers, 2 amplifiers, 16 channel mixer and microphones
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

2/13/07
Date

Chief of Police

2/12/07
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc: ________________________

________________________

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3/27/01
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
ROLLIN' RELICS CAR CLUB
ROLLIN' RELICS CAR SHOW – MAY 5, 2007

SOURCE: Administrative Services Department, Finance Division

COMMENT: Rollin' Relics Car Club is requesting approval to hold a car show on Saturday, May 5, 2007, from 8:00 a.m. to 4:00 p.m., in the northern section of Veterans’ Park. The Club is asking for restricted use of the parking lot for event activities, and the ability to park cars on the grassy area between the playground at Newcomb Street and Henderson Avenue and the parking lot. This request is made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all the departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit “A.”

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit “A.”

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit “A”, vendor list, parking lot closure request and outside amplifier permit.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

ROLLIN’ RELICS CAR CLUB

ROLLIN’ RELICS CAR SHOW

MAY 5, 2007

Business License Supervisor:  
S. Perkins  
Need vendor list prior to event.

Public Works Director:  
B. Rodriguez  
Provide general clean-up after event.

Community Development Director:  
B. Dunlap  
No comments.

Field Services Manager:  
B. Styles  
No comments.

Chief of Fire Operations:  
Mario G. Garcia  
No comments.

Parks and Leisure Services Director:  
J. Perrine  
Mark and avoid driving over sprinkler heads.

Police Chief:  
C. McMillan  
No comments.

Interim Risk Manager:  
J.D. Lollis  
See attached exhibit A, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Rollin’ Relics Car Club
Event: Rollin’ Relics Car Show
Event Chairman: Leroy Kelly
Location: Veterans’ Park
Date of Event: May 5, 2007

RISK MANAGEMENT: Conditions of Approval

That the Rollin’ Relics Car Club provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY
Application date: March 20, 2007 Event date: May 5, 2007

Name of Event: Rollin Relics Car Show

Sponsoring organization: Rollin Relics Car Club PHONE # 781-9726
Address: 1221 N Main Porterville, CA 93257

Authorized representative: Leroy Kelly PHONE #
Address: 2102 5th Dr Delano CA

Event chairperson: Leroy Kelly PHONE # 359-4162

Location of event (location map must be attached):
Veterans Park - City of Porterville

Type of event/method of operation:
Annual Car Show

Nonprofit status determination: Nonprofit

City services requested (an fees associated with these services will be billed separately)

Barricades (quantity): ________ Street sweeping Yes ___ No ___
Police protection Yes ___ No ___ Refuse pickup Yes ___ No ___
Other: ________________________________

Parks facility application required: Yes ___ No ___ On File
Assembly permit required: Yes ___ No ___

STAFF COMMENTS (list special requirements or conditions for event):

Approve Deny
--- --- Bus Lic Spvr
--- --- Pub Works Dir
--- --- Comm Dev Dir
--- --- Field Svcs Mgr
--- --- Chief Fire Oper.
--- --- Parks Dir
--- --- Police Chief
--- --- Deputy City Mgr
CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

First aid station: Organization/Applicant will establish a first aid station to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Rollin Relics Car Club
(Name of organization)

Larry Kelly
(Signature)

5/20/07
(Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Rollin Relics Car Show

Sponsoring organization: Rollin Relics Car Club

Location: Veterans Park  Event date: May 5, 2007

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION. This form should be completed at the time of application, but must be submitted one week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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<tbody>
<tr>
<td>None @ this Time - Will Submit list by 1/20/07</td>
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3 of 4
CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Rollin Relics Car Show**

Sponsoring organization: **Rollin Relics Car Club**

Event date: **May 5, 2007**  
Hours: **8:00 A.M. - 4:00 P.M.**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Closed</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking lots and spaces</td>
<td>Parking Lot, East end of Park (Veterans)</td>
<td></td>
<td></td>
<td>Car Show</td>
</tr>
</tbody>
</table>

4 of 4
Name: ___________________________ Phone #: ___________________________
Address: ___________________________ City: ___________________________ Email address: ___________________________
Vehicle Entered: ___________________________ Year: ___________________________
Club Affiliation: ___________________________ Shirt size: ___________________________
Signature of Applicant: ___________________________ Date: ___________________________

Make checks payable to: Rollin' Relics Car Show
1378 S. Newcomb St. Porterville, CA 93257

Liability: In consideration of the acceptance of the right to participate and by execution of this entry form, entrants & participants, release and discharge the sponsors of any and all damages, injuries & or loss.

For more information call Leroy Kelly (559) 359-4162
CITY OF PORTERVILLE

OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-14 & 18-9)

This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   Rollin Relics Car Club
   1221 Main Porterville 93257
   Phone # 781-0726

2. Address where amplification equipment is to be used:
   Veterans Park
   Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   Event Announcer & Music
   ________________________________
   ________________________________

4. Type of event for which amplification equipment will be used:
   Car Show
   ________________________________

5. Dates and hours of operation of amplification equipment:
   5/5/07 8:00 - 4:00 PM
   ________________________________

6. A general description of the sound amplifying equipment to be used:
   P.A. System
   ________________________________
I hereby certify that all statements and answers on this registration form are true and correct.

Rollin Relics Car Club
Applicant

Chief of Police

5/20/07
Date

3-28-07
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc: __________________________

___________________________________

___________________________________

3/27/01
CITY COUNCIL AGENDA: APRIL 17, 2007

PUBLIC HEARING

SUBJECT: MULTIFAMILY HOUSING REVENUE BOND ISSUANCE BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR PAM DEVELOPMENT, INC.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The California Statewide Communities Development Authority ("CSCDA") is a joint exercise of powers authority consisting of numerous California cities, counties and special districts, including the City of Porterville. CSCDA's mission is to provide local governments and private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. Utilizing CSCDA, the City of Porterville approved $10 million in tax exempt industrial development bonds for Del Mesa Farms in 1999. CSCDA, pursuant to its Amended and Restated Joint Exercise of Powers Agreement, is also authorized to assist in the financing of facilities for multifamily housing. In order to initiate such a financing, the member participant of CSCDA in which the proposed facilities will be located must i) conduct a public hearing and ii) approve the Authority’s issuance of indebtedness.

The City has been requested by PAM Development, Inc. to conduct a Public Hearing and adopt a resolution which would approve the issuance of multifamily housing revenue obligations in the anticipated principal amount of $6,000,000, the proceeds of which may only be used for the purpose of financing the acquisition and rehabilitation of a 41-unit multifamily residential rental facility commonly known as the Evergreen Apartments and a 64-unit multifamily residential rental facility commonly known as the Alder Apartments. PAM Development, Inc. is the current owner of the facilities, but is pursuing this bond issue and 4% low income housing tax credits in order to restructure the ownership and provide the resources for substantial rehabilitation of these two senior housing projects that are nearly thirty years old, and in doing so preserving the affordability of these units for another 55 years. The purpose of the resolution is to allow the financing to meet a requirement of the Internal Revenue Code of 1986. The adoption of this resolution is the first step in the process of financing the proposed Projects. Prior to the issuance of bonds the Project will need to receive "private activity bond" allocation from the California Debt Limit
Allocation Committee (CDLAC) and CSCDA will be required to adopt a resolution which would approve the execution and delivery of certain bond documents that would reflect the terms of the bonds.

The Internal Revenue Code of 1986 (the "Code") requires that the "applicable elected representatives" of the jurisdiction in which a project to be financed with "private activity bonds" is situated adopt a resolution approving the issuance of such "private activity bonds" after holding a public hearing which has been noticed in a newspaper of general circulation in such jurisdiction. The City Council is being asked to hold such public hearing which has been noticed as required by the Code. The proposed resolution would act as the approval by the "applicable elected representatives" with respect to the proposed Projects. The CDLAC application for "private activity bond" allocation for a multifamily housing project requires the inclusion of the approval resolution. If the City Council adopts this resolution, CSCDA will proceed with the submission to CDLAC of an application for "private activity bond" allocation for the purpose of financing the acquisition and construction of the Projects.

As announced in the published notice, this hearing is an opportunity for all interested persons to speak or to submit written comments concerning the proposal to issue the debt and the nature or location of the Projects. There is no obligation on the part of the City Council to respond to any specific comments made or submitted.

The City would not be a party to the financing documents. As set forth in Section 9 of the Amended and Restated Joint Exercise of Powers Agreement of CSCDA, the debt would not be secured by any form of taxation, or by any obligation of either the City or CSCDA. Neither would the debt represent or constitute a general obligation of either the City or CSCDA. Pursuant to the governing California statutes and the JPA Agreement, a member of CSCDA is not responsible for the repayment of obligations incurred by CSCDA. The debt would be payable solely from amounts received pursuant to the terms and provisions of financing agreements to be executed by the Developer of the proposed facility. In the financing documents the Developer will also provide comprehensive indemnification to CSCDA and its members, including the City. However, if there is a default on the bonds, it may be detrimental to the City of Porterville to have its name associated with the bond issue.

The City’s membership in the Authority bears with it no cost or other financing obligation, but serves as a public acknowledgement by the host jurisdiction of the project financing.
RECOMMENDATION: That the City Council:

1. Hold a Public Hearing for the sale of tax-exempt obligations for the financing of the acquisition and rehabilitation of the Evergreen Apartments and the Alder Apartments;

2. Approve the draft resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of the Evergreen Apartments and Alder Apartments within the City of Porterville pursuant to the Internal Revenue Code of 1986; and

3. Authorize the Mayor to execute all documents related to the City's approval of the issuance of the tax-exempt bonds.

ATTACHMENTS: 1. Draft Resolution
              2. Applicant Information
RESOLUTION NO. _____


WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized by the laws of the State of California (the "Law") to execute and deliver multifamily housing revenue obligations for the purpose of financing the acquisition, construction and/or rehabilitation of multifamily residential rental facilities located within the area of operation of the Authority which are to be occupied, in part, by very low and low income tenants; and

WHEREAS, PAM Development, Inc., or a limited liability company or other limited partnership to be formed by PAM Development, Inc. (the "Borrower") has requested the Authority to issue and deliver multifamily housing revenue obligations in the anticipated principal amount of $6,000,000 (the "Obligations"), the proceeds of which may only be used for the purpose of financing the acquisition and rehabilitation of a 41-unit multifamily residential rental facility commonly known as the Evergreen Apartments and a 64-unit multifamily residential rental facility commonly known as the Alder Apartments (the "Projects"), both of which are located in the City of Porterville; and

WHEREAS, the Obligations which are expected to be issued and delivered to finance the acquisition and rehabilitation of the Projects would be considered "qualified exempt facility bonds" under Section 142 (a) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 147(f) of the Code requires that the "applicable elected representative" with respect to the Projects hold a public hearing on the issuance and delivery of the Obligations; and

WHEREAS, the City Council of the City of Porterville as the "applicable elected representatives" to hold said public hearing, have held said public hearing at which all those interested in speaking with respect to the proposed financing of the Projects were heard.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

2. For purposes of the requirements of the Code only, the City Council hereby approves the proposed financing of the Projects by the Authority with the proceeds of the Obligations.
3. The issuance and delivery of the Obligations shall be subject to the approval of and execution by the Authority of all financing documents relating thereto to which the Authority is a party and subject to the sale of the Obligations by the Authority.

4. The adoption of this Resolution is solely for the purpose of meeting the requirements of the Code and shall not be construed in any other manner, the City nor its staff having fully reviewed or considered the financial feasibility of the Projects or the expected financing or operation of the Projects with regards to any State of California statutory requirements, and such adoption shall not obligate (i) the City to provide financing to the Borrower for the acquisition, rehabilitation and development of the Project or to issue the Obligations for purposes of such financing; or (ii) the City, or any department of the City, to approve any application or request for, or take any other action in connection with, any environmental, General Plan, zoning or any other permit or other action necessary for the acquisition, rehabilitation, development or operation of the Projects.

5. The City Clerk of the City shall forward a certified copy of this Resolution and a copy of the affidavit of publication of the public hearing notice to:

Thomas A. Downey
Jones Hall, A Professional Law Corporation
650 California Street, 18th Floor
San Francisco, California 94108

6. This resolution shall take effect upon its adoption.

______________________________
Cameron Hamilton, Mayor

Attest:
John Longley, City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
Housing Bond Application

APPLICANT INFORMATION

Application Number: 2007052
Name of Developer: PAM Development, Inc.
Primary Contact: Mike Boettger
Title: Vice President
Street Address: 2020 W. Kettleman Ln
City: Lodi
State: CA
Zip Code: 95241
Telephone Number: (209) 334-6565 Ext. 2241
Fax Number: (209) 334-5387
E-mail: ak@housingadvisors.com

BORROWER DESCRIPTION

Type of Entity: ☑ Partnership
For Non-profits only: Will you be applying for State Volume Cap? Yes
Name of Borrowing Entity: AETW Group, a CA LP
Date Established: 3/1/2007
Number of Multi-Family Housing Projects Completed in the Last 10 Years: 0
Number of Low Income Multi-Family Housing Projects Completed in the Last 10 Years: 0

FINANCE TEAM INFORMATION

UNDERWRITER/BOND PURCHASER
Contact:
Firm: TBD
Telephone:
Fax:
E-mail:

BOND COUNSEL
Contact: Tom Downey
Firm: Jones Hall
Telephone: (415) 391-5780
Fax: (415) 391-5784
E-mail: tdowney@joneshall.com
## FINANCING STRUCTURE

<table>
<thead>
<tr>
<th>Type of Financing:</th>
<th></th>
<th>Private Placement</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Refunding</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For Refundings only: Will you be applying for State Volume Cap? False

<table>
<thead>
<tr>
<th>Maturity:</th>
<th>30 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Rate Mode:</td>
<td>Fixed</td>
</tr>
<tr>
<td>Variable</td>
<td></td>
</tr>
</tbody>
</table>

Credit Enhancement: None

<table>
<thead>
<tr>
<th>Bond Insurance</th>
<th>Other (specify):</th>
</tr>
</thead>
</table>

Name of Credit Enhancement Provider or Private Placement Purchaser: TBD

<table>
<thead>
<tr>
<th>Expected Rating:</th>
<th>Unrated</th>
<th>S &amp; P</th>
</tr>
</thead>
</table>

Moody’s     Fitch

Projected State Allocation Pool: General Mixed Income Rural

## PROJECT DESCRIPTION

Current Project Name: Evergreen Apts

New Project Name:

Project Street Address: 65 N Salisbury

City: Porterville State: CA Zip Code: 93257

County: Tulare

Is Project located in unincorporated part of the County? No

Total Number of Units: Market: 0 Restricted: 41 Total Units: 41

Lot Size: 3.25

Amenities: community room, picnic area

Type of Construction (i.e., Wood Frame, 2 Story, 10 Buildings): Two-story Garden

Type of Housing: Family Senior

New Construction Acq/Rehab

City or county contact information:

Contact Name: 

Title: 

Phone Number: Ext. 

Fax Number: 

E-mail: 

Page 2 of 4
### SOURCES & USES

<table>
<thead>
<tr>
<th>Construction Sources</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax-Exempt Bond Proceeds: $1,431,000</td>
<td>Land Acquisition: $205,000</td>
</tr>
<tr>
<td>Taxable Bond Proceeds:</td>
<td>Building Acquisition: $1,433,274</td>
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<tr>
<td>Tax Credits: $369,985</td>
<td>Construction or Remodel: $707,274</td>
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<tr>
<td>Developer Equity:</td>
<td>Cost of Issuance: $47,818</td>
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<tr>
<td>Other Funds (Describe):</td>
<td>Capitalized Interest: $13,221</td>
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<tr>
<td>Deferred Developer Fee: $29,899</td>
<td>Reserves: $91,676</td>
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<td>RD Loan: $828,330</td>
<td>Other Funds (Describe):</td>
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<tr>
<td>RD reserves: $186,751</td>
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<td></td>
<td>Accounting/LEgal: $18,040</td>
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<tr>
<td>TOTAL: $2,845,965</td>
<td>Other costs: $92,070</td>
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<td>Developer Fee: $193,983</td>
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<tr>
<td></td>
<td>Tax Credit Fee: $17,959</td>
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<td></td>
<td>TOTAL: $2,845,965</td>
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### PUBLIC BENEFIT

Percentage of Units in Low Income Housing: 100

Percentage of Area Median Income (AMI) for Low Income Housing Units: 60 and 50

Total Number of Management Units: 1

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>% AMI</th>
<th># of Restricted Units</th>
<th>Restricted Rent</th>
<th>Market Rent</th>
<th>Expected Savings</th>
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</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>60</td>
<td>27</td>
<td>$499</td>
<td>$600</td>
<td>$101</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>50</td>
<td>13</td>
<td>$404</td>
<td>$600</td>
<td>$196</td>
</tr>
</tbody>
</table>

Remarks:
## ADDITIONAL REQUIREMENT

Please provide the following as an additional attachment:

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description of Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$5,000 non-refundable* application fee payable to &quot;CSAC Finance Corporation.&quot;</td>
</tr>
</tbody>
</table>

*Refundable only if financing not approved.

## MAILING ADDRESS

California Communities  
2033 N. Main St., Suite 700  
Walnut Creek, CA 94596
Housing Bond Application

APPLICANT INFORMATION

Application Number: 2007053
Name of Developer: PAM Development, Inc.
Primary Contact: Mike Boettger
Title: Vice President
Street Address: 2020 W. Kettleman Ln Suite: _____
City: Lodi State: CA Zip Code: 95241
Telephone Number: (209) 334-6565 Ext. 2241
Fax Number: (209) 334-5387
E-mail: ak@housingadvisors.com

BORROWER DESCRIPTION

Type of Entity: ☑ Partnership
☐ For-profit Corporation
☐ Municipality
☐ Non-profit Corporation
☐ Other (specify): 

For Non-profits only: Will you be applying for State Volume Cap? Yes

Name of Borrowing Entity: AETW Group, a CA LP
Date Established: 3/1/2007
Number of Multi-Family Housing Projects Completed in the Last 10 Years: 0
Number of Low Income Multi-Family Housing Projects Completed in the Last 10 Years: 0

FINANCE TEAM INFORMATION

UNDERWRITER/BOND PURCHASER
Contact: 
Firm: TBD
Telephone: 
Fax: 
E-mail: 

BOND COUNSEL
Contact: Tom Downey
Firm: Jones Hall
Telephone: (415) 391-5780
Fax: (415) 391-5784
E-mail: tdowney@joneshall.com
FINANCING STRUCTURE

Type of Financing: ☑️ Public Sale ☑️ Private Placement
☐ Refunding

For Refundings only: Will you be applying for State Volume Cap? False

Maturity: 30 Years
Interest Rate Mode: ☑️ Fixed ☐ Variable

Credit Enhancement: ☑️ None ☐ Bond Insurance ☐ Letter of Credit ☐ Other (specify): __________________

Name of Credit Enhancement Provider or Private Placement Purchaser: TBD

Expected Rating: ☑️ Unrated ☐ Moody’s ☐ S & P ☐ Fitch

Projected State Allocation Pool: ☐ General ☑️ Mixed Income ☐ Rural

PROJECT DESCRIPTION

Current Project Name: Alder Apts

New Project Name:

Project Street Address: 45 N Salisbury St

City: Porterville State: CA Zip Code: 93257

County: Tulare

Is Project located in unincorporated part of the County? No

Total Number of Units: Market: 0 Restricted: 64 Total Units: 64

Lot Size: 3

Amenities: picnic area, community room

Type of Construction (i.e., Wood Frame, 2 Story, 10 Buildings): Two-story Garden

Type of Housing: ☘️ Family ☑️ Senior ☐ New Construction ☑️ Acq/Rehab

City or county contact information:

Contact Name: ____________________________
Title: ____________________________
Phone Number: ____________________________ Ext. ________
Fax Number: ____________________________
E-mail: ____________________________
### SOURCES & USES

<table>
<thead>
<tr>
<th>CONSTRUCTION SOURCES</th>
<th>USES</th>
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<tr>
<td>Tax-Exempt Bond Proceeds:</td>
<td>Land Acquisition:</td>
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<tr>
<td>$2,068,000</td>
<td>$320,000</td>
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<tr>
<td>Taxable Bond Proceeds:</td>
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<tr>
<td>Tax Credits: $865,946</td>
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<td>$74,643</td>
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<td>Other Funds(Describe):</td>
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<td>Deferred Developer Fee $46,672</td>
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<td>RD Loan $1,227,000</td>
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<td>Reserves $223,214</td>
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<td>accounting/legal</td>
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<td></td>
<td>other fees</td>
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<td></td>
<td>$143,720</td>
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<tr>
<td>TOTAL: $4,430,832</td>
<td>Developer Fee $302,802</td>
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<td>tax credit fees $28,035</td>
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<td>TOTAL: $4,430,832</td>
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### PUBLIC BENEFIT

Percentage of Units in Low Income Housing: 100

Percentage of Area Median Income(AMI) for Low Income Housing Units: 60 and 50

Total Number of Management Units: 2

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>% AMI</th>
<th># of Restricted Units</th>
<th>Restricted Rent</th>
<th>Market Rent</th>
<th>Expected Savings</th>
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<tbody>
<tr>
<td>1 Bedroom</td>
<td>60</td>
<td>19</td>
<td>$499</td>
<td>$600</td>
<td>$101</td>
</tr>
<tr>
<td>1 Bedroom</td>
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<td>9</td>
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<tr>
<td>2 Bedrooms</td>
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Remarks:
### ADDITIONAL REQUIREMENT

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</table>

*Refundable only if financing not approved.

### MAILING ADDRESS

California Communities  
2033 N. Main St., Suite 700  
Walnut Creek, CA 94596
CONDITIONAL USE PERMIT 1-2007 – PROPOSED FAMILY PIZZERIA/ARCADE TO BE LOCATED AT 45 NORTH SECOND STREET (FORMERLY THE POLICE PAL BUILDING)

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

The applicants are requesting approval of a Conditional Use Permit to allow for a family pizzeria/arcade, similar to a “Chuck E Cheese’s” to be located at 45 North Second Street. The proposed name of the business will be “Giovanni’s Pizzeria & Arcade”. In conjunction with proposed conditional use permit, the applicants are proposing to serve beer and wine with the serving of meals. The subject site is located in the C-2 (Central Commercial) Zone.

At the April 3, 2007 Council meeting, the developer, Mr. Pat Mena, stated that the City’s request for street lights was excessively expensive and unnecessary and asked that the City Council waive the street light requirement. The applicant offered to install two (2) wall lamps that should be nostalgic style lamps. The City Council directed the City Engineer to field review the site and determine if streetlights were necessary. If streetlights are necessary, the City Council asked that the City Engineer provide recommendations.

There are two basic policies that provide guidance and direction related to streetlight implementation along public corridors. The general policy known as the “Street Dedication and Improvement Policy” adopted by the Council on April 4, 1965, affirmed in April 1978, re-affirmed in October 1980 and codified in Ordinance 1306, indicates that at least one streetlight is required.

More specifically, the Redevelopment Agency approved a design and implementation plan for the downtown area. The “plan”, developed by KTU & A Landscape Architects, calls for the removal of standard streetlights and the installation of double-masted “nostalgic” style lamps spaced 40 to 50 feet apart. The goal of the plan is to provide sufficient light for commercially zoned properties within a downtown district. Condition No. 10 has been modified to reflect this as Staff’s preferred solution.
Based on staff’s field observation and understanding of the intent of the two policies quoted herein, staff concludes that the developer should install one nostalgic style streetlight or, honor the developer’s request and allow him to place two exterior wall mounted lights that match the Redevelopment theme and; have the developer pay the in-lieu streetlight fee in the amount of $227.

The remainder of the report is as preserved to Council on April 3, 2007.

The primary area for the arcade games will be located in the center of the building. The applicants indicate that approximately 50± arcade games are proposed. The interior portion of the main entrance will consist of men’s & ladies restrooms and an office. The kitchen area and other service related functions will also be located in this area. The dining area will be located around the arcade area on the north, south and west sides as shown on the floor plan (Attachment No. 1). The proposed hours of operation will be Wednesday through Friday from 3:00 pm to 11:00 pm and Saturday and Sunday from 10:00 am to 11:00 pm. Any substantial change in these hours would require approval by either the Zoning Administrator or City Council.

Section 801.5 A-8 of the Porterville Zoning Ordinance states:

“Commercial recreation, including not limited to arcades in the C-2 Zone require a conditional use permit. Any use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this ordinance.”

The alcohol license application indicates that the applicants for the proposed business are applying for a Type 41 Beer and Wine license in conjunction with the serving of meals. In this particular situation, a conditional use permit is not required for the on-sale of alcohol.

The subject site is located within 600 feet of an existing church. Section 2100 B-2f of the Porterville Zoning Ordinance states: “Where such a use is within 600 linear feet of the nearest property line of an sensitive use (church), the outdoor advertising of alcoholic beverages shall be prohibited.”

Although the proposed sale of beer and wine does not require approval of a conditional use permit, the subject site is located in Census Tract 38.02, which has an over concentration of alcohol licensees. The California Department of Alcoholic Beverage Control (ABC) has indicated that Census Tract 38.02 can accommodate up to four (4) on-sale licenses without being deemed “over concentrated”. At present, ten (10) on-sale licenses and one (1) pending license currently exist. As a result of this, a letter from the applicant requesting approval of a finding of Public Convenience or Necessity for the on-sale license is required to be submitted to the ABC. It does not require the
City’s approval of a finding of Public Convenience or Necessity.

Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the California Environmental Quality Act.

RECOMMENDATION: It is recommended that the City Council:

1. Require the developer to install one nostalgic style streetlight or;

2. Honor the developer’s request and allow him to place two exterior wall mounted lights that match the Redevelopment theme and; have the developer pay the in-lieu streetlight fee in the amount of $227;

3. Adopt the draft resolution approving Conditional Use Permit 1-2007 subject to conditions of approval as amended.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: APRIL 17, 2007

PUBLIC HEARING (CONTINUED)- STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 1-2007

APPLICANT: Maria & Pat Mena
22660 Ave. 178
Porterville, CA 93257

SPECIFIC REQUEST: The applicants are requesting approval of a Conditional Use Permit to allow for a family pizzeria/arcade, similar to a “Chuck E Cheese’s” to be located at 45 North Second Street. The proposed name of the business will be “Giovanni’s Pizzeria & Arcade”. In conjunction with proposed conditional use permit, the applicants are proposing to serve beer and wine in conjunction with the serving of meals. The subject site is located in the C-2 (Central Commercial) Zone.

PROJECT DETAILS: At the April 3, 2007 Council meeting, the developer, Mr. Pat Mena, stated that the City’s request for street lights was excessively expensive and unnecessary and asked that the City Council waive the street light requirement. The applicant offered to install two (2) wall lamps that should be nostalgic style lamps. The City Council directed the City Engineer to field review the site and determine if streetlights were necessary. If streetlights are necessary, the City Council asked that the City Engineer provide recommendations.

There are two basic policies that provide guidance and direction related to streetlight implementation along public corridors. The general policy known as the “Street Dedication and Improvement Policy” adopted by the Council on April 4, 1965, affirmed in April 1978, re-affirmed in October 1980 and codified in Ordinance 1306, indicates that at least one streetlight is required.

More specifically, the Redevelopment Agency approved a design and implementation plan for the downtown area. The “plan”, developed by KTU & A Landscape Architects, calls for the removal of standard streetlights and the installation of double-masted “nostalgic” style lamps spaced 40 to 50 feet apart. The goal of the plan is to provide sufficient light for commercially zoned properties within a downtown district. Condition No. 10 has been modified to reflect this as Staff’s preferred solution.

Based on staff’s field observation and understanding of the intent of the two policies quoted herein, staff concludes that the developer should install one nostalgic style streetlight or, honor the developer’s request and allow him to place two exterior wall mounted lights that match the Redevelopment theme and; have the developer pay the in-lieu streetlight fee in the amount of $227.
The remainder of the report is as preserved to Council on April 3, 2007.

The primary area for the arcade games will be located in the center of the building. The applicants indicate that approximately 50± arcade games are proposed. The interior portion of the main entrance will consist of men’s & ladies restrooms and an office. Additionally, the kitchen area will be located in this area which will consists of an order counter and service counter. The eating area will consist of tables and chairs along the north side of the building with booths located on the east side. Restrooms, mechanic and storage rooms to include a meeting room will be located on the west end of the building. The proposed hours of operation will be Wednesday through Friday from 3:00 pm to 11:00 pm and Saturday and Sunday from 10:00 am to 11:00 pm. Any substantial change in these hours would require approval by either the Zoning Administrator or City Council.

Section 801.5 A-8 of the Porterville Zoning Ordinance states:

“Commercial recreation, including not limited to arcades in the C-2 Zone require a conditional use permit. Any use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this ordinance.”

The alcohol license application indicates that the applicants for the proposed business are is applying for a Type 41 Beer and Wine license in conjunction with the serving of meals. In this particular situation, a conditional use permit is not required for the on-sale of alcohol. The subject site is located within 600 feet of an existing church. Section 2100 B-2f of the Porterville Zoning Ordinance states: “Where such a use is within 600 linear feet of the nearest property line of an sensitive use (church) the outdoor advertising of alcoholic beverages shall be prohibited.”

Although the proposed sale of beer and wine does not require approval of a conditional use permit, the subject site is located in Census Tract 38.02, which has an over concentration of alcohol licensees. The California Department of Alcoholic Beverage Control (ABC) has indicated that Census Tract 38.02 can accommodate up to four (4) on-sale licenses without being deemed “over concentrated”. At present, ten (10) on-sale licenses and one (1) pending license currently exist. As a result of this, a letter from the applicant requesting approval of a finding of Public Convenience or Necessity for the on-sale license is required to be submitted to the ABC. It does not require the City’s approval of a finding of Public Convenience or Necessity.

Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the CEQA Guidelines.

GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The site is designated for General Commercial uses and is zoned C-2 (Central Commercial) Zone.
SURROUNDING AREA ZONING AND LAND USE:

NORTH: City C-2 – Bank of Sierra and parking lot
SOUTH: City C-2 – Commercial business and parking lot
EAST: City C-2 – Second Street and the Redevelopment area parking lot
WEST: City C-2 – Alley and commercial businesses

STAFF ANALYSIS: On March 7, 2007, the Project Review Committee reviewed the Application request. Section 801.5 A-8 of the Porterville Zoning Ordinance states:

“Commercial recreation, including not limited to arcades in the C-2 Zone require a conditional use permit. Any use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this ordinance.”

Section 800 A35 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for arcades.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would prohibit the applicant to establish a family pizzeria and arcade at this location. Additionally, the building would remain vacant.

2. Approve the project. Approval of the request would allow the applicant to establish a family pizzeria and arcade at this location.

ENVIRONMENTAL: Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the CEQA Guidelines. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: March 7, 2007

DATE ACCEPTED AS COMPLETE: March 8, 2007
RECOMMENDATION:  It is recommended that the City Council:

1. Require the developer to install one nostalgic style streetlight or;

2. Honor the developer’s request and allow him to place two exterior wall mounted lights that match the Redevelopment theme and; have the developer pay the in-lieu streetlight fee in the amount of $227;

3. Adopt the draft resolution approving Conditional Use Permit 1-2007 subject to conditions of approval as amended.

ATTACHMENTS:

1. Locator map, elevation and interior layout of the arcade
2. Application
3. Notice of Exemption
4. Draft Resolution
CONDITIONAL USE PERMIT
NO. #1-2007

GARDEN

MAIN ST.

SECOND ST.

OLIVE

SUBJECT SITE

ATTACHMENT 1
Pat Meno "Giovanni's Pizzeria & Arcade
45 N. Second St. Porterville APH # 253-178-015
260 seating including booths & meeting room

Scale: \( \frac{1}{8} \text{"} = 1' \)

G = Game Machine/Arcade Machine

Second St

[Diagram of the layout of the establishment, including rooms and areas labeled as 'men's bathroom', 'ladies' bathroom', 'main entrance', 'office', 'kitchen', 'posts', 'salad bar', 'storage', 'electrical room', 'dressing room', 'men's bathroom', and 'alley'.]
APPLICATION FOR CONDITIONAL USE PERMIT

NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME: Giovanni's Pizzeria & Arcade

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
PAT and MARIA MENA 559-781-9073
22660 AVE 178, PORTERVILLE CA. 93257

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT/CONTACT PERSON:
PAT & MARIA MENA 559-781-9073
22660 AVE 178, PORTERVILLE CA. 93257

PROJECT ADDRESS AND NEAREST CROSS STREETS:
45 North Second St, Porterville
OLIve AVE - Nearest Street

The applicant requests a Conditional Use Permit to use the above described property for the following purposes: RESTAURANT / ARCADE

Date of most recent sale of property: 1980

If applicant is the lessee, give date property was leased: _______________________

List below the original deed restrictions pertaining to the type of improvements permitted.

______________________________

Date said restrictions expire: _______________________

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).
A Plot Plan and 300’ radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed.

   The proposed business is Family Oriented
   Specifically catered for small kids parties.

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

   (a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity).

   250 +

   (b) Total number of employees that will work on the property.

   12

   (c) Total number of off-street parking spaces provided or planned.

   235 city parking in front
   and within 300 feet from the
   building.

   (d) Maximum height of buildings or structures.

   20

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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OWNER'S DECLARATION

STATE OF CALIFORNIA  ) ss
COUNTY OF TULARE  )

I, ____________________________, being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at

_________________________________________

Telephone (530) 781-9023
Mailing Address 7660 Ave 178
Porterville Co-93257

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received ________________ Date

Received ________________ Receipt No.

By ______________________
NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 N. Main Street
Porterville, California 93257

Maria & Pat Mena
22660 Ave. 178
Porterville, CA 93257

Conditional Use Permit 1-2007
Project Title

43 North Second Street
Project Location (Specific)

City of Porterville
Tulare
Project Location (City)
Project Location (County)

A conditional use permit to allow for a family pizzeria and arcade.

Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Maria & Pat Mena
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)
Declared Emergency (Section 15071 (a))
Emergency Project (Section 15071 (b) and (c))
Categorical Exemption. State type and section number: 15301 Class 1

Existing facilities
Reasons why project is exempt

Bradley D. Dunlap, AICP, Community Development Director
Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the Project? Yes: [Signature]

Date Received for filing:

Signature
Community Development Director
Title

U\NoticeExemptCUP1-2007

ATTACHMENT
ITEM NO. 3
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 1-2007 TO ALLOW FOR A FAMILY PIZZERIA AND ARCADE TO BE LOCATED AT 45 NORTH SECOND STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 3, 2007, conducted a public hearing to consider Conditional Use Permit 1-2007, being a request to allow for a family pizzeria and arcade to be located at 45 North Second Street in the C-2 (Central Commercial) Zone; and

WHEREAS: At the April 3, 2007 Council meeting, the developer, Mr. Pat Mena, stated that the City’s request for street lights was excessively expensive and unnecessary and asked that the City Council waive the street light requirement. The City Council directed the City Engineer to field review the site and determine if streetlights were necessary. If streetlights are necessary, the City Council asked that the City Engineer provide recommendations.

WHEREAS: The City Council of the City of Porterville held the continued public hearing on April 17, 2007 to consider the City Engineers recommendations and conditions of approval for Conditional Use Permit 1-2007; and

WHEREAS. Section 801.5 A-8 of the Porterville Zoning Ordinance states: “Commercial Recreation, including not limited to arcades in the C-2 Zone require a conditional use permit. Any use involving the serving of alcoholic beverages under an on-sale license shall be subject to the provisions of Section 2100B of this ordinance;” and

WHEREAS: In conjunction with proposed conditional use permit, the applicants are proposing to serve beer and wine in conjunction with the serving of meals; and

WHEREAS: Pursuant to Section 2100 B.2 of the Porterville Zoning Ordinance, as proposed, the on-sale of beer and wine with serving of meals does not require approval of a conditional use permit; and

WHEREAS: The subject site is located within 600 feet of an existing church. Section 2100 B-2f of the Porterville Zoning Ordinance states:

“Where such a use is within 600 linear feet of the nearest property line of an sensitive use (church), the outdoor advertising of alcoholic beverages shall be prohibited;” and
WHEREAS: The subject site is located in Census Tract 38.02. The California Department of Alcoholic Beverage Control (ABC) has indicated that Census Tract 38.02 can accommodate up to four (4) on-sale licenses without being deemed “over concentrated”. At present, ten (10) on-sale Licenses and one (1) pending license currently exist. As a result of this, a letter from the applicant requesting approval of a finding of Public Convenience or Necessity for the on-sale license is required to be submitted to the ABC. It does not require the City’s approval of a finding of Public Convenience or Necessity.

WHEREAS: The City Council received testimony from all interested parties Relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the CEQA Guidelines.

2. That the proposed project is consistent with the General Plan.

   The Land Use Element of the General Plan designates the subject site as General Commercial, which allows for the proposed intensity of development.

3. That the design and operation of the proposed project are consistent with the General Plan.

   The property is in the C-2 Zone which allows for the proposed use. The project is designed in compliance with all applicable codes and regulations.

4. That the proposed use is not likely to cause substantial environmental damage.

   The site and surroundings are currently developed and the property was previously used as a youth center.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2005 subject to the following conditions:

1. Any future change in operation, which substantially alters the condition or nature of the subject business, will require approval by the City Council if such modification involves the sale of alcoholic beverages.

2. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls to the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.
3. No outdoor advertising of alcohol will be allowed.

4. No live entertainment will be allowed.

5. No separate bar area is allowed.

6. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.


8. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

9. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

10. The developer/applicant shall provide a “nostalgic” style street lamp to match the streetlights across Second Street, per the Downtown Redevelopment Area theme.

11. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

12. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

   1. Wastewater Discharge Permit Application, Part “A”; and

   If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the
flows in the sewer and drainage system.

13. A back-flow device is required on the water meter.

14. A grease trap or grease interceptor is required.

15. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

16. The developer/applicant shall establish a location for the refuse container. Location shall have protection for the bin rolling freely and damaging the building. The location to be approved by the City.

17. The owner/applicant shall install tree wells within the sidewalk area and provide and maintain city-approved street trees along the Second Street frontage of the property. In the event that underground waterway culverts impair in-ground tree planting, the owner/applicant shall provide concrete planter boxes containing a minimum volume of 2 cubic feet per tree. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens and root barriers must be utilized for in-ground planted trees. The selection of planting locations, and performance of canopy maintenance for street trees shall be conducted in manners to minimize vehicular sight safety conflicts.

18. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.

19. Install nostalgic streetlights and poles along Second Street frontage.

20. The proposed project is considered A-3 occupancy.

21. The building must have sprinklers if the square footage exceeds more than 5,000 square feet if alcohol is served.

22. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

23. Compliance with access laws (both State and Federal) is required.

24. Plan check fees are required at the time of building permit submittal.

25. Soils compaction test may be required.

26. School Development fees and all other City fees are due at the time of building permit issuance.
27. Approval from the Tulare County Health Department prior to issuance of the building permit.

28. Restrooms and main entrance must comply with ADA access laws.

29. Signs require separate permit.

30. The project must comply with latest applicable codes.

31. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required. This occupancy would be classified as an A-2.1 and require minimum type V-1 hr construction.

32. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:
   a. Twenty or more in Group I Divisions 1.1 and 1.2 occupancies.
   b. One hundred or more in all other occupancies.

33. Submit three (3) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.

34. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.

35. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

36. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

37. Fire hydrant spacing shall be as follows:
   In Commercial development, one hydrant shall be installed at 300-foot intervals.

38. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code. The fire flow for this project as proposed with automatic sprinklers would be 1,500 GPM.
39. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

40. A Knox box may be required. An application may be obtained from the Fire Department.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Chief Deputy City Clerk
CITY COUNCIL AGENDA: APRIL 17, 2007

PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 2-2007 (John Halopoff)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 2-2007 to allow for the construction of one (1) new two-story duplex apartment on a vacant 4,100± square foot vacant lot zoned PO (Professional Office). The subject site is generally located on the west side of Fourth Street, 130± feet north of Morton Avenue. Sewer is available to the west in the alley; water, curb and gutter exist across the full frontage of the site. An easement will be required across the property to the west to gain access to the sewer line.

Pursuant to Section 601 A-5, the Porterville Zoning Ordinance allows multiple-family residential units in the (PO Zone) to be in compliance with the R-4 (Multiple Family) zone, and requires conditional use permit approval by the City Council. Residential units may be allowed subject to the approval of a Conditional Use Permit, provided the minimum lot area per family does not exceed one family unit per one thousand (1,000) square feet. In theory, based on the 4,100± square foot lot, a total of (4) units could have been allowed.

The development is proposed on a substandard sized in-fill lot. On February 17, 1987 the Porterville City Council approved Zoning Variance 1-87, which allowed a lot reduction of 1,900 square feet from the minimum size lot of 6,000 square feet. The zoning variance allowed the construction of the parking lot for the current professional office to the south.

The duplex apartment will be located across the front of the lot with 768± square feet of open yard area in the back. Two (2) enclosed, single car garages are provided and one (1) uncovered compact-parking stall will be located in the front yard. The south side and front of the buildings will have horizontal siding, brown in color, dark brown trim, composition roofing, gray in color and brick veneer, red in color. The north side and rear of the building will be stucco, brown in color. Landscaping will be provided in the front of the site with lawn in the rear.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DD APPROPRIATED/FUNDED CM ITEM NO. 20
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 2-2007

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE: Conditional Use Permit 2-2007

APPLICANT: John Halopoff
140 E. Morton Ave.
Porterville, CA 9357

PROJECT LOCATION: Generally located on Fourth Street, north of Morton Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of Conditional Use Permit 2-2007 to allow for the construction of one (1) new two-story duplex apartment on a vacant 4,100± square foot vacant lot zoned PO (Professional Office). The subject site is generally located on the west side of Fourth Street, 130± feet north of Morton Avenue. Sewer is available to the west in the alley; water, curb and gutter exist across the full frontage of the site. An easement will be required across the property to the west to gain access to the sewer line.

Pursuant to Section 601 A-5, the Porterville Zoning Ordinance allows multiple-family residential units in the (PO Zone) to be in compliance with the R-4 (Multiple Family) zone, and requires conditional use permit approval by the City Council. Residential units may be allowed subject to the approval of a Conditional Use Permit, provided the minimum lot area per family does not exceed one family unit per one thousand (1,000) square foot. In theory, based on the 4,100± square feet lot, a total of (4) units could have been allowed.

The development is proposed on a substandard sized in-fill lot. On February 17, 1987 the Porterville City Council approved Zoning Variance 1-87, which allowed a lot reduction of 1,900 square feet from the minimum size lot of 6,000 square feet. The zoning variance allowed the construction of the parking lot for the current professional office to the south.

PROJECT DETAILS: The duplex apartment will be located across the front of the lot with 768± square feet of open yard area in the back. Two (2) enclosed, single car garages are provided and one (1) uncovered compact-parking stall will be located in the front yard. The south side and front of the buildings will have horizontal siding, brown in color, dark brown trim, composition roofing, gray in color and brick veneer, red in color. The north side and rear of the building will be stucco, brown in color. Landscaping will be provided in the front of the site with lawn in the rear.

GENERAL PLAN LAND USE AND ZONING DESIGNATION: The 4,100± square feet vacant lot is designated Professional and Office uses. The subject site is zoned PO (Professional Office). Section 6001 A-5 of the Porterville Zoning Ordinance allows for multiple family dwellings in this zone that conform to the requirements of the R-4 zone and with approval of a Conditional Use Permit by the City Council.
SURROUNDING AREA ZONING AND LAND USE:

North: City - Single-family dwelling.
South: City – Commercial Parking Lot.
East: City - Vacant.
West: City - Professional Office & Commercial Parking Lot.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.


DATE ACCEPTED AS COMPLETE: April 4, 2007

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements.

The proposal to develop the site with a multiple family residential uses is consistent with the General Plan’s Professional and Office land use designation and PO (Professional Office) Zone. Additionally, this will fill in a site that has been vacant for several years.

The development of the site as proposed is in conformance with Zoning Variance 1-89, condition one (1) requiring that all future development and uses of the property are in conformance with applicable City codes.

The maximum allowed density for residential on a PO zoned property cannot exceed 50% of lot coverage. As proposed, 42% of the subject site will be covered with garages and residential units.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. Denial of the proposed project would prohibit the use of the site as proposed.
2. Approval of the conditional use permit would allow for the existing vacant site to be developed as proposed.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 2-2007.

ATTACHMENTS:

1. Locator, Zoning, Land Use and General Plan Map.
2. Conditional Use Permit Application.
4. Draft resolution approving Conditional Use Permit 2-2007 to include Exhibit “A”- Site Plan, Floor Plan, Elevation Plan and Rendering.
CONDITIONAL USE PERMIT #2-2007

LAND USE MAP

MORTON AVE.

CB = COMMERCIAL BUSINESS
PL = PARKING LOT
● = SINGLE FAMILY RESIDENTIAL

CURRENT ZONING MAP

PO = PROFESSIONAL OFFICE
R-2 = FOUR FAMILY RESIDENTIAL
R-1 = SINGLE FAMILY RESIDENTIAL

GENERAL PLAN MAP

= PROFESSIONAL AND OFFICE
= LOW DENSITY RESIDENTIAL
= PUBLIC AND QUASI-PUBLIC
NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME:

PROPOSED DUPLEX

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

JOHN HALOUFF
557-781-7676
140 E. MORTON
PORTERVILLE, CA. 93257

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:

MARK HILMAN
559-781-1538
203 N. 3RD #105
PORTERVILLE, CA.

PROJECT ADDRESS AND NEAREST CROSS STREETS:

1ST LOT NORTH ON 4TH STREET FROM MORTON

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:

CONSTRUCT A DUPLEX

Date of most recent sale of property: 1980

If applicant is the lessee, give date property was leased: N/A

List below the original deed restrictions pertaining to the type of improvements permitted.

NONE

Date said restrictions expire: __________________________

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).
A Plot Plan and 300’ radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed. **APARTMENTS ARE ALLOWED IN THE PO ZONE W/ C.U.P.**

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

(a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity). **TWO FAMILY**

(b) Total number of employees that will work on the property.

N/A

(c) Total number of off-street parking spaces provided or planned.

THREE

(d) Maximum height of buildings or structures.

29’

(e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested. **PERMANENT**
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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**OWNER'S DECLARATION**

STATE OF CALIFORNIA ) ) ss

COUNTY OF TULARE )

I, [Name], being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at this [Date] day of [Month], 2007.

[Signature]

[Telephone] (559) 761-7676

[Signature]

Mailing Address [Address]

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received [Signature] Date

Receipt No. [Signature]

By [Signature]
NOTICE OF EXEMPTION

TO: Office of Planning and Research
   1400 Tenth Street, Room 121
   Sacramento, CA 95814

FROM: City of Porterville
      291 N. Main Street
      Porterville, California 93258

Tulare County Clerk
County Civic Center
Visalia, CA 93291

Mark Hillman
Hillman Building Designers
263 North 3rd Street #105
Porterville, CA 93257

Conditional Use Permit 2-2007
Project Title

Generally located on the west side of Fourth Street, 130± feet north of Morton Avenue.
Project Location (Specific)

City of Porterville
Tulare County
Project Location (City)
Project Location (County)

Conditional Use Permit 2-2007 proposes allow for the construction of one (1) two-story duplex apartment on a vacant
4,100± square foot vacant lot zoned PO (Professional Office)
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville

Name of Public Agency Approving Project

John Halopoff, 140 E. Morton Avenue, Porterville, CA 93257

Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)
Declared Emergency (Section 15071 (a))
Emergency Project (Section 15071 (b) and (c))
Categorical Exemption. State type and section number: 15332, Class 32

In-fill development – Less than 5 acres.
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
   Yes:_______ No:_______

Date Received for filing:__________

Signature

Community Development Director
Title

ATTACHMENT
ITEM NO. 3
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 2-2007 TO ALLOW THE CONSTRUCTION OF ONE (1) TWO-STORY DUPLEX APARTMENT FOR THAT SITE GENERALLY LOCATED ON WEST SIDE OF FOURTH STREET 130± FEET NORTH OF MORTON AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 17, 2007, conducted a public hearing to consider Conditional Use Permit 2-2007, being a request to allow for the construction of one (1) two-story duplex apartment on a 4,100± square foot vacant lot in the PO (Professional Office) Zone. The subject site is generally located on the west side of Fourth Street, 130± feet north of Morton Avenue; and

WHEREAS: Pursuant to Section 601 A-5 (Professional Office) of the Porterville Zoning Ordinance, multiple family residential units are allowed to be constructed, subject to the approval of a Conditional Use Permit, provided the minimum lot area per family does not exceed one family unit per one thousand (1,000) square feet. In theory, based on the 4,100± square feet, a total of four (4) units could be allowed; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines - construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project; and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Professional and Office. The subject site is zoned PO (Professional Office) which is supported by the General Plan. The proposed use is allowed pursuant to the approval of a Conditional Use Permit the by City Council.

2. That the site is physically suitable for the type of development proposed. The site is generally level. The soil in the area is known to be a highly expansive unstable clay, with a potential for shrinking and swelling of the soil which could cause a foundation system failure; construction of building in conformance with the required soils report can mitigate constraints to the construction and potential structural damage.

3. That the designs of the project or the proposed improvements are not likely to cause substantial environmental damage. The subject site is vacant and absent of any vegetation due to weed control. Staff conducted an on-site inspection. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.
4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included to ensure adequate development standards are met.

5. That the standard of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

6. The project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 2-2007, subject to the following conditions:

1. This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill development projects.

2. A six (6) feet high block wall, as measured from the highest adjacent grade, is required along the southern property line, and along the western property line.

3. All mechanical devices, to include gas and electrical meters, heating and cooling units and other appliances are to be located and screened from public view and designed to match the color scheme when appropriate.

4. The storage of equipment, refuse containers, household items and similar objects shall be screened from public view.

5. Exterior building materials and landscaping shall be kept and maintained in substantial compliance with the approved plans and conditions of approval.

6. Required parking shall be kept available for the personal transportation of the occupants of the dwellings.


8. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
9. The developer/applicant shall comply with Appendix Chapter 33, "Excavation and Grading" of the California Building Code by providing a soils engineering report and a grading and drainage plan signed by a civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

10. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. Expansive soils are known to be in the area of the proposed development. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.

11. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

12. The developer/applicant shall construct and/or repair curbs, gutters, sidewalk, water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer.

13. An easement shall be in place that allows for installation and maintenance of a sewer lateral across the property west of the proposed development. A copy of a recorded easement shall be submitted to the City prior to the issuance of a building permit.

14. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

15. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

16. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

17. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

18. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.).
19. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

20. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

21. Trash can service is an acceptable alternative to bin service.

22. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping. A minimum five (5) feet wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street. Combined right-of-way and screen-planting landscape areas may utilize hard-scape for up to 30% of the combined width.

23. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials.

24. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

25. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and clean appearance. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing turfed-landscaping.

26. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

27. Compliance with access laws (both State and Federal) is required.

28. Compliance with all applicable codes is required.

29. Plan check fees are required at the time of building permit submittal.

30. Soils compaction test shall be required.
31. School Development fees and all other City fees are due at the time of building permit issuance.

32. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

33. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code. The required fire flow for this project as proposed would be 1,000 g.p.m. Combination of available hydrants in the area will meet this requirement.

34. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 psi residual pressure. One and two family dwellings having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 psi residual pressure.

35. At all times, the apartment shall be constructed, operated and maintained to comply with State Law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.

36. That the subject site will be developed in accordance with the site plan, elevation plans and building colors and materials labeled EXHIBIT “A”.

37. Roofing material shall be tile or a minimum of 30-year dimensional composition.

38. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
Georgia Hawley, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 3-2007 (MR. & MRS. JOHAL, OLIVE MINIT MART)

OWNER APPLICANT: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT – PLANNING DIVISION

COMMENT: The applicants are requesting approval of a Conditional Use Permit (CUP) to allow the development of a new self-service automotive fuel dispensing operation and canopy in conjunction with an existing 2,900± square foot convenience market. The subject site is situated in a C-3 (Heavy Commercial) Zone, located at the southeast corner of Olive Avenue and Cottage Street.

All requirements of the Zoning Ordinance have been met on the proposed site plan (parking, loading zone, setbacks, block walls, signage, etc.) along with the conditions of approval by staff.

The self-service fuel operation will consist of two islands containing four (4) gas pumps. The proposed canopy will be architecturally compatible with the existing building. Hours of operation are weekdays 6:30am to 12:00am and weekends 7:00am to 11:00pm.

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution approving Conditional Use Permit 3-2007, subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA APRIL 17, 2007

PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 3-2007

OWNER APPLICANT: MR. & MRS. JOHAL - OLIVE MINIT MART
709 W. OLIVE AVENUE
PORTERVILLE, CA 93257

REPRESENTATIVE: MARK HILLMAN
263 N. THIRD STREET
PORTERVILLE, CA 93257

PROJECT LOCATION: 709 W. OLIVE AVENUE – SOUTH EAST CORNER OF
OLIVE AVENUE AND COTTAGE STREET

SPECIFIC REQUEST: The applicants are requesting approval of a Conditional
Use Permit CUP) to allow the development of a new self-service automotive fuel
dispensing operation and canopy in conjunction with an existing 2,900± square foot
convenience market. The subject site is situated in a C-3 (Heavy Commercial) Zone,
located at the south east corner of Olive Avenue and Cottage Street.

PROJECT DETAILS: The subject site, encompassing approximately .60± acres is
a developed convenience market. The existing convenience market is located in the
center and west side of the property. The proposed self-service gas pumps consist of two
(2) islands containing four (4) gas pumps (two (2) pumps per island) situated on the east
side of the rear third of the property. Parking will be along the Olive Avenue frontage, at
the gas pumps, and the rear of the property. A trash enclosure will be located at the rear
east side of the property and oriented at an angle for easy access by City trash trucks. A
loading zone is located at the rear or south side of the building in an area secured by a
fence only to be open when loading or unloading. Ingress and egress to the site is by
way of three (3) drive approaches, located on the north side of the property along the
Olive Avenue frontage (one) and two (2) along the west side of the property on Cottage
Street.

GENERAL PLAN AND ZONING: The subject site is zoned C-3 and is designated for
Heavy Commercial uses by the Land Use Element of the General Plan. Convenience
markets are allowed in the C-3 zones. However, the City Zoning Ordinance requires
approval of a Conditional Use Permit when automobile fuel dispensing is associated with
the market.

SURROUNDING ZONING AND LAND USE:

North: City C-3 – Olive Avenue and commercial uses
South: City R-1 – Single-family residential uses
East: City C-3 – Cottage Street and commercial uses  
West: City C-3 - Commercial uses

STAFF ANALYSIS: Approval of CUP 3-2007 would allow the construction of the proposed self-service automotive fuel dispensing islands, a canopy, and improved landscaping along the frontage of the north and east side of the property. The proposed canopy will be of consistent design and materials to the convenience market. Trim and stucco finish will match design of the existing building. Any deviation from this existing design will require Zoning Administrator or City Council approval. The owner is pursuing cost estimates for a name brand gasoline such as “Shell or Chevron” which would change the façade appearance of the canopy and building trims. Here again, this would require Zoning Administrator or City Council approval.

The presence of on-site personnel operating the market will ensure the proper maintenance and cleanliness of the site. The proposal makes additional use of a viable commercial parcel and should continue to be consistent with the existing development along the south side of Olive Avenue in the area. Additionally, the proposed landscaping theme of grass, small shrubs and one street tree per 35 feet of frontage, should greatly enhance the subject development as well as the appearance of this highly visible area.

ALTERNATIVES TO THE PROJECT AND EFFECT OF ALTERNATIVES:

1. No project. Denial of the conditional use permit would preclude installation of gasoline pumps at the subject site. The convenience store could continue its use without gas pumps as permitted in the C-3 Zone.
2. Approve the project. Approval of the proposed CUP would allow the installation of the self-service fuel pumps in conjunction with the existing convenience market.

ENVIRONMENTAL: The subject proposal is categorically exempt per Class 3, Section 15301(e) (addition of existing structures under 2,500 square feet) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution approving Conditional Use Permit 3-2007, subject to conditions of approval.

ATTACHMENTS:

1. Land Use, Zoning and General Plan Map
2. Site Plan (Exhibit “A”)
3. Rendering (Exhibit “B”)
4. Application
5. Notice of Exemption
6. Draft Resolution
ZONING

LEGEND

= C-3 (HEAVY COMMERCIAL)
= R-1 (ONE FAMILY ZONE)

CONDITIONAL USE PERMIT
3-2007

GENERAL PLAN DESIGNATION

LEGEND

= HEAVY COMMERCIAL
= LOW DENSITY RESIDENTIAL

LAND USE

LEGEND

● = COMMERCIAL BUSINESS
= SINGLE FAMILY DWELLING
NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME: JOTHAL

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
MR. & MRS. JOTHAL 709 W. OLIVE
PORTERVILLE, CA.

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
MARK HILLMAN 263 N. 3RD #105
PORTERVILLE, CA. 559-781-1538

PROJECT ADDRESS AND NEAREST CROSS STREETS:
SW CORNER COTTAGE & OLIVE

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:
ALLOW SALES OF FUEL

Date of most recent sale of property: 10/00

If applicant is the lessee, give date property was leased:

List below the original deed restrictions pertaining to the type of improvements permitted.
N/A

Date said restrictions expire:

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).
A Plot Plan and 300' radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed. **THE NEED FOR A GAS STATION ON THE SOUTH SIDE OF OLIVE EXISTS. THERE ARE NONE FOR MANY MANY BLOCKS.**

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

   (a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity). **N/A**

   (b) Total number of employees that will work on the property. **2**

   (c) Total number of off-street parking spaces provided or planned. **13**

   (d) Maximum height of buildings or structures. **22**

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested. **N/A**
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to
the application, hereby certify that we have read the foregoing petition and agree that the fact
stated correctly and completely present the conditions surrounding the property involved in the
application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary.
These signatures are desirable but not required).

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Owner's Declaration

STATE OF CALIFORNIA )
COUNTY OF TULARE )

I, _______________, being duly sworn, declare and say that I am
the owner of part (or all) of the property involved and that this application has been prepared in
compliance with the requirements of the Porterville City Council as printed herein and that the
foregoing information thoroughly and completely, to the best of my ability, presents the
argument in behalf of the application except as to the matters stated to be on my information and
belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at

Porterville this __ day of Feb , 2007.

Telephone (559) 359-0634

Signed _______________

Mailing Address 789 W. Olive

Porterville, CA 93257

This is to certify that the foregoing application has been inspected by me and found to be
complete and acceptable for filing with the Porterville City Council.

Received ____________________________ Date ____________________________

Receipt No. ____________________________

By ___________________________________
REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. Conditional Use Permit Application Form
2. 300-Foot Radius Map
3. Property Owners’ List
4. Plot Plan, Drawings or Photographs
5. Filing fee $1,164

1. The Conditional Use Application form must be filled out completely. The application must be signed by the owner or authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved, not just the center point. In addition, the map must label the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner’s name on the Property Owners’ List (as explained below).

3. The Property Owners List should be typewritten or printed on Avery 5160 or equivalent mailing labels, and must include the owner’s name and mailing address. Each owner’s name on this list must be numbered to correspond with the numbering placed on the 300-foot Radius Map. The list must be of the latest available assessment roll and may be obtained through the Tulare County Assessor’s Office or Title Company.

4. The Plot Plan, if applicable, must be drawn to a readable and accurate scale and size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel line clearly shown (9 copies initially with additional copies to be submitted prior to public hearing). It is suggested to include photos and drawings of the proposed buildings on a scale large enough to illustrate the subjects under discussion. Photographs or drawings of structures are also helpful, and elevation drawings, including color scheme, may be required.

Submit this information and the application to the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions answered completely, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
CITY OF PORTERVILLE

ENVIRONMENTAL INFORMATION FORM

Note: Failure to answer all questions could delay the processing of your application or require resubmittal.

PROJECT NAME AND APPLICATION NUMBER:

GAS ISLAND

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

MR JOHAL 709 W. OLIVE PORTERVILLE

559-359-0634

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT / CONTACT PERSON:

MARK HUMAN 263 N. THIRD PORTERVILLE

559-781-1538

PROJECT ADDRESS AND NEAREST CROSS STREETS:

709 W. OLIVE S.W. CORNER OLIVE & COTTAGE

EXISTING ZONING: C-3

EXISTING LAND USE: MINI MART

For Office Use Only-
(Date stamp upon receipt)

Receipt No.: ____________

Received By: ____________ Paid By: ____________

Project No.: ____________ Amount: ____________
Provide in as much detail as possible the following information:

1. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies.
2. Provide a detailed project description. Include project area, square footage of buildings (existing and proposed), number of floors of construction, and amount of off-street parking provided. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. If industrial, indicate type, estimated employment per shift, and loading facilities. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
3. Provide scaled and fully dimensioned site plans, if applicable.
4. Outline proposed scheduling.
5. If known, provide information regarding related or cumulatively resulting projects, or any relationship to a larger project or series of projects.
6. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

---

**Environmental Setting**

In as much detail as possible, describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site.

Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity.
Are the following items applicable to the project? Explain all applicable items; attach additional sheets as necessary.

**Will the project:**

- [ ] Change existing features of any hills, substantial alteration of ground contours, lakes, or beaches.
- [ ] Change scenic views or vistas from existing residential areas or public lands or roads.
- [ ] Change pattern, scale or character of general area of project
- [ ] Create significant amounts of solid waste or litter.
- [ ] Create dust, ash, smoke, fumes or odors in vicinity.
- [ ] Change surface or ground water quality or result in alteration of existing drainage patterns.
- [ ] Substantially change existing noise or vibration levels in the vicinity.
- [ ] Build structures on filled land or on a slope of 10 percent or more.
- [ ] Result in or require use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
- [ ] Result in a substantial change in demand for municipal services (police, fire, water, sewage, etc.).
- [ ] Result in substantially increased fossil fuel consumption (electricity, oil, natural gas, etc.).
All applicants must check one of the following boxes:

☐ I hereby authorize the City of Porterville Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Draft and Final Environmental Impact Reports. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☐ I hereby authorize the engineer or surveyor as my representative to authorize the City Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

☐ Please do not proceed with the preparation of an Environmental Impact Report for my project until the City Planning Division has received a written authorization letter from me, or my authorized representative.

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial environmental evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature  
Date

Applicant
ENVIROMENTAL INFORMATION FORM ANSWERS TO QUESTIONS

1) Do not know all the requirements but believe a building permit and a permit from environmental health.

2) Currently on the site is a mini mart, we propose to install a 25’x30’ gas canopy with two gas pumps for the distribution of gasoline. The current zoning allows for the installation of gas pumps and because the way the ordinance is written we need to seek a conditional use permit. With this addition to the business we are adding about 750 square feet of landscape to the site, a large portion of the landscape will be on the corner to beautify the corner of Olive and Cottage.

3) Provided site plans and rendering for your approval

4) Unknown

5) The need for a conditional use permit is outlined in the ordinance due to the sale of fuel.

ENVIROMENTAL SETTING

Properties to the east, north and west are all commercial property and to the south is single family. The allowance of this fueling station will be the only fuel dispensing station on the south side of Olive Ave. for about one mile either direction. This is going to be a great benefit to those traveling eastbound on Olive.
NOTICE OF EXEMPTION

TO: Office of Planning and Research
    1400 Tenth Street, Room 121
    Sacramento, CA 95814

FROM: City of Porterville
    291 North Main Street
    Porterville, CA 93257

Conditional Use Permit 3-2007
Project Title

APN: 260-122-028 Located at 709 W. Gilive (south west corner of Olive Avenue and Cottage Street)
Project Location

City of Porterville
Project Location (City)
Tulare
Project Location (County)

Conditional Use Permit to allow construction addition of self-service automotive fuel islands (two (2) islands with two
(2) pumps each (total of four (4) pumps).
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Mr. and Mrs. Johal, Owners
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

_____ Ministerial (Section 15073)
_____ Declared Emergency (Section 15071 (a) )
_____ Emergency Project (Section 15071 (b) and (c) )
_____ Categorical Exemption. State type and section number: Section 15332
_____ “Categorical Exemption” - 14 Ca. Admin. Code 15301, Class 1 (e)

See project description above: Section 15301, Class 1 (e)

Reasons why project is exempt – Addition to existing structure/facility less than 2,500 sq.ft.

Bradley D. Dunlap, Community Development Director
Contact Person
If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes____ No____

Signature:

Community Development Director
Title

ATTACHMENT
ITEM NO. 5

291 N. Main St., Porterville, CA 93257 Phone (559) 782-7460 Fax (559) 781-6437
Resolution No. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF CONDITIONAL USE PERMIT 3-2007 FOR THAT .60± ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF OLIVE AVENUE AND COTTAGE STREET.

WHEREAS: The City Council at its regularly scheduled meeting of April 17, 2007, conducted a Public Hearing to consider Conditional Use Permit 3-2007 to allow the development of a self-service automotive fuel dispensing island and canopy in conjunction with an existing 2,900± square foot convenience market located within the C-3 (Heavy Commercial) Zone, located at the south east corner of Olive Avenue and Cottage Street; and

WHEREAS: The City Council made the following findings with respect to the proposed project:

1. That the proposed project is consistent with the site’s General Plan Land Use and Zoning Designations.
2. That the site is physically suitable for the type of development proposed.
3. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.
4. That the subject project per Class 3, Section 15303 (C) of the CEQA Guidelines is Categorically Exempt.
5. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
6. That the standards of the site area dimensions, site coverage, height of structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 3-2007 subject to the following conditions:

1. Five-foot landscaping required northwest corner of lot separating the parking from the sidewalk.
2. Twelve parking spaces are required for the project based on the 1900sf (10) for the mini-mart and the 1,050 square feet (2) for the storage area.
3. No expansion of the mini-mart into the storage area will be allowed without requiring additional per code.

ATTACHMENT
ITEM NO. (6)
4. Two islands with four total pumps are to be constructed.

5. Minimum one ADA van accessible parking (17’x20’) is required.

6. A six-foot masonry block wall is required along the south property line separating the residential use from the commercial use. A block wall is required to be constructed and maintained where a non-residential use abuts a residential use.

7. As per request of applicant for information, all signs will need new and separate permits. The relocation of the current sign along the Olive Avenue frontage to the northeast corner of the property will require a permit as if a new sign were being erected (Section 2003: Erection Permit).

8. The proposed canopy will be architecturally consistent with the main building materials, colors regarding trim and stucco finishing. The fuel island canopy poles will be consistent with those of the canopy on the existing convenience market. Any deviation in this design will require Zoning Administrator or City Council approval.


10. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

11. The developer/applicant shall construct and/or repair curbs, gutters, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

12. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

13. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example,
foundations, septic tanks, irrigation pipes, etc.).

14. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

15. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

   a. Wastewater Discharge Permit Application, Part “A”; and if monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

16. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

17. If underground storage tank(s) are to be used for storage of hazardous substances, the developer/applicant shall follow California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances.

18. The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. The enclosure shall be located near the southerly Cottage Street driveway with the opening facing northeast, 45-degree orientation to the access point.

19. A back-flow device is required on the water meter.
20. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

21. A five-foot landscape strip is required along the frontage of Olive Avenue and Cottage Street beginning behind the sidewalk.

22. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

23. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.

24. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

25. Compliance with access laws (both State and Federal) is required.

26. Compliance with all applicable codes is required.

27. Plan check fees are required at the time of building permit submittal.

28. Soils compaction test shall be required.

29. School Development fees and all other City fees are due at the time of building permit issuance.

30. Approval from the Tulare County Health Department prior to issuance of the building permit.

31. Signs require separate permits.

32. Submit stamped engineering plans for new canopy.

33. Submit demo permit for removal of existing canopy at rear of property.
34. Pumps shall be handicap accessible.

35. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
   Georgia Hawley, Deputy
PUBLIC HEARING

SUBJECT: TENTATIVE PARCEL MAP 1-2007 (CITY OF PORTERVILLE)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The City of Porterville is requesting approval for Tentative Parcel Map 1-2007 to divide a 229.51± acre vacant site (currently utilized for the growing of alfalfa) into four (4) parcels and two (2) remainder parcels for that site located on the east side of West Street between Wukchumni Avenue and Tea Pot Dome Avenue (Porterville Airport) as follows:

Parcel 1 – 20 acres  Parcel 2 – 7 acres  Parcel 3 - 8 acres  Parcel 4 – 34.71 acres
Remainder Parcel located to the north – 36.6± acres
Remainder Parcel located to the south-123.2± acres

The subject site in which Parcels 1 through 4 are proposed is rectangular in shape extending east of West Street. An interior street is proposed to extend east from West Street through the middle of the subject site with a cul-de-sac to be located at the east end of the street. Proposed Parcel 4 would be located along the north side of the proposed cul-de-sac extending east from West Street across the full length of the site. Proposed Parcels 1, 2 and 3 would be located on the south side of the proposed cul-de-sac extending east from West Street respectfully. A designated remainder lot will be located on the north side of the site extending north towards Scranton Avenue. An additional remainder lot will be located on the south side of the subject site extending east and west along Tea Pot Dome Avenue.

The proposed interior cul-de-sac street and cul-de-sac is approximately 1,950± feet long. A proposed 20-foot easement (required to be paved) for emergency access will extend east of the easterly terminus of the cul-de-sac between Parcels 3 and 4 a distance of 425± feet to a point of intersection with an access road located to the east of the site. A proposed 20’x75’ easement (required to be paved) for a turn-around will be located adjacent to the north side of the proposed cul-de-sac as shown on Attachment No. 1.
Section 21-3 g (cul-de-sacs or dead end streets) of the Subdivision Ordinance states the following:

“\(\)No cul-de-sac or dead end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, street shall extend to the boundary of the property and the resulting dead end streets may be approved without a turnaround. In all other cases, a turn-around having a minimum radius of fifty (50) feet measured to the property line, and a minimum of forty four (44) feet to curb face shall be required.\(\)

As a result of the excessive length of the cul-de-sac street, the City Council may grant an exception if it finds that all of the following circumstances exist:

1. That there are special circumstances or conditions affecting the property.
2. That the exception is appropriate for the proper design and/or function of the subdivision.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
4. That the granting of the exception is in accordance with the purposes prescribed in section 21-1.1 of this Chapter and the Subdivision Map Act.
5. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions, which are deemed necessary to effectuate the purposes of this Chapter.

The design of the tentative parcel map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of length of the cul-de-sac street) and is consistent with the density allowed by the General Plan.

The subject site is located in the AD-AS (Airport Development-Airport Safety) Zone. The project as proposed is consistent with the General Plan Designation of Industrial. Additionally, since the subject site is located within the AD-AS (Airport Development-Airport Safety) Zone, future development of the parcels within the site may require City Council approval if different from other existing uses in the AD-AS Zone.

On February 27, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from March 8, 2007 to April 1, 2007. At the end of the review period, no responses were received.
ATTACHMENT:

1. Complete Staff Report

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative Declaration for Tentative Parcel Map 1-2007; and

(2) Adopt the draft resolution approving Tentative Parcel Map 1-2007 subject to conditions of approval.
CITY COUNCIL AGENDA: APRIL 17, 2007

PUBLIC HEARING - STAFF REPORT

TITLE: TENTATIVE PARCEL MAP 1-2007

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: City of Porterville
291 N. Main Street
Porterville, CA 93257

AGENT: Quad Knopf
5110 W. Cypress Avenue
Visalia, CA 93278

PROJECT LOCATION: East side of West Road Avenue between Wukchumni Avenue and Tea Pot Dome Avenue (Porterville Airport)

SPECIFIC REQUEST: The City of Porterville is requesting approval for Tentative Parcel Map 1-2007 to divide a 229.51± acre vacant site (currently utilized for the growing of alfalfa) into four (4) parcels and two (2) remainder parcels for that site located on the east side of West Road Avenue between Wukchumni Avenue and Tea Pot Dome Avenue (Porterville Airport) as follows:

Parcel 1 – 20 acres   Parcel 2 – 7 acres   Parcel 3 - 8 acres   Parcel 4 – 34.71 acres

Remainder Parcel located to the north – 36.6± acres
Remainder Parcel located to the south-123.2± acres

PROJECT DETAILS: The subject site in which Parcels 1 through 4 are proposed is rectangular in shape extending east of West Street. An interior street is proposed to extend east from West Street through the middle of the subject site with a cul-de-sac to be located at the east end of the street. Proposed Parcel 4 would be located along the north side of the proposed cul-de-sac extending east from West Street across the full length of the site. Proposed Parcels 1, 2 and 3 would be located on the south side of the proposed cul-de-sac extending east from West Street respectfully. A designated remainder lot will be located on the north side of the site extending north towards Scranton Avenue. An additional remainder lot will be located on the south side of the subject site extending east and west along Tea Pot Dome Avenue.
The proposed interior cul-de-sac street and cul-de-sac is approximately 1,950± feet long. A proposed 20-foot easement (required to be paved) for emergency access will extend east of the easterly terminus of the cul-de-sac between Parcels 3 and 4 a distance of 425± feet to a point of intersection with an access road located to the east of the site. A proposed 20’x75’ easement (required to be paved) for a turn-around will be located adjacent to the north side of the proposed cul-de-sac as shown on Attachment No. 1.

Section 21-3 g (cul-de-sacs or dead end streets) of the Subdivision Ordinance states the following:

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As a result of the excessive length of the cul-de-sac street, the City Council may grant an exception if it finds that all of the following circumstances exist:

1. That there are special circumstances or conditions affecting the property.
2. That the exception is appropriate for the proper design and/or function of the subdivision.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
4. That the granting of the exception is in accordance with the purposes prescribed in section 21-1.1 of this Chapter and the Subdivision Map Act.
5. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions, which are deemed necessary to effectuate the purposes of this Chapter.

The design of the tentative parcel map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of length of the cul-de-sac street) and is consistent with the density allowed by the General Plan.

The subject site is located in the AD-AS (Airport Development-Airport Safety) Zone. The project as proposed is consistent with the General Plan Designation of Industrial. Additionally, since the subject site is located within the AD-AS (Airport Development-Airport Safety) Zone, future development of the parcels within the site may require City Council approval if different from other existing uses in the AD-AS Zone.
GENERAL PLAN DESIGNATION: Industrial.

SURROUNDING ZONING LAND USE:

North: City – Tule River Economic Development Corporation (TREDC) and the off-highway vehicle park (OHV).
South: City/County – Citrus and Tea Pot Dome Avenue.
East: City – Sludge beds, dry farming and the Porterville Airport.
West: County – West Road Avenue and open field farming.

PARCEL MAP COMMITTEE REVIEW: The Parcel Map Committee held a scheduled public hearing on April 4, 2007. The Committee discussed concerns and conditions relevant to the proposed project that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review were discussed with the applicant’s agent and incorporated into the draft resolution of approval.

STAFF ANALYSIS: Approval of the tentative parcel map will allow the site to develop as an industrial park. The immediate goal of the project would be to provide the necessary infrastructure for the industrial park and facilitate a readily developable industrial site. The possible uses for the proposed site would be for a food processing plant, public service facility, warehouse space, industrial and manufacturing uses.

The project as proposed is consistent with the General Plan Designation of Industrial. Additionally, since the subject site is located within the AD-AS (Airport Development-Airport Safety) Zone, future development of the parcels within the site may require City Council approval if different from other existing uses in the AD-AS Zone.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative parcel map would allow the site to be developed in conformance with its current General Plan land use designation.
ENVIRONMENTAL: On February 27, 2007, the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed project.
The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies,
groups, and individuals for a twenty (20) day review period from March 8, 2007 to April 1, 2007. At
the end of the review period, no responses were received. Under the Permit Streamlining Act
(Section 65950 of the Government Code), the City has 180 days from the date the application was
accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may
follow certification of the Negative Declaration in order to make a determination regarding the
project.

DATE FILED FOR PARCEL MAP COMMITTEE REVIEW: April 4, 2007

DATE ACCEPTED AS COMPLETE: April 4, 2007

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative
Declaration for Tentative Parcel Map 1-2007; and

(2) Adopt the draft resolution approving Tentative Parcel Map
1-2007 subject to conditions of approval.

ATTACHMENTS:

1. Tentative Parcel Map Subdivision Map
2. Environmental Initial Study
3. Negative Declaration
4. Draft Environmental Resolution
5. Draft Resolution of Approval
INITIAL STUDY
MITIGATED NEGATIVE DECLARATION

PORTERVILLE WEST STREET
INDUSTRIAL PARK

February 2007

Quad Knopf

ATTACHMENT
ITEM NO. 2
INITIAL STUDY

and

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

February 2007

Lead Agency: City of Porterville
c/o Bradley Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA 93257

Consultant: Quad Knopf, Inc.
P. O. Box 3699
Visalia, CA 93278

Contact Person: Karen Dennis, AEP
Senior Associate Planner
Phone: (559) 733-0440
Fax: (559) 627-2336
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NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Porterville (City) is the Lead Agency and prepared a Mitigated Negative Declaration for the Porterville West Street Industrial Park (“the proposed project”) pursuant to the CEQA Guidelines (14 California Code of Regulations §§ 15000 et seq.). A copy of the Mitigated Negative Declaration and all documents referenced in it are available for review at the Porterville Community Development Department, 291 N. Main Street, Porterville, CA 93257. The Initial Study and Mitigated Negative Declaration are also available by mail on request subject to copying fees.

Because of the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than 30 days from the March 7, 2007 publish date of this notice. Please submit your response to Mr. Bradley Dunlap, AICP, Community Development Director at 291 N. Main Street, Porterville, CA 93257 by April 7, 2007 at 5:00 p.m.

The City will consider adoption of the Mitigated Negative Declaration after a public hearing. The entire administrative record will be held by the Porterville Community Development Department at 291 N. Main Street, Porterville, CA 93257.

Project Title:
Porterville West Street Industrial Park

Project Proponent:
City of Porterville

Project Location:
The project site is located on West Street north of Teapot Dome Avenue in the City of Porterville, Assessor Parcel Number 302-110-071. It is in Section 8, Township 22 South, Range 27 East, Mount Diablo Base & Meridian (MDBM), as shown in the Porterville USGS 7.5 minute quadrangle; refer to Figures 1-1 and 1-2 for maps of the project location.

The subject property is surrounded by the City’s municipal airport (310 acres), agriculture (280 acres), industrial and planned industrial uses (165 acres), and a mixed commercial and industrial area (18 acres, 13 of which are accessible to aviation). At this time, no development applications have been submitted and no specific construction plans exist for the subject property.

Project Description:
The City is proposing to build an industrial park near the Porterville Municipal Airport. The proposed project area is approximately 75 acres in size and is bound on the west by West Street (Rd. 220) and agricultural lands beyond, on the north by the Tule River Economic Development
Corporation Industrial Park and Porterville Sports Complex, on the east by the Porterville Airport, and on the south by airport lands and citrus groves. It has zoning and general plan designations for Industrial use and is currently annexed to the City. No changes in basic land use are planned.

The immediate goal of the project is to provide the necessary infrastructure for the industrial park and facilitate a readily developable industrial site. It is assumed that the industrial park will be divided into multiple parcels, tentatively consisting of six ten-acre lots and one fifteen-acre lot. Initially, fifteen to twenty acres of the site is expected to be used for a food processing plant, or a public service facility, while the remaining lots will be used for warehouse space, industrial and manufacturing uses.

The proposed project also includes the construction of all onsite and off-site public infrastructure required to serve the site.

**Hazardous Waste and Substances Disclosure:**

Pursuant to *Public Resources Code Section 15072 (f)(5)* and *California Government Code Section 65962.5*, it is likely that agricultural pesticides are present on the land as it has been actively cultivated for several years. There is a voluntary cleanup site at 1893 South Newcomb for agricultural contaminants, which is approximately one mile east of the project site.
SECTION ONE

INTRODUCTION
SECTION ONE – INTRODUCTION

1.1 Purpose and Authority

This document is the Initial Study for the proposed Porterville West Street Industrial Park Project. Figure 1-1 is a regional map showing the location of the City of Porterville. Figure 1-2 is a detailed map showing the location of the project within Porterville and Figure 1-3 defines the project site.

The City of Porterville is the Lead Agency pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15050. Consistent with these Guidelines, this Initial Study identifies and discusses less than significant and potentially significant environmental impacts and identifies the appropriate type of environmental document that is required.

This Initial Study and Mitigated Negative Declaration may be circulated for agency and public review for 30 days, pursuant to CEQA Guidelines, Section 15105.

1.2 Organization of the Initial Study

This Initial Study is organized into the following sections.

Section 1.0 – Introduction: Provides background information about the proposed Porterville West Street Industrial Park, including the purpose and conclusion of the analysis.

Section 2.0 – Project Description: Describes the location of the project site and surrounding land uses, the proposed action, and the project design.

Section 3.0 – Environmental Checklist: Contains the Environmental Checklist form. The Checklist Form is used to describe the impacts of the proposed project. A discussion of each entry follows the Checklist, referenced to the Checklist sections.

Section 4.0 – Mitigation Monitoring & Reporting Program: This section lists the project mitigations, the responsible party or agency, and the timing for the mitigation implementation.

Section 5.0 – List of Preparers: Lists the persons assisting in the preparation of this Initial Study.

1.3 Determination

Based on the information in this Initial Study, it is recommended that a Mitigated Negative Declaration be prepared for the proposed Porterville West Street Industrial Park Project.
SECTION TWO

PROJECT LOCATION AND DESCRIPTION
SECTION TWO – PROJECT LOCATION AND DESCRIPTION

2.1 Project Location

The project site is located on West Street north of Teapot Dome Avenue, in the city of Porterville, Assessor Parcel Number 302-110-071. It is in Section 8, Township 22 South, Range 27 East, Mount Diablo Base & Meridian (MDBM), as shown in the Porterville USGS 7.5 minute quadrangle. Refer to Figures 1-1 to 1-3 for location and site maps.

2.2 Project Description

The City is proposing to build an industrial park near the Porterville Municipal Airport. The proposed project area is approximately 75 acres in size and is bound on the west by West Street (Rd. 220) and agricultural lands beyond, on the north by the Tule River Economic Development Corporation Industrial Park and Porterville Sports Complex, on the east by the Porterville Airport, and on the south by airport lands and citrus groves. It has zoning and general plan designations for Industrial use and is currently annexed to the City. No changes in basic land use are planned.

The immediate goal of the project is to provide the necessary infrastructure for the industrial park and facilitate a readily developable industrial site. It is assumed that the industrial park will be divided into multiple parcels, tentatively consisting of six ten-acre lots and one fifteen-acre lot. Initially, fifteen to twenty acres of the site is expected to be used for a food processing plant, or a public service facility, while the remaining lots will be used for warehouse space, industrial and manufacturing uses.

The proposed project also includes the construction of all onsite and off-site public infrastructure required to serve the site.

2.3 Project Setting

The subject property is surrounded by the City’s municipal airport (310 acres), agriculture (280 acres), industrial and planned industrial uses (165 acres), and a mixed commercial and industrial area (18 acres, 13 of which are accessible to aviation). At this time, no development applications have been submitted and no specific construction plans exist for the subject property.
SECTION THREE
ENVIRONMENTAL CHECKLIST
SECTION THREE – ENVIRONMENTAL CHECKLIST FORM

PROJECT TITLE

Porterville West Street Industrial Park

LEAD AGENCY NAME AND ADDRESS

City of Porterville
291 North Main Street
Porterville, CA 93257

CONTACT PERSON AND PHONE NUMBER

Bradley Dunlap, AICP
Community Development Director
City of Porterville
(559) 782-7460

PROJECT LOCATION

The project site is located on West Street north of Teapot Dome Avenue, in the City of Porterville, Assessor Parcel Number 302-110-071. It is in Section 8, Township 22 South, Range 27 East, Mount Diablo Base & Meridian (MDBM), as shown in the Porterville USGS 7.5 minute quadrangle. Reference Figures 1-1 to 1-3 for maps of the project location.

PROJECT SPONSOR’S NAME AND ADDRESS

City of Porterville
291 North Main Street
Porterville, CA 93257

GENERAL PLAN DESIGNATION

Airport Development (A-D)

ZONING

Airport Development/Airport Site (A-D/AS)

DESCRIPTION OF PROJECT

The City of Porterville is proposing to build an industrial park near the Porterville Municipal Airport. The proposed project area is approximately 75 acres in size. It has zoning and general plan designations for Industrial use and is currently annexed to the City. No changes in basic land use are assumed.

The immediate goal of the project is to provide the necessary infrastructure for the industrial park and facilitate a readily developable industrial site. It is assumed that the industrial park will
be divided into multiple parcels, tentatively consisting of six ten-acre lots and one fifteen-acre lot. Initially, fifteen to twenty acres of the site is expected to be used for a food processing plant or a public service facility, while the remaining lots will be used for warehouse space and industrial manufacturing.

The proposed project also includes the construction of all onsite and offsite public infrastructure required to serve the site.

SURROUNDING LAND USES AND SETTING

The subject property is surrounded by the City’s municipal airport (310 acres), agriculture (280 acres), industrial and planned industrial uses (165 acres), and a mixed commercial and industrial area (18 acres, 13 of which are accessible to aviation). At this time, no development applications have been submitted and no specific construction plans exist for the subject property.

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (E.G., PERMITS, FINANCING APPROVAL, OR PARTICIPATION AGREEMENT)

Following is a listing of other agencies which have authority over certain aspects of the Project:

- **San Joaquin Valley Air Pollution Control District (SJVAPCD).** The project applicant must obtain an authority to construct permit from the District prior to construction. Additionally, the grading plan for the proposed project must be reviewed and approved to ensure compliance with SJVAPCD dust control criteria.

- **Regional Water Quality Control Board (RWQCB).** A Storm Water Pollution Prevention Plan with a Notice of Intent must be filed and approved by the RWQCB prior to commencement of construction.

- **US Fish and Wildlife Service (FWS).** Evaluation of the continued need of prior mitigations for San Joaquin Kit Fox placed on the property in 1990 and development of mitigations for the elderberry shrub on the adjacent property.

- **California Department of Fish and Game (CDFG).** Mitigated Negative Declaration fee.
3.1 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Biological Resources
- Hazards & Hazardous Materials
- Mineral Resources
- Public Services
- Utilities/Service Systems
- Agriculture Resources
- Cultural Resources
- Hydrology/Water Quality
- Noise
- Recreation
- Mandatory Findings of Significance
- Air Quality
- Geology/Soils
- Land Use/Planning
- Population/Housing
- Transportation/Traffic
3.2 Determination

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a potentially significant impact or potentially significant unless mitigated. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: ___________________________ Date: ____________

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3.3 Evaluation of Environmental Impacts

I. AESTHETICS

Would the project:

a) Have a substantial adverse effect on a scenic vista?
   [ ] Potentially Significant Impact
   [ ] Less Than Significant With Mitigation Incorporation
   [ × ] Less Than Significant Impact
   [ ] No Impact

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
   [ ] Potentially Significant Impact
   [ ] Less Than Significant With Mitigation Incorporation
   [ ] Less Than Significant Impact
   [ × ] No Impact

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
   [ ] Potentially Significant Impact
   [ ] Less Than Significant With Mitigation Incorporation
   [ × ] Less Than Significant Impact
   [ ] No Impact

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
   [ ] Potentially Significant Impact
   [ × ] Less Than Significant With Mitigation Incorporation
   [ ] Less Than Significant Impact
   [ ] No Impact

Response

a): Scenic vistas are defined as expansive views of highly-valued landscapes from publicly accessible viewpoints. Scenic vistas include views of natural features such as topography, water courses, rock outcrops, and natural vegetation, as well as man-made scenic structures. The project is more than 2 miles from the intersection of State Route 190 and State Route 65, where SR 190 is eligible as a scenic highway from State Route 65 to the Nevada state line. The development of a 7-lot industrial subdivision on the project site will alter the visual landscape from agricultural land to industrial development. However, the project site is surrounded by existing industrial development, municipal airport lands and agricultural lands; the topography is flat, there are no existing structures of high scenic value, and there are no scenic vistas identified in the Porterville General Plan. The impact is considered less than significant.

b): California’s Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from changes which would diminish the aesthetic value of lands adjacent to highways. According to Caltrans’ California Scenic Highway Program and the National Scenic Byways Program, the project site is not in the defined 2-mile vicinity of a state or local scenic highway, and portions of State Routes within 2 miles of the project are not considered “eligible” or “officially designated” as a scenic highway. Additionally, the project site is not located adjacent to, nor is it visible from a designated local scenic highway/roadway/trail. Furthermore, there are no scenic resources located on the project site including trees, rock outcroppings, or historic buildings. As such, the project will have no impact on visual resources within a state scenic highway.

c): The land surrounding the project site is mixed commercial, industrial, agriculture and airport uses. Implementation of the project would not change the visual character or quality of the site or its surroundings.
The impact is less than significant.

d): Development of the site would include the installation of street, parking and exterior security lighting. This represents a new source of light or glare that would affect nighttime views. As such, this is a potentially significant impact. The Airport Development Site Review Process will apply to all proposed development on the site.

Mitigation Measure d): Outdoor lighting shall comply with Section 2618(f) of the Porterville Zoning Ordinance which requires lights to be placed in a manner that would prevent direct glare from crossing property lines or interfering with traffic on adjacent streets.

Effectiveness of Mitigation: Implementation of this mitigation measure will reduce the impact to less than significant.
II. AGRICULTURAL RESOURCES

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?

Response:

a): The proposed project site is identified as Farmland of Statewide Importance and has been identified in all City plans as farmland that will be converted to urban uses. The 1990 General Plan EIR (Page 42-43) identified the potential loss of approximately 2,000 acres of prime agricultural land as a significant unavoidable impact of development planned for in that document.

Mitigation Measure a): The mitigation measures listed in the 1989 General Plan Amendment EIR include:

- Encourage urban growth on vacant land within the existing city limits and Urban Improvement Area Boundary (UIAB) line prior to expanding onto Project Area lands.

- Require proposals for new residential development to be located contiguous to existing urban development within the city limits.

- Establish a policy not to seek immediate “emergency” cancellation of Williamson Act contracts, thereby requiring the normal ten year holding period for contract cancellation.

- Establish natural boundaries that could serve as buffer zones between agricultural and non-agricultural uses until such time as additional land is needed for urban development. The Tule River west of State Highway 65 is an excellent example of such a boundary.

- Form public or private farmland conservation districts to permanently protect farmland through the purchase or transfer of the development rights from properties within the district. Developers could be asked to purchase development rights from farmers within the district and transfer them to properties zoned for development.

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Effectiveness of Mitigation Measure: The proposed project is in conformance with the Airport Master Plan (1990), the Land Use, Open Space, Conservation and Safety Elements of the General Plan as updated in 1998 and is consistent with the measures outlined in the 1990 General Plan and subsequent updates. Therefore the impact is reduced to less than significant.

b): The project site is not currently zoned for agricultural use by the Porterville Zoning Ordinance. The project site is also not currently under an active Williamson Act contract. There is no conflict with the existing zoning and agricultural uses. No impact has been identified.

c): The proposed project will convert land which is identified as Farmland of Statewide Importance; however, the mitigation measures required in the 1990 General Plan EIR reduce the impact to less than significant. Additionally, the Porterville General Plan identifies the Airport Development Zone as a location of future growth and development within the City. This impact is less than significant.
### Air Quality

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Response:**

a), b), c): The Project site is located in the San Joaquin Valley Air Pollution Control District. This portion of the Valley is designated as a non-attainment area for Particulate Matter smaller than 10 microns in diameter ($\text{PM}_{10}$) and Ozone. Ozone precursors include Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOC). The primary contributor to such emissions is indirect activities such as vehicle trips. Project emissions are summarized in the table below. The proposed project is less than significant because it does not exceed the small project analysis level established by the SJVAPCD. A URBEMIS 2002 version 8.7 model was prepared for the project and is included as Appendix A. Table 3-1 provides a summary of the URBEMIS results.

Construction related activities have the potential to result in a significant impact due to $\text{PM}_{10}$ emissions. To mitigate the impacts to air quality to less than significant, the project applicant must implement not only the San Joaquin Valley Air Pollution Control District's Regulation VIII Control Measures, but also the Enhanced and Additional Control Measures and construction equipment mitigation measures (Tables 6-3 and 6-4, respectively, of the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts). These measures are listed in Appendix B of this Initial Study.

Air quality impacts resulting from overall community growth are addressed through compliance with State and Federal regulations governing the generation of pollutants. Air quality impacts resulting from City build out

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within the Urban Development Boundary have been addressed through adoption of General Plan Amendment 1-89 and the Final EIR approved for said action, and the subsequent adoption of General Plan Amendment 1-95 and the final EIR approved for said action. The project is in compliance with the Final EIR.

<table>
<thead>
<tr>
<th>Build-out 75 acres by Jan 2008 – “Worst Case Model”</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SO₂</th>
<th>PM₁₀</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Estimates - total (tons per year, unmitigated)</td>
<td>32.90</td>
<td>15.88</td>
<td>22.88</td>
<td>0.00</td>
<td>3.44</td>
</tr>
<tr>
<td>Area Source Emission Estimates - total (tons per year, unmitigated)</td>
<td>1.92</td>
<td>.15</td>
<td>.19</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Operational (Vehicle) Emission Estimates - total (tons per year, unmitigated)</td>
<td>6.08</td>
<td>8.71</td>
<td>77.13</td>
<td>0.05</td>
<td>4.56</td>
</tr>
<tr>
<td>Sum of Area and Operational Emission Estimates - total (tons per year, unmitigated)</td>
<td>8.00</td>
<td>8.86</td>
<td>77.32</td>
<td>0.05</td>
<td>4.56</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-out 25 acres by Jan 2008</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SO₂</th>
<th>PM₁₀</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Estimates - total (tons per year, unmitigated)</td>
<td>12.41</td>
<td>15.69</td>
<td>18.66</td>
<td>0.00</td>
<td>3.37</td>
</tr>
<tr>
<td>Area Source Emission Estimates - total (tons per year, unmitigated)</td>
<td>0.65</td>
<td>0.15</td>
<td>0.19</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Operational (Vehicle) Emission Estimates - total (tons per year, unmitigated)</td>
<td>2.40</td>
<td>3.46</td>
<td>30.31</td>
<td>0.02</td>
<td>1.52</td>
</tr>
<tr>
<td>Sum of Area and Operational Emission Estimates - total (tons per year, unmitigated)</td>
<td>3.05</td>
<td>3.61</td>
<td>30.50</td>
<td>0.02</td>
<td>1.52</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-out 50 acres by Jan 2008</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SO₂</th>
<th>PM₁₀</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Estimates - total (tons per year, unmitigated)</td>
<td>22.66</td>
<td>15.78</td>
<td>20.77</td>
<td>0.00</td>
<td>3.40</td>
</tr>
<tr>
<td>Area Source Emission Estimates - total (tons per year, unmitigated)</td>
<td>1.28</td>
<td>0.15</td>
<td>0.19</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Operational (Vehicle) Emission Estimates - total (tons per year, unmitigated)</td>
<td>4.43</td>
<td>6.37</td>
<td>56.09</td>
<td>0.04</td>
<td>3.04</td>
</tr>
<tr>
<td>Sum of Area and Operational Emission Estimates - total (tons per year, unmitigated)</td>
<td>5.72</td>
<td>6.51</td>
<td>56.29</td>
<td>0.04</td>
<td>3.04</td>
</tr>
</tbody>
</table>

**Mitigation Measure III a), b), c):** Construction contracts shall require the primary construction contractor to implement the following practices during all construction activities:

- Construction equipment shall use aqueous diesel fuel and shall be equipped with particulate traps and catalytic converters.
- All disturbed areas, including soil piles, areas that have been graded, and unpaved roads shall be watered twice daily and, when feasible, covered or enclosed.
- When materials are transported offsite, loads shall be wetted and covered securely and at least two feet of freeboard shall be maintained.
- Limit traffic speeds on unpaved roads to 15 mph and install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Turn off equipment not in use for more than ten minutes.
- Curtail construction activities when the County’s Air Quality Index exceeds 150.

**Effectiveness of Mitigation Measure:** The project will comply with SJVAPCD regulations for construction and apply for Authority to Construct if applicable. Therefore with the implementation of the mitigation measure above, the project impact is reduced to less than significant with mitigations.

**d):** The proposed project will not generate substantial pollutant concentrations. The mitigation measures listed in Appendix B will provide adequate mitigation for any additional pollutants during the construction phases. The project impact is less than significant.

**e):** Implementation of the proposed project, which includes potential for the development of a food processing
facility may produce objectionable odors. However, the proposed project is more than one mile from any sensitive receptors as defined in the SJVAPCD GAMAQI Table 4-2. Site plan review would be required of any such facilities proposing to locate in the park and would permit the City to address project specific impacts if needed. Implementation of the proposed project would have a less than significant impact related to this environmental issue.
IV. BIOLOGICAL RESOURCES

Would the project:

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? ☐ ☑ ☐ ☐

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? ☐ ☐ ☐ ☑

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? ☐ ☐ ☐ ☑

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? ☐ ☑ ☐ ☐

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ☐ ☐ ☐ ☑

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? ☐ ☐ ☐ ☑
a), d): Two special status wildlife species, specifically the Valley Elderberry Longhorn Beetle (VELB) (Desmocerus californicus dimorphis), and the San Joaquin Kit Fox (SJF) (Vulpes macrotis mutica) have potential to occur on site. The impact to special status species is potentially significant.

A reconnaissance level biological survey and evaluation of historical records was conducted by Quad Knopf biologists James W. Jones Jr. and Jacqueyln Neuffer in June of 2005. The report associated with this survey is attached as Appendix C to this Initial Study. The biologists found one Blue Elderberry (Sambucus mexicana) on the project site. The elderberry had only one stem at ground level which was over 12 inches in diameter. The shrub was examined for, and no exit holes, none were observed. The elderberry is the host plant and exclusive habitat for the federally threatened Valley Elderberry Longhorn Beetle (VELB) (Desmocerus californicus dimorphis). The USFWS requires this plant to be protected and completely avoided during construction and by development associated with the project. The USFWS considers complete avoidance (i.e., no adverse effects) may be assumed when a 100-foot (or wider) buffer zone is established and maintained around all elderberry plants containing stems measuring one-inch or greater in diameter at ground level. If a 100-foot buffer zone cannot be maintained around all elderberry plants with at least one stem 1-inch or greater in diameter at ground level, the USFWS must be contacted for guidance on how to proceed. In certain circumstances the USFWS may approve a reduced setback, transplant, or removal of a shrub, subject to project-specific requirements. The City and USFWS have entered into discussion for the removal of the shrub to establish removal criteria.

Additionally, subject property is located within the range of the federally endangered San Joaquin Kit Fox (SJF). In 1990, the USFWS prepared a Biological Opinion for the airport lands of which this parcel is a portion. That report identified the area as potential habitat for SJF. No sign (e.g., tracks, scat, dens, prey remains, etc.) of SJF presence was observed during the field survey. Although SJF were not observed on the Project Site, the potential exists that foxes may travel across or hunt on the site. The 1990 Biological Opinion (Ref. #1-1-90-F-2) indicated that while no SJF habitat was threatened, a wildlife corridor and other conservation areas were designated on airport lands including this parcel. A more recent biological survey conducted by Quad Knopf in June of 2005 indicated that no sign of SJF presence was observed. The City of Porterville has requested the USFWS reconsider the 1990 findings. The City has discussed this matter with the USFWS and is working through the Federal Aviation Association (FAA) to re-consult under the 1990 Biological Opinion. As such, the City has discussed with USFWS and intends to purchase SJF credits at a suitable conservation bank for mitigation. The purchase of credits will remove the designated corridor and other associated conservation areas located on the Porterville Municipal Airport, including the project property. In the event this method is not approved by USFWS, the City will preserve the corridor in place. In either regard, the applicant shall follow the USFWS “Standardized Recommendation for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (1999) during all construction activities onsite.

Mitigation Measure, Valley Elderberry Longhorn Beetle a): The city shall work with the USFWS to develop removal requirements for the single elderberry shrub on an adjacent parcel.

Effectiveness of Measure: Compliance with the project-specific requirements established by USFWS for this site will reduce the impact to less than significant.

Mitigation Measure, San Joaquin Kit Fox a), d): The City of Porterville, with the concurrence of the USFWS, shall purchase conservation credits in an established Conservation Bank to mitigate for the loss of this conservation area. During project construction, the applicants will comply with the standardized kit fox protection measures (Appendix D).
Effectiveness of Mitigation Measure: The purchase of conservation credits will reduce the impact of this project to less than significant.

b): No riparian habitats or other sensitive natural communities occur in the project area. Therefore there is no impact.

c): There is an artificial irrigation basin and two irrigation canals on the property which are not jurisdictional waters of the United States or federally protected wetlands. Therefore there is no impact.

e), f): The City of Porterville does not have ordinances or policies regarding tree preservation or protection of other biological resources. Also, there are no Habitat Conservation Plans (HCP) adopted in the City. Therefore there is no impact.
V. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? ☐ ☒ ☐ ☐

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ☐ ☒ ☐ ☐

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☒ ☐ ☐

d) Disturb any human remains, including those interred outside of formal cemeteries? ☐ ☒ ☐ ☐

Response:

a), b), c), d): A cultural resources records search was performed by Rebecca S. Orfila of the California State University, Bakersfield Center for Archaeological Research and indicated that there are no known historic or archaeological resources on site. However, it is possible that construction related activities, such as grading or excavation, could expose cultural resources, human remains, historic resources or a paleontological resource. This would be a significant impact.

Mitigation Measure a), b), c), d): Should construction activities reveal the presence of prehistoric or historic cultural resources (i.e., arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work shall cease immediately within a 50-foot radius of the find until a qualified archeologist contracted by the applicant can assess the potential significance of the resource. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.

Effectiveness of Measure: Implementation would reduce the impact to less than significant.
VI. GEOLOGY/SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving?

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

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ii) Strong seismic ground shaking?

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iii) Seismic-related ground failure, including liquefaction.

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iv) Landslides

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b) Result in substantial soil erosion or the loss of topsoil?

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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 of collapse?

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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?

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e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

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Response:

a) i), ii), iii), iv): The proposed Project site is located in a relatively seismically quiet area of California. Neither the City of Porterville nor Tulare County are affected by Alquist-Priolo Earthquake Fault Zones. No faults are known to exist within the Project area, and the proposed project structures will be reinforced in
accordance with State and local building codes and ordinances. The Project will not expose people or structures to the adverse effects of earthquakes, seismic ground shaking, seismic ground failure, or landslides. Therefore there is no impact.

b): The site is flat, so there will be slow surface runoff and the hazard of erosion is slight (USDA NRCS Soil Survey, Tulare County, California, Central Part). The project area is currently flat and will require only minor grading. Therefore the impact is less than significant.

c), d): The project site is not located in an earthquake fault zone and is in an area that has a low probability of seismic activity. The project site is flat, thus reducing the probability associated with the risk of landslides. Lateral spreading, subsidence, and collapse are uncommon in Porterville. There is no impact.

e): The project site will have access to public sewer systems and will not require the use of septic tanks or alternative wastewater disposal systems. There is no impact.
### VII. HAZARDS/HAZARDOUS MATERIALS

Would the project:

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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?

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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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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?

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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?

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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?

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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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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 wildlands?

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*February 2007*  
*Page 3 - 18*
Response:

a), b): The proposed project itself does not create any hazards to the public. The potential for industrial uses generating hazardous materials to locate in the park may create a risk of exposure. The City’s Zoning Ordinance is very specific about the uses and permitting procedures for applicants in the Airport Development zone. Chapters 16 and 26 of the Zoning Ordinance strictly controls and monitors hazardous material generators to minimize the risks. Routine transport to and from the site would be from West Street north to Scranton Avenue or south to Teapot Dome Avenue then east to Hvy 65 and south to Bakersfield or west to Road 192, then north to Hwy 190 (Avenue 144) then west to Hwy 99 north or south. Since compliance with the Zoning Ordinance is mandatory for all projects, the impact is less than significant.

c): There are no schools within one quarter mile of the project. Therefore there is no impact.

d): Pursuant to Government Code 65962.5, the California Department of Toxic Substances Control agency’s EnviroStor Database was searched. This search for onsite hazardous materials revealed that the project site is not included on any list of hazardous material sites and would not create a significant hazard to the public or the environment. Therefore there is no impact.

e), f): The proposed project is located within the Porterville Municipal Airport Master Plan Area, (report date 1990). The industrial park site is compatible with the Airport Plan. The Tulare County Airport Land Use Compatibility Plan (ALUCP) sets forth criteria and policies to ensure the compatibility between the principal airports in Tulare County (including Porterville Municipal Airport), and proposed development in the area surrounding the airports. The proposed project:

- would not create a hazard associated with the use of the municipal airport
- would not obstruct any approach or takeoff area
- would not be subjected to safety hazards from planes using the airport

Therefore, the impacts are less than significant.

g): The City of Porterville has developed and adopted an emergency preparedness plan that is an extension of the plans formulated by the State of California. Emergency response and evacuation is dependent upon the public roadway system, owned and maintained by the City, which provides for emergency access and evacuation of the project site. The proposed project will not inhibit the ability of local roadways to continue to function in this capacity. Implementation of the proposed project would have a less than significant impact.

h): Surrounding land uses in the project vicinity are primarily agricultural and are not subject to high levels of risk from wildland fires. The fire stations in the City of Porterville have been strategically located to provide response times of 5 minutes, or less, to all areas of the City. Reserve firefighters assist full time firefighters on routine grass and structural calls. Fire dispatch is handled by the City Police Department by 9-1-1 calls. Implementation of the proposed project would have a less than significant impact regarding wildland fires.
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<td>VIII. HYDROLOGY/WATER QUALITY</td>
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<td>Would the project:</td>
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<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
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<td>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)?</td>
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<td>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?</td>
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<td>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?</td>
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<td>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?</td>
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<td>f) Otherwise substantially degrade water quality?</td>
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<td>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?</td>
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<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<td>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?</td>
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<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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**Response:**

a), f): The site is within the boundaries of the City's Master Plan for Storm Drainage. Therefore, storm water generated from future development of the site has been anticipated by the plan. Water quality could be affected by chemicals and petroleum based residues conveyed by storm water runoff from streets, driveways and other impervious surfaces. A storm during the construction phase of the future projects could cause storm water runoff to potentially discharge sediment and violate waste discharge requirements.

City Development Standards call for retention basins to collect runoff and permit percolation to groundwater and at some sites direct discharge into irrigation ditches. This has the potential to add pollutants to irrigation water and create ponding basins. Percolation tests will be needed to determine the most feasible location for basin construction due to the potential for a hardpan layer to restrict percolation.

**Mitigation Measure a, f:** The future project proponents will be required to submit a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board to obtain a NPDES General Construction permit. The SWPPP will include Best Management Practices (BMPs) to control erosion and siltation on the site in order to prevent water quality degradation. Implementation of an approved SWPPP will prevent the violation of any water quality standards or waste discharge requirements.

**Effectiveness of Measure:** The implementation of the mitigation measure will reduce the impact to less than significant.

b): The site is within the boundaries of the City of Porterville's Water Master Plan. Development of the site was anticipated and adequate water supplies have been identified.

SB 610 requires an assessment of the water supply where a project exceeds 10 percent of the total number of hookups in the Water District. The Porterville water system currently services approximately 13,000 connections. The addition of 7 water service connections represents approximately .05 percent of the total number of hookups in the District. Therefore, a water supply assessment is not required for the proposed project. The City indicates that the District will have adequate water supply to serve the proposed project without substantially depleting groundwater supplies. This impact is less than significant.

c), d), e): The project will not substantially alter the existing drainage pattern of the site or alter the course of a stream or river in a manner that would result in substantial erosion on or off-site, or substantially increase surface runoff in a way that would result in flooding on- or off-site. As the sites are developed, an applicant's
developer shall pay for an on-site stormwater drainage system that meets the capacity requirements of the project and complies with City standards, and for acquisition and construction (if necessary) of an on- or off-site storm-water drainage basin to serve this project. An irrigation ditch, a non-jurisdictional waterway, borders the north side of the project but will be avoided. As is required by law for projects of this kind, a Storm Water Pollution Prevention Plan (SWPPP) will be required detailing measures to prevent pollution of surface runoff. Therefore, impacts in this regard will be less than significant.

g), h): The site is not within a 100-year flood hazard zone (FEMA Flood Insurance Rate Map, Panel 065066-0845B). There is no impact.

i): According to Tulare County Geographic Information Systems data, the project area is within the ½ hour to 1-hour inundation area of Success Dam in the event of its failure. Most of Porterville would be flooded in less than an hour if Success Dam failed. In such an event, the City’s Emergency Preparedness Plan outlines evacuation routes. Therefore, impacts in this regard will be less than significant.

j): No water bodies in the vicinity of the project site could cause flooding by seiche or tsunami. Due to the location and the relatively flat terrain, there is virtually no potential for mudflow. No impact has been identified.
IX. LAND USE/PLANNING

Would the project:

a) Physically divide an established community?

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?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

d) Would the project result in impacts to other commercial land uses within the meaning of Section 15131 of the CEQA guidelines; more specifically, will the project cause substantial physical impact on existing commercial districts including excessive vacancies, blight, relocation of existing anchor tenants to the project?

Response:

a): The project site is located at the fringe of urban development and is adjacent to existing and approved future industrial development similar to that of the proposed project. The project will not physically divide an established community. There is no impact.

b): The proposed Project is consistent with the City of Porterville General Plan and does not conflict with any other applicable land use plans. There is no impact.

c): Currently there is no Habitat Conservation or Natural Community Conservation Plan in the City (see Response IV-f). Further, the Project will not conflict with any applicable environmental plans or policies adopted by agencies with jurisdiction over the project. There is no impact.

d): Potential impacts to existing commercial districts will not result from development of the project. There is no impact.
X. MINERAL RESOURCES

Would the project:

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<td>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?</td>
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<td>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?</td>
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Response:

a), b): According to the City of Porterville General Plan, no mineral resources are known to exist at the proposed project site. There is no impact.
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**XI. NOISE**

Would the project result in:

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?

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

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?

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?

**Response:**

*a, d*: There are no sensitive receptors for noise near the project area. While there may be temporary noise increases related to construction, these are short term and are less than significant. The City Development Standards include time requirements for construction projects which mitigates noise disruptions. Therefore, the impact is less than significant.

*b*: Construction on the site has the potential to generate groundborne vibrations at the site and on surrounding properties. However, this impact is temporary and intermittent in nature and is considered less than significant.

c: The proposed project would not generate noise levels above those normally associated with an Airport Development Zone. Anticipated noises include vehicular traffic, existing and future air traffic, etc.

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are less than significant.

e), f): The proposed project is located within the Porterville Municipal Airport Development Zone. The Airport Master Plan (1990) describes the project area as being subject to "frequent noise intrusion," but allows industrial development. Therefore, the noise levels for development of an industrial park at the proposed site will be acceptable. Impacts will be less than significant.
XII. POPULATION AND HOUSING

Would the project:

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)? □ □ □ □

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? □ □ □ ×

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? □ □ □ ×

Response:

a): The proposed project is located in an area designated for industrial use. Surrounding areas are designated for industrial, airport, and open space uses. Because of this, population growth in this area is unlikely. No infrastructure needs will result from approval of the project, as all necessary roads and utilities currently extend to the project area. The project does not include construction of new homes, and the project would not result in an increase in employment that could not be accommodated by the existing market of available unemployed residents. Therefore, the impact is less than significant.

b), c): No displacement of persons or housing will occur as the result of proposed project. There is no impact.
XIII. PUBLIC SERVICES

Would the project:

a) 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 impact, in order to maintain acceptable service ratios for any of the public services:

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<td>Police protection?</td>
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</tr>
<tr>
<td>Schools?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Other public facilities?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

Response:

a): The project will not cause an increase in demand on public services beyond what is planned in the City's General Plan. Current capacity of public services is sufficient to accommodate the project. There is no impact.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XIV. RECREATION</td>
<td></td>
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<tr>
<td>Would the project:</td>
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</tr>
<tr>
<td>a) 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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Response:

a), b): Development of the industrial park may result in an increase of use of the Porterville Sports Complex to the north of the site. This minor increase of use will not have a significant impact on recreation opportunities or facilities. The project does not include the construction of any new recreational facilities. There is no impact.

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### XV. TRANSPORTATION/TRAFFIC

Would the project:

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)?

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>☐</td>
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</table>

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b)</td>
<td>☐</td>
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</tbody>
</table>

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>c)</td>
<td>☐</td>
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</tr>
</tbody>
</table>

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>d)</td>
<td>☐</td>
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</table>

e) Result in inadequate emergency access?

<table>
<thead>
<tr>
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<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>e)</td>
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</table>

f) Result in inadequate parking capacity?

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>f)</td>
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</tbody>
</table>

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>g)</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Response:**

a), b): Eventual development of the industrial park is anticipated to result in additional daily trips in the vicinity of the project. West Street is designated as an arterial street with a planned 84 foot right-of-way width. An estimate of traffic volumes was based on full acreage build-out and would range between 600-700 vehicle trips per day which would not be a burden to the existing roadways. Therefore, the impact is less than significant.

c): The proposed project would have no impact on air traffic patterns. There is no impact.
d), e), f), g): The proposed project would not increase hazards due to design features, nor would it result in inadequate emergency access or parking capacity. The project will not conflict with any adopted policies or plans. There is no impact.
### XVI. UTILITIES/SERVICE SYSTEMS

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

**Response:**

*a, b, c, d, e, f, g*: The Project site is currently served by existing sewer, water, and landfill facilities and would not result in a need for new systems or substantial alterations to water or wastewater facilities. There is no impact related to the proposed project.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

**XVII MANDATORY FINDINGS OF SIGNIFICANCE**

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?

|               | ☐ | ☒ | ☐ | ☐ | ☐ |

b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

|               | ☐ | ☐ | ☒ | ☐ | ☐ |

c) 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.)

|               | ☐ | ☐ | ☒ | ☐ | ☐ |

d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

|               | ☐ | ☐ | ☒ | ☐ | ☐ |

**Response:**

a): It has been determined that the proposed project has the potential to significantly effect air quality, biological resources, cultural resources, and noise. However, mitigation measures have been identified herein that when implemented will reduce those impacts to a less than significant level.

b): The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. The proposed project is consistent with long-range growth plans for the City of Porterville. This impact is less than significant.

c): Implementation of the proposed project could have cumulative impacts. However, based on the size and scale of the project, the consistency with the growth and development plans of the General Plan, and with the implementation of the mitigation measures included herein, the impacts are not cumulatively considerable.

d): The construction and operation of the proposed development will contribute to cumulative air quality

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impacts. Mitigation measures have been identified which, when implemented, will reduce air quality impacts to acceptable levels. The project will not result in indirect environmental effects on human beings at significant levels. The project would have a less than significant impact.
SECTION FOUR

MITIGATION MONITORING AND REPORTING PROGRAM
## SECTION FOUR – MITIGATION MONITORING AND REPORTING PROGRAM

<table>
<thead>
<tr>
<th>Impacts</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light and Glare</td>
<td><strong>Mitigation Measure #1 d):</strong> All parking lots and other exterior illumination will be required to comply with Section 2618(f) of the Porterville Zoning Ordinance which generally requires lights to be placed to prevent direct glare from crossing property lines or interfering with traffic on adjacent streets.</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Department to verify at plan check.</td>
<td>Completed at time of final building inspection.</td>
</tr>
<tr>
<td>Light and Glare</td>
<td><strong>Mitigation Measure #1 d):</strong> Airport Development Site Review Process will also apply to all proposed development on the subject site.</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Department to verify at plan check.</td>
<td>Completed at time of final building inspection.</td>
</tr>
<tr>
<td>Agricultural Resources</td>
<td><strong>Mitigation Measure #II a):</strong> The mitigation measures listed in the 1989 General Plan Amendment EIR include:</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Department to verify at plan check.</td>
<td>Completed prior to leasing, selling or issuing permits for construction on the property.</td>
</tr>
<tr>
<td></td>
<td>• Encourage urban growth on vacant land within the existing city limits and Urban Improvement Area Boundary (UIAB) line prior to expanding onto Project Area lands.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Require proposals for new residential development to be located contiguous to existing urban development within the city limits.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>• Establish a policy not to seek immediate &quot;emergency&quot; cancellation of Williamson Act contracts, thereby requiring the normal ten year holding period for contract cancellation.</td>
<td></td>
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<tr>
<td></td>
<td>• Establish natural boundaries that could serve as buffer zones between agricultural and non-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impacts</td>
<td>Mitigation Measures</td>
<td>Implementation</td>
<td>Monitoring</td>
<td>Time Span</td>
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<td>---------</td>
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<tr>
<td></td>
<td>agricultural uses until such time as additional land is needed for urban development. The Tule River west of State Highway 65 is an excellent example of such a boundary.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>• Form public or private farmland conservation districts to permanently protect farmland through the purchase or transfer of the development rights from properties within the district. Developers could be asked to purchase development rights from farmers within the district and transfer them to properties zoned for development.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Air Quality</td>
<td>Mitigation Measure #III a), b), c): Construction contracts shall require the primary construction contractor to implement the following practices during all construction activities:</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Department to verify at plan check and SJVAPCD</td>
<td>Beginning with construction permit and terminating with issuance of Notice of Completion</td>
</tr>
<tr>
<td></td>
<td>• Construction equipment shall use aqueous diesel fuel and shall be equipped with particulate traps and catalytic converters.</td>
<td></td>
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<tr>
<td></td>
<td>• All disturbed areas, including soil piles, areas that have been graded, and unpaved roads shall be watered twice daily and, when feasible, covered or enclosed.</td>
<td></td>
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<tr>
<td></td>
<td>• When materials are transported offsite, loads shall be wetted and covered securely and at least two feet of freeboard shall be maintained.</td>
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<tr>
<td></td>
<td>• Limit traffic speeds on unpaved roads to 15 mph and install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</td>
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<tr>
<td></td>
<td>• Install wheel washers for all exiting trucks, or wash</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Impacts</td>
<td>Mitigation Measures</td>
<td>Implementation</td>
<td>Monitoring</td>
<td>Time Span</td>
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<td>--------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Biology – Valley Elderberry</td>
<td>Off all trucks and equipment leaving the site.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>* Turn off equipment not in use for more than ten minutes.</td>
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</tr>
<tr>
<td></td>
<td>* Curtail construction activities when the County’s Air Quality Index exceeds 150.</td>
<td></td>
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</tr>
<tr>
<td>Longhorn Beetle</td>
<td>**Mitigation Measure #IV a): The city shall work with the USFWS to develop removal requirements for the single elderberry shrub.</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Department to verify at plan check.</td>
<td>Completed at time of final building inspection.</td>
</tr>
<tr>
<td>Biology – San Joaquin Valley</td>
<td>**Mitigation Measure #IV a), d): The City of Porterville, with the concurrence of the USFWS, shall purchase conservation credits in an established Conservation Bank to mitigate for the loss of this conservation area. During project construction, the applicants will comply with the standardized kit fox protection measures (Appendix D).</td>
<td>Condition of Building Permit, to be the responsibility of the City of Porterville to secure the conservation credits prior to leasing the land or initiating construction.</td>
<td>City of Porterville Building Department to verify at plan check that required credits have been purchased.</td>
<td>Completed prior to leasing, selling or issuing permits for construction on the property.</td>
</tr>
<tr>
<td>Kit Fox</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Cultural Resources</td>
<td>**Mitigation Measure #V a), b), c), d): Should construction activities reveal the presence of prehistoric or historic cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work shall cease immediately until a qualified archaeologist contracted by the applicant can assess the potential significance of the resource. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Inspector during construction</td>
<td>During construction.</td>
</tr>
<tr>
<td>Impacts</td>
<td>Mitigation Measures</td>
<td>Implementation</td>
<td>Monitoring</td>
<td>Time Span</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>Hydrology</td>
<td><strong>Mitigation Measure #VIII a), 1):</strong> The future project proponents will be required to submit a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board to obtain a NPDES General Construction permit. The SWPPP will include Best Management Practices (BMPs) to control erosion and siltation on the site in order to prevent water quality degradation. Implementation of an approved SWPPP will prevent the violation of any water quality standards or waste discharge requirements.</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Department to verify at plan check.</td>
<td>Completed prior to leasing, selling or issuing permits for construction on the property.</td>
</tr>
</tbody>
</table>
SECTION FIVE

LIST OF PREPARERS
SECTION FIVE – LIST OF PREPARERS

Quad Knopf, Inc.
Karen Dennis, Senior Associate Planner
Jacquelyn Nueffer, Associate Planner/Biologist
Curtis Uptain, Senior Associate Wildlife Biologist
James W. Jones Jr., Senior Biologist
David Young, Senior Environmental Planner
Chrystal Meier, Environmental Compliance Specialist
Travis Crawford, Associate Analyst
Kira Stowell, Assistant Planner

Sources Consulted

Accessed August 2006

Accessed August 2006

California Department of Fish and Game, 2005. California Natural Diversity Database.

Accessed August 2006

California Historical Resources Information System, 2006. Rapid response record search results for the proposed Porterville West Avenue Industrial Park Porterville, California.


Initial Study and Mitigated Negative Declaration Porterville West Street Industrial Park February 2007


   http://www.darksky.org/
   Accessed May 2006


   Accessed August 2006


   http://ecos.fws.gov/conserv_plans/public.jsp
   Accessed August 2006
APPENDICES
APPENDIX A

URBEMIS MODEL
### CONSTRUCTION EMISSION ESTIMATES

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM10</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2007</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>12.41</td>
<td>15.69</td>
<td>18.66</td>
<td>0.00</td>
<td>3.37</td>
<td>0.66</td>
<td>2.71</td>
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### AREA SOURCE EMISSION ESTIMATES

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<td>0.15</td>
<td>0.19</td>
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### OPERATIONAL (VEHICLE) EMISSION ESTIMATES

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</tr>
</thead>
<tbody>
<tr>
<td>TOTALS</td>
<td>2.40</td>
<td>3.46</td>
<td>30.31</td>
<td>0.02</td>
<td>1.52</td>
</tr>
</tbody>
</table>

### SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES

<table>
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<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS</td>
<td>3.05</td>
<td>3.61</td>
<td>30.50</td>
<td>0.02</td>
<td>1.52</td>
</tr>
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URBEMIS 2002 For Windows 8.7.0

File Name: L:\Projects\2003\03072\13 Industrial Park Neg Dec\Urbemis\2008.urb
Project Name: Porterville Industrial Airport
Project Location: San Joaquin Valley
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

DETAIL REPORT
(Tons/Year)

Construction Start Month and Year: January, 2007
Construction Duration: 12
Total Land Use Area to be Developed: 75 acres
Maximum Acreage Disturbed Per Day: 18.75 acres
Single Family Units: 0 Multi-Family Units: 0
Retail/Office/Institutional/Industrial Square Footage: 544500

CONSTRUCTION EMISSION ESTIMATES UNMITIGATED (tons/year)

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG</th>
<th>NOx</th>
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<th>SO2</th>
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<th>PM10</th>
<th>PM10</th>
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</thead>
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<td>*** 2007***</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 1 - Demolition Emissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Pugitive Dust</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.00</td>
<td>0.00</td>
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</tr>
<tr>
<td>Off-Road Diesel</td>
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<tr>
<td>Worker Trips</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>Total tons/year</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>Phase 2 - Site Grading Emissions</td>
<td></td>
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<tr>
<td>Pugitive Dust</td>
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<tr>
<td>Off-Road Diesel</td>
<td>0.74</td>
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<tr>
<td>Total tons/year</td>
<td>0.75</td>
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</tr>
<tr>
<td>Phase 3 - Building Construction</td>
<td></td>
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<tr>
<td>Bldg Const Off-Road Diesel</td>
<td>1.38</td>
<td>10.50</td>
<td>10.18</td>
<td>-</td>
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<tr>
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<td>0.01</td>
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<td>0.00</td>
<td>0.00</td>
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<td>Total tons/year</td>
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<td>12.51</td>
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<td>0.50</td>
<td>0.47</td>
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<tr>
<td>Total all phases tons/yr</td>
<td>12.41</td>
<td>15.69</td>
<td>18.66</td>
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<td>3.37</td>
<td>0.66</td>
<td>2.71</td>
</tr>
</tbody>
</table>

Phase 1 - Demolition Assumptions: Phase Turned OFF

Phase 2 - Site Grading Assumptions
Start Month/Year for Phase 2: Jan '07
Phase 2 Duration: 1.3 months
On-Road Truck Travel (VMT): 0

Off-Road Equipment
<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Crawler Tractors</td>
<td>143</td>
<td>0.575</td>
<td>8.0</td>
</tr>
<tr>
<td>2</td>
<td>Graders</td>
<td>174</td>
<td>0.575</td>
<td>8.0</td>
</tr>
<tr>
<td>6</td>
<td>Off Highway Trucks</td>
<td>417</td>
<td>0.490</td>
<td>8.0</td>
</tr>
<tr>
<td>4</td>
<td>Rubber Tired Loaders</td>
<td>165</td>
<td>0.465</td>
<td>8.0</td>
</tr>
<tr>
<td>2</td>
<td>Scrapers</td>
<td>313</td>
<td>0.660</td>
<td>8.0</td>
</tr>
<tr>
<td>4</td>
<td>Tractor/Loaders/Backhoes</td>
<td>79</td>
<td>0.465</td>
<td>8.0</td>
</tr>
</tbody>
</table>

Phase 3 - Building Construction Assumptions
Start Month/Year for Phase 3: Feb '07
Phase 3 Duration: 10.7 months
Start Month/Year for SubPhase Building: Feb '07
SubPhase Building Duration: 10.7 months

Off-Road Equipment
<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Other Equipment</td>
<td>190</td>
<td>0.620</td>
<td>8.9</td>
</tr>
</tbody>
</table>

Start Month/Year for SubPhase Architectural Coatings: Nov '07
SubPhase Architectural Coatings Duration: 1.1 months
Start Month/Year for SubPhase Asphalt: Dec '07
SubPhase Asphalt Duration: 0.5 months
Acres to be Paved: 18.8

Off-Road Equipment
<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Pavers</td>
<td>132</td>
<td>0.590</td>
<td>8.0</td>
</tr>
<tr>
<td>2</td>
<td>Rollers</td>
<td>114</td>
<td>0.430</td>
<td>8.0</td>
</tr>
<tr>
<td>Source</td>
<td>ROG</td>
<td>NOX</td>
<td>CO</td>
<td>SO2</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>0.01</td>
<td>0.15</td>
<td>0.12</td>
<td>0.00</td>
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<tr>
<td>Hearth</td>
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<td>0.00</td>
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<td>0.00</td>
</tr>
<tr>
<td>Landscaping</td>
<td>0.01</td>
<td>0.00</td>
<td>0.07</td>
<td>0.00</td>
</tr>
<tr>
<td>Consumer Prdcts</td>
<td>0.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Architectural Coatings</td>
<td>0.63</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>0.65</td>
<td>0.15</td>
<td>0.19</td>
<td>0.00</td>
</tr>
</tbody>
</table>
### UNMITIGATED OPERATIONAL EMISSIONS

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial park</td>
<td>2.40</td>
<td>3.46</td>
<td>30.31</td>
<td>0.02</td>
<td>1.52</td>
</tr>
</tbody>
</table>

TOTAL EMISSIONS (tons/yr) 2.40 3.46 30.31 0.02 1.52

Includes correction for passby trips. Does not include double counting adjustment for internal trips.

### OPERATIONAL (Vehicle) EMISSION ESTIMATES

**Analysis Year:** 2008  
**Season:** Annual  
**EMFAC Version:** EMFAC2002 (9/2002)

**Summary of Land Uses:**

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Acreage</th>
<th>Trip Rate</th>
<th>No. Units</th>
<th>Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial park</td>
<td>63.11</td>
<td>trips/acre</td>
<td>25.00</td>
<td>1,577.75</td>
</tr>
</tbody>
</table>

**Sum of Total Trips:** 1,577.75  
**Total Vehicle Miles Traveled:** 11,051.58

### Vehicle Assumptions:

**Fleet Mix:**

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Percent Type</th>
<th>Non-Catalyst</th>
<th>Catalyst</th>
<th>Diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Auto</td>
<td>55.00</td>
<td>1.60</td>
<td>96.00</td>
<td>0.40</td>
</tr>
<tr>
<td>Light Truck &lt; 1,750 lbs</td>
<td>15.00</td>
<td>2.70</td>
<td>95.30</td>
<td>2.00</td>
</tr>
<tr>
<td>Light Truck 1,751-5,750 lbs</td>
<td>16.20</td>
<td>1.20</td>
<td>97.50</td>
<td>1.30</td>
</tr>
<tr>
<td>Med Truck 5,751-8,500 lbs</td>
<td>7.20</td>
<td>1.40</td>
<td>95.80</td>
<td>2.80</td>
</tr>
<tr>
<td>Lite-Heavy 8,501-10,000 lbs</td>
<td>1.10</td>
<td>0.00</td>
<td>81.80</td>
<td>18.20</td>
</tr>
<tr>
<td>Lite-Heavy 10,001-14,000 lbs</td>
<td>0.40</td>
<td>0.00</td>
<td>50.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Med-Heavy 14,001-33,000 lbs</td>
<td>1.00</td>
<td>0.00</td>
<td>20.00</td>
<td>80.00</td>
</tr>
<tr>
<td>Heavy-Heavy 33,001-60,000 lbs</td>
<td>0.90</td>
<td>0.00</td>
<td>11.10</td>
<td>98.90</td>
</tr>
<tr>
<td>Line Haul &gt; 60,000 lbs</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Urban Bus</td>
<td>0.20</td>
<td>0.00</td>
<td>50.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>1.70</td>
<td>76.50</td>
<td>23.50</td>
<td>0.00</td>
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<tr>
<td>School Bus</td>
<td>0.10</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
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<tr>
<td>Motor Home</td>
<td>1.20</td>
<td>8.30</td>
<td>83.30</td>
<td>8.40</td>
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### Travel Conditions

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home-Work</td>
<td>Home-Shop</td>
<td>Home-Other</td>
</tr>
<tr>
<td>Urban Trip Length (miles)</td>
<td>10.8</td>
<td>7.3</td>
</tr>
<tr>
<td>Rural Trip Length (miles)</td>
<td>16.8</td>
<td>7.1</td>
</tr>
<tr>
<td>Trip Speeds (mph)</td>
<td>35.0</td>
<td>35.0</td>
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<tr>
<td>% of Trips - Residential</td>
<td>32.9</td>
<td>18.0</td>
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</table>

### % of Trips - Commercial (by land use)

<table>
<thead>
<tr>
<th></th>
<th>Industrial park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home-Work</td>
<td>41.5</td>
</tr>
<tr>
<td>Home-Shop</td>
<td>20.8</td>
</tr>
<tr>
<td>Home-Other</td>
<td>37.8</td>
</tr>
</tbody>
</table>
Changes made to the default values for Land Use Trip Percentages

Changes made to the default values for Construction

Changes made to the default values for Area

The landscape year changed from 2005 to 2006.
The residential Arch. Coatings ROG emission factor changed from 0.0185 to .00692.
The nonresidential Arch. Coatings ROG emission factor changed from 0.0185 to .0116.

Changes made to the default values for Operations

The pass by trips option switch changed from off to on.
The operational emission year changed from 2005 to 2008.
The paved road silt loading factor changed from 0.1 to .031.
**SUMMARY REPORT**
(Tons/Year)

**CONSTRUCTION EMISSION ESTIMATES**

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>TOTAL</th>
<th>PM10</th>
<th>PM10</th>
<th>PM10</th>
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<tbody>
<tr>
<td>*** 2007 ***</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>22.66</td>
<td>15.78</td>
<td>20.77</td>
<td>0.00</td>
<td>3.40</td>
<td>0.66</td>
<td>2.74</td>
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**AREA SOURCE EMISSION ESTIMATES**

<table>
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<tr>
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<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>1.28</td>
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**OPERATIONAL (VEHICLE) EMISSION ESTIMATES**

<table>
<thead>
<tr>
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<th>ROG</th>
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<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>4.43</td>
<td>6.37</td>
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**SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES**

<table>
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<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>5.72</td>
<td>6.51</td>
<td>56.29</td>
<td>0.04</td>
<td>3.04</td>
</tr>
</tbody>
</table>
DETAIL REPORT (Tons/Year)

Construction Start Month and Year: January, 2007
Construction Duration: 12
Total Land Use Area to be Developed: 75 acres
Maximum Acreage Disturbed Per Day: 18.75 acres
Single Family Units: 0 Multi-Family Units: 0
Retail/Office/Institutional/Industrial Square Footage: 1089000

CONSTRUCTION EMISSION ESTIMATES UNMITIGATED (tons/year)

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM10</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1 - Demolition Emissions</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fugitive Dust</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.00</td>
<td>-</td>
<td>0.00</td>
</tr>
<tr>
<td>Off-Road Diesel</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Worker Trips</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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</tr>
<tr>
<td>Total tons/year</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Phase 2 - Site Grading Emissions</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Fugitive Dust</td>
<td>-</td>
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<td>-</td>
<td>2.68</td>
<td>-</td>
<td>2.68</td>
</tr>
<tr>
<td>Off-Road Diesel</td>
<td>0.74</td>
<td>4.86</td>
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<td>0.19</td>
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<td>On-Road Diesel</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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</tr>
<tr>
<td>Total tons/year</td>
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<td>4.87</td>
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<td>0.19</td>
<td>2.68</td>
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<tr>
<td>Phase 3 - Building Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bldg Const Off-Road Diesel</td>
<td>1.38</td>
<td>10.50</td>
<td>10.18</td>
<td>-</td>
<td>0.47</td>
<td>0.47</td>
<td>0.00</td>
</tr>
<tr>
<td>Bldg Const Worker Trips</td>
<td>0.31</td>
<td>0.16</td>
<td>3.79</td>
<td>0.00</td>
<td>0.06</td>
<td>0.00</td>
<td>0.05</td>
</tr>
<tr>
<td>Arch Coatings Off-Gas</td>
<td>20.15</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Arch Coatings Worker Trips</td>
<td>0.03</td>
<td>0.02</td>
<td>0.43</td>
<td>0.00</td>
<td>0.01</td>
<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td>Asphalt Off-Gas</td>
<td>0.02</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Asphalt Off-Road Diesel</td>
<td>0.00</td>
<td>0.14</td>
<td>0.20</td>
<td>-</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Asphalt Worker Trips</td>
<td>0.00</td>
<td>0.09</td>
<td>0.02</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Total tons/year</td>
<td>21.91</td>
<td>10.91</td>
<td>14.62</td>
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<td>0.53</td>
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<td>0.06</td>
</tr>
<tr>
<td>Total all phases tons/yr</td>
<td>22.66</td>
<td>15.78</td>
<td>20.77</td>
<td>0.00</td>
<td>3.40</td>
<td>0.66</td>
<td>2.74</td>
</tr>
</tbody>
</table>

Phase 1 - Demolition Assumptions: Phase Turned OFF

Phase 2 - Site Grading Assumptions

Start Month/Year for Phase 2: Jan '07
Phase 2 Duration: 1.3 months
On-Road Truck Travel (VMT): 0

Off-Road Equipment

<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Crawler Tractors</td>
<td>143</td>
<td>0.575</td>
<td>8.0</td>
</tr>
<tr>
<td>2</td>
<td>Graders</td>
<td>174</td>
<td>0.575</td>
<td>8.0</td>
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<tr>
<td>6</td>
<td>Off Highway Trucks</td>
<td>417</td>
<td>0.490</td>
<td>8.0</td>
</tr>
<tr>
<td>4</td>
<td>Rubber Tired Loaders</td>
<td>165</td>
<td>0.465</td>
<td>8.0</td>
</tr>
<tr>
<td>3</td>
<td>Scrapers</td>
<td>313</td>
<td>0.660</td>
<td>8.0</td>
</tr>
<tr>
<td>4</td>
<td>Tractor/Loaders/Backhoes</td>
<td>79</td>
<td>0.465</td>
<td>8.0</td>
</tr>
</tbody>
</table>

Phase 3 - Building Construction Assumptions

Start Month/Year for Phase 3: Feb '07
Phase 3 Duration: 10.7 months
Start Month/Year for SubPhase Building: Feb '07
SubPhase Building Duration: 10.7 months

Off-Road Equipment

<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Other Equipment</td>
<td>190</td>
<td>0.620</td>
<td>8.0</td>
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</tbody>
</table>

Start Month/Year for SubPhase Architectural Coatings: Nov '07
SubPhase Architectural Coatings Duration: 1.1 months
Start Month/Year for SubPhase Asphalt: Dec '07
SubPhase Asphalt Duration: 9.8 months
Acres to be Paved: 18.8

Off-Road Equipment
<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Pavers</td>
<td>132</td>
<td>0.590</td>
<td>8.0</td>
</tr>
<tr>
<td>2</td>
<td>Rollers</td>
<td>114</td>
<td>0.430</td>
<td>8.0</td>
</tr>
<tr>
<td>Source</td>
<td>ROG</td>
<td>NOx</td>
<td>CO</td>
<td>SO2</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>0.01</td>
<td>0.15</td>
<td>0.12</td>
<td>0.00</td>
</tr>
<tr>
<td>Hearth</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Landscaping</td>
<td>0.01</td>
<td>0.00</td>
<td>0.07</td>
<td>0.00</td>
</tr>
<tr>
<td>Consumer Prdcts</td>
<td>0.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Architectural Coatings</td>
<td>1.26</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>1.28</td>
<td>0.15</td>
<td>0.19</td>
<td>0.00</td>
</tr>
</tbody>
</table>
UNMITIGATED OPERATIONAL EMISSIONS

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial park</td>
<td>4.43</td>
<td>6.37</td>
<td>56.09</td>
<td>0.04</td>
<td>3.04</td>
</tr>
</tbody>
</table>

TOTAL EMISSIONS (tons/yr)

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL EMISSIONS</td>
<td>4.43</td>
<td>6.37</td>
<td>56.09</td>
<td>0.04</td>
<td>3.04</td>
</tr>
</tbody>
</table>

Includes correction for passby trips. Does not include double counting adjustment for internal trips.

OPERATIONAL (Vehicle) EMISSION ESTIMATES

Analysis Year: 2009  
Season: Annual


Summary of Land Uses:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Acreage</th>
<th>Trip Rate</th>
<th>No. Units</th>
<th>Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial park</td>
<td>63.11</td>
<td>63.11 trips/acre</td>
<td>50.00</td>
<td>3,155.50</td>
</tr>
</tbody>
</table>

Sum of Total Trips 3,155.50

Total Vehicle Miles Traveled 22,107.16

Vehicle Assumptions:

Fleet Mix:

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Percent</th>
<th>Type</th>
<th>Non-Catalyst</th>
<th>Catalyst</th>
<th>Diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Auto &lt; 3,750</td>
<td>54.90</td>
<td>1.30</td>
<td>98.40</td>
<td>0.30</td>
<td></td>
</tr>
<tr>
<td>Light Truck 3,751-8,500</td>
<td>15.10</td>
<td>2.60</td>
<td>95.40</td>
<td>2.00</td>
<td></td>
</tr>
<tr>
<td>Light Truck 3,751-8,500</td>
<td>15.10</td>
<td>2.60</td>
<td>95.40</td>
<td>2.00</td>
<td></td>
</tr>
<tr>
<td>Med-Heavy 8,501-10,000</td>
<td>1.10</td>
<td>0.00</td>
<td>81.80</td>
<td>18.20</td>
<td></td>
</tr>
<tr>
<td>Lite-Heavy 10,001-14,000</td>
<td>0.30</td>
<td>0.00</td>
<td>66.70</td>
<td>33.30</td>
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</tr>
<tr>
<td>Med-Heavy 14,001-33,000</td>
<td>1.00</td>
<td>0.00</td>
<td>20.00</td>
<td>80.00</td>
<td></td>
</tr>
<tr>
<td>Heavy-Heavy 33,001-60,000</td>
<td>0.90</td>
<td>0.00</td>
<td>11.10</td>
<td>88.90</td>
<td></td>
</tr>
<tr>
<td>Line Haul &gt; 60,000 lbs</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
<td></td>
</tr>
<tr>
<td>Urban Bus</td>
<td>0.20</td>
<td>0.00</td>
<td>50.00</td>
<td>50.00</td>
<td></td>
</tr>
<tr>
<td>Motorcycles</td>
<td>1.60</td>
<td>75.00</td>
<td>25.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>School Bus</td>
<td>0.10</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
<td></td>
</tr>
<tr>
<td>Motor Home</td>
<td>1.40</td>
<td>7.10</td>
<td>85.70</td>
<td>7.20</td>
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</table>

Travel Conditions

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home-Work Trip Length (miles)</td>
<td>10.8</td>
<td>18.0</td>
</tr>
<tr>
<td>Home-Shop Trip Length (miles)</td>
<td>7.3</td>
<td>17.0</td>
</tr>
<tr>
<td>Home-Other Trip Length (miles)</td>
<td>7.5</td>
<td>16.0</td>
</tr>
<tr>
<td>Commute Trip Length (miles)</td>
<td>9.5</td>
<td>17.0</td>
</tr>
<tr>
<td>Non-Work Trip Length (miles)</td>
<td>7.4</td>
<td>16.0</td>
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</table>

% of Trips - Residential

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Trip Length (miles)</td>
<td>32.9</td>
<td>18.0</td>
</tr>
<tr>
<td>Rural Trip Length (miles)</td>
<td>18.0</td>
<td>49.1</td>
</tr>
<tr>
<td>Trip Speeds (mph)</td>
<td>35.0</td>
<td>35.0</td>
</tr>
<tr>
<td>% of Trips - Residential</td>
<td>41.5</td>
<td>20.8</td>
</tr>
</tbody>
</table>

% of Trips - Commercial (by land use)
Changes made to the default values for Land Use Trip Percentages

Changes made to the default values for Construction

Changes made to the default values for Area

The landscape year changed from 2005 to 2006.
The residential Arch. Coatings ROG emission factor changed from 0.0185 to 0.00602.
The nonresidential Arch. Coatings ROG emission factor changed from 0.0185 to 0.0116.

Changes made to the default values for Operations

The pass by trips option switch changed from off to on.
The operational emission year changed from 2005 to 2009.
The paved road silt loading factor changed from 0.1 to 0.031.
URBEMIS 2002 For Windows  8.7.0

File Name: L:\Projects\2003\03072\11 Industrial Park Neg Dec\Urbemis\2008.urb
Project Name: Porterville Industrial Airport
Project Location: San Joaquin Valley
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

SUMMARY REPORT
(Tons/Year)

CONSTRUCTION EMISSION ESTIMATES

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM10</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3.44</td>
<td>0.67</td>
<td>2.77</td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>32.90</td>
<td>15.88</td>
<td>22.88</td>
<td>0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

AREA SOURCE EMISSION ESTIMATES

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>1.92</td>
<td>0.15</td>
<td>0.19</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>6.08</td>
<td>8.71</td>
<td>77.13</td>
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<td>4.56</td>
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</table>

SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>8.00</td>
<td>8.86</td>
<td>77.32</td>
<td>0.05</td>
<td>4.56</td>
</tr>
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</table>
URBEMIS 2002 For Windows 8.7.0

File Name: L:\Projects\2003\03072\13 Industrial Park Neg Dec\Urbemis\2008.urb
Project Name: Porterville Industrial Airport
Project Location: San Joaquin Valley
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

DETAIL REPORT (Tons/Year)

Construction Start Month and Year: January, 2007
Construction Duration: 12
Total Land Use Area to be Developed: 75 acres
Maximum Acreage Disturbed Per Day: 18.75 acres
Single Family Units: 0 Multi-Family Units: 0
Retail/Office/Institutional/Industrial Square Footage: 1633500

CONSTRUCTION EMISSION ESTIMATES UNMITIGATED (tons/year)

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>TOTAL</th>
<th>EXHAUST</th>
<th>DUST</th>
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</thead>
<tbody>
<tr>
<td>*** 2007***</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 1 - Demolition Emissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pugitive Dust</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Off-Road Diesel</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>On-Road Diesel</td>
<td>0.00</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Worker Trips</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Total tons/year</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>Phase 2 - Site Grading Emissions</td>
<td></td>
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<tr>
<td>Pugitive Dust</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.68</td>
<td>2.68</td>
<td>2.68</td>
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<tr>
<td>Off-Road Diesel</td>
<td>0.74</td>
<td>4.86</td>
<td>6.01</td>
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<td>0.19</td>
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<tr>
<td>On-Road Diesel</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Worker Trips</td>
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<td>0.01</td>
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<td>0.19</td>
<td>2.68</td>
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<tr>
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<td></td>
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</tr>
<tr>
<td>Bldg Const Off-Road Diesel</td>
<td>1.38</td>
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<td>0.25</td>
<td>5.68</td>
<td>0.00</td>
<td>0.09</td>
<td>0.01</td>
<td>0.08</td>
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<tr>
<td>Arch Coatings Off-Gas</td>
<td>30.22</td>
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<td></td>
</tr>
<tr>
<td>Arch Coatings Worker Trips</td>
<td>0.05</td>
<td>0.03</td>
<td>0.65</td>
<td>0.00</td>
<td>0.01</td>
<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td>Asphalt Off-Gas</td>
<td>0.02</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asphalt Off-Road Diesel</td>
<td>0.02</td>
<td>0.14</td>
<td>0.20</td>
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<td>0.00</td>
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<tr>
<td>Asphalt On-Road Diesel</td>
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<td>0.02</td>
<td>0.00</td>
<td>0.00</td>
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<td>0.00</td>
</tr>
<tr>
<td>Asphalt Worker Trips</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Total tons/year</td>
<td>32.15</td>
<td>11.01</td>
<td>16.73</td>
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<td>0.57</td>
<td>0.48</td>
<td>0.09</td>
</tr>
<tr>
<td>Total all phases tons/yr</td>
<td>32.90</td>
<td>15.88</td>
<td>22.88</td>
<td>0.00</td>
<td>3.44</td>
<td>0.67</td>
<td>2.77</td>
</tr>
</tbody>
</table>

Phase 1 - Demolition Assumptions: Phase Turned OFF

Phase 2 - Site Grading Assumptions
Start Month/Year for Phase 2: Jan '07
Phase 2 Duration: 1.3 months
On-Road Truck Travel (VMT): 0
Off-Road Equipment

<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Crawler Tractors</td>
<td>143</td>
<td>0.575</td>
<td>8.0</td>
</tr>
<tr>
<td>2</td>
<td>Graders</td>
<td>174</td>
<td>0.575</td>
<td>8.0</td>
</tr>
<tr>
<td>6</td>
<td>Off Highway Trucks</td>
<td>417</td>
<td>0.490</td>
<td>8.0</td>
</tr>
<tr>
<td>4</td>
<td>Rubber Tired Loaders</td>
<td>165</td>
<td>0.465</td>
<td>8.0</td>
</tr>
<tr>
<td>2</td>
<td>Scrapers</td>
<td>313</td>
<td>0.660</td>
<td>8.0</td>
</tr>
<tr>
<td>4</td>
<td>Tractor/Loaders/Backhoes</td>
<td>79</td>
<td>0.465</td>
<td>8.0</td>
</tr>
</tbody>
</table>

Phase 3 - Building Construction Assumptions
Start Month/Year for Phase 3: Feb '07
Phase 3 Duration: 10.7 months
Start Month/Year for SubPhase Building: Feb '07
SubPhase Building Duration: 10.7 months
Off-Road Equipment

<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Other Equipment</td>
<td>190</td>
<td>0.620</td>
<td>8.0</td>
</tr>
</tbody>
</table>

Start Month/Year for SubPhase Architectural Coatings: Nov '07
SubPhase Architectural Coatings Duration: 1.1 months
Start Month/Year for SubPhase Asphalt: Dec '07
SubPhase Asphalt Duration: 0.5 months
Acres to be Paved: 18.8
Off-Road Equipment
<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>Horsepower</th>
<th>Load Factor</th>
<th>Hours/Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Pavers</td>
<td>132</td>
<td>0.590</td>
<td>8.0</td>
</tr>
<tr>
<td>2</td>
<td>Rollers</td>
<td>114</td>
<td>0.430</td>
<td>8.0</td>
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</tbody>
</table>
### AREA SOURCE EMISSION ESTIMATES (Tons per Year, Unmitigated)

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Gas</td>
<td>0.01</td>
<td>0.15</td>
<td>0.12</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Hearth</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Landscaping</td>
<td>0.01</td>
<td>0.00</td>
<td>0.07</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Consumer Prdcts</td>
<td>0.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Architectural Coatings</td>
<td>1.89</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>1.92</td>
<td>0.15</td>
<td>0.19</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>
### UNMITIGATED OPERATIONAL EMISSIONS

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial park</td>
<td>6.08</td>
<td>8.71</td>
<td>77.13</td>
<td>0.05</td>
<td>4.56</td>
</tr>
<tr>
<td><strong>TOTAL EMISSIONS (tons/yr)</strong></td>
<td>6.08</td>
<td>8.71</td>
<td>77.13</td>
<td>0.05</td>
<td>4.56</td>
</tr>
</tbody>
</table>

Includes correction for passby trips.

Does not include double counting adjustment for internal trips.

### OPERATIONAL (Vehicle) EMISSION ESTIMATES

**Analysis Year:** 2010  
**Season:** Annual  
**EMFAC Version:** EMFAC2002 (9/2002)

**Summary of Land Uses:**

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Acreage</th>
<th>Trip Rate</th>
<th>No. Units</th>
<th>Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial park</td>
<td>63.11</td>
<td>trips/acre</td>
<td>75.00</td>
<td>4,733.25</td>
</tr>
</tbody>
</table>

**Sum of Total Trips:** 4,733.25  
**Total Vehicle Miles Traveled:** 33,160.74

### Vehicle Assumptions:

**Fleet Mix:**

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Percent Type</th>
<th>Non-Catalyst</th>
<th>Catalyst</th>
<th>Diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Auto</td>
<td>54.70</td>
<td>1.10</td>
<td>98.70</td>
<td>0.20</td>
</tr>
<tr>
<td>Light Truck &lt; 3,750 lbs</td>
<td>15.20</td>
<td>2.00</td>
<td>96.00</td>
<td>2.00</td>
</tr>
<tr>
<td>Light Truck 3,751-5,750 lbs</td>
<td>16.20</td>
<td>1.20</td>
<td>98.10</td>
<td>0.70</td>
</tr>
<tr>
<td>Med Truck 5,751-8,500 lbs</td>
<td>7.30</td>
<td>1.40</td>
<td>95.90</td>
<td>2.70</td>
</tr>
<tr>
<td>Lite-Heavy 8,501-10,000 lbs</td>
<td>1.10</td>
<td>0.00</td>
<td>81.80</td>
<td>18.20</td>
</tr>
<tr>
<td>Lite-Heavy 10,001-14,000 lbs</td>
<td>0.30</td>
<td>0.00</td>
<td>66.70</td>
<td>33.30</td>
</tr>
<tr>
<td>Med-Heavy 14,001-33,000 lbs</td>
<td>1.00</td>
<td>0.00</td>
<td>20.00</td>
<td>80.00</td>
</tr>
<tr>
<td>Heavy-Heavy 33,001-60,000 lbs</td>
<td>0.90</td>
<td>0.00</td>
<td>11.10</td>
<td>88.90</td>
</tr>
<tr>
<td>Lines Haul &gt; 60,000 lbs</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Urban Bus</td>
<td>0.20</td>
<td>0.00</td>
<td>50.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>1.60</td>
<td>50.00</td>
<td>31.20</td>
<td>0.00</td>
</tr>
<tr>
<td>School Bus</td>
<td>0.10</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Motor Home</td>
<td>1.40</td>
<td>7.10</td>
<td>85.70</td>
<td>7.20</td>
</tr>
</tbody>
</table>

### Travel Conditions

<table>
<thead>
<tr>
<th>Home-Work</th>
<th>Residential</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home-Shop</td>
<td>Home-Other</td>
<td>Home-Other</td>
</tr>
<tr>
<td>Urban Trip Length (miles)</td>
<td>10.8</td>
<td>7.3</td>
</tr>
<tr>
<td>Rural Trip Length (miles)</td>
<td>16.8</td>
<td>7.1</td>
</tr>
<tr>
<td>Trip Speeds (mph)</td>
<td>35.0</td>
<td>35.0</td>
</tr>
<tr>
<td>% of Trips - Residential</td>
<td>32.9</td>
<td>18.0</td>
</tr>
</tbody>
</table>

% of Trips - Commercial (by land use):  
Industrial park 41.5  20.8  37.8
Changes made to the default values for Land Use Trip Percentages

Changes made to the default values for Construction

Changes made to the default values for Area
The landscape year changed from 2005 to 2006.
The residential Arch. Coatings ROG emission factor changed from 0.0185 to .00602.
The nonresidential Arch. Coatings ROG emission factor changed from 0.0185 to .0116.

Changes made to the default values for Operations
The pass by trips option switch changed from off to on.
The operational emission year changed from 2005 to 2010.
The paved road silt loading factor changed from 0.1 to .031.
APPENDIX B

REGULATION VIII AIR QUALITY (PM$_{10}$) MANDATORY MEASURES
A Summary of Regulation VIII – PM$_{10}$ Mitigations
Mandatory Control Measures for Construction, Excavation, Extraction, and Other Earthmoving Activities

Pre-Activity:
- Pre-water site sufficient to limit Visible Dust Emissions (VDE) to 20% opacity
- Phase work to reduce the amount of disturbed surface area at any one time.

During Active Operations:
- Apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity
- Construct and maintain wind barriers sufficient to limit VDE to 20% opacity. If utilizing wind barriers, control measure B1 above shall also be implemented.
- Apply water or chemical/organic stabilizers/suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas sufficient to limit VDE to 20% opacity and meet the conditions of a stabilized unpaved road surface.

Temporary Stabilization During Periods Of Inactivity:
- Restrict vehicular access to the area
- Apply water or chemical/organic stabilizers/suppressants, sufficient to comply with the conditions of a stabilized surface. If an area having 0.5 acres or more of disturbed surface area remains unused for seven or more days, the area must comply with the conditions for a stabilized surface area as defined below:

  Stabilized Surface: any disturbed surface area or open bulk material storage pile that is resistant to wind blown fugitive dust emissions. A surface is considered to be stabilized if it meets at least one of the following conditions:
  o A visible crust; or
  o A threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 centimeters per second or greater; or
  o A flat vegetative cover of at least 50 percent that is attached or rooted vegetation; or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind; or
  o A standing vegetative cover of at least 30 percent that is attached or rooted vegetation with a predominant vertical orientation; or
  o A standing vegetative cover that is attached or rooted vegetation with a predominant vertical orientation that is at least 10 percent and where the TFV is at least 43 centimeters per second when corrected for nonerodible elements; or
  o A surface that is greater than or equal to 10 percent of non-erodible elements such as rocks, stones, or hard-packed clumps of soil.

Speed Limitations and Posting of Speed Limit Signs
- Limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour.
- Post speed limit signs that meet State and Federal Department of Transportation standards at each construction site's uncontrolled unpaved access/haul road entrance. At a minimum, speed limit signs shall also be posted at least every 500 feet and shall be readable in both directions of travel along uncontrolled unpaved access/haul roads.

Wind Generated Fugitive Dust Requirements
- Cease outdoor construction, excavation, extraction, and other earthmoving activities that disturb the soil whenever VDE exceeds 20% opacity. Indoor activities such as electrical, plumbing, dry wall installation, painting, and any other activity that does not cause any disturbances to the soil are not subject to this requirement.
- Continue operation of water trucks/devices when outdoor construction excavation, extraction, and other earthmoving activities cease, unless unsafe to do so.

Carrout and Trackout:
- Prevent or cleanup carrout and trackout as per SJVAPCD rule 8041.
  o The use of blower devices, or dry rotary brushes or brooms, for removal of carrout and trackout on public roads is expressly prohibited.
  o The removal of carrout and trackout from paved public roads does not exempt an owner/operator from obtaining state or local agency permits which may be required for the cleanup of mud and dirt on paved public roads.
Dust Control Plan

- An owner/applicant shall submit a Dust Control Plan to the APCO prior to the start of any construction activity on any site that will include ...5 acres or more of disturbed surface area for non-residential development. Construction activities shall not commence until the APCO has approved or conditionally approved the Dust Control Plan. An owner/operator shall provide written notification to the APCO at least 48 hours prior to or within 10 days prior to the commencement of earthmoving activities via fax or mail.

- The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity.

- A copy of the approved Dust Control Plan shall be retained at the project site. The approved Dust Control plan shall remain valid until the termination of all dust generating activities. Failure to comply with the provisions of an approved Dust Control Plan is deemed to be a violation of this rule.
APPENDIX C

BIOLOGICAL SURVEY
June 15, 2005

City of Porterville
Attn: Brad Dunlap
Community Development Director
291 North Main Street
Porterville, California 93257

RE: Reconnaissance Level Biological Survey Results for the Industrial Park Master Plan Update

Dear Mr. Dunlap:

The City of Porterville (City) is considering future development on approximately seventy-five acres of land in southwest Porterville, near the municipal airport (hereinafter referred to as “subject property”). The land is north of Tea Pot Dome Avenue and east of West Street. A strip of the subject property, the northernmost 100 feet of the parcel, has been designated as a movement corridor for the San Joaquin kit fox (Vulpes macrotis mutica) in response to the U.S. Fish and Wildlife Service’s February 14, 1990 biological opinion issued for the Porterville Municipal Airport Master Plan (Ref.# 1-1-90-F-2). The corridor was one of nine recommended mitigation measures implemented to reduce or avoid impacts to San Joaquin kit fox resulting from the approval of the City’s Municipal Airport master plan.

As a result of current growth in the Central Valley, the City wants to be prepared for potential industrial development, which is a permitted use within the subject property and specified surrounding parcels. The City of Porterville, as part of this proactive approach to general plan compliant growth, has requested a new biological survey for the subject property, including the movement corridor and adjacent canal. The 74.34-acre subject property is located on West Street in the City of Porterville, in Tulare County, California. It is in Section 8, Township 22 South, Range 27 East, Mount Diablo Base & Meridian (MDBM), as shown in the Porterville USGS 7.5 minute quadrangle (Figure 1). The subject property is currently bounded on the east by the City’s municipal airport, on the south and west by agriculture, and on the north by industrial and planned industrial uses. At this time, no development applications have been submitted and no specific construction plans exist for the subject property. Quad Knopf, Inc. was retained to conduct a reconnaissance level biological survey of the subject property and evaluate the function of the movement corridor located in the northern portion of the subject property.
Prior to conducting the field survey, a query of the California Department of Fish and Game Natural Diversity Data Base (CNDDB) (CDFG 2005) was conducted for the Porterville, Success Dam, Fountain Springs, Ducor, Sausalito School, Woodville, Cairns Corner, Lindsay, and Frazier Valley USGS 7.5-minute quadrangles. A review of literature and the CNDDB query indicated that ten special-status animal species, twelve special-status plant species, and two natural vegetation communities of concern have been reported for these quadrangles. A query of the California Native Plant Society’s Electronic Inventory (CNPS 2005) was also conducted for the same quadrangles to provide information on additional plant species of concern that have the potential to occur on the subject property and surrounding vicinity. This review resulted in two additional plant species. Table 1 lists the results of these reviews. Figure 2 illustrates observed locations for special-status species. As part of the data base research, a species list was obtained from the U.S. Fish and Wildlife Service (USFWS) website for the Porterville USGS 7.5-minute quadrangle to provide information on additional special-status species that have the potential to occur in the vicinity of the subject property; this list is provided as Attachment A. Please note that only those species with the potential to occur on the subject property were given consideration.

Lastly, a query of the USFWS National Wetlands Inventory (NWI) Map for the Porterville USGS 7.5-minute quadrangle was conducted for information regarding known wetlands on the subject property and surrounding vicinity (Figure 3).

On May 6, 2005, Quad Knopf, Inc. biologists, James W. Jones Jr. (botanist) and Jacquelyn Neuffer (biologist) conducted a reconnaissance level biological survey to determine whether special-status plant and animal species or their habitats exist on the subject property or surrounding vicinity. The subject property was surveyed on foot and the surrounding vicinity was driven. Special effort was made to identify San Joaquin kit fox (Vulpes macrotis mutica) sign of presence (e.g., scat, tracks, dens, prey remains, etc.) on the subject property. In addition, the movement corridor was walked in an effort to identify sign of use by kit foxes.

The corridor consists of an approximately 100-foot wide strip of land along a small irrigation canal in the northern portion of the subject property. A large portion of the subject property was planted in alfalfa at the time of the field survey and an artificial irrigation basin is located at the western edge of subject property, along West Street. Photographs of the subject property are provided as Attachment B (photographs 1 and 2). Land surrounding the corridor has been intensely farmed for a number of years and consists primarily of orange groves to the west and south, an industrial park to the north, and the Porterville Airport to the east.

No special-status plants or animals identified in Table 1 were observed during the field survey; however, several bird species protected under the auspices of the Migratory Bird Treaty Act (MBTA) were observed flying about the site and surrounding vicinity (see Table 2). Most of these species would be expected to occur from time to time in agricultural areas such as the subject property, but few would be expected to nest on site.
The only nesting activity observed was a pair of American robins (*Turdus migratorius*) undergoing nest building in a Fremont cottonwood tree (*Populus fremontii* ssp. *fremontii*) located at the edge of the irrigation basin along West Street (Attachment B, Photograph 3).

The irrigation basin, the irrigation canal along the movement corridor, and another irrigation canal that runs north-south through the central portion of the subject property along a dirt roadway are the only waters that occur on the subject property. None of these waters would be considered as jurisdictional “waters of the United States”. No wetland conditions or areas dominated by hydrophytic vegetation were observed on the subject property. In addition, The NWI Map query illustrated no wetland areas located within the subject property (Figure 3).¹

One blue elderberry (*Sambucus mexicana*) shrub was identified along the property line in the northeastern portion of the subject property (Attachment B, Photograph 4). The location of the blue elderberry shrub was recorded using a GPS receiver. Figure 4 illustrates this location. This shrub was approximately 18 feet tall. This shrub only had one stem at ground level and it was over 12 inches in diameter at ground level. Blue elderberry is the host plant and exclusive habitat for the federal threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). The USFWS considers that complete avoidance (i.e., no adverse effects) may be assumed when a 100-foot (or wider) buffer zone is established and maintained around all elderberry plants containing stems measuring one-inch or greater in diameter at ground level. If a 100-foot buffer zone cannot be maintained around all elderberry plants with at least one stem 1-inch or greater in diameter at ground level, the USFWS must be contacted for guidance on how to proceed. In certain instances the USFWS may approve encroachment on the 100-foot buffer zone, provided a minimum setback of at least 20 feet from the dripline of each elderberry plant can be maintained. In addition, the USFWS will require written verification of protective measures, restoration and maintenance of the 100-foot buffer zone, and other requirements in order to approve the encroachment. These requirements and other important information regarding protection of the valley elderberry longhorn beetle can be found in the *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (USFWS 1999) (Attachment C). These guidelines must be followed for any development that occurs on the property.

No small mammal burrows or other sign of foraging species for the San Joaquin kit fox was observed on the subject property. It is likely that species such as black-tailed jackrabbit (*Lepus californicus*), desert cottontail (*Sylvilagus auduboni*), California ground

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¹ The NWI wetland codes, as modified, are based on the National Wetlands Classification Standards from Cowardin, L.M., V. Carter, F. Golet, and E. LaRoe. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*: U.S. Fish and Wildlife Service (Cowardin). While both USFWS and United States Army Corps of Engineers use the Cowardin classification system, not all areas illustrated on the NWI map would qualify or meet the 1987 United States Army Corps of Engineers’ criteria for determining “waters of the United States”.
squirrel (*Spermophilus beecheyi*), and other potential prey species occur on the subject property from time to time; however, the intense farming of the subject property and majority of surrounding lands undoubtedly diminishes their abundance.

Although the subject property is located within the range of the San Joaquin kit fox, this species was observed in the vicinity of the subject property on the airport grounds in 1989, and observations of this species have been reported at the Tulare County landfill site and along the Friant Kern Canal to the west of the subject property, no sign (e.g., tracks, scat, dens, prey remains, etc.) of San Joaquin kit fox presence was observed during the field survey. Formal surveys to detect this species using agency approved protocols (e.g., spotlighting and scent station surveys) were not conducted. However, recent spotlighting efforts conducted by the California Department of Fish and Game (CDFG) at the airport and nearby vicinity did not result in the observation of any kit foxes. Gray fox (*Urocyon cinereoargenteus*), red fox (*Vulpes fulva*), and coyote (*Canis latrans*) were observed (pers. comm. Eric Kleinfelter, CDFG Wildlife Biologist, Sequoia Wildlife Unit).

In addition, the citrus groves and other tree orchards that are located adjacent to the subject property would seem more suitable as movement areas for any kit foxes that may be in the area because they provide more cover, would be expected to support prey species in greater abundance than the alfalfa and oat fields on the subject property, and could also provide temporary denning sites for kit foxes. In short, the movement corridor did not appear to be functioning as a movement corridor for the San Joaquin kit fox.

In conclusion, no signs of San Joaquin kit fox presence were observed during the field survey, nor did the subject property appear to hold much value for special-status species in general. This is largely due to the intensive agricultural operations on the subject property and much of the surrounding area, flood irrigation of the alfalfa field on the subject property, periodic diskng, and the general lack of prey species on the subject property.

If you have any questions or require further information, please do not hesitate to contact our office at (661) 616-2600 or (559) 733-0440.

Sincerely,

James W. Jones, Jr.  
Biologist

Jaquelyn Neuffer  
Biologist

Attachments
References

California Department of Fish and Game. 2005. California Natural Diversity Data Base, California Department of Fish and Game, Sacramento, CA.


<table>
<thead>
<tr>
<th>Species</th>
<th>Habitat</th>
<th>Status</th>
<th>Potential Occurrence on the Subject Property</th>
</tr>
</thead>
</table>
| *Branchinecta lynchi*  
(Vernal pool fairy shrimp) | Vernal pools. | FT | Absent. No habitat present. |
| *Buteo swainsoni*  
(Swainson's hawk) | Stands with few trees in juniper-sage flats, riparian, and oak savannah habitats. Requires adjacent suitable foraging areas such as grasslands, grain fields, or alfalfa, that support rodent populations. | MBTA, CT | Unlikely. No nest trees are located on the subject property or surrounding vicinity and prey species were lacking on the subject property. In addition, the CNDDB review did not indicate any known nest locations within 10 miles of the subject property. |
| *Desmocerus californicus dimorphis*  
(Valley elderberry longhorn beetle) | Elderberry shrubs in the Sacramento and San Joaquin Valleys. | FT | Unlikely. One elderberry shrub was observed during the field survey; however, no exit holes were observed. |
| *Dipodomys nitratoides nitratoides*  
(Tipton kangaroo rat) | Saltbrush scrub and sink scrub communities in the Tulare Lake Basin of the southern San Joaquin Valley. Requires soft, friable soils that escape seasonal flooding. | FE, CE | Absent. No habitat present. |
| *Gymnogyps californianus*  
(California condor) | Requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Deep canyons containing clefts in the rocky walls provide nesting sites. | FE, CE, MBTA | Absent. No nesting or foraging habitat present. |
| *Lyttia molesta*  
(Molestan blister beetle) | Inhabits the Central Valley, from Contra Costa to Kern and Tulare Counties. | None | Absent. No habitat present. |
| *Perognathus inornatus inornatus*  
(San Joaquin pocket mouse) | Typically found in grasslands and blue oak savannahs. Requires friable soils. | None | Absent. No habitat present. Subject property is cultivated and disked. |
<table>
<thead>
<tr>
<th>Species</th>
<th>Habitat</th>
<th>Status</th>
<th>Potential Occurrence on the Subject Property</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Rana boylii</em> (Foothill yellow-legged frog)</td>
<td>Partly shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying.</td>
<td>CSC</td>
<td>Absent. No habitat present.</td>
</tr>
<tr>
<td><em>Spea hammondii</em> (Western spadefoot)</td>
<td>Vernal pools and other wet areas within grasslands.</td>
<td>CSC</td>
<td>Absent. No habitat present.</td>
</tr>
<tr>
<td><em>Vulpes macrotus mutica</em> (San Joaquin kit fox)</td>
<td>Chenopod scrub, grasslands, sometimes forage in agricultural areas. Requires a suitable prey base.</td>
<td>FE, CT</td>
<td>Possible. Species was reported in the vicinity of the subject property in 1989. However, the subject property is disked and actively cultivated, and no potential dens or other sign of presence was observed during the field survey.</td>
</tr>
</tbody>
</table>

**Plants**

<table>
<thead>
<tr>
<th>Species</th>
<th>Habitat</th>
<th>Status</th>
<th>Potential Occurrence on the Subject Property</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Atriplex cordulata</em> (Heartscale)</td>
<td>Alkaline flats and scalds with sandy soils, within chenopod scrub, grasslands, and meadows.</td>
<td>1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td><em>Atriplex erecticaulis</em> (Earlimart orache)</td>
<td>Grasslands.</td>
<td>1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td><em>Atriplex Persistens</em> (Vernal pool smallscale)</td>
<td>Vernal pools.</td>
<td>1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td><em>Atriplex Subtilis</em> (Subtle orache)</td>
<td>Grasslands.</td>
<td>1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td><em>Caulanthus californicus</em> (California jewel-flower)</td>
<td>Sandy soils within chenopod scrub, pinyon and juniper woodland, and grasslands.</td>
<td>FE, CE, 1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td>Species</td>
<td>Habitat</td>
<td>Status</td>
<td>Potential Occurrence on the Subject Property</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td><em>Delphinium recurvatum</em></td>
<td>Alkaline soils in chenopod scrub, cismontane woodlands, and grasslands.</td>
<td>1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td>(Recurved larkspur)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Eryngium spinosepalum</em></td>
<td>Vernal pools, depressions within grasslands.</td>
<td>1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td>(Spiny-sepaled button-celery)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Fritillaria striata</em></td>
<td>Cismontane woodland, grasslands with heavy clay adobe soils.</td>
<td>CT, 1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td>(Striped adobe-lily)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Linanthus serrulatus</em></td>
<td>Dry slopes, often on decomposed granite in cismontane woodlands or lower montane coniferous forests.</td>
<td>1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td>(Madera linanthus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Mimulus pictus</em></td>
<td>Bare ground around gooseberry bushes or around granite rock outcrops within broad-leaved upland forests or cismontane woodlands.</td>
<td>1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td>(Calico monkeyflower)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Pseudobahia peirsonii</em></td>
<td>Adobe clay soils within foothill woodlands and grasslands.</td>
<td>FT, CE, 1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td>(San Joaquin adobe sunburst)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Sidalcea keckii</em></td>
<td>Grassy slopes in blue oak woodlands and grasslands.</td>
<td>FE, 1B</td>
<td>Absent. No habitat present. Subject property is located on agricultural land that is disked and cultivated.</td>
</tr>
<tr>
<td>(Keck's checkerbloom)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Natural Vegetation Communities of Concern**

<table>
<thead>
<tr>
<th>Community</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Claypan Vernal Pool</td>
<td>Absent.</td>
</tr>
<tr>
<td>Sycamore Alluvial Woodland</td>
<td>Absent</td>
</tr>
</tbody>
</table>

**Abbreviations:**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>FE</td>
<td>Federal Endangered Species</td>
</tr>
<tr>
<td>FT</td>
<td>Federal Threatened Species</td>
</tr>
<tr>
<td>MBTA</td>
<td>Species fully protected by the Migratory Bird Treaty Act</td>
</tr>
<tr>
<td>CE</td>
<td>California Endangered Species</td>
</tr>
<tr>
<td>CT</td>
<td>California State Threatened Species</td>
</tr>
</tbody>
</table>
CSC  California Department of Fish and Game Species of Special Concern
1B  Plants categorized by the California Native Plant Society as Rare, Threatened, or
     Endangered in California and elsewhere.
---  None

Sources:

California Department of Fish and Game, 2005. California Natural Diversity Data Base, California Department of Fish and Game, Sacramento, CA.


Potential Occurrence Definitions:

Present:  Species or sign of their presence observed on site at time of the field survey.
Likely:  Species not observed on site, but may reasonably be expected to occur there on a regular basis.
Possible:  Species not observed on site, but could occur there from time to time.
Unlikely:  Species not observed on site, and would not be expected to occur there except, perhaps, as a transient.
Absent:  Species or sign of their presence not observed on site, and precluded from occurring there because habitat requirements not met.
Table 2
List of Animal and Plant Species Observed during the Field Surveys

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Plants</strong></td>
<td></td>
</tr>
<tr>
<td><em>Amaranthus blitoides</em></td>
<td>Prostrate pigweed</td>
</tr>
<tr>
<td><em>Ambrosia aequalis</em></td>
<td>Annual bur-sage</td>
</tr>
<tr>
<td><em>Amsinckia menziesii var. intermedia</em></td>
<td>Fiddleneck</td>
</tr>
<tr>
<td><em>Avena sativa</em></td>
<td>Cultivated oats</td>
</tr>
<tr>
<td><em>Bromus diandrus</em></td>
<td>Ripgut brome</td>
</tr>
<tr>
<td><em>Bromus hordeaceus</em></td>
<td>Soft chess</td>
</tr>
<tr>
<td><em>Centaurea repens</em></td>
<td>Russian knapweed</td>
</tr>
<tr>
<td><em>Chamaesyce maculata</em></td>
<td>Spotted spurge</td>
</tr>
<tr>
<td><em>Chamomilla suaveolens</em></td>
<td>Pineapple weed</td>
</tr>
<tr>
<td><em>Chenopodium album</em></td>
<td>Lamb's quarters</td>
</tr>
<tr>
<td><em>Coryza canadensis</em></td>
<td>Horseweed</td>
</tr>
<tr>
<td><em>Coryza coulteri</em></td>
<td>Coulter's horseweed</td>
</tr>
<tr>
<td><em>Coronopus didymus</em></td>
<td>Lesser swine cress</td>
</tr>
<tr>
<td><em>Cynodon dactylon</em></td>
<td>Bermuda grass</td>
</tr>
<tr>
<td><em>Erodium cicutarium</em></td>
<td>red-stemmed filaree</td>
</tr>
<tr>
<td><em>Erodium moschatum</em></td>
<td>white-stemmed filaree</td>
</tr>
<tr>
<td><em>Heterotheca grandiflora</em></td>
<td>Telegraph weed</td>
</tr>
<tr>
<td><em>Hordeum jubatum</em></td>
<td>Foxtail barley</td>
</tr>
<tr>
<td><em>Hordeum murinum ssp. leporinum</em></td>
<td>Wild barley</td>
</tr>
<tr>
<td><em>Lactuca serriola</em></td>
<td>Prickly lettuce</td>
</tr>
<tr>
<td><em>Leptochloa uninervia</em></td>
<td>Mexican sprangletop</td>
</tr>
<tr>
<td><em>Lotium multiflorum</em></td>
<td>Italian rye grass</td>
</tr>
<tr>
<td><em>Malva parviflora</em></td>
<td>Cheeseweed</td>
</tr>
<tr>
<td><em>Medicago polymorpha</em></td>
<td>California burclover</td>
</tr>
<tr>
<td><em>Medicago sativa</em></td>
<td>Alfalfa</td>
</tr>
<tr>
<td><em>Phalaris paradoxa</em></td>
<td>Hood canary grass</td>
</tr>
<tr>
<td><em>Poa annua</em></td>
<td>Annual bluegrass</td>
</tr>
<tr>
<td><em>Polygonum lathifolium</em></td>
<td>Willow weed</td>
</tr>
<tr>
<td><em>Polypogon monspeliensis</em></td>
<td>Annual beardgrass</td>
</tr>
<tr>
<td><em>Populus fremontii ssp. fremontii</em></td>
<td>Fremont Cottonwood</td>
</tr>
<tr>
<td><em>Raphanus raphanistrum</em></td>
<td>Wild radish</td>
</tr>
<tr>
<td><em>Raphanus sativus</em></td>
<td>Radish</td>
</tr>
<tr>
<td><em>Rorippa palustris var. occidentalis</em></td>
<td>Yellow cress</td>
</tr>
<tr>
<td><em>Sagina apetala</em></td>
<td>Annual pearlwort</td>
</tr>
<tr>
<td><em>Salsola tragus</em></td>
<td>Russian thistle</td>
</tr>
<tr>
<td><em>Senecio vulgaris</em></td>
<td>Common groundsel</td>
</tr>
<tr>
<td><em>Sisymbrium irio</em></td>
<td>London rocket</td>
</tr>
<tr>
<td><em>Solanum nigrum</em></td>
<td>Black nightshade</td>
</tr>
<tr>
<td><em>Sonchus oleraceus</em></td>
<td>Common sowthistle</td>
</tr>
<tr>
<td><em>Sorghum halepense</em></td>
<td>Johnson grass</td>
</tr>
<tr>
<td><em>Stellaria media</em></td>
<td>Chickweed</td>
</tr>
<tr>
<td><em>Tribulus terrestris</em></td>
<td>Puncture vine</td>
</tr>
<tr>
<td><em>Urtica urens</em></td>
<td>Burning nettle</td>
</tr>
<tr>
<td><em>Washingtonia filifera</em></td>
<td>California fan palm</td>
</tr>
<tr>
<td><strong>Animals</strong></td>
<td></td>
</tr>
<tr>
<td><em>Agelaius phoeniceus</em></td>
<td>Red winged blackbird</td>
</tr>
<tr>
<td><em>Anas platyrhynchos</em></td>
<td>Mallard</td>
</tr>
<tr>
<td><em>Carpodacus mexicanus</em></td>
<td>House finch</td>
</tr>
<tr>
<td>Scientific Name</td>
<td>Common Name</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td><em>Charadrius vociferus</em></td>
<td>Killdeer</td>
</tr>
<tr>
<td><em>Colaptes auratus</em></td>
<td>Northern flicker</td>
</tr>
<tr>
<td><em>Corvus corax</em></td>
<td>Raven</td>
</tr>
<tr>
<td><em>Euphagus cyanocephalus</em></td>
<td>Brewers blackbird</td>
</tr>
<tr>
<td><em>Himantopus mexicanus</em></td>
<td>Black-necked stilt</td>
</tr>
<tr>
<td><em>Passer domesticus</em></td>
<td>House sparrow</td>
</tr>
<tr>
<td><em>Hirundo pyrrhonota</em></td>
<td>Cliff swallow</td>
</tr>
<tr>
<td><em>Recurvirostra americana</em></td>
<td>American avocet</td>
</tr>
<tr>
<td><em>Turdus migratorius</em></td>
<td>American robin</td>
</tr>
<tr>
<td><em>Tyrannus verticalis</em></td>
<td>Western kingbird</td>
</tr>
<tr>
<td><em>Zenaida macroura</em></td>
<td>Mourning dove</td>
</tr>
<tr>
<td><em>Zonotrichia leucophrys</em></td>
<td>White-crowned sparrow</td>
</tr>
<tr>
<td><em>Icterus sp.</em></td>
<td>Northern oriole</td>
</tr>
</tbody>
</table>

Source: Quad Knopf, Inc. reconnaissance level field survey conducted on May 6, 2005.
ATTACHMENT A

U.S. FISH AND WILDLIFE SERVICE LIST OF SPECIAL-STATUS SPECIES
Listed Species

**Invertebrates**
- *Branchinecta lynchii* - vernal pool fairy shrimp (T)
- *Desmocerus Califorunicus dimorphus* - valley elderberry longhorn beetle (T)

**Fish**
- *Hypomesus transpacificus* - delta smelt (T)

**Amphibians**
- *Rana aurora draytonii* - California red-legged frog (T)

**Reptiles**
- *Gambelia (=Crotaphytus) sila* - blunt-nosed leopard lizard (E)
- *Thamnophis gigas* - giant garter snake (T)

**Birds**
- *Haliaeetus leucocephalus* - bald eagle (T)

**Mammals**
- *Dipodomys nitratus nitratoides* - Tipton kangaroo rat (E)
- *Vulpes macrotis mutica* - San Joaquin kit fox (E)

**Plants**
- *Pseudobahia peirsonii* - San Joaquin adobe sunburst (T)

Species of Concern

**Invertebrates**
- *Cicindela tranquebarica ssp.* - San Joaquin tiger beetle (SC)
- *Linderiella occidentalis* - California linderiella fairy shrimp (SC)
- *Lyttia molestia* - molestan blister beetle (SC)

**Fish**
- *Lampetra hubbsi* - Kern brook lamprey (SC)
- *Pogonichthys macrolepidotus* - Sacramento splittail (SC)
- *Spirinchus thaleichthys* - longfin smelt (SC)

**Amphibians**
- *Rana boylii* - foothill yellow-legged frog (SC)
- *Spea hammondii (was Scaphiopus h.)* - western spadefoot toad (SC)

**Reptiles**
- *Anniella pulchra pulchra* - silvery legless lizard (SC)
- *Clemmys marmorata marmorata* - northwestern pond turtle (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)

**Birds**

Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)
Branta canadensis leucopareia - Aleutian Canada goose (D)
Buteo regalis - ferruginous hawk (SC)
Buteo Swainsoni - Swainson's hawk (CA)
Calypte costae - Costa's hummingbird (SC)
Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Cypseloides niger - black swift (SC)
Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Grus canadensis tabida - greater sandhill crane (CA)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Picoidea nuttallii - Nuttall's woodpecker (SLC)
Plegadis chihi - white-faced ibis (SC)
Selasphorus rufus - rufous hummingbird (SC)

**Mammals**

Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Euderma maculatum - spotted bat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)

**Plants**

Fritillaria striata - Greenhorn adobe-lily (CA)
Mimulus pictus - calico monkeyflower (SC)

**Key:**

- **(E)** Endangered - Listed (in the Federal Register) as being in danger of extinction.
- **(T)** Threatened - Listed as likely to become endangered within the foreseeable future.
- **(P)** Proposed - Officially proposed (in the Federal Register) for listing as endangered or threatened.
Important Information About Your Species List
How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco. The animals on your species list are ones that occur within, or may be affected by projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.

- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.

- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the quad or quads covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the nine surrounding quads through the California Native Plant Society's online Inventory of Rare and Endangered Plants.

Surveying

Some of the species on your list may not be affected by your project. A trained biologist or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. For plant surveys, we recommend using the Guidelines for Conducting and Reporting Botanical Inventories. The results of your surveys should be published in any environmental documents prepared for your project.

State-Listed Species

If a species has been listed as threatened or endangered by the State of California, but not by us nor by the National Marine Fisheries Service, it will appear on your list as a Species of Concern. However you should contact the California Department of Fish and
Game Wildlife and Habitat Data Analysis Branch for official information about these species.

**Your Responsibilities Under the Endangered Species Act**

All plants and animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- **If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal consultation with the Service.**

  During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

- **If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.**

  Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

**Critical Habitat**

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.
If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our critical habitat page for maps.

**Candidate Species**

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

**Species of Concern**

Your list may contain a section called Species of Concern. This is an informal term that refers to those species that the Sacramento Fish and Wildlife Office believes might be in need of concentrated conservation actions. Such conservation actions vary depending on the health of the populations and degree and types of threats. At one extreme, there may only need to be periodic monitoring of populations and threats to the species and its habitat. At the other extreme, a species may need to be listed as a Federal threatened or endangered species. Species of concern receive no legal protection and the use of the term does not necessarily mean that the species will eventually be proposed for listing as a threatened or endangered species.

**Wetlands**

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6580.

**Updates**

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed, candidate and special concern species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be August 01, 2005.
ATTACHMENT B

PHOTOPLATES
Photograph 4: Blue elderberry shrub located just outside the fenceline in the northeast portion of the subject property.

Photograph 5: Looking southeast at the irrigation basin from the northwest corner of the subject property.

Photograph 6: Looking northeast over the subject property from the southwest portion of the site.
Photograph 1: Looking westward at the movement corridor from the north-central portion of the subject property. The alfalfa field is located to the south and a chain-linked fence is located along the north side of the corridor.

Photograph 2: Looking eastward at the movement corridor from the north-central portion of the subject property.

Photograph 3: Fremont cottonwood tree with American robin nest located at the irrigation basin on the northwest portion of the subject property.
ATTACHMENT C

CONSERVATION GUIDELINES FOR THE VALLEY ELDERBERRY LONGHORN BEETLE
The following guidelines have been issued by the U.S. Fish and Wildlife Service (Service) to assist Federal agencies and non-federal project applicants needing incidental take authorization through a section 7 consultation or a section 10(a)(1)(B) permit in developing measures to avoid and minimize adverse effects on the valley elderberry longhorn beetle. The Service will revise these guidelines as needed in the future. The most recently issued version of these guidelines should be used in developing all projects and habitat restoration plans. The survey and monitoring procedures described below are designed to avoid any adverse effects to the valley elderberry longhorn beetle. Thus a recovery permit is not needed to survey for the beetle or its habitat or to monitor conservation areas. If you are interested in a recovery permit for research purposes please call the Service’s Regional Office at (503) 231-2063.

Background Information

The valley elderberry longhorn beetle (Desmocerus californicus dimorphus), was listed as a threatened species on August 8, 1980 (Federal Register 45: 52803-52807). This animal is fully protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The valley elderberry longhorn beetle (beetle) is completely dependent on its host plant, elderberry (Sambucus species), which is a common component of the remaining riparian forests and adjacent upland habitats of California’s Central Valley. Use of the elderberry by the beetle, a wood borer, is rarely apparent. Frequently, the only exterior evidence of the elderberry’s use by the beetle is an exit hole created by the larva just prior to the pupal stage. The life cycle takes one or two years to complete. The animal spends most of its life in the larval stage, living within the stems of an elderberry plant. Adult emergence is from late March through June, about the same time the elderberry produces flowers. The adult stage is short-lived. Further information on the life history, ecology, behavior, and distribution of the beetle can be found in a report by Barr (1991) and the recovery plan for the beetle (USFWS 1984).
Surveys

Proposed project sites within the range of the valley elderberry longhorn beetle should be surveyed for the presence of the beetle and its elderberry host plant by a qualified biologist. The beetle’s range extends throughout California’s Central Valley and associated foothills from about the 3,000-foot elevation contour on the east and the watershed of the Central Valley on the west (Figure 1). All or portions of 31 counties are included: Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Kern, Kings, Lake, Madera, Mariposa, Merced, Napa, Nevada, Placer, Sacramento, San Benito, San Joaquin, San Luis Obispo, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, Yuba.

If elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level occur on or adjacent to the proposed project site, or are otherwise located where they may be directly or indirectly affected by the proposed action, minimization measures which include planting replacement habitat (conservation planting) are required (Table 1).

All elderberry shrubs with one or more stems measuring 1.0 inch or greater in diameter at ground level that occur on or adjacent to a proposed project site must be thoroughly searched for beetle exit holes (external evidence of beetle presence). In addition, all elderberry stems one inch or greater in diameter at ground level must be tallied by diameter size class (Table 1). As outlined in Table 1, the numbers of elderberry seedlings/cuttings and associated riparian native trees/shrubs to be planted as replacement habitat are determined by stem size class of affected elderberry shrubs, presence or absence of exit holes, and whether a proposed project lies in a riparian or non-riparian area.

Elderberry plants with no stems measuring 1.0 inch or greater in diameter at ground level are unlikely to be habitat for the beetle because of their small size and/or immaturity. Therefore, no minimization measures are required for removal of elderberry plants with no stems measuring 1.0 inch or greater in diameter at ground level with no exit holes. Surveys are valid for a period of two years.

Avoid and Protect Habitat Whenever Possible

Project sites that do not contain beetle habitat are preferred. If suitable habitat for the beetle occurs on the project site, or within close proximity where beetles will be affected by the project, these areas must be designated as avoidance areas and must be protected from disturbance during the construction and operation of the project. When possible, projects should be designed such that avoidance areas are connected with adjacent habitat to prevent fragmentation and isolation of beetle populations. Any beetle habitat that cannot be avoided as described below should be considered impacted and appropriate minimization measures should be proposed as described below.
Avoidance: Establishment and Maintenance of a Buffer Zone

Complete avoidance (i.e., no adverse effects) may be assumed when a 100-foot (or wider) buffer is established and maintained around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level. Firebreaks may not be included in the buffer zone. In buffer areas construction-related disturbance should be minimized, and any damaged area should be promptly restored following construction. The Service must be consulted before any disturbances within the buffer area are considered. In addition, the Service must be provided with a map identifying the avoidance area and written details describing avoidance measures.

Protective Measures

1. Fence and flag all areas to be avoided during construction activities. In areas where encroachment on the 100-foot buffer has been approved by the Service, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant.

2. Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements.

3. Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.

4. Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.

Restoration and Maintenance

1. Restore any damage done to the buffer area (area within 100 feet of elderberry plants) during construction. Provide erosion control and re-vegetate with appropriate native plants.

2. Buffer areas must continue to be protected after construction from adverse effects of the project. Measures such as fencing, signs, weeding, and trash removal are usually appropriate.

3. No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant should be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level.
4. The applicant must provide a written description of how the buffer areas are to be restored, protected, and maintained after construction is completed.

5. Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing should occur within five (5) feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment).

Transplant Elderberry Plants That Cannot Be Avoided

Elderberry plants must be transplanted if they can not be avoided by the proposed project. All elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level must be transplanted to a conservation area (see below). At the Service's discretion, a plant that is unlikely to survive transplantation because of poor condition or location, or a plant that would be extremely difficult to move because of access problems, may be exempted from transplantation. In cases where transplantation is not possible the minimization ratios in Table 1 may be increased to offset the additional habitat loss.

Trimming of elderberry plants (e.g., pruning along roadways, bike paths, or trails) with one or more stems 1.0 inch or greater in diameter at ground level, may result in take of beetles. Therefore, trimming is subject to appropriate minimization measures as outlined in Table 1.

1. Monitor. A qualified biologist (monitor) must be on-site for the duration of the transplanting of the elderberry plants to insure that no unauthorized take of the valley elderberry longhorn beetle occurs. If unauthorized take occurs, the monitor must have the authority to stop work until corrective measures have been completed. The monitor must immediately report any unauthorized take of the beetle or its habitat to the Service and to the California Department of Fish and Game.

2. Timing. Transplant elderberry plants when the plants are dormant, approximately November through the first two weeks in February, after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the plant and increase transplantation success.

3. Transplanting Procedure.

   a. Cut the plant back 3 to 6 feet from the ground or to 50 percent of its height (whichever is taller) by removing branches and stems above this height. The trunk and all stems measuring 1.0 inch or greater in diameter at ground level should be replanted. Any leaves remaining on the plant should be removed.
b. Excavate a hole of adequate size to receive the transplant.

c. Excavate the plant using a Vemeeer spade, backhoe, front end loader, or other suitable equipment, taking as much of the root ball as possible, and replant immediately at the conservation area. Move the plant only by the root ball. If the plant is to be moved and transplanted off site, secure the root ball with wire and wrap it with burlap. Dampen the burlap with water, as necessary, to keep the root ball wet. Do not let the roots dry out. Care should be taken to ensure that the soil is not dislodged from around the roots of the transplant. If the site receiving the transplant does not have adequate soil moisture, pre-wet the soil a day or two before transplantation.

d. The planting area must be at least 1,800 square feet for each elderberry transplant. The root ball should be planted so that its top is level with the existing ground. Compact the soil sufficiently so that settlement does not occur. As many as five (5) additional elderberry plantings (cuttings or seedlings) and up to five (5) associated native species plantings (see below) may also be planted within the 1,800 square foot area with the transplant. The transplant and each new planting should have its own watering basin measuring at least three (3) feet in diameter. Watering basins should have a continuous berm measuring approximately eight (8) inches wide at the base and six (6) inches high.

e. Saturate the soil with water. Do not use fertilizers or other supplements or paint the tips of stems with pruning substances, as the effects of these compounds on the beetle are unknown.

f. Monitor to ascertain if additional watering is necessary. If the soil is sandy and well-drained, plants may need to be watered weekly or twice monthly. If the soil is clayey and poorly-drained, it may not be necessary to water after the initial saturation. However, most transplants require watering through the first summer. A drip watering system and timer is ideal. However, in situations where this is not possible, a water truck or other apparatus may be used.

Plant Additional Seedlings or Cuttings

Each elderberry stem measuring 1.0 inch or greater in diameter at ground level that is adversely affected (i.e., transplanted or destroyed) must be replaced, in the conservation area, with elderberry seedlings or cuttings at a ratio ranging from 1:1 to 8:1 (new plantings to affected stems). Minimization ratios are listed and explained in Table 1. Stock of either seedlings or cuttings should be obtained from local sources. Cuttings may be obtained from the plants to be transplanted if the project site is in the vicinity of the conservation area. If the Service determines that the elderberry plants on the proposed project site are unsuitable candidates for
transplanting, the Service may allow the applicant to plant seedlings or cuttings at higher than the stated ratios in Table 1 for each elderberry plant that cannot be transplanted.

Plant Associated Native Species

Studies have found that the beetle is more abundant in dense native plant communities with a mature overstory and a mixed understory. Therefore, a mix of native plants associated with the elderberry plants at the project site or similar sites will be planted at ratios ranging from 1:1 to 2:1 [native tree/plant species to each elderberry seedling or cutting (see Table 1)]. These native plantings must be monitored with the same survival criteria used for the elderberry seedlings (see below). Stock of saplings, cuttings, and seedlings should be obtained from local sources. If the parent stock is obtained from a distance greater than one mile from the conservation area, approval by the Service of the native plant donor sites must be obtained prior to initiation of the revegetation work. Planting or seeding the conservation area with native herbaceous species is encouraged. Establishing native grasses and forbs may discourage unwanted non-native species from becoming established or persisting at the conservation area. Only stock from local sources should be used.

Examples

Example 1
The project will adversely affect beetle habitat on a vacant lot on the land side of a river levee. This levee now separates beetle habitat on the vacant lot from extant Great Valley Mixed Riparian Forest (Holland 1986) adjacent to the river. However, it is clear that the beetle habitat located on the vacant lot was part of a more extensive mixed riparian forest ecosystem extending farther from the river’s edge prior to agricultural development and levee construction. Therefore, the beetle habitat on site is considered riparian. A total of two elderberry plants with at least one stem measuring 1.0 inch or greater in diameter at ground level will be affected by the proposed action. The two plants have a total of 15 stems measuring over 1.0 inch. No exit holes were found on either plant. Ten of the stems are between 1.0 and 3.0 inches in diameter and five of the stems are greater than 5.0 inches in diameter. The conservation area is suited for riparian forest habitat. Associated natives adjacent to the conservation area are box elder (Acer negundo californica), walnut (Juglans californica var. hindsii), sycamore (Platanus racemosa), cottonwood (Populus fremontii), willow (Salix gooddingii and S. laevigata), white alder (Alnus rhombifolia), ash (Fraxinus latifolia), button willow (Cephalanthus occidentalis), and wild grape (Vitis californica).
Minimization (based on ratios in Table 1):

- Transplant the two elderberry plants that will be affected to the conservation area.

- Plant 40 elderberry rooted cuttings (10 affected stems compensated at 2:1 ratio and 5 affected stems compensated at 4:1 ratio, cuttings planted:stems affected)

- Plant 40 associated native species (ratio of associated natives to elderberry Plantings is 1:1 in areas with no exit holes):
  - 5 saplings each of box elder, sycamore, and cottonwood
  - 5 willow seedlings
  - 5 white alder seedlings
  - 5 saplings each of walnut and ash
  - California button willow
  - 2 wild grape vines
  - Total: 40 associated native species

- Total area required is a minimum of 1,800 sq. ft. for one to five elderberry seedlings and up to 5 associated natives. Since, a total of 80 plants must be planted (40 elderberries and 40 associated natives), a total of 0.33 acre (14,400 square feet) will be required for conservation plantings. The conservation area will be seeded and planted with native grasses and forbs, and closely monitored and maintained throughout the monitoring period.

Example 2
The project will adversely affect beetle habitat in Blue Oak Woodland (Holland 1986). One elderberry plant with at least one stem measuring 1.0 inch or greater in diameter at ground level will be affected by the proposed action. The plant has a total of 10 stems measuring over 1.0 inch. Exit holes were found on the plant. Five of the stems are between 1.0 and 3.0 inches in diameter and five of the stems are between 3.0 and 5.0 inches in diameter. The conservation area is suited for elderberry savanna (non-riparian habitat). Associated natives adjacent to the conservation area are willow (Salix species), blue oak (Quercus douglasii), interior live oak (Q. wislizenii), sycamore, poison oak (Toxicodendron diversilobum), and wild grape.

Minimization (based on ratios in Table 1):

- Transplant the one elderberry plant that will be affected to the conservation area.

- Plant 30 elderberry seedlings (5 affected stems compensated at 2:1 ratio and 5 affected stems compensated at 4:1 ratio, cuttings planted:stems affected)
• Plant 60 associated native species (ratio of associated natives to elderberry plantings is 2:1 in areas with exit holes):

  20 saplings of blue oak, 20 saplings of sycamore, and 20 saplings of willow, and seed and plant with a mixture of native grasses and forbs

• Total area required is a minimum of 1,800 sq. ft. for one to five elderberry seedlings and up to 5 associated natives. Since, a total of 90 plants must be planted (30 elderberries and 60 associated natives), a total of 0.37 acre (16,200 square feet) will be required for conservation plantings. The conservation area will be seeded and planted with native grasses and forbs, and closely monitored and maintained throughout the monitoring period.

Conservation Area—Provide Habitat for the Beetle in Perpetuity

The conservation area is distinct from the avoidance area (though the two may adjoin), and serves to receive and protect the transplanted elderberry plants and the elderberry and other native plantings. The Service may accept proposals for off-site conservation areas where appropriate.

1. Size. The conservation area must provide at least 1,800 square feet for each transplanted elderberry plant. As many as 10 conservation plantings (i.e., elderberry cuttings or seedlings and/or associated native plants) may be planted within the 1,800 square foot area with each transplanted elderberry. An additional 1,800 square feet shall be provided for every additional 10 conservation plants. Each planting should have its own watering basin measuring approximately three feet in diameter. Watering basins should be constructed with a continuous berm measuring approximately eight inches wide at the base and six inches high.

The planting density specified above is primarily for riparian forest habitats or other habitats with naturally dense cover. If the conservation area is an open habitat (i.e., elderberry savanna, oak woodland) more area may be needed for the required plantings. Contact the Service for assistance if the above planting recommendations are not appropriate for the proposed conservation area.

No area to be maintained as a firebreak may be counted as conservation area. Like the avoidance area, the conservation area should connect with adjacent habitat wherever possible, to prevent isolation of beetle populations.

Depending on adjacent land use, a buffer area may also be needed between the conservation area and the adjacent lands. For example, herbicides and pesticides are
often used on orchards or vineyards. These chemicals may drift or runoff onto the conservation area if an adequate buffer area is not provided.

2. Long-Term Protection. The conservation area must be protected in perpetuity as habitat for the valley elderberry longhorn beetle. A conservation easement or deed restrictions to protect the conservation area must be arranged. Conservation areas may be transferred to a resource agency or appropriate private organization for long-term management. The Service must be provided with a map and written details identifying the conservation area; and the applicant must receive approval from the Service that the conservation area is acceptable prior to initiating the conservation program. A true, recorded copy of the deed transfer, conservation easement, or deed restrictions protecting the conservation area in perpetuity must be provided to the Service before project implementation.

Adequate funds must be provided to ensure that the conservation area is managed in perpetuity. The applicant must dedicate an endowment fund for this purpose, and designate the party or entity that will be responsible for long-term management of the conservation area. The Service must be provided with written documentation that funding and management of the conservation area (items 3-8 above) will be provided in perpetuity.

3. Weed Control. Weeds and other plants that are not native to the conservation area must be removed at least once a year, or at the discretion of the Service and the California Department of Fish and Game. Mechanical means should be used; herbicides are prohibited unless approved by the Service.

4. Pesticide and Toxicant Control. Measures must be taken to insure that no pesticides, herbicides, fertilizers, or other chemical agents enter the conservation area. No spraying of these agents must be done within one 100 feet of the area, or if they have the potential to drift, flow, or be washed into the area in the opinion of biologists or law enforcement personnel from the Service or the California Department of Fish and Game.

5. Litter Control. No dumping of trash or other material may occur within the conservation area. Any trash or other foreign material found deposited within the conservation area must be removed within 10 working days of discovery.

6. Fencing. Permanent fencing must be placed completely around the conservation area to prevent unauthorized entry by off-road vehicles, equestrians, and other parties that might damage or destroy the habitat of the beetle, unless approved by the Service. The applicant must receive written approval from the Service that the fencing is acceptable prior to initiation of the conservation program. The fence must be maintained in perpetuity, and must be repaired/replaced within 10 working days if it is found to be damaged. Some conservation areas may be made available to the public for appropriate recreational and educational opportunities with written approval from the Service. In these cases appropriate fencing and signs informing the public of the beetle’s threatened status and its natural history and ecology should be used and maintained in perpetuity.
7. Signs. A minimum of two prominent signs must be placed and maintained in perpetuity at the conservation area, unless otherwise approved by the Service. The signs should note that the site is habitat of the federally threatened valley elderberry longhorn beetle and, if appropriate, include information on the beetle's natural history and ecology. The signs must be approved by the Service. The signs must be repaired or replaced within 10 working days if they are found to be damaged or destroyed.

Monitoring

The population of valley elderberry longhorn beetles, the general condition of the conservation area, and the condition of the elderberry and associated native plantings in the conservation area must be monitored over a period of either ten (10) consecutive years or for seven (7) years over a 15-year period. The applicant may elect either 10 years of monitoring, with surveys and reports every year; or 15 years of monitoring, with surveys and reports on years 1, 2, 3, 5, 7, 10, and 15. The conservation plan provided by the applicant must state which monitoring schedule will be followed. No change in monitoring schedule will be accepted after the project is initiated. If conservation planting is done in stages (i.e., not all planting is implemented in the same time period), each stage of conservation planting will have a different start date for the required monitoring time.

Surveys. In any survey year, a minimum of two site visits between February 14 and June 30 of each year must be made by a qualified biologist. Surveys must include:

1. A population census of the adult beetles, including the number of beetles observed, their condition, behavior, and their precise locations. Visual counts must be used; mark-recapture or other methods involving handling or harassment must not be used.

2. A census of beetle exit holes in elderberry stems, noting their precise locations and estimated ages.

3. An evaluation of the elderberry plants and associated native plants on the site, and on the conservation area, if disjunct, including the number of plants, their size and condition.

4. An evaluation of the adequacy of the fencing, signs, and weed control efforts in the avoidance and conservation areas.
5. A general assessment of the habitat, including any real or potential threats to the beetle and its host plants, such as erosion, fire, excessive grazing, off-road vehicle use, vandalism, excessive weed growth, etc.

The materials and methods to be used in the monitoring studies must be reviewed and approved by the Service. All appropriate Federal permits must be obtained prior to initiating the field studies.

Reports. A written report, presenting and analyzing the data from the project monitoring, must be prepared by a qualified biologist in each of the years in which a monitoring survey is required. Copies of the report must be submitted by December 31 of the same year to the Service (Chief of Endangered Species, Sacramento Fish and Wildlife Office), and the Department of Fish and Game (Supervisor, Environmental Services, Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814; and Staff Zoologist, California Natural Diversity Data Base, Department of Fish and Game, 1220 S Street, Sacramento, California 95814). The report must explicitly address the status and progress of the transplanted and planted elderberry and associated native plants and trees, as well as any failings of the conservation plan and the steps taken to correct them. Any observations of beetles or fresh exit holes must be noted. Copies of original field notes, raw data, and photographs of the conservation area must be included with the report. A vicinity map of the site and maps showing where the individual adult beetles and exit holes were observed must be included. For the elderberry and associated native plants, the survival rate, condition, and size of the plants must be analyzed. Real and likely future threats must be addressed along with suggested remedies and preventative measures (e.g. limiting public access, more frequent removal of invasive non-native vegetation, etc.).

A copy of each monitoring report, along with the original field notes, photographs, correspondence, and all other pertinent material, should be deposited at the California Academy of Sciences (Librarian, California Academy of Sciences, Golden Gate Park, San Francisco, CA 94118) by December 31 of the year that monitoring is done and the report is prepared. The Service's Sacramento Fish and Wildlife Office should be provided with a copy of the receipt from the Academy library acknowledging receipt of the material, or the library catalog number assigned to it.

Access. Biologists and law enforcement personnel from the California Department of Fish and Game and the Service must be given complete access to the project site to monitor transplanting activities. Personnel from both these agencies must be given complete access to the project and the conservation area to monitor the beetle and its habitat in perpetuity.

Success Criteria

A minimum survival rate of at least 60 percent of the elderberry plants and 60 percent of the associated native plants must be maintained throughout the monitoring period. Within one year of discovery that survival has dropped below 60 percent, the applicant must replace failed plantings to bring survival above this level. The Service will make any determination as to the
Conservation Guidelines for the Valley Elderberry Longhorn Beetle

applicant's replacement responsibilities arising from circumstances beyond its control, such as plants damaged or killed as a result of severe flooding or vandalism.

Service Contact

These guidelines were prepared by the Endangered Species Division of the Service's Sacramento Fish and Wildlife Office. If you have questions regarding these guidelines or to request a copy of the most recent guidelines, telephone (916) 414-6600, or write to:

U.S. Fish and Wildlife Service
Ecological Services 2800
Cottage Way, W-2605
Sacramento, CA 95825
Figure 1: Range of the Valley Elderberry Longhorn Beetle
Literature Cited


USFWS. 1980. Listing the valley elderberry longhorn beetle as a threatened species with critical habitat. Federal Register 45:52803-52807.

Conservation Guidelines for the Valley Elderberry Longhorn Beetle

Table 1:
Minimization ratios based on location (riparian vs. non-riparian), stem diameter of affected elderberry plants at ground level, and presence or absence of exit holes.

<table>
<thead>
<tr>
<th>Location</th>
<th>Stems (maximum diameter at ground level)</th>
<th>Exit Holes on Shrub Y/N (quantify)¹</th>
<th>Elderberry Seeding Ratio²</th>
<th>Associated Native Plant Ratio³</th>
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<tr>
<td>non-riparian</td>
<td>stems ≥ 1&quot; &amp; ≤ 3&quot;</td>
<td>No: 1:1</td>
<td>1:1</td>
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<td></td>
<td>Yes: 2:1</td>
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<td>non-riparian</td>
<td>stems &gt; 3&quot; &amp; &lt; 5&quot;</td>
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<td></td>
<td>Yes: 4:1</td>
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</table>

¹ All stems measuring one inch or greater in diameter at ground level on a single shrub are considered occupied when exit holes are present anywhere on the shrub.

² Ratios in the Elderberry Seeding Ratio column correspond to the number of cuttings or seedlings to be planted per elderberry stem (one inch or greater in diameter at ground level) affected by a project.

³ Ratios in the Associated Native Plant Ratio column correspond to the number of associated native species to be planted per elderberry (seedling or cutting) planted.
APPENDIX D

US FISH AND WILDLIFE STANDARDIZED RECOMMENDATIONS FOR THE PROTECTION OF THE SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE
U.S. FISH AND WILDLIFE SERVICE
STANDARDIZED RECOMMENDATIONS
FOR PROTECTION OF THE SAN JOAQUIN KIT FOX
PRIOR TO OR DURING GROUND DISTURBANCE

Prepared by the Sacramento Fish and Wildlife Office
June 1999

INTRODUCTION

The following document includes many of the San Joaquin kit fox (Vulpes macrotis mutica) protection measures typically recommended by the U. S. Fish and Wildlife Service (Service), prior to and during ground disturbance activities. However, incorporating relevant sections of these guidelines into the proposed project is not the only action required under the Endangered Species Act of 1973, as amended (Act). Project applicants should contact the Service in Sacramento to determine the full range of requirements that apply to your project; the address and telephone number are given at the end of this document. Formal authorization for the project may be required under either section 7 or section 10 of the Act. Implementation of the measures presented in this document may be necessary to avoid violating the provisions of the Act, including the prohibition against "take" (defined as killing, harming, or harassing a listed species, including actions that damage or destroy its habitat). Such protection measures may also be required under the terms of a biological opinion pursuant to section 7 of the Act resulting in incidental take authorization (authorization), or an incidental take permit (permit) pursuant to section 10 of the Act. The specific measures implemented to protect kit fox for any given project shall be determined by the Service based upon the applicant's consultation with the Service.

The purpose of this document is to make information on kit fox protection strategies readily available and to help standardize the methods and definitions currently employed to achieve kit fox protection. The measures outlined in this document are subject to modification or revision at the discretion of the Service.

All surveys, den destructions, and monitoring described in this document must be conducted by a qualified biologist. A qualified biologist (biologist) means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, biologist(s) must be able to identify coyote, red fox, gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount.

SMALL PROJECTS

Small projects are considered to be those projects with small foot prints such as an individual infill oil well, communication tower, or bridge repair. These projects must stand alone and not be part of, or in any way connected to larger projects (i.e., bridge repair or improvement to serve a
future urban development). The Service recommends that on these small projects, the biologist survey the proposed project boundary and a 200-foot area outside of the project footprint to identify habitat features, and make recommendations on situating the project to minimize or avoid impacts. If habitat features cannot be completely avoided, then preconstruction surveys should be conducted.

Preconstruction/preactivity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the San Joaquin kit fox. Surveys should identify kit fox habitat features on the project site and evaluate use by kit fox and, if possible, and assess the potential impacts to the kit fox by the proposed activity. The status of all dens should be determined and mapped (see Survey Protocol).

Written results of preconstruction/preactivity surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities. If a natal/pupping den is discovered within the project area or within 200-feet of the project boundary, the Service shall be immediately notified. If the preconstruction/preactivity survey reveals an active natal pupping or new infomnation, the project applicant should contact the Service immediately to obtain the necessary take authorization/permit.

If take authorization/permit has already been issued, then the biologist may proceed with den destruction within the project boundary, except natal/pupping dens (active or inactive). Protective exclusion zones can be placed around all known and potential dens which occur outside the project footprint (conversely, the project boundary can be demarcated, see den destruction section).

OTHER PROJECTS

It is likely that all other projects occurring within kit fox habitat will require a take authorization/permit from the Service. This determination would be made by the Service during the early evaluation process (see Survey Protocol). These other projects would include, but are not limited to: linear projects; projects with large footprints such as urban development; and projects which in themselves may be small but have far reaching impacts (i.e., water storage or conveyance facilities that promote urban growth or agriculture, etc.).

The take authorization/permit issued by the Service may incorporate some or all of the protection measures presented in this document. The take authorization/permit may include measures specific to the needs of the project, and those requirements supersede any requirements found in this document.
EXCLUSION ZONES

The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances. The following radii are minimums, and if they cannot be followed the Service must be contacted:

- Potential den: 50 feet
- Known den: 100 feet
- Natal/pupping den (occupied and unoccupied): Service must be contacted
- Atypical den: 50 feet

**Known den:** To ensure protection, the exclusion zone should be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by kit foxes. Exclusion zone fencing should be maintained until all construction related or operational disturbances have been terminated. At that time, all fencing shall be removed to avoid attracting subsequent attention to the dens.

**Potential and Atypical dens:** Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.

Construction and other project activities should be prohibited or greatly restricted within these exclusion zones. Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited within the exclusion zones.

DESTRUCTION OF DENS

Disturbance to all San Joaquin kit fox dens should be avoided to the maximum extent possible. Protection provided by kit fox dens for use as shelter, escape, cover, and reproduction is vital to the survival of the species. Limited destruction of kit fox dens may be allowed, if avoidance is not a reasonable alternative, provided the following procedures are observed. The value to kit foxes of potential, known, and natal/pupping dens differ and therefore, each den type needs a different level of protection. **Destruction of any known or natal/pupping kit fox den requires take authorization/permit from the Service.**
STANDARD RECOMMENDATIONS

Natal/pupping dens: Natal or pupping dens which are occupied will not be destroyed until the pups and adults have vacated and then only after consultation with the Service. Therefore, project activities at some den sites may have to be postponed.

Known Dens: Known dens occurring within the footprint of the activity must be monitored for three days with tracking medium or an infra-red beam camera to determine the current use. If no kit fox activity is observed during this period, the den should be destroyed immediately to preclude subsequent use. If kit fox activity is observed at the den during this period, the den should be monitored for at least five consecutive days from the time of the observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging its entrances(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied may the den be excavated under the direction of the biologist. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant, for example during the animal’s normal foraging activities. The Service encourages hand excavation, but realizes that soil conditions may necessitate the use of excavating equipment. However, extreme caution must be exercised.

Destruction of the den should be accomplished by careful excavation until it is certain that no kit foxes are inside. The den should be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period. If at any point during excavation a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above should be resumed. Destruction of the den may be completed when in the judgement of the biologist, the animal has escaped from the partially destroyed den.

Potential Dens: If a take authorization/permit has been obtained from the Service, den destruction may proceed without monitoring, unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential dens should be monitored as if they were known dens. If any den was considered to be a potential den, but is later determined during monitoring or destruction to be currently, or previously used by kit fox (e.g., if kit fox sign is found inside), then destruction shall cease and the Service shall be notified immediately.

CONSTRUCTION AND OPERATIONAL REQUIREMENTS

Habitat subject to permanent and temporary construction disturbances and other types of project-related disturbance should be minimized. Project designs should limit or cluster permanent project features to the smallest area possible while still permitting project goals to be achieved. To minimize temporary disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas should also be
included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts.

1. Project-related vehicles should observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction should be minimized. Off-road traffic outside of designated project areas should be prohibited.

2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 13 of this section must be followed.

3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.

4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from a construction or project site.

5. No firearms shall be allowed on the project site.

6. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets should be permitted on project sites.

7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control
must be conducted, zinc phosphide should be used because of proven lower risk to kit fox.

8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative will be identified during the employee education program. The representative's name and telephone number shall be provided to the Service.

9. An employee education program should be conducted for any project that has expected impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and agency personnel involved in the project. The program should include the following: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the project site.

10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Game (CDFG), and revegetation experts.

11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for advice.

12. Any contractor, employee, or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.

13. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during
project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers given below. The CDFG contact is Mr. Ron Schorff at 1416 9th Street, Sacramento, California 95814, (916) 654-4262.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
2800 Cottage Way, Suite W2605
Sacramento, California 95825-1846
(916) 414-6620
STANDARD RECOMMENDATIONS

"Take" - Section 9 of the Endangered Species Act of 1973, as amended (Act) prohibits the "take" of any federally listed endangered species by any person (an individual, corporation, partnership, trust, association, etc.) subject to the jurisdiction of the United States. As defined in the Act, take means "... to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Thus, not only is a listed animal protected from activities such as hunting, but also from actions that damage or destroy its habitat.

"Dens" - San Joaquin kit fox dens may be located in areas of low, moderate, or steep topography. Den characteristics are listed below, however, the specific characteristics of individual dens may vary and occupied dens may lack some or all of these features. Therefore, caution must be exercised in determining the status of any den. Typical dens may include the following: (1) one or more entrances that are approximately 5 to 8 inches in diameter; (2) dirt berms adjacent to the entrances; (3) kit fox tracks, scat, or prey remains in the vicinity of the den; (4) matted vegetation adjacent to the den entrances; and (5) manmade features such as culverts, pipes, and canal banks.

"Known den" - Any existing natural den or manmade structure that has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radiotelemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. The Service discourages use of the terms "active" and "inactive" when referring to any kit fox den because a great percentage of occupied dens show no evidence of use, and because kit foxes change dens often, with the result that the status of a given den may change frequently and abruptly.

"Potential Den" - Any subterranean hole within the species’ range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.

"Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two, therefore, for purposes of this definition either term applies.

"Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and daggings beneath concrete slabs and buildings.
LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, Ca  93257

PROJECT APPLICANTS: City of Porterville
291 N. Main Street
Porterville, CA 93257

PROJECT TITLE: Tentative Parcel Map 1-2007

ADDRESS/LOCATION: East side of West Road Avenue between Wukchumni Avenue and Tea Pot Dome Avenue.

PROJECT APPLICANT: City of Porterville

PROJECT DESCRIPTION: Tentative parcel map proposal to divide a 229.51 ±-acre site into four (4) parcels and two (2) remainder parcels zoned AD-AS (Airport Safety-Airport Development).

CONTACT PERSON: Bradley D. Dunlap  (559) 782-7460

On February 27, 2007, the Environmental Coordinator of the City of Porterville determined that the above project will have no significant effect on the environment for the following reasons:

1. 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.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible 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.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures X were, ___ were not made a condition of the approval of the project.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: February 27, 2007

Bradley D. Dunlap, Environmental Coordinator

Word Negdec TPM1-2007
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR TENTATIVE PARCEL MAP 1-2007 TO DIVIDE A 229.51± SITE INTO FOUR (4) PARCELS AND TWO (2) REMAINDER PARCELS FOR THAT SITE LOCATED ON THE EAST SIDE OF WEST STREET BETWEEN WUKCHUMNI AVENUE AND TEA POT DOME AVENUE (PORTERVILLE AIRPORT)

WHEREAS: The City of Porterville is requesting approval for Tentative Parcel Map 1-2007 to divide a 229.51± acre vacant site (currently utilized for the growing of alfalfa) into four (4) parcels and two (2) remainder parcels for that site located on the east side of West Street between Wukchumni Avenue and Tea Pot Dome Avenue (Porterville Airport) as follows:

Parcel 1 – 20 acres Parcel 2 – 7 acres Parcel 3 – 8 acres Parcel 4 – 34.71 acres
Remainder Parcel located to the north – 36.6± acres
Remainder Parcel located to the south–123.2± acres

WHEREAS: On February 27, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act.

2. That the Negative Declaration prepared for this project was made available for public review and comment. The 20-day review period was from March 8, 2007, to April 7, 2007. At the end of that period, no comments were received.

3. That the proposed project will not create adverse environmental impacts.

   The proposed Mitigated Negative Declaration was evaluated in light of the prepared environmental initial study; comments from interested parties and the public, as well as any responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

4. That the City Council is the decision-making body for the project.
5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project.

A reconnaissance level biological survey and evaluation of historical resources was conducted by Quad Knop biologists James W. Jones and Jacquelyn Neuffer in June 2005. The report associated with this survey is attached as Appendix C to the Environmental Initial Study. The biologist found one (1) Blue Elderberry shrub on the site. The elderberry had only one (1) stem at ground level, which was over 12 inches in diameter. The shrub was examined for any sign of Elderberry Beetle activity; no exit holes were observed. The mitigation measures have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

Additionally, the subject property is located within the range of the federally endangered San Joaquin Kit Fox. In 1990, the USFWS prepared a Biological Opinion for the airport lands of which this parcel is a portion. The report identified the areas potential habitat for the Kit Fox. No sign (e.g., tracks, scent, dens, prey remains, etc.) of Kit Fox presence was observed during the filed survey. Although no Kit Fox were observed on the project site, the potential exists that foxes may travel across, or hunt on the site. The mitigation measures have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game.

8. That the environmental assessment and analysis prepared for this project supporting the Mitigated Negative Declaration reflects the independent judgment of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration for Tentative Parcel Map 1-2007 described herein.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By _______________________
Georgia Hawley, Chief Deputy City Clerk
## SECTION FOUR – MITIGATION MONITORING AND REPORTING PROGRAM

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<tr>
<th>Impacts</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
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<tbody>
<tr>
<td>Light and Glare</td>
<td>Mitigation Measure #I d): All parking lots and other exterior illumination will be required to comply with Section 2618(f) of the Porterville Zoning Ordinance which generally requires lights to be placed to prevent direct glare from crossing property lines or interfering with traffic on adjacent streets.</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Department to verify at plan check.</td>
<td>Completed at time of final building inspection.</td>
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<tr>
<td>Light and Glare</td>
<td>Mitigation Measure #I d): Airport Development Site Review Process will also apply to all proposed development on the subject site.</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor</td>
<td>City of Porterville Building Inspector during construction</td>
<td>Completed at time of final building inspection.</td>
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| Agricultural Resources | Mitigation Measure #II a): The mitigation measures listed in the 1989 General Plan Amendment EIR include:  
  - Encourage urban growth on vacant land within the existing city limits and Urban Improvement Area Boundary (UIAB) line prior to expanding onto Project Area lands.  
  - Require proposals for new residential development to be located contiguous to existing urban development within the city limits.  
  - Establish a policy not to seek immediate “emergency” cancellation of Williamson Act contracts, thereby requiring the normal ten year holding period for contract cancellation.  
  - Establish natural boundaries that could serve as buffer zones between agricultural and non- | Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor | City of Porterville Building Department to verify at plan check. | Completed prior to leasing, selling or issuing permits for construction on the property. |
<table>
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<th>Impacts</th>
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<td>agricultural uses until such time as additional land is needed for urban development. The Tule River west of State Highway 65 is an excellent example of such a boundary.</td>
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<td></td>
<td>• Form public or private farmland conservation districts to permanently protect farmland through the purchase or transfer of the development rights from properties within the district. Developers could be asked to purchase development rights from farmers within the district and transfer them to properties zoned for development.</td>
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</table>

**Air Quality**

| Mitigation Measure III a), b), c): Construction contracts shall require the primary construction contractor to implement the following practices during all construction activities: |
| Condition of Building Permit, to be the responsibility of the applicant and applicant’s contractor |
| City of Porterville Building Department to verify at plan check and SJVAPCD |

<table>
<thead>
<tr>
<th>Time Span</th>
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<tbody>
<tr>
<td>Beginning with construction permit and terminating with issuance of Notice of Completion</td>
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<tr>
<td>Impacts</td>
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<td>------------------------------------</td>
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<tr>
<td>Biology – Valley Elderberry Longhorn Beetle</td>
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<tr>
<td>Biology – San Joaquin Valley Kit Fox</td>
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<tr>
<td>Cultural Resources</td>
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Initial Study and Mitigated Negative Declaration
Porterville West Street Industrial Park

February 2007
4 - 3
<table>
<thead>
<tr>
<th>Impacts</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
</tr>
</thead>
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<tr>
<td>Hydrology</td>
<td><strong>Mitigation Measure #VIII a), f):</strong> The future project proponents will be required to submit a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board to obtain a NPDES General Construction permit. The SWPPP will include Best Management Practices (BMPs) to control erosion and siltation on the site in order to prevent water quality degradation. Implementation of an approved SWPPP will prevent the violation of any water quality standards or waste discharge requirements.</td>
<td>Condition of Building Permit, to be the responsibility of the applicant and applicant's contractor</td>
<td>City of Porterville Building Department to verify at plan check.</td>
<td>Completed prior to leasing, selling or issuing permits for construction on the property.</td>
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</table>
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF TENTATIVE PARCEL MAP 1-2007 TO DIVIDE A 229.51± SITE INTO FOUR (4) PARCELS AND TWO (2) REMAINDER PARCELS FOR THAT SITE LOCATED ON THE EAST SIDE OF WEST STREET BETWEEN WUKCHUNMI AVENUE AND TEA POT DOME AVENUE (PORTERVILLE AIRPORT)

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 17, 2007, conducted a public hearing to consider approval of Tentative Parcel Map 1-2007 to divide a 229.51± acre vacant site (currently utilized dry land farming) into four (4) parcels and two (2) remainder parcels for that site located on the east side of West Street between Wukchumni Avenue and Tea Pot Dome Avenue (Porterville Airport) as follows:

Parcel 1 – 20 acres       Parcel 2 – 7 acres       Parcel 3 - 8 acres       Parcel 4 – 34.71 acres
Remainder Parcel located to the north – 36.6± acres
Remainder Parcel located to the south-123.2± acres

WHEREAS: On February 27, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The Parcel Map Committee held a scheduled public hearing on April 4, 2007. The Committee discussed concerns and conditions relevant to the proposed project that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review were discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.

The Land Use Element of the General Plan designates the site for Industrial type uses. The subject site is located within the AD-AS (Airport Development-Airport Safety) Zone. Future development of each parcel within the site may require City Council approval. If different from other uses already established in the AD-AS Zone.

ATTACHMENT ITEM NO. 5
2. That the site is physically suitable for the type and density of the proposed development.

The site is flat and rectangular in shape. The natural drainage pattern is to the west.

The subject site contains highly expansive soils. Development in this area may be subject to significant stresses, which must be addressed in design to prevent damage to public and private improvements. Therefore, with proper design no barriers to development will occur.

3. That the Mitigated Negative Declaration prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage. Condition one (1) of this resolution requires the City of Porterville to assure that all future development of the site will comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project.

5. The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result in impacts addressed will be less than significant.

6. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.

The General Plan designates the site for Industrial type uses. Conditions of approval are included to ensure adequate development standards are met.

7. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

8. The proposed project complies with all the requirements of the Subdivision Ordinance with a single exception for cul-de-sac street length; and
WHEREAS: The proposed interior cul-de-sac street is approximately 1,950± feet long. Section 21-3 g (cul-de-sacs or dead end streets) of the Subdivision Ordinance states the following:

“No cul-de-sac or dead end street shall be more than six hundred (600) feet in length. Were necessary to give access to or permit a satisfactory future development of adjoining land, street shall extend to the boundary of the property and the resulting dead end streets may be approve without a turnaround. In all other cases, a turn-around having a minimum radius of fifty (50) feet, measured to the property line, and a minimum of forty (40) feet to curb face shall be required;” and

WHEREAS: As a result of the excessive length of the cul-de-sac street, the City Council may grant an exception if it finds that certain circumstances exist; and

WHEREAS: That pursuant to Section 21-1.7 of the Subdivision Ordinance, the City Council shall consider the exception to the excessive length of the cul-de-sac street during the public hearing at which it considers the tentative map, wherein the City Council can approve, conditionally approve, or disapprove the application for an exception pertaining to a parcel map or other action specified in Section 21-1.7; and

WHEREAS: The City Council shall only grant an exception to Section 21-1.7 of the Subdivision Ordinance if it finds that all of the following circumstances exist:

1. That there are special circumstances or conditions affecting the property.

2. That the exception is appropriate for the proper design and/or function of the subdivision.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

4. That the granting of the exception is in accordance with the purposes prescribed in section 21-1.1 of this Chapter and the Subdivision Map Act.

5. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions, which are deemed necessary to effectuate the purposes of this Chapter.

WHEREAS: The proposed cul-de-sac street exceeds the maximum length permitted by Section 21-3 g of the Subdivision Ordinance; and
WHEREAS: The City Council determined that there are special circumstances or conditions affecting said property that warrant consideration of a modification to the standard for length of the cul-de-sac pursuant to Section 21-1.7, et seq. of the City Subdivision Ordinance; and

WHEREAS: The granting of this exception pursuant to Section 21-1.7 et. seq. of the City Subdivision Ordinance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Tentative Parcel Map 1-2007, and exception to Section 21-3 g (cul-de-sacs or dead end streets), subject to the following conditions:

1. The City of Porterville will require that all future development of the site will comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project.

2. At all times, future uses of the site shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

3. Prior to issuance of any building permit, approval from the FAA will be required if any future building proposes a height of more than 35 feet.

4. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

5. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

6. Fire hydrant spacing shall be as follows: In Commercial development, one hydrant shall be installed at 300-foot intervals.

7. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

8. An emergency access road must be in place prior to any development. The road surface must be all weather and a minimum of 20 feet in width.

9. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
10. A Knox box or lock will be required for all access gates. An application may be obtained from the Fire Department.

11. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix III-B Table A-III-B-1, Note Number 3.

12. Any project with a landscaped area of more than 2,500 square feet shall be subject to complying with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation criteria must be approved. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee.

13. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

14. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per eight (8) parking spaces distributed throughout the paved area. Parking lot tree wells are recommended to be a minimum of twenty (20) square-feet in size.

15. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.

16. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten (10) feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

17. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and clean appearance. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing turfed-landscaping.

19. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code section 66020(a). You have 90 days from the date fees are paid to file a written protest.

20. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

21. The developer/applicant shall provide and show all required utility easements on the Final Parcel Map.

22. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.

23. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

24. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

* Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
* Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
* Soils Report(s) in accordance with Chapter 18 of the California Building Code.

25. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

26. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615 for all wells that will remain in service.

27. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

28. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

29. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

30. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.
31. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

32. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;

b. The water system is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

c. Street base rock for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;

e. Lot corners are marked;

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

33. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.

34. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the
entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

35. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

36. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.

37. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

38. The developer/applicant shall construct City standard barricades at the end of all dead end streets.

39. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer.

40. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to occupancy of any building in the land development project.

41. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).
42. Prior to acceptance of improvements, the developer/applicant shall provide streetlights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street light spacing shall be at 160-foot intervals, staggered throughout the proposed subdivision.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By
Georgia Hawley, Chief Deputy City Clerk
ORDINANCE PROVIDING FOR CODE ENFORCEMENT OFFICER AND ESTABLISHING AN ADMINISTRATIVE CODE ENFORCEMENT CITATION PROGRAM

CITY ATTORNEY AND FIRE DEPARTMENT

As directed at the last City Council Meeting, this office has brought back a proposed Ordinance pertaining to the code enforcement officer and an administrative code enforcement citation program, for consideration and a public hearing.

As part of this staff report, Chief Garcia will be giving a power point presentation on the mechanics of philosophy underlying the administrative citation program; however this office would like to highlight some further refinements that have been made to the Ordinance.

First, the criminal fines for infraction have been increased to reflect the current status of the law. State law permits graduated fines of $100, $200 and $500 for violations of the same ordinance within one year, and graduated fines of $100, $500, and $1,000 for building and safety code violations. This change has been made to Section 2-144(b).

Second, the Sections concerning criminal violations were modified to reflect that the City generally considers violations of the Municipal Code as misdemeanors, but may prosecute a violation as an infraction with the concurrence of the City Attorney.

Third, language has been included in Sections 2-144(c) and 2-152 to allow the City to recover its attorney fees and costs if court action is necessary for the remedy of a violation or collection of the fines.

Finally, Sec. 1-9, pertaining to penalties, generally, for Municipal Code violations is proposed to be amended to maintain consistency with the new provisions.

This office recommends that the City Council hold a public hearing, consider all public testimony, and give first reading to the proposed ordinance.

An Ordinance of the City Council of the City of Porterville Repealing and Replacing Section 1-9 of Chapter 1, Adding Article IV, Sections 2-26.1 through 2-26.4, and Adding XIV, Sections 2-141 through 2-155, to Chapter 2 of the Porterville Municipal Code, Pertaining to the Code Enforcement Officer and Administrative Citations.

Power Point Presentation

Item No. 23
ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING AND REPLACING SECTION 1-9 OF CHAPTER 1, ADDING ARTICLE IV, SECTIONS 2-26.1 THROUGH 2-26.4, AND ADDING ARTICLE XIV, SECTIONS 2-141 THROUGH 2-155, TO CHAPTER 2 OF THE PORTERVILLE MUNICIPAL PERTAINING TO CODE ENFORCEMENT OFFICER AND AN ADMINISTRATIVE CODE ENFORCEMENT CITATION PROGRAM

WHEREAS, the City desires to enforce the Porterville Municipal Code and the City's ordinances in the most efficient manner possible, and this Ordinance establishes a Code Enforcement Officer, sets forth the duties and responsibilities of said Officer, and sets forth an administrative procedure for the enforcement of the Porterville Municipal Code and the City's ordinances, and the imposition and collection of fines for violations pursuant to California Code of Civil Procedure Section 1094.6 and Government Code Section 53069.4; and

WHEREAS, in adopting this ordinance the City Council desires to reduce, to the greatest extent possible, the costs expended by all parties during enforcement proceedings, thereby reducing the burden on the City, the accused offender, and the already taxed judicial system. The City Council further desires to provide those accused of violating the Porterville Municipal Code or the City's ordinances with the due process rights of a fair hearing before an impartial decision maker and the opportunity to call and cross-examine witnesses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN, AS FOLLOWS:

SECTION 1: Chapter 1, Section 1-9 of the Porterville Municipal Code is repealed in its entirety and replaced with the following:

Sec. 1-9. General Penalty; continuing violations.

(a) It shall be unlawful for any person to violate any provision or fail to comply with any requirement of this Code.

(b) Any person violating any provision or failing to comply with any requirement of this Code is guilty of a misdemeanor, unless such violation is specifically deemed any infraction, or unless the City makes a determination to prosecute as an infraction with the concurrence of the City Attorney.

(c) Whenever this Code makes any act or omission unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

(d) Any person convicted of a misdemeanor or infraction under the provisions of this Code, unless provision is otherwise made herein, shall be punishable by a fine or imprisonment as set forth in Article XIV of Chapter 2 of the Porterville Municipal Code.
(e) Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person; and he shall be punished accordingly.

(f) Any person charged with an infraction shall be subject to division 17, chapter 2, article 2 of the California Vehicle Code as it relates to promises to appear and the fixing of bail.

SECTION 2: Article IV, Sections 26.1 thru 26.4, of the Porterville Municipal Code is hereby added to Chapter 2 to read as follows:

CHAPTER 2
ARTICLE IV
CODE ENFORCEMENT OFFICER

Sections:

2-26.1 Code Enforcement Officer
2-26.2 Duties
2-26.3 Enforcement
2-26.4 Compliance

Sec. 2-26.1 Code Enforcement Officer. A duly appointed employee of the Prevention Division of the Fire Department, the Code Enforcement Officer shall be authorized to perform the enforcement duties identified in this Chapter and as otherwise defined in the Municipal Code. The Code Enforcement Officer will work closely with members of other departments, including Public Works, Community Development, Parks and Leisure Services, Finance, and Police. The Code Enforcement Officer shall be under the supervision of the Fire Chief.

Sec. 2-26.2 Duties. The duties of the Code Enforcement Officer shall include but are not limited to issues involving property maintenance by abating hazardous conditions, which threaten the life, health, safety and welfare of the public.

Sec. 2-26.3 Enforcement. The Code Enforcement Officer shall enforce the provisions of all applicable State and City codes including but not limited to the City Municipal Code, the California Health and Safety Code, Uniform Fire Code, Uniform Building Code, Uniform Housing Code and Uniform Code for the Abatement of Dangerous Buildings, as said codes may, from time to time be amended.

Sec. 2-26.4 Compliance. The Code Enforcement Officer shall work with property owners/residents to obtain voluntary compliance. However, the Code Enforcement Officer shall also have authority to issue citations and pursue other legal remedies as necessary and as authorized by local or state law.
SECTION 3: Article XIV, Sections 141 thru 154, of the Porterville Municipal Code is hereby added to Chapter 2 to read as follows:

CHAPTER 2
ARTICLE XIV
ADMINISTRATIVE CITATIONS

Sections:
2-141 Legislative Findings and Statement of Purpose
2-142 Definitions
2-143 Authority
2-144 Violations, Penalties and Enforcement.
2-145 Service Procedures
2-146 Contents of Notice
2-147 Satisfaction of Administrative Citation
2-148 Appeal of Administrative Citation
2-149 Hearing Officer
2-150 Hearing Procedure
2-151 Hearing Officer’s Decision
2-152 Failure to Pay Fines
2-153 Right to Judicial Review
2-154 Notices
2-155 Severability

Sec. 2-141 Legislative Findings and Statement of Purpose

(a) The City Council hereby finds that there is a need for an alternative method of enforcement for minor violations of the Porterville Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Porterville Municipal Code. The City Council further finds that an appropriate method of enforcement for minor violations is an Administrative Citation Program as authorized by Government Code Section 53069.4.

(b) The procedures established in this Chapter shall be in addition to criminal, civil or any other legal remedy established by law, which may be pursued to address violations of the Porterville Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Porterville Municipal Code.

(c) The City Council hereby finds and determines that enforcement of the Municipal Code, other ordinances adopted by the City, conditions on entitlements and terms and conditions of City agreements are matters of local concern and serve important public purposes. Consistent with its powers as a Charter City, the City of Porterville adopts this Administrative Citation Program provision in order to achieve the following goals, and:

(1) To protect the public health, safety and welfare of the citizens of the City;

(2) To gain compliance with the Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code in a timely and efficient manner;
(3) To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code;

(4) To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system;

(5) To provide for an administrative process to appeal the imposition of Administrative Citations and fines.

(d) The Purpose of this Chapter is to enable the City, acting as a charter city pursuant to Article XI, Section 5 and 7 of the state Constitution, to impose and collect civil administrative fines in conjunction with the enforcement of provisions of the Municipal Code or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code. Notwithstanding the provisions herein, the City has and shall continue to employ the philosophy of voluntary compliance when seeking compliance with the Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code.

Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches, when practical, should first be used in order to educate City property owners and businesses concerning the requirements of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, and the corrective action necessary to correct a violation of the Municipal Code and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code.

(e) Use of this Chapter shall be at the sole discretion of the City.

Sec. 2-142 Definitions

(a) Responsible Person shall mean any individual or entities who are the registered owner or occupant of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes or maintains a violation of the Municipal Code or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code.

(b) Enforcement Officer shall mean any officer or employee with the authority to enforce the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code.

(c) Hearing Officer shall mean any person appointed by the city manager to preside over the administrative hearings provided for in this Article.
Sec. 2-143 Authority.

(a) Any person violating any provision of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code may be issued an Administrative Citation by an Enforcement Officer as provided in this Chapter. A violation of this Code includes, but is not limited to all violations of the Municipal Code, and applicable State Codes, ordinances or regulations adopted by the City Council, failing to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this Code.

(b) Each and every day a violation exists, may constitute a separate and distinct offense.

(c) A civil fine shall be assessed by means of an Administrative Citation issued by the Enforcement Officer and shall be payable directly to the City of Porterville.

Sec. 2-144 Violations, Penalties and Enforcement.

The City Council of the City of Porterville intends to secure compliance with the provisions of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code. To the extent that such compliance may be achieved by less drastic methods of enforcement the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense. Notwithstanding any other provision of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, each violation of the provisions of this Code may be enforced alternatively as follows:

(a) Misdemeanor. Unless otherwise specified in the Municipal Code, any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by non-safety employees designated by the Municipal Code. Any person convicted of a misdemeanor under the provisions of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

(b) Infraction. In the alternative, with the concurrence of the City Attorney, any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Municipal Code, and State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, may be prosecuted for an infraction. Written citations for infractions may be issued by police officers or non-safety employees designated by Porterville Municipal Code. Unless otherwise set forth in the Municipal Code, fines shall be assessed in the amounts specified as follows:
(1) A fine not exceeding one hundred dollars ($100.00) for a first violation;

(2) A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance within 12 months, or five hundred dollars ($500.00) for building and safety code violations;

(3) A fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within 12 months, or one thousand dollars ($1000.00) for building and safety code violations.

(c) Civil Action. The City Attorney, or an Attorney hired for such purposes by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, as provided by law, and the City shall be entitled to its attorneys fees and costs.

(d) Administrative Citation. Upon a finding by the city official vested with the authority to enforce the various provisions of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, that a violation exists, he or she may issue an Administrative Citation under the provisions of this Chapter.

Sec. 2-145 Service Procedures

(a) An Administrative Citation on a form approved by the City Manager shall be issued to the Responsible Person by an Enforcement Officer for violations of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, in the following manner:

(1) Personal Service. In any case where an Administrative Citation is issued:

(i) The Enforcement Officer shall attempt to locate and personally serve the Responsible Person and obtain the signature of the responsible person on the Administrative Citation.

(ii) If the Responsible Person served refuses or fails to sign the Administrative Citation, the failure or refusal to sign shall not affect the validity of the Administrative Citation or of subsequent proceedings.

(2) Service of Citation by Mail. If the Enforcement Officer is unable to locate the Responsible Person, the Administrative Citation shall be mailed to the Responsible Person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the Citation may be sent by first class mail. If the Citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the Citation sent by first class mail is not returned.
(3) Service by Citation by Posting Notice. If the Enforcement Officer does not succeed in serving the Responsible Person personally, or of certified mail or regular mail, the Enforcement Officer shall post the Administrative Citation on any real property within the City where the City has knowledge that the responsible person has a legal interest, and such posting shall be deemed effective service.

Sec. 2-146 Contents of Notice

Each Administrative Citation shall contain the following information:

(a) Date, approximate time, and address or definite description of the location where the violation(s) was observed;

(b) The Code sections or conditions violated and a description of the violation(s);

(c) An order to the Responsible Person to correct the violations within the time specified, and an explanation of the consequences of failure to correct the violation(s);

(d) The amount of the fine for the violation(s);

(e) An explanation of how the fine shall be paid and the time period by which it shall be paid;

(f) Identification of rights of appeal, including the time within which the Citation may be contested and the place to obtain a Request for Hearing form to contest the Administrative Citation; and

(g) The name and signature of the Enforcement Officer.

(h) If possible, the signature of the responsible person.

Sec. 2-147 Satisfaction of Administrative Citation

Upon receipt of a Citation, the responsible person shall:

(a) Pay the fine to the City within fifteen (15) working days from the issuance date of the Administrative Citation. All fines assessed shall be payable to the City of Porterville. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the City and;

(b) Remedy the violation(s). If the responsible person fails to correct the violation(s), subsequent Administrative Citations may be issued for the same violation(s). The amount of the fine for failure to correct the violation shall increase at a rate specified in this Chapter or by Ordinance.
Sec. 2-148  Appeal of Administrative Citation

Any recipient of an Administrative Citation may contest that there was a violation of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code or that he or she is the Responsible Person by completing a Request for Hearing form and returning it to the City within fifteen (15) working days from the issuance date of the Administration Citation, together with an advanced deposit (full amount) of the fine. Any Administrative Citation fine, which has been deposited, shall be refunded if it is determined, after a hearing, that the person charged in the Administrative Citation was not the Responsible Person for the violation(s) or that there was no violation(s) as charged in the Administrative Citation.

Sec. 2-149  Hearing Officer

The City Manager shall designate the Hearing Officer for the Administrative Citation hearing. The Hearing Officer shall not be a current Porterville City employee. The employment, performance evaluation, compensation and benefits of the Hearing Officer, if any, shall not be directly or indirectly conditioned upon the amount of Administrative Citation fines upheld by the Hearing Officer.

Sec. 2-150  Hearing Procedure

(a)  No hearing to contest an Administrative Citation before a Hearing Officer shall be held unless and until a request for hearing form has been completed and submitted and, the fine has been deposited in advance.

(b)  A hearing before the Hearing Officer shall be set for a date that is not less than fifteen (15) working days and not more than sixty (60) working days from the date that the request for hearing is filed in accordance with the provisions of this Chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) working days prior to the date of the hearing.

(c)  The Enforcement Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s) of the Municipal Code, or State Codes specifically adopted by reference in the applicable chapters of the Municipal Code, on the date(s) specified in the Administrative Citation.

(d)  The Responsible Person contesting the Administrative Citation shall be given the opportunity to testify and present witnesses and evidence concerning the Administrative Citation.

(e)  The failure of any recipient of an Administrative Citation to appear at the Administrative Citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.
(f) The Administrative Citation and any additional documents submitted by the Enforcement Officer shall constitute prima facia evidence of the respective facts contained in those documents.

(g) If the Enforcement Officer submits an additional written report concerning the Administrative Citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least five (5) working days prior to the date of the hearing. At least ten (10) working days prior to the hearing, the recipient of an Administrative Citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the Enforcement Officer. No other discovery is permitted. Formal rules of evidence shall not apply.

(h) The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the Administrative Citation prior to issuing a written decision.

Sec. 2-151 Hearing Officer’s Decision

(a) After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within ten (10) working days of the close of the hearing to uphold or deny the Administrative Citation and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final, subject to judicial review.

(b) If the Hearing Officer determines that the Administrative Citation should be upheld then the fine amount on deposit with the City shall be retained by the City.

(c) If the Hearing Officer determines that the Administrative Citation should be dismissed, the City shall refund the amount of the deposit within ten (10) working days of the date of its receipt of the decision.

(d) The recipient of the Administrative Citation shall be served with a copy of the hearing officer’s written decision in the manner prescribed above.

Sec. 2-152 Failure to Pay Fines

The failure of any person to pay the civil fines assessed by an Administrative Citation within the time specified on the Citation may result in the matter being referred to the City of Porterville – Finance, to file a claim with the Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the civil fines. The City may also recover all of its collections costs, including its attorneys fees.

Sec. 2-153 Right to Judicial Review

Any person aggrieved by a decision of a Hearing Officer on an Administrative Citation may obtain review of the Administrative Decision by filing a Petition for Review with the Tulare County Superior Court in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4.
Sec. 2-154 Notices

(a) The Administration Citation and all notices to be given by this Chapter shall be served on the responsible person in accordance with the provisions of this Chapter.

(b) Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted here under.

Sec. 2-155 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such Decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4: This Ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.

__________________________________________
Mayor

ATTEST:

__________________________________________
City Clerk
An Administrative Citation program is an ordinance adopted by the legislative body of a local agency.

It makes a violation of any ordinance enacted subject to a fine or penalty.

Authority comes from California Government Code Section 53069.4.
GOAL

- To protect the public health, safety and welfare of the citizens of the City of Porterville;
- To gain compliance with the Municipal and State Codes, Ordinances and Regulations in a timely and efficient manner;
- To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal and State Codes, Ordinances, and Agreements or terms and conditions on entitlements within the City of Porterville;
- To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system;
- To provide for an administrative process to appeal the imposition of Administrative Citations and fines.
ENFORCEMENT 101

- Voluntary compliance.
  - City has and shall continue to employ a philosophy of voluntary compliance when addressing Code violations.

- Provide notice and educate citizens.
  - Includes personal contact, courtesy notices, notices of violation and final notice of violation letters.
Why is it needed?

- City continually receives complaints from the general public.
- Increase in Code Enforcement related complaints.
- Attempt to gain voluntary compliance with first contact.
- Obtain compliance in a timely manner.
- City has over 200 cases that are outstanding.
- Reduce the time and effort of the City Attorney.
When should it not be issued?

- As an **initial enforcement tool** against continuing building, fire, plumbing, electrical code and other structural or zoning violations except **after reasonable attempts to correct or remedy the violation.**
When does an Admin. Citation get issued?

- When voluntary efforts have failed.
- When notices of violations have been ignored.
- When a code violation occurs regarding an imminent threat to public health and safety (such as overcrowding, illegal fireworks use, illegal burning, illegal dumping or the discharge of hazardous waste).
How does it work?

1. The City of Porterville writes the citation and the violator is given 15 days from the date of the citation to pay the fine and correct the violation.

2. All citations issued by the City of Porterville are keyed into the city’s Code Enforcement database.

3. If the fine is not paid in the 15 days allotted, then a Notice of Delinquency will be sent out. The violator has another fifteen (15) days to pay the citation.

4. If the fine is not paid in the time allowed, the City of Porterville (Finance Department) sends the information to a contracted Collection Agency for collection.

5. If the fine is paid, but the violation is not corrected, then the issuing Code Enforcement Officer reissues another Administrative Citation with the fine at the next level.

6. Once the fine is paid and the violation corrected, the case file will be updated and the payment will be entered into the system and deposited into the appropriate account.
How does it work? (cont.)

7. If the violator wishes to contest the administrative citation, instructions are on the citation and an appeal must be filed within fifteen (15) days from the issuance of the citation. The violator will be instructed to submit their appeal in writing on a form supplied by the City of Porterville and post the entire amount of the citation in advance.

8. When the appeal request and citation deposit are received within the time frame allowed, the violator will be scheduled a hearing date and time. All supporting documentation will be requested by the Administrative Hearing Officer from the City of Porterville, including the officer’s notes and pictures.

9. Following the hearing, the violator will receive written confirmation of the decision of the Hearing Officer by use of the Administrative Hearing Review and Disposition form.

10. If the citation is upheld, the information will include further instructions and time frame for a court appeal.

11. If there is no further appeal within the time frame allowed, the bail will be deposited, the City of Porterville will be notified of the outcome and the case closed.
12. If the violator appeals to the court he/she is subject to paying all applicable court-filing fees.

13. In the event of a court appeal, the Administrative Hearing Officer will notify the City of Porterville, and all supporting information for the case will be forwarded to the City of Porterville for the court appearance.

14. The court decision will be copied to the Administrative Hearing Officer and any refund or correspondence required will be handled.

15. The Code Enforcement data base system will be updated with the appropriate information and the case closed.

16. If there is no response to the Notice of Delinquency from the violator, the City of Porterville will be notified by the contract Collection Agency for a decision on further action. Options include closing the citation unpaid, the City of Porterville filing in small claims court against the violator or notification of the Franchise Tax Board to attach any state tax return or lottery winnings that would be paid to the violator during the year.
ADMINISTRATIVE CITATION
CITY OF PORTERVILLE
40 W. Cleveland Ave.
Porterville, CA 93257
(559) 782-7526
www.ci.porterville.ca.us

Date: __________ Time: __________

Address of the violation: ____________________________

Name (First, Middle, Last)

Address

City State Zip Code

Driver Lic. No. State Class DOB / /

_1st CITATION $100...IS DUE AND PAYABLE
_2nd CITATION $200...IS DUE AND PAYABLE
_3rd CITATION $500...IS DUE AND PAYABLE

This violation was originally brought to your attention on __________, and you have not corrected or resolved the violation(s) as of the citation date.

Code Section: Description of Violation(s):

______________________________________________________

______________________________________________________

______________________________________________________

______________________________________________________

______________________________________________________

______________________________________________________

______________________________________________________

 Corrections Required by Date: __________ Time: __________

Receipt acknowledged by X: __________________________

Date: __________

Signature of Officer Printed name of Officer ID# __________________________

Violations cleared as of __________ (date inspected)

Check this box if you would like to contest this citation and request a hearing on the matter before the Administrative Hearing Officer. A "Request for Hearing" form must be completed along with an advanced deposit of the full amount of the fine.


IMPORTANT - READ CAREFULLY

THE LAW REQUIRES

Administrative Citation

City of Porterville Municipal Code Article IV, Chapter 2, Section 2-26.3 provides for the issuance of administrative citations for violation of the Municipal Code and applicable State Codes, Ordinances and regulations. There are three levels of citations that can be issued progressively for a violation. The fines, as indicated on the front of the citation, are $100.00 for the First Citation, $200.00 for the Second Citation and $500.00 for the Third and subsequent Citations for violations of the same ordinance within 12 months. These fines are cumulative and citations may be issued each day the violation exists. A Notice of Violation, if issued, does not incur a fine and, therefore, may not be appealed.

How to Pay Fine

The fine must be paid to the City of Porterville within fifteen (15) days of the issue date. The amount of the fine is indicated on the front of this administrative citation. You may pay by mail or in person at 291 N. Main St., Finance Department, Porterville City Hall. Payment should be made by personal check, cashier's check, or money order, payable to the City of Porterville. Please write the citation number on your check or money order.

If the citation is not paid or appealed within the statutory time you will receive a 'Notice of Delinquency' statement from the City's Finance Department. Please follow the instructions on the invoice to ensure proper processing of your payment. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the City of Porterville.

Consequences of Failure to Pay the Fine

The failure of any person to pay the fine assessed by the administrative citation within the time specified on the citation or on the invoice from the Finance Department may result in a claim with the Small Claims Court or any legal remedy available to collect such money. The City has the authority to collect all costs associated with the filing of such actions. Failure to pay fine requirements may be found in City of Porterville Municipal Code Chapter 2, Article XIV, Section 2-152, available at www.ci.porterville.ca.us

Consequences of Failure to Correct Violations

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to: civil penalties, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines up to $100,000.00, to demolish structures or make necessary repairs at the owner's expense, and to incarcerate violators. Any of these options or others may be used if the administrative citations do not achieve compliance.

If you need further clarification about payment of the citation, please call (559) 782-7526 for the Finance Department.

If you need further information about the violations and/or how to comply, please call the inspector designated on the front or the City's Code Enforcement Division at (559) 782-7526.

A full description of the hearing process for the City's administrative hearings for Municipal Code violations and your rights in that process are found in City of Porterville Municipal Code Chapter 2, Article XIV, Section 2-150 available at City Hall or at www.ci.porterville.ca.us

Rights of Appeal

You have the right to appeal this administrative citation within fifteen (15) days from the citation/correction date together with an advanced deposit of the fine along with a Request for Hearing form. An appeal must be in writing to the address on the front of this citation and to the attention of "Administrative Hearing Officer." A properly filed appeal will result in an administrative hearing.

Failure of any person to properly file a written appeal within fifteen (15) CONSECUTIVE days from the citation date shall constitute a waiver of his or her right to an administrative hearing and adjudication of the administrative citation or any portion thereof and the total amount of the fine.
How much is the fine?

- The amount of the first citation is $100.
- The second citation is $200.
- Every violation thereafter is $500.
- There is no differentiation between misdemeanor and infraction cases as the fine amounts are the same for each type of violation.
- Each day constitutes a new violation; although, staff is permitted to allow additional time to comply following the issuance of an Administrative Citation as is determined reasonable by staff.
Tier two of the fines:

- This amount reflects fines for "Building and Life Safety" issues.
- The amount of the first citation is $100.
- The second citation is $500.
- Every violation thereafter is $1,000.
EXPECTATIONS

To compel compliance with various Ordinance provisions without the necessity of judicial intervention.

Enforcement -- staff can achieve quicker compliance and be more effective in resolving code violations.

Avoid unnecessary criminalization of conduct by our own residents.
CITY COUNCIL AGENDA: APRIL 17, 2007

PUBLIC HEARING

SUBJECT: SUBDIVISION ORDINANCE AMENDMENT – MUNICIPAL CODE AMENDMENT TO CHAPTER 21

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On March 6, 2007, the City Council considered a draft ordinance amending various sections of Chapter 21 – Subdivision Ordinance of the Porterville Municipal Code. At that meeting, the City Council, in response to testimony from the building industry representatives, expressed concerns over the proposed Pocket Park regulations. In response, the Council continued the item to the April 17, 2007 City Council meeting and directed Staff to meet with the building industry representatives, Councilman Hernandez, and past Councilman Irish. Staff held the meeting with the committee on March 27, 2007 at which time the committee reached consensus on a number of points pertaining to the provision of pocket parks in new subdivisions. Those points are as follows:

1. The provision of pocket parks should be accounted for as an off-set to the park impact fees currently required on a per unit basis; and

2. The method used in the draft ordinance for calculating the in-lieu fee was not linearly proportional to the demand for park space; and

3. That the provision of pocket parks, while an effective way of addressing some level of recreational amenity, should not replace the need and the objective of providing larger scale parks for the use of the community at large; and

4. That a more appropriate time to address this issue would be following the completion of the General Plan update; and

5. That since the City’s park impact fees have not been updated in more than a decade it would be an appropriate time to consider and update upon completion of the General Plan update; and

6. That in response to these considerations, the Committee opted to recommend to the Council elimination of the pocket park provision at this time, while supporting the concept of Staff continuing to encourage the provision of pocket parks within proposed subdivisions.

There was one other minor adjustment to language in the Landscape and Lighting Maintenance District provisions to address more specific reference to drainage facilities. The language eliminated for pocket parks and the added language on clarification of drainage facilities are highlighted in Exhibit A, Attachment 1, Sections 21-9 and 21-10.
RECOMMENDATION: 1. Adopt the draft ordinance approving an amendment to Article 21 of the Porterville Municipal Code and give first reading to the draft ordinance.

2. Waive further reading of the draft ordinance, approving an amendment to Article 21 of the Porterville Municipal Code, and order to print.
PUBLIC HEARING

SUBJECT: SUBDIVISION ORDINANCE AMENDMENT – MUNICIPAL CODE AMENDMENT TO ARTICLE 21

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Staff has prepared a draft amendment to the Subdivision Ordinance, which consists of various changes to the ordinance. Staff has addressed the comments of the City Council and the public from the Study Session held on January 5, 2007. The changes proposed in the ordinance amendment can be characterized into three (3) categories. First are procedural changes, second are quality of life issues, and third are legal issues.

The procedural changes modify the code to eliminate the Subdivision Review Committee in response to the City Council’s direction to reduce the sheer number of committees the Community Development Department is involved with. This will streamline the process for seeking approval of subdivision maps while maintaining efficiency in review of proposals. While elimination of the Subdivision Review Committee is noteworthy, there are other minor modifications to procedures that clear up inconsistencies in the Code and bring the Code into consistency with the State Subdivision Map Act.

Staff has proposed consolidating the required findings for granting variations from the Ordinance. There are currently two sets of findings for considering exceptions generally and for parcel maps specifically. These two sections have been consolidated to present one set of required findings regardless of the scope of tentative map. In addition, flexibility has been built into the Draft Ordinance to allow for a greater number of exceptions or unique exceptions beyond those currently allowed for under Section 21 - 1.4 Authority To Vary Regulations. Any deviations beyond those currently allowed would require the approval of a conditional use permit rather than potentially a series of variances. This allows the City Council discretion in reviewing uniqueness of proposed maps.

An item discussed most extensively at the January study session focuses on the provision of pocket parks in new subdivisions and the desire to have the LMD’s provide for maintenance of the pocket park, as the intent of a pocket park is to specifically serve as a benefit to residents of the subdivision. Over the past few years the Council has focused more closely on quality of life and aesthetic issues in proposed subdivisions. This focus has resulted in the Council requesting pocket parks in new subdivisions. Although the City has been successful in achieving the provision of pocket parks in the majority of new subdivisions, it has not been a Code requirement and could not be exacted. This draft ordinance incorporates language to ensure the provision of pocket parks in new subdivisions and addresses the revisions requested by the Council at their study session. Council had requested that a provision be added to require an in-lieu payment for specific park improvements for subdivisions not otherwise required to provide a pocket park due to size of the proposed development, or the proximity of the site to an existing park. Language requiring this has been added to Section 21-9 of the draft ordinance.
Council has also expressed an interest in seeing that Lighting and Landscape Maintenance Districts (LMD) are used extensively to address the provision and maintenance of common area amenities such as parkway and entry landscaping and pocket parks as well as lighting and walls. Language codifying the current practice has been added to the Draft Ordinance and language has been added to tighten up the relationship of pocket parks maintenance to LMDs.

Finally, since the City’s Code has been in existence for many years without update, there are a number of sections of the Code that require updating to bring the Code into compliance with the State Subdivision Map Act. Attached to this report are two (2) documents. The first is an exhibit that clearly depicts the proposed changes by underlining new language, striking through language to be removed and also highlighting the areas revised as a result of the study session in January. Also attached to the report is a draft ordinance without underline and cross out enhancements.

RECOMMENDATION:

1. Adopt the draft ordinance approving an amendment to Article 21 of the Porterville Municipal Code and give first reading to the draft ordinance.

2. Waive further reading of the draft ordinance, approving an amendment to Article 21 of the Porterville Municipal Code, and order to print.

ATTACHMENTS:

1. Ordinance Exhibit
2. Draft Ordinance
SUBDIVISIONS

ARTICLE I. GENERAL PROVISIONS

Sec. 21-1. Authority for local regulations. This chapter is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the "Subdivision Map Act." (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-1.1. Purpose and scope. The Subdivision Ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the Subdivision Ordinance is adopted in order to achieve the following objectives:

(a) To aid in the implementation of the General Plan of the City of Porterville, and elements thereof, as adopted by the City Council.

(b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(c) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(d) To accommodate new development in a manner which will preserve and enhance the city's living environment and create new beauty through skilled subdivision design.

(e) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(f) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

The Subdivision Ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this article; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this article hereinafter in this article contained shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps

Attachment 1
hereafter made entirely or partially within the City of Porterville. The provisions of this chapter shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended. (Ord. No. 1153, § 1-7-18-78)

Sec. 21-1.2. General responsibilities.

(a) Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. The subdivider shall prepare said maps in accordance with the regulations set forth herein.

(b) Community Development Director/City Planner. The Community Development Director/City Planner or designee shall be responsible for design analysis for conformity with the General Plan and the Zoning Ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

(c) Public Works Director/City Engineer. The Public Works Director/City Engineer shall be responsible for reporting to the planning commission and the City Council as to engineering requirements of the proposed public improvements, and whether the proposed public improvements are consistent with the regulations contained herein and for the inspection and ultimate approval of all public improvements. The City Engineer shall also have the authority to act on behalf of the City Council in accepting dedications of all streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.

(d) Parcel Map Committee. The City Parcel Map Committee shall be the designated advisory agency for parcel map subdivisions and shall have the authority to approve, conditionally approve or disapprove tentative parcel maps.

(e) Reserved.

(f) City Council. The City Council shall approve tentative and final subdivision maps, establish requirements for and standards of design of public improvements, and accept land and public improvements that may be proposed for dedication that may be proposed as part of a subdivision. The City Engineer is authorized to accept all dedications that are not offered on a subdivision map approved by City Council (e.g., dedications for parcel maps, individual parcels, etc.). (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(1), 8-19-86; Ord. No. 1590, §§ A, 2-20-01; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-1.3. Appeals.
(a) **Parcel Map Committee actions.** The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof with the City Clerk Community Development Director or designee, as specified in Section 21-3337 hereof.

(b) **Hearing of appeals.** Upon the filing of such an appeal, the City Council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal. Within ten (10) days following the conclusion of the hearing, the City Council shall render written decision on the appeal. (Ord. No. 1153, §1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(2); 8-19-86; Ord. No. 1614, § 4, 9-17-92)

Sec. 21-1.4. **Authority to vary regulations.**

The Parcel Map Committee/City Council or parcel map committee with respect to tentative parcel maps and tentative subdivision maps, respectively as provided in Section 21-1.7 of this chapter, can modify any of the requirements and regulations set forth in this chapter, or the Zoning Ordinance (Appendix A of the Municipal Code) as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the subdivision proposed land division. If in the opinion of the City Planner and Public Works Director/City Engineer the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the City Council or Parcel Map Committee find the following facts with respect thereto:

(a) That there are special circumstances or conditions affecting such property.

(b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(c) That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(d) That the exception is appropriate for the proper design and/or function of the subdivision.

(e) That the granting of the exception is consistent with the General Plan.

(Ord. No. 1153, §1, 7-18-78; Ord. No. 1362, § A(3), 8-19-86; Ord. No. 1369, § A(1), 12-2-86)
Sec. 21-1.4.1. Exception to Conditional Use Permit requirement

As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots shall be processed with the tentative map and shall not be subject to a conditional use permit per Section 21-1.4. Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

(a) Action on exceptions: In the event that the proposed exceptions represent more than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the City Council shall approve, conditionally approve or disapprove the application for a conditional use permit pertaining to a tentative map in a public hearing held concurrently with the proposed tentative map. The Parcel Map Committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map.

(b) Appeals: When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Section 21-37 of this chapter. City Council decisions are final upon adoption of the resolution. (Ord. No. 1369, § B(1), 12-2-86; Ord. No. 1386, § A(1), 2, 8-18-87)

Cross-references: Parcel Map Committee generally, § 21-29; parcel maps, § 21-30 et seq. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1362, § A(3), 8-19-86; Ord. No. 1369, § A(1), 12-2-86)

Sec. 21-1.5. Validity.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council of the City of Porterville, California, hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-1.6. Grounds for denial of tentative subdivision or parcel maps.

A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.
(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. No. 1327, 4-2-85)

Sec. 21-1.7. Parcel maps excepted.

(a) Exceptions authorized: Exceptions and conditional exceptions to any of the requirements prescribed by Sections 21-6(a) and (b) or 21-7(a)(1), (2), (3), (b) and (d) of this chapter may be granted pursuant to this article.

(b) Application fees: The Parcel Map Committee shall prescribe the form of application for exceptions. The application shall state fully the grounds for the exception; the facts relied upon and any other data pertinent to the findings prerequisite to the granting of an exception as set forth in this article. The application shall be filed at the same time that the tentative parcel map is filed.

When the application for an exception is filed in connection with a tentative parcel map, lot-line adjustment, merger, unmerger, certificate of compliance or other action resulting in the creation of one (1) or more legal lots of record, the applicant shall pay a fee as set forth in the comprehensive fee schedule. The fee prescribed above shall cover all of the exceptions for any one (1) map or other action regardless of the number of exceptions requested.

(c) Requirements for granting exceptions: The Parcel Map Committee shall only grant an exception if it finds that all of the following circumstances exist:

(1) That there are special circumstances or conditions affecting the property.

(2) That the exception is appropriate for the proper design and/or function of the subdivision.
(3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

(4) That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this chapter and the Subdivision Map Act.

(5) That the granting of the exception is consistent with the General Plan.

Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this chapter.

(d) Action upon exceptions: The parcel map committee shall approve, conditionally approve or disapprove the application for an exception pertaining to a parcel map or other action specified in section 21-1.7(a) of this chapter. The parcel map committee shall consider the exception during the public hearing at which it considers the tentative parcel map or at an independent public hearing prior to any other action resulting in the creation of a legal lot(s) of record as specified in section 21-1.7(a) of this chapter.

(e) Appeals: When the parcel map committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the city council pursuant to the procedures and within the time limits set forth in section 21-33 of this chapter. (Ord. No. 1369, § B(1), 12-2-86; Ord. No. 1386, § A(1), (2), 8-18-87)

Cross-references-Patched map committee generally, § 21-29; parcel maps, § 21-30 et seq.

ARTICLE II. DEFINITIONS

Sec. 21-2. Definitions.
Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Subdivision Map Act of the State of California, or in the Zoning Ordinance of the City of Porterville, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

Alley shall mean a street providing only secondary access to abutting property.

Applicant shall mean the subdivider or agent thereof.

Arterial shall mean a street designated by the circulation element of the General Plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.
Block shall mean an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

City Engineer shall mean the Porterville City Engineer.

City Planner shall mean the Porterville City Planner.

Collector street shall mean a street designated by the circulation element of the General Plan to collect and distribute traffic between local streets and arterials.

Community apartment project shall mean a property conforming to the definition set forth in Section 11004 of the Business and Professions Code, State of California.

Community Development Director shall mean the Porterville Community Development Director.

Condominium shall mean a property conforming to the definition set forth in Section 783 of the Civil Code of the State of California.

Cul-de-sac shall mean a local street open at only one end, which has a turnaround for vehicles at the closed end.

Final map shall mean a map, prepared in accordance with the provisions of the Subdivision Map Act and of this chapter, designed to be placed on record in the office of the Tulare County Recorder.

Freeway shall mean a divided arterial highway designated for through traffic having grade separated intersections and full control of access.

Frontage road shall mean a street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

General Plan shall mean all elements of the General Plan of the City of Porterville, as adopted and duly amended from time to time by the City Council.

Industrial Street shall mean a street that serves an industrial area and connects said area to the major street system.

Intersection shall mean the place at which two (2) or more streets meet.

Local street shall mean a street which provides direct access to abutting properties, primarily in residential districts with more than 400 average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.
Lot shall mean a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, or parcel map.

Map Act shall mean the Subdivision Map Act of the State of California Government Code.

Minor Street shall mean a street that provides direct access to abutting properties, primarily in residential districts with 400 or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Parcel map shall mean a map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the conditions exceptions set forth in subdivisions (a)-(e) of Section 66426 of the Map Act.

Parcel Map Committee shall mean a staff committee composed of the Community Development Director, City Planner, City Engineer and Fire Chief, or their designees.

Preliminary map shall mean a map to be submitted to the City Planner or designee prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the Project Review Committee to review the proposed subdivision design.

Project Review Committee shall mean a staff committee composed of the City Planner, City Engineer, Chief Building Official, Parks and Leisure Services Director, and Fire Chief, or their designees.

Public improvement shall mean street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Public Works Director shall mean director of Porterville’s public works operation.

Standard plans and specifications shall mean all the standard plans and specifications prepared by the City Engineer and approved by resolution of the City Council.

Street shall mean an improved facility used for vehicular traffic.

Subdivider shall be as defined in Section 66423 of the Map Act. (Ord.-No.-1537, § B69, 8-6-96; Ord.-No.-1614, § 4, 9-17-02)

Subdivision shall be as defined in Section 66424 of the Map Act.

Subdivision Design shall mean the overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots.
the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

Tentative Map shall mean a map made in accordance with the provisions of the Map Act to show the design of a proposed subdivision and the existing conditions in and around said subdivision. It need not be based upon a detailed final survey of the property, except as otherwise provided in this Article and the Map Act; however, it shall be graphically accurate to reasonable tolerances.

Vesting Tentative Map shall mean a tentative map for a subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 21-21.1(e), and is thereafter processed in accordance with the provisions hereof.


ARTICLE III. DESIGN AND CONSTRUCTION STANDARDS

Sec. 21-3. Streets and highways.

(a) The street and highway design shall conform both in width and alignment with any General Plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the General Plan or precise plans shall be dedicated to the city by the subdivider.

(b) Streets and highways not otherwise designated on the circulation element of the General Plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the City Council in the public interest. Approval or determination of street classification shall be made by the City Council.

**Right-of-Way**

<table>
<thead>
<tr>
<th>Street Class</th>
<th>(feet)</th>
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<tbody>
<tr>
<td>Divided arterial streets</td>
<td>110</td>
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<tr>
<td>Undivided arterial streets</td>
<td>84</td>
</tr>
<tr>
<td>Collector streets</td>
<td>60</td>
</tr>
<tr>
<td>Local streets</td>
<td>60</td>
</tr>
<tr>
<td>Minor streets</td>
<td>50</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>50</td>
</tr>
<tr>
<td>Frontage road</td>
<td>50</td>
</tr>
</tbody>
</table>
(c) **Relationship to existing streets.** The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(d) **Center lines.** The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.

(e) **Intersections.** Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the City Engineer.

(f) **Corner rounding.** At street intersections the block corners in a residential district shall be rounded at the property line by a radius of not less than twenty (20) feet; and in a commercial district or on lots adjacent to a collector or major street or highway by a radius of not less than twenty (20) feet or more, when such is deemed necessary, to provide at least one hundred (100) feet sight distance diagonally between intersecting street center lines. **Corner cut-offs.** At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(g) **Cul-de-sac or dead-end streets.** No cul-de-sac or dead-end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of fifty (50) forty-seven (47) feet, measured to the property line, and minimum of forty-four (44) forty (40) feet to curb face shall be required.

(h) **Curve radius.** The center line curve radius on arterial all streets shall be designed in accordance with acceptable safe engineering practices, and in no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.

(i) **Frontage streets.** When any lots front or side on any major-street arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.

(j) **Private roads and alleys.** Private roads and alleys shall not be permitted unless a conditional use permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to city standards.

(k) **Grades of streets.** Streets shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent, unless because of topographical conditions or
other exceptional conditions the City Engineer determines that a grade less than two-tenths (0.2) percent, or in excess of seven (7) percent, is necessary.

(1) **Fire hydrants.** The position of a street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(m) **Access on arterials.** Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(5), 8-19-86)

(n) **Access on collectors.** The Parcel Map Committee or City Council may prohibit the use of a collector as primary direct access to individual single-family residential lots. Where such access is permitted, the Parcel Map Committee or City Council may require the use of circular drives, or other forms of vehicular turnaround to prevent backing onto public streets. When the rear or side of any lot abuts a collector street, the Parcel Map Committee or City Council may prohibit the right of ingress/egress.

Sec. 21-4. **Alleys.**

(a) Alleys shall be optional in residential subdivisions. The City Council, for any one of the following reasons, may require alleys (if alleys are required, they shall be constructed to city standards):

(1) Unusual size, shape or topographical character of the property to be subdivided.

(2) The relationship to existing or proposed commercial, industrial or high-density residential development or adjacent railroad right-of-way.

(3) The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.

(4) The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

(b) Residential alleys shall have a minimum dedicated width of twenty (20) feet.

(c) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.
(d) A twenty (20) foot corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the City design standards.

(e) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(f) Dead-end alleys shall be prohibited. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1362, § A(6), 8-19-86)

Sec. 21-5. Street names.

(a) All street names shall be approved by the City Council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.

(b) Names of through streets in a north-south alignment shall be followed by the designation "Street," and the names of through streets in an east-west alignment shall be followed by the designation "Avenue."

(c) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either "Place," "Way" or "Drive," and cul-de-sac streets in an east-west alignment shall be followed by the designations of either "Lane," "Circle" or "Court." (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1362, § A(7), 8-19-86)

Sec. 21-6. Blocks.

(a) Block length. Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Long blocks shall be provided adjacent to major and collector streets or highways in order to minimize the number of street intersections.

(b) Block width. The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, therein of a size required by the provisions of this article, unless the conditions justify or make necessary a variation from this requirement. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-7. Lots.

(a) Lot width.
(1) Each residential lot or parcel shall have frontage width of not less than that required by the Zoning Ordinance except as approved by the City Council as provided for in Section 21-1.4.

(2) Each residential lot or parcel on a dead-end street, cul-de-sac or on a curved street, when the side lines thereof are diverging from the
front to the rear of such lot or parcel, shall have a width not less than that required by the Zoning Ordinance, measured along the front yard building setback line established by the required front yard for the main building and between the side lines of such lot or parcel; said line shall be parallel and concurrent with the front lot line.

(3) Corner residential lots shall have an extra width of five (5) feet necessary for maintaining the required side yard area.

(b) Lot depth. The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The depth of all other lots shall be as required by the Zoning Ordinance.

(c) Lot area. The area of all lots shall comply with the requirements of the Zoning Ordinance relative to each particular zoning district.

(d) Lot frontage. Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

(e) Side lines. The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

(f) Lot numbering and dimensions. Lot numbers shall begin with the numeral "1", and shall continue consecutively through each all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(g) Division of lots. No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(h) Suitability of lots. All lots shall be suitable for the purpose for which they are intended to be sold used. Land subject to flooding or deemed by the Parcel Map Committee or City Council to be uninhabitable shall be indicted on the final map.

(i) Land remnants. All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

(j) [Dimensions to be shown on map.] The dimensions of all lots shall be shown on the final subdivision map to the nearest one-hundredth (1/100) of a foot. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(8), 8-19-86)
Sec. 21-8. Reserve-strips Access Limitation Strips.

(a) A one (1) foot reserve access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

(b) Reserve Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-9. Landscaping and Lighting Maintenance Districts

(a) Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22500 et. seq.) to address the extension of improvements such as but not limited to lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems beneficial to specific subdivision, drainage reservoirs, and open space areas, and the maintenance of such facilities.

(b) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

1. A petition on a form provided by the City requesting to have the subdivision placed in a Landscaping and Lighting Maintenance District at the time the final map is approved by the City.

2. Completed and approved landscaping and lighting improvement plans, and legal description.

(c) The Landscaping and Lighting Maintenance District shall be established, or the annexation into an existing District concluded, and landscape and lighting improvements completed and accepted concurrently with the other improvements in the subdivision.

(d) Exclusive of assessments for a Landscaping and Lighting Maintenance District, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Landscaping and Lighting Maintenance District.

Sec. 21-10. Provision of Recreational Open Space (Pocket Park) within Residential Subdivisions

(a) Single-family residential subdivisions, whether attached or detached, shall be designed with recreational open space that is centrally located and designed to serve residents within the development. The open space shall be developed and maintained as
a part of the Landscape and Lighting Maintenance District created for the subdivision. The recreational open space shall be designed to accommodate a mixture of active and passive recreational opportunities to include, but not be limited to, tot lots, basketball courts, picnic tables/shelters and landscaping conducive to outdoor activities. The minimum area allotted to recreational open space is based on the number of residential units proposed in a development as follows:

- 0 to 4 dwelling units
  - No requirement
- 5 to 49 dwelling units
  - No land dedication required*
- 50 or more dwelling units
  - 2% of site area**

* For subdivisions ranging from 5 to 49 dwelling units, the subdivider shall pay an offset in lieu of dedication of a pocket park. The fee shall be proportionate to density of development as defined below, and monies obtained by the fees shall be used to fund improvement projects for existing City parks in the vicinity of the project area.

  The fee shall be equivalent to $1000/acre for projects with densities commensurate with General Plan densities ranging from 0 to 2 dwelling units per acre.

  The fee shall be equivalent to $3000/acre for projects with densities commensurate with General Plan densities ranging from 2.1 to 7 dwelling units per acre.

  The fee shall be equivalent to $4500/acre for projects with densities commensurate with General Plan densities ranging from 7.1 to 15 dwelling units per acre.

  The fee shall be equivalent to $6000/acre for projects with densities commensurate with General Plan densities ranging from 15.1 to 40 dwelling units per acre.

** Site area refers to the gross land area within the specific development. The percentage requirement may be reduced with provision of other amenities subject to approval of the Parks and Leisure Services Director.

(b) Whenever practicable, the recreation open space shall be developed concurrently with the first phase of development of the subdivision. The requirement for recreational open space does not apply to the Suburban Residential (R-A) Zone or the One Family Estate (R-E) Zone or to residential subdivisions within a 1/2 mile radius of an improved City park other than a pocket park provided by similar preceding residential development.

(c) A subdivider may make dual use of an on site drainage basin if the Public Works Director/City Engineer determines that the primary use of the basin can be achieved. A minimum of 30% of the recreation open space must be provided outside of the drainage basin restricted area, and dual use areas must be designed to adequately afford recreational use.
(d) A fence or landscape barrier is required to be constructed along all common property lines with residential lots bordering the recreational open space. The fence or barrier material is subject to City Engineer and Parks and Leisure Services Director approval, and is intended to separate private spaces (ie rear yards or residences) from public spaces, as appropriate.

Sec. 21-10. Reserved

Sec. 21-911. Grading and erosion control.
Every map approved pursuant to this article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in appendix chapter 70 33 of Uniform California Building Code of the most recently adopted edition, 1979 Edition, or editions subsequently adopted. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83) Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the Public Works Director/City Engineer, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

Sec. 21-12. Storm Water Management Plan
Every map approved pursuant to this article shall be conditioned to comply with the requirements of the City’s Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Sec. 21-1013. Watercourses.

(a) In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall offer to dedicate rights-of-way or easements for access and maintenance storm-drainage purposes conforming substantially with the lines of such watercourses, channels, streams or creeks, or shall provide by dedication further and sufficient rights-of-way or easements as shall be required for structures or channel changes, or both, to dispose of such surface and storm waters.

(b) The City Council may deny a tentative map of a subdivision because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1362, § A(9), 8-19-86)

Sec. 21-1114. Ponding lots. Drainage Reservoirs.

(a) Ponding lots. Temporary drainage reservoirs will only be allowed in areas where it has been determined by the Public Works Director/City Engineer that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan other methods of drainage are not practical. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of
these facilities shall be part of the Landscape and Lighting Maintenance District created for the benefit of the subdivision.

(b) Permanent ponding lots shall be a minimum of five (5) acres and dedicated to the city for maintenance. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

(b) Temporary drainage reservoirs ponding lots may be approved until such time as Storm Drain Master drainage facilities are available for connection and shall be dedicated to the City as an easement in fee title. (Ord. No. 1274, 1-4-83)

(c) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in Fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City’s Storm Drain Master Plan and City’s Property and Right-of-Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

ARTICLE IV. PRELIMINARY MAP

Sec. 21-12. Subdivision Review Committee.
A Subdivision Review Committee is hereby established consisting of the City Engineer, the Community Development Director or designee, two (2) staff members appointed by the City Manager, and at least one (1) member of the City Council appointed by the mayor. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(10), 8-19-86; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-1315. Preliminary Review.
Prior to the filing of a tentative map, the subdivider shall submit to the Community Development Director—City Planner or designee ten (10) nine (9) copies, or as may be determined necessary at the time of submittal, of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this chapter for tentative maps, and shall contain the following minimum information:

(a) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.

(b) Name and address of the owner of record, subdivider and engineer or surveyor.

(c) Date, north point and scale showing the general topography contours and features.
(d) Approximate location and widths of proposed and existing street rights-of-way.

(e) Approximate location, average size, and number of lots.

(f) Approximate acreage of proposed tract.

(g) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

The City Planner Community-Development-Director or designee will then, within twenty (20) sixteen (16) days, schedule a conference meeting of the Project Review Committee Subdivision Review Committee with the subdivider on the preliminary map. The Project Review Committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The Project Review Committee Subdivision Review Committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

ARTICLE V. TENTATIVE MAP

Sec. 21-1416. Map filing procedure and requirements.

(a) Filing tentative map. The subdivider shall file with the Community Development-Director City Planner or designee twenty-three (23) copies, one (1) legible sepia and eight (8) copies of the owner's statement ten (10) copies, one (1) photo-ready master (11" X 17" maximum) and one (1) copy of the owner's statement (if not included on the tentative map), all in accordance with the requirement of this article, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the City Council. The Community Development-Director City Planner or designee shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, tracings masters, and accompanying data are deposited in the office of the director. (Ord. No. 1614, § 4, 9-17-02)

(b) Not later than thirty (30) calendar days after the Community Development Director or designee has received receipt of an application for a tentative map approval, the Community Development-Director City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community Development-Director City Planner or designee's determination shall specify identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall
indicate the manner in which they can be made complete. After the Community Development Director or designee accepts an application as complete, the city shall not subsequently request of an applicant any new or additional information which was not requested as part of the application. The Community Development Director or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. (Ord. No. 1614, § 4, 9-17-02)

(c) Distribution of tentative map. Within ten (10) days of acceptance of a tentative map of a subdivision, the Community Development Director or designee shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after the map has been filed, forward to the Community Development Director or designee a written report of its findings and recommendations thereon. The Community Development Director or designee shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan, the Zoning Ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. (Ord. No. 1614, § 4, 9-17-02)

The Public Works Director/City Engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provision of the Map Act. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-1517. Form of map and content.
The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a person authorized by state law to prepare such a map, and the boundaries of the tentative map shall be certified as to accuracy by a registered civil engineer or licensed land surveyor. Tentative maps shall be eighteen by twenty-six inches (18” X 26”) in size, and drawn to a scale of not less than one inch equals one hundred feet (1” = 100”) or as approved by the Community Development Director or designee. Every map shall be clearly and legibly drawn and shall contain the following information:

(a) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.
(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(e)(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(d)(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III, Design and Construction Standards).

(i) Typical cross sections of all streets.

(e)(i) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(3)(k) Approximate accurate contour lines having the following intervals:

(1) One (1) foot contour interval for ground slopes between level and five (5) percent.

(2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l)(m) The approximate widths, location and purpose of all existing or proposed easements.

(m)(n) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) (o) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) (p) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) (q) Public areas proposed.

(q) (r) City limit lines.

(r) (s) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.
(s) (t) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(f) (u) If developed in increments, maps shall indicate approximate sequence of development.

(u) For residential subdivisions, the school district and schools serving the subdivision.

(v) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(w)(x) The location and sizes of existing and proposed utility lines and structures.

(w)(x) The elevation of sewers at the proposed connection. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-92)

Sec. 21-1618. Owner’s statement and accompanying data.
Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, § 1, 7-18-78)

(g) Environmental Information Form.
Sec. 21-19. Transmittal of maps to public agencies and utilities

(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

1. Public Works Director/City Engineer
2. Chief Building Official
3. Police Department
4. Fire Department
5. Field Services Manager
6. Office of Intergovernmental Management when required under Section 12037 of the Government Code
7. Tulare County Resource Management Agency
8. Southern California Edison or other affected electric company
9. The Gas Company or other affected gas company
10. Telephone company or other affected phone company
11. Cable TV companies affected
12. School Districts as required by Section 66455.7 of the Map Act
13. Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into a report and make recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.

Sec. 21-1720. City Council action.
Within the timeframes established in the Permit Streamlining Act, fifty (50) days after the acceptance of a tentative map of a subdivision, unless such time is extended by agreement with the subdivider, the City Council shall act on the tentative map, unless an extension is agreed upon by the subdivider as provided for in the Permit Streamlining Act. If the City Council shall find that the proposed map complies with the requirements of this chapter and the Map Act, it shall approve the map. If the City Council finds that the proposed map does not meet the requirements of this chapter and the Map Act, it shall conditionally approve or disapprove such map. Within ten (10) days following the action by the City Council, the Community Development Director or designee shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § 11, 8-19-86; Ord. No. 1614, § 4, 9-17-02)
Sec. 21-1720.1. Notice of hearing.
Notice of the time and place of any public hearing on this a particular matter shall be given by the City Council or the City Clerk by mailing in the United States mail a written notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred (300) feet of the outer boundaries thereof.

Such notice shall also be given by at least one (1) publication in a newspaper of general circulation published in the city, at least ten (10) days before the hearing, and by such other means as the council may deem necessary. (Ord. No. 1274, 1-4-83; Ord. No. 1362, §12, 8-19-86)

Sec. 21-1821. Expiration of maps and extensions of time.

(a) Expiration. The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Sections 66463.5 and 66452.6 of the Map Act, respectively. An approved or conditionally-approved tentative map shall expire twenty-four (24) months after the date of its approval unless an additional period of time not to exceed an additional twelve (12) months is specifically requested in writing by the subdivider at the time the tentative map is filed with the city. The City Council or Parcel Map Committee shall consider such requests at the same time the tentative map is considered.

(b) Extension. Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Sections 66463.5 and 66452.6 of the Map Act, respectively. 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 may be extended by the City Council or by the Parcel Map Committee for a period or periods not exceeding a total of thirty-six (36) months. Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Community Development Director City Planner or designee prior to expiration of the tentative map, who shall forward such to the City Council or Parcel Map Committee. If the Parcel Map Committee denies a subdivider’s application for an extension, the subdivider may appeal, in writing, to the City Council within fifteen (15) ten (10) days after the Parcel Map Committee has denied the extension. (Ord. No. 1614, § 4, 9-17-02)

Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original Parcel Map Committee conditions or City Council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the
tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension shall may be denied.

(c) **Time limit on extensions.** An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of thirty-six (36) months may be approved pursuant to Sections 66463.5 and 66452.6 of the Map Act.

The expiration of an 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 City Council without first processing a new tentative map. Once a timely filing is made, subsequent actions of the City Council or Parcel Map Committee, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1315, 7-17-84; Ord. No. 1327, 4-2-85; Ord. No. 1362, § A(13), 8-19-86; Ord. No. 1404, § A, 7-5-88)

(d) **Companion permits.** When a tentative map is approved or conditionally approved in conjunction with a conditional use permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion conditional use permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by Section 21-20(c), hereinabove.

**Sec. 21-1821.1. Vesting tentative maps.**

(a) **Citation and authority.** This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

(b) **Purpose and intent.** It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance shall apply to the vesting tentative map section.

(c) **Consistency.** No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan, or not permitted by the Zoning Ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) **Definitions:**
(1) A "vesting tentative map" shall mean a "tentative map" for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 21-18.1(f), and is thereafter processed in accordance with the provisions hereof.

(2) All other definitions set forth in the subdivision ordinance are applicable.

(e)(d) Application.

(1) This section shall apply only to residential developments. Whenever a provision of the Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(2) If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(f)(e) Filing and processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map, except as hereinafter provided:

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map".

(2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in Sections 21-1517 and 21-3435:
   (A) Height, size, and location of buildings.
   (B) Geological studies.
   (C) Architectural plans.
   (D) Any other studies that are normally deferred to the building permit stage.

(f)(e) Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map.

(g)(h) Vesting on approval of vesting tentative map.

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.
However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(2) Notwithstanding Subsection (g)(1), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
   (A) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
   (B) The condition or denial is required, in order to comply with state or federal law.

(3) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 21-1821.1(g). If the final map is approved, these rights shall last for the following periods of time:

   (A) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
   (B) The initial time period set forth in Subsection (g)(3)(A) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
   (C) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Subsection (hg)(3)(A) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within fifteen (15) days.
   (D) If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections (hg)(3)(A), (B), and (C), the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

(i)(h) Development inconsistent with zoning; conditional approval.

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the
Zoning Ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant, or his or her designee, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 21-1821.1(hg)(1), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in Section 21-1821.1(hg)(3).

(i) Applications inconsistent with current policies. Notwithstanding any provision of this section, an applicant property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in Section 21-1821.1(h)(1) and Section 21-1821.1(i) and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. No. 1345, Exhibit A (Res. No. 1655), 1-7-86; Ord. No. 1362, § A(14), 8-19-86)

ARTICLE VI. FINAL MAPS

Sec. 21-1922. Filing final map.
The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the City Engineer. The said final map shall be accompanied by filing fees as specified in the Comprehensive Fee Schedule. When a final map is submitted to the City Engineer in accordance with this Code, it shall be accompanied by the following documents:

(a) Improvement plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this chapter, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the Public Works Director/City Engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the Public Works Director/City Engineer. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the City Engineer.

(b) Traverse sheets. Calculation and traverse sheets in a form approved by the City Engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.
(c) Design data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

(d) Report and guarantee of title. The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(e) Preliminary soils report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the City. The preliminary soil report may be waived by the Public Works Director/City Engineer if adequate existing data is available as to the soil qualities of the soils of the subdivision.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the City of Porterville Building Department.

(f)(g) Utility statements. Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

(f)(g) Improvement agreements. With final review; all agreements, improvement security required by state law or this Code, and offer(s) of dedication.

Sec. 21-2035. Form and content.
(a) — The final map shall be clearly and legibly drawn upon tracing cloth of good quality or polyester base film. All lines, letters, figures, certifications, acknowledgments and signatures shall be made in black waterproof opaque ink; except that affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with black opaque ink. If ink is used on a polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) — The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. The size of each sheet shall be eighteen by twenty-six inches (18” X 26”). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one (1) inch. The scale of the map shall be no less than one inch equals one hundred feet (1” = 100’).

(c) — The boundary of the subdivision shall be designated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The final map shall consist of a title sheet containing all required certificates and acknowledgments, and other sheets as necessary to show required lot dimensioning and survey data, as mentioned herein.

(d) — When the final map consists of more than two (2) sheets, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the sheet number and number of sheets comprising the map.

(e) — All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown including bearings and distances of straight lines and radii and tangent distance and central angle and arc length for all curves, lot dimensions, such information as may be necessary to determine the location of the centers of curves, tangent points and ties to existing monuments used to establish the subdivision boundaries.

(f) — The final map shall show clearly any stakes, monuments, or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified by lot numbers, subdivision name with proper ties and recording information shown. Whenever the City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown in the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used shall be stated.

(g) — The map shall show the location and description of all monuments found or placed in making the survey of the subdivision with proper reference sufficient for relocation.
(h) Any unimproved natural watercourses wholly or partially within the proposed subdivision shall be indicated on the final map. The final map shall also show areas within the subdivision that are subject to inundation or flood hazard.

(i) The lots on the final map shall be numbered consecutively commencing with the number one (1), with no omissions or duplications. Additional information:

1. The date, north point and scale.
2. The location and names, without abbreviations, of all existing and proposed streets and alleys and adjoining streets.
3. Dimensions in feet and hundredths of a foot.
4. Subdivision name: Below the subdivision name shall be a legal description of the property being subdivided along with the recording information pertaining thereto.
5. Existing and proposed rights of way or easements, and the dimensions and locations of same.
6. City boundary lines.
7. Acreage: The total acreage of the subdivision to the nearest one-hundredth (1/100) of an acre shall be shown on the face of the final map.
8. Basis of bearings.

(j) No lot in a subdivision shall be divided by the boundary line of a city, county or special district. (Ord. No. 1153, § 1, 7-18-78)

The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be eighteen inches by twenty-six inches (18" x 26") inches or four hundred sixty by six hundred sixty (460 x 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines.
and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(d) Each lot shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.

(c) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a “designated remainder” parcel, and the gross area of the “designated remainder” parcel or similar parcel is five (5) acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

Sec. 21-2424. Survey and Monument Requirements.

(a) The survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one (1) foot in ten thousand (10,000) feet of perimeter.

(a) At the time of making a survey for final map or parcel map, unless survey is not required pursuant to Section 66448 of the Map Act, the engineer or surveyor shall
set sufficient durable monuments to conform with City Standards so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

(b) The monuments shall be approved by the City Engineer and shall be per City Standards. Any monument or bench mark, as required by this section, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the City Engineer. (Ord. No. 1153, §1, 7-18-78; Ord. No. 1274, 1-4-83)

(c) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Map Act.

(d) Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the City Engineer that the final monuments have been set in accordance with Section 66497 of the Map Act.

Sec. 21-2225. Certificates and acknowledgment. Statements and acknowledgments.
The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of final maps, and such certificates statements may be combined where appropriate:

(a) Certificate Statement by parties holding title. A certificate statement in accordance with the provisions of Section 66436 of the Map Act.

(b) Dedication certificates Statement. A certificate statement in accordance with Section 66439 of the Map Act.

(c) Engineer's or Surveyor's certificate Statement. A certificate statement in accordance with Section 66441 of the Map Act.

(d) Soil Engineer's Statement. A statement referring to preliminary soils reports on file with the City in accordance with Section 66434.5 of the Map Act.

(e)(d) Certificates Statement to be executed. Certificates A statement for execution by each of the following:
- City Engineer;
- surveyor;
- soil engineer;
- Community Development Director City Planner or designee;
- City Council;
- City Clerk;
- County Board of Supervisors;
- County Recorder;
- owner.

(f)(e) Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1392, § A(1), 11-17-87; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-2326. Dedications and reservations.

(a) Dedications. All streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use shall be offered for dedication for public use. The council or the City Engineer, on behalf of the City Council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the City Engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city’s action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Map Act. (Ord. No. 1590, § B, 2-20-01)

(1) Partial Half-streets shall be discouraged in developments except in those situations where warranted and when approved by the City Engineer;

(2) Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property; and

(3) Where a partial half-street-configuration is allowed, the outside edge shall be a thickened design approved by the City Engineer, and that when the other portion half of the street is constructed by development, the subdivider shall be required to overlay the existing partial half street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the subdivider if there are no lots fronting on the partial half-street.
(4) When there are lots fronting on the partial half-street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.

(b) **Waiver of direct access right.** The City Council, at its discretion, may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.

(c) **Reservations.** At the discretion of the City Council, areas of real property within the subdivision may be reserved for future needs for fire stations, libraries, recreational facilities, or other public uses pursuant to the applicable provisions of the Map Act. (Ord. No. 1153, § 1, 7-18-78)

**Sec. 21-27 Reservations**

(a) As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

1. Such requirement is based upon an adopted specific plan or an adopted General Plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.
2. The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.
3. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
4. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

(b) The reservation area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

(c) The reservation requirement may be in addition to requirements for dedications and/or improvements of property within the subdivision for the same or other purposes.

(d) The City shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes
against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(e) If the City does not enter into the agreement required, the reservation of such area shall automatically terminate.

Sec. 21-2428. Public improvement agreement.
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between himself and the city specifying the period within which he shall complete all public improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the Public Works Director/City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider. (Ord. No. 1153, §1, 7-18-78)

Sec. 21-2529. Improvement security.

(a) Security. The subdivider shall file with the agreement required by the provisions of Section 21-2428, to assure his full and faithful performance thereof, a bond or security for such sum as the City Engineer deems sufficient to cover the cost of the improvements.

(b) Security, Form, amount. Such security shall be in the manner, form, and kind provided by the Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty (50) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements.

The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the City.

In lieu of a one hundred (100) percent performance bond and fifty (50) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten (110) percent of the cost of the work estimated by the Public Works Director/City Engineer. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

(1) Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.
(2) Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the City Engineer until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.

(3) Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.

(c) Completion of work by city. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city.

Sec. 21-2630. Approval by City Engineer.
Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this chapter or any other ordinance and the Map Act applicable at the time the application for the tentative map is deemed complete of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the City Engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map and shall transmit said map to the City Council for approval. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-2731. City Council approval.

(a) The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this chapter and the Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.
(b) The council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this article or by law are not completed before the filing of the final map, the council may enter into an agreement with the subdivider for posting improvement security as provided in this chapter. The City Engineer, upon the approval of the final map by the City Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record the same. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

ARTICLE VII. PARCEL MAP SUBDIVISION

Sec. 21-2832. Purpose.
This article is adopted in order to establish rules, regulations and specifications for the subdivisions of land described in Subsections 66:26 a, b, c, and d of the Map Act. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-2933. Parcel Map Committee responsibilities.
A Parcel Map Committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative parcel maps. Said Parcel Map Committee shall include the Community Development Director or designee, the City Engineer or his designee and the Fire Chief or his designee. The Community Development Director or designee shall serve as committee chairman. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-3034. Tentative parcel maps; filing.

(a) Ten (10) Twenty-three (23) copies of the tentative parcel map and one (1) photo-ready master (11"X17" maximum) legible-sepias shall be filed with the Community Development Director or designee. (Ord. No. 1614, § 4, 9-17-02)

(b) The tentative parcel map shall be accompanied by an application fee as established by City Council resolution.

(c) The Community Development Director or designee may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-3435. Tentative parcel map; form and content.
The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18" X 26"). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1" = 100'), unless the Community Development Director or designee determines that a different scale will be adequate and appropriate for the tentative map.
The tentative map shall clearly show the following information:

(a) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.

(b) The dimensions and boundaries of the original parcel, with a legal description of the original parcel attached to the map.

(c) The dimensions, computed area, and boundaries of each parcel to be created.

(d) All existing surface and underground structures and improvements located on the original parcel, together with the exterior dimensions of said structures and improvements, the distance between structures and improvements, and the distance from the structures and improvements to the boundary line of the lots which are to be created by the proposed division of land.

(e) The names, locations and widths of all existing and proposed streets abutting the original parcel.

(f) The location, purpose and width of all existing and proposed easements, and the names of the owners and proposed owners of the easements. Easement boundaries shall be shown by means of a dotted line.

(g) Sufficient elevations and contours to determine the general slope of the land and the high and low points thereof shall be shown.

(h) Approximate location of all areas subject to flooding or ponding of surface water; the location, width and direction of flow of all watercourses; and the location of adapted floodplain lines.

(i) Existing use or uses of property.

(j) Proposed use of the property; and, if the property is proposed to be used for more than one (1) purpose, the areas proposed for each type of use.

(k) Statement of the improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.

(l) Proposed provisions for storm drainage and runoff disposal.

(m) North point, scale and date of preparation.

(n) Provisions for sewage disposal.
(o) — The proposed water supply.

(p) — The names, addresses and telephone numbers of the property owners, the person filing the map, and the registered civil engineer authorized to practice surveying or licensed land surveyor, if any, who prepared the map.

(q) — A statement signed by the owner of the property certifying the division request and accuracy of the information shown. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III. Design and Construction Standards)

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:

1. One (1) foot contour interval for ground slopes between level and five (5) percent.

2. Five (5) foot contour intervals for ground slopes exceeding five (5) percent.
(l) The approximate widths, location and purpose of all existing or proposed easements.

(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) City limit lines.

(q) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(r) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(s) For residential subdivisions, the school district and schools serving the subdivision.

(t) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(u) The location and sizes of existing and proposed utility lines and structures.

(v) The elevation of sewers at the proposed connection.

(Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-35.1 Owner's statement and accompanying data.
Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.
(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, § 1, 7-18-78)

(g) Environmental Information Form.

Section 21-35.2 Transmittal of maps to public agencies and utilities

(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

(1) Public Works Director/City Engineer
(2) Chief Building Official
(3) Police Department
(4) Fire Department
(5) Field Services Manager
(6) Office of Intergovernmental Management when required under Section 12037 of the Government Code
(7) Tulare County Resource Management Agency
(8) Southern California Edison or other affected electric company
(9) The Gas Company or other affected gas company
(10) Telephone company or other affected phone company
(11) Cable TV companies affected
(12) School Districts as required by Section 66455.7 of the Map Act
(13) Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into the report and recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.
Sec. 21-3236. Consideration of tentative parcel maps.
Not later than thirty (30) calendar days after the Community Development Director City Planner or designee has received an application for a tentative map approval, the Community Development Director City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community Development Director City Planner or designee’s determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. After the Community Development Director or designee accepts an application as complete, the city shall not subsequently request of an applicant any new or additional information which was not requested as part of the application. The Community Development Director City Planner or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(a) The Parcel Map Committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the Community Development Director City Planner or designee. Noticing shall be as provided in Section 21-1720.1 of this chapter.

(b) If the Parcel Map Committee determines that the tentative parcel map complies with all of the provisions of this article, General Plan, zoning ordinance, and the Map Act, it shall approve the map.

(c) If the tentative parcel map fails to meet one or more requirements set forth in this article, the Parcel Map Committee may approve the map subject to such conditions as may be necessary to conform to such requirements.

(d) When approving or conditionally approving the tentative parcel map, the Parcel Map Committee shall specify the dedications and improvements to be made by the owner.

(e) Within seven (7) days after the action by the Parcel Map Committee, written notice of the action by the Parcel Map Committee shall be mailed to the applicant.

(f) Upon approval of the tentative parcel map by the Parcel Map Committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the Community Development Director City Planner or designee and the City Engineer. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-3337. Appeals.
(a) **Parcel Map Committee actions.** The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof, in writing, with the Community Development Director or designee City Clerk setting forth in detail the action and the grounds upon which the appeal is based, within ten (10) days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the Parcel Map Committee.

(b) **Hearing of appeals.** Upon the filing of such an appeal, the Community Development Director or designee City Clerk shall set the matter for hearing before the City Council. Such hearings shall be held within thirty (30) days after the date of filing the appeal. The City Council shall consider the matter as an appeal de novo and as such may affirm, reverse or modify the action of the Parcel Map Committee, or refer the matter back to the Parcel Map Committee for further action. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, § A(15), 8-19-86; Ord. No. 1614, § 4, 9-17-02)

**Sec. 21-3438. Time limits and extensions of time on tentative parcel maps.**
Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by Section 21-1821 of this chapter. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85)

**Sec. 21-3539. Improvements.**
Pursuant to the provisions of the Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the Parcel Map Committee; and such improvements shall be in conformance with all applicable provisions of Article VIII of this chapter. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-3640. Right-of-way dedications.**
Pursuant to the Map Act, the subdivider shall provide such dedication of right-of-way or easements as may be required by the Parcel Map Committee. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

**Sec. 21-3741. Final parcel maps.**
Within the time limit designated in Section 21-3438 of this article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Map Act. The appropriate certificates statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the parcel map; and the final parcel map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)
Sec. 21-3842. Survey requirement.
If the division of land creates four (4) or less parcels, the final parcel map may be compiled from recorded or filed data when survey information exists on recorded or filed maps to sufficiently locate and retrace the exterior boundary lines of the final parcel map and when the location of at least one (1) of these boundary lines can be established from an existing monumented line. In all other cases, the In all cases where a parcel map is required, the final parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor’s Act of the State of California. All new lot corners shall be monumented and based on a field survey. At the discretion of the City Engineer, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-3943. Information on final parcel map.

(a) Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

(b) The final parcel map shall also contain the following information:

(1) The tentative parcel map number and date of preparation.
(2) The net dimensions of each lot. No ditto marks shall be used.
(3) The names, locations and right-of-way widths of all abutting public streets.
(4) The proposed location, purpose and width of all proposed public roads and private access easements.
(5) The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
(6) Location and widths of easements for public utilities, if required.
(7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.

(8) Building setback lines, if applicable.

(9) A north point and graphic scale.

(10) Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.

(11) Names and addresses of the owners of the property being divided. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-4044. Required certifications statements.

(a) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.

(b) All parties having any record title interest in the real property subdivided shall sign a certificate statement on the final parcel map in accordance with Subsections 66436 and 66445 of the Map Act.

(c) A certificate statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.

(d) A certificate statement for execution by the City Engineer which complies with Section 66450 of the Map Act.

(e) A certificate statement for execution by the Community Development Director or designee on behalf of the Parcel Map Committee certifying that the final parcel map conforms to the approved tentative parcel map.

(f) Additional information to be filed or recorded with the final map as required in accordance with Section 66434.2 of the Map Act. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1392, § 13, 11-17-87; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-4145. Waiver of requirements for parcel maps.

(a) The requirement for a final parcel map may be waived if a finding is made by the Parcel Map Committee that the proposed division of land complies with all requirements of this chapter and the zoning ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No final map will be required for tentative maps approved under this section. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

(b) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance.
pursuant to the provisions of Section 66499.35 of the Map Act. When approval has been
given to an application for a waiver of the requirement of a parcel map, the Community
Development Director and City Engineer shall issue a resolution approving the waived
parcel map certificate of compliance, and shall cause said resolution certificate of
compliance to be filed with the county recorder.

Sec. 21-4246. Lot line adjustment.
Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or
fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an
adjoining parcel, and where a greater number of parcels than originally existed is not
thereby created, may be approved by the City Engineer and Community Development
Director or authorized representatives without the approval and filing of a parcel map.
Such lot line adjustments shall be accomplished in accordance with the following
procedures:

(a) Applications for lot line adjustments shall be filed with the Community
Development Director and shall be in the form and contain the information required of a
tentative parcel map together with legal descriptions of each parcel.

(b) The property owner(s) or agent shall file an application for a lot line
adjustment with the City, submit evidence of title to all parcels to be affected, submit a
proposed lot line adjustment map and legal description, and pay the processing fee
established by resolution of the City Council.

(c) The City Planner or designee and City Engineer, or an authorized
designee, shall consider and approve the application if it is found that the parcels created
by the lot line adjustment will conform to the requirements of this code and applicable
state law.

(d) The lot line adjustment shall be evidenced by recording a deed describing
each affected parcel and a City resolution signed by the Community Development
Director and City Engineer. The deed and resolution shall be recorded concurrently with
any easement deed deed of easement regarding the relocation or elimination of applicable
easements.

The City Engineer may require the applicant to dedicate additional street right-of-way
when necessary for the completion of the ultimate street right-of-way.

A lot line adjustment between two (2) or more adjacent parcels, where the land taken
from one (1) parcel is added to an adjacent parcel and where a greater number of parcels
than originally existed is not thereby created, may be approved by the City Engineer and
Community Development Director or designee or authorized representatives without the
approval and filing of a parcel map. Applications for lot line adjustments shall be filed
with the Community Development Director or designee and shall be in the form and
contain the information required of a tentative parcel map together with legal descriptions
of each parcel. A lot line adjustment shall not be approved unless the proposed parcels
comply with the requirements of the zone in which the parcels are located. The lot line adjustment shall not be complete until the resolution of approval and legal descriptions are recorded in the office of the county recorder. The City Engineer may require the applicant to dedicate additional street right-of-way when necessary for the completion of the ultimate street right-of-way. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-4347. Merger.
Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Map Act or this article enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City of Porterville may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

(a) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one (1) or more of the following conditions exists:

(1) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
(3) Does not meet current standards for sewage disposal and domestic water supply.
(4) Does not meet slope stability standards.
(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
(6) Its development would create health or safety hazards.
(7) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(c) Notification of intention to merge, hearing. Prior to recording a notice of merger, the Community Development Director, or designee shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to
determine status shall be filed for record with the Tulare County Recorder on the date
that notice is mailed to the property owner.

(d)  *Request for hearing.* At any time within thirty (30) days after recording of
the notice of intention to determine status, the owner of the affected property may file
with the Community Development Director *City Planner* or designee a request for a
hearing on determination of status.

(e)  *Procedure for hearing.* Upon receiving a request for a hearing on
determination of status, the Community Development Director *City Planner* or designee
shall fix a time, date and place for a hearing to be conducted by the City Council, and
shall so notify the property owner by certified mail. The hearing shall be conducted not
less than thirty (30) days following the receipt of the property owner’s request therefor,
but may be postponed or continued with the mutual consent of the Community
Development Director *City Planner* or designee and the property owner.

(f)  *Procedure for determination following hearing.* At the hearing, the
property owner shall be given the opportunity to present any evidence that the affected
property does not meet the standards for merger specified in the merger ordinance. At the
conclusion of the hearing, the City Council shall make a determination that the affected
parcels are to be merged or are not to be merged and shall so notify the owner of its
determination. A determination of nonmerger may be made whether or not the affected
property meets the standards for merger specified in Subsections 21-4347(a) and (b). A
determination of merger shall be recorded within thirty (30) days after conclusion of the
hearing.

(g)  *Determination when no hearing is requested.* If, within the thirty (30) day
period specified in Subsection (d), the owner does not file a request for a hearing, the
Community Development Director *City Planner* or designee may, at any time thereafter,
make a determination that the affected parcels are to be merged or are not to be merged.
A determination of merger shall be recorded with the Tulare County Recorder which
specifies the names of the property owners and particularly describes the real property in
question no later than ninety (90) days following the mailing of the notice required by
Subsection (e).

(h)  *Notice of intention for nonmerger.* If, in accordance with Subsection 21-
4347(f) or (g), the Community Development Director *City Planner* or designee or City
Council determines that the subject property shall not be merged, it shall cause to be
recorded a release of the notice of intention to determine status, and shall mail a clearance
letter to the then current owner of record.

(Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85; Ord. No.
1362, § A(16), 8-19-86; Ord. No. 1614, § 4, 9-17-02)

**Sec. 21-47.1 Property owner initiated merger of continuous contiguous parcel
merger**
Pursuant to Government Code Section 66499.20 ¾, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

(a) The property owner shall file an application for merger with the City Planner, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall be in the form and contain the information required of a tentative parcel map together with a legal description of the merged parcel.

(b) The City Planner or designee and City Engineer, or an authorized designee, shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

(c) The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the Community Development Director and City Engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

Sec. 21-44-48. Certificate of compliance.

(a) Any person owning real property may request, and the Community Development Director or designee shall determine, whether such real property complies with the provisions of the Map Act and of this article. Upon making such a determination, the Community Development Director or designee shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this article. The Community Development Director or designee may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If the Community Development Director or designee determines that such real property does not comply with the provisions of the Map Act or of this article, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Map Act or this article. Upon making such a determination and establishing such conditions, the Community Development Director or designee shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of
approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, § 4, 9-17-02)

Sec. 21-44.149. Reversion to acreage.

(a) Subdivided real property may be reverted to acreage pursuant to the provisions of the Map Act.

(b) Proceedings for reversion to acreage may be initiated by the Parcel Map Committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(c) The petition shall be in a form prescribed by the Community Development Director or City Planner or designee and shall contain the following:

1. Adequate evidence of title to the real property within the subdivision.
2. Sufficient data to enable the legislative body to make all of the determinations and findings required by this article, including a three hundred (300) foot radius map and property owners list.
3. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.
4. Such other pertinent information as may be required by the Community Development Director or City Planner or designee and City Engineer.

(d) A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in Section 21-17-120 of this chapter.

(e) Subdivided real property may be reverted to acreage and a final map approved for recordation only if the Parcel Map Committee finds that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.
2. Either:
   A. All owners of an interest in the real property within the subdivision have consented to reversion; or
(B) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

(C) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(f) As conditions of reversion, the City Council shall require:

(1) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.

(2) Retention of all previously paid fees if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(g) Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(h) When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable City Ordinance, including the stipulations of this article. (Ord. No. 1327, 4-2-85; Ord. No. 1614, § 4, 9-17-02)

ARTICLE VIII. IMPROVEMENTS

Sec. 21-4550. General requirements.
The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the Public Works Director/City Engineer may require changes in typical sections and details if unusual conditions arise to warrant such changes. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-4651. Standard specifications.
All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the City Clerk and the Public Works Director/City Engineer. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1386, § C(1), 8-18-87)

Sec. 21-4752. Improvement plans.
Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the City Engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the Public Works Director/City Engineer. After construction is completed, the subdivider’s engineer shall show all changes he makes made on the original set of plans and provide them to the city marked “as built plans”. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1386, § C(2), 8-18-87)

Sec. 21-4853. Improvement construction inspection and supervision.
All improvements shall be inspected and approved by the Public Works Director/City Engineer or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-4954. Plan check and inspection fees.
Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule.

The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1404, § B(1), 7-5-88)

Sec. 21-5055. Required improvements enumerated.
The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the Public Works Director/City Engineer. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

(a) Underground utilities. All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility’s rules and regulations on file with the California Public Utilities Commission.

Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.
All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

(b) Streets. All streets shall be graded and surfaced to cross sections and grades approved the Public Works Director/City Engineer.

(c) Structures. Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the Public Works Director/City Engineer.

(d) Grading and drainage. Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

(e) Sidewalks, curbs, gutters and driveway approaches. Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the Public Works Director/City Engineer.

(f) Sanitary sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the Public Works Director/City Engineer. No septic tanks or cesspools shall be permitted.

(g) Storm drains. Storm water sewers shall be installed as required by the Public Works Director/City Engineer.

(h) Water supply, fire flow, and fire hydrants. As provided in the Uniform Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the Fire Chief. When any portion of the building to be protected is in excess of one hundred fifty (150) feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.

1. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the chief may use the standard published by the Insurance Services Office, A Guide for Determination of Required Fire Flow.

2. The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants
shall be accessible to the Fire Department by access roadways meeting Uniform Fire Code requirements for “Access Roadways for Fire Apparatus”. Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the subdivider prior to the time of construction.

(3) In a residential development, one (1) fire hydrant shall be installed for each five hundred (500) feet of residential frontage, provided that the hydrant(s) shall be so located that no point in the development is more than 250 feet from a hydrant. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within two hundred fifty (250) feet.

(4) In a commercial area or industrial development, one (1) fire hydrant shall be installed for each three hundred (300) feet of commercial or industrial frontage; provided that the hydrant(s) shall be so located that no point in the development is more than 150 feet from a hydrant. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within a distance defined by Table A-III-B-1 of the Uniform Fire Code.

(5) When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

(6) Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the subdivider.

(7) The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting Uniform Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the subdivider prior to the time of construction.

(A) 4500 GPM; required duration is 4 hours.
(B) 3000 GPM – 3750 GPM; required duration is three (3) hours.
(C) 1500 GPM – 2750 GPM; required duration is two (2) ³ hours.

(i) **Subdivision trees.** Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the City
Director of Parks and Leisure Services, all in general accord with the requirements of the Porterville Municipal Code. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

(j) **Street signs.** Street signs shall be installed by the city at the subdivider’s expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.

(k) **Street lights.** Ornamental street lights shall be installed by the subdivider at locations designated by the City Engineer.

(l) **Railroad crossings.** Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(m) **Lot corners.** The subdivider’s engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long filled with cement, with the engineer’s marker thereon.

(n) **Bench marks.** The subdivider’s engineer shall set at least two (2) bench marks in the subdivision tied to United States Coast & Geodetic Survey (USC & GS) datum. Bench marks with elevations and based on USC & GS datum are located at all section and quarter-section corners.

(o) **Ponding—Temporary Drainage Reservoir lots.** Ponding Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the Public Works Director/City Engineer and the Director of Parks and Leisure Services.

(p) **Others.** Other improvements where deemed necessary by the City Council for the public health, safety or welfare. (Ord. No. 4274, § 1-4-83)

**Sec. 21-5156. Agreement for installation of improvements.**
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between himself and the City, specifying a period, agreeable to the Public Works Director/City Engineer, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the Public Works Director/City Engineer, and providing that if the subdivider shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the Public Works Director/City Engineer or his
authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

(a) For the construction of the improvements in units.

(b) For an extension of time under conditions therein specified.

(c) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the Public Works Director/City Engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

(d) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the Public Works Director/City Engineer. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-541.157. Construction of improvements absent subdivision agreement. If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in Section 21-5456 of this article, then the subdivider shall execute and file a preliminary subdivision agreement between himself the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which he shall complete all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city.

Such agreements may also provide for:

(a) The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(b) The subdivider to give the City twenty-four (24) hours' notice to restarting work if no construction work has been done for two (2) or more prior work days. (Ord. No. 1404, § C, 7-5-88)

Sec. 21-5258. Supplemental improvements.

(a) Required. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the
public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(b) **Supplemental improvements; reimbursement agreement.** The City shall enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements.

(c) **Supplemental improvements; reimbursement procedures.** To pay the cost of such reimbursement, the City Council may at its discretion:

1. Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or
2. Collect a reasonable use charge for the account of the subdivider from persons not within the subdivision using the oversize improvements. (Ord. No. 1153, § 1, 7-18-78)

 Sec. 21-5359. **Utility fees and off-site charges.**
The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance. Utility fees, excluding acreage fees, for subdivisions shall be collected prior to acceptance of subdivision improvements by the city. Engineering plan checking, inspection fees, acreage fees and off-site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the City Council. (Ord. No. 1153, § 1, 7-18-78, Ord. No. 1274, 1-4-83)

**ARTICLE IX. MISCELLANEOUS**

Sec. 21-5460. **Voidability of deeds or contracts.**
Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee. (Ord. No. 1153, § 1, 7-18-78)

Sec. 21-5561. **Penalties.**
Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars
($500.00), or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment. (Ord. No. 1153, § 1, 7-18-78)
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 21 OF
THE MUNICIPAL CODE PERTAINING TO SUBDIVISION REGULATIONS

WHEREAS: The City Council directed Staff to prepare an amendment to the
Subdivision Ordinance, Chapter 21 of the Municipal Code pertaining to elimination of
the Subdivision Review Committee, the provision of standards for pocket parks,
landscape maintenance districts, and to address various inconsistencies and inefficiencies
in the code; and

WHEREAS: in the preparation of the draft ordinance, Staff held multiple
meetings with representatives of the building industry, a Councilmember, and past
Councilmember to address concerns and to resolve any discrepancies with State Law; and

WHEREAS: Staff prepared a proposed amendment and brought the matter to the
Council on March 6, 2007, at which time the Council directed Staff to meet with
representatives of the building industry again to resolve concerns over the proposed
pocket park provisions of the draft ordinance; and

WHEREAS: Staff held a meeting with the committee to discuss the concerns
over the pocket park provisions and opted to recommend to the Council the elimination
of the section of the draft ordinance and defer any discussion on the matter until after the
current process of updating the General Plan is complete and impact fees can be reviewed
at the same time; and

WHEREAS: Following the meeting of the committee, the City Council
considered the proposed amendment on April 17, 2007 which omitted the pocket park
language but contained the remainder of the proposed amendments; and

WHEREAS: A public hearing was held before the City Council, pursuant to the
Planning and Zoning Law of the State of California and the Municipal Code of the City;
and

WHEREAS: Pursuant to State and local environmental regulations, it has been
determined that the regulations encompassed in this Ordinance are exempt from the
California Environmental Quality Act, and as a general rule, a Notice of Exemption is
filed.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of
Porterville does hereby amend the Porterville Municipal Code pertaining to subdivision
regulations as follows:
ARTICLE I. GENERAL PROVISIONS

Sec. 21-1. Authority for local regulations.
This chapter is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the "Subdivision Map Act."

Sec. 21-1.1. Purpose and scope.
The Subdivision Ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the Subdivision Ordinance is adopted in order to achieve the following objectives:

(a) To aid in the implementation of the General Plan of the City of Porterville, and elements thereof, as adopted by the City Council.

(b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(c) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(d) To accommodate new development in a manner which will preserve and enhance the city's living environment and create new beauty through skilled subdivision design.

(e) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(f) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

The Subdivision Ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this article; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this article shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this chapter shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended.
Sec. 21-1.2. General responsibilities.

(a) Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. The subdivider shall process said maps in accordance with the regulations set forth herein.

(b) Community Development Director/City Planner. The Community Development Director/City Planner shall be responsible for design analysis for conformity with the General Plan and the Zoning Ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

(c) Public Works Director/City Engineer. The Public Works Director/City Engineer shall be responsible for reporting to the City Council as to engineering requirements of the proposed public improvements, and whether the proposed public improvements are consistent with the regulations contained herein and for the inspection and ultimate approval of all public improvements. The City Engineer shall also have the authority to act on behalf of the City Council in accepting dedications of all streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.

(d) Parcel Map Committee. The Parcel Map Committee shall be the designated advisory agency for parcel map subdivisions and shall have the authority to approve, conditionally approve or disapprove tentative parcel maps.

(e) Reserved.

(f) City Council. The City Council shall approve tentative and final subdivision maps, establish requirements for and standards of design of public improvements, and accept land and public improvements that may be proposed for dedication as part of a subdivision. The City Engineer is authorized to accept all dedications that are not offered on a subdivision map approved by City Council (e.g., dedications for parcel maps, individual parcels, etc.).

Sec. 21-1.3. Appeals.

(a) Parcel Map Committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof with the City Clerk, as specified in Section 21-37 hereof.

(b) Hearing of appeals. Upon the filing of such an appeal, the City Council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal. Within ten (10) days following the conclusion of the hearing, the City Council shall render written decision on the appeal.
Sec. 21-1.4. Authority to vary regulations.
The Parcel Map Committee/City Council, with respect to tentative parcel maps and tentative subdivision maps, respectively, can modify any of the requirements and regulations set forth in this chapter, or the Zoning Ordinance (Appendix A of the Municipal Code) as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the proposed land division. If in the opinion of the City Planner and Public Works Director/City Engineer the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the City Council or Parcel Map Committee find the following facts with respect thereto:

(a) That there are special circumstances or conditions affecting such property.

(b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(c) That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(d) That the exception is appropriate for the proper design and/or function of the subdivision.

(e) That the granting of the exception is consistent with the General Plan.

Sec. 21-1.4.1. Exception to Conditional Use Permit requirement
As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots shall be processed with the tentative map and shall not be subject to a conditional use permit per Section 21-1.4. Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

(a) Action on exceptions: In the event that the proposed exceptions represent more than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the City Council shall approve, conditionally approve or disapprove the application for a conditional use permit pertaining to a tentative map in a public hearing held concurrently with the proposed tentative map. The Parcel Map Committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map.
(b) **Appeals:** When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Section 21-32 of this chapter. City Council decisions are final upon adoption of the resolution.

**Sec. 21-1.5. Validity.**
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council of the City of Porterville, California, hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional.

**Sec. 21-1.6. Grounds for denial of tentative subdivision or parcel maps.**
A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
ARTICLE II. DEFINITIONS

Sec. 21-2. Definitions. Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Subdivision Map Act of the State of California, or in the Zoning Ordinance of the City of Porterville, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

Alley shall mean a street providing only secondary access to abutting property.

Applicant shall mean the subdivider or agent thereof.

Arterial shall mean a street designated by the circulation element of the General Plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.

Block shall mean an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

City Engineer shall mean the Porterville City Engineer.

City Planner shall mean the Porterville City Planner.

Collector street shall mean a street designated by the circulation element of the General Plan to collect and distribute traffic between local streets and arterials.

Community apartment project shall mean a property conforming to the definition set forth in Section 11004 of the Business and Professions Code, State of California.

Community Development Director shall mean the Porterville Community Development Director.

Condominium shall mean a property conforming to the definition set forth in Section 783 of the Civil Code of the State of California.

Cul-de-sac shall mean a local street open at only one end, which has a turnaround for vehicles at the closed end.

Final map shall mean a map, prepared in accordance with the provisions of the Subdivision Map Act and of this chapter, designed to be placed on record in the office of the Tulare County Recorder.
Freeway shall mean a divided arterial highway designated for through traffic having grade separated intersections and full control of access.

Frontage road shall mean a street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

General Plan shall mean all elements of the General Plan of the City of Porterville, as adopted and duly amended from time to time by the City Council.

Industrial street shall mean a street that serves an industrial area and connects said area to the major street system.

Intersection shall mean the place at which two (2) or more streets meet.

Local street shall mean a street which provides direct access to abutting properties, primarily in residential districts with more than 400 average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Lot shall mean a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, or parcel map.

Map Act shall mean the Subdivision Map Act of the State of California Government Code.

Minor Street shall mean a street that provides direct access to abutting properties, primarily in residential districts with 400 or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

Parcel map shall mean a map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the exceptions set forth in Section 66426 of the Map Act.

Parcel Map Committee shall mean a staff committee composed of the City Planner, City Engineer and Fire Chief, or their designees.

Preliminary map shall mean a map to be submitted to the City Planner or designee prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the Project Review Committee to review the proposed subdivision design.

Project Review Committee shall mean a staff committee composed of the City Planner, City Engineer, Chief Building Official, Parks and Leisure Services Director, and Fire Chief, or their designees.
Public improvement shall mean street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Public Works Director shall mean director of Porterville’s public works operation.

Standard plans and specifications shall mean all the standard plans and specifications prepared by the City Engineer and approved by resolution of the City Council.

Street shall mean an improved facility used for vehicular traffic.

Subdivider shall be as defined in Section 66423 of the Map Act.

Subdivision shall be as defined in Section 66424 of the Map Act.

Subdivision Design shall mean the overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

Tentative Map shall mean a map made in accordance with the provisions of the Map Act to show the design of a proposed subdivision and the existing conditions in and around said subdivision. It need not be based upon a detailed final survey of the property, except as otherwise provided in this Article and the Map Act; however, it shall be graphically accurate to reasonable tolerances.

Vesting Tentative Map shall mean a tentative map for a subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 21-18.1(c), and is thereafter processed in accordance with the provisions hereof.

ARTICLE III. DESIGN AND CONSTRUCTION STANDARDS

Sec. 21-3. Streets and highways.

(a) The street and highway design shall conform both in width and alignment with any General Plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the General Plan or precise plans shall be dedicated to the city by the subdivider.

(b) Streets and highways not otherwise designated on the circulation element of the General Plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when
determined necessary, by the City Council in the public interest. Approval or
determination of street classification shall be made by the City Council.

<table>
<thead>
<tr>
<th>Right-of-Way</th>
<th>(feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divided arterial streets</td>
<td>110</td>
</tr>
<tr>
<td>Undivided arterial streets</td>
<td>84</td>
</tr>
<tr>
<td>Collector streets</td>
<td>60</td>
</tr>
<tr>
<td>Local streets</td>
<td>60</td>
</tr>
<tr>
<td>Minor streets</td>
<td>50</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>50</td>
</tr>
<tr>
<td>Frontage road</td>
<td>50</td>
</tr>
</tbody>
</table>

(c) **Relationship to existing streets.** The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(d) **Center lines.** The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.

(e) **Intersections.** Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the City Engineer.

(f) **Corner cut-offs.** At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(g) **Cul-de-sac or dead-end streets.** No cul-de-sac or dead-end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of forty-seven (47) feet, measured to the property line, and minimum of forty (40) feet to curb face shall be required.

(h) **Curve radius.** The center line curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. In no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.

(i) **Frontage streets.** When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.
(j) **Private roads and alleys.** Private roads and alleys shall not be permitted unless a conditional use permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to city standards.

(k) **Grades of streets.** Streets shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the City Engineer determines that a grade less than two-tenths (0.2) percent, or in excess of seven (7) percent, is necessary.

(l) **Fire hydrants.** The position of a street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(m) **Access on arterials.** Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot.

(n) **Access on collectors.** The Parcel Map Committee or City Council may prohibit the use of a collector as primary direct access to individual single-family residential lots. Where such access is permitted, the Parcel Map Committee or City Council may require the use of circular drives, or other forms of vehicular turnarounds to prevent backing onto public streets. When the rear or side of any lot abuts a collector street, the Parcel Map Committee or City Council may prohibit the right of ingress/egress.

**Sec. 21-4. Alleys.**

(a) The City Council, for any one of the following reasons, may require alleys (if alleys are required, they shall be constructed to city standards):

1. Unusual size, shape or topographical character of the property to be subdivided.
2. The relationship to existing or proposed commercial, industrial or high-density residential development or adjacent railroad right-of-way.
3. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.
4. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

(b) Residential alleys shall have a minimum dedicated width of twenty (20) feet.
(c) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.

(d) A twenty (20) foot corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the City design standards.

(e) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(f) Dead-end alleys shall be prohibited.

Sec. 21-5. Street names.

(a) All street names shall be approved by the City Council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.

(b) Names of through streets in a north-south alignment shall be followed by the designation "Street," and the names of through streets in an east-west alignment shall be followed by the designation "Avenue."

(c) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either "Place," "Way" or "Drive," and cul-de-sac streets in an east-west alignment shall be followed by the designations of either "Lane," "Circle" or "Court."

Sec. 21-6. Blocks.

(a) Block length. Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Long blocks shall be provided adjacent to major and collector streets or highways in order to minimize the number of street intersections.

(b) Block width. The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, therein of a size required by the provisions of this article, unless the conditions justify or make necessary a variation from this requirement.

Sec. 21-7. Lots.

(a) Lot width.

(1) Each residential lot or parcel shall have frontage width of not less than that required by the Zoning Ordinance except as approved by the City Council as provided for in Section 21-1.4.
(2) Each residential lot or parcel on a dead-end street, cul-de-sac or on a curved street, when the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width not less than that required by the Zoning Ordinance, measured along the front yard building setback line established by the required front yard for the main building and between the side lines of such lot or parcel; said line shall be parallel and concurrent with the front lot line.

(3) Corner residential lots shall have an extra width of five (5) feet necessary for maintaining the required side yard area.

(b) **Lot depth.** The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The depth of all other lots shall be as required by the Zoning Ordinance.

(c) **Lot area.** The area of all lots shall comply with the requirements of the Zoning Ordinance relative to each particular zoning district.

(d) **Lot frontage.** Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

(e) **Side lines.** The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

(f) **Lot numbering.** Lot numbers shall begin with the numeral "1", and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(g) **Division of lots.** No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(h) **Suitability of lots.** All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the Parcel Map Committee or City Council to be uninhabitable shall be indicted on the final map.

(i) **Land remnants.** All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

Sec. 21-8. **Access Limitation Strips.**

(a) A one (1) foot access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.
(b) Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates.

Sec. 21-9. Landscaping and Lighting Maintenance Districts

(a) Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22500 et. seq.) to address the extension of improvements such as but not limited to lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems beneficial to specific subdivision, drainage reservoirs, and open space areas, and the maintenance of such facilities.

(b) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

   (1) A petition on a form provided by the city requesting to have the subdivision placed in a Landscaping and Lighting Maintenance District at the time the final map is approved by the City.

   (2) Completed and approved landscaping and lighting improvement plans, and legal description.

(c) The Landscaping and Lighting Maintenance District shall be established, or the annexation into an existing District concluded, and landscape and lighting improvements completed and accepted concurrently with the other improvements in the subdivision.

(d) Exclusive of assessments for a Landscaping and Lighting Maintenance District, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Landscaping and Lighting Maintenance District.

Sec. 21-10. Reserved

Sec. 21-11. Grading and erosion control.
Every map approved pursuant to this article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in appendix chapter 33 of California Building Code of the most recently adopted edition. Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the Public Works Director/City Engineer, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.
Sec. 21-12. **Storm Water Management Plan**
Every map approved pursuant to this article shall be conditioned to comply with the requirements of the City's Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Sec. 21-13. **Watercourses.**
(a) In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall offer to dedicate rights-of-way or easements for access and maintenance purposes conforming substantially with the lines of such watercourses, channels, streams or creeks.

(b) The City Council may deny a tentative map of a subdivision because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map.

Sec. 21-14. **Drainage Reservoirs.**
(a) Temporary drainage reservoirs will only be allowed in areas where it has been determined by the Public Works Director/City Engineer that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the Landscape and Lighting Maintenance District created for the benefit of the subdivision.

(b) Temporary drainage reservoirs may be approved until such time as Storm Drain Master facilities are available for connection and shall be dedicated to the City as an easement.

(c) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in Fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City's Storm Drain Master Plan and City's Property and Right-of-Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

**ARTICLE IV. PRELIMINARY MAP**

Sec. 21-15. **Preliminary review.**
Prior to the filing of a tentative map, the subdivider shall submit to the City Planner or designee nine (9) copies, or as may be determined necessary at the time of submittal, of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this chapter for tentative maps, and shall contain the following minimum information:
(a) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.

(b) Name and address of the owner of record, subdivider and engineer or surveyor.

(c) Date, north point and scale showing the general topography contours and features.

(d) Approximate location and widths of proposed and existing street rights-of-way.

(e) Approximate location, average size, and number of lots.

(f) Approximate acreage of proposed tract.

(g) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

The City Planner or designee will then, within sixteen (16) days, schedule a meeting of the Project Review Committee with the subdivider on the preliminary map. The Project Review Committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The Project Review Committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested.

ARTICLE V. TENTATIVE MAP

Sec. 21-16. Map filing procedure and requirements.

(a) Filing tentative map. The subdivider shall file with the City Planner or designee ten (10) copies, one (1) photo-ready master (11” X 17” maximum) and one (1) copy of the owner’s statement (if not included on the tentative map), all in accordance with the requirement of this article, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the City Council. The City Planner or designee shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, masters, and accompanying data are deposited in the office of the director.

(b) Not later than thirty (30) calendar days after receipt of an application for a tentative map approval, the City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the City Planner or designee’s determination shall identify those parts of the application which are complete, and shall specify those parts of the application which are
incomplete, and shall indicate the manner in which they can be made complete. City Planner or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(c) Distribution of tentative map. Within ten (10) days of acceptance of a tentative map of a subdivision, the City Planner or designee shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after distribution of the tentative map, forward to the City Planner or designee a written report of their findings and recommendations thereon. The City Planner or designee shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan, the Zoning Ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville.

The Public Works Director/City Engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provision of the Map Act.

Sec. 21-17. Form of map and content.
The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a registered civil engineer or a licensed land surveyor. Tentative maps shall be eighteen by twenty-six inches (18” X 26”) in size, and drawn to a scale of not less than one inch equals one hundred feet (1” = 100’) or as approved by the City Planner or designee. Every map shall be clearly and legibly drawn and shall contain the following information:

(a) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.
(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III. Design and Construction Standards).

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:
   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.
   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) The approximate widths, location and purpose of all existing or proposed easements.

(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) Public areas proposed.

(q) City limit lines.

(r) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(s) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(t) If developed in increments, maps shall indicate approximate sequence of development.
(u) For residential subdivisions, the school district and schools serving the subdivision.

(v) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(w) The location and sizes of existing and proposed utility lines and structures.

(x) The elevation of sewers at the proposed connection.

Sec. 21-18. Owner’s statement and accompanying data.
Additional information relating to the subdivision which may not practically be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.

(g) Environmental Information Form.

Sec. 21-19. Transmittal of maps to public agencies and utilities
(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

(1) Public Works Director/City Engineer
(2) Chief Building Official
(3) Police Department
(4) Fire Department
(5) Field Services Manager
(6) Office of Intergovernmental Management when required under Section 12037 of the Government Code
(7) Tulare County Resource Management Agency
(8) Southern California Edison or other affected electric company
(9) The Gas Company or other affected gas company
(10) Telephone company or other affected phone company
(11) Cable TV companies affected
(12) School Districts as required by Section 66455.7 of the Map Act
(13) Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into a report and make recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.

Sec. 21-20. City Council action.
Within the timeframes established in the Permit Streamlining Act, the City Council shall act on the tentative map, unless an extension is agreed upon by the subdivider as provided for in the Permit Streamlining Act. If the City Council shall find that the proposed map complies with the requirements of this chapter and the Map Act, it shall approve the map. If the City Council finds that the proposed map does not meet the requirements of this chapter and the Map Act, it shall conditionally approve or disapprove such map. Within ten (10) days following the action by the City Council, the City Planner or designee shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map.

Sec. 21-20.1. Notice of hearing.
Notice of the time and place of any public hearing on a particular matter shall be given by the City Council or the City Clerk by mailing in the United States mail a written notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred (300) feet of the outer boundaries thereof.

Such notice shall also be given by at least one (1) publication in a newspaper of general circulation published in the city, at least ten (10) days before the hearing, and by such other means as the council may deem necessary.
Sec. 21-21. Expiration of maps and extensions of time.

(a) **Expiration.** The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Sections 66463.5 and 66452.6 of the Map Act, respectively.

(b) **Extension.** Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Sections 66463.5 and 66452.6 of the Map Act, respectively. 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 may be extended by the City Council or by the Parcel Map Committee. Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the City Planner or designee prior to expiration of the tentative map, who shall forward such to the City Council or Parcel Map Committee. If the Parcel Map Committee denies a subdivider’s application for an extension, the subdivider may appeal, in writing, to the City Council within fifteen (15) days after the Parcel Map Committee has denied the extension.

Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original Parcel Map Committee conditions or City Council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.

(c) **Time limit on extensions.** An extension or extensions of tentative map approval or conditional approval may be approved pursuant to Sections 66463.5 and 66452.6 of the Map Act.

The expiration of an 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 City Council without first processing a new tentative map. Once a timely filing is made, subsequent actions of the City Council or Parcel Map Committee, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section.

(d) **Companion permits.** When a tentative map is approved or conditionally approved in conjunction with a conditional use permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative
maps approved with companion conditional use permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by Section 21-20(c), hereinafter.

Sec. 21-21.1. Vesting tentative maps.

(a) Citation and authority. This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

(b) Purpose and intent. It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance shall apply to the vesting tentative map section.

(c) Consistency. No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan, or not permitted by the Zoning Ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) Application.

(1) Whenever a provision of the Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(2) If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(e) Filing and processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map, except as hereinafter provided:

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map”.

(2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in Sections 21-17 and 21-35:

(A) Height, size, and location of buildings.

(B) Geological studies.

(C) Architectural plans.

(D) Any other studies that are normally deferred to the building permit stage.
(f) **Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map.

(g) **Vesting on approval of vesting tentative map.**

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(2) Notwithstanding Subsection (g)(1), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

(A) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(B) The condition or denial is required, in order to comply with state or federal law.

(3) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 21-21.1(g). If the final map is approved, these rights shall last for the following periods of time:

(A) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(B) The initial time period set forth in Subsection (g)(3)(A) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
(C) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Subsection (g)(3)(A) expires.

(D) If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections (g)(3)(A), (B), and (C), the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

(h) Development inconsistent with zoning; conditional approval.

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 21-21.1(g)(1), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in Section 21-21.1(g)(3).

(i) Applications inconsistent with current policies. Notwithstanding any provision of this section, the applicant may seek approvals or permits for development which depart from the ordinances, policies and standards described in Section 21-21.1(h)(1) and Section 21-21.1(i) and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

ARTICLE VI. FINAL MAPS

Sec. 21-22. Filing final map.
The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the City Engineer. The said final map shall be accompanied by filing fees as specified in the Comprehensive Fee Schedule. When a final map is submitted to the City Engineer in accordance with this Code, it shall be accompanied by the following documents:

(a) Improvement plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this chapter, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the
Public Works Director/City Engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the Public Works Director/City Engineer. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the City Engineer.

(b) Traverse sheets. Calculation and traverse sheets in a form approved by the City Engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

(c) Design data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

(d) Report and guarantee of title. The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(e) Preliminary soils report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the City. The preliminary soil report may be waived by the Public Works Director/City Engineer if adequate existing data is available as to the soil qualities of the soils of the subdivision.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the City of Porterville Building Department.
(f) **Utility statements.** Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.

(g) **Improvement agreements.** With final review; all agreements, improvement security required by state law or this Code, and offer(s) of dedication.

**Sec. 21-23. Form and content.**
The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be eighteen inches by twenty-six inches (18" X 26") inches or four hundred sixty by six hundred sixty (460 X 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(d) Each lot shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a “designated remainder” parcel, and the gross area of the “designated remainder” parcel or similar parcel is five (5) acres or more, that remainder
parcels need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

Sec. 21-24. Survey Monument Requirements.

(a) At the time of making a survey for final map or parcel map, unless survey is not required pursuant to Section 66448 of the Map Act, the engineer or surveyor shall set sufficient durable monuments to conform with City Standards so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

(b) The monuments shall be approved by the City Engineer and shall be per City Standards. Any monument or bench mark, as required by this section, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the City Engineer.

(c) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Map Act.

(d) Within five (5) days after the final setting of monuments has been
completed, the engineer or surveyor shall give written notice to the subdivider, and to the City Engineer that the final monuments have been set in accordance with Section 66497 of the Map Act.

Sec. 21-25. Statements and acknowledgments.
The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of final maps, and such statements may be combined where appropriate:

(a) Statement by parties holding title. A statement in accordance with the provisions of Section 66436 of the Map Act.

(b) Dedication Statement. A statement in accordance with Section 66439 of the Map Act.

(c) Engineer’s or Surveyor’s Statement. A statement in accordance with Section 66441 of the Map Act.

(d) Soil Engineer’s Statement. A statement referring to preliminary soils reports on file with the City in accordance with Section 66434.5 of the Map Act.

(e) Statement to be executed. A statement for execution by each of the following:
   • City Engineer;
   • surveyor;
   • soil engineer;
   • City Planner or designee;
   • City Council;
   • City Clerk;
   • County Board of Supervisors;
   • County Recorder;
   • owner.

(f) Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act.

Sec. 21-26. Dedications.
(a) Dedications. All streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use shall be offered for dedication for public use. The council or the City Engineer, on behalf of the City Council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the City Engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city’s action and
accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Map Act.

(1) Partial streets shall be discouraged in developments except in those situations where warranted and when approved by the City Engineer;

(2) Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property; and

(3) Where a partial street configuration is allowed, the outside edge shall be a thickened design approved by the City Engineer, and that when the other portion of the street is constructed by development, the subdivider shall be required to overlay the existing partial street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the subdivider if there are no lots fronting on the partial street.

(4) When there are lots fronting on the partial street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.

(b) Waiver of direct access right. The City Council, at its discretion, may require that dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.

Sec. 21-27 Reservations

(a) As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

(1) Such requirement is based upon an adopted specific plan or an adopted General Plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

(2) The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.

(3) The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

(4) The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

(b) The reservation area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division
of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

(c) The reservation requirement may be in addition to requirements for dedications and/or improvements of property within the subdivision for the same or other purposes.

(d) The City shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(e) If the City does not enter into the agreement required, the reservation of such area shall automatically terminate.

Sec. 21-28. Public improvement agreement.
Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between himself and the city specifying the period within which he shall complete all public improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the Public Works Director/City Engineer and that the cost of such inspections shall be reimbursed to the City by the subdivider.

Sec. 21-29. Improvement security.
(a) Security. The subdivider shall file with the agreement required by the provisions of Section 21-28, to assure his full and faithful performance thereof, a bond or security for such sum as the City Engineer deems sufficient to cover the cost of the improvements.

(b) Security, Form, amount. Such security shall be in the manner, form, and kind provided by the Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty (50) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements.
The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the City.

In lieu of a one hundred (100) percent performance bond and fifty (50) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten (110) percent of the cost of the work estimated by the Public Works Director/City Engineer. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

1. Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.

2. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the City Engineer until all work is completed and the notice of completion is filed, at which time the remaining funds shall be released thirty-five (35) days thereafter.

3. Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.

(c) Completion of work by city. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city.

Sec. 21-30. Approval by City Engineer.
Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this chapter or any other ordinance and the Map Act applicable at the time the application for the tentative map is deemed complete, and that he is satisfied that the map is technically correct. If the City Engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or
additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map and shall transmit said map to the City Council for approval.

Sec. 21-31.  City Council approval.
(a) The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this chapter and the Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.

(b) The council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this article or by law are not completed before the filing of the final map, the council may enter into an agreement with the subdivider for posting improvement security as provided in this chapter. The City Engineer, upon the approval of the final map by the City Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record same.

ARTICLE VII.  PARCEL MAP SUBDIVISION

Sec. 21-32.  Purpose.
This article is adopted in order to establish rules, regulations and specifications for the subdivisions of land described in Subsections 66426 a, b, c, and d of the Map Act.

Sec. 21-33.  Parcel Map Committee responsibilities.
A Parcel Map Committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative parcel maps. Said Parcel Map Committee shall include the City Planner, City Engineer and Fire Chief or their designees. The City Planner or designee shall serve as committee chairman.

Sec. 21-34.  Tentative parcel maps; filing.
(a) Ten (10) copies of the tentative parcel map and one (1) photo-ready master (11"X17" maximum) shall be filed with the City Planner or designee.

(b) The tentative parcel map shall be accompanied by an application fee as established by City Council resolution.

(c) The City Planner or designee may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article.

Sec. 21-35.  Tentative parcel map; form and content.
The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed
land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18” X 26”). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer’s scale of not less than one inch equals one hundred feet (1” = 100’), unless the City Planner or designee determines that a different scale will be adequate and appropriate for the tentative map.

The tentative map shall clearly show the following information:

(a) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(e) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.
(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III. Design and Construction Standards)

(i) Typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:
   (1) One (1) foot contour interval for ground slopes between level and five (5) percent.
   (2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) The approximate widths, location and purpose of all existing or proposed easements.

(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) City limit lines.

(q) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.

(r) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(s) For residential subdivisions, the school district and schools serving the subdivision.

(t) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(u) The location and sizes of existing and proposed utility lines and structures.
(v) The elevation of sewers at the proposed connection.

Sec. 21-35.1 Owner’s statement and accompanying data. Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and General Plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.

(g) Environmental Information Form.

Sec. 21-35.2 Transmittal of maps to public agencies and utilities

(a) When the tentative map is received and filed under the provisions of this title, the City Planner or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

(1) Public Works Director/City Engineer
(2) Chief Building Official
(3) Police Department
(4) Fire Department
(5) Field Services Manager
(6) Office of Intergovernmental Management when required under Section 12037 of the Government Code
(7) Tulare County Resource Management Agency
(8) Southern California Edison or other affected electric company
(9) The Gas Company or other affected gas company
(10) Telephone company or other affected phone company
(11) Cable TV companies affected
(12) School Districts as required by Section 66455.7 of the Map Act
(13) Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(b) Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the City Planner who shall incorporate them into the report and recommendations to the advisory agency.

(c) The departments of the city to which the map is transmitted shall file with the City Planner within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.

Sec. 21-36. Consideration of tentative parcel maps.
Not later than thirty (30) calendar days after the City Planner or designee has received an application for a tentative map approval, the City Planner or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the City Planner or designee’s determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. The City Planner or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(a) The Parcel Map Committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the City Planner or designee. Noticing shall be as provided in Section 21-20.1 of this chapter.

(b) If the Parcel Map Committee determines that the tentative parcel map complies with all of the provisions of this article, General Plan, zoning ordinance, and the Map Act, it shall approve the map.

(c) If the tentative parcel map fails to meet one or more requirements set forth in this article, the Parcel Map Committee may approve the map subject to such conditions as may be necessary to conform to such requirements.

(d) When approving or conditionally approving the tentative parcel map, the Parcel Map Committee shall specify the dedications and improvements to be made by the owner.

(e) Within seven (7) days after the action by the Parcel Map Committee, written notice of the action by the Parcel Map Committee shall be mailed to the applicant.
(f) Upon approval of the tentative parcel map by the Parcel Map Committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the City Planner or designee and the City Engineer.

Sec. 21-37. Appeals.

(a) Parcel Map Committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Parcel Map Committee by filing a notice thereof, in writing, with the City Clerk setting forth in detail the action and the grounds upon which the appeal is based, within ten (10) days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the Parcel Map Committee.

(b) Hearing of appeals. Upon the filing of such an appeal, the City Clerk shall set the matter for hearing before the City Council. Such hearings shall be held within thirty (30) days after the date of filing the appeal. The City Council shall consider the matter as an appeal de novo and as such may affirm, reverse or modify the action of the Parcel Map Committee, or refer the matter back to the Parcel Map Committee for further action.

Sec. 21-38. Time limits and extensions of time on tentative parcel maps.
Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by Section 21-21 of this chapter.

Sec. 21-39. Improvements.
Pursuant to the provisions of the Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the Parcel Map Committee; and such improvements shall be in conformance with all applicable provisions of Article VIII of this chapter.

Sec. 21-40. Right-of-way dedications.
Pursuant to the Map Act, the subdivider shall provide such dedication of right-of-way or easements as may be required by the Parcel Map Committee.

Sec. 21-41. Final parcel maps.
Within the time limit designated in Section 21-38 of this article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the parcel map; and the final parcel map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder.
Sec. 21-42.  Survey requirement.
In all cases where a parcel map is required, the parcel map shall be based on a field 
survey of the land conducted in accordance with the Land Surveyor's Act of the State of 
California. All new lot corners shall be monumented and based on a field survey. At the 
discretion of the City Engineer, a parcel map may be compiled from recorded or filed 
data when sufficient recorded or filed survey monumentation presently exists to enable to 
retracement of the exterior boundary lines of the parcel map and the establishment of the 
interior parcel or lot lines of the parcel map.

Sec. 21-43.  Information on final parcel map.
(a)  Each parcel shall be consecutively numbered. Each parcel shall have its 
area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The 
exterior boundary of the land included within the parcel or parcels being created shall be 
indicated by a distinctive border applied to the reverse side of the tracings. Such border 
shall not interfere with the legibility of figures or other data. The map shall show the 
definite location of such parcel or parcels, and particularly the relationship to existing 
surveys.

(b)  The final parcel map shall also contain the following information:

(1)  The tentative parcel map number and date of preparation.
(2)  The net dimensions of each lot. No ditto marks shall be used.
(3)  The names, locations and right-of-way widths of all abutting public 
streets.
(4)  The proposed location, purpose and width of all proposed public 
roads and private access easements.
(5)  The boundaries of any private easement, whether an easement or 
record or a prescriptive easement, shall be shown by means of a 
dotted line; and the name of the person owning the easement shall 
be shown on the map.
(6)  Location and widths of easements for public utilities, if required.
(7)  The location and widths of watercourses and areas subject to 
inundation, and location of selected flood lines within the parcels 
being created.
(8)  Building setback lines, if applicable.
(9)  A north point and graphic scale.
(10) Location or vicinity map at a minimum scale of one (1) inch equals 
one (1) mile.
(11) Names and addresses of the owners of the property being divided.

Sec. 21-44.  Required statements.
(a)  All required dedications of rights-of-way or easements shall be certified 
on the final parcel map by appropriate statements in accordance with Section 66447 of 
the Map Act.
(b) All parties having any record title interest in the real property subdivided shall sign a statement on the final parcel map in accordance with Subsections 66436 and 66445 of the Map Act.

(c) A statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.

(d) A statement for execution by the City Engineer which complies with Section 66450 of the Map Act.

(e) A statement for execution by the City Planner or designee on behalf of the Parcel Map Committee certifying that the final parcel map conforms to the approved tentative parcel map.

(f) Additional information to be filed or recorded with the final map as required in accordance with Section 66434.2 of the Map Act.

Sec. 21-45. Waiver of requirements for parcel maps.

(a) The requirement for a final parcel map may be waived if a finding is made by the Parcel Map Committee that the proposed division of land complies with all requirements of this chapter and the zoning ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No final map will be required for tentative maps approved under this section.

(b) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the Community Development Director and City Engineer shall issue a resolution approving the waived parcel map, and shall cause said resolution to be filed with the county recorder.

Sec. 21-46. Lot line adjustment.
Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the City Engineer and Community Development Director or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:

(a) Applications for lot line adjustments shall be filed with the Community Development Director and shall be in the form and contain the information required of a tentative parcel map together with legal descriptions of each parcel.
(b) The property owner(s) or agent shall file an application for a lot line adjustment with the City, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the City Council.

(c) The City Planner or designee and City Engineer shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this code and applicable state law.

(d) The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a City resolution signed by the Community Development Director and City Engineer. The deed and resolution shall be recorded concurrently with any easement deed regarding the relocation or elimination of applicable easements.

The City Engineer may require the applicant to dedicate additional street right-of-way when necessary for the completion of the ultimate street right-of-way.

Sec. 21-47. Merger.
Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Map Act or this article enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City of Porterville may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

(a) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one (1) or more of the following conditions exists:

1. Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
2. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
3. Does not meet current standards for sewage disposal and domestic water supply.
5. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
6. Its development would create health or safety hazards.
(7) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(c) **Notification of intention to merge, hearing.** Prior to recording a notice of merger, the City Planner or designee shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

(d) **Request for hearing.** At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the City Planner or designee a request for a hearing on determination of status.

(e) **Procedure for hearing.** Upon receiving a request for a hearing on determination of status, the City Planner or designee shall fix a time, date and place for a hearing to be conducted by the City Council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner’s request therefor, but may be postponed or continued with the mutual consent of the City Planner or designee and the property owner.

(f) **Procedure for determination following hearing.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the City Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Subsections 21-47(a) and (b). A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(g) **Determination when no hearing is requested.** If, within the thirty (30) day period specified in Subsection (d), the owner does not file a request for a hearing, the City Planner or designee may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by Subsection (e).

(h) **Notice of intention for nonmerger.** If, in accordance with Subsection 21-47(f) or (g), the City Planner or designee or City Council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of
intention to determine status, and shall mail a clearance letter to the current owner of record.

Sec. 21-47.1 Property owner initiated merger of contiguous parcel merger
Pursuant to Government Code Section 66499.20 ¾, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

(a) The property owner shall file an application for merger with the City Planner, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall be in the form and contain the information required of a tentative parcel map together with a legal description of the merged parcel.

(b) The City Planner or designee and City Engineer shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

(c) The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the Community Development Director and City Engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

Sec. 21-48. Certificate of compliance.
(a) Any person owning real property may request, and the City Planner or designee shall determine, whether such real property complies with the provisions of the Map Act and of this article. Upon making such a determination, the City Planner or designee shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this article. The City Planner or designee may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If the City Planner or designee determines that such real property does not comply with the provisions of the Map Act or of this article, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Map Act or this article. Upon making such a determination and establishing such conditions, the City Planner or designee shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation
of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city.

Sec. 21-49. Reversion to acreage.

(a) Subdivided real property may be reverted to acreage pursuant to the provisions of the Map Act.

(b) Proceedings for reversion to acreage may be initiated by the Parcel Map Committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(c) The petition shall be in a form prescribed by the City Planner or designee and shall contain the following:

(1) Adequate evidence of title to the real property within the subdivision.

(2) Sufficient data to enable the legislative body to make all of the determinations and findings required by this article, including a three hundred (300) foot radius map and property owners list.

(3) A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.

(4) Such other pertinent information as may be required by the City Planner or designee and City Engineer.

(d) A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in Section 21-20 of this chapter.

(e) Subdivided real property may be reverted to acreage and a final map approved for recordation only if the Parcel Map Committee finds that:

(1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.

(2) Either:

(A) All owners of an interest in the real property within the subdivision have consented to reversion; or

(B) None of the improvements required to be made have been made within two (2) years from the date the final or parcel
map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

(C) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(f) As conditions of reversion, the City Council shall require:

(1) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.

(2) Retention of all previously paid fees if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(g) Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(h) When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable City Ordinance, including the stipulations of this article.

ARTICLE VIII. IMPROVEMENTS

Sec. 21-50. General requirements.
The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the Public Works Director/City Engineer may require changes in typical sections and details if unusual conditions arise to warrant such changes.

Sec. 21-51. Standard specifications.
All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the City Clerk and the Public Works Director/City Engineer.

Sec. 21-52. Improvement plans.
Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the City Engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and
approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the Public Works Director/City Engineer. After construction is completed, the subdivider’s engineer shall show all changes made on the original set of plans and provide them to the city marked “as built plans”.

Sec. 21-53. Improvement construction inspection and supervision.
All improvements shall be inspected and approved by the Public Works Director/City Engineer or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel.

Sec. 21-54. Plan check and inspection fees.
Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule.

The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection.

Sec. 21-55. Required improvements enumerated.
The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the Public Works Director/City Engineer. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

(a) Underground utilities. All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility’s rules and regulations on file with the California Public Utilities Commission.

Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.

All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such
length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

(b) Streets. All streets shall be graded and surfaced to cross sections and grades approved the Public Works Director/City Engineer.

(c) Structures. Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the Public Works Director/City Engineer.

(d) Grading and drainage. Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

(e) Sidewalks, curbs, gutters and driveway approaches. Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the Public Works Director/City Engineer.

(f) Sanitary sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the Public Works Director/City Engineer. No septic tanks or cesspools shall be permitted.

(g) Storm drains. Storm water sewers shall be installed as required by the Public Works Director/City Engineer.

(h) Water supply, fire flow, and fire hydrants. As provided in the Uniform Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the Fire Chief. When any portion of the building to be protected is in excess of one hundred fifty (150) feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.

1. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the chief may use the standard published by the Insurance Services Office, A Guide for Determination of Required Fire Flow.

2. The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting Uniform Fire Code requirements for “Access Roadways for Fire Apparatus”. Such fire protection facilities including all
surfaces access roads shall be installed and made serviceable by the subdivider prior to the time of construction.

(3) In a residential development, one (1) fire hydrant shall be installed for each five hundred (500) feet of residential frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within two hundred fifty (250) feet.

(4) In a commercial area or industrial development, one (1) fire hydrant shall be installed for each three hundred (300) feet of commercial or industrial frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within a distance defined by Table A-III-B-1 of the Uniform Fire Code.

(5) When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

(6) Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the subdivider.

(7) The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting Uniform Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the subdivider prior to the time of construction.

(A) 4000 GPM and greater; required duration is four (4) hours.
(B) 3000 GPM – 3750 GPM; required duration is three (3) hours.
(C) 1500 GPM – 2750 GPM; required duration is two (2) hours.

(i) Subdivision trees. Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the City Director of Parks and Leisure Services, all in general accord with the requirements of the Porterville Municipal Code. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

(j) Street signs. Street signs shall be installed by the city at the subdivider’s expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.
(k) **Street lights.** Ornamental street lights shall be installed by the subdivider at locations designated by the City Engineer.

(l) **Railroad crossings.** Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(m) **Lot corners.** The subdivider’s engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long filled with cement, with the engineer’s marker thereon.

(n) **Bench marks.** The subdivider’s engineer shall set at least two (2) bench marks in the subdivision tied to United States Coast & Geodetic Survey (USC & GS) datum. Bench marks with elevations and based on USC & GS datum are located at all section and quarter-section corners.

(o) **Temporary Drainage Reservoir lots.** Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the Public Works Director/City Engineer and the Director of Parks and Leisure Services.

(p) **Others.** Other improvements where deemed necessary by the City Council for the public health, safety or welfare.

**Sec. 21-56. Agreement for installation of improvements.** Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between the subdivider and the City, specifying a period, agreeable to the Public Works Director/City Engineer, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the Public Works Director/City Engineer, and providing that if the subdivider shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the Public Works Director/City Engineer or his authorized representative and reimbursement to the City by the subdivider for the cost of such inspection. Such agreements may also provide:

(a) For the construction of the improvements in units.

(b) For an extension of time under conditions therein specified.

(c) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the Public Works Director/City Engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.
For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the Public Works Director/City Engineer.

Section 21-57. Construction of improvements absent subdivision agreement.
If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in Section 21-56 of this article, then the subdivider shall execute and file a preliminary subdivision agreement between the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city.

Such agreements may also provide for:

(a) The subdivider to arrange a preconstruction conference with the City, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(b) The subdivider to give the City twenty-four (24) hours’ notice to restarting work if no construction work has been done for two (2) or more prior work days.

Section 21-58. Supplemental improvements.
(a) Required. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(b) Supplemental improvements; reimbursement agreement. The City shall enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements.

(c) Supplemental improvements; reimbursement procedures. To pay the cost of such reimbursement, the City Council may at its discretion:
(1) Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or

(2) Collect a reasonable use charge for the account of the subdividers from persons not within the subdivision using the oversized improvements.

Sec. 21-59. Utility fees and off-site charges.
The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance. Utility fees, excluding acreage fees, for subdivisions shall be collected prior to acceptance of subdivision improvements by the city. Engineering plan checking, inspection fees, acreage fees and off-site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the City Council.

ARTICLE IX. MISCELLANEOUS

Sec. 21-60. Voidability of deeds or contracts.
Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

Sec. 21-61. Penalties.
Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00), or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment.
CITY COUNCIL AGENDA: April 17, 2007

PUBLIC HEARING

SUBJECT: REQUEST TO ESTABLISH FEES FOR APPLICATIONS FOR TEMPORARY SIGNS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On February 6, 2007, the City Council adopted Ordinance No. 1711 concerning banners and temporary signage, guild signage, and roof mounted signage. Additional amendments were proposed which clarify definitions and processes and facilitate enforcement. In addition, appropriate modifications to Chapter 3, Article IV of the Porterville Municipal Code, were made to ensure consistency with the Zoning Ordinance.

Staff is recommending adoption of a new filing fee of $19.75 for processing of the Temporary Sign application. The time required for processing an application is estimated at 15 minutes. The proposed fee is based on the full hourly rate established in the fees study and that which was used to determine the City Planning fees. When the 15 minutes is factored into the General hourly rate it equates to $19.75. Anything less than $19.75 would not cover staff time to provide the service (see attachment No. 2).

RECOMMENDATION: That the City Council:

1) Approve the resolution adopting a $19.75 fee for applications for a Temporary Sign Permit; and

2) That the effective date shall be April 18, 2007.

ATTACHMENTS:

1. Draft Resolution
2. Detail of Anticipated Expenses

DD CM [Signature] Item No. 25
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE SETTING APPLICATION FEES
FOR TEMPORARY SIGNS

WHEREAS, on February 6, 2001, the City Council did adopt Ordinance No. 1711, which addressed regulations pertaining to banners and temporary signage, guild signage, and roof mounted signage within the City of Porterville; and

WHEREAS, on April 17, 2007, a public hearing was held and testimony was received concerning the appropriate application fee to be imposed under Section 15-45(d) of the Municipal Code.

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

1) That Temporary Signs, although exempt from requiring a permit as per Section 3-23 (C-14), an application shall be required for documenting and specifying the temporary signage.

2) That it is estimated to require one-quarter hour for Staff to process a completed temporary sign application and review sign standards for temporary signs.

3) That fees for services provided by Staff will be collected based on a resolution adopted by the City Council.

4) That this fee shall include a prorated portion of an hour based on the fully-loaded, average, hourly rate of $79.00 for Staff time. As such, the fee of $19.75 is an appropriate rate for the service.

This Resolution shall become effective on April 18, 2007.

ADOPTED this 17th day of April, 2007.

____________________________
Cameron Hamilton, Mayor

ATTEST:

__________________________
John Longley, City Clerk

ATTACHMENT NO. 1
ANTICIPATED EXPENSES FOR PROCESSING
TEMPORARY SIGN PERMIT

Based on
City of Porterville
Fee Schedule

**General Research (in excess of 30 minutes up to one hour) at $79.00**

It is estimated to require staff 15 minutes or 0.25 hours to process a temporary sign application. The estimated time for processing includes review of a complete application form and verification of temporary sign meeting City Standards.

At a rate of $79.00 per hour, a quarter of an hour (15 minutes) equates to a rate of $19.75.

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\frac{1}{4} \text{ hours (15 minutes)} \\
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ATTACHMENT NO. 2
CITY COUNCIL AGENDA: APRIL 17, 2007

PUBLIC HEARING- CONTINUED

SUBJECT: ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS LAND DEVELOPMENT INC.)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On October 3, 2006, the City Council continued the public hearing for the proposed Ennis Estates project. The applicant requested that the matter be continued to a later date to allow time for further discussion between the interested parties. The applicant has requested a number of continuances in an effort to work out design issues with adjacent property owners. While progress has been made, the applicant is requesting that the item be continued until May 1, 2007.

The applicants are requesting approval of the Ennis Estates Tentative Subdivision Map to divide a 34.1± acre parcel east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (Single-family Residential) Zone. The property will be divided into approximately 70 estate size (17,000 square foot average) single-family residential lots. Two lots, one approximately 6,400± square feet and the other 9,580± square feet, will be pocket parks maintained by a Homeowners Association. The project will be constructed in one phase.

ENVIRONMENTAL: On August 4, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from August 4, 2006 to August 25, 2006. Comments were received from representatives of Burton School District and Mr. Lombardi, a neighboring property owner. Comments have been addressed where appropriate; the comment letters and Staff responses are attached to the staff report.

RECOMMENDATION: That the City Council continue the item to the May 1, 2007 meeting.
STAFF REPORT

SUBJECT: MURRY PARK MASTER PLAN

SOURCE: PARKS AND LEISURE SERVICES/COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On March 6, 2007, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration and Finding of No Significant Impact would be appropriate for the proposed project. The Initial Study/Environmental Assessment and proposed Mitigation Measures were transmitted to interested agencies and groups. A Notice of Intent was posted in the Porterville Recorder on March 9, 2007. The thirty (30) day review period ran from March 9, 2007 to April 9, 2007.

The public hearing date for the Project was scheduled for City Council on April 17, 2007. Staff realized that although the notice was published in the Porterville Recorder, individual property owners were not directly notified. As a result, Staff has pulled the item to allow for re-noticing. A re-notice of the public hearing for a thirty (30) day review period was mailed to all property owners within 300 feet of the subject site; the notice informed them of the rescheduled public hearing before the City Council on May 15, 2007.

RECOMMENDATION: Receive and file.
SUBJECT: SECOND READING - ORDINANCE NO. 1719, REGULATION OF SQUATTER CAMPS

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1719, adding Article VII, Sections 18-76 through 18-83 to Chapter 18 of the Porterville Municipal Code Pertaining to the Regulation of Squatter Camps, was given First Reading on March 6, 2007, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1719, waive further reading, and adopt said ordinance.

Attachment: Ordinance No. 1719

Item No. 28
ORDINANCE NO. 1719

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING ARTICLE VII, SECTIONS 18-76 THROUGH 18-83 TO CHAPTER 18
OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE
REGULATION OF SQUATTER CAMPS

THE CITY COUNCIL OF THE CITY PORTERVILLE DOES ORDAIN AS
FOLLOWS:

SECTION 1. Article VII of Chapter 18, of the Porterville Municipal Code
is hereby added and shall read as hereinafter set forth:

Chapter 18

ARTICLE VII
REGULATION OF SQUATTER CAMPS

Sections:

18-76 Purpose
18-77 Definitions
18-78 Unlawful Occupancy
18-79 Enforcement
18-80 Nuisance
18-81 Procedure for Abatement of Nuisance
18-82 Penalty
18-83 Severability

Sec. 18-76. Purpose.
The purpose of this section is to assist code / law enforcement in minimizing the
impact that squatter camps have on the City’s quality of life. Squatter camps are
unsightly, accumulating over time on public and private property causing blight and
similar conditions resulting in depreciation of property values and deterioration of
the city’s neighborhoods. Such encampments are also detrimental to the public
health, safety, and welfare, and constitute a public nuisance and, hence, the City herewith provides a means by which they can be eliminated.

Sec. 18-77. Definitions.
Unless otherwise stated herein, whenever used in this section, the following terms shall be defined as follows:

(a) "Health Officer" shall mean the Health Officer of the City, as appointed by the City Manager, and the Health Officer's duly authorized representatives and deputies.

(b) A "squatter camp" is an area of land, public or private, upon which any person has settled or located, or which he/she occupies, without having a bona fide claim or color of title thereto, or without the express consent of the owner or person legally in charge thereof or the agent of the same, and which is occupied or inhabited in violation of Section 103 of the California Building Code or Chapter 10 of the Uniform Housing Code as adopted by the City of Tulare. It includes any tent camp space, house court and every other kind of camp, tent, shelter, structure, or collection of tents, shelters, or structures of any kind established, constructed, maintained, or operated thereon. It also includes the inhabiting of any vacant structure without permission of the property owner, or the inhabiting of any structure deemed substandard and/or unsuitable for habitation by City Building officials.

(c) A "squatter" is one who settles or locates on land enclosed or unenclosed with no bona fide claim or color of title or without the express consent of the owner or person legally in charge of the land.

Sec. 18-78. Unlawful Occupancy.
No person shall settle or locate on or occupy any land without a bona fide claim or color of title thereto, or without the express consent of the owner or person legally in charge of said land, or erect or construct any tent, shelter, or structure of any kind thereon.

Sec. 18-79. Enforcement.
It shall be the duty of the Chief of Police or the City Health Officer to enforce the provisions of this chapter.

Sec. 18-80. Nuisance.
Every squatter camp as defined in this Chapter is hereby declared to be a public nuisance, and may be abated by the City in the manner provided by this Chapter.
Sec. 18-81. Procedure for Abatement of Nuisance.
The Health Officer and the Chief of Police are hereby authorized to abate such a nuisance as follows:

(a) Notice must be served upon the owner or person in charge of the property upon which said squatter camp is located. Such notice shall be in writing, signed by the Health Officer or Chief of Police, and served upon the owner or the person in charge of the property upon which said squatter camp is located according to the provisions of Section 1162 of the Code of Civil Procedure of California. Such notice shall require that said squatter camp be completely abandoned, abated, closed and vacated and demolished within three (3) days from the date of service of notice upon the owner or operator or person in charge thereof. Failure or refusal on the part of any such owner or person in charge of such squatter camp to abate, vacate, and close it in compliance with such written notice shall constitute a violation of this chapter. Where public property is involved, the notice shall be served upon the squatter(s).

(b) Upon the failure or refusal on the part of the owner or person in charge of the land, upon which the squatter camp is located, to comply with the notice, the Health Officer or Chief of Police may post notices notifying all squatters that said squatter camp is condemned as a public nuisance and that all persons shall, within three (3) days, vacate the premises upon which such squatter camp space is located. Any person who shall thereafter enter in or upon or make any use of such squatter camp shall be guilty of a violation of this chapter.

(c) If the Health Officer of Chief of Police is unable to ascertain or find the owner of the land upon which any such squatter camp is located, or where no person is in charge of the same, the Health Officer or Chief of Police may notify all squatters within such squatter camp, in writing, that the same has been condemned and to remove all personal belongings there from within three (3) days. In addition, the Health Officer or Chief of Police shall post a written notice in a conspicuous place, within said squatter camp, notifying all squatters to remove all personal belongings and vacate said squatter camp within three (3) days, after which the City may remove all remaining personal belongings and shall hold such for ten (10) days. The City may discard all items not claimed within the ten (10) day holding period.

(d) Failure or refusal of any person to comply with any notice provided according to this section shall be a violation of this chapter.
Sec. 18-82. Penalty.
Every squatter camp, as defined by this Chapter, is hereby declared a public
nuisance, and as such may be abated in the manner provided for in this Chapter.
Furthermore, all violations of this Chapter shall be considered misdemeanors,
punishable according to Porterville Municipal Code Section 1-9. Upon the
recommendation of the prosecuting attorney, the Court may reduce the charged
offense from a misdemeanor to an infraction, punishable under Penal Code
Section 19.8.

Sec. 18-83. Severability.
If any provision, clause, sentence, or paragraph of this Chapter or the application
thereof to any person or circumstance shall be held invalid, such invalidity shall not
affect the other provisions or application of the provisions of this Chapter which can
be given effect without the invalid provisions or application and, to this end, the
provisions of this Chapter are declared to be severable.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its
passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______day of ____________, 2007.

____________________________________
Mayor of the City of Porterville

ATTEST:

____________________________________
Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville
The subject site is rectangular in shape. The narrowest portion of the lot fronts on Olive Avenue and extends north parallel and contiguous with Mathew Street. The lot consists of 210,528± square feet. The footprint of the six (6) proposed three (3) story apartment buildings (60,561± square feet), the clubhouse (3,630± square feet), maintenance building (300 square feet) and the 144 covered parking stalls (28,800 square feet) equates to 93,191± (44%) square feet of lot coverage. The City Code allows up to 60% lot coverage. A total of 144 covered parking stalls and 72 uncovered parking stalls are required. The proposed parking ratio meets this minimum requirement. Additionally, 75,439± square feet of landscaping and sidewalk area are proposed.

The site plan indicates the three (3) apartment buildings (Buildings A) will be located along Mathew Street (separated by parking areas and a clubhouse between each building). Just east of these buildings, two (2) apartment buildings (Buildings C) and additional apartment building (Building B) will be located. Vehicular access is provided via two (2) drive approaches from Mathew Street and one (1) from Olive Avenue. Parking for tenants is distributed throughout the site. The entrance from Olive Avenue will only be allowed for emergency access and will be fitted with a crash gate. An additional guest parking lot will be located on the east side of Mathew Street approximately midway along the west side of the complex. This will allow for parking adjacent to the clubhouse located to the east. Ingress/egress from this parking area would be from Mathew Street and no internal circulation within the complex could exit this opening. Central to the site is a clubhouse with pool/spa and tot lot immediately to the east of the clubhouse.
A six (6) foot high wrought iron fence will be located along the full length of the Olive Avenue frontage and along the full length of the Mathew Street frontage. A remote controlled wrought iron gate will be located at the two (2) ingress/egress points on the site and at the ingress/egress point for the guest parking area. A six (6) foot high wood fence will be constructed along the full length of the north property line. A six (6) foot masonry block wall will be constructed along the full length of the easterly property line.

Buildings “A” will consist of three (3) floors, with eight (8) units each as follows:

First floor: 4-1 bed/1 bath and 4- 2-bed/2 baths for a total of 8,874± square feet.
Second floor: 4-1 bed/1 bath and 4- 2-bed/2 baths for a total of 8,874± square feet.
Third floor: 4-1 bed/1 bath and 4- 2-bed/2 baths for a total of 8,874± square feet.

Building “B” will consist of three (3) floors, with eight (8) units each as follows:

First floor: 8-2 bed/2baths for a total of 10,795± square feet.
Second floor: 8-2 bed/2baths for a total of 10,189± square feet.
Third floor: 8-2 bed/2baths for a total of 10,189± square feet.

Buildings “C” will consist of three (3) floors, with eight (8) units each as follows:

First floor: 4-2 bed/2 bath and 4- 3-bed/2 baths for a total of 11,522± square feet.
Second floor: 4-2 bed/2 bath and 4- 3-bed/2 baths for a total of 11,522± square feet.
Third floor: 4-2 bed/2 bath and 4- 3-bed/2 baths for a total of 11,522± square feet.

The proposed buildings will all have the same architectural theme. The covered entrances and additional areas on both fronts of the buildings to include wrought iron balconies on the upper floors that will protrude out from the main portion of the building to provide for more articulation of wall surface providing architectural interest to the buildings. Additionally, both sides of the buildings will protrude out from the main portion of the buildings to provide for more articulation of wall surface providing architectural interest to the buildings.

The buildings will have a cement plaster finish. The colors of the buildings will consist of a light brown color on the first floor and a tan color on the second and third floors. The roofs will consist of flat concrete tile medium brown in color. Stucco over foam trim will be added along the fronts and sides of the buildings between the first and second floors. Door and window trim to include decorative shutters will be brown in color (Light Navajo).
The 3,630±-square-foot clubhouses will consist of a clubroom, manager and assistant manger office, break room media/party room, exercise room and bathrooms. The architectural theme for the clubhouse building will match the apartment buildings with the exception of a tower to be located on the top of this building. The corbels at the eaves and trim will have a European white color. The pre-cast concrete columns supporting the covered entrance to the clubhouse will also have European white color.

A 300-square-foot storage garage will be located at the northeast corner of the subject site. It will have a cement plaster finish and flat concrete tile roof with colors of the trim, roof and building matching the color theme of the proposed apartments.

The covered parking will consist of a painted steel frame with a gabled roof and supporting steel poles covered with a flat concrete tile roof to match the color of the rest of the complex.

Landscaping will be provided along the frontages of Olive Avenue and Mathew Street. Additional landscaping will be provided around and between each apartment building, clubhouse, the tot lot and throughout the parking lot.

ENVIRONMENTAL: The project as proposed is Categorically Exempt pursuant to Section 15332, Class 32 of the CEQA Guidelines - (In-fill Development Projects). Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 2-2007.

ATTACHMENTS:

1. Complete Staff Report
STAFF REPORT

TITLE: DESIGN OVERLAY SITE REVIEW 2-2007

APPLICANT: Opal Capital Partners

SPECIFIC REQUEST: The applicants are requesting approval of a 144-unit apartment complex to be located at the northeast corner of Mathew Street and Olive Avenue. The subject site is within the R-4 (D) (Multiple Family - Design Review Overlay) Zone.

PROJECT DETAILS: The subject site is rectangular in shape. The narrowest portion of the lot fronts on Olive Avenue and extends north parallel and contiguous with Mathew Street. The lot consists of 210,528± square feet. The footprint of the six (6) proposed three (3) story apartment buildings (60,561± square feet), the clubhouse (3,630± square feet, maintenance building (300 square feet) and the 144 covered parking stalls (28,800 square feet) equates to 93,191± (44%) square feet of lot coverage. The City Code allows up to 60% lot coverage. A total of 144 covered parking stalls and 72 uncovered parking stalls are required. The proposed parking ratio meets this minimum requirement. Additionally, 75,439± square feet of landscaping and sidewalk area are proposed.

The site plan indicates the three (3) apartment buildings (Buildings A) will be located along Mathew Street (separated by parking areas and a clubhouse between each building). Just east of these buildings, two (2) apartment buildings (Buildings C) and additional apartment building (Building B) will be located. Vehicular access is provided via two (2) drive approaches from Mathew Street and one (1) from Olive Avenue. Parking for tenants is distributed throughout the site. The entrance from Olive Avenue will only be allowed for emergency access and will be fitted with a crash gate. An additional guest parking lot will be located on the east side of Mathew Street approximately midway along the west side of the complex. This will allow for parking adjacent to the clubhouse located to the east. Ingress/egress from this parking area would be from Mathew Street and no internal circulation within the complex could exit this opening. Central to the site is a clubhouse with pool/spa and tot lot immediately to the east of the clubhouse.

A six (6) foot high wrought iron fence will be located along the full length of the Olive Avenue frontage and along the full length of the Mathew Street frontage. A remote controlled wrought iron gate will be located at the two (2) ingress/egress points on the site and at the ingress/egress point for the guest parking area. A six (6) foot high wood fence will be constructed along the full length of the north property line. A six (6) foot masonry block wall will be constructed along the full length of the easterly property line.
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Buildings “C” will consist of three (3) floors, with eight (8) units each as follows:

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The proposed buildings will all have the same architectural theme. The covered entrances and additional areas on both fronts of the buildings to include wrought iron balconies on the upper floors will protrude out from the main portion of the building to provide for more articulation of wall surface providing architectural interest to the buildings. Additionally, both sides of the buildings will protrude out from the main portion of the buildings to provide for more articulation of wall surface providing architectural interest to the buildings.

The buildings will have a cement plaster finish. The colors of the buildings will consist of a light brown color on the first floor and a tan color on the second and third floors. The roofs will consist of flat concrete tile medium brown in color. Stucco over foam trim will be added along the fronts and sides of the buildings between the first and second floors. Door and window trim to include decorative shutters will be brown in color (Light Navajo).

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The covered parking will consist of a painted steel frame with a cabled roof and supporting steel poles covered with a flat concrete tile roof to match the color of the rest of the complex.

Landscaping will be provided along the frontages of Olive Avenue and Mathew Street. Additional landscaping will be provided around and between each apartment building, clubhouse, tot lot and throughout the parking area.

GENERAL PLAN AND ZONING: The General Plan designates the site as General Commercial. The subject site is within the C-2 (D) (Central Commercial - Design Review Overlay) Zone.

SURROUNDING ZONING AND LAND USE:

North: City – R-2/R-1- duplexes and single family residential dwellings
South: City – C-3 – Olive Avenue, mini-storage and heavy commercial uses
East: City – R-4 (D)- Veterans building
West: City – R-1- Mathew Street, single family residential dwellings and two (2) commercial uses

STAFF ANALYSIS:

The area surrounding the subject site has not developed with a unified architectural theme. The building as proposed appears to be an attractive addition to the streetscape.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would not allow the applicants to construct the apartment complex as proposed.

2. Approve the project. Approval of the request would result in the applicant being conditionally allowed to construct the apartment complex as proposed subject to approval of “D” Overlay Site Review 2-2007.

ENVIRONMENTAL: This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill Development projects. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: January 10, 2007

DATE ACCEPTED AS COMPLETE: March 21, 2007
ATTACHMENTS:

1. Zoning, Land Use and General Plan designation map
2. Notice of Exemption
3. Draft Resolution containing findings and conditions in support of “D” Overlay Site Review 2-2007 (Site plan, elevations and floor plans - Exhibit “A”)
LAND USE

"D" OVERLAY SITE REVIEW NO. # 2-2007

GENERAL PLAN DESIGNATION

ZONING

ATTACHMENT 1
NOTICE OF EXEMPTION

TO: Office of Planning and Research
    1400 Tenth Street, Room 121
    Sacramento, CA 95814

FROM: City of Porterville
     291 N. Main Street
     Porterville, California 93257

Tulare County Clerk
County Civic Center
Visalia, CA 93291

Opal Capital Partners
2815 Towngate Road, Suite 130
Westlake Village, CA 91361

"D" Overlay Site Review 2-2007
Project Title

Generally the northeast corner of Mathew Street and Olive Avenue.
Project Location (Specific)

City of Porterville
Tulare
Project Location (City) Project Location (County)

"D" Overlay to allow for the construction of a 144-unit apartment complex.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Opal Capital Partners
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

________ Ministerial (Section 15073)

________ Declared Emergency (Section 15071 (a) )

________ Emergency Project (Section 15071 (b) and (c) )

________ X Categorical Exemption. State type and section number: 15332 Class 32

In-fill development- less than 5 acres.

Reasons why project is exempt

Bradley D. Dunlap, AICP, Community Development Director
Contact Person

If Filed by Applicant:

1. Attached certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the
   Project? Yes: ____________

Date Received for filing: ____________

Signature

Community Development Director
Title
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF “D” OVERLAY SITE REVIEW 2-2007 TO ALLOW FOR THE CONSTRUCTION OF A 144 UNIT APARTMENT COMPLEX TO BE LOCATED ON THE NORTHEAST CORNER OF MATHEW STREET AND OLIVE AVENUE IN THE R-4 (D) (MULTIPLE FAMILY - “D” OVERLAY SITE REVIEW) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 17, 2007, reviewed and considered “D” Overlay Site Review 2-2007, to allow for the construction of a 144-unit apartment complex to be located at the northeast corner of Mathew Street and Olive Avenue. The subject site is within the R-4 (D) (Multiple Family - Design Review Overlay) Zone; and

WHEREAS: The City Council made the following findings:

1. This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines - In-fill Development projects. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

2. That the proposed project is consistent with the General Plan.

The General Plan designates the subject site for High Density Residential uses. The existing R-4 (D) zoning and proposed use is consistent with the General Plan, which allows between 15-43 du/acre. The proposed apartment project results in a density of 30 du/acre.

3. That the design and operation of the proposed project are consistent with the existing Zoning.

Pursuant to Article Two (2) through Article Four (4) of the Porterville Zoning Ordinance, only those identified uses are allowed in this zone. The proposed use is consistent with those identified uses allowed in this zone.

4. That the proposed use is not likely to cause substantial environmental damage.

The subject site is flat. City staff conducted an on-site inspection. The subject site is vacant and has been regularly disced for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

ATTACHMENT
ITEM NO. 3
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve “D” Overlay Site Review 2-2007 subject to the following conditions:


2. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

3. The developer/applicant shall comply with Appendix Chapter 33, “Excavation and Grading” of the California Building Code by providing a soils engineering report and a grading and drainage plan signed by a civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

4. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.

5. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

6. The developer/applicant shall dedicate right of way and construct a deceleration lane for the Mathew Street southerly driveway. It is anticipated that the lane will be a minimum of 100 feet long. Peak trip calculations shall be based on the latest edition of the ITE Trip Generation manual.

7. The developer/applicant shall construct street paving (half street, if necessary to match existing grades), curb, gutter, sidewalk, water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer. A considerable amount of public improvements are required along the Mathew Street frontage.
8. The developer/applicant is hereby notified that the property is subject to $5,003.95 development fees per Resolution No. 131-2003. The fee is associated with the construction of concrete improvements along Olive Avenue between Newcomb Street and Westwood Street by City of Porterville.

9. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

10. The developer/applicant shall provide streetlights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. 16000 lumen streetlights will be limited to the Mathew Street frontage. The spacing between the lights shall not exceed 320 feet.

11. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

12. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

13. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply.

14. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.).

15. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

16. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of the fire hydrants.

17. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.
18. A back-flow device is required on the Master water meter.

19. If required, onsite fire hydrants require detector check as per city standard W-8.

20. The developer/applicant shall install refuse container enclosures according to City Standards. Enclosure locations shall be approved by the City prior to issuance of building permit. Enclosures should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

21. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

22. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The uncovered parking areas and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells are recommended to be a minimum of twenty (20) square-feet in size.

23. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.

24. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

25. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance. Concrete mow strips shall be installed at the base of all fencing adjoining or crossing turfed-landscaping.

26. A six (6) foot high block wall shall be extended along the full length of the easterly property line. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.

27. The landscape strip along the east side of the property shall provide live landscape materials along the wall to deter graffiti and to soften the appearance.
28. The owner/applicant is to provide pedestrian gates and walkways to connect to the Mathew Street and Olive Avenue sidewalks.

29. A landscaped active play area incorporating a playground structure shall be provided and maintained in a safe condition.

30. The owner/applicant is requested to provide some lawn area within the tot lot, and clarify the type of any other ground surfacing landscape material to be utilized within this portion of the site.

31. The proposed apartments are considered R-1 occupancy. Upon submittal of a building permit the following will be required.

* Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy and structural calculations.

* Compliance with access laws (both State and Federal) is required.

* Compliance with all applicable codes is required.

* Soils compaction test will be required.

* School Development fees and all other City fees are due at the time of building permit issuance.

* Plan check fees are required at the time of building permit submittal.

32. Approval from the Tulare County Health Department prior to issuance of the swimming pool permit.

33. Signs require a separate permit.

34. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

35. One address only will be issued for complex

36. The project must comply with latest applicable codes.

37. Based on the occupancy classification, a fire alarm and an automatic sprinkler system will be required.
38. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

* Twenty or more in Group I Divisions 1.1 and 1.2 occupancies.
* One hundred or more in all other occupancies.

39. Submit two (2) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.

40. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.

41. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.

42. Depending on the location of the existing fire hydrant(s), additional fire hydrants will be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

43. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

Fire hydrant spacing shall be as follows:

In **Residential development**, one hydrant shall be installed at 500-foot intervals.  
In **Commercial development**, one hydrant shall be installed at 300-foot intervals.

44. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building. Access gates along Olive and Mathew streets will be required to meet the access requirements.

45. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

46. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.
47. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

48. A Knox box will be required. An application may be obtained from the Fire Department.

49. Three additional hydrants to be located at each entrance of the complex.

50. Knox lock device for emergency access will be required at each gated entrance.

51. All mechanical devises, to include gas and electrical meter, heating and cooling units shall be screened from public view.

52. That the subject site will be developed in accordance with the site plan and elevation plans labeled EXHIBIT “A”. Any change in the color scheme or architecture to the proposed building shown on Exhibit “A” will require the approval of the Community Development Director.

53. No storage of items/materials on balconies if any will be allowed.

__________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
SECOND FLOOR = 8,280 SF
(EXCLUDES STAIR)
12 BEDROOMS

MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
58184
E2398-06
THIRD FLOOR
INCLUDES CORRIDOR
(EXCLUDES STAIRS)

12 BEDROOMS

MISSION TRAILS
OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3287
12/16

BUILDING A
FLOOR PLANS
Scale: 1/8" = 1'-0"
NEWMAN GARRISON GILMOUR
ARCHITECTURE & PLANNING
2030 E 11TH STREET
SAN PEDRO, CA 90731
T 310-735-1414 F 310-735-1413
WWW.NEWMANGARRISON.COM
TYPICAL SIDE ELEVATION

FRONT & REAR ELEVATION

MISSION TRAILS
OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3001
131146

Material Key:
1. Flat Concrete Tile Roof
2. 18" Cement Plaster
3. Stucco Siding
4. Balcony Stucco Base
5. Stone/Concrete Columns
6. Arched Openings
7. Decorative Wood Accents
8. Entry Door
9. Garage Door Or Located Door

BUILDING A ELEVATIONS
Scale: 1/8" = 1'-0"
MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3180
120.65

BUILDING B
FLOOR PLANS

Scale: 1/8" = 1'-0"

MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3180
120.65

BUILDING B
FLOOR PLANS

Scale: 1/8" = 1'-0"

MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3180
120.65

BUILDING B
FLOOR PLANS

Scale: 1/8" = 1'-0"

MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3180
120.65

BUILDING B
FLOOR PLANS

Scale: 1/8" = 1'-0"

MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3180
120.65

BUILDING B
FLOOR PLANS

Scale: 1/8" = 1'-0"

MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3180
120.65

BUILDING B
FLOOR PLANS

Scale: 1/8" = 1'-0"

MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3180
120.65

BUILDING B
FLOOR PLANS

Scale: 1/8" = 1'-0"

MISSION TRAILS

OPAL CAPITAL PARTNERS
PORTERVILLE, CA
3180
120.65

BUILDING B
FLOOR PLANS

Scale: 1/8" = 1'-0"
THIRD FLOOR = 11,130 SF
Includes Corridors
(Excludes stairs)
20 BEDROOMS
COUNCIL AGENDA: APRIL 17, 2007

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS FOR HVAC UNIT REPLACEMENT AT CITY HALL AND PUTNAM COMMUNITY CENTER, AND APPROVAL OF AN ASSOCIATED BUDGET ADJUSTMENT

SOURCE: PARKS AND LEISURE SERVICES

COMMENT: The City Council has previously given direction for replacement of a single HVAC dual-pac for the chapel portion of the former Community Center. This work is to be completed as a portion of the improvements for which the Council provided $200,000 to accomplish. This particular HVAC unit has been out of service for many years because of a burned-through heating manifold. The cost to replace this unit is roughly estimated at $15,000. Approximately $100,000 of the authorized funds for the Community Center are unexpended and available after completion of the roofing and floor covering work.

In addition, one of the HVAC dual-pac units at City Hall has been out of service since May 2006. This unit has a history of problems, including the replacement of the compressor twice within the last four years. Staff has been advised by two independent firms that this unit is greatly undersized for the heating and cooling demands of its service zone within City Hall. The cost to replace this unit is roughly estimated at $10,000. Replacing this unit with one of larger capacity would cost somewhat more, but also raises a question of the capabilities of the ductwork and the possible need for modifications or replacement of the air ducts. The magnitude of such increased work has the potential to raise the City Hall unit replacement estimate to $20,000.

OPTIONS: 1) Staff is undertaking efforts to retain the services of a qualified HVAC professional to fully evaluate the size of unit needed for City Hall and the extent to which ductwork modifications need to be made. Technical assistance with specifications for use in competitive bidding of the project will be a part of these services. A complete project manual for both the City Hall work and the Community Center unit would be assembled and advertised for bids. The full project could be paid for with funds remaining from the initial $200,000 allocated to the Community Center. A budget adjustment would be required to allocate $25,000 from the Community Center capital project 89-9478 to City Hall account 5040-730 to accurately account for the equipment expenditures for each facility.

Appropriated/Funded
2) Johnson Controls has offered to perform the replacement of the City Hall unit, including all necessary ductwork modifications through an amendment to their current Project Development Agreement with the City. Johnson Controls has already planned for these modifications in their proposed City-wide infrastructure enhancement project. Johnson Controls would amend the current PDA "penalty" amount of $62,000 to include the cost of the unit replacement and installation, should the City not proceed with the proposed project. With this option, City staff would still need to finalize the project manual and advertise for bids on the Community Center unit replacement. The cost of the Community Center unit replacement could be paid for with funds remaining from the initial $200,000 allocated to the Community Center.

3) A new adequately sized City Hall unit and necessary air duct modifications, as well as the installation of a new unit at the Community Center can all be completed by Johnson Controls through an amendment to their current Project Development Agreement along with redefining the scope of their proposed City-wide infrastructure enhancement project to include the Community Center. Similar to the option above, the PDA "penalty" amount of $62,000 would be increased to include the cost of the unit replacement and installation of the units at both facilities.

**RECOMMENDATION:** That the City Council consider the options for HVAC unit replacements at City Hall and the Putnam Community Center; determine which option staff should proceed with implementing; and either

A) Authorize staff to finalize a project manual and advertise for bids as necessary to implement option 1, and approve and direct the $25,000 budget adjustment for the fiscal year ending June 30, 2007; or

B) Authorize staff to finalize a project manual and advertise for bids as necessary to implement option 2, and direct staff to prepare an amendment to the Johnson Controls PDA Agreement for the one unit and air duct work at City Hall; or

C) Direct staff to prepare an amendment to the Johnson Controls PDA Agreement for the single unit and air duct modifications at City Hall as well as redefining the energy savings program to include the Community Center single unit replacement.
COUNCIL AGENDA: APRIL 17, 2007

SUBJECT:  APPROVAL OF CONSIDERATIONS FOR SOFTBALL CHALLENGE BETWEEN CITIES OF PORTERVILLE AND TULARE

SOURCE: Administration

COMMENT: The City of Tulare has accepted the City of Porterville’s challenge to a softball contest, the event scheduled for Saturday, May 12, 2007, beginning at 1:00 P.M. at the Porterville Sports Complex. In support of this inaugural event of what is intended to be an annual contest between the two Cities, several considerations are proposed for the Council’s consideration and approval.

The Cities are seeking to conduct the event as a fundraiser for youth-focused non-profit organizations identified by each city. The City of Tulare has selected the Boys & Girls Scouts as their fundraising beneficiary, and the City of Porterville proposes that the newly-formed Youth Services Foundation serve as the City’s fundraising beneficiary. It is proposed that the Youth Services Foundation be given the opportunity to operate the concessions stand at the event and provide a BBQ meal at its conclusion, as well as share equally with the Tulare Boys & Girls Scouts the parking proceeds collected for the event. The exclusive concession permits for the Sports Complex currently held by AYSO during soccer season and Flag Football during its season will not conflict with this event due to those sports not being in season.

RECOMMENDATION: That the City Council approve:

1. The Youth Services Foundation as the City of Porterville’s fundraising beneficiary for the event;

2. The Youth Services Foundation to operate the Sports Complex concession during the event;

3. The Youth Services Foundation to share equally with the Tulare Boys & Girls Scouts the parking fees collected at the event; and

4. The Youth Services Foundation to offer a BBQ meal at the conclusion of the event for donations.

Dir. Appropriated/Funded C/M Item No. 31
SUBJECT: REQUEST BY COUNCIL MEMBER—
DISCUSSION OF STANDARD DOWNTOWN DESIGN
REQUIREMENTS AND COLOR PALATE PROGRAM

SOURCE: Administration

COMMENT: A request has been made to add the above subject matter to this agenda for
discussion and potential referral to staff for further action.

RECOMMENDATION: None

Attachment:

Item No. 32

CM

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SUBJECT: REQUEST BY COUNCIL MEMBER– DISCUSSION REGARDING THE IMPLEMENTATION OF A PROPERTY IMPROVEMENT AWARD PROGRAM THROUGH THE PARKS AND LEISURE SERVICES COMMISSION

SOURCE: Administration

COMMENT: A request has been made to add the above subject matter to this agenda for discussion and potential referral to staff for further action.

RECOMMENDATION: None

Attachment:

Item No. 33
CITY COUNCIL AGENDA

SUBJECT: Consideration of Retaining a Legislative Advocate to Assist with Economic Development Project

SOURCE: City Manager

The Mayor Pro Tem and City Manager visited Sacramento on April 10th to discuss economic development projects that further local vocational educational opportunities. In the course of the discussion, the status of the current Porterville Courthouse funding was discussed with a State legislative consultant. To verify the accuracy of recent media reports, the Deputy Director of the Department of Finance was contacted and he confirmed that a Finance Letter was issued at the beginning of April to place $4.426 million in the Governor’s Budget for the Porterville Court Facility.

It is vital that the allocation for the Porterville Courthouse remain in the State Budget through the Legislative review of the Governor’s Budget. It is suggested, in this regard, that a legislative representative be retained as a consultant for this purpose.

The City Manager has contacted a consultant that has worked with the League of Cities and other California cities. Representation would be available for a price of $3,000 per month. The term would be one-year, but the agreement would be cancelable on 30 days notice. After the budgetary process on the Courthouse is concluded, the consultant could assist with other specific issues defined by the City Council.

RECOMMENDATION: Authorize the City Manager to negotiate consistent with the terms outlined above, and the Mayor to execute an agreement with Michael J. Arnold And Associates, Inc., an agreement for State legislative assistance. Monies for this project in the amount of $36,000 should be budgeted from the City’s Emergency Reserve.

City Manager Longley