



**CITY OF HUGHSON
PLANNING COMMISSION MEETING
SPECIAL**

City Hall Council Chambers
7018 Pine Street, Hughson, CA

**AGENDA
TUESDAY, JUNE 11, 2013 – 6:00 P.M.**

CALL TO ORDER: Vice Chair Julie Ann Strain

ROLL CALL: Vice Chair Julie Ann Strain
Commissioner Karen Minyard
Commissioner Sanjay Patel
Commissioner Zachary Davis

FLAG SALUTE: Vice Chair Julie Ann Strain

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: None.

3. NEW BUSINESS:

3.1: Approval of the Minutes of the regularly scheduled meeting of April 16, 2013.

3.2: Consideration of a Recommendation to the City Council to Adopt Ordinance No. 2013-XX, An Ordinance of the City Council of the City of Hughson Amending Hughson Municipal Code Title 16, Subdivisions and Development, by Amending Section 16.28.020, Street Design, and Adding Section 16.32.140, Community Facilities Districts.

3.3: Consideration of Resolution No. PC 2013-03, A Resolution of the Planning Commission of the City of Hughson Recommending to the City Council Approval of Vesting Tentative Map No. 2013-01 for APN No. 018-091-041, Lands of HFR Partners, LLC.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING: **None.**

5. INFORMATIONAL ITEMS:

5.1: *Saving Farmland, Growing Cities – A Framework for Implementing Effective Farmland Conservation Policies in the San Joaquin Valley*, an American Farmland Trust publication.

6. CORRESPONDENCE: **None.**

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

City Clerk:

City Attorney:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

| | |
|----------------|---|
| June 13 | <ul style="list-style-type: none"> ▪ Congressman Denham, Mobile Office Hour, Council Chambers, 11-12pm |
| June 18 | <ul style="list-style-type: none"> ▪ Planning Commission Meeting, Council Chambers, 6:00pm |
| June 24 | <ul style="list-style-type: none"> ▪ City Council Meeting, Council Chambers, 7:00pm |
| July 4 | <ul style="list-style-type: none"> ▪ Independence Day- HOLIDAY- CITY HALL CLOSED |
| July 8 | <ul style="list-style-type: none"> ▪ City Council Meeting, Council Chambers, 7:00pm |
| July 16 | <ul style="list-style-type: none"> ▪ Planning Commission Meeting, Council Chambers, 6:00pm |
| July 22 | <ul style="list-style-type: none"> ▪ City Council Meeting, Council Chambers, 7:00pm |

RULES FOR ADDRESSING PLANNING COMMISSION

Members of the audience who wish to address the Planning Commission are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a Planning Commission meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

AFFIDAVIT OF POSTING

DATE: June 10, 2013 **TIME:** 2:00pm
NAME: Dominique Spinale **TITLE:** Deputy City Clerk

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Planning Commission shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson Planning Commission meets in the Council Chambers on the third Tuesday of each month at 6:00 p.m., unless otherwise noticed.

PC Agendas: The Planning Commission Agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the Deputy City Clerk at (209) 883-4054



CITY OF HUGHSON
PLANNING COMMISSION MEETING
 City Hall Council Chambers
 7018 Pine Street, Hughson, CA

MINUTES
TUESDAY, APRIL 16, 2013 – 6:00 P.M.

CALL TO ORDER: Vice Chair Julie Ann Strain

ROLL CALL:

Present: Vice Chair Julie Ann Strain
 Commissioner Karen Minyard
 Commissioner Sanjay Patel
 Commissioner Zachary Davis

Staff Present: Thom Clark, Community Development Director

FLAG SALUTE: Vice Chair Julie Ann Strain

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

No Public Comments.

2. PRESENTATIONS: None.

3. NEW BUSINESS:

3.1: Approval of the Minutes of the regularly scheduled meeting of March 19, 2013 and the Special meeting of March 27, 2013.

Minyard/Strain 4-0-0-0 motion passes to approve the Minutes of the regularly scheduled meeting of March 19, 2013 and the Special meeting of March 27, 2013.

- 3.2:** Review the final three chapters and recommend adoption of the City of Hughson Design Manual for Living Streets to the City Council.
(Continued from the September, January, and February meeting sessions)

The Planning Commission reviewed the final three chapters of the Design Manual with Director Clark. They discussed Replacing Streets Strategies, Streetscape Ecosystems, and Retrofitting Suburbia.

Patel/Davis 4-0-0-0 motion passes to recommend adoption of the City of Hughson Design Manual for Living Streets to the City Council.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING: None.

5. INFORMATIONAL ITEMS: None.

6. CORRESPONDENCE: None.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

City Clerk:

City Attorney:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT: This meeting adjourned at 7:45 P.M.

JULIE ANN STRAIN, Vice Chair

DOMINIQUE SPINALE, Deputy City Clerk



PLANNING COMMISSION AGENDA

ITEM NO. 3.2

SECTION 3: NEW BUSINESS

Presented By: Thom Clark, Community Development Director
Meeting Date: June 11, 2013
Subject: 1. Hughson Municipal Code Title 16, Subdivisions and Development – Study Session
2. Consideration of a Recommendation to the City Council to Adopt Ordinance No. 2013-XX, An Ordinance of the City Council of the City of Hughson Amending Hughson Municipal Code Title 16, Subdivisions and Development, by Amending Section 16.28.020, Street Design, and Adding Section 16.32.140, Community Facilities Districts

Enclosures: Yes
Desired Action: Review Hughson Municipal Code Title 16, Subdivisions and Development, and Recommend to the City Council Adoption of Ordinance No. 2013-XX, An Ordinance of the City Council of the City of Hughson Amending Hughson Municipal Code Title 16, Subdivisions and Development, by Amending Section 16.28.020, Street Design, and Adding Section 16.32.140, Community Facilities Districts

BACKGROUND AND OVERVIEW:

With the recent up-tick in interest by developers to build new residential subdivisions, staff believes it is appropriate for the Planning Commission to review our subdivision ordinance. Staff has highlighted particular sections or sentences of interest which we will go over at the meeting.

Most, but not all subdivisions are for residential purposes. The City Council adopted Standard Conditions of Approval in 2007 that apply to new residential subdivisions. These conditions are attached for your information. In general, the conditions are well intended but not easy to understand or interpret. Several conditions contradict each other, many conditions are duplicates of other conditions but with different text and often differing requirements. Never the less, that's currently what we have to work with until they are modified. They are included here for informational purposes. We will not be studying these conditions at the meeting unless the Commission so desires. The conditions are applied to

subdivisions pursuant to the attached Hughson Municipal Code Title 16 Section 16.04.090.

COST RECOVERY:

There are several sections in the code that require dedications, fees, and formation of assessment districts to help off-set the impacts caused by new development. It is appropriate to review these various cost recovery mechanisms to ensure that new development can pay for itself. At the present time, it doesn't.

Development Impact Fees:

Pursuant to a U.S. Supreme Court case, Dolan v City of Tigard, Oregon, local governments may only condition development projects if the conditions have both an "essential nexus" with a legitimate state interest as well as a requirement that the conditions must be based on the degree of impact a proposed development will have. This landmark case basically limits the authority of local governments to compel property owners to make unrelated public improvements.

The city can and does require public improvements which are related to specific development projects. In the case of residential subdivisions, the developer must put in all of the infrastructure related to serving the new homes in the subdivision with certain exceptions. As an example, it is more economical to treat sewer discharges from a subdivision at a central plant, rather than each subdivision building its own wastewater treatment plant. In these types of cases, cities can charge, what we call, Development Impact Fees (DIF). These fees are identified in California Government Code Section 66000 et seq., which also limits the fee exactions in accordance with Dolan v Tigard. Specifically Section 66100 requires:

(a) In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following:

(1) Identify the purpose of the fee.

(2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.

(3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

(4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

(b) In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the

public facility or portion of the public facility attributable to the development on which the fee is imposed.

Hughson's DIFs are intended to offset the cost of future capital projects needed to serve the new development. We collect the following DIFs:

1. Public Facility Fee
2. Storm Drain Fee
3. Sewer Fee
4. Water Fee
5. Street Fee
6. Parks Development Fee
7. Parks In-lieu Fee
8. Community Enhancement Fee

Assessment Districts:

Assessment districts are addressed under Section 16.32.130 (attached) of the Subdivision and Development portion of the Hughson Municipal Code. The section is very short, reading in its entirety:

The subdivider shall either join an existing assessment district, if there is one adjacent to the parcel, or form a new one, as directed by the Planning Officer if none exists.

We have two types of assessment districts, the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982. The 1972 Act is set forth in Part 2 of Division 15 of the California Streets and Highways and the 1982 Act is contained in Part 1 of Division 2 of the California Government Code. Both of the Acts have limitations on what the districts can pay for.

Under both of these Acts, properties are assessed an annual fee for services such as street light energy costs, personnel, etc. The assessments are property related and are paid with other property related taxes. Assessments are subject to a Proposition 218 vote of property owners. Typically, the vote is taken after the subdivision has legally formed its lots and before the lots are sold. This ensures that the developer is the only land owner who will have a vote to form the districts.

Hughson currently has 16 Landscape and Lighting Districts and 8 Benefit Assessment Districts. Some of the districts have cost of living adjustment provisions built in and some do not. Those that do not, often cannot cover the increased cost of living and therefore have a negative fund balance. Staff is currently developing a more detailed budget account for these funds. The City Council's Finance Committee has directed us look for operational efficiencies prior to consideration of a Proposition 218 vote to increase assessments on the tax rolls.

Community Facility Districts:

Community Facility Districts are authorized by the Mello-Roos Community Facilities Act of 1982. The term "Mello-Roos District" has suffered from bad

connotations in the past and is used rarely in the vernacular today. Instead, Community Facilities Districts or CFDs are the terms used.

CFDs are a special tax, not a special assessment. Because they require a vote to create the district, they are commonly formed while the subdivider still owns all the lots in a subdivision, similar to the process for forming Assessment Districts.

There are some limits to what a CFD can pay for but not as many limits as Assessment Districts or DIFs. CFDs can be used as an alternative method to finance certain public capital facilities and services. A subdivider can request that the district fold in capital costs for infrastructure in the subdivision as a means to avoid large capital outlay or bank loans at the beginning of a subdivision project. A CFD can also be used to pay for services. This is huge. The Act specifically authorizes collecting funds for police services, fire services, park maintenance, street maintenance, and storm water services. These are all services we currently pay 100% for out of our General Fund. (Note: water and wastewater utility services are paid for by utility user rates)

CFDs can also be used to issue bonds for infrastructure and facilities. School districts often use this type of tool to enhance State construction funding. A subdivision developer could use a CFD to finance his upfront infrastructure costs as well, but if we allow that, it would increase the tax bill to the ultimate homeowner significantly.

SUSTAINABILITY:

The City currently requires new subdivisions to pay for Development Impact Fees and Assessment Districts which are intended to offset the municipal costs to build capital facilities and maintain certain facilities which are limited by assessment district law. While both of these tools help to offset costs of new development, they do not cover all costs to the municipality caused by the new subdivision. With local government finances in the shape they are today, allowing new residential subdivisions that do not cover all municipal costs is recognizing that we are adding a General Fund burden so that new residents can move to Hughson. This is not financially prudent. To be sustainable, a city needs to make new development pay for all current and future costs to maintain infrastructure and service the new population created by the development.

Since our current fee structure and assessment districts cannot on their own achieve financial sustainability to off-set the costs of new developments, we need another tool that can off-set these costs. Community Facilities Districts may be the way to bridge that financial gap.

Prior to initiating proceedings to establish a CFD, local governments must adopt local goals and policies concerning the use of CFDs as required by the Act. The action before you tonight is not the enabling ordinance for creation of CFDs. That is a separate process. It is merely requiring new subdivisions to form them.

RECOMMENDATION:

Review Hughson Municipal Code Title 16, Subdivisions and Development, and Recommend to the City Council Adoption of Ordinance No. 2013-XX, An Ordinance of the City Council of the City of Hughson Amending Hughson Municipal Code Title 16, Subdivisions and Development, by Amending Section 16.28.020, Street Design, and Adding Section 16.32.140, Community Facilities Districts.

Chapter 16.04

SUBDIVISION AND DEVELOPMENT

Sections:

- 16.04.010 Purpose.
- 16.04.020 Title of provisions.
- 16.04.030 Overview of subdivision process.
- 16.04.040 Conformance to provisions required.
- 16.04.050 Advisory agency designated.
- 16.04.060 Violations.
- 16.04.070 Coordination of review, decision making and information.
- 16.04.080 Exclusions from application of title.
- 16.04.090 Standard conditions of approval.
- 16.04.100 Subdivision and site development agreements.
- 16.04.110 Public notice.
- 16.04.120 Appeals process.

16.04.010 Purpose.

In the interest of protecting the health, safety, and general welfare of the people of the City of Hughson, this chapter has as its purposes:

- A. To give effect to the California Subdivision Map Act;
- B. To give effect to the General Plan and any relevant specific plans of the City relative to the subdivision of land;
- C. To regulate, by local ordinance, those matters of land division, merger, reversion, and lot line adjustment not governed by the Subdivision Map Act;
- D. To facilitate and ensure orderly development of lands in the incorporated City;
- E. To implement the objectives established for the development of the City in conformance with its General Plan and any specific plans that may be adopted, and to ensure that a proposed subdivision or land division shall be considered in relation to those plans;
- F. To provide standards governing the surveys, designs, and improvements of subdivisions, and the submission of maps, plans, and specifications for the construction of improvements;
- G. To provide for standards for, and the construction and installation of, streets, roads, highways, public utilities, and other improvements, as well as fee schedules for services rendered by the City;
- H. To provide for the creation of reasonable building sites by establishing appropriate standards for streets and lots, and to ensure that each property has a means of ingress and egress;

I. To control the division of land that is subject to inundation by flooding from natural streams

or artificial ponding, and other detrimental influences which may cause land to be unsuitable for satisfactory development;

J. To control the division of land which may be subject to dangerous or unsuitable soil conditions of any type, or subject to any other impediments affecting the use of the land for human habitation; and

K. To provide rules and regulations governing the contents of tentative and final subdivision maps, land division, and parcel maps, and establish methods for the processing and filing of the maps and regulate other related matters.

16.04.020 Title of provisions.

This title shall be known as, and may be cited as, the "Subdivision and Development Ordinance of the City of Hughson."

16.04.030 Overview of subdivision process.

Figure 16.04.030.1 provides an overview of the subdivision process.

16.04.040 Conformance to provisions required.

Prior to the subdivision of any land in the city, the subdivider and developer thereof shall conform to and comply with the requirements, rules, and regulations of this title.

16.04.050 Advisory agency designated.

The Planning Commission shall constitute the "advisory agency" as defined in Section 66415 of the Subdivision Map Act and the City Council shall constitute the "appeal board" as defined in Section 66416 of the Subdivision Map Act, except where otherwise specified in this chapter.

16.04.060 Violations.

It is unlawful for any individual, firm, association, syndicate, co-partnership, or corporation as a principal, agent, or otherwise, to:

A. Divide real property in any manner that shall constitute a subdivision, unless and until all the requirements of this title have been complied with; or

B. Sell, lease, or divide for the purpose of financing, any division of land that shall constitute a subdivision unless and until all the requirements of this title have been complied with.

Any violation of this chapter shall constitute a misdemeanor and upon conviction thereof, shall be punishable as set forth in Hughson Municipal Code Chapter 1.12. Alternatively, proceedings to address any violation of this chapter may be held pursuant to Hughson Municipal Code Chapter

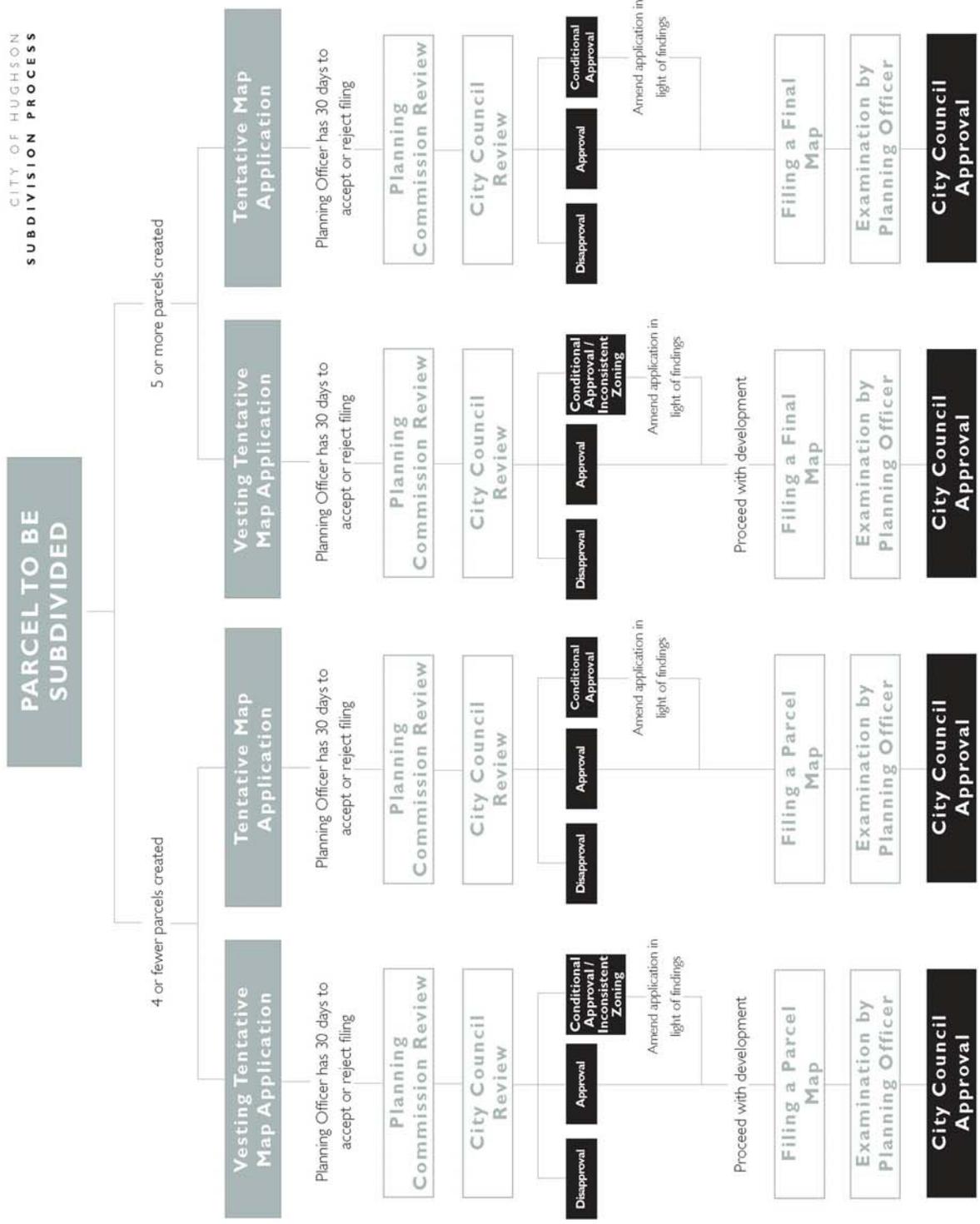


Figure 16.04.030.1

1.17. Each day a violation of this Title continues shall be considered a separate offense.

16.04.070 Coordination of review, decisionmaking and information.

The Planning Officer shall be responsible for the coordination of review and decisionmaking and the provision of information regarding the status of all applications and permits for residential, commercial and industrial developments required by this title.

16.04.080 Exclusions from application of title.

The provisions of this title shall not apply to:

A. Financing or leasing. Financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks.

B. Mineral, oil, or gas leases.

C. Cemeteries. Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

D. Lot line adjustment. A lot line adjustment between four or fewer existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created; provided, however, the lot adjustment is approved in accordance with Hughson Municipal Code 16.36.

E. Separate assessment. Any separate assessment under Section 2188.7 of the California Revenue and Taxation Code.

F. Community apartment projects. The conversion of a community apartment project or stock cooperative, except that such conversions shall be subject to the provisions of Section 66412(g) and Section 66412(h) of the Subdivision Map Act.

G. Commercial or industrial financing. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings or of existing separate commercial or industrial buildings on a single parcel, unless the project is not subject to review under other ordinances of the City regulating design and improvement.

H. Residential financing. The construction, financing, or leasing of second units pursuant to Section 65852.2 of the California Government Code; provided, however, this title shall be applicable to the sale or transfer, but not the leasing, of those units.

I. Agricultural Leases. Leases of agricultural land for the cultivation of food or fiber, or the grazing or pasturing of livestock.

J. Wind Energy Conversion Systems (WECS). The leasing of, or granting of, an easement to a parcel or portion of a parcel in conjunction with the financing, installation, and sale or lease of a WECS, if the project is subject to discretionary action by the city.

16.04.090 Standard conditions of approval.

Pursuant to its police power, the City may impose conditions on the approval of any tentative or vesting tentative map (see also Hughson Municipal Code 16.12.070 and 16.16.070). The City Council may adopt, by resolution, a listing of standard conditions of approval, which may be imposed on the approval of any tentative or vesting tentative map by reference. Any, or all, or none, of the standard conditions of approval may be imposed by the City Council by such reference. Imposition of any, all, or none of the standard conditions of approval does not in any way abrogate the power of the City Council to impose other conditions.

16.04.100 Subdivision and site development agreements.

A. Subdivision agreement. The subdivision agreement, if applicable, shall be in a form acceptable to the City Attorney and City Council and subject to a fee established by the City Council. It shall include the following:

1. A list of the improvements, dedications, and in-lieu fees, indicating those improvements that have not been constructed;
2. A schedule for completing the improvements;
3. A requirement that the improvements be completed at the subdivider's expense; and
4. A provision of security and warranties for performance.

B. Site development agreement. In the case of a site development where no subdivision agreement is required, the Planning Officer shall require a site development agreement in the form described in subsection A for a subdivision agreement.

C. Development agreement. A development agreement may be used in lieu of a subdivision or site development agreement, provided that it contains the provisions described in subsection A at a minimum.

16.04.110 Public notice.

When a map is filed for the division of land, the public notice requirements of Section 15.24.05 of this Code shall be followed

16.04.120 Appeals process.

When this title provides for an appeal of an action, the appeals process shall be in accordance with Government Code Section 66452.5. and as follows:

A. Appeal of Planning Officer action. Planning Officer actions shall be appealed to the Planning Commission as follows:

1. Notice of appeal. Within 15 days after notice is provided of an action by the Planning Officer, the action may be appealed to the Planning Commission by filing a notice of appeal with the Clerk of the Planning Commission. The notice of appeal shall be accompanied by payment of a fee as required by resolution of the City Council. If no appeal is filed, the action shall be final.

2. Hearing. Within 30 days of the filing of an appeal, the Planning Commission shall hold a hearing to consider the matter. At the hearing of the appeal, the Planning Commission shall consider the report of the Planning Officer, as applicable, in addition to testimony presented at the hearing.

3. Planning Commission action. The Planning Commission may sustain, modify, reject or overrule any rulings of the Planning Officer and make findings that are consistent with City ordinances or the Subdivision Map Act. Within 30 days following the hearing, the Planning Commission shall render its decision on the appeal.

B. Appeal of Planning Commission action. Planning Commission actions shall be appealed to the City Council as follows:

1. Notice of appeal. Within 15 days after notice is provided of an action by the Planning Commission, the action may be appealed to the City Council by filing a notice of appeal with the Clerk of the City Council. The notice of appeal shall be accompanied by payment of a fee as required by resolution of the City Council. If no appeal is filed, the action shall be final.

2. Hearing. Within 30 days of the filing of an appeal, the City Council shall hold a hearing to consider the matter. At the hearing of the appeal, the City Council shall consider all of the following, as applicable, in addition to testimony presented at the hearing:

- a. The report of the Planning Officer;
- b. The minutes of the Planning Commission; and
- c. The staff report.

3. City Council action. The City Council may sustain, modify, reject or overrule any rulings of the Planning Commission and make findings that are consistent with City ordinances or the Subdivision Map Act. Within 30 days following the

hearing, the City Council shall render its decision, which shall be final, on the appeal.

Chapter 16.08**DEFINITIONS**

Sections:

- 16.08.010 Adopted.
- 16.08.020 Definitions.

16.08.010 Adopted.

Whenever any words or phrases used in this title are not defined herein but are defined in the Subdivision Map Act, as last amended, such definitions are incorporated herein and shall be deemed to apply as though set forth in this chapter.

16.08.020 Definitions.

The following words and phrases shall have the meanings respectively ascribed to them.

A. Definitions, "A"

1. Abutter's Rights. "Abutter's rights" refers to certain rights of private property owners adjacent to public roads, such as the right of access the road and the right to see and be seen from the road.

2. Access Rights. "Access rights" means the permissions or privileges governing the place, means or way by which pedestrians and vehicles have usable ingress to and egress from a property or use.

3. Alley. "Alley" means a way intended primarily for vehicular service access to the back or side of properties otherwise abutting on a street, and providing only secondary access to such property.

B. Definitions, "B"

1. Bicycle path. "Bicycle path" means a path, trail, route, or land designated for use by bicycles and other non-motorized traffic.

2. Block. "Block" means an area of land entirely bounded, or to be entirely bounded, by streets, highways or ways, railroads, or subdivision boundaries, except alleys.

C. Definitions, "C"

1. Condominium. "Condominium" means real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property.

2. Cul-de-sac. "Cul-de-sac" means a minor street which connects to another street at one end only.

D. Definitions, “D”

1. Developer. “Developer” means a person, firm, corporation, partnership, or association who proposes to construct, or constructs, or causes to be constructed any development on or for any portion of any land proposed to be subdivided in accordance with this title, or on, or for, any land previously subdivided.

2. Development. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

3. Dwelling unit. “Dwelling unit” means one or more rooms and a single kitchen area designed for occupancy by one family for living and sleeping purposes.

E. Definitions, “E”

None.

F. Definitions, “F”

1. Final map. “Final map” means a map prepared in accordance with the provisions of this title and the Subdivision Map Act of the state, which map is designed to be recorded in the office of the recorder of the county.

2. Freeway. “Freeway,” as defined in the Streets and Highways Code of the state, means a highway which, because of its design and relation to the state and county highway system, is or will be used primarily for fast, heavy, or dense traffic, and to which rights of access from abutting properties or streets along the right-of-way therefor will be prohibited or limited.

3. Frontage road. “Frontage road” means a street or road adjacent to an arterial, thoroughfare, or freeway, which provides access to properties and protection from the through traffic on adjacent streets.

G. Definitions, “G”

1. General plan. “General Plan” means the General Plan of the city, including any precise or area plans or elements adopted as part thereof.

H. Definitions, “H”

1. Health department. “Health department” means the health department of the county, acting through the county health officer or his or her representative, which shall advise and act on behalf of the city concerning matters of sanitation and public health.

I. Definitions, “I”

1. Improvement plan. “Improvement plan” means an engineering plan, submitted by a civil engineer licensed to practice in the state, showing the design, sanitary sewers, water systems, grading, and earthwork, and all other devel-

opment, appurtenant structures, and facilities and construction, including engineering calculations therefor, comprising on-site and off-site improvements required for a subdivision or site development.

2. Improvements. “Improvements” means such street work and utilities, grading and earthwork, to be installed, or agreed to be installed, by the subdivider and/or developer on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivisions or of the site and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or parcel map of the subdivision, or, in the case of a site development, as a condition precedent to the issuance of any building permit. Improvements also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider and/or developer, by public agencies, by private utilities, by any other entity approved by the City Council, or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the General Plan.

J. Definitions, “J”

None.

K. Definitions, “K”

None.

L. Definitions, “L”

None.

M. Definitions, “M”

1. Major thoroughfares. “Major thoroughfares” means a street, road, highway, or parkway, either existing or proposed, of general city or county importance, and so designated in the circulation element of the General Plan.

2. Map Act. “Map Act” means the Subdivision Map Act of the state, Division 2 of Title 7 of the Government Code, commencing at Section 66410, as amended.

3. Median. “Median” means the area separating the traveled ways of opposing directional movements of vehicular traffic along and within a roadway.

N. Definitions, “N”

None.

O. Definitions, “O”

None.

P. Definitions, “P”

1. Parcel map. “Parcel map” means a map prepared in accordance with the requirements of this title and the Subdivision Map Act of the state, which map is designed to be recorded in the office of the county recorder, as required for subdivi-

visions of less than five parcels, and as otherwise provided in said Act.

2. Planning officer. "Planning officer" means that officer of the City designated from time to time to perform the duties of review set forth in this title.

3. Public facilities. "Public facilities" means all improvements installed to serve the public, including, but not limited to cable television, cemeteries, churches, communication equipment, corporation yards, electricity substations, fire stations, hospitals, landscaping, parks, public utility distribution, schools, sanitary sewer, storm drainage, street improvements, street lights, telephone, and water facilities.

Q. Definitions, "Q"

None.

R. Definitions, "R"

None.

S. Definitions, "S"

1. Site development. "Site development" means the development of any lot or parcel of land.

2. Specifications. "Specifications" means specifications for construction materials, methods of construction, tests, design and construction standards, and related conditions of the city as adopted by ordinance or resolution of the City Council. Such specifications shall be deemed to apply as though set forth in this title.

3. Street. "Street" means a public or private thoroughfare 30 feet or more in width, other than an alley, which affords the principal means of access to abutting property.

4. Street, arterial. "Arterial street" means any street which carries or will carry the major flow of traffic, and for which the interval and extent of fronting uses, access, and traffic entering it from side streets and roadways may be restricted and otherwise controlled.

5. Street, collector. "Collector street" means any street intermediate in function between minor streets and arterials which, because of its location relative to other streets or traffic generators, carries or will carry traffic between minor and arterial streets, or serves as a primary access to a neighborhood unit, or for the circulation of traffic within or through such a neighborhood unit.

6. Street, minor. "Minor street" means a local residential, commercial, or industrial service street which serves or will serve local neighborhood traffic only, and which, because of its location relative to other streets and traffic generators, will not become a collector street or is a cul-de-sac not designed for future extension.

7. Subdivider. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or herself or for others.

8. Subdivision. "Subdivision" means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights-of-way. "Subdivision" includes a condominium project as defined in Civil Code Section 1351, or a community apartment project as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels.

9. Subdivision guarantee. "Subdivision guarantee" means a report from a title company certifying that the subdivider is the current property owner, and identifying all existing liens on the property.

T. Definitions, "T"

1. Tentative map. "Tentative map" means a map, prepared by or under the direction of a land surveyor or civil engineer licensed to practice in the state, for the purpose of showing the design of a proposed subdivision, the existing conditions in and around such subdivision, and other information as may be required.

U. Definitions, "U"

None.

V. Definitions, "V"

1. Vesting tentative map. "Vesting tentative map" means 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 Hughson Municipal Code 16.16.

W. Definitions, "W"

1. Walkway. "Walkway" means a way, path, or trail designed for pedestrian traffic and not intended for use as a way for motor-driven vehicles. Public walkways, paths, and trails shall include only those for which rights-of-way are dedicated or deeded to and accepted by the city.

2. Warranty security. “Warranty security” means a cash bond submitted by the subdivider to the City to guarantee the improvements against any defective work or labor done or defective materials used in the performance of the improvements throughout the warranty period.

3. Wind Energy Conversion Systems. “Wind energy conversion system (WECS)” means a machine that converts the kinetic energy in the wind into a usable form of electrical or mechanical energy (commonly known as a wind turbine or windmill). The WECS includes all parts of the system except the tower and the transmission equipment.

- X. Definitions, “X”
None.
- Y. Definitions, “Y”
None.
- Z. Definitions, “Z”
None.

Chapter 16.12

TENTATIVE MAPS

Sections:

- 16.12.010 Purpose.
- 16.12.020 Application requirements.
- 16.12.030 Application review process.
- 16.12.040 Acceptance or rejection of filing.
- 16.12.050 Review by Planning Officer.
- 16.12.060 Review by Planning Commission.
- 16.12.070 Approval or disapproval by City Council.
- 16.12.080 Findings.
- 16.12.090 Appeals process.
- 16.12.100 Filing process.

16.12.010 Purpose.

The purpose of the tentative map is to provide thorough investigation of a proposed subdivision by the Planning Officer, other agencies both within the City and outside the City, the Planning Commission, and the City Council. Approval or conditional approval of a tentative map enables a subdivider creating four or fewer parcels to apply for a parcel map and a subdivider creating five or more parcels to apply for a final map. A tentative map shall be filed by subdividers who intend to create any number of parcels, but who do not intend to request the rights to proceed with development associated with a vesting tentative map.

16.12.020 Application requirements.

A. Compliance with Subdivision Map Act. A tentative map shall be filed and processed in accordance with the Subdivision Map Act and the provisions of this title, and shall have been approved or conditionally approved prior to the submission of a final map or parcel map for a subdivision, except as otherwise provided in this chapter.

B. Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan or Master Plans and any applicable specific plan or which is not permitted by the zoning ordinance or other applicable provisions of any ordinances or of this code.

C. Preparation. The tentative map shall be prepared in a manner acceptable to the Planning Officer, and shall be prepared by or under the direction of a land surveyor or civil engineer licensed to practice in the state, and shall meet all requirements for tentative maps provided by the Subdivision Map Act and this title.

D. Filing with Planning Officer. Tentative maps shall be filed with the Planning Officer, shall include all information deemed necessary by the Planning Officer, and shall include the tentative map fee as set forth by City Council resolution. Every subdivider shall include the following:

- 1. The number of tentative map and preliminary site development plan prints determined to be necessary by the Planning Officer;
- 2. The name of the subdivision, which shall be subject to review by the City;
- 3. The names of streets in the subdivision, which shall be subject to review by the Planning Officer;
- 4. Completed and certified environmental documentation as required by the California Environmental Quality Act; and
- 5. The sources and methods of sewer and water supply to serve the development with the verification or concurrence of the Planning Officer.

16.12.030 Application review process.

Figure 16.12.030.1 provides an overview of the tentative map process. Detailed information on each step is provided in the subsequent sections of this chapter.

16.12.040 Acceptance or rejection of filing.

The Planning Officer shall, within 30 calendar days from the time the map and all required accompanying data have been received, including full environmental documentation, examine the map

CITY OF HUGHSON
TENTATIVE MAP PROCESS

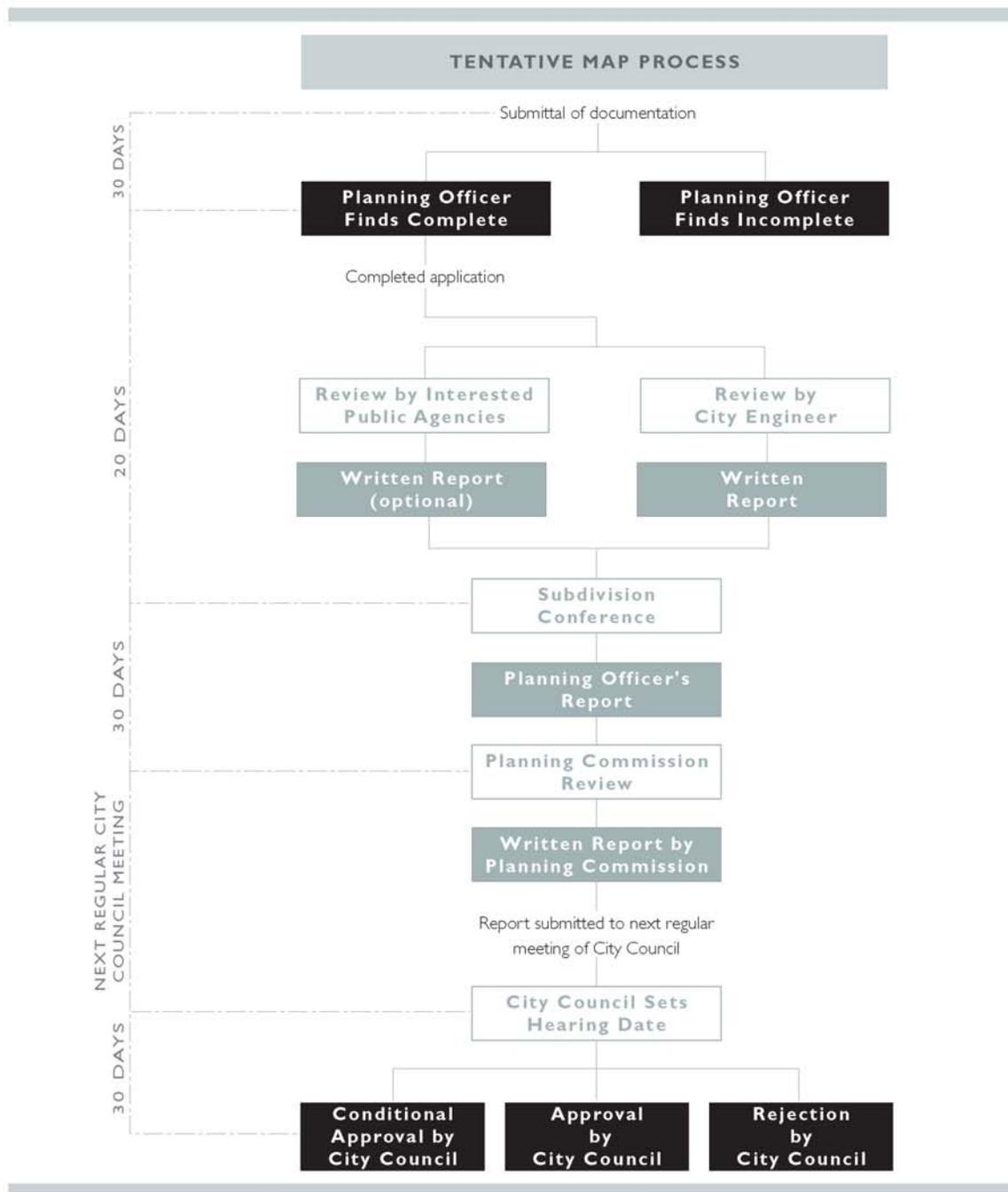


Figure 16.12.030.1

and accompanying data and, if they are in full compliance with the provisions of all laws and this chapter, shall deem the application as complete and accept the map for filing. If it is incomplete and not accepted, it shall be returned to the subdivider with a written statement of the reason it was not accepted for filing. The date when the map is accepted for filing shall be considered its official filing date.

16.12.050 Review by Planning Officer.

A. Copies of filing to interested public agencies. The Planning Officer shall forward copies of the filed tentative map and other pertinent accompanying data to interested public agencies within five days of filing. The agencies may, in turn, forward to the Planning Officer their findings and recommendations thereon within 15 days of receipt.

B. City Engineer report. The City Engineer shall prepare a written report to the Planning Officer on a tentative map. This report shall verify that the tentative map and its supporting documents are acceptable as to form and that the improvements they show conform to the provisions of this chapter and the Zoning Code.

C. Within 20 days from the official filing date of a tentative map, the Planning Officer shall schedule a subdivision conference to be held prior to the date on which the map is scheduled for Planning Commission action. Written notice of such conference shall be given to the subdivider and all interested agencies. At such conference, all recommendations made by various agencies and departments shall be discussed. The results of the conference shall be incorporated into the Planning Officer's report, which shall be presented to the Planning Commission. A copy of the Planning Officer's report on a tentative map shall be provided to the subdivider and to those persons specified in Section 66452.3 of the Subdivision Map Act at least three days prior to any hearing or action on such map by the Planning Commission.

D. The Planning Officer shall prepare a written report to the Planning Commission on a tentative map. This report shall consider the relationship of the map to the Subdivision Map Act, to this chapter, the Zoning Code, other City ordinances, the General Plan and applicable specific plans, and comments of any other City department or public agency, made either in writing or at the subdivision conference. The report shall also recommend conditions to be placed on the map, and it shall incorporate the report of the City Engineer.

E. Exceptions. Any requests for exceptions to the various conditions to be considered by the Planning Commission shall be filed, in writing,

with the Planning Officer not later than the second working day following the subdivision conference.

16.12.060 Review by Planning Commission.

A. The Planning Officer, upon receipt of a tentative map for filing conforming to all requirements of this chapter, together with the appropriate filing fees, shall schedule said map for review by the Planning Commission. Within 50 days from the date that said maps are accepted for filing, unless such time is extended by mutual consent of the subdivider and the Planning Commission, the Planning Commission shall recommend approval, conditional approval, or denial of the tentative maps and shall report its recommendation in writing to the City Council and subdivider, including any recommended conditions or reasons for recommended denial, if applicable. The Planning Commission shall recommend disapproval to the City Council if it makes any of the findings listed in Hughson Municipal Code 16.12.080.

B. The Planning Commission may recommend the imposition of such reasonable conditions as it deems necessary and in the interest of public health, safety, environment, or community welfare in accord with the purpose and intent of this chapter.

C. Report. The Planning Officer shall transmit the Planning Commission's written report to the City Council at its next succeeding regular meeting or within 30 days.

16.12.070 Approval or disapproval by City Council.

At the next regular meeting of the City Council following the filing of the report of the recommendation of the Planning Commission, the City Council shall fix the date at which the tentative map shall be considered by it, which date shall be within 30 days thereafter, unless such time is extended by mutual consent of the subdivider and the City Council shall approve, conditionally approve, or deny, the tentative map within said 30 days, based on the findings listed in Hughson Municipal Code 16.12.080. However, if an Environmental Impact Report (EIR) is required under the provisions of the California Environmental Quality Act, the time limits specified in this chapter shall be inapplicable and shall instead comply with the time limits specified in Section 21151.5 of the Public Resources Code. The City Council's action shall be final and shall be subject to the following considerations.

A. Environmental review. In considering the approval or conditional approval of a tentative map, the City Council shall first find that the pro-

posed subdivision, together with the provisions for its design and improvements is consistent with the applicable general or specific plans of the city, and shall then examine the environmental documentation and certify its adequacy and conformity with the provisions of the California Environmental Quality Act.

B. Conditions imposed. In approving tentative maps, the City Council may impose such reasonable conditions as it deems necessary and in the interest of public health, safety, environment, or community welfare in accord with the purpose and intent of this chapter.

C. Disapproval. In the event of disapproval, the subdivider shall be furnished with a statement of the reason and authority for such disapproval. In the event of conditional approval, the subdivider shall be furnished with a statement of conditions and changes necessary for incorporation in the final map.

D. Expiration.

1. 24 months. An approved or conditionally approved tentative map shall expire 24 months from the date of its approval or conditional approval if a final map or parcel map is not approved prior to that time.

2. Expenditure on public improvements. If a subdivider is required to spend more than the amount specified in Section 66452.6(a)(1) of the Subdivision Map Act to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the approved or conditionally approved tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map shall extend the expiration of the tentative map by 36 months, subject to the provisions of Section 66452.6 of the Subdivision Map Act.

3. Extension. Upon written application of the subdivider filed prior to the expiration of an approved or conditionally approved tentative map, the time at which such map expires may be extended by the City Council for a period or periods not exceeding a total additional 12 months.

4. Termination. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no final map or parcel map shall be filed for any portion of the real property included within such tentative map without first processing a new tentative map.

5. No extension due to modification. Modification of a tentative map after approval or

conditional approval shall not extend the time limits imposed.

E. Approval by inaction. If no action is taken upon a tentative map by the City Council within the time limits specified in this chapter and the Subdivision Map Act to approve, conditionally approve, or disapprove the tentative map, the tentative map shall be deemed to be approved insofar as it complies with other applicable requirements of this title, and it shall be the duty of the City Clerk to certify or state his or her approval. Once a tentative map is deemed approved under this provision, the subdivider shall be entitled to receive a written certification of approval.

16.12.080 Findings.

A. Inconsistency. The proposed subdivision, together with the provisions for its design and improvements, is inconsistent with applicable general or specific plans of the city.

B. Suitability. The site is not physically suitable for the type or density of development.

C. Environmental damage. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

D. Wastewater. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

E. Water service. The review of the Director of Public Works or water service agency indicates that there is insufficient water to provide for the residents of the subdivision.

F. Soil or geological hazard. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the Planning Officer and Planning Commission that the conditions can be corrected.

G. Public health. The design of the subdivision or the type of improvement is likely to cause serious public health problems.

H. Easement conflict. 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. However, the City Council may approve an application 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.

I. Conflict with zoning. The proposed subdivision violates any provision of the Zoning Code, or any other ordinance or City Code and no variance has been granted.

J. Inadequate environmental documentation. The environmental documentation is inadequate or out of conformance with the provisions of the California Environmental Quality Act.

K. Agricultural suitability. The proposed subdivision would result in the subdivision of agricultural parcels to a size too small to sustain agricultural use under the conditions for denial listed in Section 66474.4 of the Subdivision Map Act.

16.12.090 Appeals process.

The appeals process for the decision of the City Council shall be as described in Hughson Municipal Code 16.04.120.

16.12.100 Filing process.

The City shall file all documentation required by the California Environmental Quality Act.

Chapter 16.16

VESTING TENTATIVE MAPS

Sections:

- 16.16.010 Purpose.
- 16.16.020 Application requirements.
- 16.16.030 Application review process.
- 16.16.040 Acceptance or rejection of filing.
- 16.16.050 Review by Planning Officer.
- 16.16.060 Review by Planning Commission.
- 16.16.070 Approval or disapproval by City Council.
- 16.16.080 Appeals process.
- 16.16.090 Filing process.

16.16.010. Purpose.

A. Investigation of subdivision. The purpose of the vesting tentative map is to provide thorough investigation of a proposed subdivision by the Planning Officer, other agencies both within the City and outside the city, the Planning Commission, and the City Council. Approval or conditional approval of a vesting tentative map enables a subdivider creating four or fewer parcels to apply for a parcel map and a subdivider creating five or more parcels to apply for a final map.

B. Development entitlement. Vesting tentative maps differ from tentative maps in that their approval confers upon the subdivider a vested right to proceed with development as approved. Their approval or conditional approval entitles the subdivider to proceed with development subject to the requirements of the vesting tentative map, prior to receiving a parcel or final map from the City Council. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, requires the filing of a tentative map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions of this chapter.

C. Rights under the Subdivision Map Act. If a subdivider does not seek the rights conferred by Chapter 4.5 of the Subdivision Map Act (commencing with Section 66498.1 of the Subdivision Map Act), 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.

D. Exclusion. Condominium projects are excluded from this section.

16.16.020 Application requirements.

A. Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan or Master Plans and any applicable specific plan or which is not permitted by the zoning ordinance or other applicable provisions of any ordinances or of this code.

B. Same form and contents as tentative map. 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 this title for a tentative map except as provided in this chapter.

C. Differentiation from tentative map. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

D. Building plans. At the time a vesting tentative map is filed, a subdivider shall also supply information related to buildings and interior streets, including utility systems if applicable shown on such vesting tentative map as required by the Planning Officer.

E. Consistency with zoning. The subdivider shall clearly indicate on maps submitted any inconsistencies with zoning that may exist.

F. Fee. At the time of filing of the vesting tentative map, the subdivider shall pay the vesting tentative map fee as set forth in the current city fee schedule.

16.16.030 Application review process.

The review process for vesting tentative maps is the same as that shown in 16.12.030, except for the differences in City Council approval or disapproval described in 16.16.070.

16.16.040 Acceptance or rejection of filing.

The Planning Officer shall determine whether the tentative map has been accepted for filing through the process described in Hughson Municipal Code 16.12.040.

16.16.050 Review by Planning Officer.

The Planning Officer review shall follow the same process as that described in Hughson Municipal Code 16.12.050

16.16.060 Review by Planning Commission.

The Planning Commission review shall follow the same process as that described in Hughson Municipal Code 16.12.060.

16.16.070 Approval or disapproval by City Council.

The City Council shall approve, conditionally approve, or disapprove the map through the process described in Hughson Municipal Code 16.12.070, except for the following:

A. Vesting. 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 Section 66474.2 of the Subdivision Map Act. However, if Section 66474.2 of the Subdivision Map Act is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Conditions or denial. Notwithstanding subsection A of this section, approval of a vesting tentative map shall be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;

2. The condition or denial is required, in order to comply with the state or federal law; or

3. The vesting tentative map is inconsistent with zoning. The City Council may approve it conditioned on the subdivider, or his or her de-

signee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection (A) of this section, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

C. Expiration. The rights referred to in this section shall expire if a final map or parcel map is not approved prior to the end of the same time period, subject to the same extensions established by this title for the expiration of the approval or conditional approval of a tentative map as provided in Hughson Municipal Code 16.12.070. If the final map or parcel map is approved, these rights shall last for the following periods of time:

1. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map or parcel map for that phase is recorded.

2. The initial time period set forth in subsection C(1) of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.

3. A subdivider may apply to the Planning Officer for a one year extension at any time before the initial time period set forth in subsection C(1) of this section expires. If the extension is denied, the subdivider may appeal that denial to the City Council, as described in Hughson Municipal Code 16.04.120 within 15 days.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (C)(1), (2) and (3) of this section, the rights referred to in this section shall continue until the expiration of that permit, or any extension of that permit.

D. Inconsistency with zoning.

E. Timing. The rights conferred by this section shall be for the time periods set forth in subsection (A) of this section.

F. Approvals and permits. Notwithstanding any provision of this title, a property owner, or his or her designee, may seek approvals or permits for development which depart from the ordinances, policies, and standards described in this section, and local agencies may grant these approvals or is-

sue these permits to the extent that the departures are authorized under applicable law.

16.16.080 Appeals process.

The appeals process for the decision of the City Council shall be as described in Hughson Municipal Code 16.04.120.

16.16.090 Filing process.

The City shall file all documentation required by the California Environmental Quality Act.

Chapter 16.20

PARCEL MAPS (FOUR OR FEWER PARCELS)

Sections:

- 16.20.010 Purpose.
- 16.20.020 Application requirements.
- 16.20.030 Application review process.
- 16.20.040 Acceptance or rejection of filing.
- 16.20.050 Approval by City Council.
- 16.20.060 Appeals process.
- 16.20.070 Filing process.

16.20.010 Purpose.

The purpose of this section is to provide final review and recordation of a parcel map for any subdivision of land resulting in four or fewer parcels and for which a final map is not required by the Subdivision Map Act. Parcel maps shall be required for these subdivisions, except for subdivisions created by short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code or for land conveyed to public agency or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way; provided, however, that if the Planning Officer finds, upon substantial evidence, that the public interest necessitates such a map, this exception shall not apply.

16.20.020 Application requirements.

A. Tentative or vesting tentative map. When a parcel map is required by this chapter, a tentative or vesting tentative map shall first be filed with the Planning Officer. The tentative or vesting tentative map shall meet all the requirements for tentative maps provided by the Subdivision Map Act and Hughson Municipal Code Chapter 16.12. The vesting tentative map shall also meet all the require-

ments for vesting tentative maps provided by Hughson Municipal Code Chapter 16.16.

B. Waivers allowed. The Planning Officer may waive the requirement for a parcel map upon finding that the following exist:

1. The land being divided consists of a parcel shown on a recorded parcel map or final subdivision map or a legally created parcel and the full street improvements have been constructed and monumentation is evident; and

2. The proposed division of land complies with the requirements of the City Code and Subdivision Map Act as to area, improvement and design, floodwater drainage control, appropriately improved public roads, sanitary disposal facilities, water supply availability, environmental protection and any other requirements that may apply.

C. Waivers granted. When the requirement for a parcel map has been waived by the Planning Officer, the following actions shall take place before the subdivision is made final:

1. The subdivider shall file an application including all the information deemed necessary by the Planning Officer; and

2. The Planning Officer shall find that the proposed division of land complies with the requirements of the California Environmental Quality Act, Hughson Municipal Code Title 17, and any other relevant ordinances, improvement standards as set forth by resolution of the City, the General Plan, and applicable specific plans of the City.

D. Improvement requirements. Where public improvements are required, improvement plans, engineering calculations, and cost estimates shall be submitted and approved by the Planning Officer prior to acceptance of a parcel map for filing.

E. Map form and contents. The subdivider shall submit all the information deemed necessary by the Planning Officer.

F. Fee. At the time of filing of the parcel map, the subdivider shall pay the parcel map fee as set forth in the current City fee schedule.

16.20.030 Application review process.

The Planning Officer first examines the parcel map and accepts or rejects it for filing. Once it has been accepted, the Planning Officer presents the map to City Council, which must make a decision at its next regular meeting.

16.20.040 Acceptance or rejection of filing.

The Planning Officer shall examine the parcel map and required documents submitted. If he or she determines that the surveys are correct and that such map is technically correct and substantially

conforms to the approved tentative or vesting tentative map, and the required documents submitted are in order, he or she shall so certify on such map. If he or she shall find that full conformity has not been made, he or she shall so advise the subdivider and afford him or her an opportunity to make the necessary change.

16.20.050 Approval by City Council.

If the parcel map is in compliance with the Subdivision Map Act, local ordinances, and this title, if the conditions of approval have been met, the City Council shall, at its next regular meeting, or within a period of 20 days after such submission, whichever is later, approve the map.

16.20.060 Appeals process.

The appeals process for the decision of the City Council shall be as described in Hughson Municipal Code 16.04.120.

16.20.070 Filing process.

Upon the approval of the parcel map, the City Clerk shall submit the map for recordation in the same manner as provided for final maps set forth in Hughson Municipal Code 16.24.070.

Chapter 16.24

FINAL MAP (FIVE OR MORE PARCELS)

Sections:

- 16.24.010 Purpose.
- 16.24.020 Application requirements.
- 16.24.030 Application review process.
- 16.24.040 Acceptance or rejection of filing.
- 16.24.050 Approval by City Council.
- 16.24.060 Appeals process.
- 16.24.070 Filing process.

16.24.010 Purpose.

The purpose of this section is to provide final review and recordation of a final map for any subdivision of land resulting in five or more parcels for which a final map is required by the Subdivision Map Act.

16.24.020 Application requirements.

Following approval or conditional approval of a tentative or vesting tentative map, and prior to the expiration of tentative or vesting tentative map approval, the subdivider may cause the preparation of a final map that meets all the requirements deemed necessary by the Planning Officer, including the following:

A. Tenant notification. Each of the tenants of a proposed condominium or community apartment house project has been, or will be given 180 days' written notice of intention to convert prior to the termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provisions of services, the payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.

B. Tenant right to contract for purchase. Each of the tenants of a proposed condominium or community apartment house project has been, or will be given, notice of an exclusive right to contract for the purchase of their respective units either upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of at least 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the rights.

C. Subdivision agreement. The subdivision agreement shall be in the form described in Hughson Municipal Code 16.04.100.

D. Fee. At the time of filing of the final map, the subdivider shall pay the final map fee as set forth in the current city fee schedule.

16.24.030 Application review process.

The Planning Officer first examines the final map and accepts or rejects it for filing. Once it has been accepted, the Planning Officer presents the map to City Council, which must make a decision at its next regular meeting.

16.24.040 Acceptance or rejection of filing.

The Planning Officer shall examine the final map and required documents submitted. If he or she determines that the surveys are correct and that such map is technically correct and substantially conforms to the approved tentative or vesting tentative map and the required documents submitted are in order, he or she shall so certify on such map. If he or she shall find that full conformity has not been made, he or she shall so advise the subdivider and afford him or her an opportunity to make the necessary change.

16.24.050 Approval by City Council.

The Planning Officer shall present the final map to the City Council. The City Council shall, at its next regular meeting, approve the map if it con-

forms to all the requirements of law and the provisions of this chapter. The City Council shall, at the time of its action thereon, accept or reject any and all offers of dedication of streets and other easements.

16.24.060 Appeals process.

The appeals process for the decision of the City Council shall be as described in Hughson Municipal Code 16.04.120.

16.24.070 Filing process.

Upon the approval of any final map, the City Clerk shall forthwith submit the map to the Clerk of the county with instructions to the county recorder to record said map.

Chapter 16.28

SUBDIVISION DESIGN STANDARDS

Sections:

- 16.28.010 Parcel design.
- 16.28.020 Street design.
- 16.28.030 Trees and landscaping.
- 16.28.040 Energy conservation.

16.28.010 Parcel design.

Parcel design shall conform to the Zoning Code, the General Plan, any applicable specific plans, and any applicable design guidelines adopted by the City Council.

A. Minimum parcel dimensions shall be as specified in the Zoning Code for lots in the applicable zoning district.

B. Each parcel of land shall have the minimum lot frontage required by the Zoning Code on a public street, or a private street that provides a direct or indirect connection to a public street.

16.28.020 Street design.

The location, width, and alignment of streets shall conform to the General Plan or Master Plans, any applicable specific plans, ~~any applicable design guidelines adopted by the City Council~~ the City of Hughson Design Manual for Living Streets, and any standards established by the Planning Officer, except where alternative standards are approved by the City Council. Streets shall be designed for the most advantageous development of the area in which the subdivision lies and for high connectivity with surrounding areas. Specific requirements shall be as follows:

A. Private streets. New private streets shall be created only if they meet all of the following requirements:

1. The Planning Commission determines that a private street system will not be a substantial detriment to adjoining properties, or to the properties served by the private street system, and will not disrupt or prevent the establishment of an orderly circulation system in the vicinity of the subdivision;
2. The proposed private streets meet all applicable requirements for public streets;
3. The proposed private street is located on the premises of a commercial, industrial, or multi-family residential development;
4. The subdivider shall establish provisions, approved by the Planning Officer and City Attorney, for a homeowners' association or other organization to assume responsibility for the maintenance and ownership of private streets and their rights-of-way, including any trees and landscaping provided within street rights-of-way; and
5. The Planning Commission may require that a proposed private street be subject to an offer of dedication pursuant to Government Code Section 66477.2.

B. Street configuration. Street configuration shall be as follows:

1. Width. The width of local streets shall be the minimum necessary to carry the amount of anticipated traffic, allow for bicycle and pedestrian facilities, and allow sufficient emergency access.
2. Centerlines. The centerlines of streets that extend existing or planned streets shall continue the centerlines of the existing streets as far as practical, either in the same direction or by adjustment curves.
3. Alleys. Alleys may be provided in any subdivision where they provide rear access to parking, reduce the visual impact of garages, and where the City will not be required to provide ongoing maintenance. Maintenance shall be provided for pursuant to Section 16.28.020, A.4.
4. Grid. Streets shall be configured in a grid or modified grid pattern with varied block sizes and street lengths and shall provide multiple connections to arterial streets.
5. Cul-de-sacs. Cul-de-sac streets in residential subdivisions shall not exceed 600 feet in length and shall not serve more than 25 parcels. Cul-de-sacs shall be open at their end for pedestrian access whenever possible.

C. Ownership transfer or dedication. Private streets may be transferred or dedicated to the City only if sufficient funds are placed on deposit or re-

pairs are made to ensure that the street meets the standards for streets set forth in this title, Hughson Municipal Code Title 12, and any other applicable requirements.

16.28.030 Trees and landscaping.

Trees and landscaping shall be provided and preserved as follows:

A. No tree protected by Section 17.03.092 of Chapter 17 shall be removed, unless it is replaced under the provisions of that chapter.

B. Wherever a public or private street provides a sidewalk, street trees shall be provided within the street right-of-way.

C. The subdivider shall provide a master street tree and landscaping plan, which shall be consistent with the City's Street Tree Master Plan and any other relevant City specifications, as part of the subdivision improvement plans. The plant species, planting methods, and planting locations shall conform to the specifications in Section 17.03.092 of Chapter 17 and are subject to the approval of the Planning Officer.

D. The responsibility for planting street trees and landscaping and financing their maintenance shall be as follows:

1. The subdivider shall complete all street tree and landscape planting as part of the subdivision improvements.

2. If a subdivision includes any private streets, the subdivider shall provide a security, in a form approved by the City Attorney, guaranteeing the faithful performance of all irrigation and maintenance of trees and landscaping planted in private street rights-of-way. The amount of the security shall be equal to the cost of irrigation and maintenance for two years beyond occupancy of the final unit in the subdivision, as calculated by the subdivider and approved by the Planning Officer. The subdivider shall indicate the entity responsible for the irrigation and maintenance of trees and landscaping, which shall be identifiable to the City and made available for audit by the City.

16.28.040 Energy conservation.

A. The subdivider shall provide for future passive or natural heating or cooling opportunities in the subdivision, to the extent that this can be accomplished within a reasonable period of time, given economic, environmental, social, and technological constraints:

1. Examples of passive or natural heating opportunities in subdivision design include design of parcel size and configuration to permit ori-

entation of a structure in an east-west alignment for southern exposure.

2. Examples of passive or natural cooling opportunities in subdivision design include design of parcel size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

B. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, site contours, configuration of the parcel to be divided and other design and improvement requirements. Provision of passive or natural heating or cooling opportunities shall not result in reducing allowable densities or the percentage of a parcel that may be occupied by a building or structure under applicable zoning regulations in effect at the time a tentative map or vesting tentative map is filed.

Chapter 16.32

SUBDIVISION IMPROVEMENTS, DEDICATIONS, AND IN-LIEU FEES

Sections:

| | |
|------------------|---------------------------------------|
| 16.32.010 | Parkland. |
| 16.32.020 | School dedication. |
| 16.32.030 | Street dedication. |
| 16.32.040 | Reservations for other public uses. |
| 16.32.050 | Pedestrian and bicycle paths. |
| 16.32.060 | Local transit facilities. |
| 16.32.070 | Bridges and major thoroughfares. |
| 16.32.080 | Groundwater recharge. |
| 16.32.090 | Soil and geological hazard reports. |
| 16.32.100 | Monuments. |
| 16.32.110 | Grading and erosion control. |
| 16.32.120 | Improvement plans. |
| 16.32.130 | Assessment districts. |
| <u>16.32.140</u> | <u>Community facilities districts</u> |

16.32.010 Parkland.

A. Purpose. This section is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the City and is for the purpose of providing such additional park and recreational facilities and open space as appropriate pursuant to the General Plan of the City. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this section are in accordance with the policies, principles, and standards for park and recreational facilities contained in the General Plan and any Parks Master Plan.

B. Definitions. For the purpose of this chapter, “park or recreational purposes” consists of land and facilities that fall into one of the park categories described in the Conservation and Open Space Element of the General Plan as well as those designed for recreational community gardening, which consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale.

C. Requirements. As a condition of approval of a tentative map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City Council, for park or recreational purposes at the time and according to the standards and formulas contained in this chapter. The land dedicated or the fees paid, or both, shall be used for community and neighborhood parks and recreational facilities in such a manner that the locations of such facilities bear a reasonable relationship to the use of these facilities by the future inhabitants of the subdivision generating such dedication or fees, or both.

D. Land dedication and fees for subdivisions of more than 50 dwelling units. Parkland shall be dedicated or fees paid in lieu of dedication for subdivisions of more than 50 dwelling units according to the following requirements:

1. Where a park or recreational facility has been designated in the General Plan or any Parks Master Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the present and future needs of the residents of the subdivision, the subdivider shall dedicate land for park or recreational purposes according to the formula in subsection (G) of this subsection.

2. Where no park or recreational facility is designated in the General Plan or any Parks Master Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, according to the City Council’s discretion, either dedicate land in the amount provided in subsection (G) of this section, or pay a fee in lieu of dedication as described in subsection (H) of this section. The subdivider may choose to purchase land outside of the subdivision if the land is acceptable to the City Council and meets all the requirements of this chapter.

3. When only a portion of the land to be subdivided is proposed in the General Plan as the site for a park or recreational facility, such portion shall be dedicated for park or recreational purposes as provided in subsection (G) of this section, and a fee computed pursuant to subsection (H) of this section shall be paid toward the costs of off-site

improvements, which would otherwise have been required to be dedicated pursuant to subsection (G) of this section.

4. When a major part of a park or recreational site has already been acquired by the city and only a small portion of land is needed from the subdivision to complete the site, such portion shall be dedicated as provided in subsection (G) of this section, and a fee computed pursuant to subsection (H) of this section shall be paid for the improvement of the existing park or recreational facility or for the improvement of other neighborhood or community parks and recreational facilities reasonably related to serving the subdivision.

E. Land dedication and fees for subdivisions of 50 dwelling units or fewer. No dedication of land shall be required for proposed subdivisions containing 50 parcels or less, unless the subdivider submits more than one application for adjacent portions of the same parcel within a five year period, in which case they shall be required to dedicate land subject to subsection (G) of this section. Proposed subdivisions containing 50 parcels or less shall only be required to pay the fees required pursuant to subsection (H) of this section. However, nothing in this section shall prohibit the dedication and acceptance of land for park or recreational purposes in subdivisions of 50 or fewer dwelling units, where the subdivider proposes such dedication voluntarily and the land is acceptable to the Planning Officer as prescribed in subsection (G) of this section.

F. The subdivider shall, without credit, provide the following improvements:

1. Full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic-control devices, street trees, and sidewalks to land which is dedicated pursuant to this section;

2. Fencing along the property line of that portion of the subdivision contiguous to the dedicated land;

3. Improved drainage through the site; and

4. Other minimal improvements which the City Council determines to be essential to the acceptance of the land for park or recreational purposes.

G. Amount and type of land to be dedicated:

1. In accordance with Section 66477 of the Subdivision Map Act, the subdivider shall dedicate to the City 5 acres of parkland per 1,000 residents who will occupy land within the subdivision.

This requirement is based on the results of the 2000 United States Census, which found that the City had 3,980 residents and 1,252 dwelling units, or an

average of 3.17 persons per dwelling unit. In 2000, the City had 31.9 acres of parks and other recreational facilities, or 8 acres per 1,000 residents; however, Section 66477 of the Subdivision Map Act restricts parkland dedication requirements to no more than 5 acres per 1,000 residents. The City will assume that the average number of persons per dwelling unit will be the same as that in the 2000 United States Census, unless the subdivider provides persuasive information to the contrary.

2. The land to be dedicated and improvements to be made pursuant to this section shall be approved by the Planning Officer. Land to be dedicated shall be suitable, in the opinion of the Planning Officer, in location, topography, environmental characteristics, and development potential as related to the intended use. The primary intent of this section shall be construed to provide the land for functional recreation units of local or neighborhood service, including, but not limited to, tot lots, play lots, playgrounds, neighborhood parks, playfields, community or district parks, and other specialized recreational facilities that may serve the family group and also senior citizen activities. Principal consideration shall be given to lands that offer:

- a. A variety of recreational potential for all age groups;
- b. Recreational opportunities within walking distance from residents' homes;
- c. Possibility for expansion or connection with schoolgrounds;
- d. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
- e. Coordination with all other park systems;
- f. Access to at least one existing or proposed public street; and
- g. Access to local groundwater for irrigation of park landscaping.

3. Storm water basins will not count for park dedication purposes. However, storm water basins abutting park land is highly desirable.

H. Amount of fee in lieu of land dedication. When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the estimated fair market value at the time of final map approval of the land which would otherwise be required for dedication pursuant to subsection (G) of this section, plus 20 percent toward the costs of off-site improvements. Fees to be collected pursuant to this section shall be approved by the Planning Officer.

I. Determination of fair market value. The fair market value of land shall be determined by the

City with a written appraisal prepared and signed by a qualified real estate appraiser acceptable to the City. The appraisal shall be made immediately prior to the filing of the final map or the parcel map. The subdivider shall notify the City of the expected filing date at least six weeks prior to the filing of the final map or parcel map. If more than six months elapses between the preparation of the appraisal and the filing of the final map or parcel map, the City shall cause a new appraisal to be prepared. All costs associated with obtaining the appraisal and the reappraisal, if necessary, shall be borne by the subdivider. For the purposes of determining fair market value pursuant to this section, the appraiser shall consider, but not be limited to, the following:

1. Conditions of approval of the tentative map;
2. General plan and zoning requirements for the area;
3. Location and site characteristics of the property; and
4. Off-site and on-site improvements necessary to facilitate use of the property.

If the subdivider objects to the determined fair market value, he or she may appeal to the City Council.

J. Determination of land or fee. Whether the City Council accepts land dedication or elects to require the payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

1. Policies, standards, and principles for park and recreation facilities in the General Plan and any Parks Master Plan;
2. Topography, geology, access, and location of land in the subdivision available for dedication;
3. Size and shape of the subdivision and land available for dedication;
4. Feasibility of dedication;
5. Compatibility of dedication with the General Plan; and
6. Availability of previously acquired park property.

The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

K Credit for improvements and private open space. If the subdivider provides park or recreational improvements to the dedicated land, as approved by the City Council, the value of the improvements together with any equipment located

thereon shall be a credit against the payment of fees or dedication of land required by this chapter.

No credit shall be given for private open space in any subdivision, except as provided in this subsection. Where private open space usable for active recreational purposes is provided for within a common interest development, as defined in Section 1351 of the Civil Code, partial credit, not to exceed 50 percent, shall be given for the value of such private open space against the amount of land required to be dedicated, or the amount of the fees imposed in lieu thereof, if the City Council finds and determines that it is in the public interest to do so and that all of the following standards are met:

1. Yards, court areas, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space.

2. Private park and recreational facilities shall be owned by a homeowners association which is composed of all property owners in the subdivision, is an incorporated nonprofit organization capable of dissolution only by a 100-percent affirmative vote of the membership, operates under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and assesses each lot a charge for a proportionate share of expenses for maintaining the facilities.

3. Use of the private open space is restricted for park and recreation purposes by a recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the city or its successor.

4. The proposed private open space is reasonably adaptable for use for park or recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.

5. Facilities proposed for the open space are in substantial accordance with the provisions of the General Plan.

6. The open space for which credit is given is generally a minimum of three acres and provides all of the local park basic elements listed below, or a combination of such other recreational improvements that will meet the specific recreational needs of future residents of the area:

a. Recreational open spaces, which are generally defined as park areas for active recreational pursuits such as soccer, golf, baseball, softball, and football, and have at least one acre of maintained turf with less than five percent slope;

b. Court areas, which are generally defined as tennis courts, badminton courts, shuffle-

board courts, or similar hard-surfaced areas especially designed and exclusively used for court games;

c. Recreational swimming areas, which are generally defined as fenced areas devoted primarily to swimming, diving, or both. They must also include decks, lawned area, bathhouses, or other facilities developed and used exclusively for swimming and diving, and consisting of no less than 15 square feet of water surface area for each three percent of the population of the subdivision with a minimum of 800 square feet of water surface area per pool, together with an adjacent deck and/or lawn area twice that of the pool; and

d. Recreational buildings and facilities designed and used primarily for the recreational needs of residents of the development.

The determination of the City Council as to whether credit shall be given and the amount of credit given shall be final and conclusive.

L. Procedure.

1. At the time of approval or conditional approval of the tentative map, the City Council shall determine whether land, in-lieu fees, or a combination of land and fees, shall be dedicated and/or paid by the subdivider. If the City Council requires payment of an in-lieu fee by the subdivider, it shall set the amount of land upon which the in-lieu fee shall be based at the time of final map or parcel map approval. If the City Council requires the dedication of land by the subdivider, it shall accept, accept subject to improvement, or reject any offer of dedication at the time of final map or parcel map approval.

2. At the time of the recording of the final map or parcel map, the subdivider shall dedicate the land and/or pay the fees as determined by the City Council. At the discretion of the City fees may be paid prior to issuance of any building permit for any structure in the subdivision.

3. Open space covenants, conditions, and restrictions for private park or recreational facilities shall be recorded concurrently with the final map or parcel map.

M. Disposition of fees.

1. Fees determined pursuant to subsection (H) to this section shall be paid to the city treasurer and shall be deposited into the subdivision park trust fund or its successor. Money in such fund, including accrued interest, shall be expended solely for the acquisition or development of park land or improvements related thereto, in accordance with this chapter.

2. Collected fees shall be committed within five years after payment thereof or the issuance of building permits on one-half of the lots

created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

3. The City Treasurer shall report to the City Council at least once annually on the income, expenditures, and status of the subdivision park trust fund.

N. Schedule of use. At the time of the approval of the final map or parcel map, the City shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop or rehabilitate park or recreational facilities to serve the residents of the subdivision.

O. Exemptions. The provisions of this chapter shall not apply to any of the following:

1. Subdivisions which contain less than five parcels and are not used for residential purposes, provided a condition shall be placed on the approval of the parcel map for any such subdivision that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee otherwise due pursuant to this chapter shall be required to be paid by the owner of such parcel as a condition to the issuance of such permit.

2. Commercial or industrial subdivisions.

3. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

P. Access. All land offered for dedication to park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the City Council if it determines that public street access is unnecessary for the maintenance of the park or recreational area or use thereof by residents.

Q. Sale of dedicated land. If, during the time period between the dedication of land for park or recreational purposes and the commencement of first-stage development, circumstances arise which would indicate that another site would be more suitable for serving the subdivision and the neighborhood (such as receipt of a gift of additional parkland), the land may be sold upon the approval of the City Council with the resultant funds being used for the purchase or development of a more suitable site.

16.32.020 School dedication.

A. Purpose. Whenever there is consideration of an area for a public school site within a subdivision, the City shall notify the affected school districts and the State Department of Education, in writing, of the proposed site. The notification shall include the identification of any existing or proposed airport runways within the distance specified in Section 17215 of the Education Code.

B. Standards. As a condition of approval of a tentative or vesting tentative map, and as allowed by State law, a subdivider who develops or completes the development of one or more subdivisions within the elementary school districts serving said subdivision shall dedicate to the school district (in the manner specified in this section) such lands as the City Council deems necessary, for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate public school service.

C. Consistency with General Plan. School sites offered for dedication in the general location shall conform to the policies in the General Plan or relevant specific plans and the requirements of the school district.

D. Timing. The requirement of dedication shall be imposed at the time of approval of the tentative or vesting tentative map. If, within 30 days after the requirement of dedication is imposed by the City, elementary school districts do not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after the filing of the final map on any portion of the subdivision.

E. Repayment of costs. The school district shall, if it accepts the dedication, repay to the subdivider or his or her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

1. The cost of any improvements to the dedicated lands since acquisition by the subdivider;

2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and

3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

F. Exception. The dedication requirements of this section shall not apply to a subdivider who has owned the land being subdivided for more than ten years prior to the filing of the tentative map.

16.32.030 Street dedication.

A. Purpose. In order to meet the City's transportation goals as described in the General Plan Circulation Element, as a condition of approval of a map or the approval of any site development plan, the subdivider/developer shall dedicate or make an irrevocable offer of dedication of all parcels or land within the subdivision or site that are needed for streets and alleys.

B. Right-of-way. Street dedications shall include the full right-of-way required for the functional classification of roadway as described in the General Plan Circulation Element, Street Master Plan and Section 16.28.020 B.

C. Termination. Offers of dedication may be terminated as described in Section 66477.2 of the Subdivision Map Act.

16.32.040 Reservations for other public uses.

In addition to the dedications for specific public uses that this chapter requires, the subdivider shall reserve land within the subdivision for wells, fire stations, libraries, or other public uses, consistent with the General Plan, Master Plans and applicable specific plans, provided that:

A. Balance. The reserved area is of a size and shape that permits the balance of the property within which the reservation is located to develop in an orderly and efficient manner;

B. Feasibility of development. The amount of land reserved will not make development of the remaining land held by the subdivider economically infeasible; and

C. Consistency with General Plan. The reserved area shall conform to the General Plan, Master Plans or an applicable specific plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. In such an event, the subdivider shall make those changes that are necessary to permit the reserved area to be developed for the intended purpose, consistent with good subdividing practices.

16.32.050 Pedestrian and bicycle paths.

A. Dedication for bikeways and pedestrian trails. Whenever a subdivider is required to dedicate roadways to the public, a dedication of land may be required to provide bikeways and pedestrian paths for the use and safety of the residents of the subdivision, or to provide bikeways and pedestrian paths as shown in the Circulation Element of the General Plan, a bicycle or pedestrian master plan adopted pursuant to the General Plan, or an applicable specific plan.

B. Required functions. Bikeways and pedestrian paths may be required:

1. To connect a cul-de-sac with another street; or
2. To provide access to parks, schools or similar facilities, in which case the path shall be dedicated to and maintained by the agency served.

C. Required characteristics. The bikeways shall meet the requirements of the Circulation Element of the General Plan and any Bicycle Master Plan.

D. Termination. Rejected Offers of dedication may be terminated as described in Section 66477.2 of the Subdivision Map Act.

16.32.060 Local transit facilities.

A. Purpose. In order to provide adequate local transit facilities, whenever a subdivider is required to dedicate roadways to the public, a dedication of land shall be required for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of the subdivision, as required by the Planning Officer and as described in the Circulation Element of the General Plan or an applicable specific plan.

B. In-lieu fees. Fees may be paid in lieu of dedication of land for the purposes of local transit in the case of subdivisions that consist of the subdivision of airspace in existing buildings into condominium projects, stock cooperatives, or community apartment projects.

C. Termination. Rejected offers of dedication may be terminated as described in Section 66477.2 of the Subdivision Map Act.

16.32.070 Bridges and major thoroughfares.

Pursuant to Section 66484 of the Subdivision Map Act, subdivider shall pay fees for purposes of defraying the actual or estimated cost of constructing bridges or other major thoroughfares. The City Council shall establish procedures and standards for determining the appropriate fees.

16.32.080 Groundwater recharge.

Pursuant to Section 66484.5 of the Subdivision Map Act, subdivider shall pay fees for purposes of constructing recharge facilities for the replenishment of the underground water supply in that area of benefit. The City Council shall establish procedures and standards for determining the appropriate fees.

16.32.090 Soil and geological hazard reports.

Soil and geological hazard reports shall be provided as follows for all subdivisions:

A. Soil reports.

1. Prior to the submission of a tentative map, the subdivider shall file a preliminary soil report with the Planning Officer. The report shall be prepared by a civil engineer who is registered by the State of California and shall be based upon adequate test borings or excavations in the subdivision. The preliminary soil report may be waived if the Planning Officer determines that, based on existing knowledge of the soil qualities of the subdivision, no preliminary analysis is necessary. The determination shall be in writing and shall be made part of the data accompanying the final map.

2. A qualified civil or geotechnical engineer who is registered by the State of California shall prepare a soil investigation of each parcel in the subdivision if the preliminary soil report indicates the presence of any of the following problems:

a. Critically expansive soils or other soil problems that, if not corrected, would lead to structural defects; or

b. Rocks or liquids containing deleterious chemicals that, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron, to corrode or deteriorate.

3. The soil investigation shall recommend corrective action that is likely to prevent structural damage to each building proposed to be constructed in the area where the soil problem exists. The soil investigation shall be filed with the Planning Officer.

4. The City Engineer shall approve the soil investigation if he or she determines that the recommended corrective action is likely to prevent structural damage to each building to be constructed in the area where the soil problem exists. The subdivider may appeal the City Engineer's determination to the City Council, as provided in Section 16.04.120 of this chapter. Subsequent building permits shall be conditioned upon the incorporation of the recommended corrective action in the construction of each building.

B. Geological hazard reports.

1. Prior to the submission of a tentative map, the subdivider shall provide a geological hazard report if the subdivision includes land within a geologic hazard area, as identified in the General Plan or if the City Engineer determines that other geological conditions warrant the preparation of such a report. The report shall be prepared by a civil engineer who is registered by the State of California and shall be based upon appropriate field observations.

2. If the geological hazard report indicates the presence of a potential geological hazard

to life, health or property, a qualified civil or geotechnical engineer who is registered by the State of California shall prepare a geological mitigation plan that identifies corrective action for the potential hazard. The geological mitigation plan shall be filed with the City Engineer.

3. The City Engineer shall approve the mitigation plan if he or she determines that the recommended corrective action is likely to mitigate the potential hazard. The subdivider may appeal the City Engineer's determination to the City Council, as provided in Section 16.04.120 of this chapter. Subsequent building permits shall be conditioned upon the incorporation of the recommended corrective action in the construction of each building.

16.32.100 Monuments.

A. At the time of making the survey for the final map, the subdivider's engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey.

B. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the final map.

16.32.110 Grading and erosion control.

All grading in a subdivision shall comply with the requirements of Hughson Municipal Code 17.03.036 and any other ordinances or resolutions regulating the grading of land in the City.

16.32.120 Improvement plans.

Following approval of a tentative or vesting tentative map, and prior to the submission of any final map or parcel map therefor, the subdivider/developer shall have prepared and submitted complete sets of improved plans and cost estimates for any improvement(s) required. The approval of said plans by the Planning Officer shall be a prerequisite to the approval of the final map or parcel map by the City Council, and in the case of a site development only, shall be prerequisite to issuance of any building permit.

A. Application requirements. The improvement plans shall be prepared by or under the direction of a civil engineer licensed by the state and shall show the complete plans, profiles, and details for all streets and appurtenances, storm drainage, water systems and fire hydrants, sewers, utilities, grading and all other improvements proposed or necessary, on-site and off-site. They shall meet all the requirements deemed necessary by the Planning Officer.

B. Application review process.

1. Review and revisions. Upon receipt of a complete set of improvement plans, the Planning Officer shall expeditiously review the plans and return one set to the subdivider/developer's engineer with the required revisions, if any, marked thereon.

2. When the plans are found to be complete and satisfactory to the Planning Officer, the subdivider/developer shall submit three complete sets of prints and one complete set of transparent vellums thereof for use by the Planning Officer, and the prints shall at the time be accompanied by any additional number of complete sets of prints the subdivider/developer, his or her engineer and contractors may require, to be noted as approved by the City Engineer.

C. Approval by Planning Officer. Upon finding that all required revisions have been made; that all required fees have been paid; and that the plans conform to all applicable City ordinances, design review requirements, and conditions of approval of the tentative map, the Planning Officer shall approve the improvement plans:

1. The Planning Officer shall act within 60 days of receiving the preliminary improvement plans and calculations, except that at least 15 days shall be provided for processing any resubmitted improvement plan. The period of 60 days shall not include any days during which the improvement plan has been returned to the subdivider for corrections or has been subject to review by any party other than the City or a private entity contracted by the City.

2. The Planning Officer's approval of improvement plans shall not relieve the subdivider of responsibility for the design of the improvements and for any deficiencies in the improvements.

D. Permit required. The subdivider/developer shall not commence construction on any portion of improvements prior to the issuance of an encroachment permit and payment of construction inspection fees, and the City Public Works department shall be notified in advance of commencement of any portion of the work, as required by the City's Improvement Standards and Specifications or any other applicable City requirements.

E. Construction of improvements.

1. All construction methods and materials for improvements shall conform to the approved improvement plans, the requirements of the applicable construction permit, and any other applicable City requirements.

2. All construction of improvements is subject to inspection by the Planning Officer. The

subdivider shall notify the City Engineer before beginning the construction of any improvements as required by the City's Improvement Standards and Specifications or any other applicable City requirements. The City personnel shall have full access to the improvement work at all times during its construction.

F. Completion of improvements.

1. If a subdivider files a final subdivision map before all improvements are complete, the City Council and the subdivider shall enter into a subdivision improvement agreement as a condition precedent to approval of the final map. The subdivision improvement agreement shall be in a form approved by the City Attorney and subject to a fee established by resolution of the City Council, and it shall include all of the following:

a. A list of the improvements that have not been completed;

b. A schedule for completing the improvements; and

c. A requirement that the improvements be completed at the subdivider's expense.

2. If the subdivider fails to complete the improvements within the period of time required by the subdivision improvement agreement, the City Council may, by resolution, cause all required improvements to be completed, and the parties executing the security for improvements shall be firmly bound for all costs of completing the improvements.

G. Inspection of improvements.

1. Upon completion of the subdivision improvements, the subdivider shall apply in writing to the City Engineer for preliminary final inspection. The City Engineer shall conduct a preliminary final inspection and prepare a deficiency list, noting all additional work to be performed and deficiencies in existing work to be corrected. The City Engineer shall provide a copy of the deficiency list to the subdivider. If there are an excessive number of deficiencies or missing improvements, the City Engineer may choose to postpone the inspection.

2. After the subdivider has corrected all of the items on the deficiency list, the subdivider shall apply to the City Engineer for final inspection. The City Engineer shall conduct a final inspection and verify that the items on the deficiency list have been corrected. Upon so verifying, and after receiving as-built improvement plans, the City Engineer shall accept the improvements and issue a notice of completion to the subdivider.

3. The City Engineer's acceptance of improvements shall not relieve the subdivider of responsibility for correcting any deficiency that subsequently is discovered.

H. Security for improvements.

1. A security shall be furnished for all improvements shown in the improvement plan, in accordance with the requirements of Sections 66499 through 66499.10 of the Subdivision Map Act and as provided in this section.

2. The security shall be in a form approved by the City Attorney and shall be provided as specified in Sections 66499 through 66499.2 of the Subdivision Map Act.

3. The amount of the security shall be:

a. One hundred percent of the total estimated cost of the improvements as a performance security to guarantee the construction or installation of all improvements;

b. One hundred percent of the total estimated cost of the improvements as a material and labor security to guarantee payment to the subdivider's contractors, and to persons furnishing labor, materials, or equipment for the construction or installation of improvements; and

c. Ten percent of the total estimated cost of the improvements as a warranty security to guarantee the improvements against any defective work or labor done, or defective materials used, in the performance of the improvements, for the warranty period of one year following completion and acceptance of the improvements.

4. The estimate of improvement costs shall be prepared under the direction of and signed by a registered civil engineer licensed by the State of California, and shall be approved by the City Engineer. The estimate shall provide for the following:

a. Total construction costs, with labor costs calculated using the prevailing wage in the City;

b. Ten percent of the total construction cost for contingencies;

c. Increases for projected inflation based on total cost, computed to the estimated end of construction;

d. All utility installation costs, or a certification acceptable to the City Engineer, from the utility company that adequate security has been deposited to ensure installation; and

e. Costs and reasonable expenses and fees, including attorney's fees, incurred in enforcing the obligation secured.

5. The security shall be released in accordance with the requirements of Sections 66499.7 of the Government Code and as described below:

a. At such time that the subdivider believes that the obligation to perform the work for

which security was required is complete, the subdivider may notify the City Engineer in writing of the completed work, including a list of work completed. Upon receipt of the written notice, the City Engineer shall have 45 days to review and comment or approve the completion of the required work. If the City Engineer does not agree that all work has been completed in accordance with the plans and specifications for the improvements, he or she shall supply a list of all remaining work to be completed.

b. Within 45 days of receipt of the list of remaining work from the City Engineer, the subdivider may then provide cost estimates for all remaining work for review and approval by the City Engineer. Upon receipt of the cost estimates, the City Engineer shall then have 45 days to review, comment, and approve, modify, or disapprove those cost estimates. The City Engineer is not required to process a partial release more than once between the start of work and completion and acceptance of all work.

c. If the City Engineer approves the cost estimate for the remaining work and finds that the cost of the remaining work does not exceed 20 percent of the total original performance security, the public entity shall release all performance security except for security in an amount up to 200 percent of the cost estimate of the remaining work and any retention to secure guarantee and warranty of the work as set forth in Section 16.32.120.H.5.i.

d. Substitute bonds or other security may be used as a replacement for the performance security, subject to the approval of the City Engineer. If substitute bonds or other security is used as a replacement for the performance security released, the release shall not be effective unless and until the City Engineer receives and approves that form of replacement security.

e. A reduction in the performance security, authorized under this section, is not, and shall not be deemed to be, an acceptance by the City of the completed improvements.

f. The subdivider shall complete the works of improvement until all remaining items are accepted by the City Engineer.

g. Upon the completion of the improvements, the City Engineer shall issue a written statement of completion within 45 days.

h. Any remaining performance security shall be released within 60 days of the issuance of the written statement of completion.

i. The warranty security shall be released to the subdivider one year after completion of the work, or a final inspection indicating that the

work is acceptable to the City Engineer, or City Council resolution accepting the dedication, whichever is later.

16.32.130 Assessment districts.

The subdivider shall either join an existing assessment district, if there is one adjacent to the parcel, or form a new one, as directed by the Planning Officer if none exists.

16.32.140 Community facilities districts

The subdivider shall either join an existing community facilities district, if there is one adjacent to the parcel, or form a new one, as directed by the Planning Officer if none exists. It is the intent of this section to recover all municipal costs created by the subdivision. Use of this section for subdivision infrastructure bonds is discouraged.

Chapter 16.36

LOT LINE ADJUSTMENTS

Sections:

- 16.36.010 Purpose.
- 16.36.020 Application requirements.
- 16.36.030 Acceptance or rejection of filing.
- 16.36.040 Approval or disapproval by Planning Officer.
- 16.36.050 Appeals process.
- 16.36.060 Filing process.

16.36.010 Purpose.

The purpose of this chapter is to provide a process for the legal adjustment of property lines that do not create new parcels.

16.36.020 Application requirements.

A. Conditions. A request for a lot line adjustment may be filed when both of the following conditions are met:

- 1. The lot line adjustment will not alter the character of the surrounding neighborhood and will not be detrimental to the public welfare or the surrounding territory; and
- 2. The adjusted parcels or lots meet the lot frontage, zone area, setback, side yard, and all of the requirements of Hughson Municipal Code Title 17, as well as those of the General Plan and any applicable specific plans.

B. Submittal information. A request for a lot line adjustment shall be submitted to the Planning Officer on forms provided by the City and shall be accompanied by the information deemed necessary by the Planning Officer.

C. Findings of sufficient services. In order ensure that the subject parcels have adequate services, the Planning Officer shall make one or more of the following findings as applicable:

- 1. The subject parcels are in compliance with Hughson Municipal Code Title 17.
- 2. The subject parcels are located within an existing assessment district or will join an existing assessment district that provides adequate services in accordance with Section 16.32.130.
- 3. The subject parcels have adequate services.
- 4. The property owners will participate in the formation of an assessment district that provides adequate services.

16.36.030 Acceptance or rejection of filing.

The documents submitted shall be reviewed by the Planning Officer and accepted for filing if all of the application requirements of Hughson Municipal Code 16.36.020 have been met.

16.36.040 Approval or disapproval by Planning Officer.

A. Approval or disapproval. The Planning Officer shall approve, conditionally approve, or deny the lot line adjustment based on whether the documents submitted meet the conditions set forth in this section. The Planning Officer may modify the lot line adjustment map as a condition of approval.

B. Expiration. A lot line adjustment approval shall be valid for one year from the date of approval and, if the adjustment parcels or lots are not a matter of record within that one-year period, the approval shall expire.

16.36.050 Appeals process.

The appeals process for the decision of the Planning Officer shall be as described in Hughson Municipal Code 16.04.120.

16.36.060 Filing process.

If the request for a lot line adjustment is approved by the Planning Officer, the applicant shall submit to the Planning Officer all of the information deemed necessary by the Planning Officer, as well as any applicable fees as shall be determined by the City Council.

Chapter 16.40

MERGERS BY DEED

Sections:

- 16.40.010 Purpose.
- 16.40.020 Application requirements.
- 16.40.030 Application review process.
- 16.40.040 Approval or disapproval by Planning Officer.
- 16.40.050 Filing process.
- 16.40.060 Appeals process.

16.40.010 Purpose.

The purpose of this chapter, pursuant to Government Code Section 66499.20-3/4 and this chapter, is to provide a process for the merger of contiguous lots or parcels under common ownership without first reverting to acreage.

16.40.020 Application requirements.

A. Form required. An application for merger shall be on a form approved by the Planning Officer, shall include a legal description of the lots or parcels to be merged, a preliminary title report as to such lots or parcels, and a legal description, prepared according to law, of the resulting merged lots or parcels.

B. Fee. The application shall be subject to a fee as set forth by the City Council.

C. Owner's consent required. All persons owning an interest in the lots or parcels to be merged shall consent to the merger by executing an owner's certificate consenting to the merger. The owner's certificate shall be in a form approved by the Planning Officer.

D. Consistency with Zoning Code. No merger of lots or parcels already improved with one or more living units shall be approved pursuant to this section, unless the resulting single merged lot or parcel complies with the density requirements of Hughson Municipal Code Title 17. If the contiguous lots or parcels under common ownership are of sufficient area, the resulting merged lot or parcel must comply with the minimum parcel area and frontage requirements specified in Hughson Municipal Code Title 17. Otherwise, the resulting lot or parcel must comply as nearly as possible with those area and frontage requirements.

E. Findings of sufficient services. In order to ensure that the subject parcels have adequate services, the Planning Officer shall make one or more of the following findings as applicable:

1. The subject parcels are located within an existing assessment district or will join an existing assessment district that provides adequate services.
2. The subject parcels have adequate services.

3. The property owners will participate in the formation of an assessment district that provides adequate services.

16.40.030 Application review process.

A. Administrative action. Approval of a merger is an administrative action that is not subject to the CEQA Guidelines.

B. Review by other departments. The Planning Officer shall refer an application for merger to other affected City departments. These departments shall review the application and submit their comments in writing to the Planning Officer.

C. Modification of encumbrances. Prior to approval, all encumbrances, including bonded indebtedness, shall be modified to apply uniformly to each entire resulting lot or parcel, rather than to the portions of each resulting lot or parcel corresponding to the separate lots or parcels prior to the merger.

16.40.040 Approval or disapproval by Planning Officer.

The Planning Officer shall review the application for compliance with this article and shall review and consider any comments received from affected City departments. The Planning Officer shall then approve the application, if it complies with the requirements of this chapter. The Planning Officer shall give written notice of his or her action on the application by mail to the applicant and owners.

16.40.050 Filing process.

After final approval of an application, the City Clerk shall record a certificate of merger, including the owner's consent to merger, to evidence the merger of the lots or parcels. The certificate of merger shall be of a form approved by the City Clerk and may include a notation to the effect that:

A. Developable. Approval of the merger does not guarantee that the resulting lot or parcel is developable;

B. Sale. The individual lots or parcels which have been merged are not separately available for sale, lease, and/or financing purposes; and

C. Compliance. Development of a parcel resulting from merger pursuant to this section must be in compliance with any and all applicable State and City statutes, ordinances, and regulations.

16.40.060 Appeals process.

Any decision of the Planning Officer regarding a merger by deed may be appealed by the applicant as provided in Hughson Municipal Code 16.04.120.

Chapter 16.44

REVERSION TO ACREAGE

Sections:

- 16.44.010 Purpose.
- 16.44.020 Application requirements.
- 16.44.030 Approval or disapproval by Planning Officer.
- 16.44.040 Findings.
- 16.44.050 Filing process.

16.44.010 Purpose.

The purpose of this chapter is to provide a process for eliminating the subdivision of previously subdivided parcels and returning them to their original configuration.

16.44.020 Application requirements.

A. Initiation.

1. Petition by owners of record. Proceedings to revert subdivided property to acreage may be initiated by petition of all the owners of record of the property. The petition shall be in a form prescribed by the Planning Officer. The petition shall contain the information required by Section 66499.13 of the Government Code and such other information as required by the Planning Officer.

2. Petition by City Council resolution. The City Council, at the request of any person or on its own motion, may by resolution initiate proceedings to revert property to acreage. The City Council shall direct the Planning Officer to obtain the necessary information to initiate and conduct proceedings.

B. Petitioner shall file the following:

1. Evidence of title to the real property; and
2. Evidence of the consent of all of the owners of interest(s) in the property; or
3. Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
4. Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record;
5. A tentative map in the form prescribed by this title; and

6. A final map in the form prescribed by this title which delineates dedications that will not be vacated and dedications required as a condition to reversion.

C. Fees. Petitions to revert property to acreage shall be accompanied by a fee as set forth by City Council resolution. If the proceedings are initiated by the City Council, the person or persons who requested the City Council to initiate the proceedings shall pay the appropriate fee. Fees are not refundable.

16.44.030 Approval or disapproval by Planning Officer.

A. Review. The Planning Officer may approve a reversion to acreage only if he or she is able to make the findings in Hughson Municipal Code 16.44.040.

B. Conditions. The Planning Officer may require as conditions of the reversion:

1. That the owners dedicate or offer to dedicate streets or easements.
2. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities, if the same are necessary to accomplish any of the provisions of this title.

16.44.040 Findings.

A. Dedications. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

B. One of the following is true:

1. All owners of an interest in the real property within the subdivision have consented to reversion;
2. None of the improvements required to be made within two 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 later, have been completed; or
3. No lots shown on the final or parcel map were filed for record.

16.44.050 Filing process.

A. Return of fees. Except as provided in Hughson Municipal Code 16.44.020.C, upon filing of the final map for reversion to acreage with the county recorder, all unencumbered or unutilized fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the Planning Officer, except those retained pursuant to Section 16.44.030.B.2 of this Code.

B. Map recordation. Reversion shall be effective upon the final map being filed for record by

the county recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

Chapter 16.48

COST APPORTIONMENT

Sections:

- 16.48.010 Purpose.
- 16.48.020 Application requirements.
- 16.48.030 Agreement.
- 16.48.040 Collection.
- 16.48.050 Time limit.

16.48.010 Purpose.

In the event that any subdivider is required under the provisions of this title to construct or pay for the construction of improvements which will in the future benefit other subdividers, the City may require such other subdividers to reimburse the original subdivider for a proportionate share of the cost of such improvement.

16.48.020 Application requirements.

The requirement for reimbursement shall be upon application of the original subdivider.

16.48.030 Agreement.

The reimbursement shall be specified by appropriate provisions in the subdivision or site development agreement, which shall provide that the reimbursement shall be paid by City.

16.48.040 Collection.

The reimbursement shall be made by the City to the original subdivider within 30 days of collection from such other subdivider, but the City shall in no event be liable for reimbursement to the original subdivider unless and until such reimbursement is collected from the other subdivider. In no event shall the City be liable for failure to make such collection.

16.48.050 Time limit.

No reimbursement agreement shall be valid for more than 10 years.

16.52.010 If any provision of this title or the application of this title to any person or circumstance is held invalid, the remainder of this title or the application of a provision to other persons or circumstances shall not be affected.

Chapter 16.52

SEVERABILITY

STANDARD CONDITIONS OF APPROVAL

1. **C.H.S.C.A 1** It is understood and agreed upon, that whenever approval of the City Engineer is required, whether by these Conditions, Improvement Plans, or otherwise, the approval of the City Manager, Planning Director, Building Director and City Public Works Director shall also be required.
2. **C.H.S.C.A 2** The Project Proponent is responsible for ensuring that any contractor, subcontractor, employee, or agent of the Project Proponent is aware of and implements all measures set forth in these conditions.
3. **C.H.S.C.A 3** Those conditions which are imposed or agreed to in the design review process shall survive the final map in the sense that the project proponent shall insure that any purchaser of any lot or lots receives a copy of these conditions of approval and of any conditions imposed or agreed to in the design review process and proof of such receipt shall be given to the City and any such purchaser of any lot or lots understands by this reference that no building permit will be issued for that lot or lots unless the conditions imposed or agreed to in the design review process are complied with by the actual builder.
4. **C.H.S.C.A 4** All utilities must be undergrounded.
5. **C.H.S.C.A 5** Project Proponent shall obtain, at Project Proponent's sole expense, any and all easements or real property which may be required for the development of the Project, and which may be necessary and required in order for Project Proponent to comply with these Conditions of Approval, and the applicable ordinances and resolutions of the City. All engineering design, including, but not limited to, storm sewers and appurtenances, sanitary sewers and appurtenances, streets including, but not limited to, geometrics, sight distances, lighting and sound walls, water systems and appurtenances, signing and striping, landscaping and appurtenances, shall be supported by applicable engineering studies/calculations, as required by the City Engineer.
6. **C.H.S.C.A 6** Project Proponent shall install all improvements and perform all work required for this Project in accordance with established City Standards or as approved by the City's Engineer and Public Works Manager. Plans for all improvements, including, but not limited to, storm drainage, water and sewer main sizes, either on-site or off-site, shall be in accordance with City Specifications and shall be approved by the City Engineer.
7. **C.H.S.C.A 7** All construction shall be in accordance with the Codes and standards in effect at the time of construction. All building construction shall conform to the standard requirements of the Hughson Building Inspection and Fire Departments which may include, but not be limited to, approved area separation walls, automatic fire sprinkler systems, hydrant locations, and placement of fire extinguishers, and notwithstanding any other conditions of the applicable permit authorized by the Building Department, shall comply with zoning, building, fire, and all other codes

and ordinances of the City of Hughson, which shall be met prior to occupancy/final building inspection.

8. **C.H.S.C.A 8** The Project Proponent shall be responsible for all work performed by any and all contractors and subcontractors.
9. **C.H.S.C.A 9** All street improvements shall conform with the requirements of the Americans with Disabilities Act, including the placement of sidewalk at the rear of the driveway at all driveway locations and adjacent to the back of curb at all non-driveway locations.
10. **C.H.S.C.A 10** The Project Proponent shall prepare a deed restriction for each new lot in the proposed project indicating the right-to-industrial operations / right-to-farm for the adjacent properties as applicable. The deed restriction shall only be enforced as long as the adjacent industrial / farm operations continue and are not converted to non-industrial / farm land uses. The deed restriction shall be recorded against each lot upon transfer by deed of such lot. Evidence of said recordation shall be submitted to the City Manager prior to issuance of any building permits for any new lots in the proposed project. Project Proponent shall prepare this deed restriction to the satisfaction of the City for each new lot in the proposed subdivision. The restriction shall make reference to the storage and use of hazardous materials at all industrial and farming operations.
11. **C.H.S.C.A 11** Development shall be substantially as shown on the development plans, Exhibit "A", dated "Received _____" on file with the Planning Department, except as modified by the conditions of approval. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to the approved exhibits.
12. **C.H.S.C.A 12** A paved, all weather surface adequate for interim emergency vehicle access shall be provided to the project. Interim emergency vehicle access shall be in place prior to placement of construction materials, or beginning construction of structures on the site. Project Proponent shall acquire a permanent emergency vehicle access which shall be dedicated to the City by the property owner, prior to any occupancy.
13. **C.H.S.C.A 13** The Project Proponent shall submit a construction Best Management Practices (BMP's) program for review and approval by the Planning Director prior to issuance of building and/or grading permits. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's, which shall consist of at least but not be limited to the following measures during all phases of the project:
 - a. Gathering of all construction and other debris on a daily basis and placing it in a dumpster or other container which is emptied or removed on a weekly or as needed basis. When appropriate, use of tarps on the ground to collect fallen debris or splatters that could contribute to storm water runoff pollution.

- b. Removal of all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit of construction access routes onto the site and placing of gravel on them. Not driving vehicles and equipment off paved or graveled areas during wet weather. 'Broom sweep' of the street pavement adjoining the project site on a daily basis. Scraping of caked-on mud and dirt from these areas before sweeping.
- c. Installation of filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Filter materials will also be placed around each jobsite. Maintaining and/or replacing filter materials to ensure effectiveness and to prevent street flooding.
- d. Creating a contained and covered area on the site for the storage of bags, cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
- e. Never cleaning machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- f. Ensuring that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
- g. Ensuring all portable toilets used during construction are be kept as far as possible from existing residences and are emptied on a regular basis as necessary to prevent odor.

Construction site cleanup and control of construction debris shall also be addressed. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a stop work order.

The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of an encroachment permit.

- 14. **C.H.S.C.A 14** The Project Proponent shall dedicate to the City for street right-of-way purposes those parcels of land intended to be public streets.
- 15. **C.H.S.C.A 15** The Project Proponent shall grant an easement to the City over those parcels needed for public service easements (P.S.E.) and which are approved by the City Engineer or other easements which may be designated by the City Engineer.
- 16. **C.H.S.C.A 16** The Project Proponent shall prepare and submit a design for the installation of mail drop-off boxes within the subdivision and submit the same to the Post Master for initial approval. The approved plan shall thereafter be submitted to the City for review and approval. Project Proponent shall confer with the local US Postal Service authorities to determine locations of cluster mailboxes. If clustering or special locations are specified, easements or other mapped provisions shall be provided in the final map to the satisfaction of the US Postal Service and Hughson

Public Works Director. If clustering is not specified, Project Proponent shall provide written evidence from the US Postal Service of the exemption. Project Proponent shall provide the concrete foundation for the cluster boxes at the approved location.

17. **C.H.S.C.A 17** In addition to any specifics regarding lighting elsewhere noted in these conditions, Project Proponent understands that all lighting on a given street will be fully operational prior to any occupancy being granted on that street.
18. **C.H.S.C.A 18** All signing shall conform to the City Sign Ordinance in regards to size, design, and location. All signs shall be reviewed, approved, and a sign permit obtained prior to installation.
19. **C.H.S.C.A 19** Final inspection by the Building Department is required prior to occupancy.
20. **C.H.S.C.A 20** Inspection of the work and/or materials, or approval of work and/or materials inspected, or statements by any officer, agent, or employee of the City indicating the work or any part thereof complies with City requirements or acceptance of the whole or any part of said work and/or materials, or payments there for, or any combination or all of these acts, shall not relieve the Project Proponent of his obligation to comply with these Conditions of Approval as prescribed; nor shall the City thereby be estopped from bringing any actions for damages arising from the failure to comply with any of the terms and conditions hereof.
21. **C.H.S.C.A 21** Project Proponent shall defend indemnify, and hold harmless City and its elected and appointed representatives, officers, agents and employees against actions arising out of such personal injury, death, or property damage or destruction which is caused, or alleged to have been caused, by reason of Project Proponent's activities in connection with the project described in the map to which these conditions are attached ("Project"). Project Proponent further agrees to defend, indemnify and hold harmless City and its elected and appointed boards, commissions, representatives, officers, agents and employees from any and all claims, actions or proceedings brought against City or any of them to attach, set aside, void, or annul any approval of City or any of them concerning the Project which action, claim or proceeding is brought within the time limit specified in California Government Code section 66499.37, or the sufficiency of environmental review pursuant to CEQA.

The above-referenced indemnification and hold harmless requirement shall apply only if the City shall promptly notify the Project Proponent of any claim, action or proceeding, and cooperates fully in the defense of any such claim, action, or proceeding.

That City does not, and shall not, waive any rights against Project Proponent which it may have by reason of the aforesaid hold harmless agreement, or because of the acceptance by City, or the deposit with City by Developer of any of the insurance policies described herein.

22. **C.H.S.C.A 22** Before commencing work pursuant to any City-approved permit or other entitlement relating to the Project, Project Proponent shall obtain the insurance

required under this Section and receive the approval of the City Manager or his designee as to form, amount and carrier. Project Proponent shall furnish City satisfactory evidence of the insurance and shall maintain the insurance until completion of the project. Project Proponent shall also provide evidence that the carrier is required to give the City at least ten (10) days' prior written notice of the cancellation or reduction in coverage of a policy. The insurance shall name the City as an additional insured and extend to the City, its elective and appointive boards, commissions, officers, agents, employees and representatives and to the Project Proponent and each contractor and subcontractor performing work on the Project.

Compensation Insurance: Project Proponent shall maintain workers' compensation insurance for all persons employed at Project Site. Project Proponent shall require each contractor and subcontractor similarly to provide workers' compensation insurance for their respective employees. Project Proponent agrees to indemnify the City for damage resulting from Project Proponent's failure to take out and maintain such insurance.

Public Liability and Property Damage Insurance: Project Proponent shall maintain public liability insurance in an amount not less than \$1,000,000.00 for each injury (including death) to any one person and subject to the same limit of any one occurrence.

Project Proponent shall provide City with proof of Workman's Compensation and Liability insurance every six months.

23. **C.H.S.C.A 23** The public improvements which are to be constructed pursuant to these conditions of approval and/or other agreements or documents, and/or the tentative map to which these conditions of approval apply, are public works within the meaning of California Labor Code section 1720, and Project Proponent, or Project Proponent's contractor(s) shall comply with all applicable provisions of California Labor Code sections 1720-1861, and all other applicable laws, including but not limited to, the payment of prevailing wages for work on such public works (a copy of the prevailing rate of per diem wages for the public improvements when constructed may be obtained at City Hall), and including, but not limited to, compliance with California Labor Code section 1773.8, section 1776, and section 1777.5. Statutory provisions for failure to pay prevailing wage will be enforced. Eight hours labor constitutes a legal day's work. Project Proponent, or Project Proponent's contractor(s) must file the certification required by California Code section 1861 prior to commencing work on any public improvement.
24. **C.H.S.C.A 24** Prior to final acceptance, Project Proponent shall file with the City of Hughson one set of reproducible mylar "record drawings", two sets of blue line "record drawings", and one electronic version in AutoCAD (compatible with current version of AutoCAD used by City Engineer) sent via CD and/or DVD guaranteeing a permanent record. Said drawings shall meet all requirements of Section 66434 of Subdivision Map Act. Said set of drawings shall contain a copy of sheets with construction changes made or an indication that no changes were made and shall be submitted for approval by the City Engineer. The disk shall also provide the following information:

- a. The street addresses on lots; and
 - b. Building outlines for all existing structures.
25. **C.H.S.C.A 25** Any dedications, open offers of dedication, or grants of easements may be dedicated and accepted on the face of the map. Agreements or other required items shall be recorded as separate documents concurrently with recordation of the parcel map.
 26. **C.H.S.C.A 26** Any existing assessment district, to which the subject property may be subject, shall be cleared prior to submittal of the final map for the City Engineer's signature. The Project Proponent shall complete the apportionment of the original parcel's assessments, for each applicable assessment district in conjunction with the map, to the satisfaction of the City Engineer and the City Attorney. If existing assessments are to be segregated, the civil engineer preparing the "Apportioned Assessment" for the Project Proponent, or the land surveyor preparing the final map, shall provide to the City Engineer of the City of Hughson with a complete list of the new Assessor's Parcel numbers as soon as possible after they have been assigned by Stanislaus County. Two (2) copies shall be submitted.
 27. **C.H.S.C.A 27** The Project Proponent shall record at the time of recordation of the final map reciprocal access, parking, and utility easements with maintenance and repair responsibilities clearly defined among all (future) parcels unless otherwise approved by the Planning Director.
 28. **C.H.S.C.A 28** Any owners Development liens on the real property included on the final map shall be noted on the final map pursuant to Section 66434.1 of the Subdivision map act.
 29. **C.H.S.C.A 29** All certificates and acknowledgements required pursuant to the Subdivision Map Act shall appear on the face of the final map.
 30. **C.H.S.C.A 30** A final subdivision map shall be filed with the City Engineer within 24 months of approval of the tentative map by the City Council.
 31. **C.H.S.C.A 31** The Project Proponent shall establish benefit assessment districts for public areas of the project site provided for community benefit. To the extent allowed by law, the benefit assessment districts shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to street sweeping, street lights, street striping, lighting costs, storm drain lines, cleaning, repairs, replacement, electric current, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof, retention basins and percolation ponds, common on-site landscaping, on-site fences and walls, on-site pedestrian and bicycle access ways, interceptor ditch, bridges, sewer lift station, and street lights. The benefit assessment district shall be established prior to recordation of the final subdivision map for each phase of the proposed project.

The Project Proponent agrees to cooperate with the City and shall incur all costs associated with formation of, and/or the reimbursement to the City for Staff time used in the formation of, a benefit assessment district for public areas of the project site provided for community benefit. To the extent allowed by law, the benefit assessment district shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to sweeping, street lights and lighting costs, electric current, street striping, storm drain lines, cleaning, repairs, replacement, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof, retention basins and percolation ponds, common on-site landscaping and on-site fences, parks and walls. The benefit assessment districts shall be established prior to recordation of the final subdivision map of the proposed project. The Project Proponent shall pay the first year's estimated costs into the District's account at the time District is formed, and shall provide written notice to the homebuyers, satisfactory to the City Attorney, that a Benefits Assessment District has been established for this development.

At a Minimum, the Benefit Assessment Districts will cover the following:

A. Lighting and Landscaping

Landscaping and Lighting District will serve the entire Subdivision to maintain all common landscaping and appurtenant structures, open space pathways, and lighting features in the project area. All lots within any phased final maps shall be annexed and incorporated into the single District by City Council approval prior to the recordation of each final map. The Project Proponent shall provide all necessary documents and pay all costs associated with formation, annexation and incorporation. (70-Watt Sodium Vapor)

B. All streetlights within this subdivision shall be directed away from adjacent residences, and shall be decorative and pedestrian in scale and located so as to minimize visibility from the valley floor to the greatest extent possible. The Project Proponent shall submit a final lighting plan (with details for inclusion in the LLA Specifications to allow for easy identification if the need of future replacement arises) and shall include an analysis and report prepared by an approved lighting engineer identifying the proper spacing, height limits, and illumination levels to provide safe and adequate neighborhood lighting without excessive light spillage, for the review and approval of the Police Department, City Engineer, Public Works Director and City Planner prior to issuance of building permits.

B. Parks and Open Space Maintenance Assessment District.

The Project Proponent shall establish an identified park and open spaces maintenance assessment district for the maintenance, operation and servicing of public improvements. To the extent allowed by law, the district shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to public landscaping and irrigation improvements on landscaped strips of land adjacent to curbs, including jogging paths, planter walls, retention ponds and bank protection, appurtenant irrigation systems, ornamental plantings including lawns, shrubs, and trees, including necessary repairs, replacements, water, electric current, spraying, care, supervision,

debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof. The City will consider the expansion of the district to encompass future developments with respect to the responsibility for park maintenance. Parks and Open Space Maintenance Assessment District shall be established prior to recordation of the final subdivision map.

32. **C.H.S.C.A 32** Project Proponent shall pay fees or reimbursement expressly set forth in these conditions, such as, but not limited to, those specified in the following section, and also normal and usual City fees such as, but not limited to, copying fees, inspection fees, encroachment permit fees, and similar fees or reimbursements. Such fees shall be collected at the time of building permit issuance.
33. **C.H.S.C.A 33** Project Proponent shall reimburse the City for all engineering, inspection, legal, and administrative expenses, incurred or to be incurred by the City in connection with this development, including expenses incurred through the use of outside consultants and additional inspectors, where necessary. An account with the City for costs associated with the processing for the project will be established by Project Proponent. At the time of submission of the improvement plans for the project, the Project Proponent shall deposit funds sufficient to raise said account to the total of \$25,000. The City shall account to Project Proponent for all expenses for which reimbursement is claimed, providing copies of all back-up materials in a timely manner, and shall return any portion of said deposit in excess of the actual amount of expenses incurred. If, in the judgment of the City Manager, it appears that the amount deposited shall not be sufficient to cover all expenses, Project Proponent shall, within 15 days after written request from City, make an additional deposit of funds in an amount determined by the City Manager to be sufficient to make up the deficiency. At no time after submission of improvement plans shall the balance of the deposit fund be less than \$5,000. The need for the maintenance of this account shall cease upon; 1) compliance with all tentative map conditions, 2) compliance with all of the provisions of subdivision improvement agreements for the project, 3) compliance with all mitigation measures set forth in the mitigation monitoring plan, 4) acceptance of the subdivision, and 5) 90 days after completion of construction, all final inspections and final acceptance by the city of all improvements.
34. **C.H.S.C.A 34** Building permits for individual lots will not be issued until all on-site and off-site facilities serving the subdivision are constructed and operational.
35. **C.H.S.C.A 35** Project Proponent shall pay an applicable development fee per dwelling unit in accordance with the City's adopted Capital Impact Fee or Developer Impact Fee programs.
36. **C.H.S.C.A 36** Prior to issuance of a Notice of Determination, the appropriate filing fee, made payable to the "Stanislaus County Clerk/Recorder", shall be verified as received by the Planning Department. Payment is required within two days of City Council approval. Should the finding be found invalid for any reason, the applicant will be responsible for Resource Agency fee.
37. **C.H.S.C.A 37** Project Proponent is responsible for constructing all on-site sanitary sewer facilities and the connection for the proposed project to the sewer main. If the

sanitary sewer facilities mitigation fees are not sufficient to fund the proposed sanitary sewer, the Project Proponent will be responsible for the completion of the sanitary sewer main installation. All sanitary sewer improvement necessary to serve the project shall be complete and in place and accepted by the City prior to use of the sanitary sewer system.

38. **C.H.S.C.A 38** School Impact Fees shall be submitted to the Hughson Unified School District prior to the time of issuance of building permits for lots in the proposed project. School impact fees shall include those fees required by the state, as well as any additional amount agreed upon by the Project Proponent and the District for each residential lot created by the proposed project.
39. **C.H.S.C.A 39** Ministerial fees, including without limitation, application, processing and inspection fees, whether or not revised during the term of this Agreement shall apply to the Project pursuant to this Agreement provided that: (1) such fees, standards and specifications apply to all public works within the City; (2) their application to the Project Site is prospective only as to applications for building and other development permits or approvals not yet accepted for processing; and (3) their application would not prevent development in accordance with these conditions. Notwithstanding any Project Approvals to the contrary, the City may charge, and Project Proponent shall pay all ministerial fees (for example, processing and inspection fees), collected at the building permit stage or other approval stage for subsequent site specific approvals, building permits and other similar permits which are in force and effect on a City-wide basis at the time application is submitted for such permits. Such ministerial fees do not include impact fees or other discretionary fees collected prior to the building permit stage or other approval stage. Such ministerial fees and charges shall be no more than the estimated reasonable cost to the City for performing the work for which the particular fee or charge is paid pursuant to Government Code Sections 66014 et seq.
40. **C.H.S.C.A 40** Project Proponent shall pay to City, within thirty (30) days of submission of any invoice, detailing all the work done and costs charged to the City, costs incurred by City for services performed by City Attorney in drafting, negotiating, or in any other way connected with, this project, at the current rate charged, and by the City Engineer in reviewing and approving maps, improvement plans, or in any other way connected with, the Project, at the rate charged the City by the City Engineer.
41. **C.H.S.C.A 41** Unless otherwise specified or prohibited by law, the Project Proponent shall be responsible and agrees to pay all land costs and related legal fees should it be necessary for the City to use its condemnation powers to obtain land that is under separate ownership or leasehold in order to implement the conditions of project approval contained herein.
42. **C.H.S.C.A 42** All Park Improvements will be completed allowing full use prior to issuance of first occupancy permit.
43. **C.H.S.C.A 43** Project Proponent shall comply with Hughson Municipal Code relative to parkland dedication.

44. **C.H.S.C.A 44** City Park and Street names shall be subject to the approval of the City Design Review Committee, US Post Office, and emergency service providers, prior to filing of the final map.
45. **C.H.S.C.A 45** Detailed landscape and irrigation plans for any parks complying with the City requirements shall be submitted with the construction plans for review and approval by the Planning Department prior to the issuance of building permits. These plans should include, where applicable, a street tree planting plan and landscape plans for medians, buffer strips, and any right-of-way landscape areas. The irrigation plan shall provide for automatic controls and any required fencing shall be shown on the landscape plans. Any required fencing shall be shown on the landscape plans. Installation of all landscaping shall be completed and approved by the Planning Department prior to occupancy approval. All irrigation plans shall incorporate deep-root irrigation technology for trees and shrubs to avoid root damage to improved areas.
46. **C.H.S.C.A 46** A detailed hydrology/drainage study shall be completed at the expense of the project proponent, and shall provide for a Plan Area positive drainage system via on-site detention basins within open space park sites offering temporary storage and percolation with collection and transmission to the ultimate storm water drain system. This may require double-piping in some streets and valves at basins.
47. **C.H.S.C.A 47** The Project Proponent shall provide water and sewer laterals to the proposed park site of a size adequate to provide for landscape irrigation, potable water for future restrooms and sewer service for future restrooms. Electrical service shall also be provided to the park site.
48. **C.H.S.C.A 48** Prior to recordation of a final subdivision map, the Project Proponent shall obtain certification from the Public Works Director and the Design Review Committee, that the landscaping and irrigation system generally conforms to City standards and that all of the above conditions have been met.
49. **C.H.S.C.A 49** All site improvements and all contractors involved in site improvements, building construction, and house construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6 p.m. on Saturday, and 9:00 a.m. to 6:00 p.m. on Sunday. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices.

The Planning Director may allow earlier “start-times” for specific building construction activities, e.g., concrete-foundation/floor-pouring, if it can be demonstrated to the satisfaction of the Planning Director that the construction and construction traffic noise can be mitigated.
50. **C.H.S.C.A 50** All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.

51. **C.H.S.C.A 51** All dwelling units in the development shall be constructed to meet Title 24 state energy requirements.
52. **C.H.S.C.A 52** All building and/or structural plans must comply with all codes and ordinances in effect before the Building Department will issue permits.
53. **C.H.S.C.A 53** The area of the development shall be tested for strength and clarity of signal to and from the area for City emergency services communications to comply with City emergency services needs, as approved by the City's Police. Expert opinions may be required in anticipation of communications difficulties inside or around large structures. Mitigation plans of less than acceptable communications shall be submitted to the satisfaction of the City of Hughson Police Services prior to approval and shall be financed by the Project Proponent immediately upon approval.
54. **C.H.S.C.A 54** The Project shall conform to the requirements of the Hughson Fire District. Project Proponent shall, at Project Proponent's expense, install fire hydrants which shall be tested for flow and color-coded to represent the amount of flow, as specified by the Hughson Fire Protection District. Fire hydrants shall be placed on property lines. Reflectors shall be placed in the street adjacent to the fire hydrants. Curbs at the fire hydrants shall be painted to prevent parking. Prior to any construction framing, the Project Proponent shall provide adequate fire protection facilities, including, but not limited to surface roads, fire hydrants, and a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire. When alternate methods of fire protection are approved by the Fire Chief, this requirement may be waived or modified. Proposed alternative methods of fire protection shall be submitted in writing to the Fire Chief prior to any framing construction. Work on the alternative fire protection methods shall not begin until approved by the Fire Chief.

Fire retardant (shake, tile, etc.) Class C minimum roofing shall be required on all buildings.

Internally illuminated address numbers shall be installed on all residences to be easily readable from the public street for emergency services, consistent with Fire Department requirements. In addition, internal illuminated address numbers shall be installed on the exterior of all garages facing alleyways to allow for property identification from the rear alley.

All pedestrian/bikeway trail paths shall be designed and capable of providing access for maintenance and emergency/police patrol vehicles. Connections to public streets and internal subdivision sidewalks shall include access ramps and removable bollards, lock systems to be approved by Fire and Police Departments.

The Project Proponent shall keep the site free of fire hazards from the start of lumber construction until the final inspection.

All curbs located within a seven feet, six inch (7' 6") radius of a public/private fire hydrant shall be painted red, unless, modified by the Fire Chief. Blue street "hydrant markers" shall be installed for all fire hydrants per City Standard Specifications.

All public and private streets, driveways, aisles, and alleys designated as fire lanes by the Fire Chief shall be maintained in accordance with Articles 9 and 10 of the Uniform Fire Code which permits towing vehicles illegally parked on the fire lanes. Fire lane curbs shall be painted red with "No Parking, Fire Lane, Tow Away Zone" or "No Parking, Fire Lane, Tow Away Zone" signs shall be installed as required by the Vehicle Code.

55. **C.H.S.C.A 55** The Project Proponent shall be responsible for carrying out all duties set forth in the mitigation monitoring program adopted for the proposed project. Efforts shall be made to design the mitigation monitoring program so as to ensure compliance during project implementation. The Project Proponent's compliance with said mitigation monitoring program shall be subject to review and approval by those agencies and officials designated in the program.
56. **C.H.S.C.A 56** The Project shall conform in full with the requirements of the San Joaquin Valley Unified Air Pollution Control District. It shall be the responsibility of the Project Proponent to satisfactorily demonstrate compliance with said requirements.
57. **C.H.S.C.A 57** All front yards of all lots shall be landscaped at the time of construction and shall utilize landscaping as approved by the City Engineer, Public Works Director, the Planning Director, and the Design Review Committee.
58. **C.H.S.C.A 58** The Project Proponent shall provide all lot buyers with a list of energy efficient appliances including, but not limited to, refrigerators, dishwashers, washing machines, and dryers. This list shall be submitted to the Planning Department for review and approval prior to issuance of a final building permit for the first home of the project.
59. **C.H.S.C.A 59** For commercial/industrial projects a hazardous materials management plan shall be prepared pursuant to the City's Hazardous Materials Ordinance and the Uniform Fire Code. The plan shall be submitted to the Fire Chief at least two (2) weeks prior to the building's occupancy.

The property or business owner shall submit a complete list of all hazardous and combustible materials, including solids, liquids and gases, including biologics, to the Fire Chief at least two (2) weeks prior to submitting the building permit plan set. The list shall include all materials with technical and common names, the maximum amounts to be stored, the materials' Fire Code classification for the materials, whether the materials will be stored or used in an open or closed environment, and the Material Safety Data Sheets for all hazardous materials. Additionally, the property or business owner shall submit to the Fire Chief calculations which show the concentration of the worst-case spill from the most toxic and/or hazardous material released at the point of discharge to the atmosphere. The discharge calculation shall show the percentage of the "Immediately Dangerous to Life and Health (IDLH) concentration limit that is being released, to show the maximum exposure level that could possibly be discharged from this facility. If this level is unacceptable in terms of risk to the public's health and safety, a scrubber for the ventilation system shall be

installed, subject to the review and approval of the Fire Chief and Director of Building Inspection.

Any Project Proponent, business owner, or tenant storing and/or using hazardous materials within a building covered by this approval, shall post National Fire Protection (NFP) 704 identification on the building and/or tenancy according to the City's "Hazardous Materials Identification Sign" procedures.

All hazardous materials including solids, liquids, and gases, in either the pure, processed, or waste state, shall be used and stored inside the building covered by this development plan approval.

60. **C.H.S.C.A 60** At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site. All such vehicles shall be removed from the site at the end of each workday (except those authorized and issued a permit as office use).
61. **C.H.S.C.A 61** The Project Proponent shall submit a refundable cash bond for hazard and erosion control prior to issuance of an Engineering or Building Department permit. The amount of this bond will be determined by the City Engineer.
62. **C.H.S.C.A 62** The Project Proponent shall furnish City with a warranty bond in the amount of 10% of the improvement costs to guarantee Public Improvements for a period of two years following the completion by Project Proponent and filing of Notice of Completion by City against any defective work or labor done, or defective materials furnished, or adverse effect to any portion of adjacent properties in the construction of the Public Improvements. Project Proponent agrees to remedy any defects in the improvements arising from faulty or defective construction of said improvements that occur within two years of acceptance, and to incur all expenses of such repairs that exceed the 10% bond.
63. **C.H.S.C.A 63** The Project Proponent's contractor(s) shall obtain an encroachment permit in accordance with the Hughson Municipal Code from the City prior to moving any construction equipment onto the site. The contractor must provide covered, secure area for any required maintenance on vehicles & equipment.
64. **C.H.S.C.A 64** Improvement and site plans are to be submitted to the Building Department on CD ROM or DVD computer disk in a format approved by the Director. Digitized information shall be submitted before requesting a final inspection and should reflect as-built status and architectural information as approved by the Director.
65. **C.H.S.C.A 65** The applicant will comply with all local, State, and Federal laws and regulations pertaining to the existing improvements on the property prior to the issuance of a building permit or to the construction or installation of any improvements thereon.
66. **C.H.S.C.A 66** Project Proponent shall, at Project Proponents expense, and under City's direction, provide for traffic control, during construction, so as to minimize the impact on residents surrounding or adjacent to the Project. In this connection, Project

Proponent agrees that, during any construction within or as a part of the overall Project, all existing roadways as of the date of approval of this vesting tentative subdivision map shall, at all times, remain passable to a minimum of two lanes of traffic, one in each direction, or an acceptable detour approved by City. Project Proponent further agrees that if, at any time, City shall determine that there are not sufficient acceptable traffic lanes or acceptable detour which are passable, that all construction by Project Proponent shall immediately cease upon written demand therefore, by City.

67. **C.H.S.C.A 67** Project Proponent shall replace, or have replaced, or repair or have repaired, as the case may be, all pipes and monuments shown on the Map which have been destroyed or damaged, and Project Proponent shall replace or have replaced, repair, or have repaired, as the case may be, or pay to the owner, the entire cost of replacement by reason of any work done hereunder, whether such property be owned by the United States or any agency thereof, or the State of California, or any agency or political subdivision thereof, or by the City or by any public or private corporation, or by any person whomsoever, or by any combination of such owners. Any such repair or replacement shall be to the satisfaction and subject to the approval of the City Engineer. Project Proponent shall provide such monumentation as may be required by City Engineer, in accordance with accepted standards.

The Project Proponent shall post security guaranteeing the payment of the cost of setting the monuments. The cost of setting the monuments will be determined by the City Engineer upon approval of the improvement plans. The Project Proponent shall pay the engineer or surveyor for the cost of setting the monuments within three (3) months from date of notification by the engineer or surveyor that the monuments have been set. If the Project Proponent does not pay the engineer or surveyor within the three (3) months from date of notification, the City shall pay the engineer or surveyor for the security and refund the difference, if any, to the Project Proponent.

68. **C.H.S.C.A 68** Prior to commencement of any grading or other subdivision improvements the Project Proponent shall provide proposed trucking routes for all equipment and material deliveries. The City shall, at Project Proponents expense, video the routes to establish preconstruction conditions. Damage to any public improvements, on or off site caused by construction operations, during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the Project Proponent. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

69. **C.H.S.C.A 69** A qualified professional geotechnical engineer shall perform on-site monitoring of all grading and excavation activities on the project site. Evidence of an agreement with a geotechnical engineer shall be submitted for review and approval of the City Public Works Director and City Engineer prior to commencement of any grading activities or any underground work. The geotechnical engineer shall submit evidence that grading and excavation were performed consistent with the recommendations of the geotechnical investigation. Evidence shall be submitted prior to issuance of building permits for each individual lot.

70. **C.H.S.C.A 70** All proposed streets shall be fully improved in conformance with the

City of Hughson standards to the width required by the Hughson General Plan. The Project Proponent shall install normal and necessary public improvements along the property street frontages to the satisfaction of the City Engineer. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, make-up paving and wheel chair ramps, along with construction of all standard utilities necessary including water facilities, sanitary sewer, and storm drainage systems, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems.

71. **C.H.S.C.A 71** Project Proponent shall, at Project Proponent's expense, install two water sampling stations, with at least 25 lots between, and 1 lot before and after, each station. Such stations shall be constructed to plans approved by the City Engineer.
72. **C.H.S.C.A 72** No private or individual water wells shall be allowed within the Project area.
73. **C.H.S.C.A 73** Project Proponent shall cause to be placed, at Project Proponent's expense, terminal manholes in courts and knuckles in lieu of clean-outs.
74. **C.H.S.C.A 74** Irrigation lines, canals, or rights-of way are to be abandoned in accordance with Turlock Irrigation District standards. Project Proponent shall, at Project Proponent's expense, provide irrigation easements and perform any construction required by Turlock Irrigation District to the District's satisfaction and that of the City Engineer. Since this parcel will no longer irrigate, Project Proponent, at Project Proponent's expense, shall obtain an agreement with the Turlock Irrigation District to abandon use of any irrigation facilities. This must be requested and signed by the holders of title before final map approval. The Turlock Irrigation District will require two copies of detailed improvement plans for further review and comment. The Turlock Irrigation District signature block on improvement plans must read as follows:

At least 30 calendar days prior to the commencement of any work to remove existing irrigation works or to construct new irrigation works, Project Proponent shall sign an Irrigation Improvement Agreement with the Turlock Irrigation District and provide the two required improvement securities, and the required public liability and proper damage insurance coverage. Any contractor doing work on irrigation facilities shall notify the Turlock Irrigation District Irrigation Department Manager and shall be told when the work may be started.

75. **C.H.S.C.A 75** All existing structures including such facilities as cesspools, septic tanks, wells or tanks and basements not incorporated into the subdivision shall be demolished or capped to the satisfaction of the City Engineer.
76. **C.H.S.C.A 76** Plans must ensure that no non-compliant situation is created by reason of existing dwellings that remain. Any existing dwellings that remain shall meet

required “set back” and off street parking requirements and shall connect to public sewer and water.

77. **C.H.S.C.A 77** All subdivision improvement infrastructure (streets, sidewalks, storm drainage, undergrounding of all utilities, and an all weather emergency access) required to serve each phase of the development shall be in place prior to shall be in place prior to the issuance of building permits. All improvement infrastructure for a following phase will be in place prior to occupancy of any homes within previous phase. The water main system shall be in place, operational, and use approved by the City prior to the beginning of combustible construction or other arrangements made acceptable to the City of Hughson Fire Department for adequate fire protection. Additionally, an all-weather emergency access shall be in place prior to the issuance of building permits for any phase in the project

Any proposed phasing of development shall be depicted on the tentative map and shall include narrative explaining proposed phasing. Unless a phasing plan for improvements is approved by the Planning Director and Public Works Director, the Project Proponent shall complete all of the on-site improvements at one time (including all improvements around future building pads). All remaining pad areas shall be kept in a neat manner at all times, and weed growth shall be minimized.

All sanitary sewer improvement necessary to serve each phase shall be complete and in place and accepted by the City prior to use of the sanitary sewer system. All improvements shall be provided in a manner which will not surcharge the existing City sanitary sewer collection system.

The Project Proponent shall reimburse the City for any and all costs for sewer line model/system map modifications.

78. **C.H.S.C.A 78** The City Engineer or other authorized representative of the City shall inspect all of the Public Improvements made to see that they comply with City subdivision regulations including, but not limited to, these Conditions of Approval, Standard Specifications and Design Expectation Guidelines. The Project Proponent hereby grants access to the Project and Project Site for inspection purposes and agrees to notify City Engineer in advance of required inspection. Project Proponent shall pay to City the actual cost to City for all inspection, and other services furnished by City in connection with the Project by paying Plan Check and Inspection fees, and shall also reimburse City for the actual cost charged to City by City Engineer for all services performed in accordance with these Conditions, such charges to be at the normal rate charged the City by the City Engineer. However, all costs in soil testing, concrete testing and compaction testing will be the responsibility of the Project Proponent. Plan check and inspection fees will be based on the approved engineer's estimate.

79. **C.H.S.C.A 79** Monument details (appearance and design) shall be submitted to the City for review and approval.

80. **C.H.S.C.A 80** All street widths, including designated right-of-ways, delineated parkways, sidewalks, and additional landscape areas on specific designated streets, shall conform to the Public Works standards.

81. **C.H.S.C.A 81** If the Project Proponent deviates from the approved improvement drawings, specifications or standards, or shall construct any Public Improvements in such a manner so as to, in the opinion of the City Engineer, endanger the public safety, the City may cause the necessary corrections to be made without notice. In the event such deviations do not, in the opinion of the City Engineer, endanger the public safety, the City Engineer may give the Project Proponent written notice of such deviations, and the Project Proponent shall correct the deviation in the time prescribed by the City Engineer. In the event of the failure of the Project Proponent to make corrections of deviations, whether or not the public safety is affected, the City may cause the necessary corrections to be made and shall be reimbursed by the Project Proponent at cost plus 25%. Said amount shall be deducted from the reimbursement by the City to the Project Proponent or shall be paid for by the Project Proponent prior to the acceptance of the improvements, or shall be obtained from the improvement securities. Project Proponent shall perform any changes or alterations in the construction and installation of such Public Improvements required by City, provided that all such changes or alterations do not exceed 10 percent of the original total estimated cost of such Public Improvements.
82. **C.H.S.C.A 82** Project Proponent shall provide at Project Proponent's expense, a Traffic Impact Study to be performed by a Certified Traffic Engineering Firm that will cover and illustrate traffic impacts for the Greater Hughson Area. This study will include at a minimum, the Hatch Road Santa Fe, Whitmore Santa Fe, Tully Santa Fe Tully Hatch Road, and the Santa Fe Service Road Intersections. The study and a Transportation Impact Mitigation Plan must be submitted and approved prior to approval of the final map, to result in a reduction in traffic generated by the proposed project to reduce pollutant emission levels for ROG, CO, NOx, SOX and PM10; the Program shall be subject to the review and approval of the City Engineer, Public Works Director and the Design Review Committee prior to approval of the final map.
83. **C.H.S.C.A 83** If the installation of traffic signals at any intersection is warranted at any time prior to the filing of the Final Map of the Project, as indicated by the traffic study, Project Proponent shall be responsible for paying for this installation. An area of benefit may be established by the Traffic Impact Study and may be used by the Project Proponent to negotiate with the City a reimbursement agreement with Project Proponent whereby appropriate percentages of funds will be remitted to Project Proponent upon receipt from other Projects with in that benefit area. This reimbursement duty will expire 10 years after completion of the Project.
84. **C.H.S.C.A 84** The Project is subject to the requirements of Stanislaus Council of Governments Congestion Management Program.
85. **C.H.S.C.A 85** A grading permit shall be required prior to mass grading for the project, and include Best Management Practices for erosion and dust control, and immediate revegetation of the site as needed for erosion control. Erosion controls shall be utilized to prevent dirt from lots going into street rights-of-ways and into drainage systems.

The Project Proponent shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting design for the line, grade, on and off-site drainage

control measures, structural sections for the streets and all public improvements serving the development, including land use, infrastructure, circulation and streetscapes, public/park facilities, landscaping and trails, design expectations and environmental mitigation components.

This plan shall be subject to the review and approval of the City Engineer, and the Design Review Committee and all lot grades shall conform to the approved grading plan, with written certification by a civil engineer or geotechnical engineer required to assure compliance with all grading plans prior to the issuance of any building permits, and shall be subject to the following:

- a. All lots shall drain toward the street and grade difference with adjacent properties shall not exceed .50 foot within the same development, as well as with any adjacent new development under simultaneous, phased or concurrent construction.
- b. Special drainage design to prevent drainage across property lines.
- c. All required structures such as walls, fences, and drainage facilities, shall be shown on the plan.
- d. Developed land must be at least six inches higher than adjoining irrigated lands.

Not more than a one-foot (1') grade differential will be created between new lots and adjacent existing developed lots outside the property territory, unless required and supported by engineering documentation illustrating extreme adverse results, and only with approval of the City Engineer and the Design Review Committee.

Prior to the issuance of any building permits, lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer will be required to assure compliance with all grading plans

The Project Proponent shall submit record tract grading plans showing:

- a. The elevation of all four (4) corners of the lot as well as the center of the lot;
- b. All top and toe of slope elevations, and
- c. The top and bottom of all retaining wall elevations.
- d. Plan will show grading in relation to all adjacent lots, parcels and developments

The soils engineer shall certify the pad compactions of all lots containing fill to the satisfaction of the Public Works and City Engineer prior to the issuance of building permits.

Projects with clearing, grading, and excavation exceeding one acre shall submit a copy of the State Water Resources Control Board Notice of Intent (NOI) for coverage under the State Construction Storm Water General Permit, prior to the commencement of any clearing, grading, or excavation.

86. **C.H.S.C.A 86** The Project Proponent shall prepare and implement an erosion control plan for each separate phase of the project to include such measures as mulching and revegetation and stabilization of exposed soils and all cut and fill slopes, prevention of erosion during grading and construction and to prevent sediments from leaving the project site, as soon as possible after completion of grading, in no case later than

October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the Building Department. Such measures shall be maintained until such time as permanent landscaping is in place. The erosion control plan shall be included in the grading plan to be reviewed and approved by the City Public Works Director and City Engineer prior to issuance of a grading permit. The Project Proponent is responsible for ensuring that the contractor is aware of such measures.

Project Proponent shall be responsible, at Project Proponent's expense, for preventing and repairing any erosion that may occur as a result of construction of the Project, including any portion of the Project which is a public improvement. Project Proponent shall comply with Storm Water Pollution Plans as determined by the State Water Quality Control Board."

87. **C.H.S.C.A 87** The Project Proponent shall be responsible for obtaining any and all permits and approvals from public agencies whose jurisdiction the project may fall under including, but not limited to, Caltrans, the Regional Water Quality Control Board, the California Department of Fish and Game, the U.S. Army Corps of Engineers, the Stanislaus County Water Resources Agency and the City of Hughson.

All off-site drainage improvements begun after the start of the calendar year must be completed prior to October 15th of the calendar year that the improvements were started.

Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by the property owners or through an assessment district approved by the City.

The Project Proponent shall prepare and implement a drainage improvement plan prepared by a licensed civil engineer to be included with the grading plan which calls for installation of on-site storm water retention and percolation facilities designed to retain and percolate all on-site flows for up to a 100-year storm and depicting all final grades and on-site drainage control measures. All retention and percolation facilities shall be engineered to meet the specifications of the City and the drainage plan for the project shall be subject to review by the City of Hughson. No on-site flows shall be allowed to drain directly into off-site storm drain facilities without passing through the percolation facilities. Retention and percolation pond facility volume shall be large enough to contain inflow generated within the project site by the 100-year storm under post-development conditions. Further, interior storm drains shall be designed to accommodate on-site storm water flows from a 10-year storm. The drainage improvement plan and all related calculations shall be reviewed and approved by the City Public Works Director, City Engineer, and all others deemed appropriate by the City prior to recordation of the final subdivision map, and prior to the issuance of any building permits

Prior to Map Recordation, a detailed hydrology/drainage study prepared by a registered Civil Engineer and including existing and proposed conditions, will be required and submitted to the City Engineer for review and approval. The detailed hydrology/drainage study will provide for a Plan Area positive drainage system via on-

site detention basins within open space park sites offering temporary storage and percolation with collection and transmission. The area wide positive drainage system will include all developed areas of the subdivision including the open space trail systems and the public alleyways. This may require double-piping in some streets and valves at basins.

All improvements shall allow for continuous maintenance access. Maintenance access measures shall include, but not be limited to, an all weather access ramp to and around the sides of the retention pond for maintenance vehicle access.

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order 99-28-DWQ is required when a site involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation that results in soil disturbances of at least one acre of total land area.

88. **C.H.S.C.A 88** The maintenance of all drainage ditches and the retention pond shall be included in a benefit assessment district.
89. **C.H.S.C.A 89** The Project Proponent shall at their cost, label all on-site storm drain inlets with the wording, "No Dumping -- Drains to River" using City-approved methods and materials.
90. **C.H.S.C.A 90** All retaining walls higher than four feet (4' 0") from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans
91. **C.H.S.C.A 91** Developed land must be at least six inches higher than adjoining irrigated lands.
92. **C.H.S.C.A 92** Final inspection of septic sewer and storm drainage systems shall be by television inspection devices as approved by the City Engineer at the Project Proponents expense.
93. **C.H.S.C.A 93** Full public utilities shall be extended underground to the ends of all public streets which are stubbed to the edges of this project site and are intended to be extended in future phases of development by this, or subsequent Project Proponents.

Existing underground and overhead electric facilities and existing irrigation pipelines shall be removed, protected, upgraded, or relocated underground as required by the Turlock Irrigation District, the City Engineer and the Design Review Committee.

Project Proponent shall dedicate necessary easements to, and coordinate with, Pacific Gas & Electric for gas service, Turlock Irrigation District for electricity service, the appropriate company, for telecommunications service, and the appropriate company for cable television service, for the provision of services to the Project, and the underground placement of all lines, pipes, conduits, and vaults and facilities necessary for the provision of such services, at no cost to City. Project Proponent is referred to Hughson Municipal Code Section 5.08.190. All such utilities on the existing frontages

of the Project which are not already undergrounded, shall also be undergrounded, at Project Proponent's sole expense and should be dedicated on the final map

The Project Proponent shall provide evidence of commitment to serve from utilities, including, but not limited to, electrical service, natural gas service, telephone service, cable television service, and postal service. Said evidence shall be reviewed and approved by City Staff prior to approval of the final subdivision map by the City Council

Due to extensive underground utilities, large root-invasive trees will not be permitted unless utilities therein are appropriately situated per City approval.

94. **C.H.S.C.A 94** Prior to issuance of a building permit, the Project Proponent shall pay the applicable City connection and capacity fees.
95. **C.H.S.C.A 95** The Project Proponent acknowledges that the City of Hughson does not guarantee the availability of sufficient sewer capacity to serve this development by the approval of this case, and that the Project Proponent agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available. The ability to provide public water in required quantities and quality shall be proven sufficient to serve the project area prior to issuance of building permits.

This approval does not guarantee the availability of sufficient water to serve the project. The City shall withhold building permits for the project if at the time building permits are applied for mandatory water rationing is in effect, unless the City has adopted a water offset program and unless the Project Proponent is participating in the program. Notwithstanding the Project Proponent's participation in such a program, the City may withhold building permits if the City determines that sufficient water is not available at the time of application of building permits.

96. **C.H.S.C.A 96** The Project Proponent shall adjust all sprinkler systems to meet minimum watering requirements, and shall inform the purchaser of such minimum requirements.
97. **C.H.S.C.A 97** Water main sizes shall be determined by the City Engineer through modification of the City-wide water model and shall provide 40 pounds per square inch minimum residual pressure with a fire demand at any fire hydrant of 2,500 gallons per minute. The Project Proponent shall reimburse the City for any and all costs for water main sizing and water model/system map modifications.
98. **C.H.S.C.A 98** The Project Proponent shall provide for dedication to the City of a 20 foot minimum width water main easement or right-of-way including water main and all weather access to loop for the proposed subdivision water system. The Project Proponent shall reimburse the City for any and all costs for water line model/system map modifications.
99. **C.H.S.C.A 99** Project Proponent shall, at Project Proponent's expense, shall prepare and submit a Dust Emission Control Plan for Project Grading. The Plan shall require that contractor work specifications shall include provisions for adequate water to be applied during construction in order to control dust disturbance resulting from

grading operations. The Plan and related contractor work specifications shall be reviewed and approved by the City prior to issuance of a grading permit. Dust control measures shall be applied in accordance with all ordinances, rules and regulations of the Stanislaus County Water Resources Agency regarding use of reclaimed or other sub-potable water for compaction or dust control purposes. Additionally, the Plan will be reviewed to assure compliance with applicable air quality programs, such as those related to particulate emissions, overseen by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The construction phase of the project shall conform to SJVUAPCD regulations.

100. **C.H.S.C.A 100** No existing trees shall be removed other than those specifically designated for removal on the approved plans. Improvement plans shall identify any trees to be preserved within the project and methods of protection during construction. The Project Proponent shall arrange for a horticultural consultant to conduct a field inspection prior to issuance of grading permits to ensure that all recommendations approved relative to trees and landscaping in the Design Review Process are properly implemented. The consultant shall certify in writing that such recommendations have been followed.

The Project Proponent shall provide an itemized cost estimate of said improvements, to be submitted with the bond, for the review and approval of the Planning Director prior to issuance of building permits. The project proponent shall post security (cash, bond or letter of credit) in an amount (\$5,000 minimum) sufficient, based on the type, size, and age of the trees, to carry out the provisions of this condition. This cash bond or security shall be of sufficient amount to cover all costs associated with the contracting of the horticultural specialists for the initial study, tree valuation, and post construction health inspection of the trees, additionally, the bond shall be retained for two years following acceptance of public improvements or completion of construction, whichever is later, and until all trees have passed an inspection by a horticultural specialist financed by the project proponent's bond. All funds in the bond shall be forfeited if the trees are destroyed or substantially damaged.

101. **C.H.S.C.A 101** The Project Proponent shall provide root control barriers and four inch (4") perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet (10' 0") in width, as determined necessary by the Planning Director and the Design Review Committee at the time of review of the final landscape plans.

102. **C.H.S.C.A 102** Miscellaneous residual open space areas shall be landscaped and irrigated and included in the Landscaping Plan and will be included in the Landscaping and Lighting District

103. **C.H.S.C.A 103** If archeological materials are uncovered during project implementation, grading, trenching, or other on-site excavation, all work on site shall be stopped and the City immediately notified. The county coroner and the Native American Heritage Commission shall also be notified and procedures followed as required by the California Environmental Quality Act (CEQA) and California law. A similar note shall appear on the improvement plans.

104. **C.H.S.C.A 104** The Project Proponent shall provide the City with an acoustical analysis which determines decibel contours and required height and location of sound walls. All sound wall locations will be depicted on the tentative map and final improvement plans. The final subdivision map and final improvement plans shall show sound wall treatments consistent with Caltrans standards and guidelines. Plans shall also be provided depicting landscaping or other visual relief for sound walls. The design of all sound walls and relevant landscaping shall remain consistent through the subdivision.
105. **C.H.S.C.A 105** Any new dwelling abutting or adjacent to existing single story construction, shall be restricted to construction of one-story residences to protect the privacy of existing residences adjacent to the project. Two (2) story structures will only be allowed to overtop single story structure constructed with the same development phase as the two story construction, and shall be clearly defined as such on final maps. Such information shall be disclosed to prospective buyers prior to their acceptance of the property and proof of said disclosure shall be submitted to the City.
106. **C.H.S.C.A 106** The Project Proponent shall submit a waste management plan to the Building Department prior to issuance of building or demolition permits. The plan shall include the estimated composition and quantities of waste to be generated and how the Project Proponent intends to recycle at least 50% (fifty percent) of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the Project Proponent shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only". The Project Proponent shall contact Waste Management for the disposal of all waste from the site.
107. **C.H.S.C.A 107** Percolation calculations shall demonstrate that the park basins are adequately sized to handle storm water run-off for the project and systems. Detention basins shall not exceed five-feet (5') in depth with maximum side slopes of 6:1 unless an alternate standard is approved by the City Engineer and Public Works Director, Planning Director and Design Review Committee.

Park basins shall have French drains in bottoms for collection and temporary on-site percolation of nuisance waters. Park basin shall be designed to be dry within 24 hours. Basins shall be designed with raised flat areas for playgrounds and/or useable landscaped recreational open space.

HUGHSON CITY COUNCIL

ORDINANCE NO. 2013-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HUGHSON, AMENDING HUGHSON MUNICIPAL CODE TITLE 16
SUBDIVISIONS AND DEVELOPMENT BY AMENDING SECTION
16.28.020, STREET DESIGN AND ADDING SECTION 16.32.140
COMMUNITY FACILITIES DISTRICTS**

WHEREAS, the State of California requires that all updates to municipal General Plan Transportation Elements incorporate a Complete Streets program; and,

WHEREAS, the City Council has adopted by Resolution No. 2013-XX the City of Hughson Design Manual for Living Streets; and,

WHEREAS, the Design Manual for Living Streets meets the requirements of a Complete Streets program; and,

WHEREAS, Hughson Municipal Code Section 16.28.020 anticipated that the City Council would adopt street design guidelines; and,

WHEREAS, to ensure implementation of the Design Manual for Living Streets and to prevent confusion in its application, Hughson Municipal Code Section 16.28.020 shall be amended to remove the phrase "...any applicable design guidelines..." and replace with the phrase "...the City of Hughson Design Manual for Living Streets..."; and,

WHEREAS, new residential subdivisions need to pay their full share of all municipal costs; and,

WHEREAS, currently available cost recovery tools do not allow for many municipal functions to have their costs off-set; and,

WHEREAS, Community Facility Districts may be used to recover a portion of such municipal costs such as police services, street maintenance, recreation programs, storm water services, and fire services; and,

WHEREAS, it is desirable that the requirement to form Community Facility Districts is included in the Subdivision Ordinance; and,

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

Section 1 Section 16.28.020 of the Hughson Municipal Code is amended to read as follows:

16.28.020 Street design.

The location, width, and alignment of streets shall conform to the General Plan or Master Plans, any applicable specific plans, the City of Hughson Design Manual for Living Streets, and any standards established by the Planning Officer, except where alternative standards are approved by the City Council.

Section 2 Section 16.32.140 of the Hughson Municipal Code is adopted to read in full as follows:

16.32.140 Community facilities districts

The subdivider shall either join an existing community facilities district, if there is one adjacent to the parcel, or form a new one, as directed by the Planning Officer if none exists. It is the intent of this section to recover all municipal costs created by the subdivision. Use of this section for subdivision infrastructure bonds is discouraged.

Section 3 Effective Date: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on ,2013, and by a unanimous vote of the Council members present, further reading was waived.

On motion of Councilmember , seconded by Councilmember , the foregoing Ordinance was passed by the City Council of the City of Hughson at a regular meeting held on _____, 2013, by the following votes:

AYES:

NAYES:

ABSTAIN:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk



PLANNING COMMISSION

AGENDA ITEM NO. 3.3

SECTION 3: NEW BUSINESS

Meeting Date: June 11, 2013
Presented By: Thom Clark, Community Development Director
Subject: Consideration of Resolution No. PC 2013-03, A Resolution of the Planning Commission of the City of Hughson Recommending to the City Council Approval of Vesting Tentative Map No. 2013-01 for APN No. 018-091-041, Lands of HFR Partners LLC

Enclosures:

1. Fontana Ranch North Development
2. Vesting Tentative Parcel Map for Fontana Ranch North
3. List of Agency Contacts

Desired Action: Adopt Resolution No. PC 2013-03

Background:

At its regularly scheduled meeting of September 28, 2012 the City Council adopted Ordinance No. 2012-01, An Ordinance of the City Council of the City of Hughson Approving an Amendment to the Development Agreement By and Between Andrew F. Fontana, George Harcrow, and HFR Partners LLC Relating to the Development Known as Fontana Ranch Estates North.

The Development Agreement (DA) amendment was to sell back to the developer an approximate ½ acre passive park site which was dedicated to the City through the DA at the time of subdivision of that particular land. The monies received for the property will be collected in the Park In-Lieu Fund to be used to purchase park land in the southern part of the City. The Park In-Lieu Fund is a developer impact fee fund that by law restricts the expenditures from the Fund to the special purpose for which it was collected. In other words, it can't be spent on anything else other than the acquisition of land for public parks.

The developer intends to split the parcel in two to create two new residential lots. The developer has therefore made application to the City for a Vesting Tentative Parcel Map. See attached map entitled Fontana Ranch North Development Plan, Lot "A" (Park) for the location of the lot to be subdivided. New lots A and B are shown on the attached Vesting Tentative Parcel Map for Fontana Ranch North.

The parcel is located in the middle of a working residential subdivision on the north side of Thomas Taylor Drive. As such, it is surrounded on all sides by residential uses. All infrastructure for the properties is existing with some exceptions. Since the lot was anticipated to be a passive park site, there is only one water service and no sewer service for the proposed two new lots. All other infrastructure is in, although curb cuts will need to be made for the driveways.

The proposed new lots are 8,925 sq ft and 10,776 sq ft in size. The Zoning Ordinance states that lots in the R-1 Residential Zone must be an average of 8,500 sq ft. So the lots comply with our size requirements.

Discussion:

CONDITIONS OF APPROVAL:

Pursuant to HMC Section 16.12.060 B of the Hughson Municipal Code (HMC), the Planning Commission may recommend the imposition of such reasonable conditions as it deems necessary and in the interest of public health, safety, environment, or community welfare in accord with the purpose and intent of this chapter.

Since the new lots are located in an existing subdivision and will be developed by the same developer as the rest of the lots in the subdivision, many of the adopted Standard Conditions of Approval do not apply because they have already been required of the surrounding subdivision. Proposed Conditions of Approval are attached to and a part of the Resolution No. PC 2013-03.

CONSISTENCY WITH ZONING ORDINANCE AND GENERAL PLAN:

The proposed vesting tentative map is located in an R-1 Low Density Residential Zone. The creation of two new residential lots is therefore consistent with both the General Plan Land Use Map and the Zoning Ordinance.

PUBLIC NOTICE AND PROJECT ROUTING:

Public notice has been given pursuant to Municipal Code Section 15.24.047, which requires a sign to be placed on the parcel giving dates for any public hearings.

The vesting tentative map has also been routed to interested agencies for comment. A list of agencies is attached to this report. Any comments received by meeting time will be incorporated into the conditions of approval, if necessary. Comments received after the meeting date will be included in the conditions of approval at City Council level if necessary.

PLANNING COMMISSION REVIEW:

In addition to the duty to recommend Conditions of Approval as discussed above, HMC Section 16.12.060, under Section A states in part; The Planning Commission shall recommend disapproval to the City Council if it makes any of the findings listed in Hughson Municipal Code 16.12.080.

Section 16.12.080 Findings

A. Inconsistency. The proposed subdivision, together with the provisions for its design and improvements, is inconsistent with applicable general or specific plans of the city.

B. Suitability. The site is not physically suit-able for the type or density of development.

C. Environmental damage. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

D. Wastewater. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

E. Water service. The review of the Director of Public Works or water service agency indicates that there is insufficient water to provide for the residents of the subdivision.

F. Soil or geological hazard. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the sub-divider has failed to demonstrate to the satisfaction of the Planning Officer and Planning Commission that the conditions can be corrected.

G. Public health. The design of the subdivision or the type of improvement is likely to cause serious public health problems.

H. Easement conflict. 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 pro-posed subdivision. However, the City Council may approve an application 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 sub-section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

I. Conflict with zoning. The proposed subdivision violates any provision of the Zoning Code, or any other ordinance or City Code and no variance has been granted.

J. Inadequate environmental documentation. The environmental documentation is inadequate or out of conformance with the provisions of the California Environmental Quality Act.

K. Agricultural suitability. The proposed subdivision would result in the subdivision of agricultural parcels to a size too small to sustain agricultural use under the conditions for denial listed in Section 66474.4 of the Subdivision Map Act.

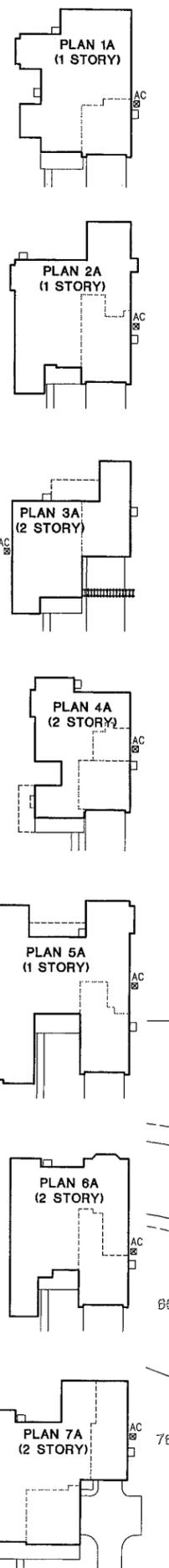
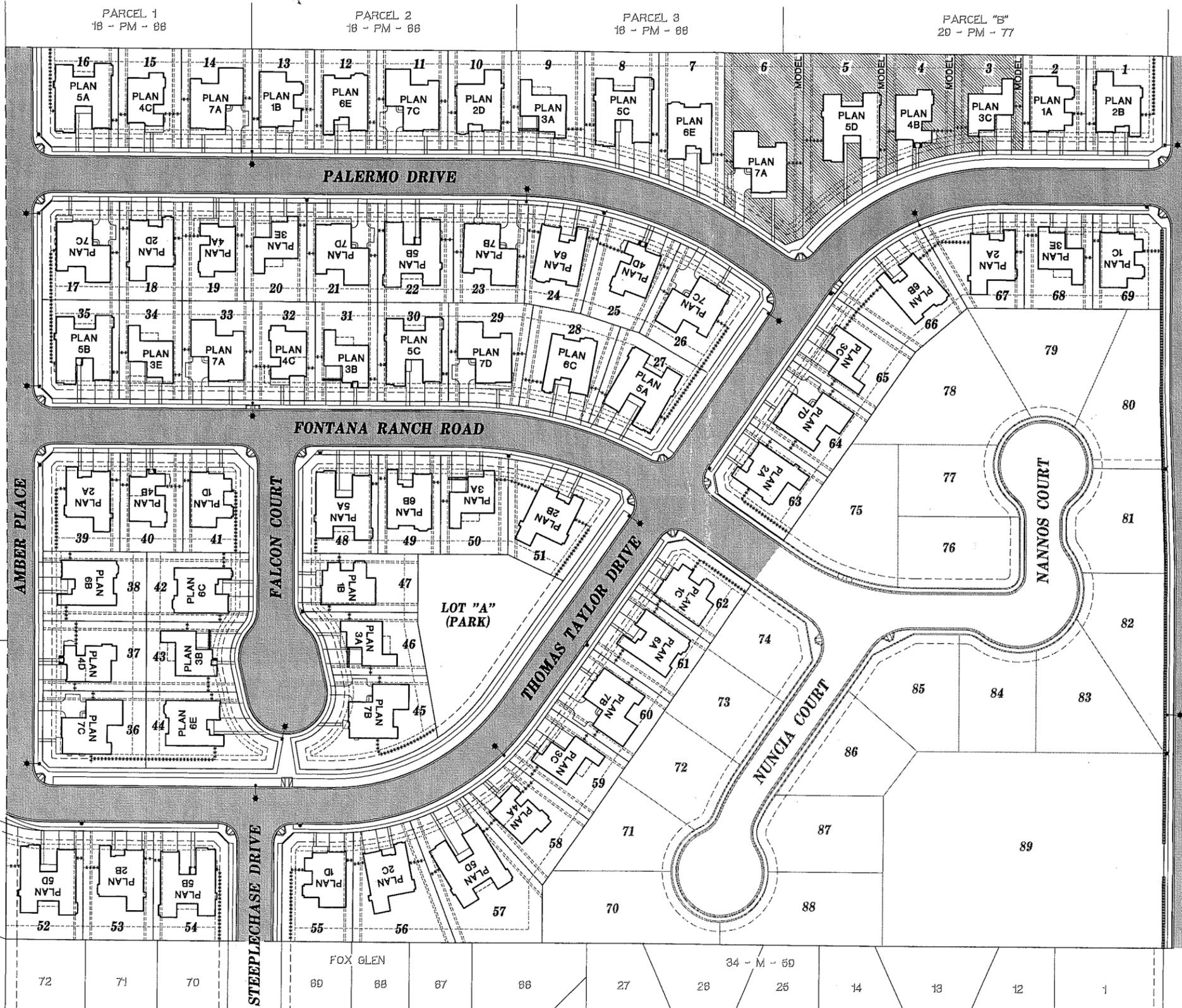
The proposed vesting tentative subdivision map has been reviewed against these findings for approval. Staff has determined that the above findings cannot be made and therefore the proposed subdivision is consistent with the requirements of the Subdivision Ordinance.

Recommendation:

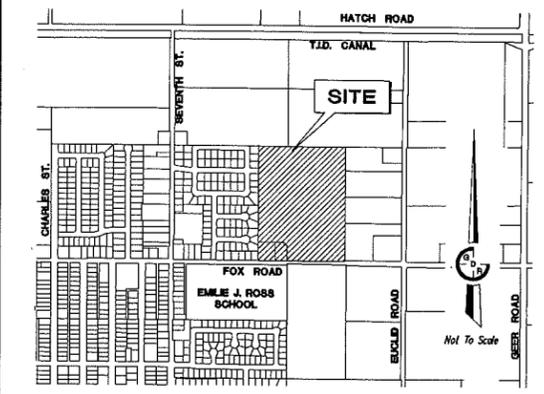
Adopt Resolution No. PC 2013-03, a resolution of the Planning Commission of the City of Hughson recommending to the City Council approval of Vesting Tentative Map No. 2013-01 for APN No. 018-0910041, lands of HFR Partners, Inc.

FONTANA RANCH NORTH

DEVELOPMENT PLAN



22 - S - 42
 PARCEL "B" 29 - PM - 77
 31 - PM - 87
 40 - M - 21
 34 - M - 69



VICINITY MAP
 HUGHSON, CALIFORNIA

DEVELOPER
 KIPER DEVELOPMENT, INC.
 C/O RICK KIPER
 1646 NORTH CALIFORNIA BLVD. SUITE 680
 WALNUT CREEK, CA. 94596
 PH: (925) 648-8888 FAX: (925) 648-8880

- LEGEND**
- - - 10' PUBLIC
 - - - UTILITY EASEMENT
 - - - 6' WOOD FENCE
 - - - MASONRY WALL
 - ★ ELECTROLIER
 - ⬤ FIRE HYDRANT

- SETBACKS**
- FRONT YARD 15' TO DWELLING
 20' TO GARAGE
- SIDE YARD 8' FOR INTERIOR SIDE YARD
 FOR ONE STORY BUILDINGS,
 10' FOR TWO STORY BUILDINGS,
 15' FOR EXTERIOR SIDE YARD
 ON CORNER LOTS.
- REAR YARD 15' TO DWELLING

- NOTES**
- 1 DEVELOPER RESERVES THE RIGHT TO MAKE PLAN AND OR ELEVATION SUBSTITUTIONS TO THIS DEVELOPMENT PLAN FOR SALES AND MARKETING PURPOSES NOT TO EXCEED 10% WITHOUT REQUIRING PLANNING COMMISSION APPROVAL
 - 2 ALL PLANS SHOWN ARE PLACED AT THE MINIMUM FRONT AND SIDE SETBACKS UNLESS OTHERWISE NOTED.

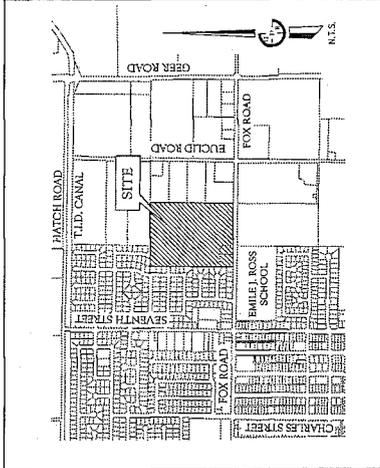
HOUSING MIX

| PLAN | A | B | C | D | E | TOTAL |
|--------------|-----------|-----------|-----------|-----------|----------|-----------|
| 1 | 1 | 2 | 2 | 2 | | 7 |
| 2 | 3 | 3 | 1 | 2 | | 9 |
| 3 | 3 | 2 | 3 | | 3 | 11 |
| 4 | 2 | 2 | 2 | 2 | | 8 |
| 5 | 3 | 3 | 2 | 3 | | 11 |
| 6 | 2 | 3 | 2 | | 3 | 10 |
| 7 | 3 | 3 | 4 | 3 | | 13 |
| TOTAL | 17 | 18 | 16 | 12 | 6 | 69 |

GDR ENGINEERING, INC.
 ENGINEERING/SURVEYING/PLANNING
 3525 MITCHELL ROAD, SUITE G Ceres, CA 95307
 TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
 E-MAIL: GDRENGR@GDRENGR.COM

SCALE: 1" = 60' DATE: January 19, 2006
 DWG NO. 05102 Development Plan.dwg (Layout/Layout1)
 DRAWN: D. BRASIL SHEET: 1 of 1
 CHECKED: FILE NO. 05102

P:\Projects\05102 Kiper - Fontana Ranch North\Drawings\05102 Development Plan.dwg PLOT Jan 19, 2006 AT 12:53PM



VICINITY MAP
CITY OF HUGHSON, STANISLAUS COUNTY, STATE OF CALIFORNIA

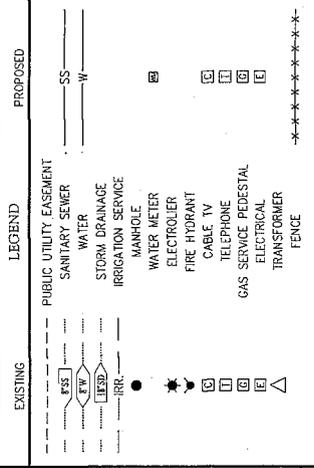
MAP PREPARED FOR
HFR PARTNERS, LLC.
MANAGING MEMBER: RICK P. KIPER
1646 NORTH CALIFORNIA BLVD. SUITE 680
WALNUT CREEK, CA 94596
PHONE: (925) 648-8888
FAX: (925) 648-8880

PROPERTY OWNER
A.P.N.: 018-081-041
CITY OF HUGHSON
P.O. BOX 9
HUGHSON, CA 95326

PROPERTY DATA
A.P.N.: 018-081-041 (19,703 S.F.)
EXISTING PARCELS: 1
PROPOSED PARCELS: 2
EXISTING C.P.: LOW DENSITY RESIDENTIAL

PROPERTY DESCRIPTION:
BEING A DIVISION OF LOT A AS SHOWN IN BOOK 43 OF MAPS, PAGE 32, STANISLAUS COUNTY RECORDS, LYING IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MENDOCINO, STANISLAUS COUNTY, CALIFORNIA.

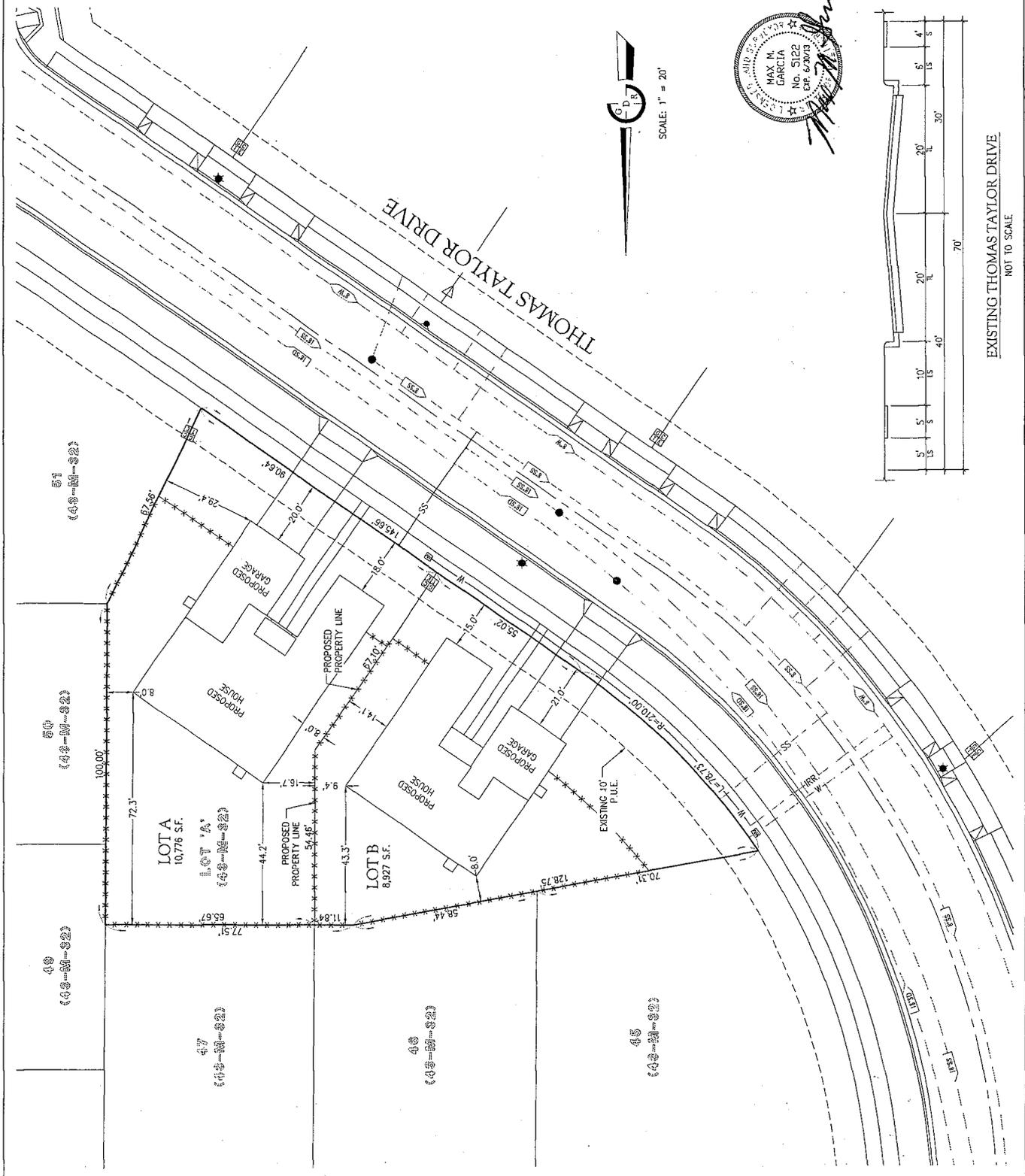
NOTE:
NO IMPROVEMENTS PROPOSED WITH THIS APPLICATION.



GDR ENGINEERING, Inc.
ENGINEERING/SURVEYING/PLANNING
3525 MITCHELL ROAD, SUITE G
CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
E-MAIL: gdrengg@drengg.com

VESTING TENTATIVE PARCEL MAP
FOR
FONTANA RANCH NORTH

Scale: 1" = 20'
Date: 10/02/2012
Sheet: 1 of 1
Drawn: J. Smith
Checked: M. Garcia
Job No.: 05102



EXISTING THOMAS TAYLOR DRIVE
NOT TO SCALE

**Chief Executive Office
1010 10th Street, Suite 6800
Modesto, CA 95354**

**Stanislaus LAFCO
1010 10th Street, 3rd Floor
Modesto, CA 95354**

**Hughson Unified School District
6815 Hughson Ave
Hughson, CA 95326**

**Hughson Fire Department
2315 Charles St.
Hughson, CA 95326**

**Turlock Irrigation District
Attn: Engineering
333 E. Canal Dr.
Turlock, CA 95381**

**PG&E
1524 N. Carpenter Road
Modesto, CA 95351**

**Hughson Police Services
Attn: Chief Darin Gharat
P.O. Box 9
Hughson, CA 95326**

**Department of Community and
Economic Development
P.O. Box 642
Modesto, CA 95353**

**Stanislaus County
Dept. of Environ. Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358**

**Stanislaus Emergency Services
3705 Oakdale Road
Modesto, CA 95357**

**StanCOG
111 I Street, Suite 308
Modesto, CA 95354**

**Stanislaus County of Public Works,
Development Department
1716 Morgan Road
Modesto, CA 95358**

**US Department of the Interior
Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846**

**Mr. Dan Schroeder
Neumiller & Beardslee
509 W. Weber Ave.
Stockton, CA 95203**

**Stanislaus County Housing Auth.
Attn: Laura Norwood
1701 Robertson Road
Modesto, CA 95351**

**Stanislaus County Fire Authority
3705 Oakdale Road
Modesto, CA 95357**

**Charter Communications
773 N. Walnut Ave.
Turlock, CA 95380**

**Agricultural Commissioner's Office
3800 Cornucopia way, Suite B
Modesto, CA 95358**

**San Joaquin Valley APCD
4800 Enterprise Ave.
Modesto, CA 95356**

**Department of Fish and Game
Region 4
1234 East Shaw Ave.
Fresno, CA 93710**

**Stanislaus County
Community Development Services
1010 10th Street, Suite 3500
Modesto, CA 95354**

CITY OF HUGHSON
PLANNING COMMISSION
RESOLUTION NO. PC 2013-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HUGHSON RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
VESTING TENTATIVE MAP NO. 2013-01 FOR APN NO. 018-091-041,
LANDS OF HFR PARTNERS LLC**

WHEREAS, HFR Partners LLC have made application for a vesting tentative subdivision map to subdivide an existing parcel into two lots; and

WHEREAS, the project has been analyzed for consistency with the City's Zoning and Subdivision Ordinance and found to be in substantial compliance subject to certain conditions of approval attached hereto; and,

WHEREAS, public notice was duly provided in accordance with Subdivision Ordinance, Section 16.04.110; and,

WHEREAS, opportunity for public comment as well as comments from interested agencies has been provided and all written and oral comments will be forwarded to the City Council when approval of the vesting tentative map is heard; and,

WHEREAS, NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hughson, based on all facts and findings before it and using its own independent judgment does hereby recommend to the City Council of the City of Hughson approval of Vesting Tentative Map No. 2013-01 with Conditions of Approval.

PASSED AND ADOPTED by the Hughson Planning Commission at
a regular meeting thereof, held on June 11, 2013, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

JULIE STRAIN, Vice Chair

ATTEST:

THOM CLARK, Secretary

CONDITIONS OF APPROVAL

City of Hughson Standard Conditions of Approval (C.H.S.C.A.)

1. **C.H.S.C.A 2** The Project Proponent is responsible for ensuring that any contractor, subcontractor, employee, or agent of the Project Proponent is aware of and implements all measures set forth in these conditions.
2. **C.H.S.C.A 3** Those conditions which are imposed or agreed to in the design review process shall survive the final map in the sense that the project proponent shall insure that any purchaser of any lot or lots receives a copy of these conditions of approval and of any conditions imposed or agreed to in the design review process and proof of such receipt shall be given to the City and any such purchaser of any lot or lots understands by this reference that no building permit will be issued for that lot or lots unless the conditions imposed or agreed to in the design review process are complied with by the actual builder.
3. **C.H.S.C.A 6** Project Proponent shall install all improvements and perform all work required for this Project in accordance with established City Standards or as approved by the City's Engineer and Public Works Manager. Plans for all improvements, including, but not limited to, storm drainage, water and sewer main sizes, either on-site or off-site, shall be in accordance with City Specifications and shall be approved by the City Engineer.
4. **C.H.S.C.A 8** The Project Proponent shall be responsible for all work performed by any and all contractors and subcontractors.
5. **C.H.S.C.A 10** The Project Proponent shall prepare a deed restriction for each new lot in the proposed project indicating the right-to-industrial operations / right-to-farm pursuant to Municipal Code Sections 17.03.064 and 17.03.068. The deed restriction shall be recorded against each lot upon transfer by deed of such lot. Evidence of said recordation shall be submitted to the City Manager prior to issuance of any building permits for any new lots in the proposed project. Project Proponent shall prepare this deed restriction to the satisfaction of the City for each new lot in the proposed subdivision. The restriction shall make reference to the storage and use of hazardous materials at all industrial and farming operations.

Additionally, the final recorded map shall include the following two statements:

1. All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with agricultural operations, such as noise, odors, flies, dust or fumes. The City of

Hughson has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.

2. All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with industrial operations, such as noise, odors, dust or fumes. The City of Hughson has determined that such inconveniences shall not be considered to be a nuisance if industrial operations are consistent with accepted customs and standards.

6. **C.H.S.C.A 21** Project Proponent shall defend indemnify, and hold harmless City and its elected and appointed representatives, officers, agents and employees against actions arising out of such personal injury, death, or property damage or destruction which is caused, or alleged to have been caused, by reason of Project Proponent's activities in connection with the project described in the map to which these conditions are attached ("Project"). Project Proponent further agrees to defend, indemnify and hold harmless City and its elected and appointed boards, commissions, representatives, officers, agents and employees from any and all claims, actions or proceedings brought against City or any of them to attach, set aside, void, or annul any approval of City or any of them concerning the Project which action, claim or proceeding is brought within the time limit specified in California Government Code section 66499.37, or the sufficiency of environmental review pursuant to CEQA.

The above-referenced indemnification and hold harmless requirement shall apply only if the City shall promptly notify the Project Proponent of any claim, action or proceeding, and cooperates fully in the defense of any such claim, action, or proceeding.

That City does not, and shall not, waive any rights against Project Proponent which it may have by reason of the aforesaid hold harmless agreement, or because of the acceptance by City, or the deposit with City by Developer of any of the insurance policies described herein.

7. **C.H.S.C.A 24** Prior to final acceptance, Project Proponent shall file with the City of Hughson one set of reproducible mylar "record drawings", two sets of blue line "record drawings", and one electronic version in AutoCAD (compatible with current version of AutoCAD used by City Engineer) sent via CD and/or DVD guaranteeing a permanent record. Said drawings shall meet all requirements of Section 66434 of Subdivision Map Act. Said set of drawings shall contain a copy of sheets with construction changes made or

an indication that no changes were made and shall be submitted for approval by the City Engineer. The disk shall also provide the following information:

- a. The street addresses on lots; and
 - b. Building outlines for all existing structures.
8. **C.H.S.C.A 26** Any existing assessment district, to which the subject property may be subject, shall be cleared prior to submittal of the final map for the City Engineer's signature. The Project Proponent shall complete the apportionment of the original parcel's assessments, for each applicable assessment district in conjunction with the map, to the satisfaction of the City Engineer and the City Attorney. If existing assessments are to be segregated, the civil engineer preparing the "Apportioned Assessment" for the Project Proponent, or the land surveyor preparing the final map, shall provide to the City Engineer of the City of Hughson with a complete list of the new Assessor's Parcel numbers as soon as possible after they have been assigned by Stanislaus County. Two (2) copies shall be submitted.
9. **C.H.S.C.A 31** The Project Proponent shall establish benefit assessment districts for public areas of the project site provided for community benefit. To the extent allowed by law, the benefit assessment districts shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to street sweeping, street lights, street striping, lighting costs, storm drain lines, cleaning, repairs, replacement, electric current, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof, retention basins and percolation ponds, common on-site landscaping, on-site fences and walls, on-site pedestrian and bicycle access ways, interceptor ditch, bridges, sewer lift station, and street lights. The benefit assessment district shall be established prior to recordation of the final subdivision map for each phase of the proposed project.

The Project Proponent agrees to cooperate with the City and shall incur all costs associated with formation of, and/or the reimbursement to the City for Staff time used in the formation of, a benefit assessment district for public areas of the project site provided for community benefit. To the extent allowed by law, the benefit assessment district shall include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to sweeping, street lights and lighting costs, electric current, street striping, storm drain lines, cleaning, repairs, replacement, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof, retention basins and percolation ponds, common on-site landscaping and on-site fences, parks and walls. The

benefit assessment districts shall be established prior to recordation of the final subdivision map of the proposed project. The Project Proponent shall pay the first year's estimated costs into the District's account at the time District is formed, and shall provide written notice to the homebuyers, satisfactory to the City Attorney, that a Benefits Assessment District has been established for this development.

At a Minimum, the Benefit Assessment Districts will cover the following:

A. Lighting and Landscaping

Landscaping and Lighting District will serve the entire Subdivision to maintain all common landscaping and appurtenant structures, open space pathways, and lighting features in the project area. All lots within any phased final maps shall be annexed and incorporated into the single District by City Council approval prior to the recordation of each final map. The Project Proponent shall provide all necessary documents and pay all costs associated with formation, annexation and incorporation. (70-Watt Sodium Vapor)

B. All streetlights within this subdivision shall be directed away from adjacent residences, and shall be decorative and pedestrian in scale and located so as to minimize visibility from the valley floor to the greatest extent possible. The Project Proponent shall submit a final lighting plan (with details for inclusion in the LLA Specifications to allow for easy identification if the need of future replacement arises) and shall include an analysis and report prepared by an approved lighting engineer identifying the proper spacing, height limits, and illumination levels to provide safe and adequate neighborhood lighting without excessive light spillage, for the review and approval of the Police Department, City Engineer, Public Works Director and City Planner prior to issuance of building permits.

B. Parks and Open Space Maintenance Assessment District.

The Project Proponent shall establish an identified park and open spaces maintenance assessment district for the maintenance, operation and servicing of public improvements. To the extent allowed by law, the district shall

include maintenance and operation of all public amenities of benefit to the future residents of the project site, including but not limited to public landscaping and irrigation improvements on landscaped strips of land adjacent to curbs, including jogging paths, planter walls, retention ponds and bank protection, appurtenant irrigation systems, ornamental plantings including lawns, shrubs, and trees, including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and any and all other items of work necessary and incidental for the proper maintenance and operation thereof. The City will consider the expansion of the district to encompass future developments with respect to the responsibility for park maintenance. Parks and Open Space Maintenance Assessment District shall be established prior to recordation of the final subdivision map.

10. **C.H.S.C.A 36** Prior to issuance of a Notice of Determination, the appropriate filing fee, made payable to the "Stanislaus County Clerk/Recorder", shall be verified as received by the Planning Department. Payment is required within two days of City Council approval. Should the finding be found invalid for any reason, the applicant will be responsible for Resource Agency fee.

11. **C.H.S.C.A 49** All site improvements and all contractors involved in site improvements, building construction, and house construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6 p.m. on Saturday, and 9:00 a.m. to 6:00 p.m. on Sunday. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices.

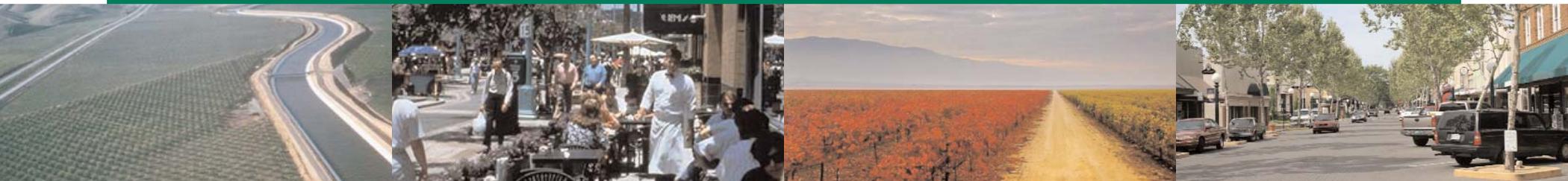
The Planning Director may allow earlier "start-times" for specific building construction activities, e.g., concrete-foundation/floor-pouring, if it can be demonstrated to the satisfaction of the Planning Director that the construction and construction traffic noise can be mitigated.

12. **C.H.S.C.A 64** Improvement and site plans are to be submitted to the Building Department on CD ROM or DVD computer disk in a format approved by the Director. Digitized information shall be submitted before requesting a final inspection and should reflect as-built status and architectural information as approved by the Director.

13. **C.H.S.C.A 88** The maintenance of all drainage ditches and the retention pond shall be included in a benefit assessment district.

14. **C.H.S.C.A 96** The Project Proponent shall adjust all sprinkler systems to meet minimum watering requirements, and shall inform the purchaser of such minimum requirements.

15. **C.H.S.C.A 101** The Project Proponent shall provide root control barriers and four inch (4") perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet (10' 0") in width, as determined necessary by the Planning Director and the Design Review Committee at the time of review of the final landscape plans.



Saving Farmland, Growing Cities

**A Framework for Implementing
Effective Farmland Conservation Policies
in the San Joaquin Valley**



American Farmland Trust is a nonprofit organization established in 1980 to conserve the nation's agricultural resources. Its planners, policy experts and agricultural specialists work cooperatively with the farm community and government decision-makers to encourage better planning and land use policies – the kind that will minimize the loss of farmland and help maintain the economic viability of agriculture. For almost two decades, AFT has had a continuous presence in the San Joaquin Valley, which, because of its unique productivity and growth pressures, is our highest priority in California.

Saving Farmland, Growing Cities is the latest in a series of AFT updates on what is happening to Valley farmland as its cities grow. It outlines a new framework for land use policy choices that affect farmland and agriculture. It identifies six key challenges that must be addressed to conserve farmland and for each proposes specific, measurable outcomes by which to evaluate success. These performance measures provide a meaningful way to compare policy alternatives and to choose those that can minimize – if not entirely avoid – farmland loss while promoting sustainable community growth.

All land data are from the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP). In this data, "other land" may include everything from farmland that has been fallowed for several years (possibly in anticipation of its development) to large-lot rural residences, confined animal operations and irrigation canals. Only recently has FMMP begun to differentiate them. Thus, it is possible that the data underestimate the amount of agricultural land that has been urbanized.

This report was written by Serena Unger, AFT Senior Planner and Policy Consultant, and Edward Thompson, Jr., AFT California Director. The authors wish to acknowledge the contributions of our colleague Daniel O'Connell, AFT San Joaquin Valley Field Representative; Molly Penberth, director of the Farmland Mapping and Monitoring Program at the California Department of Conservation; Nate Roth at the Information Center for the Environment at UC Davis; Dave Davis for superb editing and design of the report; planners and officials from the San Joaquin Valley who reviewed data and drafts; and the financial support of AFT's members and special donors to our San Joaquin Valley campaign. Report printed by Capital Graphics, Inc., Sacramento, CA.





Saving Farmland, Growing Cities

**A Framework for Implementing
Effective Farmland Conservation Policies
in the San Joaquin Valley**

January 2013 ■ **Authors** Serena Unger • Edward Thompson, Jr. ■ **Editing+Design** Dave Davis

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Executive Summary: New Strategies for Conserving Farmland

Agriculture is the economic mainstay of the San Joaquin Valley. No sector of the Valley's economy has a greater stake in how and where communities grow than agriculture. Every acre of farmland needlessly sacrificed for urban development weakens its foundation. But because most cities in the Valley are surrounded by farmland, and will have to grow to accommodate the region's burgeoning population, conserving this resource is a challenge.

American Farmland Trust has actively promoted farmland conservation in the San Joaquin Valley for nearly two decades. This report is the latest in a series of AFT updates on what is happening to Valley farmland as its cities grow. It outlines a new framework for land use policy choices that affect farmland and agriculture.

It also identifies six key challenges that must be addressed to conserve farmland and for each proposes specific,

measurable outcomes by which to evaluate success. These performance measures provide a meaningful way to compare policy alternatives and to choose those that can minimize – if not entirely avoid – farmland loss while promoting sustainable community growth.

The six objectives that address key farmland conservation challenges are:

- 1 Avoid development of high quality farmland.
- 2 Minimize farmland loss with more efficient development.
- 3 Ensure stability at the urban edge.
- 4 Minimize rural residential development.
- 5 Mitigate the loss of farmland with conservation easements.
- 6 Encourage a favorable agricultural business climate.

Using the latest available data and information, the report evaluates the performance of the Valley as a whole and each of its eight counties in meeting these challenges. Though it does not evaluate each individual city and county government, it gives examples of how the performance of selected local jurisdictions compares to the intentions of their land use plans and policies as they address farmland conservation.

Finally, the report makes recommendations for improving the performance of local governments in conserving farmland. All of the analysis and recommendations in the report are offered, not to criticize local government, but to equip planners, decision makers and their constituents with the information they need to succeed in conserving the irreplaceable farmland of the San Joaquin Valley as its cities continue to grow.

Introduction: Planning for Sustainability

The San Joaquin Valley is beginning to plan for growth in a new and different way. During the past few years, there has been unprecedented regional cooperation on the San Joaquin Valley Blueprint and Smart Valley Places, which will shape future urban development. More recently, Sustainable Community Strategies are starting to address climate and a “greenprint” aims to increase the benefits the region derives from its rural areas.

All of these efforts recognize that the kind of positive changes communities want – more economic opportunity, greater mobility with less traffic, lower household and government costs, and a cleaner environment and abundant open space – are more likely to occur if the way we plan for growth also changes. Rather than promoting development for its own sake, as we have done in the past, the new direction in planning emphasizes greater efficiency, quality and “sustainability” in how communities grow.

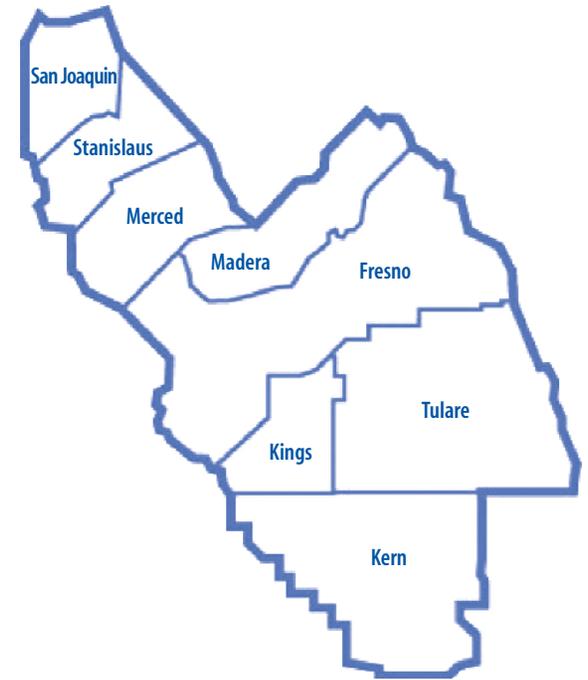
No sector of the Valley’s economy has a greater stake in how – and where – communities grow than agriculture. Land is the foundation of farming and ranching, and every acre of agricultural land converted to urban use is an acre that will never again sustain food production. It is also an acre that will no longer yield benefits of nature such as wildlife habitat, groundwater recharge or the beauty of a peach orchard in full bloom.

Though it may seem like there is plenty of farmland in the San Joaquin Valley, it is, in fact, a finite resource. And demands on that land continue to grow, not only for urban development but, just as importantly, to feed a growing population, provide renewable energy, and safeguard the environment. Conserving this irreplaceable resource – saving farmland while growing our cities – is an imperative for truly sustainable planning in the years to come.

■ American Farmland Trust in the San Joaquin Valley

American Farmland Trust (AFT) is a nonprofit organization established in 1980 to conserve the nation’s agricultural land and water resources. Its planners, policy experts and agricultural specialists work cooperatively with the farm communities and government decision-makers to encourage better planning and land use policies – the kind that will minimize the loss of farmland and help maintain the economic viability of agriculture.

For almost two decades, AFT has had a continuous presence in the San Joaquin Valley, which, because of its unique productivity and growth pressures, is our highest priority in California.



In 1995, AFT published *Alternatives for Future Urban Growth in California's Central Valley: The Bottom Line for Agriculture and Taxpayers*, which first called attention to the economic consequences of urban sprawl in the region. It led in 1998 to the Fresno Growth Alternatives Alliance that produced *A Landscape of Choice*, a primer on compact, efficient growth, and to the Agricultural Task Force for the Central Valley, which concluded “traditional methods of planning and growth management... will lead to significant loss

of farmland in the nation's richest agricultural region." AFT thereafter served on the Land Use, Housing and Agriculture committee of the California Partnership for the San Joaquin Valley (2004), which recommended a regional planning process that became the San Joaquin Valley Blueprint, and on the Regional Advisory Committee for the Blueprint itself (2005).

In the meantime, we worked with the Great Valley Center to establish local farmland trusts and negotiated the first agricultural conservation easements in the Valley. In 2006, we updated *Alternatives for Future Urban Growth* in an online publication, *The Future Is Now*, and in 2010 inaugurated Groundswell San Joaquin Valley, a network of organizations promoting efficient growth in the region (groundswellsjv.org). AFT's most recent initiative is the San Joaquin Valley Greenprint, inaugurated by the Regional Policy Council on our recommendation.

■ A Framework for Farmland Conservation Planning and Policy

As a guide to sustainable planning, this American Farmland Trust report outlines a new framework for formulating and evaluating land use policy choices that affect farmland and agriculture. It poses six key challenges that must be addressed to effectively conserve farmland and for each identifies specific, measurable outcomes by which to evaluate success.

These performance measures provide a meaningful way to compare policy alternatives and choose those that can minimize farmland loss while promoting sustainable community growth. To illustrate how local jurisdictions can apply these

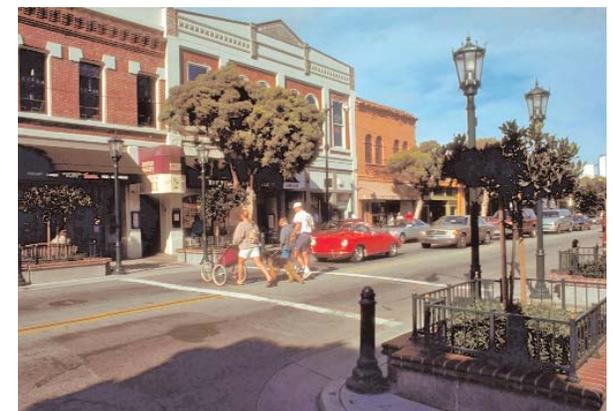
performance measures, the report highlights those measures for which data are readily available for the period from 1990 through 2008.

The data will also enable counties to determine where they stand among their neighbors and how they stack up against the region as a whole. We recognize, of course, that the performance of counties as a whole is a result of the collective actions of individual cities and county governments themselves. Though AFT did not have the resources to collect data for each of the dozens of local jurisdictions in the Valley, we encourage them to take the initiative and do so on their own.

This framework of challenges and performance measures is the result of decades of experience that American Farmland Trust has in working with cities and counties across the country. We are eager to discuss our findings and recommendations with local planners and officials in the Valley, and offer our assistance to help them integrate farmland conservation into their ongoing planning and land use policy initiatives.

At the same time, we urge the agricultural community and other constituencies that have a stake in how communities grow – which is to say nearly everyone – to use this report to engage local officials in their own discussions of how to grow cities while conserving farmland.

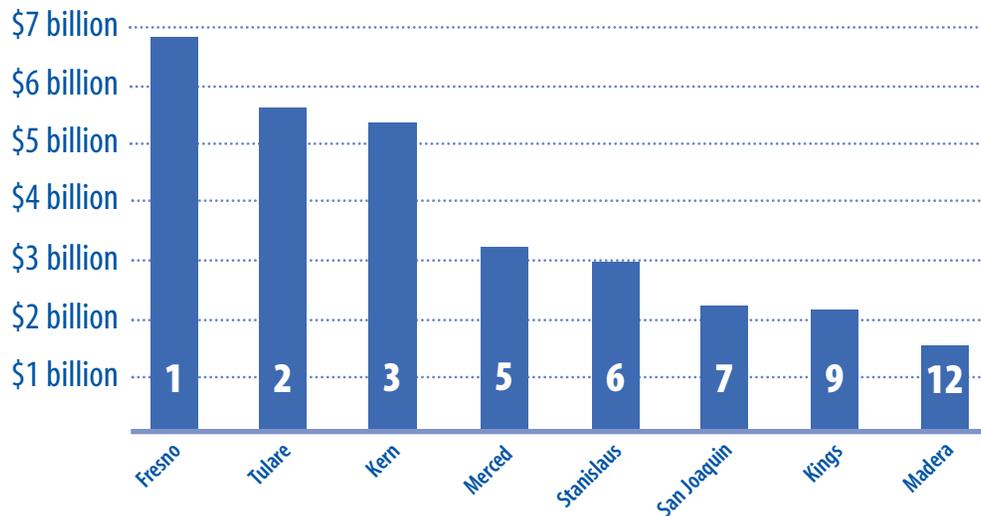
Experience teaches that the most successful farmland conservation efforts in the United States are the result of genuine local initiative and good faith collaboration among private and public leaders.



An Overview of Agriculture in the San Joaquin Valley

Figure A. Annual Value of Agricultural Production and Rank within California

Six of the nation's top 10 agricultural counties are located in the Valley, and the region's farmers produce more than \$30 billion worth of agricultural products annually.



Source: California Agricultural Commissioners Crop Reports, 2011
Numbers on bars represent county rank within California.

■ A Major Economic Sector

The San Joaquin Valley is an irreplaceable agricultural resource with a Mediterranean climate in which fruit, vegetable and nut crops flourish. Many of the nation's top producing agricultural counties are located in the Valley, with Fresno, Tulare and Kern in the top three statewide.

The region's farmers take advantage of this climate, as well as fertile soils, developed water supplies and their own ingenuity and hard work, to produce more than \$30 billion worth of agricultural products annually (Figure A).

The overall impact of this production on the Valley's economy is estimated to be three times as large due to all of the goods and services farmers and ranchers purchase, and the value added by processing, distribution and marketing.

■ The Land Base

While the San Joaquin Valley has 10.6 million acres of agricultural land, only about half is highly productive irrigated farmland and only 27% of the total is prime farmland (Table B). But these statistics do not account for conditions such as problematic water supplies, soil salinization or environmental sensitivity that could jeopardize the long-term economic viability of some farmland.

An analysis completed for AFT by the Information Center for the Environment at UC Davis found that as much as 44% of the region's 5.3 million acres of irrigated cropland has one or more of these limitations. It also shows that most of the land that does not have such limitations is directly in the path of the Valley's growing cities.

Between 1990 and 2008, the acreage of high-quality (prime, unique and statewide important) farmland declined by 443,000 acres. Much of this decrease was due to land being taken out of irrigated production, often temporarily, because of water shortages and other causes. But, nearly 100,000 acres – 8.5 square miles a year – were converted permanently to urban uses.

At this rate, the Valley will lose an additional 500,000 acres of land to development by 2050 and more than 300,000 acres of it will have been highly productive irrigated cropland.

In addition to the urbanization of farmland, additional acreage is being converted to rural residential uses. Typically ranging from 2 to 20 acres, "ranchettes" may look like they remain in agriculture – a small orchard or a horse or two on pasture – but most of them are no longer producing commercial crops or livestock. And it is unlikely that they ever will because the land has been priced out of the reach of those who farm for a living.

In the San Joaquin Valley today, "ranchettes" occupy 146,000 acres, compared with 475,000 acres of urban land.

Thus, it appears that for every three acres developed for urban use at least one additional acre of farmland has been permanently removed from commercial agriculture to accommodate rural lifestyles.

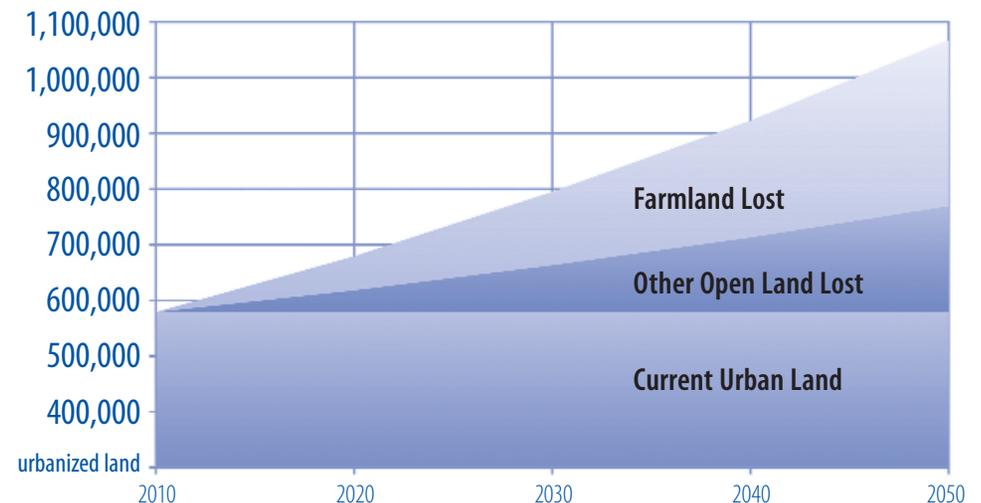
Table B. Existing Agricultural Land, San Joaquin Valley

| Acres | 2008 | 1990-2008 |
|--------------------------------|-------------------|------------------|
| High Quality Farmland * | 5,228,902 | (443,085) |
| Farmland of Local Importance | 491,199 | 163,290 |
| Grazing Land | 4,875,106 | 30,839 |
| Agricultural Land Total | 10,595,207 | (248,956) |

*"High Quality Farmland" (HQF) is Prime, Farmland of Statewide Importance, Unique and Irrigated Farmland.
Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

Figure C. Future Loss of Farmland to Urban Development, 2010-2050

If status quo development patterns continue, more than 300,000 acres of high quality farmland will be permanently lost by 2050.



Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

■ Population Growth and Its Implications

Behind the loss of farmland in the San Joaquin Valley is population growth. In 1990, the Valley's population was 2.7 million. It is now almost 4 million people and is expected to increase by another 89% within the next 40 years – proportionately two-and-a-half times the growth rate of the state as a whole.

According to the Demographic Unit of the California Department of Finance, the population of every county in the Valley will grow by at least two-thirds. Kern, Madera and Tulare counties will grow by the largest percentage, while the greatest increase in the number of residents will be in San Joaquin, Fresno and Kern counties.

The implications of this growth for planning and development are tremendous. Unless cities grow much more efficiently – consuming less land for every new resident and their economic activities – the toll on the region's farmland and agriculture will be significant.

The good news is that cities can choose to grow in ways that minimize farmland loss. Demographic trends should help. As the Urban Land Institute has noted, an expected increase in the numbers of seniors and young families will create a demand for houses on smaller lots (Nelson, 2011). There is no need to sacrifice more farmland than necessary to accommodate the growth in Valley's population and economy.

But to minimize farmland loss while growing the economy counties and cities will have to do a better job of, first, recognizing what it takes to conserve farmland and, second, adopting and implementing policies that will actually make it happen. This report establishes a context and provides information that will help them succeed.

Table D. San Joaquin Valley Population Projections, 2010-2050

There are almost 4 million people living in the Valley now, and that number is expected to increase by 89% within the next 40 years – two-and-a-half times the rate of California's population growth statewide.

| ■ COUNTY | Population 2010 | Projected 2050 | Increase 2010-2050 | % Change 2010-2050 |
|--|--------------------|-------------------|-----------------------|-----------------------|
| San Joaquin | 685,306 | 1,288,854 | 603,548 | 88% |
| Stanislaus | 514,453 | 863,254 | 348,801 | 68% |
| Merced | 255,793 | 506,666 | 250,873 | 98% |
| Madera | 150,865 | 314,546 | 163,681 | 108% |
| Fresno | 930,450 | 1,535,761 | 605,311 | 65% |
| Tulare | 442,179 | 884,646 | 442,467 | 100% |
| Kings | 152,982 | 281,866 | 128,884 | 84% |
| Kern | 839,631 | 1,823,277 | 983,646 | 117% |
| ■ REGIONAL AND STATEWIDE TOTALS | | | | |
| San Joaquin Valley | 3,971,659 | 7,498,870 | 3,527,211 | 89% |
| California | 37,253,956 | 51,013,984 | 13,760,028 | 37% |

Source: California Department of Finance, Report 84 E-4, E-5 and Interim Population Projections, 2010-2050, 2012

To minimize farmland loss while growing the economy counties and cities will have to do a better job of recognizing what it takes to conserve farmland, and adopting and implementing policies that will actually make it happen. This report establishes a context and provides information that will help them succeed.

Framework for Tracking Farmland Conservation Performance

AFT's experience with farmland conservation in California and throughout the U.S. has led us to the conclusion that there are six basic challenges that local communities must address to successfully maintain an adequate land base for agricultural production.

These six challenges define the objectives that communities should strive to achieve and these objectives, in turn, are the framework for our analysis of the region's existing farmland conservation efforts. For each objective except one (agricultural economic viability), we propose specific performance measures for evaluating how successfully communities are addressing the challenge.

Some of the performance measures require more research than AFT was able to do. For example, we did not attempt to obtain data for every individual city within each county. So this report concentrates on how counties as a whole are doing at conserving San Joaquin Valley farmland (see Appendix 1). Further analysis is necessary to determine how each city and the counties themselves are contributing to the countywide results and the overall performance of the San Joaquin Valley.

A useful way to consider the results of our analysis is to compare them with the intentions expressed in the land use plans and policies of cities, counties, LAFCOs and councils of government. Many of these official documents incorporate farmland conservation as a goal, but often there is a gap between the goal and the decisions local governments make that determine their actual performance.

Examples that compare specific local plans with the performance measures can be found throughout this report. We encourage local officials and citizens to make their own comparisons.

Ultimately, our purpose is not to be critical, but to encourage a dialogue about improvements in land use planning and policy across jurisdictions and agencies that will protect the incomparable agricultural resources of the region.

We invite the counties and cities to adopt these objectives and set corresponding goals in their general plans. We also encourage them to track our suggested performance measures on an ongoing basis to help guide future land use decisions.



■ Objectives and Performance Measures for High Quality Farmland Conservation

1 Avoid development of the best farmland by guiding development away from it.

- Percentage of land developed that is “high quality farmland” (prime, unique or statewide important farmland), compared to percent of total land in the county that is “high quality farmland.”
- Amount of each classification of farmland that would be converted under the general plan and alternatives.

2 Minimize farmland loss with more efficient urban development.

- Overall number of people accommodated per acre of new development in general plans and any subsidiary plans.
- Amount and proportion of land zoned for low density rather than higher density residential development.
- Density of residential subdivisions actually built compared with what was planned.
- Floor-to-area ratios of commercial and institutional development and number of jobs and dollars of economic activity generated per acre of such development.

3 Ensure stability at the urban edge.

- Years of future development that could be accommodated within spheres of influence and within city limits compared with reasonable 20-year general plan needs.

- Portion of undeveloped land within planned growth area that is “high quality farmland.”
- Number of general plan amendments, city annexations, and sphere of influence boundary changes that will cause loss of agricultural land.
- Percentage of development occurring in unincorporated areas (both within and outside spheres of influence).

4 Minimize rural residential development.

- Number of rural residential lots permitted in agricultural areas and percentage of jurisdiction’s population housed on these lots.
- Total acreage of rural residential lots permitted and percentage this represents of all land to be developed for residential use.
- Acreage and percentage of large-scale energy development on high quality agricultural lands.

5 Mitigate the loss of farmland with conservation easements.

- Cumulative acreage of farmland permanently protected by easements as compared with farmland developed.
- Adequacy of conservation easement funding as measured by the number of landowners able to sell conservation easements in any given year compare with the number who desire to sell easements (2 to 5 transactions per year target).

- Percentage of increase in land values due to entitlement of farmland for development devoted to mitigation fees or conservation easement purchases.
- Amount of money invested in the agricultural economy through conservation easement purchases.

6 Encourage a favorable agricultural business climate.

- Increase economic impact of agricultural and related sectors through value-added enterprises.
- Include in general plan an agricultural element that establishes goals and policies addressing key opportunities and challenges facing agriculture.
- Adopt economic development policies that prioritize and support the agricultural economy.
- Local regulations do not place an unnecessary burden on agricultural production and related activities.
- Provide adequate housing and services for the agricultural workforce.
- Ensure that irrigation water supplies are sufficient to support ongoing agricultural production.

1. Avoid Development of Best Farmland

Where possible, we should avoid development of high quality farmland that produces the most food at the lowest cost and with the least environmental impact. The alternative is to guide development toward less productive land or, better still, land that is not suitable for agriculture. This performance measure tracks how much high quality farmland is being developed in comparison with available alternatives.

■ How Is the Valley Doing?

Between 1990 and 2008, more than 161,000 acres of land were converted to urban uses in the San Joaquin Valley. Of that, nearly 100,000 acres were high quality farmland (prime, unique, and statewide important farmland).

Of the total acreage converted, 78% was agricultural land and 61% was high quality farmland (Figure 1.1). Put another way, three quarters of all the land urbanized in the Valley was agricultural land and of that, nearly four out of five acres were the most fertile, well-watered farmland in the region.

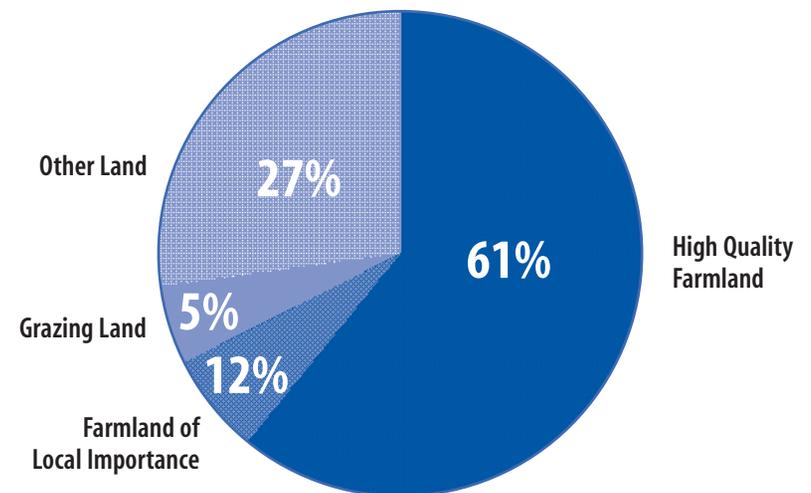
Moreover, high quality farmland is being disproportionately developed compared to how much area it covers in the region. High quality farmland comprises about 39% of the total area of the Valley's eight counties (Table 1.2). Yet, 61% of all land converted to urban uses has been farmland of this high quality. The "conversion index" shows this relationship. The index of 1.57 for the Valley as a whole indicates that high quality farmland is being consumed at a rate 57% greater than its proportion of all land in the region.

A similar comparison is given for each county in the region, with Stanislaus scoring lowest (i.e., highest conversion index), and Madera highest in terms of how much development has been concentrated on the best farmland (Table 1.2).

The reason for the disproportionate development of high quality land in the region seems fairly straightforward. Most development in the San Joaquin Valley occurs immediately around the Valley's cities and almost all the cities are located in the midst of the highest

Figure 1.1. Land Converted to Urban Uses, San Joaquin Valley, 1990-2008

Three-quarters of all the land urbanized in the Valley was agricultural land, and of that, 4 out of 5 acres were the most fertile, well-watered farmland.



"Other" land may include everything from farmland that has been fallowed for several years to large-lot rural residences, confined animal operations and irrigation canals. Only recently has FMMP begun to differentiate them. Thus, it is possible that the data underestimate the amount of agricultural land that has been urbanized.

Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

quality farmland, which generally follows the Highway 99 corridor (map at conservation.ca.gov/dirp/fmmp/products/Pages/FMMP-MapProducts.aspx). This poses a real challenge for farmland conservation. As Table 1.3 shows, if Valley communities continue to develop land at the same intensity – consuming an acre of land for every 6.4 people, as explained below – the region will lose another 300,000 acres of high quality farmland by 2050. This underscores the importance of the next objective: encouraging more efficient development.

■ Plans v. Performance

The general plans of most counties in the San Joaquin Valley call for avoiding development of the best farmland. But high quality farmland is still being disproportionately developed in every county. For example, the Stanislaus County General Plan declares that, “While all agricultural land in the County cannot be preserved, it is possible to protect our most productive agricultural areas through a combination of agricultural zoning and policies that clearly direct growth to less productive areas” (Agricultural Element, 1994). Yet, in Stanislaus County, 87% of all the land developed between 1990 and 2008 was high quality farmland. For comparison, only 41% of the county’s undeveloped territory is comprised of high quality farmland, an indication that the intention of the county’s plan is not being fulfilled.

■ Recommendation

All local jurisdictions should understand where high quality land is located in relation to their city limits, spheres of influence and other areas where they intend to expand. They should choose options for directing growth away from this land and, where possible, modify their plans and policies to achieve this objective to the maximum extent possible.

Table 1.2. High Quality Farmland as a Percentage of Land Urbanized and All Land, 1990-2008

| | % of Urbanized Land on HQF ^a | % of County That Is HQF ^b | Conversion Index ^c |
|---------------------------|---|--------------------------------------|-------------------------------|
| San Joaquin | 77% | 68% | 1.13 |
| Stanislaus | 87% | 41% | 2.11 |
| Merced | 67% | 43% | 1.55 |
| Madera | 47% | 42% | 1.12 |
| Fresno | 63% | 53% | 1.20 |
| Tulare | 65% | 47% | 1.38 |
| Kings | 97% | 65% | 1.49 |
| Kern | 38% | 19% | 2.07 |
| San Joaquin Valley | 61% | 39% | 1.57 |

(a) HQF is High Quality Farmland (Prime, Farmland of Statewide Importance, Unique and Irrigated Farmland)

(b) This comparison indicates the extent to which high quality farmland is being developed disproportionately to its share of total land in the county or region.

(c) If ratio is greater than 1.0, farmland is being consumed at a rate greater than its proportion in the county.

Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

Table 1.3. Projected Urbanization of San Joaquin Valley Farmland – Status Quo

| | |
|---|---------|
| Total Land Urbanized, 1990-2008 | 161,801 |
| • Percentage of New Urbanized Land That Was High Quality Farmland (HQF) | 61% |
| • Compare to Percentage of Undeveloped Land That Was HQF in 2008 | 39% |
| Farmland Conversion Index | 1.57 |
| Projected Urbanization of All Land, 2008-2050, at Marginal Efficiency | 501,658 |
| • As Percentage of Existing Urban Land | 89% |
| Projected Urbanization of HQF, 2008-2050, at Marginal Efficiency | 304,645 |

Source: California Department of Conservation, Farmland Mapping and Monitoring Program, 2008;

California Department of Finance, Demographic Unit, 2010

2. Minimize Farmland Loss with More Efficient Urban Development

In places like the San Joaquin Valley, where most cities are surrounded by farmland, it is critical that new development occur on vacant or repurposed land within existing cities and, if more farmland has to be sacrificed, that development use it as efficiently as possible, consuming less land for every new resident, job and dollar of economic growth. (An apt comparison is to “yield per acre,” which is how farmers measure the success of their crops.) This performance measure tracks the historic (1990) and current (2008) population per acre (average efficiency) and the recent trend, i.e., how many new residents were accommodated for each additional acre of farmland developed between these dates (marginal efficiency). A comparison of these measures shows whether development is getting more or less efficient.

The fact that most of the San Joaquin Valley's cities are located in the midst of high quality farmland places a premium on the efficiency with which land is developed. Inefficient development – the consumption of excessive amounts of land for each person – causes more farmland loss than is necessary for attractive, economically vibrant communities.

Development that spreads out over the land also leads to more traffic, energy consumption and air pollution, while increasing the cost of providing basic public services like water and sewer, police and fire protection. Thus, efficiency of development is the key challenge for communities in the Valley that want to preserve farmland and improve their economies and quality of life.

■ How Is the Valley Doing?

Urban development in the San Joaquin Valley is not very efficient. The current average efficiency is only 6.0 people per urbanized acre (Table 2.1). This an improvement over the efficiency of 5.8 people per acre that existed in the Valley

in 1990, due to the fact that, as the urban footprint in the Valley grew by 47% from 1990 to 2008, the “marginal efficiency” (also called “marginal population density”) of new development was 6.4 people per acre.

Figure 2.2 shows both current average efficiency and the marginal efficiency of development in all eight counties in the region.

Nevertheless, the Valley's growth has been less efficient than in any region of California other than the remote mountains and deserts, and is roughly one-third to one-half as efficient as in the urban areas on the coast (*Paving Paradise: A New Perspective on California Farmland Conversion*, AFT, 2007).

Compared to other important agricultural areas that also face significant growth pressures, most of the Valley's counties have significantly lower marginal efficiencies.

For example, Ventura County, which ranks 8th in agricultural production in the state, had a marginal efficiency of 8.9 people



“People per acre” seems to be easier to visualize than the more often used “people per square mile.” An acre is about the size of a football field. So, to visualize how spread out six people per acre is, think of two 3-person teams playing on all that real estate. All of this report's people-per-acre statistics count not just residential areas (which comprise only 40% of urban land uses in the Valley), but also all commercial, industrial and public land uses that support the population.

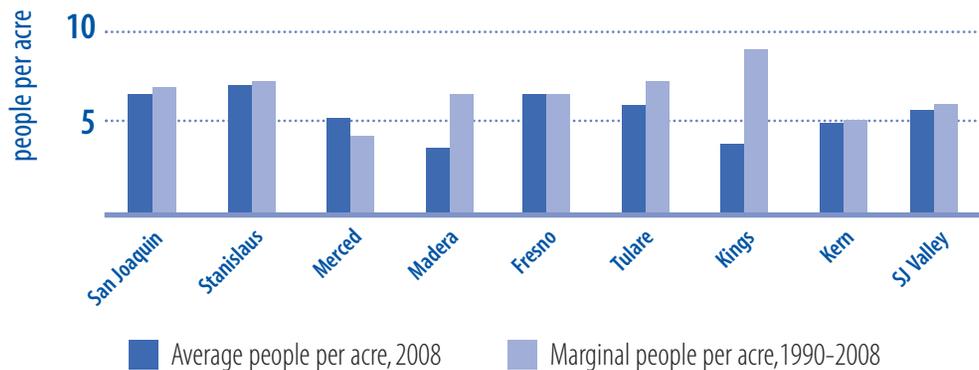
Table 2.1. Urban Growth and Efficiency Trends – San Joaquin Valley, 1990-2008

| | 1990 | 2008 | % Change 1990-2008 |
|--|-----------|-----------|-----------------------|
| Total Urban and Built-up Land (FMMP) | 383,546 | 565,360 | 47% |
| Total Population | 2,742,000 | 3,885,963 | 42% |
| Urban Population * | 2,209,170 | 3,369,601 | 53% |
| People Per Urbanized Acre (Average Efficiency) | 5.8 | 6.0 | 3% |
| People Per New Urbanized Acre, 1990-2008 (Marginal Efficiency) | | 6.4 | |

* The urban population figures assume that the percentage of 2008 population remains at 2000 level.
Sources: U.S. Census; California Department of Finance 2010; California Department of Conservation, 2008

Figure 2.2. Development Efficiency in San Joaquin Valley Counties

Development efficiency has not been improving fast enough to make a significant difference in the amount of farmland urbanized.



Sources: U.S. Census, 1990; California Department of Finance 2012; California Department of Conservation, 2008; Blueprint Report to San Joaquin Valley Regional Policy Council, March 20, 2009

per acre from 1990-2008. Riverside County, ranking 14th in agricultural production, had a marginal efficiency of 8.7 in the same period. In the Central Valley, Sacramento County, which ranks 25th in the state for agricultural production, had a marginal efficiency of 8.7 people per acre.

Another way to look at the efficiency of urban development over time is to compare the increase in population with the increase in the size of the urban footprint over the same period. Table 2.3 shows the “efficiency trend index” of each county in the Valley.

This index is the ratio of the percentage population increase to the percentage increase in the size of the urban footprint over the same period of time. If both increase in the same proportion, the efficiency trend index is 1.0. An index greater than one indicates that efficiency is increasing, while an index less than one means that development efficiency is decreasing – that urban sprawl is getting worse.

■ Plans v. Performance

Most jurisdictions in the San Joaquin Valley have general plan goals and policies that encourage urban infill and efficient development of farmland. However, the majority of counties have an efficiency trend index hovering around 1.0, indicating they aren't making much progress at actually increasing development efficiency. Instead, cities and counties continue to build outward on new land as their populations grow, instead of directing growth to existing communities.

Some counties did show improved efficiency. For example, Kings County has the Valley's highest marginal efficiency of 9.3 people per acres and has an efficiency trend index of 3.2 for the period 1990-2008. This was the result of an 82% increase in the urban population, but only a 26% gain in urban land.

A number of city, county and LAFCO policies, all aimed at more compact growth and farmland conservation, seem to account for this. The land use element of the Kings County General Plan, for one, states that "to prevent uncoordinated, sprawling growth and to delay costly expansion of district facilities, [the county will] encourage infilling of vacant or underutilized parcels where water and sewer area available by providing incentives such as reduction of development application fees of 25%" (Land Use Policy 1.8d).

Kings County is also known for the success of its LAFCO in reducing the size of city spheres of influence, which has taken development pressure off of 11,000 acres of farmland and effectively constrained the ability of cities to sprawl outward.

Table 2.3. Efficiency Trend Index – San Joaquin Valley, 1990-2008

One way to look at the efficiency of urban development over time is to compare population growth with the increase in the size of the urban footprint over the same period. If the percentage increase in both population and the urban footprint grow in the same proportion, the "efficiency trend" index is 1.0. If it is more than 1.0, that efficiency is increasing – development is more compact. If it's less than 1.0, urban sprawl is getting worse.

| ■ COUNTY | URBAN POPULATION 1990-2008 | | URBAN LAND 1990-2008 | | EFFICIENCY TREND INDEX | |
|---------------------------|-------------------------------|------------|-------------------------|------------|---------------------------|--------------|
| | Population Increase | % Change | Acre Change | % Change | Status Quo | Blueprint B+ |
| San Joaquin | 192,174 | 45% | 26,572 | 42% | 1.1 | 2.4 |
| Stanislaus | 146,099 | 46% | 18,987 | 42% | 1.1 | 1.7 |
| Merced | 73,420 | 50% | 16,050 | 75% | 0.7 | 3.1 |
| Madera | 48,881 | 97% | 7,189 | 36% | 2.7 | 2.1 |
| Fresno | 238,058 | 41% | 36,156 | 44% | 0.9 | 2.7 |
| Tulare | 138,723 | 59% | 18,637 | 47% | 1.2 | 1.7 |
| Kings | 60,792 | 82% | 6,555 | 26% | 3.2 | 3.9 |
| Kern | 262,285 | 52% | 51,488 | 59% | 0.9 | 2.3 |
| San Joaquin Valley | 1,160,431 | 53% | 181,814 | 47% | 1.1 | 2.2 |

Sources: U.S. Census, 1990; California Department of Finance 2010; California Department of Conservation, 2008

■ Recommendation

All local jurisdictions should determine the average efficiency of existing development, the marginal efficiency of their recent development trend and of development that is planned for the future (within the period of their general plans). They should review this information and their current plans with the intention of identifying opportunities to

increase development efficiency and thereby save farmland. At a minimum, they should strive to achieve the marginal efficiency called for by the Blueprint adopted by their county's Council of Governments. They should modify their current plans to incorporate the new goal as well as implementation measures that will actually help achieve it.

3. Ensure Stability at the Urban Edge

Areas around cities designated for future development should not expand more than necessary to accommodate reasonable future growth. Otherwise, it creates uncertainty that leads to land speculation and price inflation, and to disinvestment in farming operations. All of these weaken the economic viability of agriculture, increasing the likelihood that farmland will be lost. Boundaries that are too large also discourage cities from growing efficiently by creating a sense that there is no need to do so. This performance measure tracks the amount of developable land within city limits and spheres of influence, and compares this with the amount of land reasonably needed for future growth.

■ How Is the Valley Doing?

The San Joaquin Valley currently has more than 900,000 acres of land within its city limits and spheres of influence, the areas officially earmarked for future development. About 400,000 acres of this total are already developed, leaving 533,000 acres available for future growth – 195,000 undeveloped acres within city limits and an additional 338,000 undeveloped acres within the spheres of influence (Figure 3.1). Almost 70% of the undeveloped land contained in the spheres of influence is high quality farmland. (See Appendix 2 for details.)

The actual amount of undeveloped land within the city limits and spheres of influence in the Valley is higher, closer to 700,000 acres than 533,000. The larger figure includes the spheres of influence of several small cities in Kern County that are so large that only a tiny fraction of them could ever be developed. For this report, we eliminated them from our calculations because they would have exaggerated the

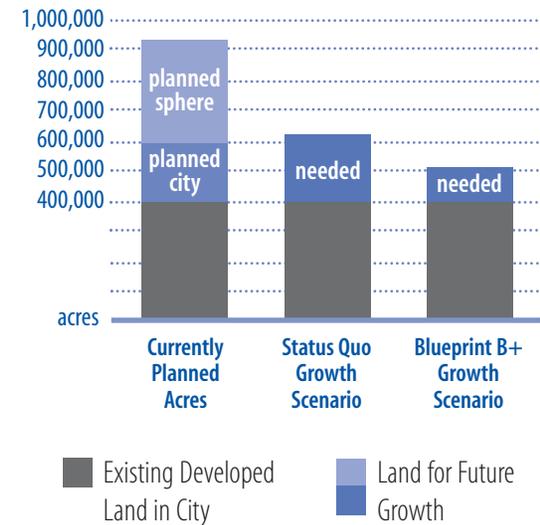
amount of farmland subject to the pressures created when plausible development boundaries are established.

If the region continues to grow at the current marginal efficiency of 6.4 people per acre, the Valley will need an additional 216,000 acres of land to accommodate the population growth through 2035. The planned area within the existing city limits, which is nearly 200,000 acres, is almost large enough to accommodate all of this development (Figure 3.1). However, if cities and counties grow at the higher marginal efficiency of the preferred Blueprint B+ Scenario, the Valley would need only 117,000 additional acres to accommodate growth. Under this scenario, all future growth could be accommodated within existing city limits. This would result in a savings of 103,000 acres of land – most of it high quality farmland.

Another way to compare the size of the area designated for development with how much of that land will actually be needed is to look at how many years worth of growth city

Figure 3.1. Acres of Land Needed to Accommodate Growth by 2035

Under the Blueprint B+ Scenario, only 117,000 more acres would be needed to accommodate growth, and it could all be within existing city limits, not farmland.



Notes and Assumptions: The majority of population 2010 and 2035 projections are from 2011 Regional Transportation Plans which may overestimate projected growth. Therefore, this analysis overestimates the amount of land needed for growth and underestimates the number of years of projected growth that the area can accommodate.

Population increase based on base year of 2010 and projection year of 2035. San Joaquin Valley Blueprint Scenario B+ Marginal Population Density = 16. Four Kern County cities are excluded from this analysis since their spheres of influence are disproportionately large compared to all other cities in the San Joaquin Valley.

Sources: California Department of Conservation, 2008; California Department of Finance, 2012; San Joaquin Council of Governments, 2011; Stanislaus Council of Governments, 2012; Merced Council of Governments, 2011; Madera County Transportation Commission, 2011 Regional Transportation Plan; Kings County, 2035 General Plan; Kern Council of Governments, 2011.

limits and spheres can accommodate. Figure 3.2 shows the estimated number of years of projected population growth that designated development areas can accommodate under two different scenarios.

At status quo urban densities, land within existing city limits will be sufficient to accommodate approximately 22 years of projected population growth, and land within existing spheres of influence will accommodate an additional 39 years – for a total of 61 years of population growth, or until 2073.

If cities grow at the higher Blueprint B+ densities, the land within these areas will accommodate the same population growth for a total of 117 years, or until 2129.

The typical land use planning horizon for California cities is 20 to 25 years. Beyond that, it is almost impossible to predict the needs and demands of community growth. Yet, the areas designated for future growth by the cities in the San Joaquin Valley exceed that planning benchmark by a factor of 2.5 to 6 times, depending on the assumption made about how efficiently cities will grow. This suggests that a comparable amount of farmland in the region has been needlessly subjected to the uncertainty and destabilizing effects that occur when it is earmarked for growth.

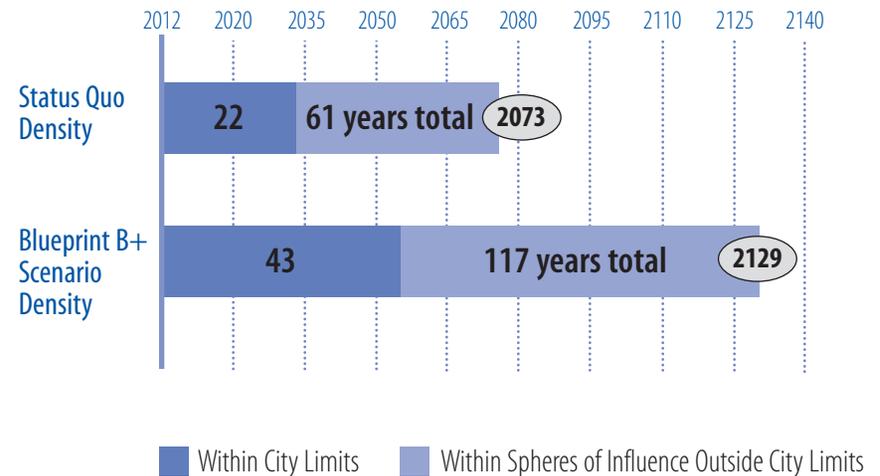
■ Plans v. Performance

Though cities propose their official boundaries, they must be approved by the Local Agency Formation Commission (LAFCo) that exists in every California county. LAFCo's mandate includes the preservation of agricultural and other open lands.

An example of how their performance often does not match their policies is the Merced County LAFCo. It calls upon "Cities [to] adopt phasing policies in their General Plans

Figure 3.2. Years of Projected Growth Cities and Spheres of Influence Can Accommodate in the San Joaquin Valley

At status quo urban densities, land within existing city limits and spheres of influence will accommodate 61 years of population growth, or until 2073. If cities grow at the higher Blueprint B+ densities, this land will accommodate that growth for 117 years, or until 2129.



Notes and Assumptions: The majority of population 2010 and 2035 projections are from 2011 Regional Transportation Plans which may overestimate projected growth. Therefore, this analysis overestimates the amount of land needed for growth and underestimates the number of years of projected growth that the area can accommodate.

Population increase based on base year of 2010 and projection year of 2035.

San Joaquin Valley Blueprint Scenario B+ Marginal Population Density = 16.

Four Kern County cities are excluded from this analysis since their spheres of influence are disproportionately large compared to all other cities in the San Joaquin Valley.

Sources: California Department of Conservation, 2008; California Department of Finance, 2012; San Joaquin Council of Governments, 2011; Stanislaus Council of Governments, 2012; Merced Council of Governments, 2011; Madera County Transportation Commission, 2011 Regional Transportation Plan; Kings County, 2035 General Plan; Kern Council of Governments, 2011.

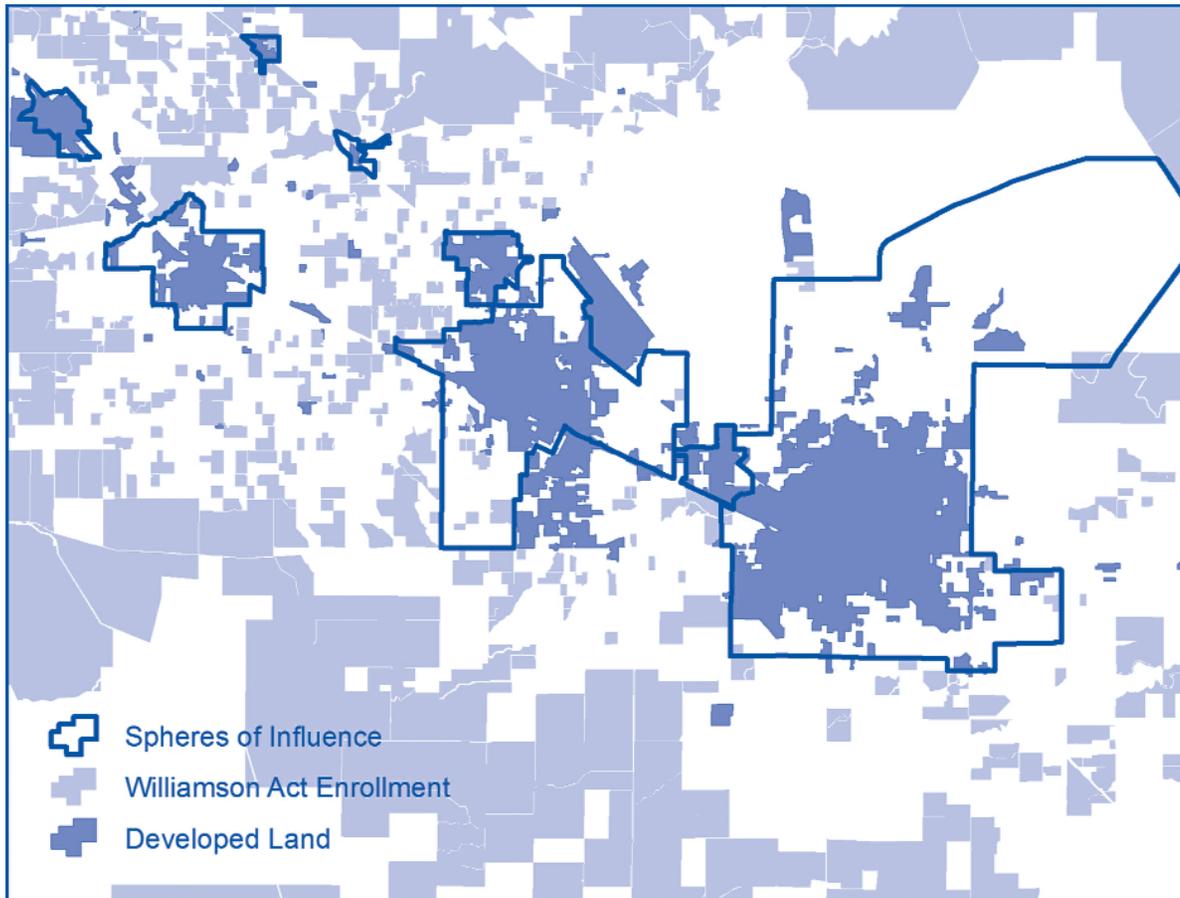


Figure 3.3. Williamson Act Enrollment around Cities in Merced County, 2006

Sources: County of Merced, 2010 Williamson Act Land, for "Williamson Act enrollment," www.co.merced.ca.us/index.aspx?NID=1624; California Department of Conservation, Farmland Mapping and Monitoring Program, 2010, for "Developed Land;" and Merced County Association of Governments, February 2012, for "Spheres of Influence."

Maps of Williamson Act enrollment in every California county is available at www.conservation.ca.gov/dlrp/Pages/qh_maps.aspx

which identify priorities for growth and annexation which meet the joint objectives of extending urban services in an economic and efficient manner and avoiding the premature conversion of prime agricultural lands or other valuable open space resources" (Objective II. A. Policies 1 and 3).

According to AFT's analysis, the spheres of influence that have been approved by LAFCO can accommodate up to 78 years of growth at today's densities and 188 years of growth if the cities in Merced County implement the Blueprint B+ scenario.

One possible effect of this is that, as Figure 3.3 shows, farmer participation in the Williamson Act, which requires a 10-year commitment of the land to agricultural use in exchange for tax benefits, is almost nonexistent around the major cities in Merced County. Is this a precursor to "premature conversion?" A similar pattern can be seen in every San Joaquin Valley county.

■ Recommendation

LAFCOs should review the size of spheres of influence in comparison to the legitimate development needs of cities during the period covered by their current general plans. They should, as the Kings County LAFCO has done, reduce the size of spheres that have more capacity than can realistically be used within that period.

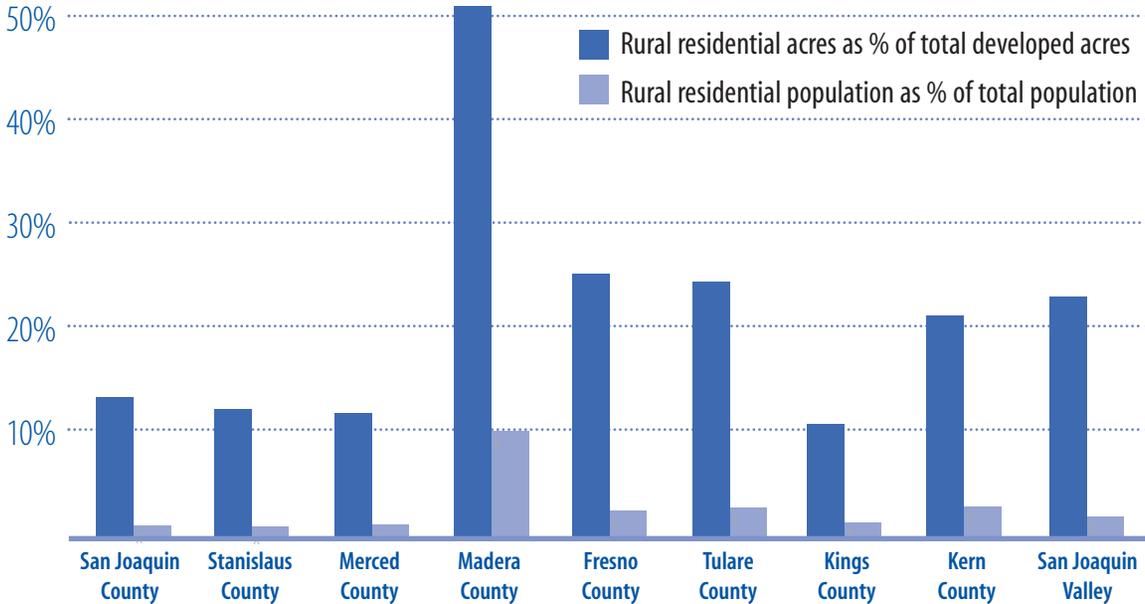
In reviewing proposals for annexation and expansion of spheres, LAFCOs should consider the efficiency of future development and approve only those proposals that are at least as efficient as what is called for in the San Joaquin Valley Blueprint.

4. Minimize Rural Residential Development

Rural residences on large lots are the least efficient type of non-farm land use. A family living on five acres, for example, occupies 20 times as much land per person as a comparable family living in a suburban home on a quarter-acre lot. This type of development should be kept to a minimum, not only because it wastes farmland but because it tends to create conflict with nearby agricultural operations. This performance measure tracks the amount of rural residential land compared to the county's urban footprint and compares this figure to the portion of the county's population living on rural residential land (an indication of the efficiency of rural residential land use).

Figure 4.1. Rural Residential Land and Population in the San Joaquin Valley

Rural residential land amounts to one-quarter of the Valley's developed area but accommodates a much smaller percentage of its population.



Note: This assumes that the rural residential footprint represents an average of 5 acres per parcel with one household per parcel and people per household counts provided by the California Department of Finance estimates for each county. The California Department of Conservation's Farmland Mapping and Monitoring Program defines rural residential "ranchettes" as parcels with 1 to 5 units per 10 acres.
 Sources: California Department of Finance 2010; California Department of Conservation, Farmland Mapping and Monitoring Program, 2008

■ How Is the Valley Doing?

Rural residential development, sometimes known as “ranchettes,” are residences built on large lots (on parcels of 1.5 acres and up to 40 acres), generally located in rural areas. Some agriculture may be taking place on them – a few fruit trees, perhaps some horses – but it is seldom for commercial purposes.

They provide an attractive rural lifestyle for some. But because they remove more land from agriculture per capita than any other kind of development, they are of great concern to agriculture in the Valley (*Ranchettes: The Subtle Sprawl*, AFT, 2000). They also are a concern due to the presence of non-farming neighbors who often pose physical, economic and legal risks and challenges for the commercial farmers that are around them.

When located close to urban areas, rural residential development forecloses the possibility of expanding those areas in an efficient manner, leading to “leapfrog” growth patterns.

In 2008, the Farmland Mapping and Monitoring Program (FMMP) inventoried 146,058 acres of rural residential land in the San Joaquin Valley. This amounts to a quarter of the region’s developed land, even though it does not include “ranchettes” larger than 10 acres. Yet, this rural residential footprint accommodates only an estimated one percent of the region’s population – a disproportionately large amount of land to house such a small percentage of the county’s population. Figure 4.1 compares rural residential land in each Valley county.

■ Plans v. Performance

Most counties in the San Joaquin Valley discourage rural residential development in their general plans, but it remains

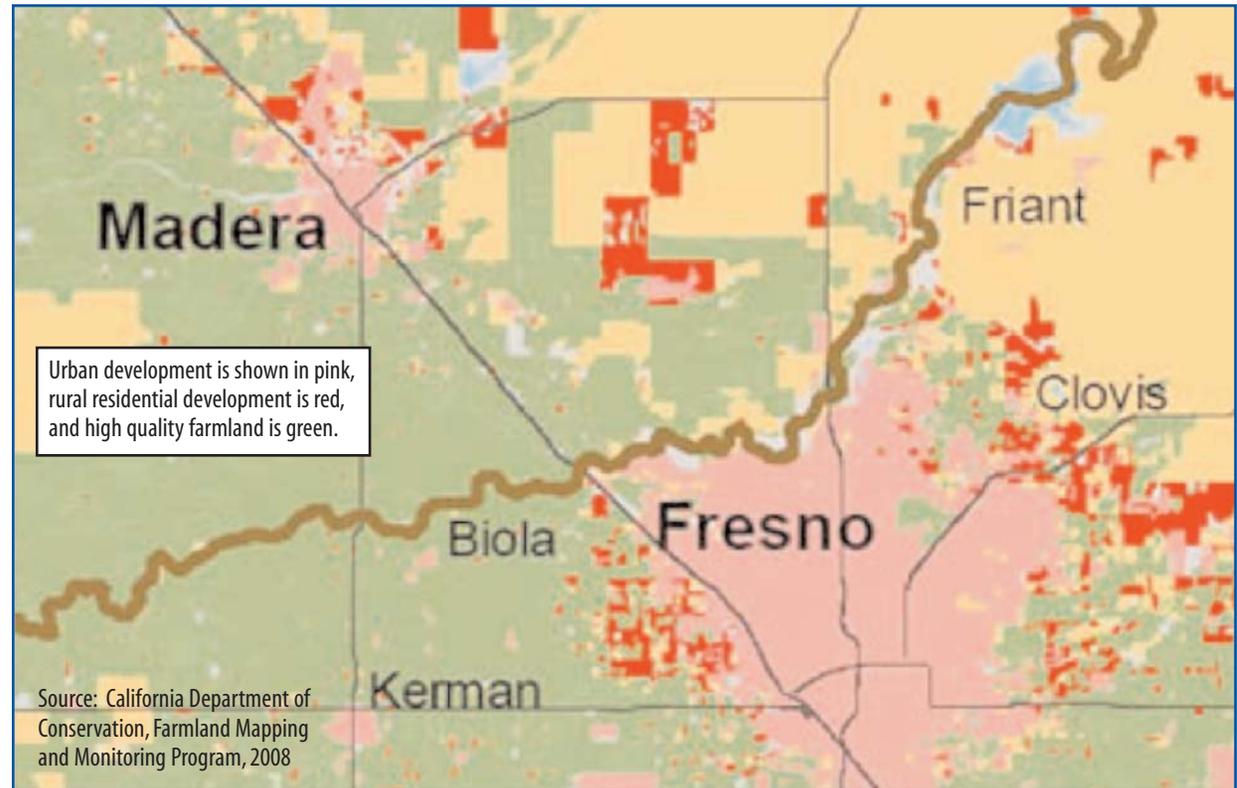


Figure 4.2. Rural Residential Development in Fresno and Madera Counties

to be seen whether this goal will be achieved. For example, Fresno County’s 2000 plan “prohibit[s] designation of new areas for non-agricultural rural-residential development, while providing for the continued development of areas already designated for such uses in a manner that minimizes environmental impacts and public infrastructure and service costs.” This represented a significant change from the previous policy of allowing “ranchettes” and was based on a recognition there was already a large inventory of vacant rural residential lots (Goal LU-E, Goals & Policy Document, at 249). Nonetheless, the area occupied by rural residences

in Fresno County increased 8% in just the two years from 2006 to 2008, and the result is easily visible on the agricultural landscape (Figure 4.2).

■ Recommendation

Counties should take inventory of existing parcels where non-farm rural residential development could occur and adopt policies that make such development more difficult on high quality farmland. They should also require buffers between new non-farm dwellings and agricultural operations.

Objective 5. Mitigate the Loss of Farmland by Giving Landowners an Opportunity to Protect their Property with Conservation Easements

The conversion of farmland to urban development permanently removes it from agricultural production. To mitigate this loss as well as to discourage needless conversion, a comparable amount of farmland should be permanently preserved by purchasing conservation easements from agricultural producers who do not want to develop their land. This will give those agricultural landowners an opportunity to recover equity from their property and result in re-investment in the farm economy. This performance measure tracks acreage of farmland permanently preserved by easements compared to acres of farmland that have been developed.

■ How Is the Valley Doing?

Conservation easements are a means of permanently preserving farmland under legal covenants voluntarily agreed to by landowners. Their purchase provides compensation to landowners who want to recover equity from their property while continue to farm it, something that would be impossible if they were to sell the land for non-agricultural purposes.

Not only does this provide an innovative solution that recognizes private property rights, but it also provides an injection of capital into the agricultural economy.

Funding for conservation easement acquisition can come from many sources, including government programs such as the California Farmland Conservancy Program and the federal Farm and Ranchland Protection Program. But these sources are shrinking as governments face deficits and revenue shortfalls.

An increasingly popular alternative is to require developers who convert farmland to pay a fee to preserve a comparable amount of land, or to acquire the land itself for preservation. This can also satisfy the requirement that environmental impacts of development be offset or mitigated under the California Environmental Quality Act.

Compared to the amount of farmland that has been converted to urban uses, the amount of land under conservation easements in the San Joaquin Valley is relatively small.

Only 10,770 acres of farmland are held under easement, compared with 109,000 acres of farmland that have been developed over the last two decades (Figure 5.1).

Though conservation easements are increasingly gaining acceptance in communities throughout the Valley, easement transactions require a great deal of time and expertise.

There are only a few land trusts actively acquiring and managing farmland conservation easements in the Valley and though cities and counties are qualified easement holders, they often find it difficult to dedicate staff and resources necessary to maintain an effective program.

■ Plans v. Performance

Mitigating the loss of farmland through conservation easements is not a widely used policy tool in the San Joaquin Valley. Only two Valley counties, Stanislaus and San Joaquin, have adopted mitigation programs and to date these programs have only been lightly implemented.

Local governments have been reluctant to charge developers additional fees, fearing that it will constrain growth or cause it to go to neighboring jurisdictions. (The highest per acre mitigation fee in the Valley, \$9,500 charged by San Joaquin County, is only a fraction of the increase in the value of land when it is rezoned from agriculture to urban use, which is typically in six figures.)

The Building Industry Association actually sued Stanislaus County for adopting a farmland mitigation program, losing at the state Supreme Court, which ruled that such programs are legal. On the other hand, a number of municipal mitigation programs in San Joaquin County resulted from litigation brought by the Sierra Club under CEQA. Nonetheless, there seems to be growing interest in farmland mitigation.

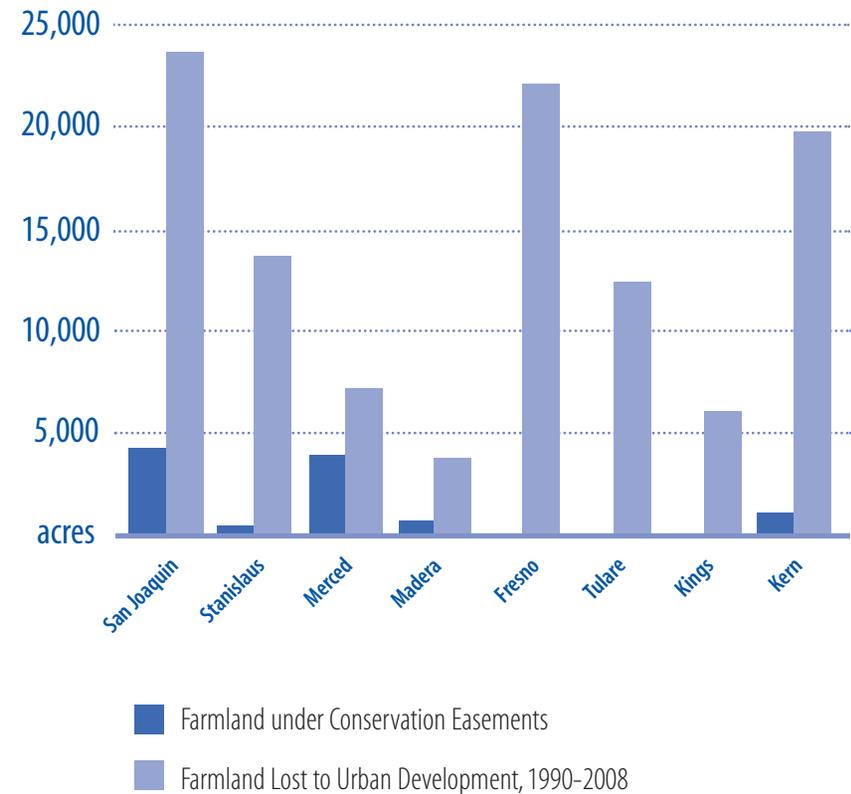
The new general plan being considered by Merced County includes a goal of “protecting productive agricultural areas from conversion to non-agricultural uses by establishing and implementing an agricultural mitigation program in cooperation with the six cities in Merced County, with consistent standards for county and city governments, that matches acres converted with farmland acres preserved at a 1:1 ratio” (Policy AG-2.2).

■ Recommendation

Local governments should adopt farmland mitigation programs aimed at preserving farmland while giving agricultural landowners the opportunity to recover equity in their property without developing it. These should be coordinated among localities so as to create a level playing field and prevent developers from playing one jurisdiction against its neighbors. LAFCOs can help do this by adopting their own policy of requiring cities to mitigate farmland loss as a condition of annexation.

Figure 5.1. Farmland Permanently Protected and Developed in the San Joaquin Valley

Only 10,770 acres of farmland are held under conservation easement, compared with 109,000 acres of farmland that have been developed over the last two decades.



Note: This does not include farmland under easement that are primarily for the purposes of habitat preservation.

Sources: San Joaquin Council of Governments, 2012; Central Valley Farmland Trust, 2012; San Joaquin River Parkway and Conservation Trust, 2012; Sequoia Riverlands Trust, 2012; California Natural Resources Agency, 2012; California Department of Conservation, 2008

6. Encourage a Favorable Agricultural Business Climate

The ultimate purpose of farmland conservation is to maintain the land base that supports food production as a commercial enterprise. The health of that enterprise must be an integral goal of farmland conservation strategies. Since agriculture operates in a global market and is subject to federal and state laws and regulations, there is a limit to what local governments can do to encourage a favorable business climate for agriculture. Nonetheless, local government decisions about land use, housing, water and on-farm activities should be made with an explicit consideration of their impact on the costs, productivity and profitability of agriculture. This performance measure shows the overall impact of agricultural production, including multiplier effects through inter-industry supplier purchases (indirect impact) and consumption spending from earnings in the industry (induced impact). Other key measures of success include local government actions that ensure a more hospitable business climate for agriculture and its related support industries.

■ How is the Valley Doing?

Creating favorable economic conditions for agricultural businesses, along with appropriate land use and land preservation policies, will help to keep farmers on the land and decrease the amount of farmland converted for development. Just as importantly, it will contribute to the creation of local jobs in one of the strongest economic sectors in the San Joaquin Valley.

The economic impact of agriculture extends far beyond on-farm output and employment. These include indirect impacts on local sectors that critically support agriculture, ranging from trucking and wholesale trade, professional services such as veterinarians and accountants, and manufacturing of fertilizers and other agricultural chemicals. There are also induced impacts as income earned in agriculture is spent on health care, retail, housing, restaurants and other consumer needs.

Typically, the economic multiplier for agricultural production is approximately 3.5, meaning for every one dollar of agricultural output, \$3.50 is circulated throughout the local economy. In 2011, agricultural production in the San Joaquin Valley was worth \$30.2 billion alone, and generated an additional

\$106 billion that made its way throughout the regional economy (Figure 6.1).

■ What Local Government Can Do

Understanding what agriculture needs to prosper is the first step local governments can take to inform the decisions they make affecting farmland and agricultural businesses. Even in the San Joaquin Valley, where agriculture is the mainstay of the economy, the population and its decision-makers are overwhelmingly from urban areas. Thus, most people have only a general appreciation of what it takes to make a living at producing food on a commercial scale.

To assure that decisions are based on a more sophisticated understanding of their impact on agriculture, local governments should proactively seek the input of agricultural producers and farm community leaders.

As we hope this report has convinced you, maintaining the land base for agriculture is essential for its prosperity. Every acre of farmland converted to other land uses is an economic sacrifice for agriculture, one that can often be avoided as communities grow and seek to diversify the economy.

Implementing and tracking the recommendations associated with the five objectives above is the foundation for ensuring agricultural lands remain economically productive. Yet there are many other opportunities for local government to support agricultural enterprise.

Local governments should adopt and implement economic development policies that promote enterprises such as processing, storage, manufacturing and transportation facilities that add value to agricultural production, keeping dollars in the community instead of sending them out of the Valley. These policies should also support both producers of, and markets for, locally grown food, the fastest-growing sector of the farm economy.

Agricultural businesses of all sizes also need a skilled workforce with adequate training that can be provided by community colleges and vocational schools, as well as adequate housing and social services that local government can help provide.

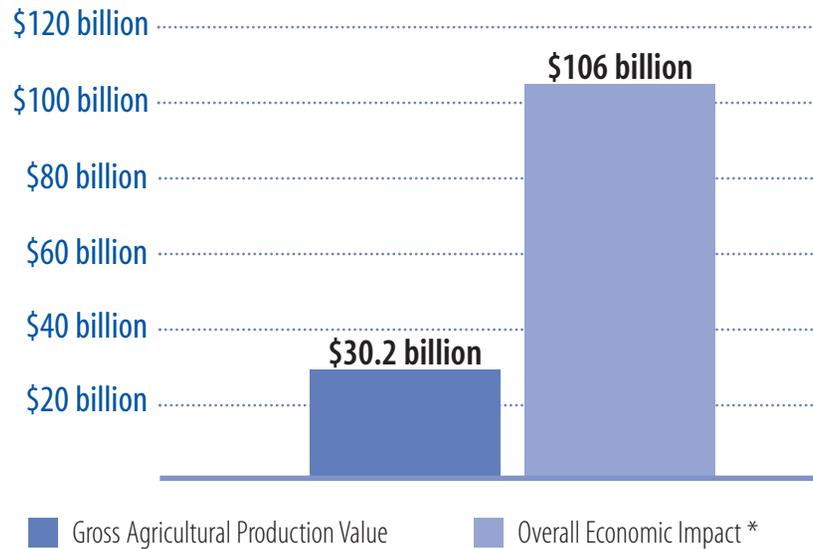
Regulations are one of agriculture’s biggest challenges. The multiplicity of regulations with which agriculture and farm-related businesses must comply is often a significant barrier to expanding and improving operations.

Local governments should avoid excessive regulation of agriculture that drives up production costs and limits on-farm activities such as farm stands and commercial kitchens that can add value to what growers produce and improve their bottom line.

Reasonable tax policies, including continued participation in the Williamson Act, will also help relieve the economic pressure on farmers and ranchers.

Figure 6.1. Annual Economic Impact of Agriculture Sector, San Joaquin Valley

In 2011, agricultural production in the San Joaquin Valley was worth \$30.2 billion, and generated an additional \$106 billion that made its way throughout the regional economy.



*“Overall Economic Impact” includes direct, indirect and induced economic impacts. A common multiplier for agricultural production in California is 3.5.

Source: San Joaquin Valley County Agricultural Commissioners Reports, 2011

A sufficient, dependable water supply is another area where local government can help maintain a stable business climate for agriculture. In addition to consuming farmland, urban development also diverts water from agricultural uses, often making it more costly and the supply less dependable. Insisting that new development be as efficient as possible in

its use of water will help maintain and adequate supply for both urban communities and agriculture. Cities and counties can also work with local irrigation districts to maintain agricultural water rights and, where necessary, facilitate the transfer of water from areas of relative plenty to areas of scarcity to maintain agricultural production.

Conclusion: Tracking Progress to Make Progress

If the current recession has a silver lining, it may be that it gives communities in the San Joaquin Valley time to prepare for the next wave of economic growth that is sure to come – and with it intensified pressure on the region’s agricultural land base.

As this report documents, the loss of Valley farmland has continued more or less unabated for the past two decades. Patterns of growth have not changed much during that time. The highest quality farmland is being disproportionately converted to urban use. There has been only slight improvement in the efficiency of development, which is the absolute key to conserving farmland.

The urban edge is in constant flux, affecting farmland and destabilizing agriculture well beyond city limits. Still farther afield, rural “ranchettes” continue to proliferate, consuming far more farmland per capita than any other land use.

Despite all this, the agricultural economy of the San Joaquin Valley has continued to grow, a bright spot in the otherwise dismal economic picture. This is a tribute to the resilience of farmers and ranchers. But it has been possible only because there is still sufficient land to give producers the flexibility to adapt to changing conditions. And conditions are definitely changing.

The record shows that not much actual progress has been made in fulfilling the intention of local plans to preserve farmland. One reason for this is almost certainly that few communities actually try to measure their progress.

There is more pressure on irrigation water supplies than ever. The cost of production continues to increase, tracking the price of fossil fuels and ever more sophisticated technology. Public concern about the environmental impact of agriculture has led to the multiplication of regulations.

And while it may be too soon to conclude that the vagaries of weather are symptomatic of climate change, the consensus among experts is that climate change is coming and that it will pose new challenges for agriculture in the San Joaquin Valley. One university study predicts that there may someday be 18% less viable farmland in the Valley because of shrinking water supplies and warmer winter nights that will prevent fruit trees from setting buds.

The other huge challenge agriculture faces is a growing population. This is a two-edged sword. It means that there will be more mouths to feed as well as more pressure to develop farmland.

The population of the San Joaquin Valley, now roughly 4 million, is expected to more than double by 2050. At the same time, if the Valley keeps developing an acre of land for every 6.4 people, the amount of land available to produce food will shrink by at least 500,000 acres.

Another comparison puts this into sharper perspective: Today there are about 11 acres of high quality farmland in the Valley for every acre of urbanized land. By mid-century, there will be less than five – unless we do something different.

The land use plans and policies of communities throughout the San Joaquin Valley are well-intentioned in calling for the avoidance of high quality farmland, developing land more efficiently, stabilizing the urban edge and preventing rural “ranchettes.”

Yet the record shows that, except in a few rare cases, not much actual progress has been made. One reason for this is almost certainly that few communities actually try to measure their progress or lack thereof. They adopt plans and policies, but don’t follow through to determine how well they are working. If we are going to save San Joaquin Valley farmland, this must change.

This report can help bring about that change. But only if planners, officials and citizens in the Valley use it to begin to take the measure of how well their communities are conserving farmland. American Farmland Trust earnestly encourages them to do so and pledges its expertise and experience to helping them turn their good intentions into reality.

Appendix 1. Summary Statistics for Farmland Conservation Performance Measures

| OBJECTIVE | San Joaquin | Stanislaus | Merced | Madera | Fresno | Tulare | Kings | Kern | Valleywide |
|---|-------------|------------|--------|--------|--------|--------|-------|--------|------------|
| 1. Avoid development of the best farmland | | | | | | | | | |
| Percentage of all land converted to non-agricultural use: | | | | | | | | | |
| • High quality farmland | 77% | 87% | 67% | 47% | 63% | 65% | 84% | 38% | 61% |
| • Farmland of local importance | 12% | 7% | 18% | 9% | 15% | 2% | -2% | n/a | 7% |
| • Grazing land | 2% | 0% | 11% | 35% | 2% | 2% | -11% | 9% | 5% |
| • Other land (a) | 10% | 6% | 4% | 8% | 20% | 31% | 16% | 53% | 27% |
| Percentage of total county area that is high quality farmland | 68% | 41% | 43% | 42% | 53% | 47% | 65% | 19% | 39% |
| Conversion quality index (b) | 1.13 | 2.11 | 1.55 | 1.12 | 1.20 | 1.38 | 1.49 | 2.07 | 1.57 |
| 2. Minimize farmland loss with more efficient development | | | | | | | | | |
| People per urbanized acre 1990 | 6.7 | 7.1 | 6.3 | 2.5 | 6.8 | 5.5 | 2.8 | 5.2 | 5.8 |
| People per urbanized acre 2008 | 7.2 | 7.3 | 5.6 | 3.6 | 6.7 | 6.1 | 4.1 | 5.2 | 6.0 |
| Marginal efficiency, people per acre developed 1990-2008 (c) | 6.7 | 7.7 | 4.6 | 6.8 | 6.6 | 7.4 | 9.3 | 5.1 | 6.4 |
| Efficiency trend index 1990-2008 (d) | 2.4 | 1.1 | 0.7 | 2.8 | 1.0 | 1.1 | 3.4 | 1.0 | 1.1 |
| Efficiency trend for Blueprint B+ scenario | 2.4 | 1.8 | 3.1 | 2.1 | 2.7 | 1.7 | 3.9 | 2.3 | 2.2 |
| 3. Ensure stability at the urban edge | | | | | | | | | |
| Years of growth accommodated by: | | | | | | | | | |
| • City limits at marginal efficiency | 24 | 12 | 15 | 19 | 14 | 10 | 43 | 44 | 22 |
| • Spheres of influence at marginal efficiency | 79 | 17 | 63 | 71 | 26 | 30 | 24 | 73 | 39 |
| • City limits at Blueprint B+ marginal efficiency | 52 | 19 | 37 | 23 | 36 | 14 | 118 | 77 | 43 |
| • Spheres at Blueprint B+ marginal efficiency | 78 | 27 | 150 | 86 | 66 | 46 | 66 | 127 | 74 |
| 4. Minimize rural residential development | | | | | | | | | |
| Rural residential acreage as percentage of all developed land | 14% | 13% | 12% | 51% | 26% | 25% | 11% | 22% | 24% |
| Rural residential population as percentage of total population (e) | 1.3% | 1% | 1% | 10% | 3% | 3% | 2% | 3% | 2% |
| 5. Mitigate the loss of farmland with conservation easements | | | | | | | | | |
| Acres of farmland developed, 1990-2008 | 23,694 | 13,701 | 7,217 | 3,912 | 22,189 | 12,507 | 6,159 | 19,766 | 109,145 |
| Acres of farmland under conservation easement | 4,328 | 307 | 3,953 | 646 | 173 | 108 | 203 | 1,043 | 10,761 |
| Mitigation ratio | 18% | 2% | 55% | 17% | 1% | 1% | 3% | 5% | 10% |
| 6. Encourage a favorable agricultural business climate | | | | | | | | | |
| Annual value of agricultural production (in billions, 2011) | \$2.1 | \$3.1 | \$3.3 | \$1.6 | \$6.9 | \$5.6 | \$2.2 | \$5.4 | \$30.2 |
| Total economic contribution of agriculture to county (f) | \$7.0 | \$10.7 | \$11.4 | \$5.5 | \$24.1 | \$19.7 | \$7.8 | \$18.8 | \$105.0 |

(a) "Other" land may include everything from farmland has been fallowed for several years (possibly in anticipation of its development) to large-lot rural residences (see below), confined animal operations and irrigation canals. Only recently has FMMP begun to differentiate them. Thus, it is possible that the data underestimate the amount of agricultural land that has been urbanized. (b) This comparison indicates the extent to which high quality farmland is being developed disproportionately to its share of total land in the county or region. If ratio is greater than one, farmland is being consumed at a rate greater than its proportion in the county. (c) Marginal efficiency of development is measured by dividing the increase in the number of residents in urban areas during the period by the number of acres urbanized during the same period. It is a key indicator of whether more farmland than necessary is being converted to achieve economic growth. (d) Above 1.0 is a trend toward densification compared to historical development efficiency. This is a trend showing the direction the county is going toward density, not a measure of their baseline development efficiency/density. Under 1.0 is a trend toward less development efficiency, meaning they are trending toward lower density and potentially sprawl. (e) This assumes the rural residential footprint represents an average of 5 acres per parcel with one household per parcel and people per household counts provided by the California Department of Finance estimates for each county. The California Department of Conservation Farmland Mapping and Monitoring Program defines rural residential "ranchettes" as parcels with 1 to 5 units per 10 acres. (f) Includes direct, indirect, and induced economic impacts. A common multiplier for agricultural production in California is 3.5, meaning for \$1 of revenue at farm gate, \$3.50 is generated throughout the local economy.

Appendix 2. Land Planned and Needed for Urban Development in the Valley

| ■ Land Inventory | Spheres of Influence | | Total |
|--|----------------------|-----------------------|-----------|
| | Within City Limits | (Outside City Limits) | |
| High quality farmland | 108,446 | 230,104 | 338,549 |
| • Prime farmland | 83,750 | 168,667 | 252,417 |
| • Farmland of statewide importance | 23,252 | 49,354 | 72,606 |
| • Unique farmland | 6,747 | 17,387 | 24,134 |
| Farmland of local importance | 22,840 | 22,657 | 45,496 |
| Grazing land | 38,105 | 43,083 | 81,188 |
| Other land | 33,133 | 50,291 | 83,425 |
| • Confined animal feeding operations | 3,251 | 5,936 | 9,188 |
| • Rural residential | 6,617 | 22,482 | 29,099 |
| • Unclassified (vacant, semi-ag/commercial ag, nonag/natural veg) | 28,569 | 27,106 | 55,675 |
| Total all non-urban land | 194,567 | 337,999 | 532,567 |
| Current developed area (urban and built-up) | 329,681 | 69,545 | 399,226 |
| High quality farmland as percentage of non-urbanized land in area | 56% | 68% | 64% |
| Total undeveloped land as percentage of existing developed land | 59% | 486% | 133% |
| Percentage of developed land in area compared to all developed land | 83% | 17% | 100% |
| Percentage of total high quality farmland within area | 2.1% | 4.4% | 6.4% |
| ■ Population Assumptions | | | |
| Current population, 2010 | 2,860,301 | | |
| Current population density, 2010 (people per acre) | 9 | | |
| Projected population, 2035 (a) | 4,870,965 | | |
| Projected population increase, 2010-2035 (b) | 2,010,664 | | |
| ■ Population that Area Could Accommodate | | | |
| At current urban population density | 1,688,059 | 2,932,466 | 4,620,525 |
| At marginal Blueprint B+ Scenario population density (c) | 3,150,933 | 5,473,746 | 8,624,679 |
| ■ Land Needed to Accommodate 2035 Population Growth | | | |
| Projected need for land at Status Quo population density (acres) | 216,523 | | |
| • Undeveloped land as percentage of land needed for 2035 population | 90% | 156% | 246% |
| • Years of projected growth that area can accommodate | | | |
| Projected need for land at Blueprint B+ Scenario population density (acres) (c) | 113,739 | | |
| • Undeveloped land as percentage of land needed for 2035 population | 171% | 297% | 468% |
| • Years of projected growth that area can accommodate | 43 | 74 | 117 |

Sources: California Department of Conservation, 2008; California Department of Finance, 2012; San Joaquin Council of Governments, 2011; Stanislaus Council of Governments, 2012; Merced Council of Governments, 2011; Madera County Transportation Commission 2011 Regional Transportation Plan; Kings County 2035 General Plan; Kern Council of Governments, 2011.

Notes and Assumptions: (a) The majority of 2010/2035 population projections are from 2011 Regional Transportation Plans which may overestimate projected growth. Therefore, this analysis overestimates amount of land needed for growth and underestimates the number of years of projected growth that area can accommodate. (b) Population increase based on 2010 base year and 2035 projection year. (c) Blueprint Scenario B+ marginal population density is 16.



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