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C3 Housing Constraints Analysis

Constraints to the development of adequate and affordable housing include market, governmental, infrastructure, and environmental factors. These constraints may result in housing that is not affordable to low- and moderate-income households and may render residential construction economically infeasible for developers. Constraints to housing production significantly impact households with low and moderate incomes and special needs.

According to Government Code Section 65583, local governments are required to analyze governmental and non-governmental constraints to the production, maintenance, and improvement of housing for persons of all income levels and those with special needs and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing as part of the housing element update. Where constraints to housing production are related to the city's regulations or land use controls, the city must identify appropriate programs to mitigate these constraints, particularly ones that impact the production of affordable housing or housing for special needs populations.

The following chapter outlines non-governmental, governmental, environmental and infrastructure constraints and was used in the development of specific policies and actions included in the Housing Plan to remove barriers to housing and to incentivize housing production, specifically targeting housing production at all income levels and housing for persons with special needs.

C3.1 Summary of Local Housing Constraints

- The costs of developing housing, including land costs and construction costs, are rising rapidly. There is a lack of federal, state, and local funding and the funding that is available is increasingly competitive. The time and effort needed to identify, compete for, and layer affordable housing funds is a major constraint to development of affordable housing.
- Loan denial rates in Tulare County were higher for Hispanic/Latino applicants (18 percent) compared to non-Hispanic/Latino applicants (16 percent). Although discrimination in mortgage lending is prohibited by the federal Fair Housing Act, other factors may contribute to a potential homebuyer's ability to secure safe financing, such as credit history, savings, and education regarding the home-buying process. The higher denial rate in for Hispanic/Latino applicants indicates a financial constraint to purchasing a home which puts higher pressure on the rental markets.
- Although Farmersville's development regulations allow for a variety of densities throughout the city, development standards are not sufficiently flexible. Residential parking requirements, and Zoning Code provisions restricting residential care homes in residential zones pose constraints to development. Additionally, use permit regulations for small group homes in certain zoning districts could pose a constraint to housing for individuals with special needs.
- Farmersville's development review and impact fees are higher than in other small cities in the region, which may be a constraint to development.

C3.2 Non-Governmental Constraints

The availability of housing is affected by a complex set of interrelated market factors including but limited to cost of land, cost of construction, and availability of financing. These factors contribute to

determining a new home's sale price or the rents required to make a project feasible. Non-governmental constraints include factors outside of direct governmental control that directly impact housing prices. The cost of construction and the availability of financing contribute to the cost of housing and can hinder the production of affordable housing. The following analysis accounts for these non-governmental constraints.

C3.2.1 Land Costs

The cost of land can impede the production of affordable housing. Land costs are influenced by many variables, including land scarcity and developable density (both of which are indirectly controlled through governmental land use regulations), location, site constraints, and the availability of public utilities.

Table C3-1~~Table C3-1~~ provides the average price per acre for listed land for sale throughout Farmersville in June 2023. The average price per acre for all plots listed for sale was $360,611. The average price per acre was significantly higher for smaller lots at $621,233 per acre. However, only one property listed was less than ten acres. The price for larger lots listed for sale was $100,000 per acre, on average. Only two properties over ten acres were listed for sale in June 2023.

Table C3-1 Listed Land Prices – Farmersville

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	$621,223.79
10 or more acres	$100,000.00
Average $/acre	$360,611.90

Source: Zillow, Inc., 2023.

Table C3-2~~Table C3-2~~ provides the average price per acre for land sold in 2022 and 2021 in Farmersville. The average price per acre for all plots was $133,237, lower than the average list price. The average sales price per acre was higher for smaller lots at $230,240 per acre. The price per acre was less for larger lots, averaging $36,233, which is significantly less than the average price per acre for currently listed properties.

Table C3-2 Sold Land Prices – Farmersville

Lot Size	Average Price per Acre (Listed)
Less than 10 acres	$230,240.78
10 or more acres	$36,233.97
Average $/acre	$133,237.38

Source: Zillow, Inc., 2023.

Conclusion

Land costs in Farmersville are consistent with neighboring cities and are not considered a constraint to development.

Recommended Action

None required.

C3.2.2 Construction Costs

Construction costs can be broken down into two primary categories: materials and labor. A major component of the cost of housing is the cost of building materials, including wood and wood-based products, cement, asphalt, roofing materials, and pipe. The availability and demand for such materials affect prices for these goods.

Another major cost component of new housing is labor. The cost of labor in Tulare County is comparatively low because the area's cost of living is relatively low compared to other areas in California. However, labor for government subsidized housing work is additionally costly for the Central Valley, as wages are rooted in the required State Labor Standards based on higher northern and southern California prevailing wages.

Table C3-3~~Table C3-3~~ shows the estimated cost of constructing a basic 2,000 square foot single-family home in Tulare County to be around $337,540. The estimate includes direct and indirect (e.g., insurance, permits, utilities, plans) construction costs, including material, labor, and equipment costs, but does not include the price of land or development impact fees.

Table C3-3 Estimated Construction Cost

Item	Cost
Material	$204,226
Labor	$126,001
Equipment	$7,313
Total	**$337,540**

Source: Promatcher.com, 2023.

There is little that municipalities can do to mitigate the impacts of high construction costs except by avoiding local amendments to uniform building codes that unnecessarily increase construction costs without significantly adding to health, safety, or construction quality. Because construction costs are similar across jurisdictions in Tulare County, the cost of construction is not considered a major constraint to housing production in Farmersville.

C3.2.3 Availability of Financing

Mortgage interest rates have a large influence over housing affordability. Higher interest rates increase a homebuyer's monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in lower costs and monthly payments for the homebuyer.

When interest rates rise, housing prices typically fall to compensate. Similarly, when interest rates decrease, housing prices begin to rise. There is often a lag in the market, causing housing prices to remain high when interest rates rise, until the market catches up. Lower-income households often find it most difficult to purchase a home during this time period.

Where financing is available, construction capital seems to be directed at the best transactions, or those with large, established, and well-capitalized sponsors. Given recent trends of increasing interest rates, the availability of financing is likely to be more of a constraint on new housing construction during this housing element planning period than it has been in the recent past.

C3.2.3.1 Market-Rate Development Financing

As discussed in *Land Costs and Construction Costs*, above market-rate development is generally financed by investors, and the cost to build a project must be recovered by revenue from sales or rents, which drives up the ultimate rent or sales prices of new housing as the component costs increase. A market in which housing supply is limited and demand is high can support higher housing prices, but lower-income segments of the community are priced out. Therefore, it is difficult for the private sector, for-profit developers, and market-rate housing to meet the housing needs of all community members.

C3.2.3.2 Affordable Housing Financing

A description of available funding sources for affordable development is provided in Chapter *C2 Housing Needs Assessment.*

C3.2.3.3 Mortgage and Rehabilitation Financing

The availability of financing affects the ability of residents to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary purpose of reviewing the lending activity is to determine whether home financing is available to city residents. The data presented in this section includes the disposition of loan applications submitted to financial institutions for home mortgages, home improvement, and refinance loans.

Lending activity data provides information regarding home financing availability for city residents. The most recent data set available for the County of Tulare from 2022 shows that 18,154 households applied for a home financing loan which includes loans for home purchase, home improvement, and refinancing. As discussed in Chapter 3, *Regional Housing Constraints Analysis*, of the total applications received for home purchase 54 percent of the loans originated while 6 percent were denied.

Conventional loans are made by the private sector (banks, mortgage companies, etc.) and are not guaranteed or insured by the United States (U.S.) government. Conversely, government-backed loans, such as those issued by the Federal Housing Administration, Department of Veterans Affairs, and the Rural Housing Services/Farm Service Agency, are completely or partially insured by the U.S. government. Within the county, 12,849 of the applications received were for conventional loans and 5,305 were for government backed loans. As discussed in Chapter 3, Regional Housing Constraints, 49 percent of the conventional loans were originated, and 18 percent of the applications were denied. Additionally, 43 percent of the government backed loans were originated and 10 percent of the applications were denied.

County data shows that the white racial group had the highest number of loan applications with 5,463 applications. Per racial group, white applicants also had the highest percentage of loans originated out of applications received (56 percent). In terms of ethnicity, Hispanic/Latino applicants comprised 38 percent of the total number of loan applications while non-Hispanic or Latino residents comprised 29 percent. However, of the loan applications made by Hispanic/Latino applicants, only 53 percent of loans originated compared to 56 percent for non-Hispanic/Latino applicants. Hispanic/Latino applicants also had a higher loan denial rate (18 percent) compared to non-Hispanic/Latino applicants (15.5 percent).

C3.2.3.4 Construction Financing Timing

The timing between project approval and requests for building permits affects project viability. Project delays may result from developers' inability to secure financing for construction. In Farmersville, the

average time between project approval and request for building permit is typically three to nine months but varies by type of project. Some projects take years to pull building permits and secure financing. Single-family homes usually experience the least delay (three to nine months). Multifamily housing construction tends to be more complex and usually requires more time between entitlement and building permit issuance (six to nine months).

Conclusion

Although discrimination in mortgage lending is prohibited by the federal Fair Housing Act, other factors may contribute to a potential homebuyer's ability to secure safe financing, such as credit history, savings, and education regarding the home-buying process. Federal Financial Institutions Examination Council (FFIEC) HMDA data, by itself, does not provide insight into these other factors. Therefore, it is important that the city supports housing education and opportunities for all residents.

Recommended Action

The City will implement Housing Plan Program 12 to support moderate-income homeownership by advertising homeownership programs, such as Homes for Heroes and other moderate-income loan opportunities on the City's website.

C3.2.4 Requests for Lower Development Densities

Requests for lower development densities in Farmersville are not common. The City has received one request on a small infill lot zoned for multifamily residential wherein the property owner is interested in building a single-family home. ~~One project which achieved a density below the one identified in the Site Inventory (75 percent of maximum allowable density) was the recently completed Los Arroyos project, which was developed at 73 percent of maximum density. Los Arroyos was developed by Self-Help Enterprises and is grid-neutral, zero-net energy project that provides 108 units of affordable rental housing for low-income residents and farmworkers. The project likely developed below maximum allowable density due to financial considerations for affordable housing development.~~ The recently completed Los Arroyos project, developed by Self-Help Enterprises, achieved a density of 73 percent of the maximum allowable density, which is below the 75 percent identified in the Site Inventory. This grid-neutral, zero-net energy project provides 108 units of affordable rental housing for low-income residents and farmworkers. The lower density was likely due to financial considerations related to affordable housing development.

C3.3 Governmental Constraints

Although local governments have little influence on market factors such as interest rates, local policies and regulations can impact where, how much, and what type of residential development is built. Land use controls, site improvement requirements, fees and exactions, and permit processing procedures, among other policies and regulations, may constrain the maintenance, development, and improvement of housing.

C3.3.1 Land Use Controls

Land use controls provided in the General Plan and the Zoning Code influence housing production in several ways. The permitted and conditionally permitted uses in each district guide new development and provide both developers and the public with an understanding of how vacant land will develop in the future. This includes the density of development that will occur within a particular zone, the

compatibility of planned uses in each area, and the range and type of buildings and uses that will be located throughout Farmersville.

C3.3.1.1 General Plan

Farmersville adopted its current General Plan in 2002. The Land Use Element of the City's General Plan sets forth the vision, goals, and policies for the city's urban form and land use patterns, including residential development.

The General Plan Land Use Element establishes land use categories that define the allowable uses and building densities/intensities throughout the city. The various types of housing units allowed in the city include single-family dwellings, multifamily dwellings, townhomes, condominiums, and mobile homes. Residential densities in Farmersville cover a wide spectrum that promotes the development of various housing types.

The Farmersville General Plan contains the following residential land use designations:

- **Low Density:** maximum of 5 units per acre, or 14 persons per acre.
- **Medium Density:** maximum of 15 units per acre, or 42 persons per acre.
- **Medium-High Density:** maximum of 29 units per acre, or 84 persons per acre.

In addition, the Mixed Use Overlay designation encourages flexibility in new development by allowing for the combination of residential, office and commercial uses on one site, as well as by allowing densities consistent with the RM-2.5 zone, which allows one unit per 1,700 square feet of lot area.

The City has started work on a comprehensive update of the General Plan, expected to be complete in 2025.

Conclusion

The General Plan includes residential land use designations with a density range from one to 29 dwelling units per acre. The density ranges are sufficiently high to allow the development of affordable housing for all income levels. However, the persons per acre standard could be a constraint to development.

Recommended Action

The City will implement Housing Plan Program 7, to revise the Land Use Element to remove the standard for persons per acre for residential land use designations.

C3.3.1.2 Zoning Code

The City regulates the type, location, density, and scale of residential development primarily through the Zoning Code, as well as specific plan development codes. A zoning district is assigned to every parcel in the city and the Zoning Code identifies compatible uses. In general, the City's zoning regulations are designed to balance the goal of providing a mix of residential and commercial land use types while protecting the health and safety of residents and preserving the character of existing neighborhoods. Additionally, development standards such as setbacks, height limits, lot coverage, open space requirements, and parking identified for each zoning district. Some zoning districts may allow similar uses but have different development standards. Development standards may be considered a constraint to the development of housing units if they are too restrictive or reduce the development potential on a specific parcel.

The City's Zoning Code allows residential uses in the following zoning districts:

- **Urban Reserve Zone (U-R):** The purpose of the U-R district is to preserve an agricultural or open space use, land suited to eventual development in other uses until such time as streets, utilities, and other community facilities may be provided or programmed so as to ensure the orderly and beneficial conversion of these lands to non-agricultural use, and to provide appropriate areas for certain predominantly open uses of land which are not injurious to agricultural uses. The U-R district allows for single family dwellings as a permitted use. The minimum site area is 2.5 acres.
- **Single Family Residential Zone (R-1):** The purpose of the R-1 district is to provide living areas where development is limited to low-density housing; to ensure adequate light, air, privacy, and open space for each dwelling; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment. The R-1 district allows for single family dwellings as a permitted use. The minimum site area is 6,000 square feet.
- **Multiple Family Residential Zone (RM):** The purpose of the RM district is to provide residential areas which can accommodate a suitable mixture of more intensive land uses, including multiple family dwellings, community facilities and offices, compatible with the surrounding area and consistent with the General Plan. This district provides for two multiple family residential base zones: RM-2.5 and RM-4.0. The R-M districts allow for multifamily and single-family development as a permitted use. The minimum site area is 9,000 square feet for apartments and 8,400 square feet for duplexes.

Additionally, boarding and rooming houses are permitted in C-C (Central Commercial) and C-G (General Commercial) Zones.

The P-D (Planned Development) overlay zone may be applied with a CUP to parcels of land of any size in any zone which are found to be suitable for the proposed development. In the P-D overlay zone, all uses shall conform to the area, height, lot width and yard regulations required in the underlying zone except where the total development will be improved by a deviation from such regulations. Maximum increased density shall not exceed twenty-five percent of the standard density permitted in the zone, except as otherwise permitted by state law.

Conclusion

The City's Zoning Code provides for a range of densities and is consistent with the General Plan land use designations.

Recommended Action

None required.

C3.3.2 Residential Development Standards

Table C3-4~~Table C3-4~~ shows the development standards for residential zones. The minimum parcel area for residential zones ranges from 6,000 square feet to 2.5 acres. The front setback requirement ranges from 15 to 35 feet for all residential districts and 15 to 35 feet for all non-residential districts. Side setback requirements range from 5 to 12 feet for residential and nonresidential districts. Rear setback requirements range from 10 to 40 feet for all residential and nonresidential districts. The maximum height standard is 18 feet for the R-1 district and 30 feet for all districts. Maximum site coverage is 70 percent for the RM districts and no requirements were provided for the R-1 and U-R districts. Maximum density ranges from 0.4 units per acre in the U-R districts up to 25.62 units per acre in the RM-2.5

district. In cases where residential developers request reductions in lot size or modifications to development standards such as setbacks, the City is able to accommodate these requirements through the use of a Planned Development (PD) overlay.

Table C3-4 Residential Development Standards

Zoning District	Minimum Parcel Area	Minimum Setback (in feet)			Maximum Height (feet)	Maximum Height (Accessory Structure)	Maximum Site Coverage (percent of lot)	Maximum Density (du/acre)
		Front (feet)	Side (feet)	Rear (feet)				
U-R	2.5 acres	35	10 to 20	40	30	30	No standard	0.4
O-S	–	35	10 to 25	45	30	–	–	–
R-1	6,000 sq. ft.	25	5 to 7.5	10	18	18	No standard	7.26
RM-2.5	8,400 to 9,000 sq. ft.	15	5 to 10	10	30	30	70	25.62
RM-4.0	8,400 to 9,000 sq. ft.	15	5 to 10	10	30	30	70	10.89

Notes:

Developments on a corner lot in the U-R district require a setback of 20 feet on the street side.

In the O-S district, interior side set back is 10 feet and street side corner lot setback is 25 feet.

Two story homes in the R-1 district require a side setback of 7.5 feet.

In the RM districts, duplexes require 8,400 square foot parcel areas and apartments require 9,000 square feet.

Developments over one story in the R-M districts require a setback of 10 feet.

Source: Farmersville Zoning Code.

Conclusion

Development standards related to parcel area, setbacks, site coverage, and density do not constrain residential development. The City can accommodate requests for concessions on development standards through use of the Planned Development process. However, limiting maximum height to 30 feet in the RM-2.5 zone is a potential constraint to achieving the maximum density of 25.62 du/ac.

Recommended Action

The City will implement Housing Plan Program 6 to increase the maximum allowable height in the RM-2.5 zone to accommodate the maximum allowable density.

C3.3.2.1 Parking

According to the Terner Center for Housing Innovation at UC Berkeley, parking can cost $25,000 to $75,000 per space to construct. However, given the age of data and the increased cost of land and construction costs discussed above, the costs per parking space are likely much higher.[1] Parking provided in underground or structured parking facilities, or if required to be covered or enclosed, can significantly increase the cost of housing and could affect the feasibility of various housing projects in the city. In addition, requirements for parking space locations and maximum distances from dwelling units may also increase the cost of housing and affect the feasibility of housing projects. Requiring less parking not only reduces the project budget but can allow for more space to build additional housing units.

Table C3-5~~Table C3-5~~ provides the residential parking requirements in Farmersville.

[1] Terner Center for Housing Innovation at UC Berkeley, 2016. Available at: http://ternercenter2.berkeley.edu/proforma/

Table C3-5 Residential Parking Requirements

Residential Use		Required Parking Spaces
Single-family units		2 per unit
Multifamily units	Duplexes	2 per unit
	Apartments	1.5 per unit
Senior residential units		1 per unit

Spaces for single family units require a garage or carport.

Multi-family units require one guest parking space per five dwelling units.

Source: Farmersville Zoning Code.

Conclusion

The residential parking requirements, which are standard per unit and not related to the number of bedrooms, may pose a constraint to residential development. The requirement of more than one parking space per unit for one-bedroom and studio multifamily units can be cost prohibitive to the development of such units.

Recommended Action

The City will implement Housing Plan Program 6 to revise parking requirements related to studios and one-bedroom multi-family units to require no more than one space per unit.

C3.3.2.2 Open Space and Park Requirements

Under Chapter 13.36 of the municipal code, the city requires that every person who subdivides land shall dedicate a portion of such land, pay a fee, or both, for the purposes of providing park and recreational facilities to serve future residents of the subdivision. The amount of land required to be dedicated by the subdivider is 0.003 acre per inhabitant which the subdivision is designed to accommodate. The number of subdivision inhabitants shall be determined using a formula of three and one-half persons per single-family dwelling unit or two persons per multifamily dwelling unit or mobile home. The City adopted the following open space impact fees in 2022:

- Detached Dwelling Unit: $6,267 per unit
- Attached Dwelling Unit: $5,410 per unit
- Mobile Home Unit: $4,601 per unit

Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes or the payment of fees in lieu thereof, provided the City Council finds it is in the public interest to do so.

During the fourth and fifth housing element cycles, the City received a number of new applications for residential subdivisions, all of which met the City's park land dedication or in-lieu fee requirements. These recent trends indicate that the City's dedication requirements do not impose undue financial constraints on development.

Conclusion

Open space and park requirements do not pose a constraint to residential development.

Recommended Action

None required.

C3.3.2.3 Density Bonus

Density Bonus provisions are regulated in Chapter 17.88.050 of the Farmersville Municipal Code.

The City provides a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute.

Allowed Density Bonuses

The amount of the density bonus granted shall be determined pursuant to state law. The City may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of state law. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change or other discretionary approval separate from the discretionary approval otherwise required for the project.

An application for a density bonus may be made to the planning department on a form prescribed by the department. The application must be accompanied by a fee set by resolution of the City Council.

Government Code Section 65915 indicates that when an applicant seeks a density bonus for a housing development, the density bonus requirements are triggered when the residential development sets aside at least ten percent of the total units as affordable to low-income households; or at least five percent of the total units as affordable to very low-income households; at least ten percent of the total units as affordable for moderate-income households in a common-interest for sale development. Further a density bonus request may be made when at least ten percent of the units are designed as large family household units or all units are reserved for senior citizens, or for a mobile home park restricted to senior citizen residents. Finally, a density bonus can be requested when a developer of affordable housing provides a site of at least one acre for the development of housing for target groups.

Development concessions or incentives that may be provided by the City of Farmersville include a reduction in site development standards; a modification of Zoning Code requirements (including a reduction in setbacks, square footage requirements, or parking spaces; or architectural design requirements which exceed the minimum building standards); approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development, and if such nonresidential uses are compatible with the project; or other regulatory incentives or concessions proposed by the developer or the City of Farmersville which result in identifiable cost reductions. The number of incentives will be based on the following project affordability factors:

- For projects with at least five percent very low income, ten percent lower income, ten percent moderate income units, or ten percent large family units, one incentive or concession is required.
- For projects with at least ten percent very low income, twenty percent lower income, twenty percent moderate income units, or twenty percent large family units, two incentives or concessions are required.
- For projects with at least fifteen percent very low income, thirty percent lower income, thirty percent moderate income units, or thirty percent large family units, three incentives or concessions are required.

Processing of Density Bonus and Incentive Request

The Planning Department prepares a report on the density bonus application, which is reviewed by the Planning Commission. Within 10 days of adopting a resolution on the density bonus, the Planning Department forwards the Planning Commission's recommendation to the City Council and transmits a copy of the commission's resolution to the applicant. The City Council can approve, approve with modifications, or deny the density bonus application. The target units must be compatible in floor plan, furnishings, and exterior design to non-designated units. Further, the target units must be reasonably dispersed throughout the development. Each density bonus project shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document approved as to form by the City attorney.

Assembly Bill 1287 Additional Density Bonus for Very Low- to Moderate-income Units

California Assembly Bill 1287, signed into law on June 21, 2023, requires that a city, county, or city and county grant an additional density bonus. Additional density bonuses are to be administered when housing development conforms to specified requirements and provides 24 percent of the total units to lower income households, conforms to specified requirements and provides 15 percent of the total units to very low-income households, or conforms to specified requirements and provides 44 percent of the total units to moderate-income units.

State Density Bonus law prohibits a local government from conditioning the submission, review, or approval of an application pursuant to the Density Bonus Law on the preparation of an additional report or study that is not otherwise required by state law, but provides that this provision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking rations, as specified.

Conclusion

Chapter 17.88.050: *Density Bonuses* was last updated in 2015. The Zoning Code should be updated to equally provide for density bonuses in all zoning districts where residential uses are permitted and to include provisions relative to density bonuses, incentives, and concessions as required by state law.

Recommended Action

The City will implement Housing Plan Program 6, which requires the City to revise the Zoning Code to refer to State Density Bonus Law.

C3.3.2.4 On- and /Off--Site Improvement Standards

The typical improvements required by the city for development of property include curb, gutter, sidewalk, and street improvements. Extension of necessary utilities is also generally required as new subdivisions are developed. As stated in HUD's study of Subdivision Requirements as a Regulatory Barrier, such requirements can reasonably be considered regulatory barriers to affordable housing if Farmersville determines that the requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community.[2] Farmersville requires that the subdivider installs improvements in accord with the general requirements set forth in the City's Zoning

[2] U.S. HUD. 2007. Study of Subdivision Requirements as a Regulatory Barrier. https://www.huduser.gov/portal/publications/commdevl/subdiv_report.html

Code; however, the city engineer may require changes in typical sections and details if unusual conditions appertain to the subdivision or arise during the construction to warrant such change.

The Zoning Code states that all developers are responsible for improvements to underground utilities, including sanitary sewers and storm drains, streets and highways, structures, sidewalks, curbs, gutters, driveway approaches, water mains, fire hydrants, street signs, access barricades, streetlights, railroad crossings, and monuments. All required improvements must be constructed under the inspection of the director of public works and/or the city engineer. The cost of inspection of work is to be paid by the subdivider in an amount sufficient to pay for the inspection and no less than two percent of the estimated cost of improvements.

Public improvement requirements for housing projects in Farmersville are consistent with most other cities in the region. For single-family residential subdivisions, Farmersville requires the subdivider to install curbs, gutter, sidewalks, and roadways; extend sewer and water lines; and provide for storm drainage and park facilities. Multifamily housing projects, in addition to providing the above improvements, are required to provide on-site parking, landscaping and irrigation, and trash enclosures.

Improvement Standards

Public improvement standards and approximate values are listed below.

- Local Street – 58-60-foot right of-way with 36 feet of paving, though 32-foot-wide streets have been allowed in planned unit development projects. 2 inches A.C. over 6 inches compacted aggregate. Value: $155 per lineal foot.
- Curb and Gutter – 30 inches from asphalt pavement to back of curb, 7 ½ inches concrete over compacted native soil. Value: $11.50 per linear foot, dependent upon method of construction.
- Sidewalk – 60 inches from back of curb, 4 inches concrete over compacted native soil. Value: range between $4.00 to $5.00/sf.
- Sewer Lateral – 4-inch PVC (dependent upon depth) with minimum slope of ¼-inch per foot. Value: $35 per lineal foot.
- 1-inch Water Service – 1 inch CTS polyethylene pipe, meter boxes, bronze saddles, straps, and bolts. Value: $1,400 each.

Based on a review of recent projects, typical off-site costs for a single-family development in Farmersville total approximately $23,000 per unit, approximately seven~~7.0~~ percent of average total development costs of $325,000. Comparatively, the costs for development in Tulare County range from $2,500 to $30,000 per unit for development in an existing service district.[3] For multifamily development, off-site improvements total an estimated $16,000 per unit, approximately six~~6.0~~ percent of total development costs of $255,000 per unit. Costs for off-site improvements in Farmersville are typical of the region.

Conclusion

On/off site improvement standards for the City of Farmersville are typical of small cities and comparable to surrounding jurisdictions. It should be noted that once the improvements are completed, they are typically granted to the City which will be responsible for operating, maintaining, repairing, and

[3] County of Tulare. 2023. Tulare County Housing Element. https://tularecounty.ca.gov/rma/planning-building/tulare-county-housing-element/tulare-county-housing-element-2023-2031-update/

replacing the improvements in perpetuity. The city does not consider the requirements to be greater than those necessary to achieve health and safety requirements.

Recommended Action

None required.

C3.3.2.5 Provision of a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites that are zoned to encourage the development of a variety of housing types available to all economic segments of the population. People and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. This includes single-family homes, multifamily housing, accessory dwelling units, mobile homes, agricultural employee housing, homeless shelters, and transitional housing, among others. Table C3-6~~Table C3-6~~ summarizes the housing types permitted and conditionally permitted for the City of Farmersville.

Table C3-6 Residential Use Matrix

Residential Use	U-R	O-S	R-1	R-M
Agricultural employee housing	P		P	P
Apartments and Multifamily dwellings				P
Boarding and rooming houses				C
Duplexes				P
Emergency housing				P
Foster homes			C	C
Guest houses	P		P	P
Manufactured and/or mobile homes	P		P	P
Mobile home parks	C		C	C
Nursing and convalescent homes				C
Caretaker residence	P		P	
Attached ADU			P	
Detached ADU			P	
Single-family dwellings	P		P	P
Residential care homes (up to 6)			P	P
Residential care homes (7 to 14 persons)			C	C
Single room occupancy				P
Supportive housing			P	P
Transitional housing			P	P

P = permitted by right
C = Conditional use permit required.
If left blank the use is not permitted.
Source: Farmersville Zoning Code.

Manufactured Housing

Manufactured housing is permitted by right in the R-1, RM, and U-R districts. Manufactured housing is permitted by right as long as the unit is occupied only for residential purposes, the unit conforms to all the residential use development standards for single family structures applicable to the zone, the unit is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and has been constructed after June 15, 1976, and the unit is attached to a permanent foundation system approved by the city building inspection division.

Conclusion

Farmersville's manufactured housing requirements are not a constraint to development of this housing type.

Recommended Action

None required.

Accessory Dwelling Units

In recent years, several bills have added requirements for local governments related to accessory dwelling unit (ADU) regulation. Updates to state law in 2016 and 2017 included changes pertaining to the allowed size of ADUs, permitting ADUs by right in at least some areas of a jurisdiction, and reduced parking requirements related to ADUs. More recent bills reduce the time to review and approve ADU applications to 60 days and remove lot size and replacement parking space requirements. AB 68 allows an ADU and a junior ADU (JADU) to be built on a single-family lot, if certain conditions are met. The State has also removed owner-occupancy requirements for ADUs, created a tiered permit fee structure for ADUs based on their size and location, and prohibits fees on units of less than 750 square feet. In addition, AB 671 requires the Housing Element to include plans to incentivize and encourage affordable ADU rentals.

In 2022, two laws were passed that affect ADU law and came into effect in 2023. SB 897 increases the existing height limit for attached and detached ADUs that meet certain conditions. AB 2221 clarifies existing ADU law to close procedural and permitting loopholes for approving ADUs, including the requirement for approving or denying applications within 60 days of application submittal and providing a full set of comments and remedies to applicants with denied applications. Additionally, AB 2221 adds front setbacks to the list of local development standards that local governments cannot impose if they would preclude construction of an attached or detached ADU of at least 800 square feet, that is at least 16 feet in height and that has at least four-foot side and rear yard setbacks.

Farmersville adopted a second unit ordinance in 2006. This ordinance allows the development of second dwelling units on R-1 zoned lots (Single Family Residential) that contain at least 6,000 square feet, the minimum lot size in the R-1 zone.

Farmersville allows the development of attached and detached ADUs by -right in the R-1 district and requires that ADUs do not exceed 25 percent of the existing living area. ADUs are not permitted in any other residential district.

Conclusion

The City of Farmersville does not allow multiple ADUs on residential parcels and does not allow ADUs in multifamily and mixed-use zones, as required by state law.

Recommended Action

The City will implement Housing Plan Program 5, which directs the City to amend the Zoning Code to be in compliance with state law and promote the development of ADUs.

Multifamily

Duplexes, apartments, and multifamily dwellings are permitted by-right in the RM-2.5 and RM-4.0 districts.

Conclusion

Multifamily development requirements are not a constraint to residential development.

Recommended Action

None required.

Group Homes/Residential Care Facilities

Farmersville defines residential care homes as State authorized, certified, or licensed family care homes or foster homes serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children on a twenty-four-hour basis. Residential care homes of up to six residents are permitted by-right in the R-1 and RM districts, in accordance with state law. However, they ~~but~~ are not permitted in the U-R zone, which ~~is not in accordance with~~contradicts state law since single-family dwellings are permitted in the U-R zone. Residential care homes with more than six residents require a Conditional Use Permit (CUP) in the R-1 and RM districts. There are no restrictions on groupings or concentrations of such homes in the Zoning Code. Further, the Zoning Code does not require improvements beyond those required for permitted uses in the zone (i.e., setbacks, parking, etc.).

Conclusion

Group homes/residential care facility requirements are ~~not~~ a constraint to development of facilities with six or fewer residents. Facilities with six or fewer or seven or more residents should be allowed by-right in all residential zones.

Recommended Action

The City will implement Housing Plan Program 6 to allow residential care facilities of six or fewer or seven or more residents in all zones that permit residential uses, approved with objectivity and certainty, and subject only to the requirements of residential uses of similar type and form.

Emergency Shelters

The City of Farmersville defines "emergency housing" as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency shelters are allowed by-right in the R-M zone, which also allows residential uses. Emergency shelters must provide minimal supportive services for homeless persons that is limited to occupancy of six months in which no individual or household may be denied emergency shelter because of an inability to pay. Emergency housing is a permitted use in the RM zoning districts and is subject to development standards that apply to other residential uses in those zones. Development standards for emergency shelters housing are as follows:

- Off-street parking: one parking space for every ten beds, plus one space per employee on the maximum shift.

This requirement is not compliant with AB 2339 which requires cities to only require sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

In 2019, AB 101 was passed requiring that a Low Barrier Navigation Center development be a use by right in mixed-use zones and nonresidential zones permitting multifamily uses. A Low Barrier Navigation Center is a low barrier, temporary, service-enriched shelter that helps homeless individuals and families obtain permanent housing. The City will need to amend its Zoning Code to explicitly allow the development of Low-Barrier Navigation Centers, by right, in residential use and mixed-use zones, as well as nonresidential zones permitting multifamily uses.

AB 2339 was passed in 2022 and went into effect January 1, 2023. AB 2339 requires that jurisdictions identify zoning designations where emergency shelters are allowed to include sites that meet at least one of the following:

- Vacant and zoned for residential use;
- Vacant and zoned for nonresidential use and located near amenities and services for homeless individuals;
- Nonvacant and is suitable for use as a shelter in the current planning period.

Zoning designations identified to allow emergency shelters as a permitted use without a discretionary permit must also allow residential uses. The City permits emergency shelters by-right in the R-M zone which also permits residential development, which satisfies that requirement of AB 2339.

Identified sites with the R-M zone must have a minimum area of 200 square feet per unsheltered person to accommodate the number of people experiencing homelessness and the zoning designations identified to allow emergency shelters as a permitted use without a discretionary permit must allow residential uses. Additionally, AB 2339 requires that emergency shelters can only be subject to parking requirements such that the jurisdiction can require sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

The Kings/Tulare County Point-in-time count estimated that 1,053 people experienced homelessness in Tulare County in 2023, including 299 in Porterville, 284 in Tulare, and 434 in Visalia and 36 in the remainder of the county areas including Farmersville. To meet the requirements of AB 2339, 200 square feet per person, totaling 0.17 acres of appropriately zoned land, would be needed to potentially support emergency shelter uses. Table C3-7~~Table C3-7~~ lists the parcels that are zoned R-M that are within 0.5 miles of a public transit stop. These parcels have the potential capacity for 1,724 individuals in the R-M zone, which is significantly more than the 36 individuals counted in 2023. There are sufficient parcels that could provide space for potential emergency shelters to meet the requirements of AB 2339.

Table C3-7 Potential Emergency Shelter Capacity Analysis

APN	Acreage	Realistic Capacity (beds)	Vacant/Non-Vacant
130120005	0.48	104	Vacant
130132003	0.84	182	Non-vacant
130120021	1.15	250	Vacant
130120024	0.95	208	Non-vacant
130142016	0.35	76	Vacant
130132024	1.06	230	Vacant
130141009	0.42	91	Non-vacant
130050009	0.42	92	Vacant
130143008	0.25	55	Non-vacant
128330001	4.46	972	Vacant
Total for vacant sites	**7.92**	**1,724**	

Source: City of Farmersville and Tulare County, 2023

Conclusion

The maximum stay requirements set forth for emergency shelters pose a constraint to housing access for residents experiencing homelessness. In addition, the definition of an emergency shelter is restrictive and Farmersville requires more parking than directed by state law.

Recommended Action

The City will implement Housing Plan Program 6 to revise the emergency housing definition in the Zoning Code and remove maximum stay requirements; revise the Zoning Code to be consistent with AB 2339, expanding the definition of emergency shelters to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care and ensure that emergency shelters are only subject to objective development standards that apply to residential or commercial development within the same zone; and revise parking requirements for emergency shelters to comply with AB 2339.

Transitional and Supportive Housing

"Transitional housing" is defined as buildings configured as rental housing operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

- ~~"Supportive housing" is defined as housing with no limit on length of stay that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining permanent housing, health services, and employment, as needed. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. AB 2162, which went into effect on January 1, 2019, requires that cities allow supportive housing with up to 50 units by right in multi-family and mixed-use zones and precludes cities from imposing parking requirements on supportive housing developments located within 0.5-mile of a public transit stop.~~

The City requires that transitional housing be operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing is permitted by right in the R-1 and RM districts but is not permitted in the U-R zoning district.

"Supportive housing" is defined as housing with no limit on length of stay that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining permanent housing, health services, and employment, as needed. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. Under state law (Government Code Section 65651), local regulations must comply with the following provisions:

- Use by Right: Supportive housing must be a use by right in zones where multifamily and mixed uses are permitted, including commercial zones permitting multifamily uses.
- Affordability: Units must have a recorded affordability restriction for 55 years.
- Income Restrictions: One hundred percent of units, excluding manager's units, must be dedicated to lower-income households and receive public funding to ensure affordability.
- Supportive Housing Units: At least 35 percent of the units or 15 units (whichever is greater) must be restricted to residents in supportive housing. If the development has fewer than 15 units, then 100 percent of the units must be for supportive housing.
- Onsite Services: Nonresidential floor area must be used for onsite supportive services, with specific requirements based on the number of units.
- Parking Requirements: No minimum parking requirements for units occupied by supportive housing residents if the development is within one-half mile of a public transit stop.
- Objective Standards: Local governments can require compliance with objective, written development standards and policies that apply to other multifamily developments in the same zone.

The City requires that ~~s~~Supportive housing ~~is required to~~ have no limit on length of stay and provides residents with on-site or off-site services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. This housing can include apartments, single-room occupancy resid~~ents~~ences, or single-family homes. Supportive housing is a permitted use in the R-1 and RM zones, subject to development standards that apply to other residential uses in those zones~~, but is not permitted in the U-R zoning district~~.

Conclusion

Transitional ~~and supportive~~ housing is not permitted by-right in accordance with state law. Single-family homes are permitted in the U-R zoning district, but transitional housing is not. ~~all other residential dwelling types in compliance with state law, as they are not permitted in the U-R zoning district which allows single-family dwellings.~~

~~The City complies with AB 2162.~~

The City's local regulations for supportive housing are not consistent with Government Code Section 65651. Consistent with state law, supportive housing is a use by right in every district that permits multi-family or mixed-use developments (R-M; see Section 17.40.020). Supportive housing is also permitted by-right in the R-1 district. However, the regulations are inconsistent with state law in that one parking space per unit, plus one per employee, is required (Section 17.80.020(F)) with no exception for supportive housing located near transit. Also, although the City would review supportive housing applications consistent with state law, the City should codify the other provisions in its local regulations.

Recommended Action

~~None required.~~The City will implement Housing Plan Program 6 to revise the Zoning Code to permit transitional ~~and supportive~~ housing in the U-R zoning district, subject to development standards that apply to other residential uses in that zone. Program 6 also includes an action to revise the parking regulations for supportive housing.

Farmworker Housing/Employee Housing

The Employee Housing Act (Health & Safety Code Section 17021.6) requires that any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use. For all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

In Farmersville, housing for agricultural employees is allowed by-right in agricultural and residential zones (U-R, R-1, and R-M), subject only to the requirements of residential uses. However, agricultural employee housing is not permitted in other zones that allow agricultural uses, including the O-S and I zones.

Conclusion

The Zoning Code does not comply with state law regarding agricultural employee housing.

Recommended Action

The City will implement Housing Plan Program 6 to amend the Zoning Code to ensure compliance with the Employee Housing Act (Health & Safety Code Section 17021.6).

Single Room Occupancy Units (SROs)

SROs are defined as a living or efficiency unit by California Health and Safety Code section 17958.1, intended or designed to be used as a primary residence by not more than two persons for a period of more than 30 consecutive days and having either individual bathrooms and kitchens or shared bathrooms and/or kitchens. Farmersville requires that all Single Room Occupancy (SRO) units provide a minimum floor area of 150 square feet and a maximum floor area of 400 square feet. These units may have kitchen or bathroom facilities and shall be offered monthly or longer. SROs are allowed by right in the RM district.

Conclusion

Requirements for SROs are not a constraint to the development of this type of housing in residential zones; however, this unit type is not allowed in zones that permit hotel or motel uses. Recent development trends indicate that older hotel or motel uses are good candidates for redevelopment as SRO units.

Recommended Action

The City will implement Housing Plan Program 6 to revise the Zoning Code to allow for the development of SROs in zones allowing hotel or motel uses.

C3.3.3 Housing for Persons with Disabilities

California Government Code Section 65583 requires local jurisdictions to analyze potential and actual government constraints on the maintenance, improvement, and development of housing for people with disabilities. This is to ensure that persons with either physical or mental disabilities are provided reasonable accommodation for access to and the enjoyment of all facilities, including housing. Government Code Section 65583(c)(3) also requires housing elements to provide a program to "…address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities."

This section analyzes if the zoning policies and permitting procedures in Farmersville impose any constraints to persons with disabilities accessing appropriate and adequate housing in the city.

C3.3.3.1 Definition of Family

Local jurisdictions may restrict access to housing for households that do not meet the jurisdiction's definition for "family." A restrictive definition of "family" that limits the number of individuals living together may illegally limit the development and siting of group homes for persons with disabilities, but not for housing families that are similarly sized or situated. The City of Farmersville's definition of family is as follows:

> "Family" means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel, as defined in the Zoning Code.

Conclusion

The City's definition of "family" is not restrictive.

Recommended Action

None required.

C3.3.3.2 Reasonable Accommodation Process

The federal Fair Housing Act and the California Fair Employment and Housing Act require that cities and counties provide reasonable accommodation where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities. Cities and counties must also consider requests for accommodations related to housing for people with disabilities and provide the accommodation when it is determined to be "reasonable" based on fair housing laws and the case law interpreting the statutes.

Reasonable accommodation is one of the tools intended to further housing opportunities for people with disabilities. These accommodations require that local jurisdictions make modifications or exceptions in their zoning laws and other land-use regulations when accommodations are necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents with mobility impairments.

Reasonable accommodation enables developers and providers of housing for people with disabilities a means of requesting from the local government flexibility in the application of land use and zoning regulations or, in some instances, even a waiver of certain restrictions or requirements because it is necessary to achieve equal access to housing.

Farmersville requires that people with disabilities are provided flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. This may include yard area modifications for ramps, handrails, or other accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include accommodation which would impose an undue financial or administrative burden on the city or require a fundamental alteration in the nature of the city's land use and zoning program.

Requests for reasonable accommodation are reviewed by the City Planner, using the criteria set forth in subsection 17.100.090(E). The City Planner shall issue a written decision on a request for reasonable accommodation within thirty days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in subsection 17.100.090(E).

Required Findings

1. The written decision to grant, grants with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:
    a. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws.
    b. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws.
    c. Whether the requested accommodation would impose an undue financial or administrative burden on the city.
    d. Whether the requested accommodation would require a fundamental alteration in the nature of the city's land use and zoning or building program.
    e. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with these findings including the following:
        i. Inspection of the property periodically, as specified, to verify compliance with this section and any conditions of approval.
        ii. Removal of the improvements, where removal could not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists.
        iii. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.
        iv. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists.
        v. Measures to reduce the impact on surrounding uses.
        vi. Measures in consideration of the physical attributes of the property and structures.
        vii. Other reasonable accommodations that may provide an equivalent level of benefit and that will not result in an encroachment into required setbacks, exceed the maximum height, lot coverage, or floor area ratio requirement specified for the zone district; and
        viii. Other conditions necessary to protect the public health, safety, and welfare.

Conclusion

The findings of "measures to reduce the impact on surrounding land uses" and "other conditions necessary to protect the public health, safety, and welfare" may be subjective or overly broad for determining conditions of approval. This ~~which~~ may place undue constraint on ~~the housing accommodation for~~ applicants. ~~Farmersville provides an appropriate reasonable accommodation procedure. However, t~~Additionally, the City's Reasonable Accommodation Policy is not easily accessible on the city's website.

Recommended Action

The City will implement Housing Plan Program 6 to remove the potentially subjective findings for conditions of approval and implement Housing Plan Program 8 to provide a link to its Reasonable Accommodations policy on the Housing page of the City's website with contact information for city staff who manage the application process.

C3.3.4 Planning and Development Fees

The City charges various fees and assessments to cover the cost of processing permits and providing certain services and utilities. Fees for a site plan review, variance, zone change, lot line adjustment, or annexation are higher than most other similarly sized jurisdictions in Tulare County, such as Exeter, Woodlake, and Dinuba. Table C3-8~~Table C3-8~~ describes some of the residential development planning fees for both single- and multifamily development.

Table C3-8 Residential Development Planning Fees

Fee Title	Amount
Conditional Use Permit	$1,780
CUP Amendment	$955
CUP Extension	$830
Site Plan Review	$2,210
Minor Deviation	$240
Variance	$1,780
Zone Change	$2,275
General Plan Amendment	$2,275
Specific Plan Review/Amendment	$2,275
Combined GP Amend/Zone Change Map	$2,765
Combined Tent Tract/Planned Dev	$4,765
Tentative Parcel Map	$3,015
Tentative Tract Map	$6,060
Lot Merger	$1,515
Lot Line Adjustment	$2,210
Annexation	$9,125
Categorical Exemption	$315
Environmental Impact Report	Actual
Time Extension	$830

Source: Farmersville Service Fee Schedule, dated January 1, 2022.

Table C3-9~~Table C3-9~~ shows development impact fees for single-family and multifamily developments, set into effect in July 2022.

The following information is provided on recent residential development in Farmersville. Self Help Enterprises (SHE) has completed Phase 1 and is nearing completion of Phase 2 of an affordable multifamily housing project called Los Arroyos. The project contains a total of 107 dwelling units (plus a manager's unit).

According to SHE, the total hard cost construction of Los Arroyos I was $16,071,958 in addition to $1 million for land and solar combined ($212,500 land and $836,034 solar) and $1 million for fees and permits ($625,555 fees and $400,000 permits) for a total of approximately $18.1 million.

Farmersville received one application for a single-family residential development over the past 10 years, although that development was never completed. As such, data for single-family development is not available. However, costs are expected to be similar to neighboring smaller jurisdictions such as Woodlake, Exeter and Lindsay.

Table C3-9 Residential Development Fees

Number of Units	Cost Per Unit	
	Multifamily	Single Family
Law enforcement facilities	$2,318	$1,698
Fire Rescue facilities	$1,870	$1,466
Circulation system facilities	$411	$760
Storm drainage facilities	$861	$2,623
Water distribution facilities	$1,554	$2,097
Wastewater collection facilities	$759	$808.00
General government facilities	$1,122	$1,122
Library collection and computers	$37	$44
Community center facilities	$2,058	$2,384
Park land and park improvements	$5,410	$6,267
Total per Unit	**$16,400.00**	**$19,269**

Source: City of Farmersville, Adopted Summary of Development Impact Fees, July 1, 2022.

According to a 2019 National Impact Fees Survey of 37 jurisdictions in California, the average impact fees are $37,471 per single family unit and $21,703 per multifamily unit[4]. Farmerville's fees for a single-family unit and multifamily are less than the survey average.

Single-family and multifamily development fees in Farmersville are higher than similarly sized cities in the county, such as Exeter, Lindsay, and Woodlake. Fees for a single-family unit are approximately $19,269 in Farmersville and range from $12,009 to $16,482 in the cities of Exeter, Lindsay, and Woodlake. Similarly, fees for a multifamily unit are approximately $16,400.00 per multifamily unit in Farmersville and range from $11,478 to $15,486.67 per unit in other cities. Table C3-10~~Table C3-10~~ below shows a comparison of development fees in other Tulare County jurisdictions.

Table C3-10 Residential Development Fee Comparison

Jurisdiction	Total Cost Per Unit	
	Multifamily	Single Family
Dinuba	$32,796 to $33,962	$37,059 to $38,888
Exeter	$10,495.25	$16,482
Farmersville	$16,400.00	$19,269
Lindsay	$40,342.88	$12,009
Porterville	$12,000 to $14,500	$17,000 to $20,000
Tulare	$17,781	$18,677
Woodlake	$11,478	$14,607

Conclusion

Planning and development fees are higher than similarly sized cities and therefore may be a constraint to development.

[4] National Impact Fee Survey, 2019. Available at http://www.impactfees.com/publications%20pdf/2019survey.pdf

Recommended Action

The City will implement Housing Plan Program 8 to review planning and development fees and revise fees to be competitive with other cities in the county.

C3.3.5 Permit Types

The City of Farmersville provides the full range of services relating to the development of property within its city boundaries and Sphere of Influence. Subdivision maps, parcel maps, conditional use permits, and building plans are all processed by the city.

Site Plan Review

For Site Plan Review, the site plan may only be denied if the project does not comply with city codes, standards, policies, or California Environmental Quality Act (CEQA) requirements. The Site Plan Review process follows objective approval standards and is not considered a constraint to development. The Site Plan Review Committee reviews the application and approves or denies a project within 15 days and provides a recommendation to the Planning Commission. The Planning Commission decides on the project (although this decision is not subject to a public hearing). The decision can be appealed to the City Council.

The findings for Site Plan Review are:

1. All applicable provisions of the Zoning Code are complied with.
2. The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property:
    a. Facilities and improvements
    b. Vehicular ingress, egress and internal circulation
    c. Setbacks
    d. Location of service
    e. Walls and Landscaping
3. Proposed lighting is deflected away from traffic areas and adjacent residential areas.
4. On-site signs will not interfere with visibility or traffic circulation.
5. The required findings shall conform to all established policies and regulations of the city.

Conditional Use Permits

The CUP review process consists of an analysis to verify consistency of the project with the City's Zoning Code and General Plan, and requirements of CEQA. A conditional use permit requires a public hearing and approval by the city's Planning Commission. The Planning Commission may impose reasonable conditions upon a project, subject to appeal to the City Council. The Planning Commission may impose reasonable conditions upon a project, subject to appeal to the City Council.

To be able to approve the CUP, the Planning Commission must be able to make the following findings:

1. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.

2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to, or inharmonious with, properties or improvements in the vicinity.
3. That the proposed location of the conditional use is in accordance with the objectives of the Code and the purposes of the district in which the site is located.
4. That the proposed use will comply with each of the applicable provisions of this ordinance. A use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Planning Commission may prescribe.

Requirements related to neighborhood character ("inharmonious with properties or improvements in the vicinity") are subjective.

Variances

An applicant must request a variance when seeking an exception to specific requirements of the Zoning Code, Parking Regulations, and Sign Regulations, if those requirements would result in a hardship due to physical conditions of a property. The Planning Director or the Planning Commission acts on variance requests. Administrative action on a variance request takes place two to four weeks after the application is deemed complete; additional time is necessary if Planning Commission review is required.

General Plan Amendment and Zone Change

Projects that are not consistent with the General Plan or Zoning Code may require approval of a General Plan Amendment or a Zone Change. Approval of these types of proposals is discretionary, subject to CEQA, and requires public hearings before the Planning Commission and City Council.

Conclusion

Findings for discretionary permits that require projects not to be "inharmonious with properties or improvements in the vicinity" are subjective.

Recommended Action

The City will implement Housing Plan Program 6 to revise findings for discretionary permits to be objective.

C3.3.6 Permit Procedures and Processing Times

Farmersville contracts with consultants for planning and engineering services and contracts with Tulare County for building plan check and inspection services.

Processing of applications usually begins within days of receiving the application. A typical single family residential subdivision will require four to six months to process, from submittal of application to filing of final subdivision map with the Tulare County Recorder's Office. Each processing phase of a typical residential subdivision is listed below along with the amount of time required to process each phase. Subdivision applications that require an annexation typically add four months to the processing time. The average number of days from entitlement to building permit is 199 days, or approximately 6 to 7 months, based on a review of projects from the past 18 months.

Table C3-11 Timelines for Permit Procedures

Type of Approval or Permit	Typical Processing Time	Approval Body
Site Plan Review/Design Plan Review	4 - 6 weeks	Planning Commission (PC)
Minor Modifications	1 day	City Staff
Conditional Use Permit	4 - 8 weeks	PC
Variance	4 - 8 weeks	PC
Zone Change	3 - 5 months	PC and City Council (CC)
General Plan Amendment	3 - 5 months	PC and CC
Tentative Subdivision Map	3 - 5 months	PC, CC
Final Subdivision Map	4 - 6 weeks	CC
Tentative Parcel Map	4 - 8 weeks	PC, CC if easements
Final Parcel Map	4 - 6 weeks	CC
Negative Declaration	2 months	PC and CC
Environmental Impact Report	4 - 6 months	PC and CC
Single Family Unit/Bldg. Permit Review	3 - 4 weeks	Building Official

Source: Farmersville Zoning Code

Table C3-12~~Table C3-12~~ shows the typical processing procedures by project type for Farmersville. As shown, single-family units have the shortest estimated processing times (one week) while planned unit development has the longest (3-4 months). Farmerville's permit processing times are consistent with typical permit processing times for cities in Tulare County.

Table C3-12 Typical Processing Procedures by Project Type

	One Single-Family Unit	Subdivision	Multifamily Units	Planned Unit Development
			Site Plan Review	
		Tentative Map	Conditional Use Permit	Conditional Use Permit
		Environmental Assessment	Environmental Assessment	Environmental Assessment
		Final Map		
		Final Map		
Estimated Processing Time	1 week	2 - 3 months	2 months	3 - 4 months

Source: Farmersville Zoning Code

Building Permits

Building permit review timelines for all projects are as follows depending on complexity and scope of work:

- First review: 1 to 20 working days
- Second review: 1 to 15 working days
- Third review: 1 to 15 working days
- Fourth review: 1 to 10 working days
- Fifth review: 1 to 10 working days

Conclusion

Permit procedures and processing times are not considered a constraint to development.

Recommended Action

None Required.

State Streamlining (SB 35)

Under the 5th Cycle Housing Element reporting period (2015-2023), the City of Farmersville has made insufficient progress toward its Above Moderate income RHNA and is subject to SB 35 streamlining provisions for projects that include at least 10 percent affordability. SB 35 requires that eligible projects be reviewed for compliance and consistency with the city's objective standards and are not subject to discretionary processes, such as CEQA environmental review and public hearings. Eligible projects with 150 units or fewer must be approved within 90 days and projects with more than 150 units must be approved within 180 days.

The City has not adopted procedures for processing SB 35 applications nor has it created a checklist for SB 35 applications. There have been no projects approved through SB 35 ministerial approval in Farmersville.

Conclusion

The lack of permit procedures and resources for SB 35 applicants may be a constraint to development.

Recommended Action

The City will implement Housing Plan Program 6 to establish written procedures for the processing of SB 35 and SB 330 projects pursuant to state law.

Permit Streamlining Act

The Permit Streamlining Act sets forth various time limits within which state and local government agencies must either approve or disapprove permits and provides that these time limits may be extended once by agreement between the parties. The City currently meets the timelines below and complies with the Permit Streamlining Act including streamlining determinate with 30-day CEQA determination:

- 30 days to deem application complete/incomplete
- 30-day period restarts with each resubmittal on an incomplete application.
- 30 days to make environmental determination after an application is deemed complete
- 60 days after the environmental determination, including a finding that the project is exempt from CEQA, the City must take action to approve or disapprove the project. Applicants can agree to an additional 90 days to take action.

Conclusion

The City complies with the Permit Streamlining Act.

Recommended Action

None required.

C3.3.7 Short-Term Housing Rentals

Farmersville does not have a short-term housing rental program that regulates short-term vacation rentals in the jurisdiction. As of July 2023, there were no active VRBO and Airbnb rentals in the city. Therefore, short-term rentals do not pose a constraint to long-term rental housing supply.

Conclusion

Short-term rentals are not considered a constraint.

Recommended Action

None Required.

C3.3.8 Code Enforcement

Building codes regulate the physical construction of dwellings and include, for example, the plumbing, electrical, and mechanical codes. Farmersville follows the 2013 Uniform Building Code (UBC) as established by state law and as such, has little control over State standards. There have been no local amendments to the UBC.

Building codes are enforced by the city through inspections. Inspections normally occur because of building permits for new construction, remodels, or rehabilitations. Other inspections may result from requests from individuals for assessments of building quality or from enforcement complaints or when the inspector notices construction occurring without permits. The City contracts with the Tulare County Building Department for plan check and inspection services.

The City has the power to inspect and declare unsafe any structure or piece of equipment, be it existing or under construction, that does not meet specific Municipal Code standards. These include, but are not limited to, structures with insufficient modes of egress; structures that are unsafe or that have been made structurally unsound due to fire, earthquake, or other natural disaster; buildings that are deemed a public nuisance; and buildings that have been constructed or maintained in violation of local or state law. Once a building has been declared unsafe, the building official may issue notice that the structure be repaired, vacated, or demolished within a reasonable amount of time and with the appropriate permits.

The enforcement of building codes in the city is centered on the inspection of new construction and remodels or renovations requiring building permits. However, for existing structures, City staff prioritize code enforcement complaints according to the severity of the violation on the community and individuals. Situations that appear to pose a serious risk to health and safety are given top priority; others are pursued in the order in which they are received, as resources are available. In most cases for non-emergency complaints, a warning letter or courtesy notice is sent to the alleged violator to verify the status of the potential compliant and to obtain compliance.

Conclusion

The City has not adopted the most recent (2022) California Building Code.

Recommended Action

The City will implement Program 11 to adopt the most recent version of the California Building Code in the Zoning Code.

C3.3.9 Transparency in the Development Process

To increase transparency in the development process, the City's website publishes resources that help developers and homeowners navigate the residential development and home improvement processes. Information pertaining to planning and building is spread across multiple department webpages on the City's website. The City's Departments webpage (http://www.cityoffarmersville-ca.gov/196/Departments), Planning & Development webpage (http://www.cityoffarmersville-ca.gov/201/Planning-Development), and the Code Enforcement Division of the Fire Department webpage (http://www.cityoffarmersville-ca.gov/198/Code-Enforcement) provide links to planning and building permit resources, including permit information, online permit submittal, fee estimate calculator, and staff contacts. The zoning map and permit application checklists are available on the City's website; however, links to these documents are broken and can only be accessed by directly searching for them.

Conclusion

While the City's website provides information on permit processing, application checklists, zoning, and staff contacts, this information can be difficult to locate and is not easily accessible.

Recommended Action

The City will implement Housing Plan Program 8 to evaluate its compliance with the new transparency requirements per Government Code Section 65940.1(a)(1) and make changes as necessary, as well as update the City's website to provide clear links to planning and building resources, applications, and checklists.

C3.3.9.1 Cumulative Impact of Development Standards

The housing element must analyze the cumulative effect of development standards on the development of housing and/or achieving densities after considering how all standards and/or ordinances relate to each other. In Farmersville, overly restrictive density requirements, parking requirements, height limits, multifamily requirements, together with comparably high development impact fees, may constrain development of multifamily housing.

C3.4 Environmental Constraints

A community's environmental setting affects the feasibility and cost of developing housing. Environmental issues range from the availability of water to the suitability of land for development due to potential exposure to seismic, flooding, wildfire, and other hazards. If not properly recognized and accommodated in residential design, these environmental features could potentially endanger lives and property. This section summarizes environmental constraints to housing development in the city.

C3.4.1 Floodplains

Maps prepared by the Federal Emergency Management Agency indicate that portions of the city are within the 100-year and 500-year flood plains. Most of the 100-year flood plain area is situated west of Farmersville Boulevard, south of Walnut Avenue. Most of this area is fully developed. Much of the remaining area of the community including future growth areas are either in the 500-year flood zone or in areas of minimal or no flooding. The City has enacted measures to mitigate flood risk including

elevated building pads and foundations above the known flood level. Complying with flood plain requirements (such as elevating building pads) does generate an added cost but is not a constraint.

C3.4.2 Seismic Zones

While Farmersville is in proximity to major California fault lines there is no specific threat or hazard from seismic ground shaking to residential development within the county, and all new construction will comply with current local and state building codes. Between the minimal historical hazard of earthquakes in the city and the use of the most current building codes and construction techniques, earthquakes pose a less than significant danger to residential development.

C3.4.3 Wildfire

The California Department of Forestry and Fire Prevention (CAL FIRE) has designated the entire city of Farmersville and surrounding area as "Local Responsibility Area Unzoned." The City of Farmersville Fire Department is responsible for wildfire prevention activities in the city. While there are no fire severity zones within the city boundaries, the City ensures that developments comply with California Fire and Building Code requirements for health and safety though the city's site plan review process.

C3.4.4 Soil

Agricultural uses may contaminate sites due to the use of pesticides and other chemicals. Soil contamination may be a concern if a Phase One Environmental Site Assessment determines there is a potential for soil contamination and contamination is substantiated by a Phase Two study. The City ensures that the necessary steps are taken to clean up residual hazardous wastes on any contaminated sites proposed for redevelopment or reuse. Soil evaluations are required as needed to ensure that risks are assessed, and appropriate remediation is provided. Developing housing on these sites can involve costs to remediate contaminated soil or groundwater. The remediation cost would typically be on the developer to address the clean-up and potential site contamination is not considered a constraint.

Conclusion

Environmental conditions in Farmersville are not considered a constraint to development.

Recommended Action

None required.