



Draft

## 4.1 Housing Constraints

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Many factors combine to constrain the production of an adequate amount of housing at an affordable price. Some factors that can be attributed to this situation include:

- Operation of private market system
- Government regulation of the private market system
- Actual physical imitations of land, infrastructure and services, which support housing development

Governmental regulations imposed at several different levels of government (a county does not have jurisdiction over regional, State or federal regulations)

One problem is the failure to resolve many, yet conflicting, housing goals and standards. For example, building code standards, which are designed to conserve energy (such as requirements for greater insulation and double-paned window glass), result in higher construction costs. Such conditions may price some low and very low-income households out the housing market. While the imposition of building standards adds to the cost of housing, it is generally assumed to be outweighed by improved building safety. In addition, goals and policies that promote the conservation of agricultural uses can make less land available for housing.

This section includes a discussion of, governmental, nongovernmental and physical constraints upon the production of housing, as well as current and past actions aimed at minimizing or removing those constraints.

## 4.2 Governmental Constraints

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### Land-Use Controls

Land use and development controls are imposed at a variety of governmental levels including federal, State, regional, county, and city. Generally speaking, two types of development controls are legislated by the State: mandatory controls (such as the requirement that counties adopt a General Plan) and enabling legislation (such as laws permitting local zoning controls) that allow counties to enact ordinances regulating certain activities. Some local governments choose to benefit from legislative opportunities more than others, depending upon local conditions and sentiment. This subsection contains a discussion of plans and ordinances unique to Tulare County, as well as State and federal controls with which the County must comply.

**General Plan**

Tulare County has recently adopted a comprehensive update of its General Plan to reflect growth and development through to the year 2030.

As required by State law, Tulare County has a General Plan consisting of seven (7) mandated elements (Land Use, Circulation, Housing, Safety, Noise, Conservation and Open Space). In addition to these required elements, the General Plan 2030 Update includes five new optional elements: Economic Development, Agriculture, Scenic Landscapes, Air Quality and Water Resources. The General Plan 2030 Update also includes the adoption of a Climate Action Plan.

The General Plan 2030 Update has a planning framework with three key planning tools to guide urban development in all unincorporated areas of the County: Urban Boundaries, Area Plans, and Community Plans. In the General Plan 2030 Update, these tools are discussed throughout the document: Urban Boundaries are included as a component in the Planning Framework (Part 1 - Goals and Policies Report ); Area Plans are discussed in Part II; and Community Plans are included by reference in Part III of the General Plan Update. The General Plan Update includes three Urban Boundary types: Urban Development Boundaries, Urban Area Boundaries, and Hamlet Development Boundaries. Urban Boundaries and Community Plans are discussed in more detail in Chapter 1 of this document.<sup>1</sup>

**SK to AC: When adequate sites inventory is complete, please summarize availability based on zoning.**

**Zoning Ordinance**

The Tulare County Zoning Ordinance provides for several different residential zones that include single-family, multiple-family and mobile home classifications as shown in Table 4-A. Also included in the table is the residential development standards and maximum density for each zone. In addition to the zones listed; single-family dwellings, mobile homes and farmworker housing (but not subdivisions) are permitted in all agricultural zones.

**Table 4-A  
Zoning Ordinance Development**

Residential Zoning Development Standards									
Zone	Building Height	Minimum Average Lot Width	Yard Setbacks			Minimum Lot Area	Lot Area per DU	Parking Spaces per DU	Coverage
			Front	Side	Rear				
R-1	35 ft	60 ft	25 ft	5 ft	25 ft	6,000 sq ft	6,000 sq ft	1	No Limitation
R-2	35 ft	60 ft	20 ft	5 ft	25 ft	6,000 sq ft	3,000 sq ft	1	No Limitation
R-3	50 ft	60 ft	15 ft	5 ft	20 ft	6,000 sq ft	600 sq ft	1	No Limitation
C-1	35 ft	60 ft	15 ft	5 ft	20 ft	10,000 sq ft	600 sq ft	1	No Limitation
C-2	75 ft	60 ft	15 ft	5 ft	20 ft	10,000 sq ft	600 sq ft	1	No Limitation
R-O	35 ft	60 ft	35 ft	5 ft	25 ft	12,500 sq ft	12,500 sq ft	1	No Limitation
MR	35 ft	60 ft	25 ft	5 ft	25 ft	20,000 sq ft	20,000 sq ft	1	20%
R-A	35 ft	60 ft	25 ft	5 ft	25 ft	6,000 sq ft	6,000 sq ft	1	No Limitation
F	35 ft	60 ft	25 ft	5 ft	5 ft	6,000 sq ft	6,000 sq ft	2	No Limitation
M (mobile home combining)	35 ft	60 ft	25 ft	5 ft	5 ft	4,000 sq ft	4,000 sq ft	1	No Limitation

Source: Tulare County Zoning Ordinance (Ordinance No. 352, as amended)

<sup>1</sup> Tulare County General Plan 2030 Update (TCGPU), 2012

**Table 4-B  
Housing Type by Zone District**

<b>Housing Type Permitted by Zone District</b>									
Housing Type	R-1	R-2	R-3	C-1	C-2	R-O	RA	MR	All AG Zones
Single-Family	P	P	P	P	P	P	P	P	P
Duplexes	NP	P	P	P	P	NP	AA	NP	*
3 & 4-plexes	NP	PC	P	P	P	NP	NP	NP	*
Multi-family (>4 units)	NP	PC	PC	PC	PC	NP	NP	NP	*
Mobile Homes	NP	NP	NP	NP	NP	NP	NP	NP	P
Manufactured Homes	P	P	P	P	P	P	P	P	P
Second Units	AA	P	P	P	P	AA	AA	AA	AA
Emergency Shelters	NP	NP	P	P	P	NP	NP	NP	NP
Single-Room Occupancy (SRO)	NP	NP	P	P	P	NP	NP	NP	NP
Transitional/Supportive Housing	NP	NP	P	P	P	NP	NP	NP	NP
Boardinghouse	NP	NP	P	P	P	NP	NP	NP	NP
Farmworker Housing	NP	NP	S	NP	S	NP	P	NP	P
Mobilehome Park	S	S	S	NP	NP	S	S	S	NP
Residential Care Facility (<6 residents)	P	P	P	P	P	P	P	P	P
Residential Care Facility (>6 residents)	S	S	S	S	S	S	S	S	S

Source: Tulare County Zoning Ordinance  
P = Permitted Use  
S = Special Use Permit  
AA = Administrative Special Use Permit  
PC = Planning Commission  
NP = Not permitted  
\* = allowed for employees

Note: Definitions for Emergency Shelters, Single-Room Occupancy, Transitional/Supportive Housing, and "Residential Care Facilities are not currently defined specifically in the Zoning Ordinance. It is anticipated that definitions will be brought before the Board of Supervisors and incorporated into the Zoning Ordinance in the near future. However, the County complies with State regulations and views residential care for six or fewer residents as a single family dwelling. Those facilities with over six residents require a special use permit.

**Residential Density - Minimum Lot Size Requirements**

The Tulare County Zoning Ordinance dictates the minimum lot size for residential zones R-1, R-2, R-3 and R-A. In the R-1 Zone, a minimum lot size of 6,000 square feet per main building/ family, R-2 has a minimum requirement of 3000 sq. ft. per family, and R-3 has a minimum of 600 sq. ft per family. The R-A Zone a six thousand (6,000) square feet per family, but, as an agricultural zone, also allows employee housing for up to 9 employees on lots at least 10 acres in size. Zoning setback requirements will further limit the number of structures that can be built on small parcels. However, the key limiting factors in determining the actual density that can be approved for a particular site is availability of community water and sewer facilities. Table 4-C shows the minimum site area required, based upon availability of those facilities.

**Table 4-C  
Minimum Lot Size with Available Facilities**

Available Facilities	Minimum Lot Size
With individual well and individual septic system	1 acre
With community water system and individual septic system	12,500 sq. ft.
With individual well and community sewer system	8,000 sq. ft.
With community water system and community sewer system	6,000 sq. ft. (interior lot) 7,000 sq. ft. (corner lot)
<i>Source: Tulare Ordinance Code, Section 7-01-1350</i>	

Availability of community sewer and water systems is critical to the provision of higher density zoning in the unincorporated area. As mentioned previously, General Plan policies encourage most urban residential development in the unincorporated area around cities to occur upon annexation to a city, in conjunction with city sewer and water systems. Residential development in the foothills is dependent upon the holding capacity of the site with regard to water, waste disposal and other physical considerations.

The Zoning Ordinance does not have minimum square footage requirements for residential structures or coverage limitations with the exception of the MR (“Mountain Residential”) Zone, which limits coverage to 20%. In addition, the County only requires 1 off-street parking space per dwelling unit in all zones with exception of the PD-F zone. The nominal parking standards and minimal coverage limitations on parcels do not impede a developer’s ability to achieve maximum densities.

**Residences Allowed in Residential and Commercial Zones**

As summarized in Table 4-B, Tulare County zoning allows residence types in multiple zones. Single-family residences are allowed in R-2 and R-3 zone districts as well as in R-1; duplexes are allowed in R-3 zones as well as R-2 Zones, and multiple family dwellings (R-2 and R-3) are allowed in commercial zones C-1 and C-2.

**Mobilehomes and Manufactured Homes Allowed in Residential Zones**

Mobilehomes and manufactured homes are allowed in all residential zones as long as they meet specific design requirements. They must be installed on permanent foundations, on lots that meet minimum acreage requirements for zoning and meet lot size requirements for adequate water and sewer. The manufactured homes must meet certain standards, including an age of less than 10 years since the date of manufacture, a minimum 12 inch roof overhang around the entire perimeter, roofing material customarily used for conventional single-family dwellings, and exterior siding material customarily used for conventional single-family dwellings.

In addition, the Zoning Ordinance contains a special mobilehome combining zone that may be applied in conjunction with the “R-A” Rural Residential Zone, the “R-1” Single-Family Residential Zone, and the “PD-F” Planned Development – Foothill Zone. This zone permits individual mobilehomes in communities and rural areas where a mixture of conventional housing and individual mobile homes for residential use is appropriate. Mobilehomes are allowed in the special mobilehome combining zone without date of manufacture and/or the requirement of placement on permanent foundation. In addition, mobilehomes are permitted in all agricultural zones.

Mobilehome parks are allowed by Special Use permits within the R-A, R-O, R-1, R-2, R-3, O (Recreation) and CO (Commercial-Recreation) zones. Mobilehome subdivisions are allowed, by use permit, within the R-A, R-O, R-1, R-2 and R-3 zones; however, a use permit is not required if the Mobilehome Combining Zone has already been applied to the site.

### **Increased Density Allowed in Residential Zones with Administrative Special Use Permit**

Planning Commission Resolution No. 8042 (with Board of Supervisors Resolution No. 2004-0280) allow second residences representing increased density in the R-A, R-0, R-1, R-2, R-3, PD-F and MR Zones with an administrative Special Use Permit (PSP-AA), as long as the proposed residence meets certain requirements. The lot size must be at least 5,000 sq. ft. in size. The second unit must be clearly subordinate to the existing single family dwelling with the floor area between 300 and 1,200 sq. ft. If attached to the single family dwelling, the second unit must not represent more than 30% of the total floor area. The second residence must be designed or arranged on the lot so that the appearance of the building or lot from the street remains that of a single family dwelling. Off-street parking must be provided for the second residence, and it cannot be sold separately from the main residence. A third residence representing increased density may be considered, but would require a Special Use Permit approved by the Planning Commission.

### **Residences Allowed in Agricultural Zones**

Agricultural zones, including AE, A-1, AE-10, AE-20, AE-40, AE-80, A-1 and AF are zones intended primarily or exclusively for intensive agricultural uses. Single family residences or mobilehomes are allowed in agricultural zones, with the number of allowed single family residences determined by parcel acreage. For example, in the AE-20 Zone, one single family residence is allowed by right, with an additional residence or mobilehome for each 20 acres in the entire property. The additional residences are restricted to relatives of the owner or lessee, by farmworkers, or by employees working on the property, provided that the total number of farmworkers and employees shall not exceed nine at any time. Housing for ten or more farmworkers and employees may be allowed with a Special Use Permit. Farmworker Housing is allowed with a Special Use Permit in the R-A, AE, AE-10, AE-20, AE-40, AE-80, A-1 and AF Zones.

### **Increased Residential Density in Agricultural Zones**

For applicants wishing to add additional single family dwellings in addition to those allowed by right in a given zone, there are additional provisions for increased residential density with either an administrative special use permit (PSP-AA) or with a standard Special Use Permit (PC). Planning Commission Resolution No. 7779 allows second residences or mobilehomes in agricultural zones on parcels too small to meet the zoning requirements, with restrictions. The second residences require an administrative special use permit, and the additional units must be occupied relatives of the owner or lessee, by farmworkers or by employees who work on the property, provided that the total number of farmworkers and employees shall not exceed nine at any time in the AE, AE-10, AE-20, AE-40, AE-80, A-1 and AF Zones, located proximate to the existing residence, and do not remove agricultural crops from production.

### **Opportunities for Increased Residential Density**

Typically, one residence is allowed by right, requiring only a building permit, as long as the parcel meets lot size and other requirements of the specific residential zone. Additional units may also be allowed by right, if the parcel meets zoning requirements for parcel size and meets other factors such as sewer and water availability. For applicants wishing to add additional single family dwellings in addition to those allowed by right in a given zone, there are additional provisions for increased residential density with either an administrative special use permit (PSP-AA) or with a standard Special Use Permit (PC).

### **Larger Residential Projects**

Multi-family residential projects consisting of more than four (4) dwelling units require additional review prior to approval. They are initially reviewed by the Project Review Committee (PRC), followed by the Planning Commission, which will review the project to determine whether it meets requirements for approval of a Final Site Plan. The project must comply with the provisions of the Zoning Ordinance and must be consistent with the General Plan. If the site plan fails to meet one or more requirements in the Zoning Ordinance, or is inconsistent with the General Plan, the PC will adopt written findings describing the inconsistencies and either deny the site plan or approve the plan subject to conditions as may be necessary to ensure conformity to such requirements. Building plans may be submitted and processed concurrently with Planning Commission review of the Final Site Plan, thereby reducing the overall processing time. The final site plan review process does not present a significant constraint to the development of affordable housing. It does not unduly extend the processing timeline, and is applicable only to projects of five (5) or more dwelling units.

### **Planned Developments**

The Tulare County Zoning Ordinance also permits two types of large, planned developments, the “PD” (Planned Development) Zone), and the “PUD” (Planned Unit Development) Zone. The purposes of planned development zoning allow design flexibility in single-family, multi-family, commercial, professional, industrial and mixed use developments, and encourage innovative and creative approaches to land use and development. The “PD” Zone may not be established on the Zoning map unless it is combined with the “F” Foothill Combining Zone, limited to projects located in the foothills, and subject to the Foothill Growth Management Plan. The “PD-F” Zone is often combined with the “M” (Special Mobilehome) Zone, which provides for mobilehome use in communities and rural areas where, under certain conditions, a mixture of conventional housing and individual mobilehomes for residential use is desirable.

A second type of planned development is the “Planned Unit Development (“PUD”). The PUD Zone allows development of planned units which do not conform in all respects with the land use pattern prescribed by zoning regulations. A PUD may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. A PUD located in a O, R-A, R-1, R-2, R-3, P-O or C-1 Zone, with permitted uses—or any combination of uses--allowed in those zones by right or with a Special Use Permit.

### **Building Codes and Enforcement**

Tulare County has adopted and enforces the 2013 California Building Codes. These codes are considered to be the minimum necessary to protect public health, safety, and welfare. No amendment to the code has either been initiated or approved which directly affects housing standards or processes.

It is important the Tulare County housing meet health and safety standards. Enforcement of the Building Code is delegated to the Planning Branch – RMA Building/Inspection Division of the Resource Management Agency (RMA), and is carried out at the plan review stage and at the time of building/site inspection. All work for which a building permit is issued must be inspected at the time of completion or at specified stages of construction.

Tulare County primarily enforces housing code violations through inspections performed on a complaint basis. Where code citations are issued, property owners are given a reasonable time frame in which to correct deficiencies. Recently, the County has instituted a supplemental health and safety inspection to ensure that the County’s new housing stock meets Health and Safety requirements. Now, mobile

homes older than 10 years must be inspected prior to transport to a new site, and prior to issuance of a building permit. Any deficiencies must be corrected prior to moving the mobile home to the new site.<sup>2</sup>

### **On/Off Site Improvements**

The Tulare County Subdivision Ordinance requires developers to provide certain urban improvements as a condition of approval for subdivisions and parcel maps. Development to full urban standards is only required within city and community urban improvement boundaries, as specified by the Urban Boundaries Element. Tulare County does require that the developer of a residential subdivision provide certain improvements, including, but not limited to, the following:

- **Roads:** Class 1 roads require a minimum of thirty-six (36) feet of pavement width and fifty-six (56) feet of overall right of way (including sidewalk), Class 2 roads require a minimum of forty (40) feet of pavement width and sixty (60) feet of overall right of way (including sidewalk);
- **Curbs and gutters:** In subdivisions which are not in mountainous areas, curbs and gutters shall be required on all lots if a majority of the lots in the subdivision contain less than two and one half (2 ½ ) acres and/or have average widths of less than two hundred (200) feet;
- **Sidewalks:** If all or any portion of the subdivision is located within the boundaries of an Urban Improvement Area or an Urban Development Boundary the subdivider shall provide sidewalks contiguous to the curb with a minimum width of four (4) feet;
- **Sewer System:** All lots within a subdivision shall be connected to a sewer system operated by a political subdivision if the trunk line or other access point is located within one thousand three hundred twenty (1,320) feet of any portion of the subdivision.
- **Domestic Water:** Provisions shall be made for providing an adequate and safe supply of water to all lots in the subdivision and no tentative subdivision map shall be approved unless there is assurance of such an adequate and safe supply of water. Water may be supplied by one of the following means; connection to a public utility, establishment of a mutual or private water system, or service from individual wells or springs. The water systems shall be designed and installed in accordance with the standards set forth in section 7-01-2025 of the Ordinance Code;
- **Fire Protection:** Fire hydrants shall be provided in a subdivision if the lots are served by a community water system. The hydrants shall be designed and constructed in accordance with standards set forth in section 7-01-2025 of the Ordinance Code;
- **Drainage:** The subdivider shall provide structures with storm sewers and drainage channels necessary for adequate drainage of surface and storm waters generated by the subdivision or flowing across the subdivision. If it is not feasible to provide for an adequate system of drainage outside of the subdivision, a ponding lot or lots shall be required within the subdivision to provide for drainage of surface and storm waters generated in the subdivision or flowing across the subdivision.

Site improvements are a necessary component of the development process. While the requirements increase housing costs, they are typical for most jurisdictions. Moreover, site improvements are necessary to maintain the quality of life desired by residents, and ensure the availability of needed public services and facilities. Tulare County's development standards, both on-site and off-site, are not overly or unnecessarily restrictive when compared to surrounding counties and cities. The County currently has street and road standards that require less right-of-way and improvements than other

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<sup>2</sup> Tulare County Ordinance Code Chapter 15, article No. 13, Section 7-15-1663

nearby jurisdictions. The standards are not so onerous as to be considered a constraint on the development of a wide range of housing types. Furthermore, many of the standards are the direct result of State mandated codes such as those utilized by the County Building and Environmental Health Departments.

The County can mitigate the cost of these improvement requirements by assisting affordable housing developers in obtaining state and federal financing for their projects, or providing regulatory and financial incentives. The Tulare County Redevelopment Agency (TCRA) also plays an active role in financing the construction and improvement of infrastructure. Proactive planning for the expansion of infrastructure to serve future growth and development will be addressed during development of the County General Plan update.

### **City and County Coordination**

Any development proposed in the unincorporated area within a city's Urban Area Boundary is forwarded from the County to the affected city for review and comment. Because it is planned that most land within these boundaries will at some future time be part of the cities, the County Planning Commission and Board of Supervisors give serious consideration to the approval or denial of a project. Unincorporated communities with municipal advisory councils are also afforded an opportunity to comment upon proposed project within their respective communities.

Amendments to the Urban Boundaries Element, adopted in 1983, provide that new urban development around cities should occur within city limits. Proposed developments are referred first to the adjacent city to determine whether the city is willing and able to annex the property for development purposes. If the city cannot or will not annex, development may be approved within the County if the public service impacts are within the service capabilities of the County and affected special districts, and if the use and density proposed are determined to be consistent with the County's General Plan and compatible with the city's General Plan. These policies apply only to cities with adopted Urban Development Boundaries.

### **Processing and Permit Procedures**

#### **Permit Approval Process**

The types of residential development permits required by the County were discussed previously in this Chapter. In addition, any new division of land must comply with the provisions of the State Subdivision Map Act and the Tulare County Subdivision Ordinance.

#### **Processing Time**

The time required to process a project varies greatly from one project to another and is directly related to the size and complexity of the proposal and the number of actions or approvals needed to complete the process. Table 4-D identifies the typical processing time most common in the entitlement process. It should be noted that each project does not necessarily have to complete each step in the process (i.e., small scale projects consistent with the General Plan and zoning designations do not generally require Environmental Impact Reports (EIR), General Plan Amendments, Zone Change, or Variances). Also, if more than one permit approval is required (i.e., Zone Change and Subdivision Map), they are processed simultaneously. Such procedures save time, money, and effort for both the public and private sector and substantially decrease the costs to developers.

Compliance with the requirements of the California Environmental Quality Act (CEQA) is handled simultaneously with process of an application for a project. Environmental review does not particularly

lengthen the processing time for a project, unless it is an Environmental Impact Report (EIR). All projects are processed within the statutory time limits specified by CEQA.

**Table 4-D  
Permit Processing Timeline**

Typical Processing Time for Land Use Applications		
Type of Approval or Permit	Approval Body	Typical Processing Time
Building Permit	County Staff	1 day to 2 weeks
Special Use Permit	Planning Commission	12 – 16 weeks
Administrative Special Use Permit	Planning Director	1 – 3 weeks
Variance	Planning Director Planning Commission	3 – 12 weeks
General Plan Amendment	Planning Commission Board of Supervisors	12 – 24 weeks
Planned Unit Development	Planning Commission	16 – 26 weeks
Zone Change	Planning Commission Board of Supervisors	12 – 24 weeks
Subdivision Map	Board of Supervisors	12 – 24 weeks
Lot Line Adjustment	Planning Director	3 – 8 weeks
Parcel Map	Planning Commission	3 – 12 weeks
Preliminary Site Plan	Project Review Committee	3 – 12 weeks
Final Site Plan	Planning Commission	3 – 12 weeks

*Source: Tulare County Resource Management Agency*

**Typical Processing Procedures**

**Single Family Unit:** A single family unit, whether in a community or in an agricultural area, will typically require only a building permit as long as the project meets Zoning Ordinance requirements for a new or additional residence. Building permits typically take approximately two weeks to review.

**Subdivision:** Approval of a subdivision application will typically require preliminary review by the Project Review Committee (PRC), followed by Planning Commission review and approval of the Final Site Plan, along with the appropriate CEQA document (usually a negative or mitigated negative declaration). In some cases, additional permits may be required, such as a setback variance. This process will normally take between 6 to 8 months.

**Multifamily Units:** Will require preliminary review by the Project Review Committee followed by Planning Commission review of the Final Site Plan. In some instances, the project may also require a change of zone. Depending on the scale of the project and potential environmental impacts, the project will require either a CEQA exemption or a negative declaration, and the final site plan. This process will take usually between 6 to 8 months.

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Processing procedures and timelines for land use entitlement requests are also affected by the need to address environmental issues through CEQA. The County makes use of categorical exemptions from CEQA for the development of affordable housing, agricultural housing, and residential infill projects. Policies in this regard are listed in Chapter 6 and are intended to reduce unnecessary constraints on the provision of affordable housing in Tulare County.

The RMA is continually assessing the permitting process to increase efficiency which will save the applicant time and money. Currently the County is evaluating which additional applications may be approved by a ministerial action.

### Fees and Extractions

The Resource Management Agency (RMA) charges fees for various services associated with residential projects. Tulare County reviews the planning and development fee schedule on an annual basis, any changes in fees are brought before the Tulare County Board of Supervisors and are only acted upon after a properly noticed public hearing. Building permit fees are determined by the square footage of the structure or improvement. It is the County's policy to have full cost recovery of the services provided.

Table 4-E provides typical fees for both a single family and a multi-family unit. Fees do not present a constraint to affordable housing in the County as per unit fees for a multi-family unit is significantly less than for a single family unit.

Table 4-F summarizes the County's fee schedule for various land use applications. The entire fee schedule is included in Appendix C. Tulare County currently does not collect any impact fees which are a major impediment to the development of affordable housing. It should be noted that fees in Tulare County are some of the lowest in the State and that based on the total cost of development; these fees are minimal and don't act as a constraint to development of affordable housing.

**Table 4-E  
Typical Fees per Residential Unit**

	Multiple-Family	Single Family
Fee Description	4 Units 700 sq ft each	1,400 sq ft
Final Site Plan	\$3,678.00	N/A
Building Permit	\$1,683.68	\$868.84
Plan Check	\$431.40	\$239.70
General Plan Maintenance Fee	\$200.00	\$200.00
<b>Urban Development Boundary Fee, Hamlet Development Boundary Fee</b>	\$150.00	\$150.00
Computer Maintenance Fee	\$10.00	\$10.00
Environmental Health Review	\$68.00	\$68.00
Public Works Review	\$93.00	\$93.00
Water Connection (County service areas)	\$500.00	\$500.00
Sewer Connection (County service areas)	\$500.00	\$500.00
<b>Total County Fees</b>	<b>\$7950.08</b>	<b>\$3,077.54</b>
School Fees (median \$3.36 sq. ft.)	\$9,408.00	\$4704.00

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	Multiple-Family	Single Family
Fee Description	4 Units 700 sq ft each	1,400 sq ft
Fees Per Unit	\$4339.52	\$7,781.54

**Table 4-F  
Land Use Application Fees**

Fee Schedule for Various Land Use Applications	
Type of Permit	Application Fee
Planned Unit Development	\$8,203.00
Zone Change Initiation	\$3,333 deposit + \$100/hour
Zone Change	\$6,451 deposit + \$100/hour
Zone Variance	\$3,490 deposit + \$100/hour
Building Setback Variance	\$1,351.00
General Plan Amendments	\$10,321 deposit + \$100/hour includes cost of zone change
Project Review Committee	\$678
Special Use Permit	\$3,005 deposit + \$100/hour
Tentative Subdivision (Tract) Map 1 – 12 lots	\$3,798.00 deposit + \$100/hour
Final Subdivision Map	\$2,472.00 plus \$26.00 per lot
Lot Line Adjustment	\$1,481
Certificates of Compliance 1 – 4 lots/parcels	\$754.00 plus \$211.00 per lot
Project Review Committee	\$768
Final Site Plan	\$3,415.00 + \$100/hour
Tentative Parcel Map 1 – 4 lots/parcels	\$2,007.00
Final Parcel Map	\$1,614.00
Environmental Impact Report prepared by County	\$5,286 deposit + \$100/hour plus costs for technical studies

### Schools Fees

New construction on commercial structures and new construction of residential building as well as additions that exceed 500 square feet require that a school fee be collected before issuing a building permit.

Depending on the school district you are building in, the fees will vary according to which fee schedule the district has adopted. Currently, residential fees are between \$2.63 and \$7.26 per square foot and commercial fees are between \$.42 and \$.54 per square foot. There are currently 43 Elementary School Districts (21 Elementary School Districts, 16 Union Elementary School Districts, 5 Joint Union Elementary School Districts), 13 High School Districts (8 Unified School Districts), 2 Union High School Districts, 5 Joint Union High School Districts) and 3 Community College Districts within Tulare County.

The median school fee collected is for residential development is \$ 2.30 per square foot. There are a few that do not assess impact fees upon new residential development: Outside Creek Elementary, Waukena Elementary, Citrus South Tule Elementary, Hot Springs, and Columbine Elementary.

### **Water and Sewer Fees**

County Service Areas are established in accordance with Government Code Sections 2510.1 through 2511.33. These districts are governed by the County Board of Supervisors. There are currently two County Service Areas within Tulare County. County Service Area No. 1 has eight Zones of Benefit (Delft Colony, El Rancho, Lindcove [inactive], Seville, Tooleville, Toneyville, Traver and Yetter). County Service Area No. 2 consists of Wells Tract located east of the City of Woodlake. In addition, there is currently one Sewer Maintenance District within Tulare County; the Terra Bella Sewer Maintenance District. These districts only provide sewer with the exception of Delft Colony, Yetter and Wells Tract that also provides water. In addition, Tulare Water Works District #1 manages domestic water for Alpaugh. The County charges a flat fee of \$500.00 per each connection, with the exception of El Rancho that charges a \$1,286.00 fee.

Outside of the County Service Areas several special districts have been established; Public Utility Districts (PUD), Community Service Districts (CSD), Irrigation Districts and Sanitation Districts. These special districts charge connection fees for sewer and water services. The amount charged varies from district to district. Some districts require connection fees in advance of actual building permit issuance. As a result, developers may be required to finance those fees. The costs to finance these fees may be passed on to the homebuyer, which may increase the cost of living. These districts often suffer from a lack of adequate funds and staff to properly maintain or expand their services. The costs of providing these services can be partially met through a combination of assessments, user fees, grants and loans.

Rural density residential development is commonly served by septic tanks and individual wells. Lack of community sewer and water systems, in addition to posing potential health hazards, can result in further constraints on residential development. As an example, most funding agencies will not loan funds for new housing unless the site can be provided with community sewer service.

### **Water and Sewer Service Priority for Affordable Housing**

Chapter 727, Statutes of 2005 (SB 1087) requires all local jurisdictions to provide a copy of their adopted Housing Elements to all water and sewer providers that serve the jurisdiction. Local public and/or private water and sewer providers must adopt written policies and procedures that grant a priority for service hook-ups to developments that help meet the community's share of the regional need for lower-income housing. In addition, the law prohibits water and sewer providers from denying, conditioning the approval, or reducing the amount of service for an application for development that includes housing affordable to lower-income households, unless specific written findings are made. A letter will be sent from the Resource Management Agency notifying water and sewer providers of this requirement within thirty (30) days of adoption of the Housing Element. The letter will also include a copy of the May 2006 memorandum from the California Department of Housing and Community Development concerning SB 1087: Water and Sewer Service Priority for Housing Affordable to Lower-Income Households.

### **Infrastructure Required to Meet RHHA Estimated Housing Needs**

Adequate sites for additional housing units have been identified in various regions throughout unincorporated Tulare County. These sites generally fall within the Urban Development Boundaries (UDB's) of the County's communities and hamlets. The sites are shown in the Adequate Site Inventory figures shown elsewhere in this document.

Sustainable housing units either depend upon existing infrastructure with excess capacity, or infrastructure that is developed in conjunction with the housing units. Infrastructure for housing units includes roads and transportation infrastructure, water supply, wastewater conveyance, storm water conveyance, power/energy supply, and communications connections. This infrastructure is provided by various entities including county or city government, local service districts, public utility companies, and private landowners. Depending upon their location, adequate housing sites can be divided into three categories: 1) those within an existing service district, 2) those adjacent to an existing service district that could be expanded; or 3) those outside of the proximity of an existing service district.

Descriptions of the various service districts throughout the unincorporated county as well as capacity estimates are included elsewhere in this document. The following is a brief description of which infrastructure elements would typically be required for housing development within the three categories described above.

### **1) Housing sites located within an existing service district**

Housing sites developed within existing service districts are typically infill development with fewer overall units. This category requires the least amount of infrastructure improvements associated with the development. Typically roads, water supply pipelines, sewer and stormwater conveyances, power/energy supplies, and communications connections are already in place and only a short connection is required. In these cases, the cost of the connections would be economically feasible for individual single or small numbered developments (approximately \$2,500 to \$30,000 per unit)

In some cases, the overall capacity of the specific infrastructure system may not be adequate to provide service to the additional housing units. Some aspects of the public infrastructure at various communities, particularly water supply and wastewater conveyance provided by the service district is currently at maximum capacity. In that event, improvements to the infrastructure may be required before a connection to the system is allowed. These off-site improvements may range from water or sewer main upsizing, to treatment plant expansion. Depending on the extent of the improvements required, the number of the units proposed, and the location of the units, the costs of these improvements could vary considerably. The range of these costs could be economically unfeasible for individual or small numbered developments. Only when the development is large enough, can the cost of the improvements be distributed adequately to make the development economically viable. The cost of off-site improvements to a system may range from \$200,000 to \$5,000,000.

### **2) Housing sites located adjacent to an existing service district that could be expanded**

Potential housing sites located near an existing service district may be able to take advantage of the proximity to the service district through an expansion of the service district boundary. Typically, economies of scale create an incentive for service districts to expand. In the event that the existing service district has excess capacity, the costs of connecting potential housing sites to that system would only include the infrastructure cost of the connection. Depending on location, this cost may range from \$50,000 to \$1,000,000.

In the event that the adjacent service district does not have adequate capacity to provide services, then an expansion of the system may be required before connection is allowed. In this case, the cost of the expansions may render individual or small numbered developments economically unfeasible.

It should be noted that changing the boundaries of some service districts that are political entities may require an administrative or statutory process.

### **3) Housing sites located outside of the proximity of an existing service district**

Housing sites located outside the proximity of an existing service district, but inside a UDB may be required to establish and provide infrastructure as part of the development. Depending upon local policy and statutes, the number of units in the development, and the size of the parcel developed, the required infrastructure improvements may vary from private individual wells and septic systems, and private access driveways to the construction of infrastructure systems like municipal wells with water distribution systems and wastewater collection and treatment facilities as well as the establishment of a service district to operate and maintain the facility. The cost of this infrastructure could range from \$25,000 to \$70,000 for private individual wells and septic systems to the millions of dollars for community water and sewer systems.

### **Roads, Sidewalks, and Storm Drainage Infrastructure**

Typically, residential development within a UDB can utilize the existing roads, sidewalks and storm drainage infrastructure. This is particularly true for infill development where the improvements exist surrounding the housing site. In these cases, moderate levels of improvements may be required. These improvements might include constructing County standard curb, gutter, and sidewalk on the property frontage. The costs for these types of improvements would range from \$2,500 to \$40,000 per unit depending on the size of the parcel being developed.

Larger residential developments and non-infill developments may require construction of public roadways, sidewalks and storm drainage infrastructure such as inlets, conveyance, and detention or retention basins. The cost of these infrastructure improvements can vary widely depending on the scale of the development and location and availability of existing infrastructure.

### **Park and Open Space Development**

The County of Tulare operates and maintains nine parks countywide. The County does not have any current plans to acquire and develop new parks, due to budgetary constraints. Further, the County does not assess a land dedication fee for the development of parks and recreation (also known as Quimby Act fees) upon new residential development.

### **Housing for Persons with Disabilities**

Implementation of Title 24 of the California Code of Regulations is already in effect for new construction of multiple-family housing developments (with three or more units) to ensure access and adaptability for persons with disabilities, including provision of handicapped parking. Some physical constraints could be addressed through the zoning ordinance provisions of general exceptions or administrative variances, which allow for a 10% deviation from the Zoning Ordinance requirement. Section 15, page 29, L General Exceptions allow for landings, porches and platforms to extend 6 feet into any front side or rear setback. Also the County will allow the above benefits to the disabled person's family and friends to provide reasonable accommodation for that person.

Most Americans with disabilities live on their own, with parents, siblings or caregivers. Another significant group lives in group or institutional settings. The County does allow, in accordance with State law, the development of group homes for up to six (6) persons by right. Most group homes are located within the cities where medical facilities are more readily available. The County does not have spacing requirements between group homes. The County does also allow development with housing of more than 6 persons in R-2, R-3, C-1 and C-2 Zones by right. However, individuals who wish to live independently and families burdened by continued care find affordable housing lacking, public housing limited and social services inadequate.

## 4. Housing Constraints

Reasonable accommodation procedures are needed and, as a result, will be implemented by adopting a reasonable accommodation ordinance (Action Program 10) as outlined in the Chapter 6. Recognizing the need to formally identify procedures that would reduce constraints for disabled persons seeking housing or improved housing, the County will conduct an analysis of governmental constraints affecting access to housing and supportive services and affordability of housing for persons with disabilities, based upon guidelines prepared by State HCD and will adopt appropriate procedures that mitigate the impediments to housing for persons with disabilities. The reasonable accommodation ordinance will be adopted after the General Plan 2030 has been implemented.

Until such time as the reasonable accommodation ordinance is complete, the Resource Management Agency will develop a disabled ADA compliance checklist as part of the Site Plan Review Committee process for housing projects. And should any constraints become known; the County, working through the Zoning Administrator, will contact the Center for Independent Living, the Kings and Tulare Area Agency on Aging, or other ADA provider to work through the constraints.

### 4.3 Nongovernment Constraints

As with governmental controls, there are different levels of private controls, many of which are at least partially independent of each other. One example of this is the effect of lending policies and interest rates upon the production of housing. These policies, and the availability or scarcity of money to finance housing projects, are factors over which local builders and developers have little or no control. Projects that have already received the necessary permits and approvals may be delayed or canceled due to outside economic factors. The federal government is involved with the private sector in determining interest rates and funding availability according to prevailing economic conditions. Other examples of difficulties within private market housing, outside the realm of local housing producers, include shortages of materials, increases in the cost of materials and labor interruptions.

#### Availability of Financing

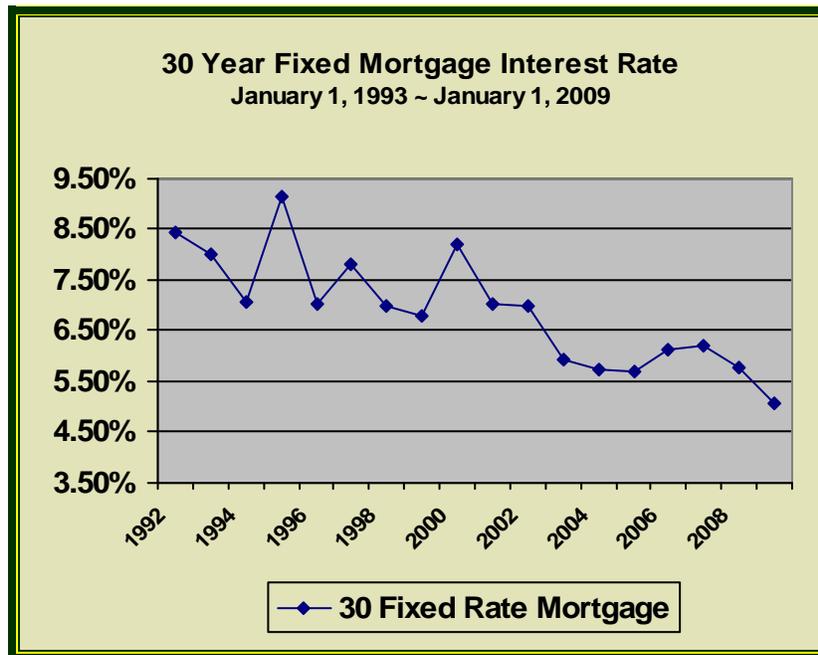
One of the most significant factors related to the provision of adequate housing for all segments of the population is the availability of affordable financing. Mortgage interest rates on a 30-year fixed mortgage loan during the years 2000 through September 2014 show a downward trend, as shown in Chart 4-A.

Chart 4-A  
Interest Rate Trends, 30 year Fixed Mortgage Interest Rate (updated)  
(<http://www.freddiemac.com/pmms/pmms30.htm>)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
30-year Mortgage Interest Rate (%)	8.05	6.97	6.54	5.83	5.84	5.87	6.41	6.34	6.03	5.04	4.69	4.45	3.66	3.98	4.24*

\*2014 data averaged through September 2014

Chart 4-A  
Interest Rate Trends



Source: Federal Home Loan Mortgage Corporation's (Freddie Mac)

Since the early 1980's, mortgage rates have almost steadily declined nationally from a maximum annual average of 16.63% in 1981 to historic lows of less than 4.00% in 2012 and 2013. This means that a \$150,000 mortgage in January 2013, with a 30-year fixed mortgage rate of 3.98% would require \$714 in monthly payments, compared to a 2009 30-year fixed mortgage with rate of 5.05%, which would require \$810.00 monthly payments, a savings of \$96 per month or \$1152 annually. (Note that average annual interest rates in 2014 (through September) have increased slightly, to 4.24%).

On January 1, 2009, the Federal Housing Administration (FHA) began to insure single-family home mortgages up to \$271,050 in low cost areas and up to a maximum of \$625,500 in high cost areas.

"Temporary loan limit authority, first given to HUD by Congress in the Economic Stimulus Act of 2008 (ESA), and then extended multiple times through a series of temporary legislative authorities, expired at the end of December 2013. The FHA single-family loan limits for 2014 are established using the permanent authority under section 203(b)(2) of the National Housing Act, as amended by the Congress in the Housing and Economic Recovery Act of 2008 (HERA). While there are many changes in loan limits for so-called high-cost areas, the national standard (floor) limit remains at \$271,050 for 2014."<sup>3</sup>

FHA mortgage maximums as of October 7, 2014, for Tulare County are as follows: One-Family: \$271,050; Two-Family: \$347,000; Three-Family: \$419,425; and Four-Family \$521,250.<sup>4</sup>

Although in 2014 interest rates are still near their lowest point in many decades, down payment requirements are still a barrier to many potential homebuyers. The sub prime mortgage crisis has led to stricter lending guidelines, and has become an obstacle to homeownership for some people. In response to the fiscal crisis and the role played by overly lenient lending practices, the Federal Reserve adopted Truth in Lending rules in 2008, amended in 2010 with the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The new rules required that banks verify income, assets

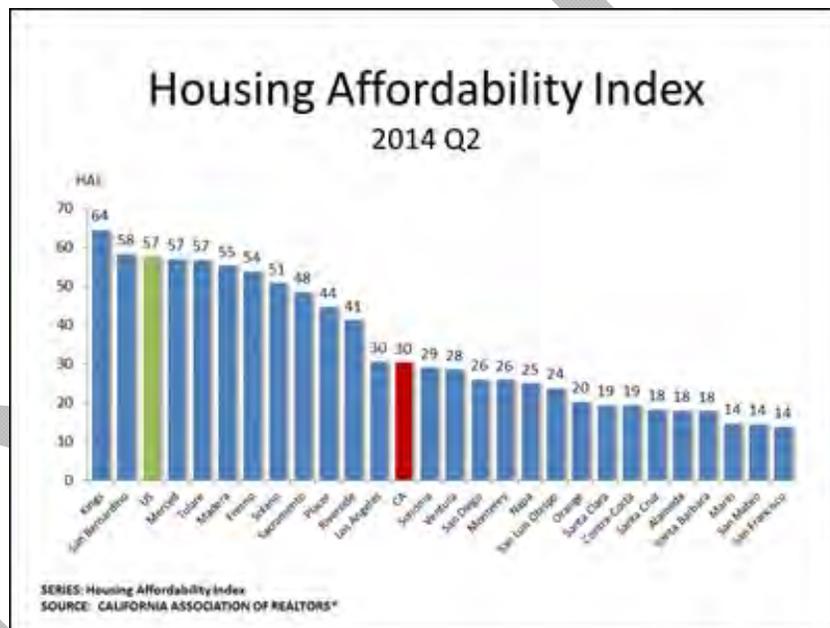
<sup>3</sup> HUD, [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/page\\_oeloanlimit](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/page_oeloanlimit)

<sup>4</sup> FHA, [http://www.fha.com/lending\\_limits\\_state?state=CALIFORNIA](http://www.fha.com/lending_limits_state?state=CALIFORNIA)

and debts prior to awarding loans. While they do restrict lending to a degree, the rules are designed to foster more responsible mortgage lending practices, and to also protect consumers from predatory mortgage lending practices.<sup>5</sup>

### California Housing Affordability

Since the 2009 housing element was published, housing prices in the US and in California have partially recovered after their collapse. Some areas have recovered faster than others. California housing is much less affordable on average than housing the rest of the U.S., but single family housing in the Central Valley has remained more affordable than many other regions in California. The California Association of Realtors have created a Housing Affordability Index (HAI) which measures the percentage of all households in a given region in California that can afford to purchase a median-priced single family home in that region. Based on the HAI, housing prices in the second quarter of 2007 were at an all time high, and affordability was at an all time low. Since that time, there has been a partial recovery. In the second quarter of 2014, affordability statewide fell to 30 percent, with a median home price of \$457,140 in the second quarter of 2014 and an annual income of \$93,590. During the second quarter of 2014, Tulare County was one of the four “most affordable” counties in California, with a Housing Affordability Index of “57” for 2014 Q2, indicating that 57% of the people within the County would qualify for a mortgage, based on their income and current house prices (the first three were Kings, San Bernardino, and Merced).<sup>6,7</sup>



Source: CAR, <http://www.car.org/marketdata/realestate411/reaaug2014/>

<sup>5</sup> NOLO, “Stricter Mortgage Requirements for Homebuyers” <http://www.nolo.com/legal-encyclopedia/lenders-screening-homebuyers-hoepa-30034.html>

<sup>6</sup> California Association of Realtors, “A Look at Housing Affordability Across the State,” <http://www.car.org/marketdata/realestate411/reaaug2014>

<sup>7</sup> <http://www.smmirror.com/articles/News/California-Housing-Affordability-Index-Falls-In-Second-Quarter/40865>