

RESOLUTION NO. 05-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING NEGATIVE DECLARATION/TENTATIVE SUBDIVISION MAP NO. 05-29, A REQUEST BY MARTINHO CONSTRUCTION (1343 N. WEST ST. TULARE, CA 93275), TO DIVIDE ONE PARCEL INTO 42 LOTS, FOR PROPERTY LOCATED BETWEEN MAPLE AND ASH AVENUES, NORTH OF TULARE ROAD.

At a regularly scheduled meeting of the City Council of the City of Lindsay, held December 13, 2005, at the hour of 6:00 p.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

THAT WHEREAS, Tentative Subdivision Application No. 05-29 was filed pursuant to the regulations contained in Ordinance No. 437, the Zoning Ordinance of the City of Lindsay; and

WHEREAS, the City Council of the City of Lindsay, after twenty (20) days published notice, did hold a public hearing before said Council on November 22, 2005; and

WHEREAS, city staff has prepared necessary investigations and prepared a staff report of information bearing upon the tentative subdivision map application; and

WHEREAS, an Initial Study was prepared consistent with the provisions of the California Environmental Quality Act. On the basis of the Initial Study, the City of Lindsay has determined that the project would not result in significant impacts to the environment and has prepared a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, that the project would not result in significant impacts to the environment, and the City Council hereby accepts the Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the project site is a vacant site which has been repeatedly disked for weed control. The City Council hereby makes a finding of "de minimus" impact: the project would not have the potential for adverse impacts on wildlife resources.

BE IT FURTHER RESOLVED that the City Council of the City of Lindsay finds that the proposed tentative subdivision map application is consistent with the provisions of the City of Lindsay Zoning Ordinance (Municipal Code Title 18) and Subdivision Ordinance (Municipal Code Title 17).

BE IT FURTHER RESOLVED, that that the City Council of the City of Lindsay hereby approves Tentative Subdivision Map Application No. 05-29, subject to the following conditions:

SECTION 1. That the developer shall comply with, if required, the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water associated with construction activity (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

SECTION 2 That the final map be in substantial compliance with the tentative map, and all applicable standards of the Lindsay Subdivision Ordinance and Development Standards. The final map shall be developed in compliance with the specific conditions listed in the following sections. The final map may be recorded only after full and complete annexation of the project site to the City of Lindsay.

SECTION 3. That the final map shall provide and show all required utility easements.

SECTION 4. That the tentative subdivision map shall expire as stipulated in the Subdivision Map Act, unless a final subdivision map is recorded. The tentative map may be extended subject to the time extension provisions of the Subdivision Map Act in effect at the time of application for a time extension.

SECTION 5. That the adjacent section of Maple Avenue shall be developed as follows:

- a. A 30 foot wide right-of-way shall be provided east of the street centerline. The final map shall include the necessary dimensions and notations to implement this condition.
- b. A minimum pavement width of 20 feet shall be provided east of the street centerline. The subdivision improvement plans shall reflect this condition.
- c. Curb, gutter, paveout, and sidewalk shall be provided consistent with City Improvement Standards.
- d. 15 gallon street trees, shrubs, and groundcovers shall be provided in the parkway areas per approved landscape and irrigation plans.

SECTION 6. That lots adjacent to the subdivision entrance roads (Maple Valley Way and Ashville Street) shall be developed with driveways taking access from their respective interior streets, and shall be located at the maximum feasible distance from subdivision entry points. This includes lots 1, 4, 15, and 40.

SECTION 7. That front-entry garages within the subdivision shall be oriented in such a way as to deemphasize their presence. This shall be accomplished by utilizing the following method in determining their position, relative to the façade of the home:

- 1/3 front-entry garages shall be within 3 feet of the façade of the home.
- 2/3 of front-entry garages shall be recessed a minimum of 5 feet from the façade of the home. Rear, side-entry, or detached garages meeting minimum setback requirements shall be considered an acceptable alternative to front-entry garages.

SECTION 8. That the builder shall incorporate, per the developer's request, a front porch option for each home. Said front porch shall be no less than 4 _ feet deep, as measured from entry of home and shall provide a provision for porch railings.

SECTION 9. That the developer shall indicate street names on the final subdivision map consistent with those indicated on the tentative map.

SECTION 10. That the developer shall install an approved street barricade at the ends of stub roads with each phase, should the project be developed in more than one phase. Additionally the developer shall provide a temporary street turn-around and the ends of stub roads to the approval of the City Engineer.

SECTION 11. That the developer shall indicate street names on the final subdivision map consistent with those indicated on the tentative map.

SECTION 12 That the developer shall, under City inspection, remove all existing, abandoned and unnecessary items from the project site such as foundations, septic tanks, etc., to the satisfaction of the City Engineer prior to the acceptance of the subdivision improvements.

SECTION 13. That the developer shall, prior to the start of grading, abandon and cap existing wells, if any. A well abandonment permit shall be obtained from the Tulare County Department

of Environmental Health. Prior to acceptance of the improvements the developer shall provide proof of abandonment in compliance with Tulare County regulations.

SECTION 14. That the developer shall enter into a Public Improvement Agreement with the City and shall post an acceptable Improvement Security in accordance with Chapter 17 of the Lindsay Municipal Code. Said agreement and securities shall be in a form acceptable to the City Attorney.

SECTION 15. That the developer install, at his expense, required 5800 lumen street lights on 25 foot marbelite poles in the public right-of-way, as recommended by Southern California Edison and approved by the City Engineer per the approved development plan. The developer shall incorporate standard light shielding measures for exterior light fixtures to mitigate any potential adverse glare impacts.

SECTION 16. That minimum 8" water lines shall be installed by the developer to serve the project, at his expense, at the approval of the City. All water lines shall be inter-looped in accordance with approved improvement plans for circulation with new and existing lines in the area. Improvement plans shall define location and adequate size of facilities to the approval of the City Engineer. Said design shall provide for expansion to serve future development. All construction shall be in accordance with the Lindsay Development Standards and Standard Specifications for Public Works Construction (latest approved edition).

SECTION 17. That minimum 8" sewer lines shall be installed by the developer to serve the project, at his expense. The developer shall be responsible for installing, at his expense, any needed modifications to serve the proposed subdivision. Improvement plans shall define location and adequate size of facilities to the approval of the City Engineer. Said design shall provide for expansion to serve future development. All sewer lines shall be interconnected with existing lines in the area, in accordance with approved improvement plans. All construction shall be in accordance with the Lindsay Development Standards and Standard Specifications for Public Works Construction (latest approved edition).

SECTION 18. That the developer shall provide a master drainage and grading plan for the subdivision in accordance with the City's Master Storm Drain Plan. The developer shall install storm drain facilities to transport storm runoff in accordance with City standards.

SECTION 19. That the developer shall install, at his expense, required City standard fire hydrant assemblies per the approved development plan.

SECTION 20. That the developer underground all telephone, power, cable television, and communications utilities and shall provide and convey necessary easements to the applicable utility companies.

SECTION 21. That the developer shall install front yard landscaping for each lot, consistent with typical and/or master irrigation and landscaping plans approved by the City Planner. Front yard landscaping shall include turf, ground covers, and at least one 15 gallon tree per lot.

SECTION 22. That the developer shall install landscaping and a 150 feet long, 6 feet 8 inch tall solid masonry wall along the north property line (adjacent to the northern extent of Mulberry Court, centered on the common boundary of lots 4 and 9) with the adjacent lot improvements. Said masonry wall shall be articulated, with columns, caps, a graffiti resistant coating and vines on the south facing side. Additionally, street trees, shrubs, ground covers, and automatic irrigation systems shall be provided adjacent to the wall on its south side, per the approved landscape plan. Said landscaping shall be maintained and irrigated by the owners of lots 4 and 9.

SECTION 23. That the developer construct curb, gutter, sidewalk and street improvements on all interior streets. Construction of sidewalks along interior streets may be deferred to the time of construction on individual lots.

SECTION 24. That the developer improve the alley adjacent to the south subdivision boundary to City standards, including paving, to the approval of the City Engineer.

SECTION 25. That landscaping shall provide for low growing plants at intersections, in accordance with City ordinances, where traffic sight distances can become a problem.

SECTION 26. That the developer shall provide solid fencing to enclose the back yards of each proposed lot of the subdivision.

SECTION 27. That the developer shall be responsible for cost and related labor involving installation of necessary street signs and regulatory signs in conjunction with this subdivision.

SECTION 28. That the developer shall assure compliance with San Joaquin Valley Unified Air Pollution Control District Rules 8010, 8020, and 8030 regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. A street sweeper is to be provided as necessary to comply. During grading operations, the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer shall pay inspection fees on the grading cost to compensate the City for dust control inspection. Improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer shall remove and properly dispose of waste concrete deposited in this area.

SECTION 29. Building or foundation permits for more than one house shall not be issued until all of the following items are accepted as complete:

- a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing.
- b. The water system is functional from the source of water past the lots on which permits are being requested (i.e., all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.).
- c. Street base rock is in place for accessibility by the public safety officials and building inspectors.
- d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report, a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report.
- e. Lots corners are marked.
- f. Fire hydrants are installed and accepted by the Director of Public Safety and the City Engineer.

SECTION 27. That all required fees and sureties (plan checks, inspections, development fees, subdivision agreements, etc.) shall be paid and/or secured by the subdivider in the amounts, at the times and in the manner prescribed by municipal codes, ordinances and policies of the City of Lindsay.

SECTION 28. That the developer shall provide a Preliminary Soils Report including results on "R-Value" tests and recommendations regarding construction of public improvements, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first.

SECTION 29. That any existing utility poles that conflict with the proposed improvements shall be relocated at the developer's expense.

SECTION 30. That all required fees and sureties (plan checks, inspections, development fees, subdivision agreements, etc.) shall be paid and/or secured by the subdivider in the amounts, at the times and in the manner prescribed by municipal codes, ordinances and policies of the City of Lindsay.

SECTION 31. That the developer shall provide a Preliminary Soils Report including results on "R-Value" tests and recommendations regarding construction of public improvements, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first.

SECTION 32. That any existing utility poles that conflict with the proposed improvements shall be relocated at the developer's expense.

SECTION 33. That a lot grading plan shall be included with the improvement plans submitted to the City for approval.

SECTION 34. That the developer shall coordinate with the U.S. Postal Service regarding mail facilities that will be utilized. Neighborhood Box Units shall be used and installed in accordance with U.S. Postal Service standards.

SECTION 35. That the developer shall pay all applicable fees including, water, sewer, storm drain acreage, connection, park land, etc.

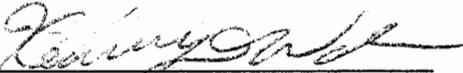
SECTION 36. This project shall be subject to all applicable mandatory air pollution control measures of the San Joaquin Valley Unified Air Pollution Control District in effect at time of development, including, but not limited to Regulation VIII (Fugitive PM10 Prohibitions), Regulation VIII (Rules 8011-8081), Rule 4103 (Open Burning), Rule 4901 (Wood Burning Fire Places and Wood Burning Heaters), and Rule 4902 (Residential Water Heaters).

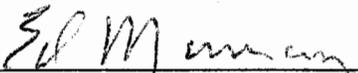
SECTION 37. That all other city codes and ordinances shall apply.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Lindsay this 13th day of December, 2005.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY


Kenny D. Walker, City Clerk


Ed Murray, Mayor

CITY OF LINDSAY)
COUNTY OF TULARE) CITY CLERK CERTIFICATION
STATE OF CALIFORNIA)

I, Kenny D. Walker, City Clerk of the City of Lindsay, do hereby certify that the foregoing is a full, true and correct copy of the original Resolution No. 05-74 adopted by the City Council of the City of Lindsay at a regular meeting duly held on the 13th day of December, 2005, on motion of SALINAS, second of VELASQUEZ, by the following vote, as the same appears of record and on file in my office:

AYES: SALINAS, VELASQUEZ, KIMBALL, PICASO, MURRAY.
NOES: None.
ABSENT: None.
ABSTAIN: None.

WITNESS my hand and Corporate City Seal of Lindsay this 13th day of December, 2005.

OFFICE OF THE CITY CLERK OF LINDSAY

by Carmela W. G. Deputy
Kenny D. Walker, City Clerk