

RESOLUTION NO. 05-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING TENTATIVE SUBDIVISION MAP/VARIANCE NO. 05-24 (BLUE RIDGE RANCH), A REQUEST BY THE DARCO GROUP (808 W. MAIN STREET, SUITE E, VISALIA, CA 93291), TO DIVIDE ONE PARCEL INTO 39 LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, FOR PROPERTY LOCATED BETWEEN SAMOA AND HONOLULU STREETS, BETWEEN CAMBRIDGE AND FOOTHILL AVENUES.

At a regularly scheduled meeting of the City Council of the City of Lindsay, held January 10, 2006, 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/Variance Application No. 05-24 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 (ten (10) days published notice for variance), did hold a public hearing before said Council on January 10th, 2006; and

WHEREAS, city staff has prepared necessary investigations and prepared a staff report of information bearing upon the tentative subdivision map and variance application; and has advised the Council that a variance from the frontage, width, and area requirements of Zoning Ordinance Section 18.07.050, would be required in order to approve lot number 39 of the tentative subdivision map in the R-1-7 zoning district.

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/variance application is consistent with the provisions of the City of Lindsay Subdivision Ordinance (Municipal Code Title 17) and Zoning Ordinance (Municipal Code Title 18).

BE IT FURTHER RESOLVED that the City Council of the City of Lindsay makes the following specific findings based on the evidence presented:

1. There are special circumstances or conditions applicable to the property involved, such that strict or literal interpretation and enforcement of the parcel frontage, width, and area requirements would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

These special circumstances or conditions include:

a) Over 500 R-1-7 zoned parcels within the City of Lindsay have frontage and width values less than the required 60 feet specified in section 18.07.050 of the zoning ordinance.

b) One hundred ninety-nine R-1-7 zoned parcels within the City of Lindsay have parcel areas less than the minimum required 6,000 square feet specified in section 18.07.010 of the zoning ordinance.

2. The granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the vicinity and in the same zoning district. Other properties in the R-1-7 zone have frontage, width, and area values under that required by the R-1-7 zoning ordinance.

BE IT FURTHER RESOLVED, that the City Council of the City of Lindsay hereby approves Tentative Subdivision Map/Variance Application No. 05-24, 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.

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

SECTION 4. That development phase lines on the final map must coincide with lot lines.

SECTION 5. 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 Ordinance in effect at the time of application for a time extension.

SECTION 6. That storm water drainage facilities shall be provided by the developer to the approval of the City Engineer. Said facilities shall control surface flows in accordance with development standards and the City's Master Drainage Plan.

SECTION 7. That the developer shall dedicate all street right-of-way as proposed to the City of Lindsay, after improvement acceptable to the City Engineer.

SECTION 8. That the developer shall indicate street names on the final subdivision map, to approval of the City Engineer.

SECTION 9. That the developer shall, under City inspection, remove all existing, abandoned and unnecessary items from the project site such as foundations, septic tanks, wells, etc., to the satisfaction of the City Engineer prior to the acceptance of the subdivision improvements. If applicable, 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 10. 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 11. That lots adjacent to primary subdivision entrance (lots 1, 14, 15, and 28) shall be developed with driveways located at the maximum feasible distance from street intersection.

SECTION 12. That the developer install, at his expense, the required 5800 lumen street lights on 25 foot marbelite poles in the public right-of-way, in a quantity 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 13. That 12" 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 14. That 12" sewer lines shall be installed by the developer to serve the project, at his expense. 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 15. That the developer shall provide a master drainage and grading plan for the subdivision in accordance with the City's Master Plan. The developer shall install storm drain facilities to transport storm runoff in accordance with City standards.

SECTION 16. That the developer shall install, at his expense, the required City standard fire hydrant assemblies in a quantity approved by the City Engineer per the approved development plan.

SECTION 17. 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 18. That the developer construct curb, gutter, sidewalk and street improvements on all interior streets in accordance with City Standards. 5' wide sidewalks and minimum 4 1/2' wide parkways shall be required. Construction of sidewalks along interior streets may be deferred to the time of construction on individual lots.

SECTION 19. That landscaping shall provide for low growing plants at intersections, in accordance with City ordinances, where traffic site distances can become a problem.

SECTION 20. That the developer shall be responsible for payment and installation of necessary street signs and regulatory signs in conjunction with this subdivision.

SECTION 21. 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 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). The developer shall assure compliance with these provisions, 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 22. 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 23. 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 24. That any existing utility poles that conflict with the proposed improvements shall be relocated by the developer.

SECTION 25. That a lot grading plan shall be included with the improvement plans submitted to the City for approval.

SECTION 26. 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 27. That the adjacent sections of Samoa and Honolulu Streets shall be developed as follows:

a. A forty-two (42) foot wide right-of-way shall be provided along Honolulu Street and a thirty (30) foot wide right-of-way shall be provided along Samoa Street. The final map shall include the necessary dimensions and notations to implement this condition.

b. A minimum pavement width of twenty (20) feet shall be provided north of the street centerline along Honolulu Street. A minimum pavement width of twenty (20) feet shall be provided south of the centerline along Samoa Street. 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, to the approval of the City.

SECTION 28. That landscaping and a 6' 8" tall block wall along the north side of Honolulu Street and along the rear property lines of lots 30, 31, 32 and 36, 37, and 38 shall be installed with each contiguous recorded subdivision phase, and shall be developed as follows:

a. The south side of block walls shall be constructed of split-faced masonry construction, with pilasters, decorative cap, and graffiti resistant coating.

b. Street trees, shrubs, climbing vines, ground covers, and irrigation systems be provided in the landscaped area, to the approval of the City.

c. The block walls and landscaping areas shall be dedicated to the City of Lindsay as separate lots, and included in a Landscaping and Lighting Act District for long-term maintenance. Costs for maintenance of said landscaping shall be born by the developer/property owners of lots 1 through 28 (current and future) in accordance with the provisions of the State of California Landscaping and Lighting Act of 1972. The property owner, and beneficiary of any deed of trust, is required to consent to the formation of the Landscaping and Lighting Act District. Said property owner and beneficiary shall also consent to assessment for maintaining said district in year one, with payment made prior to recordation of the final map.

SECTION 29. That the finished floor elevation for building pads must exceed the base flood elevation.

SECTION 30. 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. The Geotechnical Engineer shall verify and document that lots are graded in conformance with the approved Preliminary Soil Report or an approved addendum to the Preliminary Soil Report. Prior to receipt of the Final

Grading, Drainage and Soils Report, a letter from the "Supervising Civil Engineer" is required validating that the general grading elevations are in substantial conformance with the approved grading plan.

- e. Lots corners are marked.
- f. Fire hydrants are installed and accepted by the Director of Public Safety and the City Engineer.

SECTION 31. That the developer shall provide solid fencing to enclose the back yards of each proposed lot of the subdivision prior to issuance of a certificate of occupancy.

SECTION 32. 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 prior to issuance of a certificate of occupancy.

SECTION 33. That the developer shall pay all applicable fees including, water, sewer, storm drain acreage, connection, park land, etc.

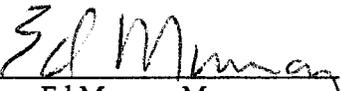
SECTION 34. That all other city codes and ordinances shall apply.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Lindsay this 10th day of January, 2006.

ATTEST:

COUNCIL OF THE CITY OF LINDSAY


Kenny Walker, City Clerk


Ed Murray, Mayor

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

CITY CLERK CERTIFICATION

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. 05-73 adopted by the City Council of the City of Lindsay at a regular meeting duly held on the 10th day of January 2006, on motion of VELASQUEZ, second of PICASO, by the following vote, as the same appears of record and on file in my office:

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

WITNESS my hand and Corporate City Seal of Lindsay this 10th day of January 2006.

OFFICE OF THE CITY CLERK OF LINDSAY

by Carmela Wilson, Deputy

Kenny D. Walker, City Clerk