

**RESOLUTION NO. 05-75**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING NEGATIVE DECLARATION/TENTATIVE SUBDIVISION MAP NO. 05-27, A REQUEST BY RHETT T. BULLOCK AND FRANK R. GOLDEN (468 W. BEECHWOOD DR. TULARE, CA 93274), TO DIVIDE ONE PARCEL INTO 32 LOTS, FOR PROPERTY LOCATED BETWEEN OAK AVENUE AND THE CITY LIMITS, NORTH OF TULARE ROAD.**

At a regularly scheduled meeting of the City Council of the City of Lindsay, held November 22, 2005, at the hour of 7:00 p.m. in the Council Chambers at City Hall, Lindsay, California 93247, the following resolution was adopted:

**THAT WHEREAS**, Tentative Subdivision Application No. 05-27 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. 05-27, 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 Oak Avenue shall be developed as follows:

- a. A 42 foot wide right-of-way shall be provided west of the street centerline on Oak Avenue. 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 west of the street centerline of Oak Avenue. 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 landscaping and a 6' 8" tall block wall along the west side of Oak Avenue shall be installed, and shall be developed as follows:

- a. The block wall shall be constructed of split-faced masonry construction, with pilasters, decorative cap and graffiti resistant coating.
- b. Street trees, shrubs, ground covers, and irrigation systems be provided in the landscaped area, per approved landscape plan.
- c. The block walls and landscaping areas along Oak Avenue shall be dedicated to the City of Lindsay, 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/subdivision property owner (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, with payment made prior to recordation of the final map. The storm drain pond, if any, shall also be included in the Landscaping and Lighting Act District.
- d. The block wall along Oak shall be installed prior to issuance of certificate of occupancy for any residence in the project.

**SECTION 7.** That landscaping and a 7' tall solid wooden fence wall along the west side of Oak Avenue shall be installed, and shall be developed as follows the north side of parcel 2, assessor parcel number 199050056, shall be installed, and shall be developed as follows:

- a. The fence shall be constructed of durable design and materials, subject to the approval of the City planner.
- b. Street trees, shrubs, ground covers, and irrigation systems be provided in the landscaped area, per approved landscape plan.
- c. The curb, gutter, and sidewalk shall be installed along this frontage, per City standards and to the approval of the City engineer.
- d. A curb return shall be installed at the southwest corner of Logan Street and Oak Avenue, per City standards and to the approval of the City engineer.
- e. The fence and landscaping adjacent to parcel 2, assessor parcel number 199050056, shall be included in a Landscaping and Lighting Act District for long-term maintenance. Costs for maintenance of said landscaping shall be born by the developer/subdivision property owner (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, shall be 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, with payment made prior to recordation of the final map.
- f. The fence along Parcel 2, assessor parcel number 199050056, shall be installed prior to issuance of certificate of occupancy for any residence in the project.

**SECTION 8.** That lots adjacent to the subdivision entrance roads shall be developed with driveways located at the maximum feasible distance from subdivision entry points. This includes lots 1, 26, and 27.

**SECTION 9.** 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.
- 1/3 of front-entry garages shall be recessed a minimum of 5 feet from the façade of the home.
- 1/3 of front-entry garages shall be recessed a minimum of 15 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 10.** That the developer shall dedicate all street right-of-way as proposed to the City of Lindsay.

**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, including the installation of an 8" sewer main line in Oak Avenue, to connect with the existing main line in Tulare Road. 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 where appropriate, in accordance with approved improvement plans, to the approval of the City Engineer. 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. This requirement may be

satisfied by shared use of an offsite storm drainage pond. Otherwise, a storm drain retention pond shall be installed in the northwest corner of the subdivision (generally in the area of Lots 7, 8, and 9), with the recorded final map. This pond shall be bordered by a six-foot tall chain link fence with solid screening slats, per City standards. The pond shall be landscaped on visible street frontages, simultaneously with subdivision improvements. Said landscaping shall include tall screening shrubs and automatic irrigation systems, per final approval of the City.

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

**SECTION 24.** That the developer shall provide solid fencing to enclose the back yards of each proposed lot of the subdivision.

**SECTION 25.** 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 26.** 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 27.** 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 28.** 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 29.** 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 30.** That any existing utility poles that conflict with the proposed improvements shall be relocated at the developer's expense.

**SECTION 31.** That a lot grading plan shall be included with the improvement plans submitted to the City for approval.

**SECTION 32.** 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 33.** That the developer shall pay all applicable fees including, water, sewer, storm drain acreage, connection, park land, etc.

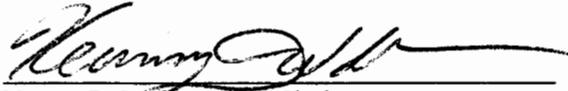
**SECTION 34.** This project shall be subject to all applicable mandatory air pollution control measures of the San Joaquin Valley Unified Air Pollution Control District in effect at time of development, including, but not limited to Regulation VIII (Fugitive PM10 Prohibitions), Regulation VIII (Rules 8011-8081), Rule 4103 (Open Burning), Rule 4901 (Wood Burning Fire Places and Wood Burning Heaters), and Rule 4902 (Residential Water Heaters).

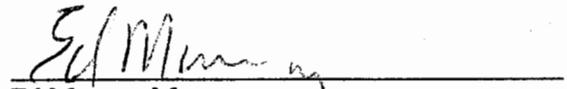
**SECTION 35.** That all other city codes and ordinances shall apply.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Lindsay this 22<sup>nd</sup> day of November, 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 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. 05-75, introduced at a regular meeting of the City Council of the City of Lindsay held the 22<sup>nd</sup> day of November, 2005, and adopted by the City Council of the City of Lindsay, upon motion by KIMBALL, second of VELASQUEZ, by the following vote, as the same appears of record and on file in my office:

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

WITNESS my hand and Corporate City Seal of the City of Lindsay on the 22<sup>nd</sup> day of November, 2005.

OFFICE OF THE CITY CLERK OF LINDSAY

*Kenny D. Walker, Deputy*  
Kenny D. Walker, City Clerk