

RESOLUTION NO. 05-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING TENTATIVE SUBDIVISION MAP NO. 05-06, A REQUEST BY D&M RESOURCES (580 S. STATE STREET, OREM, UTAH, 84058, TO DEVELOP 97 SINGLE-FAMILY RESIDENTIAL LOTS, 2 COMMON LOTS, AND ONE REMAINDER LOT, FOR PROPERTY LOCATED BETWEEN SEQUOIA AND PARKSIDE AVENUES, SOUTH OF HICKORY ROAD.

At a regularly scheduled meeting of the City Council of the City of Lindsay, held June 28, 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 Map No. 05-06 was filed pursuant to the regulations contained in City of Lindsay Zoning Ordinance (Municipal Code Title 18) and Subdivision Ordinance (Municipal Code Title 17).

WHEREAS, the City Council of the City of Lindsay, after twenty (20) days published notice, did hold a public meeting before said Council on June 28, 2005; and

WHEREAS, city staff has prepared necessary investigations and prepared a staff report of information bearing upon the 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 adjacent to three urban roadways, bordered by urban development in one side, and 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. 05-06, subject to the following conditions:

SECTION 1. That the final map be in substantial compliance with the proposed tentative map, all applicable standards of Lindsay Development Standards, and specific design modifications noted herein. The final map shall be developed in compliance with the specific conditions listed in the following sections.

SECTION 2. That existing orange trees in remainder areas, which includes Phase II, shall remain in place and be maintained in a healthy, living condition until the approval and development of these areas. When the remainder is developed, these trees may be removed as needed to facilitate construction. In lieu of this condition, the applicant or developer may install and maintain groundcover plantings for dust control, subject to review and approval of a landscaping and irrigation plan by the City.

SECTION 3. 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 4. That the final map shall provide and show all required utility easements.

SECTION 5. That the adjacent sections of Sequoia Avenue shall be developed as follows:

- a. A minimum 30 foot wide right-of-way shall be provided east of the street centerline. The final plan of development 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. Final 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.
- e. A 6' 8" tall block wall along the east side of the right-of-way shall be installed contiguous with each development phase, constructed of split-faced masonry construction, with pilasters, decorative cap, and graffiti resistant coating. The wall shall be designed to provide safe visibility at street intersections, as approved by the City Engineer.

SECTION 6. That the adjacent sections of Parkside Avenue shall be developed as follows:

- a. A 42 foot wide right-of-way shall be provided west of the street centerline. The final plan of development 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. Final 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.
- e. A 6' 8" tall block wall along the west side of the right-of-way shall be installed contiguous with each development phase, constructed of split-faced masonry construction, with pilasters, decorative cap, and graffiti resistant coating. The wall shall be designed to provide safe visibility at street intersections, as approved by the City Engineer. In addition, the wall shall provide openings as necessary to provide through access to the existing single-family residence located on the proposed remainder parcel along Parkside.

SECTION 7. That the adjacent sections of Hickory Street Avenue shall be developed as follows:

- a. A minimum 30 foot wide right-of-way shall be provided south of the street centerline. The final plan of development shall include the necessary dimensions and notations to implement this condition.
- b. A minimum pavement width of 20 feet shall be provided south of the street centerline. Final 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.
- e. A 6' 8" tall block wall along the south side of the right-of-way shall be installed contiguous with each development phase, constructed of split-faced masonry construction, with pilasters, decorative cap, and graffiti resistant coating. The wall shall be designed to provide safe visibility at street intersections, as approved by the City Engineer.

SECTION 8. That the proposed park lots be landscaped with groundcovers, shrubs, and trees and permanent automatic irrigation systems.

SECTION 9. That a landscaping and irrigation plan shall be submitted with each development phase. This plan shall incorporate water conservation design and materials in accordance with City code and state law. This plan shall provide for maximum feasible shading of pavement areas.

SECTION 10. That block walls and landscaping areas along the project perimeter and interior park lots shall be dedicated to the City of Lindsay as separate lots, and 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/property owners (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 issuance of the first certificate of occupancy.

SECTION 11. Provisions for storm drainage of the site shall be provided by the developer to the approval of the City Engineer. Said provisions shall control surface flows in accordance with development standards and the City's Master Plan. The developer shall install storm drain facilities to transport storm runoff in accordance with City standards.

SECTION 12. That the developer shall install an approved street barricade at the ends of stub roads with each phase.

SECTION 13. That the developer shall dedicate all street right-of-way as proposed to the City of Lindsay.

SECTION 14. 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 15. 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 16. 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 17. That the developer install, at his expense, the required 5800 lumen street lights on 25 marbelite poles in the public right-of-way, in a quantity as recommended by Southern California Edison and approve the City Engineer per the approved development plan. The developer shall incorporate standard light shielding means for exterior light fixtures to mitigate any potential adverse glare impacts.

SECTION 18. That 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 19. That 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 offsite sewer lift stations necessary to serve the proposed development. 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 20. That the developer shall provide a master drainage and grading plan for the development 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 21. That the developer shall install, at his expense, the required City standard fire hydrant assem in a quantity approved by the City Engineer per the approved development plan.

SECTION 22. 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 23. That the developer shall install front yard landscaping for each single-family 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 24. That landscaping shall provide for low growing plants at intersections, in accordance with City ordinances, where traffic sight distances can become a problem.

SECTION 25. That the developer construct curb, gutter, sidewalks or pedestrian paths, and street improvements on all interior streets.

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 development.

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. 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).

SECTION 30. Building or foundation permits for more than one dwelling unit 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 31. That all required fees and sureties (plan checks, inspections, development fees, 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 32. 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 33. That any existing utility poles that conflict with the proposed improvements shall be relocated at the developer's expense.

SECTION 34. That a lot grading plan shall be included with the improvement plans submitted to the City for approval.

SECTION 35. 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.

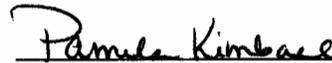
SECTION 36. That the developer shall pay all applicable fees including, water, sewer, storm drain acreage, connection, park land, etc.

SECTION 37. That the final design of the major east/west interior road and roundabout area be subject to review and approval by the City Engineer for adequate vehicular access and safe turning movements at intersections.

SECTION 38. That all other city codes and ordinances shall apply.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Lindsay this 28th day of June, 2005.

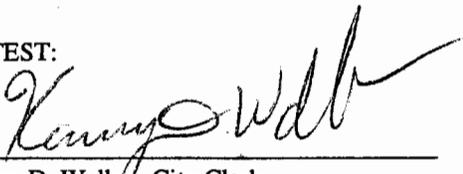
CITY COUNCIL OF THE CITY OF LINDSAY



Ed Murray, Mayor

By Pamela Kimball, Mayor Pro Tem

ATTEST:



Kenny D. Walker, City Clerk

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. 05-36 adopted by the City Council of the City of Lindsay at a regular meeting duly held on the 28th day of June, 2005, on motion of SALINAS, second of VELASQUEZ, by the following vote, as the same appears of record and on file in my office:

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

WITNESS my hand and Corporate City Seal of Lindsay this 28th day of June, 2005.

OFFICE OF THE CITY CLERK OF LINDSAY

by Carmela Wilson, Deputy
Kenny D. Walker, City Clerk