

**RESOLUTION NO. 05-80**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDSAY APPROVING TENTATIVE SUBDIVISION MAP NO. 05-28 (VALENCIA), A REQUEST BY DON ROARK (22344 ROAD 198, LINDSAY, CA 93247), TO DIVIDE TWO PARCELS INTO 20 LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF HARVARD AVENUE AND VALENCIA STREET.**

At a regularly scheduled meeting of the City Council of the City of Lindsay, held December 13, 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. 05-28 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 December 13, 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 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 hereby approves Tentative Subdivision Map Application No. 05-28, 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 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 5.** 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 6.** That the developer shall indicate street names on the final subdivision map, to approval of the City Engineer.

**SECTION 7.** 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 8.** 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 9.** That lots adjacent to primary subdivision entrance and major intersections (lots 10, 11 and 15) shall be developed with driveways located at the maximum feasible distance from street intersection.

**SECTION 10.** That the developer installs, 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 11.** 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 12.** That 8" 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 13.** That a 21" storm drain line shall be extended within Valencia Street from the western extent of the project site east to and connecting with the existing 30" storm drain line within Harvard Avenue, per the City's Master Drainage Plan and to the approval of the City Engineer. Said installation shall include Storm Drain Inlets as required by 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 14.** That the developer shall provide a master drainage and grading plan for the subdivision in accordance with the City's Master Drainage Plan. The developer shall install on site storm water drainage facilities in accordance with City Standards 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 15.** 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 16.** 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 17.** 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 \_' wide parkways shall be required. Construction of sidewalks along interior streets may be deferred to the time of construction on individual lots.

**SECTION 18.** That landscaping shall provide for low growing plants at intersections, in accordance with City ordinances, where traffic site distances can become a problem.

**SECTION 19.** That the developer shall be responsible for payment and installation of necessary street signs and regulatory signs in conjunction with this subdivision.

**SECTION 20.** 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 21.** 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 22.** 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 23.** That any existing utility poles that conflict with the proposed improvements shall be relocated by the developer.

**SECTION 24.** That a lot grading plan shall be included with the improvement plans submitted to the City for approval.

**SECTION 25.** 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 26.** That the adjacent sections of Harvard Avenue and Valencia Street shall be developed as follows:

a. A forty-two (42) foot wide right-of-way shall be provided along Harvard Avenue and a thirty (30) foot wide right-of-way shall be provided along Valencia 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 west of the street centerline along Harvard Avenue. A minimum pavement width of twenty (20) feet shall be provided north of the street centerline along Valencia 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.

e. Parkway areas shall be designed and developed to City standards and the approval of the City Planner.

**SECTION 27.** That landscaping and a 6' 8" tall block wall along the north side of Valencia Street 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, to the approval of the City.

c. The block wall and landscaping area shall be dedicated to the City of Lindsay as a separate lot, 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 (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 28.** 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 29.** That the developer shall provide a 6' 8" tall block wall of masonry construction with decorative cap, along the entire west side of the subdivision and along the north side of lot 7. Additionally, solid fencing shall be provided to enclose the back yards of each remaining lot of the subdivision prior to issuance of a certificate of occupancy.

**SECTION 30.** 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.

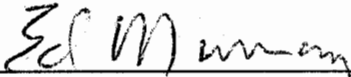
Front yard landscaping shall include turf, ground covers, and at least one 15 gallon tree per lot prior to issuance of a certificate of occupancy.

**SECTION 31.** That the developer shall pay all applicable fees including, water, sewer, storm drain acreage, connection, park land, etc.

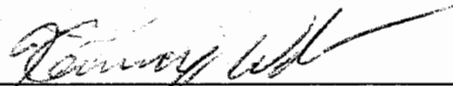
**SECTION 32.** That all other city codes and ordinances shall apply.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Lindsay this 13<sup>th</sup> day of December, 2005.

CITY COUNCIL OF THE CITY OF LINDSAY

  
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Ed Murray, Mayor

ATTEST:

  
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Kerry Walker, City Clerk

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. 05-80 adopted by the City Council of the City of Lindsay at a regular meeting duly held on the 13<sup>th</sup> day of December, 2005, on motion of VELASQUEZ, second of SALINAS, by the following vote, as the same appears of record and on file in my office:

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

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

OFFICE OF THE CITY CLERK OF LINDSAY

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