

**Lemoore Planning Commission - Staff Report**  
**July 24, 2006 Meeting**  
**Application by Coker Ellsworth for an extension to**  
**Tentative Subdivision Map 2004-02 for Tract 818 –Cedar Nest III**

**A. Project Location & Description:**

The development is located on the east side of 19½ Avenue and on the south side of Cedar Lane. The Tentative Subdivision Map 2004-02 / Tract 818 will subdivide 5.84 acres into 23 single family lots. The Tentative Subdivision Map was approved on June 14, 2004 along with nineteen (19) Conditions of Approval.

Coker Ellsworth owner has applied for a one (1) year extension. The application was received May 26, 2006, prior to the expiration date of June 14, 2006. Under the City's Municipal code section 8-7B-10 the applicant will receive an automatic extension of sixty (60) days or until the extension is approved, conditionally approved, or denied, whichever occurs first.

**B. Staff Review:**

The applicant's request is reviewed based on City criteria for granting extension approvals and the following findings are made.

*a. How long of an extension is being requested?*

The original approval was given by the Planning Commission on June 14, 2004 with 19 conditions of approval for a two (2) year period, expiring June 14, 2006. If the current request for a one year extension is granted, the map will have a three (3) year life. Section 66452.6(e) of the State Map Act authorizes the Planning Commission to grant up to a five (5) year life of the project without any phases being recorded. The current request for a one (1) year extension is consistent with the Commission policy of granting only a one (1) year extension of time.

*b. What is the current status of the project?*

The Final Map has been submitted for its sixth (6th) submittal and the Improvement Drawings have submitted their fifth (5th) submittal and are presently being reviewed by the City Engineer and the Public Works Departments.

*c. What efforts were made to complete or start the project within the approval period?*

Corrections and resubmittal of the Final Map and the Improvement Drawings as requested.

*d. How will the project be completed if the extension is granted?*

The project will be considered completed when the corrected and/or revised submitted version of the Final Map and the Improvement Drawings have met the approval of both the City Engineer and the Public Works Department and then the map will be recorded.

*e. Prior to granting a second extension, the final map for at least one phase should have been recorded.*

*(Not Applicable)* This development is not phased.

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- f. *Are there any new circumstances, which may require amending any previously imposed approved conditions or imposing new conditions?*

On June 7th, 2005 the City Council adopted Resolution #2005-24 directing City staff to prepare an updated development impact fee and that all development applications deemed complete after the adoption would be subject to the new impact fee study when complete (which is anticipated to be June 2006). Therefore, condition #19 needs to be modified, to read as follows:

19. That in accordance with the finding of the City Council Resolution 2005-24 adopted on June 7, 2005, the Council has authorized staff to prepare an updated impact fee study which is anticipated to be completed within one year. The project will have an impact on the need for new public facilities and improvements in the City. The costs associated with that impact and the connection between the need for new public facilities and the proposed project will be set forth in a new Resolution to be adopted by the City Council. As a result, the applicant shall be subject to and shall pay these impact fees when they are set forth. Should construction commence prior to the completion of such fee schedule an interim assessment will have to be made. Development Impact Fees shall be collected upon issuance of building permits for the development at the rate in effect on the date of the building permit, and any increases in fees shall be paid when the new fees are set.

Additionally, the City Council just recently adopted a Public Facility Maintenance (PFM) District which all new developments must be included to pay for the maintenance costs of streets, sidewalks, street lights, curbs, gutters, block walls, exterior street landscaping, and the like. Therefore, condition #20 needs to be added to read:

20. The subdivision shall request inclusion into the newly created Public Facilities Maintenance District (PFM) to maintain local streets, curbs, gutters, street lights, block walls, landscaping around the exterior of the subdivision with Silva 10, or into its own district if Silva 10 does not move forward.

The original approval of the subdivision did not implement the City requirement for any subdivision located with 1 mile of industry shall record a noise and odor easement. Therefore, the following condition #21 shall be added.

21. The developer shall execute and record noise and odor easements which acknowledge the presence of nearby industry and the right of the industry to continue to emit such noise and odors as are otherwise allowable by law to ensure that industry is not unreasonably hindered by residential users and/or owners of the subdivision.

Lastly, Silva 10, located due south of Cedar Nest III, was adopted per the City requirements at that time. Silva 10 has a parkway style landscape and sidewalk system which does not coordinate well with Cedar Nest III. Therefore the following condition #22 should be added.

22. The Silverado Drive side of the subdivision will coordinate its parkway landscaping, sidewalk standards, landscape easement, and decorative block wall standards with Silva 10 in coordination with the Public Works and Planning Departments, and shall not have gates that access Silverado. Along Cedar Lane, parkway landscaping, landscape easement areas, and cedar fencing shall be installed to match Cedar Nest II. Five (5) sets of the overall landscape plans shall be submitted to determine conformity with City standards.

**C. Recommendation:**

The Planning Commission should approve the attached draft resolution, which approves a one (1) year extension for Tentative Subdivision Map 2004-02 / Tract No.818 for Cedar Nest III to expire June 14, 2007 and reiterates the original conditions of approval with the above listed revisions and additional conditions.

## RESOLUTION NO. 2006-02

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING A ONE-YEAR EXTENSION FOR TENTATIVE SUBDIVISION MAP NO.2004-02 WITH AN ALL-INCLUSIVE LIST OF THE CONDITIONS OF APPROVAL FOR TRACT 818 – CEDAR NEST III

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 24, 2006 at 7:00 p.m. on said day, it was moved by Commission member \_\_\_\_\_, seconded by Commission member \_\_\_\_\_ and carried that the following Resolution be adopted:

**WHEREAS**, Coker Ellsworth has submitted an application to extend Tentative Subdivision Map No.2004-02 to subdivide and develop 5.84 acres into 23 single family lots; and

**WHEREAS**, the tract on which the development is proposed is adjacent to east side of 19 ½ Avenue and south side of Cedar Lane.; and

**WHEREAS**, the approval for Tract 818 would have expired on June 14, 2006 but the applicant submitted an application for extension prior to the expiration as per Section 8-7B-10 of the Lemoore Zoning Code; and

**WHEREAS**, the Lemoore Planning Commission held a meeting on July 24, 2006 and granted a one year extension to Tract 818 with modifications to condition 19 and added conditions 20, 21 & 22 of the initial conditions of approval; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore does hereby grant a one year extension to Tentative Subdivision Map No.2004-02 **to expire on July 14, 2007** with the following conditions reflecting all modified and original conditions pertaining thereto:

1. That the project shall be developed in accordance with the approved tentative map except for any modifications which may be needed to meet the conditions of approval.
2. That all existing and proposed utilities within and adjacent to subdivision shall be constructed underground. Any other utilities requiring relocation to accomplish the required improvements, shall also be made underground by the developer at his expense.
3. That a 10 ft. wide PUE (Public Utility Easement) shall be provided on all lots adjacent to public streets and shall be so shown on the final map.
4. That water service shall be provided by extending water lines from Cedar Lane and 19 ½ Avenue along the streets in the subdivision. The project engineer shall provide water calculations to confirm compliance with City of Lemoore fire flow requirements of 1500 g.p.m at 20 p.s.i.
5. That storm drainage will be provided by extending storm drain system in Cedar Lane westward to 19 ½ Avenue along the streets in the subdivision. The system shall comply with City of Lemoore storm drain pipe requirement and applicable Storm Drain Master Plans.
6. That sanitary sewer shall be provided in compliance with the requirements of the City of Lemoore. Existing sanitary sewer in Cedar Lane shall be extended along the entire frontage of the subdivision. The applicant's engineer shall provide sanitary sewer calculations verifying pipe sizes and slopes.
7. That four (4) fire hydrants shall be provided within and adjacent to the subdivision which are required by the City Fire Chief at locations (i) on Cedar Lane adjacent to Lot 21; (ii) on 19 ½ Avenue midway between Cedar Lane and Pelican Street, (iii) on Flamingo Avenue adjacent to Lot 16, and (iv) on Quail Court adjacent to Lot 19, as shown on attached Exhibit A. The proposed street name Quail Court will be changed to Flamingo Court.
8. That street lights along Cedar Lane and 19 ½ Avenue adjacent to the project, shall be provided as per City Standards for collector streets. Street lights within the subdivision will comply with City Standards for local streets.

9. That street trees shall be planted along streets within and adjacent to the subdivision at a maximum spacing of 40 ft. between their centers. The types of trees shall be from the City Tree list and the trees shall be planted with root barriers per City standards and specifications.
10. That concrete pads and mailboxes shall be provided at convenient locations within the subdivision. The size and location of the pads shall be provided by the Lemoore Postmaster.
11. That the sidewalks within the subdivision will be of parkway type in compliance with City Standards. The sidewalks along Cedar Lane and 19 ½ Avenue shall be at least six feet (6') wide.
12. That a decorative masonry wall of seven feet (7') height measured from the adjoining finished grade shall be provided along Cedar Lane and 19 ½ Avenue adjacent to the subdivision. The walls at the street entrance shall be tapered and of reduced height to provide safe visibility for motorists. Five (5) sets of wall design with dimensions shall be submitted to the Community Development Department for review and approval of the Community Development Director.
13. That the recommendation contained in the Geotechnical Engineering Investigation Report prepared by CVT, Inc., shall be fully complied with.
14. That the developer shall at all times comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District and shall take complete control of dust during the preparation of the subdivision site and during construction by taking the following measures:
  - a. Submit for approval of the Public Works Director a program for the control of dust, which shall include, but not limited to, a watering schedule (frequency and time of day), use of dust control emulsions, and/or other measures necessary for control of dust.
  - b. Provide equipment and labor for watering of all exposed or disturbed soil surfaces, including weekends and holidays.
  - c. Sweep construction area and adjacent streets of all mud and dust at the end of the workday.
  - d. In addition, the developer shall deposit with the City an amount of five thousand dollars (\$5,000) which may be used by the City for dust control measures on this development, should the developer fail to adequately control dust. In case the City incurs costs for dust control in excess of the above amount, the developer shall reimburse the City for this additional amount. Upon acceptance by the City of the subdivision improvements, the deposit sum less any amount expended by the City will be refunded to the subdivider.
15. That the developer and contractor shall comply with all applicable provisions of the NPDES regulations, and are responsible for all General Permit applications to the Regional Water Quality Control Board. Proof of application shall be provided to the City prior to commencement of construction.
16. That the developer shall submit to the Community Development Department the following documents for processing after approval of the tentative subdivision map.
  - a. Five(5) copies of the final subdivision map along with closure calculations, preliminary title report dated within 90 days of submittal, and the final map application fee. The final map shall bear the signature and seal of the licensed land surveyor or resister civil engineer licensed to practice land surveying, preparing the map. If any of these required elements are missing, no attempt will be made to review the submittal.

- b. Five (5) copies of subdivision improvement plans including water, sewer, storm drainage street lighting, sidewalks, curb, gutter and fire hydrants drawn at a scale of not less than 1"=40' horizontal and 1"=4' vertical. General layout and grading may be shown on 24"x36" plan sheets. Plan and profile sheets shall be provided for curb grades and all proposed underground construction, and shall identify points of crossing. Calculations for pavement sections and any nonstandard facilities shall be provided. Details for all construction not covered by City Standard Specifications and/or Detail Drawings shall be provided. Plans shall be signed and sealed by the civil engineer in responsible charge. No review will be attempted on an incomplete submittal.
  - c. Two (2) copies of the engineer's cost estimates for the proposed improvements showing quantities and unit prices. Unit prices shall conform to the City standard prices, which are available at the Public Works Department.
  - d. That after review of the final map is complete, the applicant's engineer shall submit a letter certifying that monumentation is in place and ready for field inspection. Upon receipt of that letter, staff will inspect the monumentation of the tract, prior to final approval of the map. If monumentation of individual lots is to be delayed until construction, the owner shall post with the City a bond-guaranteeing placement of all required monumentation.
  - e. That prior to submittal of the original tracings of the final map to the City for signature and recordation, the original tracing shall include notarized signatures (in black indelible ink) of all persons having record interest in the area within the boundary of the map, the seal and signature (in indelible ink) of the Registered Civil Engineer/Licensed Land Surveyor preparing the map, and the signature (in black indelible ink) of the Kings County Tax Collector. Use of improper ink for these signature may cause rejection of the map by the City or the County Recorder's office.
  - f. That after approval of the improvement drawings, the City will maintain possession of the original drawings for the duration of the project. The developer or his representative may obtain copies through a certified blueprinting service (Western Blueprinting or Airport Blueprint) that will retrieve the originals, make the needed copies and return the originals to the City.
  - g. That upon completion of the subdivision improvements and their acceptance by the City, the developer's engineer shall prepare drawings of as built improvements and shall submit to the City one reproducible and three blue line copies for the City's records.
17. That all subdivision improvements including water, sewer, storm drainage, curbs, gutters, sidewalks, street lights, fire hydrants and street improvements shall comply with the Public Works Standards of the City and meet the approval of the City Engineer.
18. That the subdivider shall defend, indemnify and hold harmless the City of Lemoore and all of its departments, officers, agents and employees of and from all claims, actions and proceedings of any kind of nature to attack, set aside, void or annul the actions of the Planning Commission and/or City Council in reviewing and approving the map. This condition is imposed pursuant to Government Code Section 66474.9. The City will promptly notify the subdivider of any such claim or action and will fully cooperate with the subdivider in the defense thereof.
19. That in accordance with the finding of the City Council Resolution 2005-24 adopted on June 7, 2005, the Council has authorized staff to prepare an updated impact fee study which is anticipated to be completed within one year. The project will have an impact on the need for new public facilities and improvements in the City. The costs associated with that impact and the connection between the need for new public facilities and the proposed project will be set forth in a new Resolution to be adopted by the City Council. As a result, the applicant shall be subject to and shall pay these impact fees when they are set forth. Should construction commence prior to the completion of such fee schedule an interim assessment will have to be made. Development Impact Fees shall be collected upon issuance of building permits for the development at the rate in effect on the date of the building permit, and any increases in fees shall be paid when the new fees are set.

20. The subdivision shall request inclusion into the newly created Public Facilities Maintenance District (PFM) to maintain local streets, curbs, gutters, street lights, block walls, landscaping around the exterior of the subdivision with Silva 10, or into its own district if Silva 10 does not move forward.
21. The developer shall execute and record noise and odor easements which acknowledge the presence of nearby industry and the right of the industry to continue to emit such noise and odors as are otherwise allowable by law to ensure that industry is not unreasonably hindered by residential users and/or owners of the subdivision.
22. The Silverado Drive side of the subdivision will coordinate its parkway landscaping, sidewalk standards, landscape easement, and decorative block wall standards with Silva 10 in coordination with the Public Works and Planning Departments, and shall not have gates that access Silverado. Along Cedar Lane, parkway landscaping, landscape easement areas, and cedar fencing shall be installed to match Cedar Nest II. Five (5) sets of the overall landscape plans shall be submitted to determine conformity with City standards.

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the June 24, 2006, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAINING:**  
**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**Bob Clement, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Holly P. Smyth, Secretary**

**CERTIFICATE**

STATE OF CALIFORNIA )  
COUNTY OF KINGS     ) ss.  
CITY OF LEMOORE     )

I, Holly P. Smyth, Secretary of the City of Lemoore Planning Commission, do hereby certify the foregoing Resolution of the Planning Commission of the City of Lemoore was duly passed and adopted at a Regular Meeting of the Planning Commission held on July 24, 2006.

DATED: \_\_\_\_\_, 2006

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Holly P. Smyth, Secretary  
Lemoore Planning Commission