

**RESOLUTION NO. 2008-06**

**A RESOLUTION OF THE LEMOORE PLANNING COMMISSION  
APPROVING A ONE YEAR EXTENSION FOR TENTATIVE SUBDIVISION MAP #2005-01  
AND REITERATING ORIGINAL AND MODIFIED CONDITIONS  
FOR TRACT #839 BY COKER ELLSWORTH**

At a Regular Meeting of the Lemoore Planning Commission duly called and held on February 11, 2008, at 7:00 p.m. on said day, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and carried that the following Resolution be adopted:

**WHEREAS**, Coker Ellsworth has submitted an application for Vesting Tentative Subdivision Map Tract 839, to subdivide and develop 8.68 acres into 37 lots; and

**WHEREAS**, the tract on which the development is proposed is located east of Vine Street, North of Iona Avenue at Otero and Cabrillo Street extensions and is described as Assessor Parcel #023-170-013; and

**WHEREAS**, the original approval for the project was given by City Council on January 9, 2006 valid for two years; and

**WHEREAS**, this is the first request for extension to the approval of Tract 839 and the applicant has made adequate progress towards completing the final map and improvement drawings; and

**WHEREAS**, Two new City policies have been adopted since the original approval and therefore original conditions numbers 12 and 30 need to be modified; and

**NOW, THEREFORE, BE IT RESOLVED** that the Lemoore Planning Commission does hereby grant a one (1) year extension Vesting Tentative Subdivision Map No. 2005-01 to expire on January 9, 2009 with the following conditions reflecting all added, modified, and original conditions pertaining thereto:

1. The development shall be in accordance to the submitted map except for any modifications needed to meet the conditions of approval stated hereunder.
2. All homes built within the subdivision shall meet the standard City setback requirements which require a 25' front yard, 10' and 5' side yards, and 10' rear yard setback for a single story home. Two story homes must increase the side yard setbacks to 10' and 10' and the rear yard setback to 15'.
3. A secondary access must be provided to the subdivision either through Iona Avenue or Vine Street at the developer's cost. A 60' right-of-way shall be dedicated with the Final Map Recordation and at least two-thirds of the street shall be built.
4. Cabrillo and Otero Streets shall be modified to a slight curvature design to keep the traffic slowed down. Cabrillo Street, Otero Street, Sarah Street, and Otero Court shall be constructed to the City Standard for "Local" streets and parkway style sidewalks systems shall be installed. If adjacent existing areas are monolithic or have varied street widths, transitional areas shall be provided at the edges of the subdivision.

5. Temporary turn-arounds need to be provided at the south and north ends of the proposed Sarah Street. The name of Sarah Street will have to be modified to comply with the street naming policy.
6. The curb radius of regular intersecting streets shall be reduced to 20' and conform with the City of Lemoore Standards for local streets.
7. Interior streets shall be designed with standard parkways with trees spaced at an average spacing of 40' on center from the approved City Tree List. Trees shall be planted in the backyards of Lots 6-14, on the westerly side of the subdivision, so that within 10 years a 25' tall solid buffer will exist.
8. A seven foot (7') high decorative masonry wall shall be installed along the westerly portion of the subdivision to provide an adequate buffer between the residential and commercial highway zone district.
9. A 10' Public Utility Easement shall be provided along all lots that front public streets within the development and shall be labeled as such on the Final Subdivision Map.

A noise and odor easement must be recorded on the property, in a form acceptable to the City Attorney, to 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 and to ensure that industry in these areas is not unreasonably hindered by residential users and owners which move nearby at a later date.

10. All infrastructure improvements (water/ sewer/ storm drainage/ fire hydrants/ street lights, etc.) within public right-of-way shall be in accordance with the City of Lemoore standards and specifications and in accordance with applicable Master Plans. Improvement drawings must show existing and proposed sanitary sewer, storm drainage, water, street lights, fire hydrants and street infrastructure (including curb, gutter, and parkway style sidewalks) associated with the development.

All proposed and existing onsite utilities shall be undergrounded by the developer at their expense. Any utility which may need to be relocated will also be undergrounded. The improvement plans for the subdivision must be approved by the City of Lemoore Engineer and Public Works Departments.

11. The location and number of cluster mailbox units shall be coordinated with the Lemoore Postmaster and the financial responsibility of the developer.
12. The subdivision shall request inclusion into the existing adjacent lighting and landscaping maintenance district (LLMD) to maintain the surrounding landscaping along Vine Street and ponding basin /park. The subdivision shall also request inclusion into the newly created Public Facilities Maintenance District (PFMD) per Ordinance No. 2006-01 to maintain local streets, curbs, gutters, street lights, and block walls."
13. *The subdivision shall be built utilizing the recommendations contained in the soils report.*
14. *A digital copy of the final map and improvement plans shall be provided to the City prior to Final Map recordation.*

15. *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 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, for approval by the Public Works Director.*
  - 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 five thousand dollars (\$5,000) with the City 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.*
16. *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.*
17. *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 registered 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 shall be submitted to the Community Development Department 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 to be distributed to all commenting parties. 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) *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) *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 signatures may cause rejection of the map by the City or the County Recorder's office.*
  - f) *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) *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.*
18. *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.*
19. *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 or 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.*
20. *In accordance with the findings of City Council Resolutions: 2006-46 adopted on December 5, 2006; 2006-48 and 2006-49 adopted on December 19, 2006; 2007-01 adopted on January 16, 2007; 2007-04 adopted on February 20, 2007 and the Colgan Consulting Corporation Development Impact Fee Study Report, the project will have an impact on the need for new public facilities and improvements in the City. The costs associated with these impacts and the connection between the need for new public facilities and the proposed project are set forth in these five (5) Resolutions listed along with the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in these (5) Resolutions.*

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on the **11th day of February 2008**, by the following vote:

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

**APPROVED:**

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**Kimberly Moss , Chairman**

**ATTEST:**

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**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, do hereby certify the foregoing Resolution of the Lemoore Planning Commission was duly passed and adopted at a Regular Meeting of the Planning Commission held on \_\_\_\_\_, 2008.

DATED: \_\_\_\_\_, 2008

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**Holly P. Smyth, Secretary**