

# EXHIBIT I



**RESOLUTION NO. 2017-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,  
CONDITIONALLY APPROVING THE SUBDIVISION OF LAND UNDER TENTATIVE TRACT  
MAP 16-01 FOR THE RUSSELL COURT DEVELOPMENT**

**WHEREAS,** Ray D. Roben Sr, Roben LLC, Stephen J. and Vicki L. Urih submitted an application and Tentative Tract Map 16-01 for the Russell Court Development for certain real property described as follows:

Parcel's 1, 2, 3 and 4 of Parcel Map No. M-1386, in an unincorporated area of the County of Imperial, State of California, according to Map on File in Book 64, Page 25 of Parcel Maps, in the Office of The County Recorder of Imperial County.

Blocks 101 and 92 Of Imperial Subdivision No.1, In an Unincorporated Area of the County of Imperial, State of California, according to a Map on file in Book 64 Page 1 of Official Maps, in the Office of the County Recorder of Imperial County.

**WHEREAS,** a duly notified public hearing was held by the Planning Commission on February 8, 2017; and

**WHEREAS,** a duly notified public hearing was held by the City Council on April 19, 2017; and

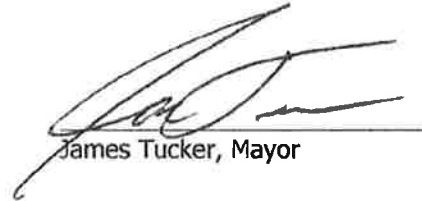
**WHEREAS,** upon hearing and considering all testimony and arguments, examining the Mitigated Negative Declaration, analyzing the information submitted by staff and considering any written and oral comments received, the City Council considered all facts relating to the project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **CONDITIONALLY APPROVES** TTM 16-01 for the Russell Court Development subject to concurrent Council action on Discretionary Permits, ALUC consistency and Conditions of Approval outlined in Exhibit A; and
- C) That all actions taken by the City Council are based on the following findings:
  - 1. The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act.
  - 2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
  - 3. The Mitigated Negative Declaration shows that there is no substantial evidence that the project may have a significant impact on the environment with implementation of the adopted mitigation measures.

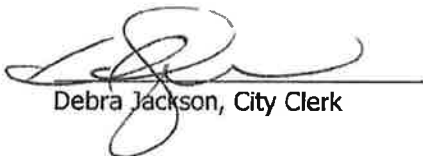
4. There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project.
5. The proposed project is consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
6. The proposed project is consistent with the policies and the land uses of the existing City of Imperial General Plan.
7. The proposed project is consistent with the objective of the City of Imperial Zoning Ordinance, except as concurrently textually amended.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 19<sup>th</sup> day of April 2017.



James Tucker, Mayor

ATTEST:




Debra Jackson, City Clerk

**STATE OF CALIFORNIA)**  
**COUNTY OF IMPERIAL )ss**  
**CITY OF IMPERIAL )**

I, the undersigned, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2017-08 was duly and regularly adopted at a Regular meeting of the City Council of the City of Imperial held on the 19<sup>th</sup> day of April 2017, by the following vote:

AYES:	AMPARANO, DALE, PECHTL, SAMPSON, AND TUCKER
NAYES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

MOTION CARRIED 5-0

  
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DEBRA JACKSON, CITY CLERK  
CITY OF IMPERIAL, CALIFORNIA

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL**

for

#### **TENTATIVE TRACT MAP 16-01 FOR RUSSELL COURT SUBDIVISION**

1. The development plan shall be as shown on the Russell Court Tentative Tract Map 16-01, dated November 16, 2016, incorporated as Exhibit "B," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to this development plan.
2. Tentative Tract Map 16-01 is subject to the approval of a Text Amendment and effective adoption of Ordinance 794, amending allowed densities and reducing minimum lot width standards.
3. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the recordation of Tract Map 16-01. Required landscaping shall be as follows:
  - a. Each front yard shall have a minimum of one (1) street tree, one (1) front yard tree and five (5) shrubs planted by the Developer.
  - b. Landscaping shall be installed along all public roadways, along Brewer Road, Nance Road and Worthington Road. Street trees shall be installed at a frequency of one tree every 30'. The type of landscaping installed shall be reviewed and approved by the Planning Director.
  - c. Street trees shall be a minimum 24" box trees. All other trees used in landscaping, shall be a minimum of fifteen (15) gallons in size and all shrubs shall be a minimum of five (5) gallons.
  - d. All landscaped areas shall be irrigated with automatic sprinkler systems.
4. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
5. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of public streets, pipelines, utilities and the storm water retention basin serving the single family residential units.
6. The Developer/Applicant shall pay all impact and capacity fees.
7. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Tract Map shall record until such costs have been paid to the City.

8. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to submittal for approval to record the Tract Map.
9. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of Tract Map.
10. The Developer shall provide adequate financial assistance to offset the impacts to local law enforcement, fire and school services to ensure the level of service of these departments are not adversely affected by the estimated population increase as a result of the development of this project.
11. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. A hydraulic study must be submitted to the City to demonstrate that all water pipelines are adequately sized to serve domestic and fire protection demands. The Developer shall construct new water mains and storage facilities in the project area if necessary and they shall be built according to City development standards.
12. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of wastewater. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.
13. Developer acknowledges that the potential pace of growth in the City and resulting demand on City services such as water and wastewater may result in such services not being available. Developer acknowledges particular concern with wastewater and agrees that capacity is not allocated until the issuance of a building permit.
14. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. Lighting improvements shall include street lights on all interior streets, at all intersections, at bus stops, pedestrian linkages, and at mail kiosks. The lighting plan shall be reviewed and approved by the City of Imperial Planning and Building Departments.
15. All mechanical equipment and air conditioning equipment shall be installed a minimum of five feet (5') from any property line.
16. The applicant shall effectively screen from view all ducts, vents, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Director. All required screening shall be provided prior to occupancy.
17. The Developer shall comply with the Financial Responsibility clause of the Memorandum of Understanding between the City of Imperial and the Imperial Unified School District with regards to mitigation of school impacts. The terms of the Financial Responsibility shall be satisfied prior to the recordation of any Final Map as it relates to cash deposits, dedications and/or funding from a Community Facilities District (CFD). The Development Impact Fees for schools shall be paid prior to issuance of any building permit. The City and the School District will jointly confirm that the terms of the Financial Responsibility have been fulfilled.

18. All mitigation measures outlined in the Russell Court Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not. All mitigation measures shall be enforced as noted in the Mitigation and Monitoring Plan/Program.
19. Proof of Federal Aviation Administration (FAA) clearance on all proposed structure heights shall be provided to the Building Department prior to the issuance of any building permits. Documentation shall be directly from FAA staff or website.  
<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
20. Prior to the start of any construction activity, a qualified California Department of Fish and Game (CDFG) biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows shall be destroyed by a qualified CDFG biologist to prevent the return of the owls to these burrows during the next mating season. All mitigation measures outlined in the Mitigated and Monitoring Program shall apply.
21. A Grading and Drainage Plan/Study shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan/Study shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial. Best Management Practices shall be utilized to minimize or prevent storm water pollution. Prior to the recordation of a Tract Map, the Developer/Applicant shall provide the City with a letter from the Imperial Irrigation District (IID) stating that the plans have been reviewed and approved for the discharge of storm water onto IID facilities.
22. Construction sites shall control dust (PM-10) generation through implementation of the construction mitigation measures detailed in Regulation VIII of the Air Pollution Control District's CEQA handbook and as outlined in the Mitigation Monitoring Program.
23. All residential development within the project site shall be constructed using building materials and techniques such as dual pane windows, and increased insulation to decrease interior noise levels within dwelling areas to 45 dba or lower.
24. All on-site utilities including power lines, telephone lines, and cable television lines shall be installed underground. In the event that the utility companies, such as the Imperial Irrigation District, determines that on-site utilities cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.
25. The Developer/Applicant shall provide a soils report indicating, among other things, the suitability of the site for the proposed development, specifications for earthwork, design guidelines for slabs and foundations and recommended roadway sections.
26. The conditional approval of the Tentative Subdivision Map shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
27. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.

28. All Final Tract Maps shall provide for 10-foot public utility easements adjacent to all street rights of way for underground power, communications and cable television systems.
29. All off-site and on-site improvements shall comply with the City of Imperial Development Standards. Where no standards exist, the improvements shall be completed in accordance with the City Engineer's recommendations.
30. The Developer/Applicant shall comply with all requirements of the Imperial County Fire Department. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), and roadway access. All residential water pipelines shall be adequately sized to sustain 1,500 gallons per minute (gpm) for two hours plus peak demand in accordance with the latest edition of the National Fire Protection Association (NFPA) Codes and Standards. Pipeline sizes shall be the next largest standard size with readily available replacement parts (i.e., 12" pipelines for those identified as 10").
31. The Tentative Subdivision Map shall be valid for a period of two years following the City Council approval and the appeal period. The Developer may request time extensions in accordance with the Subdivision Map Act, but the granting of such time extensions is not automatic and is at the discretion of the City Council.
32. The Tract Map shall include an avigation easement for all lots created. In addition, all lots will be developed and sold with a hold harmless agreement with the City of Imperial and the County of Imperial Airport, and the US Naval Air Facility – El Centro. The avigation easement shall be reviewed and approved by the Imperial County Airport Manager and shall be consistent with the avigation easement recorded for the project.
33. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Imperial, Imperial County Airport, and the US Naval Air Facility – El Centro and their agents, including consultants, officers and employees from any claim, action or proceeding against the City, County Airport, or Naval Air Facility or their agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness costs that may be asserted by any person or entity, including the Developer/Applicant arising out of or in connection with the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration, including any claim for private attorney general fees claimed by or awarded to any party from the City, County Airport or Naval Air Facility.
34. All conditions of approval for this Tentative Map shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval.




**CERTIFICATE**

**OF**

**CITY CLERK**

I, Debra Jackson, City Clerk of the City of Imperial DO HEREBY CERTIFY THAT the foregoing is a true and correct copy of Resolution 2017-08 adopted by the City Council of the City of Imperial at their regular meeting of April 19, 2017.

  
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Debra Jackson  
City Clerk  
City of Imperial

Dated: April 27, 2017