

**RESOLUTION NO. PC 2019-15**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
IMPERIAL, CALIFORNIA, RECOMMENDING MORNING GLORY TRAIL  
AIRPORT LOTS (CHEN/WORTHINGTON/SKY RANCH) TENTATIVE TRACT  
MAP (APN 064-315-012)**

**WHEREAS**, Arnold Gary and Jerry Taylor, has submitted an application for a Tentative Tract Map for certain real property described as LOT 176 SKY RANCH AVIONES SUB UNIT NO.3, 9.15AC, in the Office of the County Recorder of Imperial County, State of California according to the official plat thereof, otherwise known as APN 064-315-012; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on August 14, 2019; and

**WHEREAS**, upon hearing and considering all testimony and arguments, examining the Initial Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the Tentative Tract Map.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission 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 **RECOMMENDS** the Tentative Tract Map for the Morning Glory Trail Airport Lots Tentative Map (Sky Ranch-Chen/Worthington Subdivision) subject to the conditions of approval outlined in Exhibit A and 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 initial environmental assessment shows that there is no substantial evidence that the Tentative Tract Map may have a significant impact on the environment.
  - 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 Tentative Tract Map 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 Tentative Tract Map is consistent with the policies and the land uses of the existing City of Imperial General Plan.
7. The proposed Tentative Tract Map is consistent with the objective of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 14<sup>th</sup> day of August 2019.

\_\_\_\_\_  
Planning Commission Chair  
of the City of Imperial

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION 2004-56**

**EXHIBIT A**

**CONDITIONS OF APPROVAL**

for

**SKY RANCH (CHEN/WORTHINGTON) TENTATIVE TRACT MAP,**

1. 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.
2. 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 streets, pipelines, utilities and the storm water retention basin.
3. The City Council shall have final approval of the Tentative Tract Map, Zone Change, General Plan Amendment and Environmental Review.
4. The Developer/Applicant shall pay all impact and capacity fees.
5. 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.
6. 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.
7. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Tract Map. A Phasing Plan for infrastructure improvements shall be submitted to and approved by the City of Imperial City Council. The construction of on-site and off-site improvements shall adhere to the schedule set forth in the phasing plan and improvement plans.
8. The Developer shall initiate through the City Council, the formation of a Special District for the maintenance of drainage/park facilities, street lighting, fencing and landscaping.
9. 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.

10. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water including those needed for fire fighting services. The Developer shall construct new water mains and storage facilities in the project area if necessary and built according to City development standards.
11. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste water. 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.
12. 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. The lighting plan shall include street lights on Aten Road and Austin Road and interim streets at bus stops and mail kiosks. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department, Building Department and the Imperial County Airport.
13. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the recordation of a Tract Map. Landscaping shall be provided in all parks and retention basins. Where noise walls are required along roadways and adjacent to the Imperial County Airport, landscaping shall also be provided. Landscaping is not required along noise walls on Austin Road. All landscaped areas shall be irrigated with automatic sprinkler systems.
14. Prior to the recordation of any Final Map, a signed agreement between the Developer/Applicant and the Imperial Unified School District to address school impact mitigations shall be submitted to the City. **A minimum 12-acre site within the project site shall be donated to the Imperial Unified School District for the purposes of constructing a school. In the event that State guidelines prohibit the construction of a school within the project site, the Developer may convert that area into additional single-family residential units, as shown in the Tentative Tract Map. [Alternate language: It has been determined by the State of California Office of the Architect and the Office of Public School Construction that a school site is prohibited from locating within the project site. However, the number of housing units proposed within the project site would result in an increased demand upon the school system necessitating an additional school site. In lieu of providing a school site within the boundaries of the project site, the agreement between the Developer/Applicant and the Imperial Unified School District shall address the school site need.]** Prior to the issuance of each building permit, the Developer shall also provide a letter from the Imperial Unified School District indicating that the required school fees have been paid or otherwise satisfied for same.
15. Prior to the start of any construction activity, a qualified 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 will be destroyed to prevent the return of the

owls to these burrows during the next mating season. All mitigation measures outlined in the Mitigated Negative Declaration shall apply.

16. 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 for review and approval. 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.
17. The retention ponds must be designed to drain out within seventy-two (72) hours of any storm event.
18. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
19. The Developer/Applicant shall construct a six-foot solid masonry wall along all outer boundaries of the project site, more specifically: on the west boundary along the bank of the Central Main Canal, on the north boundary of the proposed park/retention basin, on the eastern boundary of the project site, and on the south boundary of the project site along Aten Road. All required walls shall be installed contiguous to each phased development as shown on the approved Phasing Map but must all be installed prior to the completion of the 150<sup>th</sup> housing unit. The required wall along the east property boundary may be omitted at the discretion of the City Council if prior to the 150<sup>th</sup> house or the phased development along the eastern boundary, a Final Map is approved for residential development. Landscaping shall be provided along the walls visible to the roadways as well as adjacent to the Imperial County Airport to provide an additional noise buffer. The material and color of all walls required by this section shall be decorative and subject to the review and approval by the Planning Commission.
20. 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.
21. 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.
22. The conditional approval of the Tentative Tract 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.

23. 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.
24. 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.
25. The City Engineer shall conduct a ministerial review the Tentative Tract Map and may provide additional requirements consistent with City standards. Such requirements may include, but are not limited to, sizing and depth of retention basins, roadway widths, horizontal curve radii, and location of on-site and off-site improvements.
26. The Tentative Tract Map shall be valid for a period of two years following the City Council approval and the appeal period.
27. The Imperial County Fire Department shall conduct a ministerial review of the Tentative Tract Map and may provide additional requirements consistent with applicable standards. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), cul-de-sac radii, and roadway access.
28. The Developer/Applicant shall record agricultural easements, to put new homeowners on notice regarding the noise, dust, odors and other potential impacts associated with active farming of nearby lands. The Developer/Applicant shall also make homeowners aware of the Imperial County Right to Farm Ordinance when they purchase new homes in the project area.
29. The Tract Map shall include an aviation easement for all lots created. The aviation easement shall be for over-flight of aircraft. In addition, all lots will be developed and sold with a hold harmless agreement with the County of Imperial Airport. The height of all structures shall comply with the requirements of the County of Imperial Airport Layout and Land Use Plan.
30. The Developer shall widen Aten Road from Austin Road to the eastern boundary of the project site prior to the issuance of any building permit. The total width shall accommodate four travel lanes, turn lanes, and a Class II bikeway (bike lane). Additional improvements along Aten Road shall be provided to accommodate a 10:1 taper. The alignment of Aten Road shall be coordinated with existing improvements at the intersection of Aten and La Brucherie to ensure proper alignment. Roadway improvements shall be completed in conjunction with other off-site improvements and consistent with an approved Phasing Map.
31. An additional vehicular access shall be provided on the east side of the project for the purposes of additional emergency access onto the project site. This vehicular access shall be designed so as to provide future alignment and/or connection with Industry Way.

32. The Developer/Applicant shall conduct a Phase I Site Environmental Assessment in order to identify whether current or historic uses of the project site have resulted in any release of hazardous wastes/substances. Dependent upon the outcome of the Phase I Site Environmental Assessment, a Phase II may be necessary in order to offer remediation.
33. A minimum of 6.75 acres of parkland shall be improved and dedicated to the City of Imperial prior to the issuance of any building permit. In accordance with the Park and Recreation Element of the General Plan, the Developer shall develop all parks with amenities such as picnic areas with tables, and child play area with playground equipment. The improvement of parks shall be completed prior to the issuance of 150<sup>th</sup> building permit in conjunction with off-site improvements. The Developer shall also be responsible for any and all applicable park impact fees.
34. 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.
35. The Developer/Applicant shall pay all traffic impact fees including its fair share contribution to roadway improvements and the widening of La Brucherie Road south of Aten Road.
36. The Developer/Applicant shall provide the City of Imperial with security to ensure the proper abandonment of the relocated Newside Canal.
37. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its 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.
38. The Developer/Applicant shall set aside a minimum of 1.5 acres within the project site for a future water storage tank. The site shall be made available until the 350<sup>th</sup> housing unit is completed. At that time, if the City determines that a

different location is more suitable and is available, the Developer/Applicant can develop that site as shown in the Tentative Tract Map.