

DATE SUBMITTED 1/8/2017
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 1/17/2018

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED
 RESOLUTION
 ORDINANCE 1ST READING
 ORDINANCE 2ND READING
 CITY CLERK'S INITIALS g

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: TIME EXTENTION REQUEST-MORNING START SUBDIVISION 1. Three (3) year Tentative Map time extension for Morning Star Subdivision.	
DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT	
BACKGROUND/SUMMARY: Project Site: NE & NW Corner of "Nance Road and La Brucherie" Road in the City of Imperial. On December .21.2018 Don Barioni and Ray Roben Sr. submitted a request for a Tentative Map time extension for Morning Star Subdivision. The Tentative Map is set to expire on January 27, 2018. The applicant is requesting a thirty-six (36) month time extension. Staff is recommending a twelve (12) month time extension, if the applicant installs the proposed water line for that area within the twelve (12) months, staff will allow the applicant to apply again for the remaining twenty-four (24) months of their initial request. Please see "Exhibit A"	
FISCAL IMPACT: NO FISCAL IMPACT	ADMIN SERVICES SIGN INITIALS _____
STAFF RECOMMENDATION: Staff recommends approval of a twelve (12) month time extension; the remaining twenty-four (24) months are contingent upon completion of the water line installation within the twelve (12) month extension and re-application for the remaining twenty-four (24) months.	DEPT. INITIALS <u>DM</u>
MANAGER'S RECOMMENDATION:	CITY MANAGER'S INITIALS <u>[Signature]</u>
MOTION:	
SECONDED: AYES: NAYES: ABSENT:	APPROVED <input type="checkbox"/> REJECTED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> DEFERRED <input type="checkbox"/> REFERRED TO:

December 20, 2017

Mr. Othon Mora, MCM/CBO
Community Development Director
City of Imperial
420 South Imperial Avenue
Imperial, CA 92251

SUBJECT: MORNING STAR SUBDIVISION / TENTATIVE MAP TIME EXTENSION REQUEST
PROJECT SITE: NE & NW CORNER OF NANCE ROAD AND LA BRUCHERIE ROAD / CITY OF IMPERIAL

Dear Mr. Mora:


We the property owners of the subject site, hereby request to the City of Imperial the approval of a time extension of three (3) years of the Tentative Map for the Morning Star Subdivision beyond its current expiration date of 01/27/18.

Our request is being made pursuant to Section 66452.6 (e), Article 2. Tentative Maps, of the California Government Code, (see copy attached) and due to our interest on developing the project site now that the US economy its being recovering from the 2008 recession, the housing demand continues to increase in the Imperial Valley, and that it will be an opportunity to contribute to the growth and progress of the City of Imperial.


Waiting for the City's positive respond to this request, we wish you the best on this Thanksgiving Season.

Should you have any questions or should you need additional information, please let us know by contacting Mr. Ray Roben our representative on this matter.

Regards

* Don Barioni 
Name / Signature

* Ray D Roben Sr. 
Name / Signature

RECEIVED
DEC 21 2017
BY: 



Planning Permit Application Form

City of Imperial
Community Development Department
420 South Imperial Avenue
Imperial, CA 92251
Phone (760)355-1152 | Fax (760)355-4718

Permit Numbers _____

Applicant/Owner Information

Applicant: Ray D. Roben Sr. / Don Barioni
Contact Person: Ray D. Roben Sr.
Mailing Address: 341 W. Crown Court
Imperial, CA 92251
Phone: 760-996-3469
Fax: 760-457-2791

Owner Name(s): Coast Imperial Partners LLC C/O
Don VI Barioni
Mailing Address: PO Box 398
Imperial, CA 92251
Phone: _____
Fax: _____

Permit Information

- Administrative Review**
- Building Permit
 - Sign Permit
 - Lot Line Adjustment
 - Parcel Map Waiver
 - Downtown Architectural Permit
 - Off-Site Improvements
 - Other _____

- Commission/Council Review**
- Zoning & Code Text Amendment
 - Zone Change / Pre-Zone
 - General Plan Amendment
 - Planned Unit Development
 - Specific Plan / Specific Plan Amendment
 - Variance
 - Conditional Use Permit
 - Land Use Classification
 - Tentative Map
 - Annexation
 - Other Time Extension Request Sub Tentative Map

Please copy emails to Project Engineer:
JCarlos Romero / Pro Terra Engineering & Surveying
jcrproterraus@gmail.com
444 South 8th Street, Suite "D"
El Centro, CA 92243

Project Information

Project Location (address):
(1) SW Corner Neckel & Ralph + (2) NE Corner Neckel & La Brucherie
+ (3) SE Corner Ralph & La Brucherie (See Subdivision Tentative Map)
Existing Zoning: Single Family Residential
Proposed Zoning: Single Family Residential

Assessor's Parcel Number(s):
(1) APN 063-010-069 + (2) APN 063-010-079 +
(3) APN 063-010-080
Parcel/Lot Size: (1) = 72 Ac + (2) = 36 Ac + (3) 72 AC
Building Sq Ft: Single Family Residences

Detailed Project Description (attach additional sheets if necessary):
Time extension request to a previously City approved Subdivision Tentative Map

Indemnification Agreement

Applicant and Owner agree, as part of and in connection with each and any of the application(s), to defend, indemnify, and hold harmless the City of Imperial ("City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void, or annul:

- a. Any approvals issued in connection with any of the above described application(s) by City; and/or
- b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by Applicant, City, and/or parties initiating or involved in such proceeding.

Applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

Executed at City of Imperial California on December 21, 200 2017

Applicant

Property Owner (If different from Applicant)

By: Signature: [Signature]
Printed Name Ray P. Roben Sr.
Title: Partner

By: Signature: [Signature]
Printed Name Don Barioni
Title: owner

Signatures

The undersigned hereby declare and certify that they are all the owners of the property described in this application and that the information stated above and on forms, plans and other materials submitted herewith in support of the application is true and correct to the best of our knowledge.

Applicant

Property Owner (If different from Applicant)

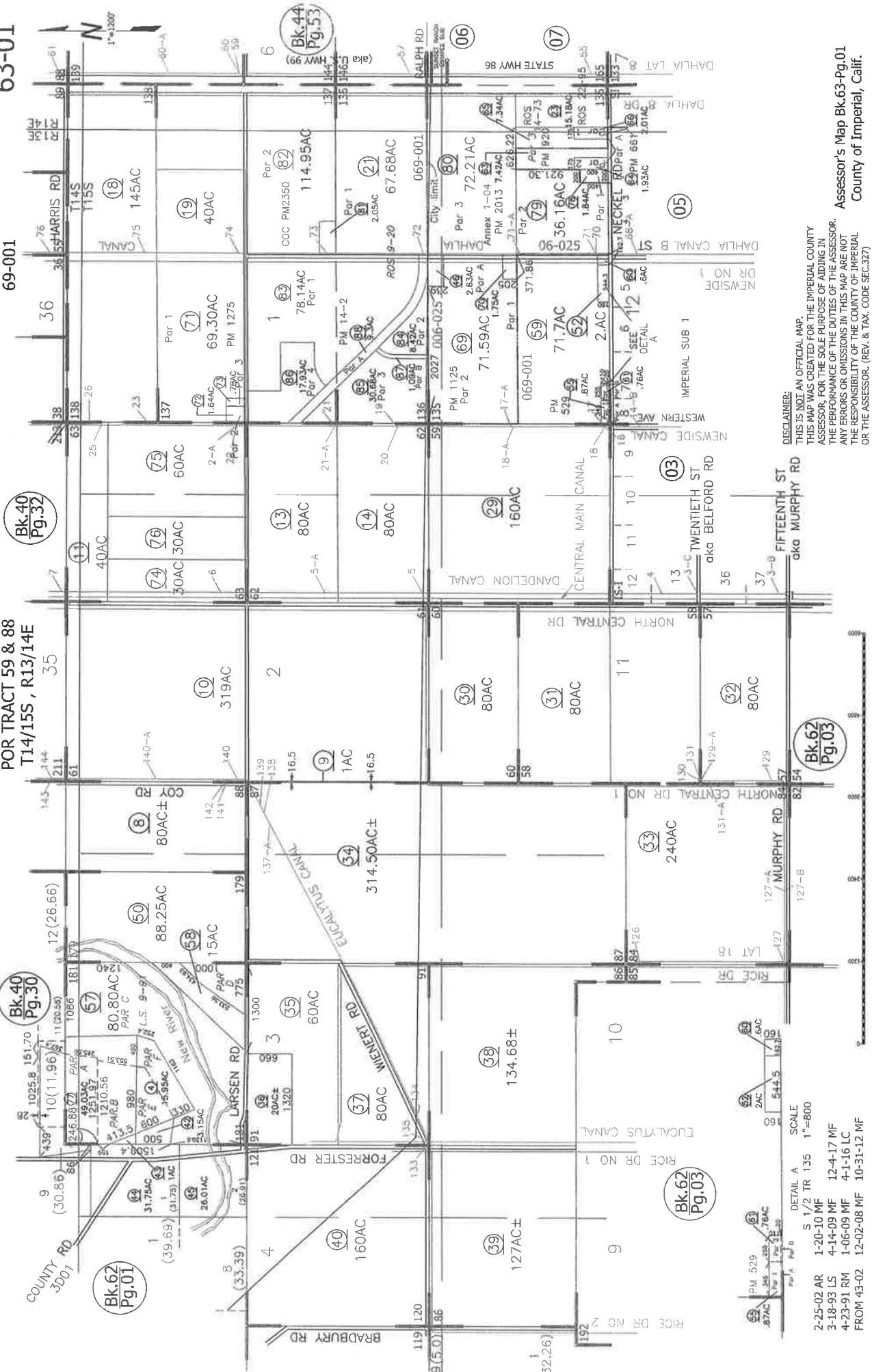
By: Signature: [Signature]
Printed Name Ray P. Roben Sr.
Title: Partner

By: Signature: [Signature]
Printed Name Don Barioni
Title: owner

63-01

Tax Area Code
69-001

TRACT 57,58, 60, 61, 62, 63, 84, 86, 87, 91, 120, 135, 136, 137, 138, 179, 181, &
POR TRACT 59 & 88
T14/15S, R13/14E



DISCLAIMER:

THIS IS NOT AN OFFICIAL MAP.
THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR. ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL OR THE ASSESSOR. (REV. & TAX. CODE SEC.327)

- | SCALE | |
|--------------|-------------|
| S 1/2 TR 135 | 1"=800 |
| 2-25-02 AR | 1-20-10 MF |
| 3-18-93 LS | 4-14-09 MF |
| 4-23-91 RM | 4-06-09 MF |
| FROM 43-02 | 12-02-08 MF |
| | 10-31-12 MF |

Assessor's Map Bk.63-Pg.01
County of Imperial, Calif.

DATE	11/29/09
SCALE	AS SHOWN
PROJECT	LOT 12 TO 16 AND LOT 17
DRAWN BY	MOORE ENGINEERING ASSOCIATES
CHECKED BY	MOORE ENGINEERING ASSOCIATES
APPROVED BY	MOORE ENGINEERING ASSOCIATES



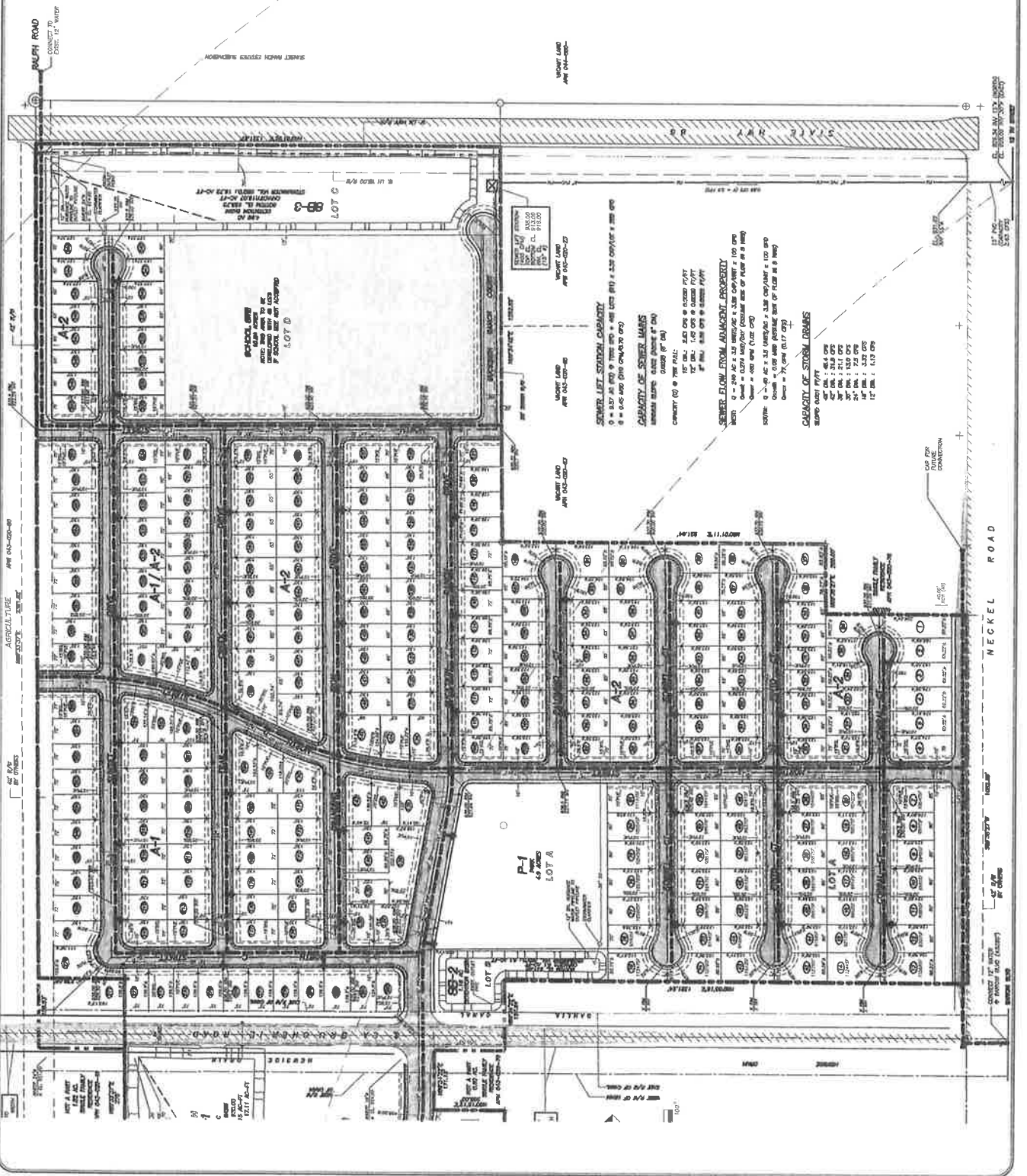
MOORE ENGINEERING ASSOCIATES, INC.
DESIGN & ENGINEERING ANALYSIS
1500 W. STATE ST., SUITE 200
ANN ARBOR, MI 48103-2812
TEL: (734) 769-8300

PROJECT: MORNING STAR SUBDIVISION
DATE: 11/29/09
SCALE: 1" = 100'

MORNING STAR SUBDIVISION TENTATIVE MAP - (EAST PORTION)



SCALE: 1" = 100'
0 100 200



SEWER LET STRUCK PROPERTY
0 = 3.30 MG @ 100 CFS + 448 CFS @ 1.25 CFS CAPACITY = 285 CFS
1 = 1.00 MG @ 100 CFS CAPACITY (CFS)
2 = 1.00 MG @ 100 CFS CAPACITY (CFS)
CAPACITY OF SEWER LINES
12" DIA. = 1.00 MG @ 100 CFS CAPACITY (CFS)
15" DIA. = 1.50 MG @ 100 CFS CAPACITY (CFS)
SEWER FLOW FROM ADJACENT PROPERTY
100 CFS @ 1.50 MG @ 100 CFS CAPACITY = 150 CFS
200 CFS @ 1.50 MG @ 100 CFS CAPACITY = 300 CFS
300 CFS @ 1.50 MG @ 100 CFS CAPACITY = 450 CFS
CAPACITY OF STORM DRAINS
24" DIA. = 1.00 MG @ 100 CFS CAPACITY (CFS)
36" DIA. = 2.25 MG @ 100 CFS CAPACITY (CFS)
48" DIA. = 4.50 MG @ 100 CFS CAPACITY (CFS)
60" DIA. = 7.75 MG @ 100 CFS CAPACITY (CFS)
72" DIA. = 11.00 MG @ 100 CFS CAPACITY (CFS)

LOT 12 TO 16 AND LOT 17
RESERVED FOR FUTURE DEVELOPMENT
BY MOORE ENGINEERING ASSOCIATES

Asmt: **063-010-069-000** Request: **063-010-069-000** Status: **ACTIVE** Owner: **COAST IMPERIAL PARTNERS LLC**

Situs Address
 Name Address
 COAST IMPERIAL PARTNERS LLC
 C/O DON VI BARBONE
 PO BOX 398
 IMPERIAL CA 92251

Status: **ACTIVE**

Taxability Code: **800** Descr: **PROP 8 REDUCTION**

TRA: **005-025** Base Date:

Creating Doc#: **190019999999** Create Date:

Current Doc#: **2017R017199** Our Date: **07/28/2017**

Terminating Doc#:

Neighborhood Code: **043** Supt Ont: **1**

Asmt Description: **PAR 2 PM 1125 POR OF W2 OF TR 135 15-13 71.59AC**

Land Use 1: **AGXC** **AG ECON LIMIT / CROP LAND / CON DITCH**

Land Use 2: **X**

Zoning 1: **Dwell 1** **0**

Acres: **71.59** Sq Ft:

SSN 1: **SSN 2**

Comments: **Resmap from 043-020-069-000**

Values

	Taxroll	Current	Apptable
Land	552,500	552,500	11/22/2017
Structure	25,000	25,000	11/22/2017
Fixture/FP			
Growing			
Total LMI	577,500	577,500	
Fixtures			
PPMH			
PP			
Exemption			
Net	577,500	577,500	
Homestead			

R/C # TR/Date Status

Description: **ENROLLED IS PROP 8**

1/4

TPZ Ag Pres Esd Bonds
 Multi Situs 910 MH Flag 1 Flag 2
 Asmt PP Tax PP Appeal Split

Main | Hide Notes | Ownership Detail | Ownership History | Exemptions | Mfg Homes | Attributes | Value History | Situs | Sales | Parcel Desc

1/1 | Update | Phy Char. | DE | MH | TC Inq. | R/C | W/S | Images

Asmt: 063-010-079-000 Prepared: 063-010-079-000 Status: ACTIVE Owner: COAST IMPERIAL PARTNERS LLC

Situs Address Name Address COAST IMPERIAL PARTNERS LLC C/O DON VI BARUONI PO BOX 398 IMPERIAL CA 92251	
Status	ACTIVE
Taxability Code	800
TRA	006-025
Creating Doc#	19008999999
Current Doc#	2017R01799
Terminating Doc#	
Neighborhood Code	043
Asmt Description	PAR 2 PM 2013 OF TR 135 15-13/14 36.16AC
LandUse 1	AGMC
LandUse 2	X
Zoning 1	
Acres	36.16
SSN 1	
Comments	Remap from 043-020-079-000

Situs Address	COAST IMPERIAL PARTNERS LLC
Name Address	C/O DON VI BARUONI
PO BOX 398	IMPERIAL CA 92251
Status	ACTIVE
Taxability Code	800
TRA	006-025
Creating Doc#	19008999999
Current Doc#	2017R01799
Terminating Doc#	
Neighborhood Code	043
Asmt Description	PAR 2 PM 2013 OF TR 135 15-13/14 36.16AC
LandUse 1	AGMC
LandUse 2	X
Zoning 1	
Acres	36.16
SSN 1	
Comments	Remap from 043-020-079-000

Values	Land	255,000	Current	255,000	Apptdate	11/22/2017
	Structure	11,000		11,000		11/22/2017
	Fixtures					
	Growing					
	Total L&I	266,000		266,000		
	Fixtures					
	PPMH					
	IP					
	Exemption					
	Net	256,000		256,000		
	Homestead					

R/C #	TR/Date	Status
Description	ENROLLED IS PROP 8	
1/4		

<input type="checkbox"/> TPZ	<input type="checkbox"/> Ag Pres	<input type="checkbox"/> Etd	<input type="checkbox"/> Bands
<input type="checkbox"/> Multi Staus	<input type="checkbox"/> 910 MH	<input type="checkbox"/> Flag 1	<input type="checkbox"/> Flag 2
<input type="checkbox"/> Asmt PP	<input type="checkbox"/> Tax PP	<input type="checkbox"/> Appeal	<input type="checkbox"/> Split

Main His Notes Ownership Detail Ownership History Exemptions Mfg Homes Attributes Value History Situs Sales Parcel Desc

1/1 Update Phy Char DE MH TC Ind. Apr Ord R/C W/S Images

Asmt: 063-010-080-0000 Feepract: 063-010-080-0000 Status: ACTIVE

Owner: COAST IMPERIAL PARTNERS LLC

Situs Address
 Name Address
 COAST IMPERIAL PARTNERS LLC
 C/O DON V. BARBONE
 PO BOX 398
 IMPERIAL CA 92251

Status: ACTIVE
 Status Date:
 Descr: PROP 8 REDUCTION
 Taxability Code: 800
 TRA: 006-025
 Base Date:
 Creating Doc#: 190019999999
 Create Date:
 Current Doc#: 2017R017199
 Our Date: 07/28/2017
 Terminating Doc#:
 Term Date:
 Neighbourhood Code: 043
 Supl Ont: 1
 Asmt Description: PAR 3 PM 2013 OF TR 135 15-13/14 72-21AC
 LandUse 1: AGXC | AG ECON UNIT / CROP LAND / CON DITCH
 LandUse 2: X
 Zoning 1:
 Dwell 1: 0
 Acres: 72.30
 SqFt:
 SSN 1:
 SSN 2:
 Comments: Rampup from 043-020-080-000

Values

Land	Taxroll	Current	Apr date
595,000	595,000	595,000	11/22/2017
Structure	24,000	24,000	11/22/2017
Fixture#P			
Growing			
Total LAI	619,000	619,000	
Fixtures			
PT#H			
PP			
Exemption			
Net	619,000	619,000	
Homestead			

R/C # TR Date Status

Description: ENROLLED IS PROP 8

TPZ Ag Pres Etd Bonds
 Multi Situs 910 M#1 Flag 1 Flag 2
 Asmt PP Tax PP Appeal Split

Main Critical Notes 1/1 Update Phy Char DE MH TC Inq Apr Chg R/C W/S Images Attributes Value History Situs Sales Parcel Desc

RESOLUTION NO. 2005-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,
APPROVING THE MORNINGSTAR TENTATIVE TRACT MAP (APN's 043-020-69, 043-
020-80 and 043-020-79) AND CERTIFYING A MITIGATED NEGATIVE DECLARATION**

WHEREAS, Imperial Valley Residential Builders, L.P., has submitted an application for a Tentative Tract Map for certain real property described as Parcels 2 and 3, PM 8-61 and Parcel 2, PM 4-58 in a portion, Tract 135, Township 15 South, Range 13/14 East, San Bernardino Meridian, County of Imperial, State of California, consisting of 181.7 acres more or less, and otherwise known as Assessor's Parcel Numbers 043-020-69, 043-020-80 and 043-020-79; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on October 12, 2005; 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 City Council considered all facts relating to the Tentative Tract Map, pre-zone, and General Plan Amendment.

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 **APPROVES** the Morning Star Tentative Tract Map subject to the conditions of approval outlined in Exhibit A; and
- C) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** and certifies a Mitigated Negative Declaration; and
- D) All recommendations made by the Planning Commission 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 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 City Council of the City of Imperial, this 19th day of October 2005.

Mayor

ATTEST:

City Clerk

RESOLUTION 2005-62

EXHIBIT A

CONDITIONS OF APPROVAL

for

MORNINGSTAR TENTATIVE TRACT MAP (APN 043-020-69, 043-020-80, and 043-020-79)

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 Developer/Applicant shall pay all impact and capacity fees.
4. 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.
5. 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.
6. 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.
7. 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.
8. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains and storage facilities in the project area if necessary and built according to City development standards. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.
9. 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. In the event that the collection system is improved by the City or another developer, this project shall pay its fair share of the cost of improvements.

10. 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 issuance of a building permit. Developer acknowledges that a building permit will not issue unless there is sufficient wastewater capacity based on the total amount of building permits already issued at that time. In order to address a shortage in wastewater capacity, the parties may agree upon fair share fees for the construction of a new wastewater treatment plant to respond to this project's wastewater demand.
11. 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 Neckel Road, La Brucherie Road, Nance Road, Ralph Road, interior streets, at bus stops and at mail kiosks. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department, Building Department and the Imperial County Airport.
12. 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 landscaping shall also be provided. All landscaped areas shall be irrigated with automatic sprinkler systems.
13. The Developer shall provide a minimum of 7.97 acres of parks with recreational amenities. The Developer/Applicant shall install lighting within all park areas for night-time security. All lighting shall be shielded and oriented so as not to create nuisance light and glare.
14. Prior to the recording of a Final Map, all current property owners shall petition to form a separate City of Imperial Community Facilities District ("CFD") in compliance with the City's Land Secured Financing Ordinance.
15. 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.
16. The Developer shall provide centrally located school bus turnout(s) within the project site as specified by the Superintendent of the Imperial Unified School District. The bus turnout(s) shall be at least 40 feet in length and will be provided with crosswalks, signage, night-time lighting, and any other traffic calming devices specified by the School District or City in order to ensure student safety during loading and unloading.
17. 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 Negative Declaration shall apply.

18. 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.
19. The retention ponds must be designed to drain out within seventy-two (72) hours of any storm event. Retention ponds must be landscaped so as to mitigate fugitive dust. The bottom of the retention ponds shall have a minimum separation with the top of the groundwater table such that the ponds will function in their intended use. Such ponds will not be credited as meeting the park requirement unless approved by the City.
20. 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.
21. The Developer/Applicant shall construct five-foot (5') solid masonry walls along the northern boundary of the project site adjacent to the prolongation of Ralph Road, along and the western boundary of all residential lots abutting La Brucherie Road. The Developer/Applicant shall also install an eight-foot (8') solid masonry wall along the eastern edge of the school site and the eastern boundaries of the eastern-most residential lots. Landscaping shall be provided along all walls abutting roadways. 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.
22. 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.
23. 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.
24. The Developer/Applicant shall relocate all on-site canals (e.g. Dahlia canal) and drains underground as shown on the Tentative Tract Map. In the event that the Imperial Irrigation District determines that on-site canals and drains 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, Zone Change and General Plan Amendment 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. All mitigation measures outlined in the Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not.
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 cul-de-sacs and roadway knuckles shall have a minimum radius of 60'.
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 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.
33. A Phasing Plan shall be submitted, reviewed and approved by the City of Imperial City Council. Phasing of the development shall demonstrate that each phase can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.
34. 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 Sky Ranch Subdivision.
35. The Developer shall complete half-width improvements extending Ralph Road between Highway 86 and the western project boundary. Installation of portions of the above-referenced improvements will require acquisition of land in which neither Developer nor City has sufficient title or interest. Prior to approval of a final map, the Developer shall either acquire the necessary interest or enter an agreement provided for by Government Code Section 66462.5 to complete the improvements prior to the completion of Phase II Final Map. At City's sole discretion, Developer will either undertake private condemnation or pay all costs associated with annexation. Installation of the above-referenced

- improvements will be subject to a fair share reimbursement at the time development occurs (i.e., building permits are issued) within the surrounding areas.
36. The Developer shall complete half-width improvements for the proposed Nance Road at the western-most portion of the project site.
 37. The Developer shall improve La Brucherie Road from the prolongation of Ralph Road to a point approximately 1,325' south as an Arterial roadway as defined in the City of Imperial General Plan. A minimum 10:1 roadway taper shall be provided at the termination of improvements.
 38. Dedicated left-turn lanes shall be provided at the La Brucherie and Neckel Road intersection. Dedicated left-turn lanes shall also be provided at all cross streets intersecting Neckel Road and Ralph Road.
 39. The Improvement Plans shall include school cross walks, related signage, and reduced speeds in the vicinity of the school. The Developer shall submit a School Route Plan in accordance with the 2003 Manual of Uniform Traffic Control Devices (MUTCD).
 40. The Developer shall pay fair share fees for the future installation of traffic control signals and related improvements at the Highway 86/Larsen Road, Highway 86/Ralph Road, Highway 86/Neckel Road, and Highway 86/Keystone Road intersections.
 41. The Developer shall also pay fair share fees for the mitigation of cumulative impacts on the Highway 86/Barioni Boulevard intersection. Improvements at this intersection include the provision of dedicated left-turn, through, and right-turn lanes for the eastbound approach.
 42. All fair share fees required for the mitigation of traffic impacts shall be paid based on the following formula: $(\text{traffic Generated} / \text{roadway capacity}) * \text{project cost}$.
 43. 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.
 44. To the greatest extent feasible, buffer zones shall be established on every side of the parks that abut major roadways. These areas of separation shall consist of fencing, parking areas or similar protective barriers.