

DRAFT RESOLUTION NO. PC2025-08

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING TENTATIVE TRACT MAP 24-02 FOR
MONTERREY PARK SUB #2 UNIT 3D (APN 064-295-084 AND APN 064-281-068)**

WHEREAS, the Applicant has applied for a Tentative Map to subdivide a 2.43-acre net lot area into eleven (11) single-family residential lots within the Single-Family Residential (R-1) Zone, subject to the approval of a Tentative Tract Map; and

WHEREAS, the City of Imperial Municipal Code and the Subdivision Map Act allows the subdivision of the 2.43-acre net lot area into eleven (11) new single-family residential lots within the Single-Family Residential (R-1) Zone subject to the approval of a Tentative Tract Map; and

WHEREAS, a duly notified public hearing was published on April 10, 2025, in a local newspaper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning the Tentative Tract Map TM 24-02 for Monterrey Park, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on April 23, 2025, to hear testimony for and against the proposed Tentative Tract Map TM 24-02 for Monterrey Park; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Tentative Tract Map TM 24-02 for Monterrey Park, and determined that the request is consistent with the previously certified Negative Declaration in accordance with the requirements of the California Environmental Quality Act (CEQA).

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff, and considering any written and oral comments received, the Planning Commission considered all facts relating to the request for the approval of Tentative Tract Map 24-02 for Monterrey Park; and

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) 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; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project to be significantly impacted by the project; and

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- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is consistent with the previously certified Negative Declaration in accordance with the requirements of the California Environmental Quality Act (CEQA).
- E) That approving the Tentative Tract Map TM 24-02 for Monterrey Park is consistent with the land uses allowed within the Single Family Residential (R-1) Zone; and
- G) That the City Attorney is authorized to make minor typographical changes to this Resolution that do not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 23rd day of April, 2025.

Ruben Rivera
Planning Commission Chairman

ATTEST:

Kristina Shields
City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL FOR
MONTERREY PARK TENTATIVE TRACT MAP 24-02

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 stormwater 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 be recorded 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. The phasing for the project has been attached hereto to these conditions of approval.
7. 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 build 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.
8. 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.
9. The Developer acknowledges that the potential pace of growth in the City and the resulting demand on City services such as water and wastewater may result in such services not being available. The Developer acknowledges particular concern with wastewater and agrees that capacity is not allocated until the issuance of a building permit. The Developer acknowledges that a building permit will not be issued unless there is sufficient wastewater capacity based on the total amount of building permits already issued at that time. To address a shortage in wastewater capacity, the parties may agree upon fair share fees for the construction

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of a new wastewater treatment plant to respond to this project's wastewater demand.

10. 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 regard 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 funding from a Community Facilities District (CFD). The Development Impact Fees for schools shall be paid prior to the issuance of any building permit. The City and the School District will jointly confirm that the terms of the Financial Responsibility have been fulfilled.
11. 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.
12. 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.
13. The retention ponds must be designed to drain out within seventy-two (72) hours of any storm event. Retention Basins must be completed in accordance with the requirements set forth in condition 14(a) above. 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.
14. Construction sites shall control dust (PM-10) generation through the 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.
15. The Developer/Applicant shall construct a six-foot (6') solid masonry wall along the Southern boundary adjacent to the Imperial County Airport, and the Eastern boundary of the project site adjacent to the retention basin prior to the occupancy of any structure. Landscaping, such as honeysuckle or other similar climbing plant, shall be provided along the fence lines to provide an additional noise buffer. The material and color of all walls required by this section shall be decorative and emulate the existing Eastern wall on the project site.
16. 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, determine that on-site utilities cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.
17. 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. Soils directly below

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and adjacent to the sewer outfall pipeline that was found in the northeast corner of the site shall be tested for hydrocarbon residues, volatiles and other heavy metals before construction begins within the vicinity. In the event that hazardous materials are found, the project site shall be remediated.

18. The conditional approval of the Tentative 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. All mitigation measures outlined in the Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not.
19. 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.
20. 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.
21. 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.
22. 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.
23. The Tentative Map shall be valid for a period of two years following the City Council approval and the appeal period. Tentative Map may be extended by virtue granted as State Law and the Subdivision Map Act deem.
24. 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.
25. 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. See attached revised Phasing Plan with sequencing for the project which complies with these revisions to the conditions of approval.
26. 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.
27. 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.

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28. Prior to approval of the Final Map, the applicant shall submit a request for the abandonment of the right-of-way area identified on the Tentative Map. The request shall include all necessary legal descriptions, exhibits, and supporting documentation required by the City. The abandonment shall be subject to City Council approval and shall not be finalized until all necessary easements, dedications, and public service provisions are addressed to the satisfaction of the City. The applicant shall be responsible for all costs associated with the abandonment process, including necessary mapping, legal descriptions, and utility relocations.
29. 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.
30. The Conditions of Approval from June 7, 2018, still apply to this project.