

**TAFT CITY COUNCIL/SUCCESSOR AGENCY
JOINT REGULAR MEETING AGENDA
WEDNESDAY, JANUARY 23, 2013
CITY HALL COUNCIL CHAMBERS
209 E. KERN ST., TAFT, CA 93268**

AS A COURTESY TO ALL - PLEASE TURN OFF CELL PHONES

Any writings or documents provided to a majority of the City Council regarding any item on this agenda are made available for public inspection in the lobby at Taft City Hall, 209 E. Kern Street, Taft, CA during normal business hours (SB 343).

SPECIAL MEETING

6:00 P.M.

Pledge of Allegiance

Invocation

Roll Call: Mayor Linder
Mayor Pro Tem Krier
Councilmember Miller
Councilmember Noerr
Councilmember Waldrop

1. PUBLIC HEARING – Continued from January 15, 2013

CONSIDER ADOPTION OF A FINAL MITIGATED NEGATIVE DECLARATION AND MITIGATION REPORTING AND MONITORING PROGRAM FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT.

Recommendation – 1) continue public hearing; and

2) Motion to approve Resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND ADOPTING A FINAL MITIGATED NEGATIVE DECLARATION AND A MITIGATION REPORTING AND MONITORING PROGRAM FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT.

2. PUBLIC HEARING – Continued from January 15, 2013

CONSIDER CONDITIONAL APPROVAL OF VESTING TENTATIVE TRACT NO. 7227, SANDY CREEK ESTATES AND VESTING TENTATIVE TRACT NO. 7230, HILLSIDE TERRACE ESTATES.

Recommendation – 1) continue public hearing; and

2) Motion to approve resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 7227, SANDY CREEK ESTATES; and

3) Motion to approve resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 7230, HILLSIDE TERRACE ESTATES.

3. CITIZEN REQUESTS/PUBLIC COMMENTS

THIS IS THE TIME AND PLACE FOR THE GENERAL PUBLIC TO ADDRESS THE CITY COUNCIL ON MATTERS WITHIN ITS JURISDICTION. STATE LAW PROHIBITS THE COUNCIL FROM ADDRESSING ANY ISSUE NOT PREVIOUSLY INCLUDED ON THE AGENDA. COUNCIL MAY RECEIVE COMMENT AND SET THE MATTER FOR A SUBSEQUENT MEETING. PLEASE LIMIT COMMENTS TO FIVE MINUTES.

4. RESOLUTION SETTING POLICY AND AGREEMENT FOR iPad USE BY CITY OFFICIALS

Recommendation – 1) Motion to approve expenditure of \$546.92 for the protective cases; and
2) Motion to adopt a resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT ADOPTING A POLICY FOR iPADS ISSUED TO COUNCIL MEMBERS

CLOSED SESSION

- A. At this time the City Council will hold a closed session pursuant to Government Code Section 54956.9 (C) re: claim filed by Walter Wise.
- B. At this time the City Council will hold a closed session pursuant to Government Code Section 54957.6 to give direction to its labor negotiator concerning labor negotiations: All units
- C. At this time the City Council will hold a closed session pursuant to Government Code Section 54957 Performance Evaluations. Position to be evaluated: City Manager.

ADJOURNMENT

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54943.2)**

The City of Taft City Council Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance (including transportation) to attend or participate in a meeting of the Taft City Council may request assistance at the Office of the City Clerk, City of Taft, 209 E. Kern Street, Taft, California or by calling (661) 763-1222. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

AFFIDAVIT OF POSTING

I, Louise Hudgens, declare as follows:
That I am the City Clerk of the City of Taft; that an agenda was posted on a public information bulletin board located near the door of the Civic Center Council Chamber on January 22, 2013, pursuant to 1987 Brown Act Requirements.

I declare under penalty of perjury that the foregoing is true and correct.
Executed January 22, 2013, at Taft, California.

Signed

Time



City of Taft Agenda Report

DATE: JANUARY 23, 2013

TO: MAYOR LINDER AND COUNCIL MEMBERS

AGENDA MATTER:

Consider adoption of a Final Mitigated Negative Declaration and Mitigation Reporting and Monitoring Program for the Hillside Estates Residential Subdivisions Project.

SUMMARY STATEMENT:

As Lead Agency, the City of Taft prepared an Initial Study and Proposed Mitigated Negative Declaration for this project and circulated these documents for public review and comment. These documents were prepared pursuant to the California Environmental Quality Act (CEQA). The Initial Study determined that there is no substantial evidence that the project may have a significant effect on the environment. Revisions in the project plans agreed to by the applicant would avoid significant effects or mitigate them to a point where clearly no significant effects would occur.

Before this hearing, the Council was provided copies of the Initial Study, Proposed Mitigated Negative Declaration, the Mitigation Reporting and Monitoring Program, the Planning Commission staff report and resolution and all technical reports. From review of these documents, comments received and after conducting a public hearing and taking public testimony, it is at the Council's discretion to adopt a Final Mitigated Negative Declaration. At its December 19, 2012 Special Meeting, the Taft Planning Commission adopted a resolution recommending adoption of the Final Mitigated Negative Declaration to the City Council. (*The Planning Commission's staff report and resolution are attached to this report*).

To adopt the Final Mitigated Negative Declaration for this project the Council needs to find that on the basis of the information in the Initial Study, and in light of the entire public record before the Council, and using independent judgment, that although the project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, which will mitigate these effects to the point where no significant environmental effects would occur. Pursuant to CEQA Guidelines, the Council is also required to adopt a Mitigation Reporting and Monitoring Program prior to approving the proposed project.

RECOMMENDED ACTION:

1. Hold a public hearing; 2. Motion to approve Resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND ADOPTING A FINAL MITIGATED NEGATIVE DECLARATION AND A MITIGATION REPORTING AND MONITORING PROGRAM FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT.

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR	CITY MANAGER
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IMPACT ON BUDGET (Y/N): No

ATTACHMENT (Y/N): Yes – Planning Commission Report and Resolution from the December 19, 2012 Special Meeting.

PREPARED BY: Mike Waiczis, Planning & Community Development Director

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND ADOPTING A FINAL MITIGATED NEGATIVE DECLARATION AND A MITIGATION REPORTING AND MONITORING PROGRAM FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT.

WHEREAS, as Lead Agency, the City of Taft is responsible for implementing a CEQA review of the proposed Hillside Estates Residential Subdivisions Project, and to this end, an Initial Study and Proposed Mitigated Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) and Public Resources Code Section 21000 et seq., and

WHEREAS, as provided in Section 15063 of the CEQA Guidelines, a Lead Agency shall conduct an Initial Study to determine whether a project may have a significant effect on the environment, and

WHEREAS, the CEQA process is intended to inform the public of the potential environmental effects of government decisions and to encourage informed decision-making by public agencies, and CEQA requires state and local agencies to identify the significant environmental effects of their actions, and to avoid or mitigate those impacts, if feasible, and

WHEREAS, the Initial Study determined that there is no substantial evidence that the project may have a significant effect on the environment because revisions in the project plans agreed to by the applicant would avoid significant effects or mitigate effects to a point where clearly no significant effects would occur, and therefore, the adoption of a Final Mitigated Negative Declaration is appropriate, and

WHEREAS, pursuant to State Law, the City circulated the Proposed Mitigated Negative Declaration and Initial Study for public review through the State Clearinghouse and through direct mailing to agencies and interested parties; properly noticed the Intent to Adopt a Final Mitigated Negative Declaration in newspapers of general circulation in the area and made copies of these documents available at specified locations and on the City's website, and

WHEREAS, a 30 day public review period for the Proposed Mitigated Negative Declaration commenced on December 13, 2012 and ended on January 14, 2013, and all interested individuals and public agencies were encouraged to submit written comments regarding the information and determinations in these documents, and the Planning Commission held a public hearing within the public review period as a means to solicit public comments on the environmental analysis for this project, and

WHEREAS, all Council Members of the City of Taft were provided copies of the Initial Study, Proposed Mitigated Negative Declaration, technical reports the Planning Commission's staff report and resolution and Mitigation Reporting and Monitoring Program, and had adequate time to review these documents before making a decision on the adoption of the Final Mitigated Negative Declaration, and

WHEREAS, at its December 19, 2012 Special Meeting, the Taft Planning Commission adopted a resolution recommending adoption of the Final Mitigated Negative Declaration to the City Council, and

WHEREAS, from review of the aforementioned documents, comments received, after conducting a public hearing and taking public testimony and in light of the Taft Planning Commission's recommendation it is at the Council's discretion to adopt a Final Mitigated Negative Declaration or to give reasons why adoption is not appropriate.

NOW, THEREFORE, be it resolved that the City Council of the City of Taft, in a regular meeting assembled on the 15th day of January, 2013, hereby makes the following written findings:

1. The City Council finds that the Initial Study, Proposed Mitigated Negative Declaration, technical reports and Mitigation Reporting and Monitoring Program prepared for the proposed project have been prepared pursuant to the California Environmental Quality Act (CEQA) and Public Resources Code Section 21000 et seq., and as provided in Section 15063 of the CEQA Guidelines, the City of Taft conducted an Initial Study to determine whether the proposed project may have a significant effect on the environment.
2. The City Council finds that the Initial Study, Proposed Mitigated Negative Declaration, technical reports and Mitigation Reporting and Monitoring Program prepared for the proposed project have provided the Council with sufficient and accurate information on which to make a decision about the adoption of a Final Mitigated Negative Declaration for the proposed project.
3. Based on the information presented in the Initial Study for the proposed project, and in light of the whole public record before the City Council, and using independent judgment, it is determined that although the project could have a significant effect on the environment, there will not be significant effects because mitigation measures are included in the project, which will mitigate the effects to the point where no significant environmental effects would occur.
4. From review of the environmental documents prepared for the proposed project, and after conducting a public hearing and taking public testimony, the City Council hereby adopts a Final Mitigated Negative Declaration (Attachment A) and Mitigation Reporting and Monitoring Program (Attachment B) for the Hillside Estates Residential Subdivisions Project.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2013.

Paul Linder, Mayor

ATTEST:

Louise Hudgens, CMC, CITY CLERK

Resolution No. _____

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STATE OF CALIFORNIA }
COUNTY OF KERN }
CITY OF TAFT }

I, Louise Hudgens, City Clerk of the City of Taft, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Taft at a regular meeting thereof held on the 15th day of January, 2013, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Louise Hudgens, CMC
City Clerk

ATTACHMENT "A"

ATTACHMENT "B"



CITY OF TAFT FINAL MITIGATED NEGATIVE DECLARATION

Pursuant to the State of California Public Resources Code and the California Environmental Quality Act (CEQA), as amended, the City of Taft has prepared an Initial Study for the project described below. The Initial Study determined that there is no substantial evidence that the project may have a significant effect on the environment. Revisions in the project plans agreed to by the applicant would avoid significant effects or mitigate effects to a point where clearly no significant effects would occur. Therefore, pursuant to CEQA, the City proposes to adopt a Mitigated Negative Declaration.

Date: January 15, 2013

Lead Agency: City of Taft is the Lead Agency for this project.

Project Title: **Hillside Estates Residential Subdivisions Project.** (Vesting Tentative Tract No. 7227, Sandy Creek Estates; Vesting Tentative Tract No. 7230, Hillside Terrace Estates; City of Taft Bikeway and Pedestrian Trail, "Rails To Trails" and the Hillard Street Pedestrian Pathway).

Project Applicant: John Wilson, Civil Engineer, agent for Sandy Creek Estates and Hillside Terrace Estates.

Project Location: The project site is a square property generally located west of Hillard Street, south of the Lassen Street alignment, north of Mallory Court and east of the Kristin Street alignment. Regionally, the project site is located in the western portion of the City of Taft, County of Kern, California (see location maps). The project site constitutes a portion of Section 14, Township 32 South, Range 23 East, Mount Diablo Base and Meridian. The site is encircled by existing or planned urban development. Single family homes are located east of the project site along Hillard Street. The property is bounded on the south by "A" Street Park and existing subdivisions. Land to the west of the site is partially developed with industrial-type land uses approved in Kern County. Property to the north of the site is primarily unimproved industrial land. Sandy Creek runs through the property defining portions of the western/northwestern boundary of the project. (See Maps attached)

Project Description: The project consists of various components culminating in the phased construction of 394 detached single family residential homes on approximately 127 acres of land. Primary project components are as follows:

- The processing and approval by the City of Taft of Vesting Tentative Tract Map No. 7227 (Sandy Creek Estates) and Vesting Tentative Tract Map No. 7230 (Hillside Terrace Estates).
- City of Taft approval and recordation of final maps for VTTMs Nos. 7227 and 7230, creating two separate subdivisions that provide 394 developable lots.

- The phased construction of 394 detached single family residential homes in two separate subdivisions on approximately 127 acres of land.
- The installation of an approximately one-quarter mile portion of the City of Taft's Rails to Trails pedestrian/ bicycle pathway and the Hillard Street Pedestrian Pathway.
- Required installation of infrastructure and street improvements both on and off site.
- Creation of two (2) remainder parcels encompassing Sandy Creek consisting of approximately 24.69 total acres.

The project would bring about the urban development of approximately 127 acres of vacant land that was previously utilized for oilfield operations and the Sunset Railroad. The project site has been designated in the Taft General Plan for development with single family residential homes ("LDR", Low Density Residential) for many years, and is currently zoned "R-1" (Single Family Residential) consistent with the General Plan designation.

The project site consists of three individual parcels: City of Taft Rails to Trails pathway (6.4 acres), Sandy Creek Estates (32.4 acres), Hillside Terrace Estates (87.4 acres). Tentative Tract No. 7227, Sandy Creek Estates, will consist of 126 single family lots, and a designated remainder of approximately 8.96 acres (Sandy Creek) to be deeded to the City of Taft and maintained as open space. Tentative Tract No. 7230, Hillside Terrace Estates, will consist of 271 single family lots, and a designated remainder of approximately 15.73 acres (Sandy Creek) to be deeded to the City of Taft and maintained as open space.

At present the project site is surrounded by existing or planned urban development. Existing single family homes are located along the entire length of Hillard Street east of, and immediately adjacent to, the property. The site is bordered on the south by a fully developed community park and existing single family residences (Tract Nos. 5574-1, 5956-1, 5956-3, and 6114). Land to the west of the site is designated Low Density Residential in the Taft General Plan, although considerable industrial-type development has taken place under Kern County jurisdiction in this area. Property to the north is designated for industrial uses and is mostly unimproved (oil tanks and pipelines have been constructed in this area). Sandy Creek running to the southwest is also located adjacent to a portion of the project site in this area.

The project includes the installation of an approximately one-quarter mile (6.4 total acres) portion of the City of Taft's Rails to Trails pedestrian/ bicycle pathway, which will run between (and divide) the two proposed subdivisions. The previously planned open space amenity will include a Class 1 bikeway, walking path, landscaping, street furniture, etc. The adjacent subdivisions will provide pedestrian access to the pathway. The pathway connects to itself across Hillard Street to the east and follows the abandoned Sunset Railroad right-of-way running northwest through the project site, ending at Sandy Creek. As part of a separate project, the City of Taft intends to improve a portion of Hillard Street into a combination walker and bike trail along the easterly edge of TM 7320, providing pedestrian access to "A" Street Park.

Finding: The City of Taft completed an Initial Study to determine whether the proposed project may have a significant effect on the environment. On the basis of this study, and in light of the whole record before the agency, and using independent judgment, the City determined that although the project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, which will mitigate the effects to the point where no significant environmental effects would occur.

Public Record: The Initial Study and related materials for this project are available for public review at the City of Taft, Planning and Community Development Department, 209 East Kern Street, Taft, California 93268, during regular business hours, Monday through Friday between 8 a.m. and 5 p.m.

Staff Contact: Michael R. Waiczis, Director, Planning and Community Development Services. Office phone: 1-661-763-1222 ext. 24. Email: mwaiczis@cityoftaft.org.

Mitigation Measures: The mitigation measures listed below reduce, offset, or eliminate significant project impacts. Therefore, all potentially significant effects of the project can and will be avoided or mitigated to a less than significant level. Mitigation measures are presented by topic from the CEQA Checklist.

1. Aesthetics

None Required

2. Agriculture Resources

None Required

3. Air Quality

3-1. The applicant/developer of the project shall comply with all relevant and current rules and regulations adopted and enforced by the San Joaquin Valley Air Pollution Control District (SJVAPCD) through all phases of the development project.

Construction Phase Dust Control

3-2. The project shall be required to comply with all applicable measures listed in the San Joaquin Valley Unified Air Pollution Control District's (SJVAPCD) *Guide for Assessing and Mitigating Air Quality Impacts*, Regulation VIII, to control fugitive dust (PM 10) during all construction activities. The Project shall incorporate the following measures:

- Water all active construction areas and exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least two times per day.
- Cover all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas.
- Pave, apply water two times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- Cover all stock piles with a tarp or water daily.

- Permanent dust control measures (re-vegetation) shall be implemented as soon as possible following completion of any soil disturbing activities.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading.
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site.
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- Suspend excavating and grading operations when winds (as instantaneous gusts) exceed 25 mph.
- Post a publicly visible sign with the telephone number and person to contact at the City of Taft regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the San Joaquin Valley Air Pollution District shall also be visible to ensure compliance with applicable regulations.

Construction Phase Emissions

- 3-3. All construction activities may generate emissions that impact air quality, therefore the project shall be required to implement emissions control measures during each phase of project development to reduce the amount of emissions entrained in the ambient air as follows:
- Heavy-duty diesel-powered equipment operating and refueling at the project site shall use low-NOX diesel fuel to the extent that it is readily available and cost effective.
 - Alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) shall be utilized to the extent that the equipment is readily available and cost effective.
 - Construction equipment engines shall be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction.
 - Construction-related equipment, including trucks and heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
 - Construction operations shall rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible.
 - Construction materials that do not require painting shall be utilized to the extent feasible.
 - Pre-painted construction materials shall be utilized to the extent feasible.
 - Construction equipment used for construction of projects meets or exceeds Tier 2 standards use emulsified diesel fuels, and equip construction equipment with oxidation catalysts, particulate traps or other verified or certified retrofit technologies to the extent feasible.

- Electricity from power poles rather than temporary diesel or gasoline power generators shall be used during construction activities to the extent feasible.
- No open burning of removed vegetation shall occur during infrastructure improvements. Vegetative material shall be chipped or delivered to waste-to-energy facilities.

Operational Measures

- 3-4. The project shall construct or contribute to a public transit stop to be located within safe walking distance from the project site.
- 3-5. The project shall provide for pedestrian, bicycle, and other non-motorized access in planned neighborhoods.

Energy Efficiency Mitigation Measures

- 3-6. To the extent feasible, the project shall include the following:
- Improve the thermal integrity/efficiency of buildings, and reduce the thermal load with automated and timed temperature controls or occupant sensors.
 - Utilize Solar Design and/or offer solar energy options on homes.
 - Use devices that minimize the combustion of fossil fuels.
 - Install high efficiency Energy Star heating or ground source heat pumps.
 - Install energy efficient interior lighting.
 - Install built-in energy efficient appliances.
 - Install electrical outlets on the exterior walls of both the front and back of residences to promote the use of electric landscape maintenance equipment.
 - Install a gas outlet for use with outdoor cooking appliances, and in any proposed fireplaces, including outdoor recreational fireplaces or pits.
 - Install "whole-house" or "fresh-air" ventilation system.
 - Utilize EPA-certified phase II wood burning devices; pellet-fueled wood heaters; or dedicated gas-fired fireplaces.

4. Biological Resources

- 4-1 As close to beginning of construction as possible, but not more than 14 days prior to construction, a qualified biologist shall conduct a final pre-construction survey of the construction zone to insure that no endangered species have recently occupied the site. Procedures detailed in these mitigation measures should be followed if sensitive biological resources are found. A biologist shall be present immediately prior to construction activities that have potential to impact sensitive species (i.e., site preparation, access road grading, etc.) to identify and protect potentially sensitive resources.
- 4-2 If kit foxes have dens become established within 200 feet of the construction activities exclusion zones shall be established prior to construction by a qualified biologist. Exclusion zone fencing should comprise either large flagged stakes connected by rope or cord survey laths or wooden stakes prominently flagged with survey ribbon. Exclusion zones shall be roughly circular with a radius of the following distances measured toward from entrance; potential den 50 feet, known den 100 feet, and natal (pupping) den 200 feet.

- 4-3 Exclusion zone barriers shall be maintained until all initial construction activities have been completed, and then removed. If specified exclusion zones cannot be observed for any reason, USFWS and CDFG shall be contacted for guidance prior to ground disturbing activities at or near the subject den. In the event that USFWS and CDFG concur that an occupied San Joaquin kit fox den would be unavoidably destroyed by a planned project action, procedures detailed in the USFQS Standardized Recommendations for protection of the San Joaquin Kit fox (USFWS 1995 and 1999) shall be implemented. Den excavation shall be undertaken only by a qualified biologist pursuant to USFWS and CDFG authorization and direction for excavation of kit fox dens.
- 4-4 Destruction of a potential den may proceed without prior notification to USFWS and CDFG if no current or previous use of the den by kit foxes, as determined by a qualified biologist, is evident. However, if during excavation any potential den is determined to be currently or recently used (e.g., if kit fox sign is found), USFWS and CDFG shall be notified immediately.
- 4-5 If dens are discovered outside of the construction zone, but within 50 to 200 feet (depending on den type described above), the buffer shall include all areas within the radii stated above. Dens in the buffer area may be excavated. If such dens were determined to be empty they shall be covered with plywood or other firmly secured, suitable material to prevent access by kit foxes. Covers shall be installed no more than 14 days prior to the start of construction and remain in place for the duration of construction, after which they shall be removed.
- 4-6 If, after following all procedures detailed in these recommendations, the qualified biologist is unable to successfully ensure protection of individual kit foxes, s/he shall contact USFWS and CDFG for further guidance.
- 4-7 Project area boundaries shall be clearly delineated by stakes, flagging and / or rope or cord to minimize inadvertent degradation or loss of adjacent habitat during construction operations. The staff and/or its contractors shall post signs and/or place fence around the site to restrict access of vehicles and equipment unrelated to construction operations. The contractor shall consider the use of wildlife-proof barricade fencing (i.e. sediment fencing, etc.) to prevent wildlife from entering the project site.
- 4-8 Large shrubs shall be avoided to the extent practicable in an effort to minimize impact to habitat. Washes shall be avoided by all vehicular activity except where existing roads cross them. Stored soil piles shall be placed no closer than 100 feet from washes and in previously disturbed areas.
- 4-9 Hazardous materials, fuels, lubricants, and solvents that spill accidentally during project-related activities shall be cleaned up and removed from the project as soon as possible according to applicable federal, state and local regulations.
- 4-10 All equipment storage and parking during site development and operation shall be confined to the project area or to previously disturbed off site areas that are not suitable habitat for listed species.
- 4-11 A project representative shall establish restrictions on construction-related traffic to approved construction areas, storage areas, staging and parking areas via signage. Off-road traffic outside of designated project areas shall be prohibited. Project-related vehicles shall observe a 15 mph speed limit in all project areas except on County roads and State and federal highways.

- 4-12 An Environmental Awareness Program (EAP) shall be conducted to orient all employees involved in construction operations. The program shall consist of a brief presentation in which a biologist knowledgeable of endangered species biology and legislative protection shall explain endangered species concerns. The program shall include a discussion of special status plants (i.e., Hoover's woolly-star, San Joaquin woolly-threads, etc.) and sensitive wildlife species (i.e., San Joaquin kit fox, San Joaquin antelope squirrel, giant kangaroo rat, burrowing owl and blunt-nosed leopard lizards). Species biology, habitat needs, status under the Endangered Species Act, and measures being taken for the protection of these species and their habitats as a part of the project shall be discussed.
- 4-13 To the extent possible, initial construction and associated operations shall be minimized during evening hours when kit foxes are active and most vulnerable to vehicle or equipment-induced injury or mortality.
- 4-14 If wildlife proof barricade fencing is not used at the project site, all excavated steep-walled holes or trenches in excess of three feet in depth shall be provided with one or more escape ramps constructed of earth fill to prevent entrapment of endangered species or other animals during the construction phase. Ramps shall be located at no greater than 1000 foot intervals (for pipelines etc.) and at not less than 45 degree angles. Trenches shall be inspected for entrapped wildlife each morning prior to onset of construction activities and immediately prior to the end of each working day. Before such holes or trenches are filled they shall be inspected thoroughly for entrapped animals. Any animals discovered shall be allowed to escape voluntarily without harassment before construction activates resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- 4-15 All construction pipes, culverts, or similar structures stored at the construction site overnight having a diameter of four inches or greater shall be inspected thoroughly for kit foxes before being buried, capped, or otherwise used or moved in any way. Pipes laid in trenches overnight shall be capped. If during construction a kit fox is discovered inside a pipe, that section of pipe shall not be moved or, if necessary, moved only once to remove it from the path of construction activity, until the kit fox has escaped.
- 4-16 All food-related trash items such as wrappers, cans, bottles or food scraps generated during construction or during subsequent operation shall be disposed of only in closed containers and regularly removed from the site. Food items may attract kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- 4-17 To prevent harassment or mortality of kit foxes via predation, or destruction of their dens, no domestic pets shall be permitted on-site.
- 4-18 Use of rodenticides and herbicides on the site shall be permitted only as part of a USFWS and CDFG approved management plan unless such use is otherwise approved on a case-by-case basis. This is necessary to prevent primary or secondary poisoning of endangered species using adjacent habitats or depletion of prey upon which sensitive wildlife may depend.
- 4-19. The City of Taft shall process a General Plan Amendment and Rezoning for the sections of Sandy Creek located adjacent to the project site designating and zoning this area "Open Space" to preserve this waterway as a wildlife corridor.

5. Cultural Resources

- 5-1. In the event that archeological or historical resources are unearthed during project subsurface activities, all earth disturbing work within a 200-meter radius must be temporarily suspended or redirected until an archeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume.
- 5-2. In the event that paleontological resources are unearthed during project, subsurface activities, all earth disturbing work within a 100-meter radius must be temporarily suspended or redirected until a paleontologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume.
- 5-3. If human remains are unearthed during construction of the project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed with the remains.

6. Geology and Soils

- 6-1. Prior to the approval of grading permits, the applicant/ developer shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismic-induced ground shaking on the site. All grading and construction on site shall adhere to all specifications and procedures and site conditions presented in the final design plans, which shall be fully compliant with the seismic requirements of the California Building Code, Uniform Building Codes, City of Taft Building Code, and as recommended by a California registered professional engineer. The procedures and site conditions include, but are not limited to, proper site preparation, foundation specifications, and buried metal protection measures. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department under contract with the City. Final compliance requirements shall be provided to the onsite construction supervisor and Kern County building inspector to ensure compliance.
- 6-2. A detailed Phase II geotechnical evaluation by a qualified soils/geotechnical engineer or geologist, consisting of field exploration (drilling and soil sampling), laboratory testing of soils samples and engineering analysis, shall be prepared to determine soils properties as related to, but not limited to, ground motion acceleration parameters, amplification properties of the subsurface units at the project site, the potential for the hydrocompaction of soils to affect the proposed development, septic sanitary system feasibility, as well as the expansive soils potential to affect the proposed facilities. These studies shall be used to determine the appropriate foundation and support structure engineering to be utilized, as well as building requirements to be incorporated in the proposed development, as appropriate. Copies of all analyses shall be submitted for review and approval by the Taft City Engineer.
- 6-3. The developer shall limit grading to the minimum area necessary for construction and operation of the project, and will retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction. Final plans will include BMPs to limit on- and offsite erosion and a water plan to treat disturbed areas during construction to reduce dust.

- 6-4. The grading of the soil on the project site will be strictly regulated by the City of Taft Building Department and the requirements of the Phase II geotechnical evaluation. Development of the site will comply with all pertinent City ordinances and standard practices which will assure that the site will be properly graded, storm water will be adequately drained into approved storm water systems, and the potential for erosion eliminated.
- 6-5. Potential seismic hazards will be addressed through compliance with the Uniform Building Code which will be utilized and enforced by the City of Taft Building Department to monitor the safe construction of the project. All buildings and structures constructed shall conform to local and state building regulations relating to preventative measures for seismic hazards.
- 6-6. The City of Taft will require preparation of a Grading Plan which incorporates temporary stabilization measures to protect exposed areas during construction activities, watering to control dust and soil erosion, and sedimentation control measures.
- 6-7. The developer will be responsible for measures to mitigate impacts to water quality from erosion and must also meet water quality standards for the State of California. To be in compliance, the applicant will be required to obtain a grading permit from the City of Taft and/or a National Pollution Discharge Elimination System (NPDES) permit, available from the California Regional Water Quality Control Board. The project must also be in compliance with any standards established by RWQCB for non-point sources of pollution.
- 6-8. A qualified consultant will prepare and submit an erosion control plan (SWPPP) for approval by the City of Taft Public Works Department or City Engineer demonstrating compliance with water quality standards. Elements of this plan will address both the potential for soil erosion and non-point source pollution.

7. Greenhouse Gas

- 7-1. The project shall, to the extent practicable and feasible, include the following energy saving and emission reducing features that would be implemented during the design and construction of each new structure:
 - Install efficient lighting and lighting control systems.
 - Use controllable lighting systems for interior spaces. Provide individual lighting controls for 90 percent (minimum) of the building occupants to enable adjustments to suit individuals.
 - Provide lighting system controls for all shared spaces.
 - Include light sensors and motion sensors for exterior and common-area lighting; and use programmable thermostats.
 - Install energy efficient heating and cooling systems, equipment, and control systems.
 - Use green and/or cool roofs. Use roofing materials with a solar reflective index (SRI) equal to or greater than the values indicated and/or use landscaped roof areas ("green roofs") for a minimum of 75 percent of the roof surface.
 - Provide shade from trees or landscaping (as measured by the expected canopy at 20 years).

- Utilize passive energy efficiency strategies, such as roof overhangs, porches, and inner courtyards would be incorporated where appropriate.
- Install minimum Efficiency Reporting Value 6 or higher filters on central air and heating systems.
- Insulate the building envelope and hot water pipes to prevent heat/gain loss.
- Install bathroom and kitchen faucets with a maximum flow rate of 1.5 gallons per minute.
- Do not install more than one showerhead per shower stall, with a flow rate no greater than 2 gallons per minute.
- Install leak detection systems for swimming pools, Jacuzzis, or other comparable spa equipment introduced on-site.
- Install Energy Star–labeled products and appliances would be used where appropriate.
- Install weather-based irrigation controller with rain shutoff, matched precipitation (flow) rates for sprinkler heads, and rotating sprinkler nozzles or comparable technology such as drip/microspray/subsurface irrigation where appropriate.
- Plant native/drought-tolerant plant materials and use landscape contouring to minimize precipitation runoff.
- Prohibit heating, ventilation, and air-conditioning, refrigeration, and fire suppression equipment that contain banned chlorofluorocarbons.
- Mechanically or naturally ventilated spaces in buildings that meet the minimum requirements of Section 121 of the California Energy Code or the applicable local code, whichever is more stringent.
- Use adhesives, paints, stains, coatings, and carpet that are low volatile organic compound. Specifically, use low emitting paints. Architectural coatings applied to interior walls and ceilings should not exceed the VOC content limits established in the Green Seal Standards GS-11, Paints, 1st Edition, May 20, 1993. Additionally, use low emitting coatings and finishes. Wood finishes, floor coatings, stains, primers, and shellacs, applied to interior elements should not exceed the VOC content limits.

8. Hazards and Hazardous Materials

- 8-1. The project proponent shall have a geophysical survey executed for the purpose of locating all abandoned oil wells, potential associated drilling mud pits and sub-grade pipelines on the project site. Soil samples either within the former mud pits (if identified), or adjacent to the former oil wells if no associated drilling mud pit is identified, shall be taken to determine if on-site shallow soils have been impacted by petroleum hydrocarbons and/or metals. Additionally, soil samples along the pipeline runs shall be taken to determine if on-site shallow soils beneath the pipelines have been impacted by petroleum hydrocarbons and/or metals.
- 8-2. The developer shall comply with all regulations and requirements of the Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR)—with regards to abandoned oil wells or facilities at the project site.
- 8-3. Prior to recordation of the final map, the developer shall provide written confirmation from the Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR) to the City of Taft stating that all oil wells are accurately depicted on the proposed final map and have been leak tested and abandoned to the satisfaction of the DOGGR.
- 8-4. In accordance with the California Health and Safety Code, the project operator shall prepare a hazardous materials business plan and submit it to the Kern County Environmental Health Services Department/Hazardous Materials Section for review and approval. The hazardous materials business plan will delineate hazardous material and hazardous waste storage areas; describe proper handling, storage, transport, and disposal techniques; describe methods to be used to avoid spills and minimize impacts in the event of a spill; describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction; and establish public and agency notification procedures for spills and other emergencies, including fires. The hazardous materials business plan will also include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on the site. The project operator will provide the hazardous materials business plan to all contractors working on the project and will ensure that one copy is available at the project site at all times. Due to the possibility that petroleum hydrocarbon-affected soils may be encountered during construction-related activities, the business plan shall include a soil management plan to provide guidance to field personnel to comply with applicable policies for the handling and disposal of petroleum hydrocarbon-affected soil.
- 8-5. The contractor or personnel shall use herbicides that are approved for use by the California Department of Fish and Game and U.S. Fish and Wildlife Services. Workers applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the product manufacturer's directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals will be used if nests or dens are observed; and herbicides shall not be applied within 50 feet of any surface water body when water is present. Herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.

9. Hydrology and Water Quality

- 9-1. Prior to issuance of grading permits, the project operator will submit a Stormwater Pollution Prevention Plan that specifies BMPs to prevent all construction pollutants from contacting stormwater, with the intent of keeping erosion from moving off site and into receiving waters. The plan shall be submitted to the City of Taft, City Engineer and the Central Valley RWQCB for approval before grading begins. The requirements of the SWPPP will be incorporated into design specifications and construction contracts. Recommended BMPs for the construction phase may include the following:
- Stockpiling and disposing of demolition debris, concrete, and soil properly;
 - Protecting existing storm drain inlets and stabilizing disturbed areas;
 - Implementing erosion controls;
 - Properly managing construction materials; and
 - Managing waste, aggressively controlling litter, and implementing sediment controls.
- 9-2. Prior to issuance of grading permits, the developer will prepare a drainage plan that is designed to minimize runoff and surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The drainage plan shall be approved by the Taft City Engineer prior to approval of a Grading Permit.
- 9-3. Development of the project site will be required to comply with all pertinent City ordinances and standard practices which will assure that the site will be properly graded, storm water will be properly handled, and the potential for erosion reduced. The grading of the project site will be strictly regulated by the City of Taft.
- 9-4. Prior to approval of building permits, the developer shall demonstrate to the City of Taft, City Engineer that temporary erosion control measures will be followed during construction. If required by the City Engineer, the project will include onsite areas for storm water detention that will be improved to City standards.

10. Land Use and Planning

None Required

11. Mineral Resources

None Required

12. Noise

- 12-1. Restrict noise-generating construction activities that would result in increased levels of annoyance to nearby noise sensitive land uses to between the hours of 6 a.m. and 7 p.m. Monday through Friday, and between 6 a.m. and 5 p.m. on Saturdays with no activity allowed on Sundays and holidays.
- 12-2. Require the use of temporary construction noise control measures including the use of temporary noise barriers, if necessary, as mitigation for noise generated during construction of public and/or private projects.
- 12-3. The project proponent shall require that the following construction Best Management Practices (BMPs) are implemented by contractors to reduce construction noise levels:
 - Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of the project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.
 - Ensure that construction equipment is properly muffled according to industry standards and in good working condition.
 - Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
 - Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
 - Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
 - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes

13. Population and Housing

None Required

14. Public Services (fire, police, schools)

None Required.

15. Recreation

None Required.

16. Transportation/Traffic

- 16-1. The proponent shall be responsible for a pro-rata share of the construction of a traffic signal at the intersection of SR 33 and Hillard Street with protected left turns and dedicated lanes for all movements.
- 16-2. The project proponent shall contribute its pro-rata share based on the Caltrans' Equation C-1, as described in the "Guide to Preparation of Traffic Impact Studies". The project's pro-rata share of required improvements at the intersection of State Route 33 and Hillard Street, based on the Caltrans equation, shall be 32.93%. The project proponent shall work with Caltrans to determine the estimated cost of improvements and an acceptable timetable/ milestones for installation.
- 16-3. The project proponent shall work with the City of Taft and Caltrans to determine and agree to a mechanism for the collection and securing of required pro-rata share funds for the required improvements at the intersection of State Route 33 and Hillard Street. Collection of said funds by the City of Taft would require the processing and approval of an Ordinance, which would require the submission of an official application for processing by the project proponent.

17. Utilities and Service Systems (water, sewer, solid waste)

- 17-1. The project proponent shall provide the City of Taft with documentation indicating that the West Kern Water District is willing and able to provide water services to the proposed development. Verification that sufficient water supply and capacity will be available to accommodate the proposed project plus existing development, other approved projects in the same service area, and other projects that have received commitments for water service shall be submitted to the City of Taft prior to the approval of a final subdivision map.
- 17-2. The project proponent shall provide the City of Taft with documentation indicating that the proposed project can be served by City of Taft's Waste Water Treatment Facility (WWTF), and that sewage conveyance and treatment capacity will be available to meet the demand created by the new development.

Contact Person: Michael R. Waiczis, Director
Planning and Community Development

Phone: 661-762-1222 Ext 24

Signature: _____

Date: December 12, 2012

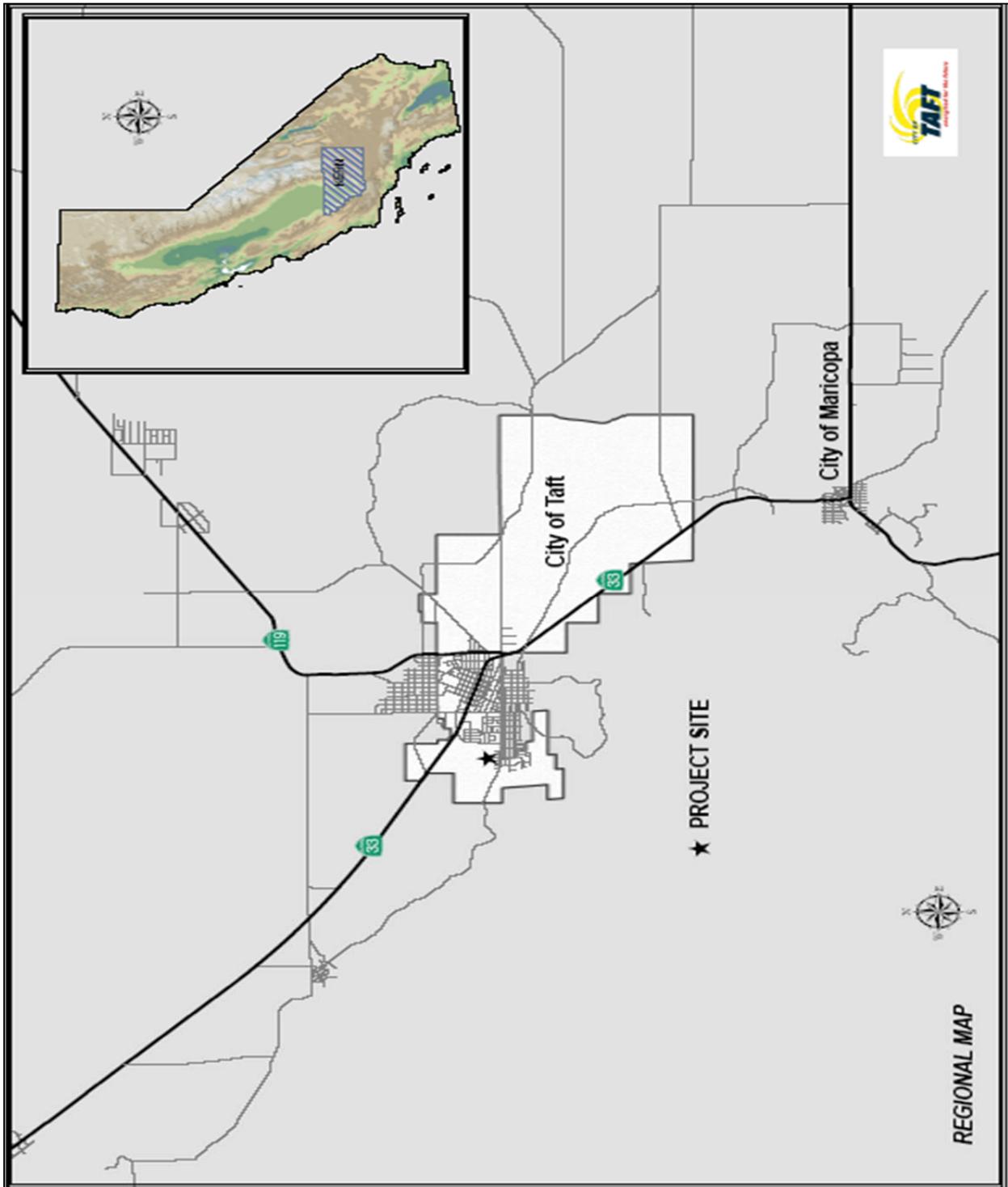


Figure 1 - Regional Location Map

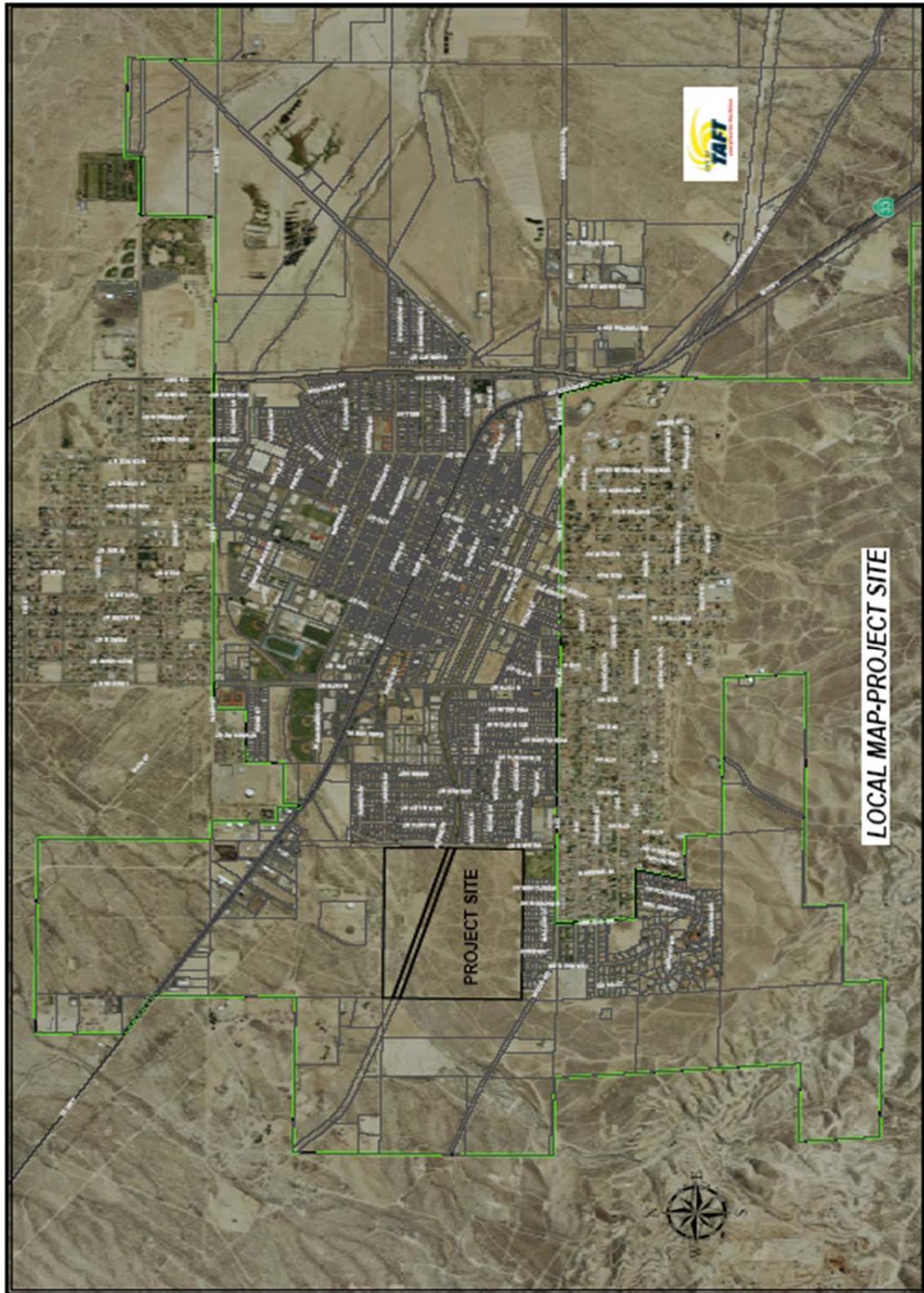


Figure 2 - General Location Map



Figure 3 - Location Map



City Of Taft Planning Department Staff Report

DATE: December 19, 2012

TO: Taft Planning Commission

FROM: Michael Waiczis, Director
Planning & Community Development

- 1. SUBJECT: Proposed Mitigated Negative Declaration** - Consider a recommendation to the Taft City Council regarding the adoption of a Final Mitigated Negative Declaration for the Hillside Estates Residential Subdivisions Project.

RECOMMENDATION: 1. Hold a public hearing; 2. Motion to approve a Resolution 2012-06 - Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT MAKING FINDINGS AND RECOMMENDING ADOPTION OF A FINAL MITIGATED MEGATIVE DECLARATION FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT TO THE CITY OF TAFT CITY COUNCIL.

Project Title: Hillside Estates Residential Subdivisions Project. (Vesting Tentative Tract Map No. 7227, Sandy Creek Estates; Vesting Tentative Tract Map No. 7230, Hillside Terrace Estates; and City of Taft Bikeway and Pedestrian Trail, "Rails To Trails").

Project Location: The project site is a square property generally located east of Hillard Street, south of the Lassen Street alignment, north of Mallory Court and west of the Kristin Street alignment. Regionally, the project site is located in the western portion of the City of Taft, County of Kern, California.

Project Description Summary: The project (hereafter "project") consists of various components culminating in the phased construction of 394 detached single family residential homes on approximately 127 acres of land. Primary project components are: 1) the approval by the City of Taft of Vesting Tentative Tract Map No. 7227 (Sandy Creek Estates) and Vesting Tentative Tract Map No. 7230 (Hillside Terrace Estates); 2) City of Taft approval of final maps for VTTMs Nos. 7227 and 7230, creating two subdivisions that provide 394 developable lots; 3) phased construction of 394 single family homes in two separate subdivisions; 4) installation of an approximately one-quarter mile portion of the City of Taft's Rails to Trails pedestrian/ bicycle pathway; 5) installation of infrastructure and street improvements; and 6) creation of two (2) remainder parcels encompassing Sandy Creek consisting of approximately 24.69 acres.

BACKGROUND:

As Lead Agency, the City of Taft is responsible for implementing a CEQA review of the proposed project described above. To this end, an Initial Study and Proposed Mitigated Negative Declaration have been prepared. The Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) and Public Resources Code Section 21000 et seq. As provided in Section 15063 of the CEQA Guidelines, a Lead Agency shall conduct an Initial Study to determine whether a project may have a significant effect on the environment. CEQA is a public disclosure law. The CEQA process is intended to inform the public of the potential environmental effects of government decisions and to encourage informed decision-making by public agencies. CEQA requires state and local agencies to identify the significant environmental impacts of their actions, and to avoid or mitigate those impacts, if feasible.

The City of Taft is the Lead Agency, as defined under CEQA Guidelines Section 15050. The Initial Study provides City of Taft decision-makers with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR), a Negative Declaration or Mitigated Negative Declaration for the proposed project. A Negative Declaration/ Mitigated Negative Declaration is a written statement by the Lead Agency that briefly describes the reasons that a proposed project would **not** result in a significant effect on the environment, and the basis of the decision not to prepare an EIR. The Initial Study also describes the City's efforts to ensure that all environmental impacts are reduced to a less-than-significant level with mitigation, qualifying for a Mitigated Negative Declaration. The basic purpose of this Initial Study is to:

1. Inform governmental decision-makers and the public about potential, significant environmental effects of proposed activities.
2. Identify ways that environmental damage can be avoided or significantly reduced.
3. Prevent significant, avoidable damage to the environment by requiring changes in projects through mitigation measures when the governmental agency finds the changes feasible.
4. Disclose to the public information about the proposed project that will be used by the governmental agency to approved or deny the project.

An Initial Study also serves as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project, following the distribution of the Initial Study and Proposed Negative Declaration/ Mitigated Negative Declaration. During the public review period comments regarding the issues addressed in the Initial Study are invited to be submitted to the Lead Agency. These are considered by the decision-makers before approving the proposed project.

Pursuant to State Law, staff circulated the Proposed Mitigated Negative Declaration and Initial Study for public review through the State Clearinghouse and through direct mailing to agencies and interested parties; properly noticed the Intent to adopt a Final Mitigated Negative Declaration in newspapers of general circulation in the area and made copies of these documents available at specified locations and on the City's website.

A 30 day public review period for the Mitigated Negative Declaration/ Initial Study commenced on December 13, 2012 and will end on January 14, 2013. All interested individuals and public agencies have been encouraged to submit written comments regarding the information and determinations in these documents. This Planning Commission meeting is being held within the public review period as another means to solicit public comments on the environmental analysis for this project.

CEQA Review of the Project - The City of Taft updated its General Plan in 2010. The environmental effects of the General Plan “project” were evaluated in a program level DEIR/FEIR. Following the certification of the FEIR, making Findings of Facts and adopting a Statement of Overriding Considerations, the Taft City Council adopted the current General Plan. Subsequent land use projects consistent with the updated General Plan are required to be evaluated pursuant to the California Environmental Quality Act (CEQA).

While the proposed Hillside Estates Residential Subdivisions Project is consistent with the Taft General Plan, the Initial Study prepared examines project specific environmental effects. The primary purpose of the Initial Study is to evaluate the potential impacts of the proposed project and determine appropriate mitigation measures to reduce identified impacts to less than significant levels.

At this time the Commission will consider the information presented in the Initial Study and the Proposed Mitigated Negative Declaration and make a recommendation regarding adoption of a Final Mitigated Negative Declaration to the City Council. On Tuesday, January 15, 2013, the City of Taft, City Council will consider adoption of a Final Mitigated Negative Declaration for the Hillside Estates Residential Subdivisions Project.

DISCUSSION AND ANALYSIS

Pursuant to the State of California Public Resources Code and the California Environmental Quality Act (CEQA), as amended, the City of Taft prepared an Initial Study for the project described above. The Initial Study determined that there is no substantial evidence that the project may have a significant effect on the environment. Revisions in the project plans agreed to by the applicant would avoid significant effects or mitigate effects to a point where clearly no significant effects would occur. Therefore, the adoption of a Final Mitigated Negative Declaration is appropriate. Based on the information presented in the Initial Study staff is recommending the adoption of a Final Mitigated Negative Declaration.

The Commissioners were provided copies of the Initial Study, Proposed Mitigated Negative Declaration and required technical reports. These documents identify potentially significant effects and mitigations measures to reduce these effects to less than significant levels. From review of these documents, and after conducting a public hearing and taking public testimony, it is at the Commission’s discretion to make a recommendation to the City Council to adopt a Final Mitigated Negative Declaration or to give reasons why adoption is not recommended.

The Commission’s recommendation should be based on finding that the environmental documents adequately discuss all significant environmental issues and provide feasible mitigation measures that will ensure environmental effects are reduced to less than significant levels.

To make a recommendation for adoption of a Final Mitigated Negative Declaration to the City Council, the Commission needs to find that on the basis of the information in the Initial Study, and in light of the whole record before the agency, and using independent judgment, the it is determined that although the project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, which will mitigate the effects to the point where no significant environmental effects would occur.

Your staff believes that the mitigation measures listed in the Initial Study and Proposed Mitigated Negative Declaration reduce, offset, or eliminate significant project impacts. Therefore, all potentially significant effects of the project can and will be avoided or mitigated to a less than significant level. Therefore adoption of a Final Mitigated Negative Declaration is appropriate.

RESOLUTION NO. 2012 - 06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT MAKING FINDINGS AND RECOMMENDING ADOPTION OF A FINAL MITIGATED NEGATIVE DECLARATION FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT TO THE CITY OF TAFT CITY COUNCIL.

WHEREAS, as Lead Agency, the City of Taft is responsible for implementing a CEQA review of the proposed Hillside Estates Residential Subdivisions Project, and to this end, an Initial Study and Proposed Mitigated Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) and Public Resources Code Section 21000 et seq., and

WHEREAS, as provided in Section 15063 of the CEQA Guidelines, a Lead Agency shall conduct an Initial Study to determine whether a project may have a significant effect on the environment, and

WHEREAS, the CEQA process is intended to inform the public of the potential environmental effects of government decisions and to encourage informed decision-making by public agencies, and CEQA requires state and local agencies to identify the significant environmental impacts of their actions, and to avoid or mitigate those impacts, if feasible, and

WHEREAS, the Initial Study determined that there is no substantial evidence that the project may have a significant effect on the environment because revisions in the project plans agreed to by the applicant would avoid significant effects or mitigate effects to a point where clearly no significant effects would occur, and therefore, the adoption of a Final Mitigated Negative Declaration is appropriate, and

WHEREAS, pursuant to State Law, the City circulated the Proposed Mitigated Negative Declaration and Initial Study for public review through the State Clearinghouse and through direct mailing to agencies and interested parties; properly noticed the Intent to adopt a Final Mitigated Negative Declaration in newspapers of general circulation in the area and made copies of these documents available at specified locations and on the City's website, and

WHEREAS, a 30 day public review period for the Mitigated Negative Declaration/ Initial Study commenced on December 13, 2012 and will end on January 14, 2013, and all interested individuals and public agencies were encouraged to submit written comments regarding the information and determinations in these documents, and the Planning Commission held a public hearing within the public review period as a means to solicit public comments on the environmental analysis for this project, and

WHEREAS, the Planning Commissioners of the City of Taft were provided copies of the Initial Study, Proposed Mitigated Negative Declaration and required technical reports, and these documents identify potentially significant effects and mitigations measures to reduce these effects to less than significant levels, and

WHEREAS, from review of these documents, and after conducting a public hearing and taking public testimony, it is at the Planning Commission's discretion to make recommendations to the City Council to either adopt a Final Mitigated Negative Declaration for the project or to give reasons why adoption is not recommended.

NOW, THEREFORE, be it resolved that the Planning Commission of the City of Taft, in a special session assembled on the 19th day of December, 2012, hereby make the following written findings and recommendations:

1. The Planning Commission has determined that the Initial Study, Proposed Mitigated Negative Declaration and required technical reports prepared for the proposed project have been prepared pursuant to the California Environmental Quality Act (CEQA) and Public Resources Code Section 21000 et seq., and as provided in Section 15063 of the CEQA Guidelines, the Lead Agency conducted an Initial Study to determine whether a project may have a significant effect on the environment; and
2. The Planning Commission has determined that the Initial Study, Proposed Mitigated Negative Declaration and required technical reports prepared for the proposed project have provided the Commission with sufficient and accurate information on which to make a decision about the adoption of a Final Mitigated Negative Declaration for the proposed project; and
3. Based on the information presented in the Initial Study for the proposed project, and in light of the whole public record before the Commission, and using independent judgment, it is determined that although the project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, which will mitigate the effects to the point where no significant environmental effects would occur; and
4. From review of the environmental documents prepared for the proposed project, and after conducting a public hearing and taking public testimony, the Planning Commission recommends that the City Council adopt a Final Mitigated Negative Declaration for the Hillside Estates Residential Subdivisions Project.

PASSED AND ADOPTED on this 19th day of December, 2012

Curtis Walchock, Vice-Chairman

ATTEST

Alina Megerdom Recording Secretary

CERTIFICATION

I, Alina Megerdom, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a regularly scheduled meeting held on the 19th day of December, 2012, by the following vote

AYES:

NAYS:

ABSENT:

ABSTENT:

Alina Megerdom, Recording Secretary



City of Taft Agenda Report

DATE: JANUARY 23, 2013

TO: MAYOR LINDER AND COUNCIL MEMBERS

AGENDA MATTER:

Consider conditional approval of Vesting Tentative Tract No. 7227, Sandy Creek Estates and Vesting Tentative Tract No. 7230, Hillside Terrace Estates.

SUMMARY STATEMENT:

The applicant is requesting approval of two vesting tentative tract maps on separate parcels for the development of new single family homes. Vesting Tentative Tract 7227 consisting of 126 lots and Vesting Tentative Tract 7230 consisting of 271 lots make up the majority of the Hillside Estates Residential Subdivisions Project. The principal objective of the maps is to allow the construction of 394 single family homes in multi-year phases. Details about these proposed tract maps is presented in the December 19, 2012 Planning Commissioner's staff report attached. Staff reviewed the proposed tract maps and determined the following:

- The tract maps are consistent with Taft General Plan land use designations, Low Density Residential and Open Space and the R-1 Zone District (Single-Family Residential).
- The tract maps provide for single-family residential development in an area where public services are available consistent with the Low Density Residential land use designation.
- The tract maps are consistent with City of Taft development standards, in that each meets or exceeds the minimum lot size required and propose a density at or under 5.0 dwelling units per acre allowed under the R-1 Zone District.
- The tract maps are consistent with City of Taft General Plan policies, including the Housing Element goals and policies.
- The tract maps will not cause public health and welfare impacts.
- The tract maps and proposed improvements will not cause a significant environmental impact, and potentially significant impacts have been reduced to less than significant levels by the inclusion of mitigation measures into the overall project.

The City Council has the final authority to approve, conditionally approve, or disapprove all tentative tract maps. The Council is advised that conditional approval of vesting tentative maps establishes a vested right to proceed subject to the City's General Plan and Municipal Code in effect at the date of approval pursuant to the California Government Code.

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR	CITY MANAGER
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RECOMMENDED ACTIONS:

1. Hold a public hearing; 2. Motion to approve Resolution _____ entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 7227, SANDY CREEK ESTATES; 3. Motion to approve Resolution _____ entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 7230, HILLSIDE TERRACE ESTATES.

IMPACT ON BUDGET (Y/N): No

ATTACHMENT (Y/N): Yes – Planning Commission Report and Resolutions from the December 19, 2012 Special Meeting.

PREPARED BY: Mike Waiczis, Planning & Community Development Director

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND ADOPTING A FINAL MITIGATED NEGATIVE DECLARATION AND A MITIGATION REPORTING AND MONITORING PROGRAM FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT.

WHEREAS, as Lead Agency, the City of Taft is responsible for implementing a CEQA review of the proposed Hillside Estates Residential Subdivisions Project, and to this end, an Initial Study and Proposed Mitigated Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) and Public Resources Code Section 21000 et seq., and

WHEREAS, as provided in Section 15063 of the CEQA Guidelines, a Lead Agency shall conduct an Initial Study to determine whether a project may have a significant effect on the environment, and

WHEREAS, the CEQA process is intended to inform the public of the potential environmental effects of government decisions and to encourage informed decision-making by public agencies, and CEQA requires state and local agencies to identify the significant environmental effects of their actions, and to avoid or mitigate those impacts, if feasible, and

WHEREAS, the Initial Study determined that there is no substantial evidence that the project may have a significant effect on the environment because revisions in the project plans agreed to by the applicant would avoid significant effects or mitigate effects to a point where clearly no significant effects would occur, and therefore, the adoption of a Final Mitigated Negative Declaration is appropriate, and

WHEREAS, pursuant to State Law, the City circulated the Proposed Mitigated Negative Declaration and Initial Study for public review through the State Clearinghouse and through direct mailing to agencies and interested parties; properly noticed the Intent to Adopt a Final Mitigated Negative Declaration in newspapers of general circulation in the area and made copies of these documents available at specified locations and on the City's website, and

WHEREAS, a 30 day public review period for the Proposed Mitigated Negative Declaration commenced on December 13, 2012 and ended on January 14, 2013, and all interested individuals and public agencies were encouraged to submit written comments regarding the information and determinations in these documents, and the Planning Commission held a public hearing within the public review period as a means to solicit public comments on the environmental analysis for this project, and

WHEREAS, in order to allow additional time for agencies and interested parties to submit comments, at its regular meeting held on January 15, 2013 the City Council voted to extend the public comment period for the Proposed Mitigated Negative Declaration until the Special City Council Meeting scheduled for January 23, 2013, and

WHEREAS, all Council Members of the City of Taft were provided copies of the Initial Study, Proposed Mitigated Negative Declaration, technical reports the Planning Commission's staff report and resolution and Mitigation Reporting and Monitoring Program, and had adequate time to review these documents before making a decision on the adoption of the Final Mitigated Negative Declaration, and

WHEREAS, at its December 19, 2012 Special Meeting, the Taft Planning Commission adopted a resolution recommending adoption of the Final Mitigated Negative Declaration to the City Council, and

WHEREAS, from review of the aforementioned documents, comments received, after conducting a public hearing and taking public testimony and in light of the Taft Planning Commission's recommendation it is at the Council's discretion to adopt a Final Mitigated Negative Declaration or to give reasons why adoption is not appropriate.

NOW, THEREFORE, be it resolved that the City Council of the City of Taft, in a regular meeting assembled on the 23rd day of January, 2013, hereby makes the following written findings:

1. The City Council finds that the Initial Study, Proposed Mitigated Negative Declaration, technical reports and Mitigation Reporting and Monitoring Program prepared for the proposed project have been prepared pursuant to the California Environmental Quality Act (CEQA) and Public Resources Code Section 21000 et seq., and as provided in Section 15063 of the CEQA Guidelines, the City of Taft conducted an Initial Study to determine whether the proposed project may have a significant effect on the environment.
2. The City Council finds that the Initial Study, Proposed Mitigated Negative Declaration, technical reports and Mitigation Reporting and Monitoring Program prepared for the proposed project have provided the Council with sufficient and accurate information on which to make a decision about the adoption of a Final Mitigated Negative Declaration for the proposed project.
3. Based on the information presented in the Initial Study for the proposed project, it is determined that although the project could have a significant effect on the environment, there will not be significant effects because mitigation measures are included in the project, which will mitigate the effects to the point where no significant environmental effects would occur.

After reviewing the environmental documents prepared for the proposed project, and after conducting a public hearing and taking public testimony, and in light of the whole public record before the City Council, and using independent judgment, the City Council hereby adopts a Final Mitigated Negative Declaration (Attachment A) and Mitigation Reporting and Monitoring Program (Attachment B) for the Hillside Estates Residential Subdivisions Project.

PASSED, APPROVED, AND ADOPTED this 23rd day of January, 2013.

Paul Linder, Mayor

ATTEST:

Louise Hudgens, CMC, CITY CLERK

Resolution No. _____

Page 3 of 5

STATE OF CALIFORNIA }
COUNTY OF KERN }
CITY OF TAFT }

I, Louise Hudgens, City Clerk of the City of Taft, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Taft at a regular meeting thereof held on the 23rd day of January, 2013, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Louise Hudgens, CMC
City Clerk

ATTACHMENT "A"

ATTACHMENT "B"

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS
AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 7230,
HILLSIDE TERRACE ESTATES.

WHEREAS, pursuant to the City of Taft Municipal Code, the City Council has the final authority to approve, conditionally approve, or disapprove all tentative tract maps, and

WHEREAS, an application requesting approval of Vesting Tentative Tract Map No. 7230, Hillside Terrace Estates for the development of new single family homes was submitted to the City of Taft, and

WHEREAS, the City Council considered the analysis and information presented in staff's reports prepared to evaluate the tentative map, the Initial Study and Mitigated Negative Declaration prepared for the entire Hillside Estates Residential Subdivisions Project and other pertinent documentation related to Vesting Tentative Tract Map No. 7230, and

WHEREAS, the tentative map covers property that is designated Low Density Residential and Open Space under the Taft General Plan Land Use Map, and the property is zoned R-1 (Single-Family Residential), and the tentative map is consistent with the purpose of the Low Density Residential land use designation, in that it will provide for single-family residential development in an area where public services are available, and

WHEREAS, the tentative map's design and lots are consistent with City of Taft development standards, in that each lot meets or exceeds the minimum lot area required and the tentative map's density is at or under the 5.0 dwelling units per acre allowed under the R-1 Zone District, and

WHEREAS, the tentative map is consistent with the City of Taft General Plan policies and actions, and is consistent with the Housing Element goals, policies and action programs, and

WHEREAS, the design of the tentative map will not cause serious public health and welfare impacts, and the proposed subdivision and improvements will not cause a significant environmental impact, in that potentially significant impacts have been reduced to less than significant levels by the inclusion of mitigation measures into the overall project., and

WHEREAS, the Taft Planning Commission, acting as the official body charged with the duty of making investigations and reports on the design and improvements of proposed tentative subdivision maps and making recommendations to approve, conditionally approve, or deny such tentative subdivision maps to the City Council did recommend conditional approval of Vesting Tentative Tract Map No. 7230 at its December 19, 2012 Special Meeting.

NOW, THEREFORE, be it resolved that the City Council of the City of Taft, in a regular meeting assembled on the 23rd day of January, 2013, hereby makes the following determinations and findings:

The City Council determines that the property to be subdivided is designated Low Density Residential and Open Space under the Taft General Plan Land Use Map, and the property is zoned R-1 (Single-Family Residential), and the tentative map is consistent with the purpose of the Low Density Residential land use designation, in that it will provide for single-family residential development in an area where public services are available.

The City Council determines that the tentative map’s design and residential lots are consistent with City of Taft development standards, in that each lot meets or exceeds the minimum lot area required and the density of the proposed subdivision is at or under the 5.0 dwelling units per acre allowed under the R-1 Zone District.

The City Council determines that the tentative map is consistent with the City of Taft General Plan policies and actions, including the Housing Element goals, policies and action programs.

The City Council made required findings and adopted a Final Mitigated Negative Declaration and a Mitigation Reporting and Monitoring Program for the Hillside Estates Residential Subdivisions Project, which the proposed tentative map is a part.

The City Council studied and considered the proposed tentative map, City staff’s written and oral reports, the Initial Study and Mitigated Negative Declaration for the Hillside Estates Residential Subdivisions Project, other pertinent documentation related to the proposed tentative map and all public testimony and hereby approves Vesting Tentative Tract Map No. 7230, Hillside Terrace Estates, subject to the Conditions of Approval attached as Attachment “A”.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2013.

Paul Linder, Mayor

ATTEST:

Louise Hudgens, CMC, CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF KERN }
CITY OF TAFT }

I, Louise Hudgens, City Clerk of the City of Taft, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Taft at a regular meeting thereof held on the _____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Louise Hudgens, CMC, City Clerk

Attachment “A”

CONDITIONS OF APPROVAL

Vesting Tentative Tract No. 7230, Hillside Terrace Estates

General

1. The developer, at the developer’s sole cost and expense, shall defend, indemnify and hold harmless the City of Taft, its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of Vesting Tentative Tract Map No. 7230; or, at its election and in the alternative, shall relinquish such approval. The developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the developer, but subject to the City's reasonable approvals. The developer shall also reimburse the City, its agents, legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the developer of its obligations under this condition.
2. The final map shall be designed consistent with all City of Taft ordinances and development standards, in accordance with the City of Taft Subdivision & Engineering Design Manual, and any other City adopted ordinances, resolutions, or standards.
3. The developer shall dedicate or make an irrevocable offer of dedication of real property within the subdivision that is deemed necessary for streets, including access rights and abutter’s rights, drainage, public utility easements and other public easements. Such irrevocable offers may be terminated as provided in section 66477.2 of the California Subdivision Map Act (Map Act).
4. The developer shall pay fees for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and for constructing planned sanitary sewer facilities for local sanitary sewer areas pursuant to section 66483 of the Map Act.
5. Each lot or parcel of the subdivision shall be provided with vehicular access to a street or highway.
6. The developer shall submit a list of all contractors and/or subcontractors performing work on this project to the City Finance Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City of Taft.
7. All required park fees established in the Taft Municipal Code and/or authorized by the Quimby Act shall be paid to the City of Taft prior to approval of the final map. The dedication of suitable parkland may satisfy this condition with approval by the Taft City Council.

8. The developer shall pay all development fees adopted by the City in effect at the time of issuance of building permits.
9. The developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.

City Engineer

10. The developer shall provide the Taft Planning Director and City Engineer with a copy of the current Title Report prior to submittal of improvement plans.
11. The developer shall provide the City Engineer with an Engineer's Estimate of the cost of improvements. The estimate must be approved by the City Engineer prior to approval of the final map.
12. The safety and security matters related to the development of the subdivision shall satisfy Local, County, State, Federal ordinances, California Building Code, and California Occupational Safety and Health Association (CAL/OSHA).
13. The tentative map and subsequent development are subject to applicable District, Local, City, State, and Federal statutes, ordinances, regulations, standards and policies.
14. All improvements shall comply with current American with Disabilities Act (ADA) Standards and regulations.
15. The developer shall obtain necessary permits and/or approvals from all agencies having jurisdiction over the property subject to the tentative map.
16. The developer shall comply with San Joaquin Valley Unified Air Pollution Control District and City regulations regarding the reduction of dust and other emissions resulting from the project.
17. Utilities shall be installed underground in accordance with each utility company's requirements and consistent with City of Taft development regulations.
18. A six (6) foot public utilities easement shall be provided in the front of all lots as requested by the utility companies and the City of Taft.
19. Required subdivision improvements shall include, but are not limited to, roadway construction, striping, curb, gutter, sidewalk, drive approaches, wheelchair ramps, street lighting and signage.
20. The developer shall provide an on-site drainage study per Kern County Standards for the 10-yr 5-yr storm for subdivision runoff and treatment comply with the Tulare Lake Basin Plan and Regional Water Quality Control Board requirements.
21. Development of the subdivision shall comply with the City of Taft Flood Plain Ordinance.

All improvements shall be installed prior to recordation of the final map, or securities as deemed sufficient by the City, shall be provided in accordance with the Subdivision Map Act and Taft Municipal Code.

22. The developer's engineer shall provide the Taft Planning Director with an electronic copy of the tentative and final map.
23. The developer shall form a Lighting and Landscape Maintenance District for the proposed subdivision.

Public Works Department

24. An encroachment permit shall be obtained for any work within existing or future City right-of-way or with City facilities. The encroachment permit application shall be processed and approved concurrently with the required subdivision improvement plans.
25. The developer shall obtain all necessary permits/certifications from the Central Valley Regional Water Quality Control Board (CVRWQCB) regarding NPDES regulations and shall show evidence of compliance with the CVRWQCB regulations prior to onsite grading activities. The Storm Water Pollution Prevention Plan (SWPPP) shall comply with the City's Stormwater Management Plan.

Water System

26. A will serve letter or similar document from West Kern Water District for the entire subdivision shall be provided to the City by the developer prior to filing the final map.
27. The developer shall construct a potable water system for each dwelling unit, parcel or lot created, per the policies, regulations and standards of West Kern Water District.

Sewer Facilities

28. Sewage treatment capacity and conveyance for the proposed subdivision shall be verified by the Director of Public Works.
29. The developer shall provide sewer service for each dwelling unit, parcel or lot created, per the policies, regulations and standards of the City of Taft.
30. The developer shall construct sanitary sewers and connections for each dwelling unit, parcel or lot created, per the standards, conditions and policies of the City, and shall have sewer improvement plans and specifications reviewed and approved by the City Engineer.

Roadways

31. All street improvements shall be consistent with the City's Zoning Ordinance, Subdivision Ordinance, the Subdivision & Engineering Design Manual, and other City ordinances, resolutions, or standards required by City ordinances, resolutions, and standards and shall be in accordance with said ordinances, resolutions and the City's Construction Standard Details as approved by the Public Works Director.

32. The developer shall install street name signs at all intersections. “Stop”, “No parking” and “Not a through street” etc., signs shall be installed where appropriate.
33. The developer shall coordinate with utility providers and the Taft Public Works Director for the installation of streetlights.

Grading

34. All grading shall conform to the Uniform Building Code, City Grading Ordinance, and all other relevant laws, rules and regulations governing grading in the City of Taft. Prior to commencing any grading, the applicant shall obtain permission to grade from the Taft City Engineer.
35. All grading plans shall be submitted for review and approval by the City Engineer. Grading of the site shall comply with engineering standards so as to protect properties in the subdivision and neighboring properties.
36. The developer shall provide a Preliminary Soils Report to the City Engineer that addresses construction of improvements, buildings and structures.
37. A Final Drainage Plan shall be prepared in accordance with City of Taft standards, subject to review and approval by the City Engineer.
38. The developer shall comply with National Pollutant Discharge Elimination System (NPDES) regulations and requirements.
39. The improvement plans shall include a dust control plan which takes all necessary measures to control dust. This plan shall be implemented by the developer during grading as required by the City and the San Joaquin County Air Pollution Control District (SJVAPCD).

Kern County Fire Department

40. The developer shall comply with all regulations and requirements of the Kern County Fire Department.
41. Residential fire sprinklers are required for each house constructed in the subdivision.
42. Kern County Fire Department approval is required before combustible building material is placed on any individual lot in the subdivision.

Community Development Department

43. The developer shall comply with all conditions and regulations required by Caltrans.
44. The developer shall be responsible for a pro-rata share of the construction of a traffic signal at the Intersection of SR 33 and Hillard Street with protected left turns and dedicated lanes for all movements, or as required by Caltrans.

45. The developer shall contribute its pro-rata share based on the Caltrans' Equation C-1, as described in the "*Guide to Preparation of Traffic Impact Studies*". The project's pro-rata share of required improvements at the intersection of State Route 33 and Hillard Street, based on the Caltrans equation, shall be 32.93%, or as otherwise required by Caltrans.
46. The developer shall work with the City of Taft and Caltrans to determine and agree to a mechanism for the collection and securing of required pro-rata share funds for the required improvements at the intersection of State Route 33 and Hillard Street.
47. All walls in the subdivision require review and approval by the Planning Director and/or the City Engineer.
48. All mitigation measures adopted in the Final Mitigated Negative Declaration for the Hillside Estates Residential Subdivision Project shall be incorporated into the conditions of approval for this tentative map.

Division of Oil, Gas, and Geothermal Resources (DOGGR)

49. The developer shall comply with all regulations and requirements of the Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR)-with regards to abandoned oil wells or facilities at the project site.
50. Prior to recordation of the final map, the developer shall provide written confirmation from the Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR) to the City of Taft stating that all oil wells are accurately depicted on the proposed final map and have been leak tested and abandoned to the satisfaction of the DOGGR.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS
AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 7227,
SANDY CREEK ESTATES.

WHEREAS, pursuant to the City of Taft Municipal Code, the City Council has the final authority to approve, conditionally approve, or disapprove all tentative tract maps, and

WHEREAS, an application requesting approval of Vesting Tentative Tract Map No. 7227, Sandy Creek Estates for the development of new single family homes was submitted to the City of Taft, and

WHEREAS, the City Council considered the analysis and information presented in staff's reports prepared to evaluate the tentative map, the Initial Study and Mitigated Negative Declaration prepared for the entire Hillside Estates Residential Subdivisions Project and other pertinent documentation related to Vesting Tentative Tract Map No. 7227, and

WHEREAS, the tentative map covers property that is designated Low Density Residential and Open Space under the Taft General Plan Land Use Map, and the property is zoned R-1 (Single-Family Residential), and the tentative map is consistent with the purpose of the Low Density Residential land use designation, in that it will provide for single-family residential development in an area where public services are available, and

WHEREAS, the tentative map's design and lots are consistent with City of Taft development standards, in that each lot meets or exceeds the minimum lot area required and the tentative map's density is at or under the 5.0 dwelling units per acre allowed under the R-1 Zone District, and

WHEREAS, the tentative map is consistent with the City of Taft General Plan policies and actions, and is consistent with the Housing Element goals, policies and action programs, and

WHEREAS, the design of the tentative map will not cause serious public health and welfare impacts, and the proposed subdivision and improvements will not cause a significant environmental impact, in that potentially significant impacts have been reduced to less than significant levels by the inclusion of mitigation measures into the overall project., and

WHEREAS, the Taft Planning Commission, acting as the official body charged with the duty of making investigations and reports on the design and improvements of proposed tentative subdivision maps and making recommendations to approve, conditionally approve, or deny such tentative subdivision maps to the City Council did recommend conditional approval of Vesting Tentative Tract Map No. 7227 at its December 19, 2012 Special Meeting.

NOW, THEREFORE, be it resolved that the City Council of the City of Taft, in a regular meeting assembled on the 23rd day of January, 2013, hereby makes the following determinations and findings:

The City Council determines that the property to be subdivided is designated Low Density Residential and Open Space under the Taft General Plan Land Use Map, and the property is zoned R-1 (Single-Family Residential), and the tentative map is consistent with the purpose of the Low Density Residential land use designation, in that it will provide for single-family residential development in an area where public services are available.

The City Council determines that the tentative map’s design and residential lots are consistent with City of Taft development standards, in that each lot meets or exceeds the minimum lot area required and the density of the proposed subdivision is at or under the 5.0 dwelling units per acre allowed under the R-1 Zone District.

The City Council determines that the tentative map is consistent with the City of Taft General Plan policies and actions, including the Housing Element goals, policies and action programs.

The City Council made required findings and adopted a Final Mitigated Negative Declaration and a Mitigation Reporting and Monitoring Program for the Hillside Estates Residential Subdivisions Project, which the proposed tentative map is a part.

The City Council studied and considered the proposed tentative map, City staff’s written and oral reports, the Initial Study and Mitigated Negative Declaration for the Hillside Estates Residential Subdivisions Project, other pertinent documentation related to the proposed tentative map and all public testimony and hereby approves Vesting Tentative Tract Map No. 7227, Sandy Creek Estates, subject to the Conditions of Approval attached as Attachment “A”.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2013.

Paul Linder, Mayor

ATTEST:

Louise Hudgens, CMC, CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF KERN }
CITY OF TAFT }

I, Louise Hudgens, City Clerk of the City of Taft, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Taft at a regular meeting thereof held on the _____ day of _____, 2013, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Louise Hudgens, CMC , City Clerk

Attachment "A"

CONDITIONS OF APPROVAL

Vesting Tentative Tract No. 7227, Sandy Creek Estates

General

1. The developer, at the developer's sole cost and expense, shall defend, indemnify and hold harmless the City of Taft, its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of Vesting Tentative Tract Map No. 7227; or, at its election and in the alternative, shall relinquish such approval. The developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the developer, but subject to the City's reasonable approvals. The developer shall also reimburse the City, its agents, legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the developer of its obligations under this condition.
2. The final map shall be designed consistent with all City of Taft ordinances and development standards, in accordance with the City of Taft Subdivision & Engineering Design Manual, and any other City adopted ordinances, resolutions, or standards.
3. The developer shall dedicate or make an irrevocable offer of dedication of real property within the subdivision that is deemed necessary for streets, including access rights and abutter's rights, drainage, public utility easements and other public easements. Such irrevocable offers may be terminated as provided in section 66477.2 of the California Subdivision Map Act (Map Act).
4. The developer shall pay fees for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and for constructing planned sanitary sewer facilities for local sanitary sewer areas pursuant to section 66483 of the Map Act.
5. Each lot or parcel of the subdivision shall be provided with vehicular access to a street or highway.
6. The developer shall submit a list of all contractors and/or subcontractors performing work on this project to the City Finance Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City of Taft.
7. All required park fees established in the Taft Municipal Code and/or authorized by the Quimby Act shall be paid to the City of Taft prior to approval of the final map. The dedication of suitable parkland may satisfy this condition with approval by the Taft City Council.

8. The developer shall pay all development fees adopted by the City in effect at the time of issuance of building permits.
9. The developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.

City Engineer

10. The developer shall provide the Taft Planning Director and City Engineer with a copy of the current Title Report prior to submittal of improvement plans.
11. The developer shall provide the City Engineer with an Engineer's Estimate of the cost of improvements. The estimate must be approved by the City Engineer prior to approval of the final map.
12. The safety and security matters related to the development of the subdivision shall satisfy Local, County, State, Federal ordinances, California Building Code, and California Occupational Safety and Health Association (CAL/OSHA).
13. The tentative map and subsequent development are subject to applicable District, Local, City, State, and Federal statutes, ordinances, regulations, standards and policies.
14. All improvements shall comply with current American with Disabilities Act (ADA) Standards and regulations.
15. The developer shall obtain necessary permits and/or approvals from all agencies having jurisdiction over the property subject to the tentative map.
16. The developer shall comply with San Joaquin Valley Unified Air Pollution Control District and City regulations regarding the reduction of dust and other emissions resulting from the project.
17. Utilities shall be installed underground in accordance with each utility company's requirements and consistent with City of Taft development regulations.
18. A six (6) foot public utilities easement shall be provided in the front of all lots as requested by the utility companies and the City of Taft.
19. Required subdivision improvements shall include, but are not limited to, roadway construction, striping, curb, gutter, sidewalk, drive approaches, wheelchair ramps, street lighting and signage.
20. The developer shall provide an on-site drainage study per Kern County Standards for the 10-yr 5-yr storm for subdivision runoff and treatment comply with the Tulare Lake Basin Plan and Regional Water Quality Control Board requirements.
21. Development of the subdivision shall comply with the City of Taft Flood Plain Ordinance.

22. All improvements shall be installed prior to recordation of the final map, or securities as deemed sufficient by the City, shall be provided in accordance with the Subdivision Map Act and Taft Municipal Code.
23. The developer's engineer shall provide the Taft Planning Director with an electronic copy of the tentative and final map.
24. The developer shall form a Lighting and Landscape Maintenance District for the proposed subdivision.

Public Works Department

25. An encroachment permit shall be obtained for any work within existing or future City right-of-way or with City facilities. The encroachment permit application shall be processed and approved concurrently with the required subdivision improvement plans.
26. The developer shall obtain all necessary permits/certifications from the Central Valley Regional Water Quality Control Board (CVRWQCB) regarding NPDES regulations and shall show evidence of compliance with the CVRWQCB regulations prior to on site grading activities. The Storm Water Pollution Prevention Plan (SWPPP) shall comply with the City's Stormwater Management Plan.

Water System

27. A will serve letter or similar document from West Kern Water District for the entire subdivision shall be provided to the City by the developer prior to filing the final map.
28. The developer shall construct a potable water system for each dwelling unit, parcel or lot created, per the policies, regulations and standards of West Kern Water District.

Sewer Facilities

29. Sewage treatment capacity and conveyance for the proposed subdivision shall be verified by the Director of Public Works.
30. The developer shall provide sewer service for each dwelling unit, parcel or lot created, per the policies, regulations and standards of the City of Taft.
31. The developer shall construct sanitary sewers and connections for each dwelling unit, parcel or lot created, per the standards, conditions and policies of the City, and shall have sewer improvement plans and specifications reviewed and approved by the City Engineer.

Roadways

32. All street improvements shall be consistent with the City's Zoning Ordinance, Subdivision Ordinance, the Subdivision & Engineering Design Manual, and other City ordinances, resolutions, or standards required by City ordinances, resolutions, and standards and shall be in accordance with said ordinances, resolutions and the City's Construction Standard Details as

approved by the Public Works Director.

33. The developer shall install street name signs at all intersections. "Stop", "No parking" and "Not a through street" etc., signs shall be installed where appropriate.
34. The developer shall coordinate with utility providers and the Taft Public Works Director for the installation of streetlights.

Grading

35. All grading shall conform to the Uniform Building Code, City Grading Ordinance, and all other relevant laws, rules and regulations governing grading in the City of Taft. Prior to commencing any grading, the applicant shall obtain permission to grade from the Taft City Engineer.
36. All grading plans shall be submitted for review and approval by the City Engineer. Grading of the site shall comply with engineering standards so as to protect properties in the subdivision and neighboring properties.
37. The developer shall provide a Preliminary Soils Report to the City Engineer that addresses construction of improvements, buildings and structures.
38. A Final Drainage Plan shall be prepared in accordance with City of Taft standards, subject to review and approval by the City Engineer.
39. The developer shall comply with National Pollutant Discharge Elimination System (NPDES) regulations and requirements.
40. The improvement plans shall include a dust control plan which takes all necessary measures to control dust. This plan shall be implemented by the developer during grading as required by the City and the San Joaquin County Air Pollution Control District (SJVAPCD).

Kern County Fire Department

41. The developer shall comply with all regulations and requirements of the Kern County Fire Department.
42. Residential fire sprinklers are required for each house constructed in the subdivision.
43. Kern County Fire Department approval is required before combustible building material is placed on any individual lot in the subdivision.

Community Development Department

44. The developer shall be responsible for a pro-rata share of the construction of a traffic signal at the Intersection of SR 33 and Hillard Street with protected left turns and dedicated lanes for all movements, or as required by Caltrans.

45. The developer shall contribute its pro-rata share based on the Caltrans' Equation C-1, as described in the "*Guide to Preparation of Traffic Impact Studies*". The project's pro-rata share of required improvements at the intersection of State Route 33 and Hillard Street, based on the Caltrans equation, shall be 32.93%, or as otherwise required by Caltrans.
46. The developer shall work with the City of Taft and Caltrans to determine and agree to a mechanism for the collection and securing of required pro-rata share funds for the required improvements at the intersection of State Route 33 and Hillard Street.
47. All walls in the subdivision require review and approval by the Planning Director and/or the City Engineer.
48. All mitigation measures adopted in the Final Mitigated Negative Declaration for the Hillside Estates Residential Subdivision Project shall be incorporated into the conditions of approval for this tentative map.

Division of Oil, Gas, and Geothermal Resources (DOGGR)

49. The developer shall comply with all regulations and requirements of the Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR)-with regards to abandoned oil wells or facilities at the project site.
50. Prior to recordation of the final map, the developer shall provide written confirmation from the Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR) to the City of Taft stating that all oil wells are accurately depicted on the proposed final map and have been leak tested and abandoned to the satisfaction of the DOGGR.



City of Taft Agenda Report

DATE: JANUARY 23, 2013
TO: MAYOR AND COUNCIL MEMBERS

AGENDA MATTER:

RESOLUTION SETTING POLICY AND AGREEMENT FOR iPad USE BY CITY OFFICIALS

SUMMARY STATEMENT:

Council Members have expressed a desire to transition to a paperless agenda and the use of electronic appliance, specifically iPADS. Five (5) iPADS have been provided by the Police Department for Council's use and each iPad has been set up with user a ID and password. The only cost associated at this time is for the purchase of a protective folio with keyboards for each iPad at a total cost of \$546.92.

It is advised that before the iPADS are issued that a policy be approved and agreements be signed by the officials that will be using them.

RECOMMENDED ACTION

1. Motion to approve expenditure of \$546.92 for the protective cases; and
2. Motion to adopt a resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT ADOPTING A POLICY FOR iPADS ISSUED TO COUNCIL MEMBERS

IMPACT ON BUDGET (Y/N): No

ATTACHMENT (Y/N): Resolution and agreement

PREPARED BY: City Clerk

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR	CITY MANAGER
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Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT ADOPTING A POLICY FOR iPADS ISSUED TO COUNCIL MEMBERS

WHEREAS, the City of Taft (City) recognizes the benefit of using technology to enhance the business of the City; and

WHEREAS, the City Council has authorized the issuance of an iPad to members of the City Council and key City staff members; and

WHEREAS, the City now desires to outline usage rules for the issued iPads; and

WHEREAS, only individuals agreeing to abide by the iPad Usage Policy below will be issued an iPad.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Taft approves and confirms that the iPad Usage Policy is effective as of the date of this meeting, January 23, 2013.

CITY OF TAFT
iPad Usage Policy

Through continued technological development, City of Taft (City) is dedicated to reducing its use of material resources while improving on the delivery of its mission. The use of iPads will provide the City Council and City staff members with convenience, speed and cost-effectiveness as well as providing environmental benefits.

A. Ownership

1. Upon approval of the City Council, one iPad will be issued to each City Council Member and key City staff members (recipient(s)). iPads issued by the City Council are the property of City. Neither Council Members nor staff has any ownership, interest or right to title of the iPads.
2. Each person who is issued an iPad is responsible for the security and care of that iPad, regardless of where the iPad is used.
3. Upon leaving the Council or City service, the iPad will be returned to City Administration, who will have the iPad wiped and will reissue the unit upon receipt of the necessary paperwork from the new recipient.

B. License Agreements

1. City is the sole licensee of the software included with the iPad. Any copying, Modification, merging or distribution of the software by the board member, including written documentation, is prohibited. The board member is responsible for complying with any and all hardware, software and service provider licensing agreements, terms of use, and applicable state and federal copyright and other intellectual property protections. Violation of any such licenses, terms or laws shall constitute a violation of

this policy.

C. Liability

1. Recipients of the iPad are responsible for all material sent by and/or stored on the iPad issued to them. Recipients accept responsibility for keeping their iPad free from all inappropriate or dangerous files.
2. City is not liable for any material sent by and/or stored on iPads issued to any recipient.

D. Acceptable Use

1. City only authorizes use of its iPads in a manner that supports its mission.
2. Personal use *is permissible* so long as, in the determination of City, it does not interfere with the City's mission, does not interfere with or negatively impact any other people or entity's rights and work and/or learning environment, and does not conflict with any law.
 - i. Notwithstanding the above described permissible personal uses, City iPads are not to be used for personal profit or non-profit purposes such as advertising, rentals, selling or buying things, soliciting for charity, or other such uses,
 - ii. Examples of inappropriate uses include, but are not limited to, is transmission or storage of copyrighted materials not in the name of the Recipient or City and transmission or receipt of explicit sexual material, whether or not such material is illegal.
3. Installation of applications is limited to applications that are consistent with the terms listed in this policy.
4. Modification of the iPad's operating system to allow installation of applications not approved by City is prohibited.
5. The City Manager or his designee shall have final authority to determine if an application or use of the issued iPad is appropriate.

E. Loss and Damage

Recipients are personally responsible for the security and safety of their assigned iPads and will be held fully liable if stolen, lost, destroyed or not returned. Recipients will be required to reimburse City for the full replacement cost of the iPad if it is stolen, lost, destroyed or not returned. The replacement cost will be the same as the original purchase price of the iPad.

1. Loss of or damage to a City issued iPad must be reported immediately to the City Manager or his designee.
2. Recipients must not modify, upgrade, or attempt to repair iPads issued under this policy without the express permission of the City Manager or his designee. All repairs must be made through an approved vendor for such services.

F. Data Plan

1. Recipients *may not* individually select a data plan, except upon prior approval by the City Manager or his designee.

PASSED, APPROVED AND ADOPTED on this ____ day of _____, 2013.

Paul Linder, Mayor

ATTEST:

Louise Hudgens, CMC
City Clerk

STATE OF CALIFORNIA }
 COUNTY OF KERN } SS
 CITY OF TAFT }

I, Louise Hudgens, City Clerk of the City of Taft, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Taft at a regular meeting thereof held on the ____ day of _____ 2013, by the following vote:

AYES: Councilmembers:
 NOES: Councilmembers:
 ABSENT: Councilmembers:
 ABSTAIN: Councilmembers:

Louise Hudgens, CMC
City Clerk