CITY OF TAFT PLANNING COMMISSION
REGULAR MEETING AGENDA
WEDNESDAY, MAY 18, 2016
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 Planning Commission 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).

REGULAR MEETING **6:00 P.M.**

Pledge of Allegiance
Invocation

Roll Call: Chairman Orrin
Vice Chair Jones
Commissioner Leikam
Commissioner Livingston
Commissioner Thompson

1. CITIZEN REQUESTS/PUBLIC COMMENTS

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

2. MINUTES

April 20, 2016 Regular

Recommendation – Approve as submitted.

3. PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 2016-07

Recommendation – Motion to adopt a Resolution approving Conditional Use Permit No. 2016-07 to permit Debbie Perry to acquire a Type 41 ABC License for the sale of beer and wine for consumption on the premises, within a unit of an existing commercial building (Roots Eatery), located on a 0.29 acre lot, within the Mixed Use (MU) Zone District located at 149 Kern Street (APN 031-450-38).

4. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT NO. 2016-09

Recommendation – Motion to adopt a Resolution recommending approval to the City Council of Zoning Ordinance Amendment No. 2016-09, an amendment of Title 6 of the Taft Municipal Code, the Taft Zoning Ordinance, adding a chapter regarding an Urban Growth Boundary (UGB).

5. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT NO. 2016-10

Recommendation – Motion to adopt a Resolution recommending approval to the City Council of Zoning Ordinance Amendment No. 2016-10, an amendment of the Taft Municipal Code by adding a chapter to Title 6, the Taft Zoning Ordinance, and adding a section to Chapter 3 of Title 10, the Taft Subdivision Ordinance, regarding water supply requirements for new developments and subdivisions.

6. PLANNING DIRECTOR REPORT

7. CITY ATTORNEY STATEMENTS

8. COMMISSIONER COMMENTS

9. IDENTIFICATION OF REPRESENTATIVE TO THE CITY COUNCIL

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 Planning Commission 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, Brenda Johns, declare as follows:

That I am the Recording Secretary for 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 May 12, 2016, pursuant to 1987 Brown Act Requirements.

I declare under penalty of perjury that the foregoing is true and correct.
Executed May 12, 2016, at Taft, California.

Date/Time_____Signature_____

CITY OF TAFT PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 20, 2016

REGULAR MEETING **6:00 P.M.**

The April 20, 2016 regular meeting of the Planning Commission of the City of Taft, held in the City of Taft Council Chamber, 209 E. Kern Street, Taft CA 93268, was opened by Chairman Orrin at 6:00:42 PM The Pledge of Allegiance was led by Commissioner Robert Leikam, followed by an invocation given by Rodney Wikoff of the West Hills Church of the Nazarene.

PRESENT: Chairman Ron Orrin and Vice Chair Shannon Jones
Commissioners, Bob Leikam, Jerry Livingston and Robert Thompson
Planning and Community Development Director Mark Staples
Recording Secretary Brenda Johns

1. CITIZEN REQUESTS/PUBLIC COMMENTS

There were none.

2. MINUTES

March 16, 2016 Regular
April 6, 2016 Special

Motion: Moved by Thompson seconded by Jones to approve Minutes as submitted.

AYES: Orrin, Jones, Leikam, Livingston, Thompson
PASSED: 5-0

3. 2016 ARBOR DAY/EARTH DAY CELEBRATIONS

Planning Director Staples presented his staff report and recommendation.

Motion: Moved by Thompson seconded by Leikam to recognize National Arbor Day and Earth Day on Thursday, April 21, 2016.

AYES: Orrin, Jones, Leikam, Livingston, Thompson
PASSED: 5-0

4. CITY OF TAFT MUNICIPAL SERVICE REVIEW UPDATE (NON-ACTION)

Planning Director Staples presented his staff report and presentation.

Jones asked why there were no registered voters listed for the City of Taft in Table 2.P page 2-26 of the Municipal Service Review 2.0 the City of Taft.

Staples stated with an annexation process only the registered voters and property owners within the area of being annexed are the two decision bodies. The City's vote will be with

City Council passing the resolution deciding to move forward with an application for annexation with Local Agency Formation Commission (LAFCO).

Orrin asked how votes are tallied for annexation and if it is by simple majority.

Staples replied by majority, he gave an example, if Ford City was pursued for annexation, referring to the number of voters and property owners in that area there would probably not be 100% security of approval in that area.

Livingston asked if the West Kern Oil Museum requested to be annexed into the City, would the City then have to annex the rest of that disadvantage community, or could they just annex the West Kern Oil Museum property.

Staples replied just the West Kern Oil Museum because they are the party submitting the application, but if the City submitted the application for annexation then the rest of that disadvantage community would need to be annexed as well.

Orrin asked if Staples was coordinating with the 4th District Supervisors Office.

Staples stated not directly, he noted receiving a response letter from Kern County regarding their Housing Element. In the letter Kern County noted they did not identify South Taft, Taft Heights or Ford City as Disadvantage Unincorporated Communities (DUCs) in their Housing Element because the communities were outside but adjacent to the City of Taft and their focus currently was on the Legacy Communities like Rosemond, Buttonwillow and Mojave which are not near the sphere of any other cities.

Livingston stated Department of Housing and Community Development (HCD) should not allow DUCs to be left out simply because they are in the sphere of other communities.

Orrin asked when the Municipal Service Review due.

Staples noted the update is well overdue the last update was in 2004 and should be updated every five years and is currently working with the LAFCO director.

5. PLANNING DIRECTOR REPORT

Staples reported:

- He attended the National Planning Conference in Phoenix, he learned of a Supreme Court case Reed vs. Town of Gilbert regarding commercial signage. He stated the case could affect the City's sign code but will have more details at a later date.
- The City has reached a settlement with the California Department of Corrections and Rehabilitation.
- Read a thank you letter from Shari Rightmer, Owner of Up-Cycle Aquaponics.
- Shared the results of the city logo design were in and the majority preferred the logo with the oil derrick and the rockers.
- He was given direction by the City Council to hold a City Wide Logo Competition.

- The 150th birthday of Kern County on April 16th was a great family event.

6. CITY ATTORNEY STATEMENTS

No statement.

7. COMMISSIONER COMMENTS

Jones thanked the City Council for donating funds to the annual firework show; she stated the next fund the fireworks days will be held May 6th.

8. IDENTIFICATION OF REPRESENTATIVE TO THE CITY COUNCIL

Commissioner Orrin was selected to be the representative to the City Council on May 3, 2016 meeting.

ADJOURNMENT

With no further business to conduct it was moved by Jones seconded by Thompson and approved unanimously, to adjourn the meeting at 7:02:03 PM.

_____ _____

Brenda Johns, Recording Secretary Ron Orrin, Chairman

City of Taft
Planning Commission
Staff Report

Agenda Item: #3

DATE: May 18, 2016

TO: Chairman Orrin and Members of the Planning Commission

FROM: Mark Staples, Director
Planning and Development Services

SUBJECT: Conditional Use Permit No. 2016-07 – Roots Eatery

RECOMMENDATION: Adopt a Resolution approving Conditional Use Permit No. 2016-07 to permit Debbie Perry to acquire a Type 41 ABC License for the sale of beer and wine for consumption on the premises, within a unit of an existing commercial building (Roots Eatery), located on a 0.29 acre lot, within the Mixed Use (MU) Zone District located at 149 Kern Street.

LOCATION: 149 Kern Street (APN 031-450-38)

PROPERTY OWNER: Glenn Black
120 East Main St
Taft, CA 93268

APPLICANT: Debbie Perry
Roots Eatery
149 Kern Street
Taft, CA 93268

PROJECT DATA:
1. General Plan: Mixed Use
2. Zoning: Mixed Use (MU)
3. Access/Circulation: Kern Street and 2nd Street

PROJECT ANALYSIS:
The applicant, Debbie Perry of Roots Eatery, is requesting approval of Conditional Use Permit No. 2016-07 to be permitted to acquire a Type 41 ABC License for the sale of beer and wine for consumption on the premises, within an existing commercial business Roots Eatery, on a 0.29 acre lot, within the Mixed Use (MU) Zone District located at 149 Kern Street. The existing surrounding land uses include Little Caesars Pizza and Paik's Restaurant commercial uses to the west and north, single-family residential uses to the east and south across the alley.

Roots Eatery is a sit-down and to go order restaurant that will serve bar-b-que, salads, sandwiches, burgers, and deserts, that is currently completing a tenant improvement and is not yet open for business. The commercial unit at 149 Kern Street was previously occupied by the Rosemary and Thyme Deli. The proposed Type 41 ABC License is the license type that limits alcohol sales at restaurants to beer and wine only. The sale of alcohol is limited to consumption on-site within the restaurant only, with off-site retail sales prohibited. Alcohol may only be served in the approximate 400 square foot interior dining area.

In order for a business to sell alcohol, they must apply for the specific type of license that is appropriate for their business. The Department of Alcoholic Beverage Control publishes a list of the Number of Licenses Authorized for all geographic areas of California. The number of licenses authorized is listed by Census

Tract. Almost all of Taft's commercial areas along Kern Street/Highway 33 and Center Street are within Census Tract 0035.00, which is authorized for five (5) on-sale licenses. The on-sale licenses include Types 41 and 47, which are typically restaurants that serve just beer and wine or also include distilled spirits (liquor), respectively. On-sale licenses also include Types 42 and 48, which are your bars, taverns and night clubs that can be either a beer and wine bar or also include distilled spirits, and are age restricted businesses that do not allow minors to enter or remain. Census Tract 0035.00 currently has 16 off-sale licenses approved and issued to a variety of restaurant locations, the American Legion and Moose Lodge. A city or county can approve additional licenses above the authorized amount at their discretion. However, cities and counties should take into consideration alcohol and alcohol sales related crimes within their jurisdiction and if additional licenses in an area will contribute to additional crime in the area or create a public nuisance.

The application is a new Type 41 License for the Taft and Census Tract 0035.0 area. Debbie Perry of Roots Eatery submitted their application on May 2, 2016. As the central part of Taft is over concentrated with off-sale ABC licenses, staff met with the Police Chief on May 10, 2016, to determine if allowing alcohol sales at this restaurant location would impact the area, due to nearby churches and schools. As Roots Eatery will be a full service sit down restaurant and the proposed alcohol sales would be limited to patrons that dine within the restaurant building that is monitored by management and restaurant staff, it is not anticipated that allowing an additional on-sale license in the area will significantly impact the City of Taft with regard to additional crime or creating a public nuisance.

Therefore, staff recommends that the Planning Commission adopt a resolution approving Conditional Use Permit No. 2016-07 to permit Debbie Perry to acquire a Type 41 ABC License for the sale of beer and wine for consumption on the premises of Roots Eatery at 149 Kern Street.

CEQA:
The project is exempt from the requirements of the California Environmental Quality Act (CEQA) as set forth in Section 15301 of the CEQA Guidelines (Existing Facilities).

ATTACHMENTS:
1. Resolution
2. Vicinity Map
3. Applicant Letter
4. Site Plan/Floor Plan
5. List of ABC On-Sales Licenses in Taft area
6. Taft Area Census Tract Map
7. List of On-Sale and Off-Sale Licenses Authorized for Taft
8. ABC License Descriptions

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT APPROVING CONDITIONAL USE PERMIT NO. 2016-07 TO PERMIT DEBBIE PERRY TO ACQUIRE A TYPE 41 ABC LICENSE FOR THE SALE OF BEER AND WINE FOR CONSUMPTION ON THE PREMISES, WITHIN A UNIT OF AN EXISTING COMMERCIAL BUILDING (ROOTS EATERY), ON A 0.29 ACRE LOT, WITHIN THE MIXED USE (MU) ZONE DISTRICT LOCATED AT 149 KERN STREET

WHEREAS, the applicant, Debbie Perry, has proposed a Conditional Use Permit to acquire a Type 41 ABC License for the sale of beer and wine for consumption on the premises within a unit of an existing building (Roots Eatery), on a 0.29 acre lot, within the Mixed Use (MU) Zone District located at 149 Kern Street (APN 031-450-38) in the City of Taft, County of Kern; and

WHEREAS, notice of a public hearing was published, posted, and mailed to surrounding property owners to consider the proposed project in accordance with City's Zoning Ordinance and applicable laws; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Conditional Use Permit No. 2016-07, City Staff's written and oral reports, and all public testimony before making a decision on this request, and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the Planning Commission has fully considered this request and the potential environmental effects.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, RESOLVE, AND RECOMMEND AS FOLLOWS:

SECTION 1. The Planning Commission hereby makes the following findings:

1. The proposed use is conditionally permitted within the Mixed Use (MU) zone district pursuant to the provisions of this section, complies with all applicable provisions of the Zoning Ordinance, is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the City; and

2. The proposed use would not impair the integrity and character of the Mixed Use (MU) zone district; and

3. The site is suitable for the type and intensity of the proposed use; and

4. There are adequate provisions for public utilities and services to ensure the public health and safety; and

5. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties and improvements in the vicinity; and

6. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities).

SECTION 2. The Planning Commission hereby approves Conditional Use Permit No. 2016-07 with the conditions of approval set forth in this resolution as follows:

General Conditions

1. The applicant and property owner ("Applicant"), solely at its cost and expense, shall defend, indemnify and hold harmless the City of Taft (hereinafter referred to as "City"), its agents, legislative bodies, officers and employees regarding any legal or administrative action, claim or proceeding concerning approval of Conditional Use Permit No. 2016-07, and/or related actions including, without limitation, actions taken or not taken with respect to the California Environmental Quality Act (hereinafter referred to as "CEQA"); or, at its election and in the alternative, shall relinquish such approval. Applicant 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 applicant, but subject to the City's reasonable approvals. The Applicant shall also reimburse the City, its agents, legislative bodies, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative bodies, officers and employees may be required to pay or otherwise pay 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 applicant's obligations under these conditions of approval.

2. The safety and security of the site shall satisfy and be in compliance with all applicable Local, County, State, Special District, and Federal regulations, California Building Code, and California Occupational Safety and Health Association (CAL/OSHA).

3. The applicant shall comply with all provisions of the City's Zoning Ordinance, Construction Standard Details, the latest adopted Building Code, Mechanical Code, Plumbing Code, Electrical Code, Fire Code, and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits. Identification of specific sections of any of the aforementioned City documents does not negate the applicant's responsibility to conform to unmentioned sections of the City's Zoning Ordinance, Subdivision & Engineering Design Manual, California Building Code, and all other applicable ordinances, resolutions, standards, and requirements of the City.

5. The Applicant shall pay all applicable development and processing fees adopted by the City in effect at the time of issuance of any permits.

Planning Department

1. The applicant shall furnish the City a copy of the ABC license and a copy of the conditions placed on the license by the Department of Alcoholic Beverage Control.

2. The applicant shall comply with all restrictions placed upon the license issued by the State of California Department of Alcoholic Beverage Control.

3. A modification of this approved Conditional Use Permit shall be applied for and obtained if the applicant proposes to change its type of liquor license, proposes to modify any of its current conditions of approval, or there is a substantial change in the mode or character of operations of the establishment.

5. Exterior lighting in the parking area shall be designated to provide adequate lighting for patrons, while not unreasonably disturbing surrounding properties. No light shall be directed or spill over into adjacent residentially used properties.

6. In the event City staff determines that security problems exist on the site, the conditions of this permit may be amended, under the provisions of the Zoning Ordinance, to require additional security.

7. The establishment shall have a public telephone listing.

8. It shall be the responsibility of the applicant/licensee to provide all employees that sell or serve alcoholic beverages with the knowledge and skill that will enable them to comply with their responsibilities under State law. This includes, but is not limited to the following:

   - State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operations, and penalties for violations of these laws.

   - The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill, or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.

   - Alcohol as a drug and its effects on the body and behavior, including the operation of motor vehicle.

   - Methods for dealing with intoxicated customers and recognizing underage customers.

9. Litter and trash receptacles shall be located at convenient locations inside and outside the establishment, and operators of such establishments shall remove trash and debris in a manner to eliminate a health problem. There shall be no dumping of trash and/or glass bottles outside the establishment between the hours of 10:00 p.m. and 7:00 a.m.

10. The Planning Commission has the right to hold a public hearing to revoke or modify any Conditional Use Permit if harm or retail-related problems are demonstrated to occur as a result of criminal or anti-social behavior, including but not limited to the congregation of minors, violence, public drunkenness, vandalism, solicitation and/or litter.

11. This Conditional Use Permit shall become null and void unless exercised within one (1) year of the date of final approval. An extension of time may be granted by the Planning Commission if a written request for extension is submitted to the Planning Department a minimum of ninety (90) days prior to such expiration date.

12. The sale of alcoholic beverages for consumption off the premises shall be prohibited and there shall be appropriate posting of signs both inside and outside the licensed premises stating that drinking of alcoholic beverages on the premises is prohibited by law.

PASSED AND ADOPTED on this 18th day of May, 2016.

ATTEST

_____ _____

Brenda Johns, Deputy City Clerk Ron Orrin, Chairman

CERTIFICATION

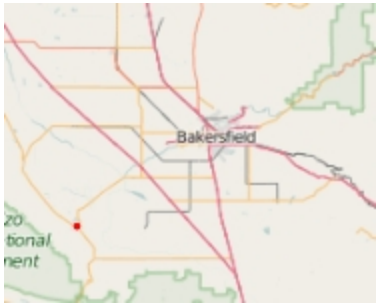
I, Brenda Johns, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a regularly scheduled meeting held on the 18th day of May, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

_____

Brenda Johns, Deputy City Clerk

Conditional Use Permit 2016-07 - 149 Kern St.



Legend

- Parcels
- Lakes & Ponds
- Water Course
- Canals
- County Parks
- Bakersfield Parks
- Golf Courses

1: 1,128

0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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This map is a user generated static output from an Internet mapping site and is for general reference only. The County of Kern assumes no liability for damages, incurred by the user of this information, which occur directly or indirectly as a result of errors, omissions or discrepancies in the information.

Notes

Roots Eatery
149 Kern Street
Taft, CA 93268
(661) 745-5050

April 28, 2016

City of Taft
209 E Kern Street
Taft, CA 93268

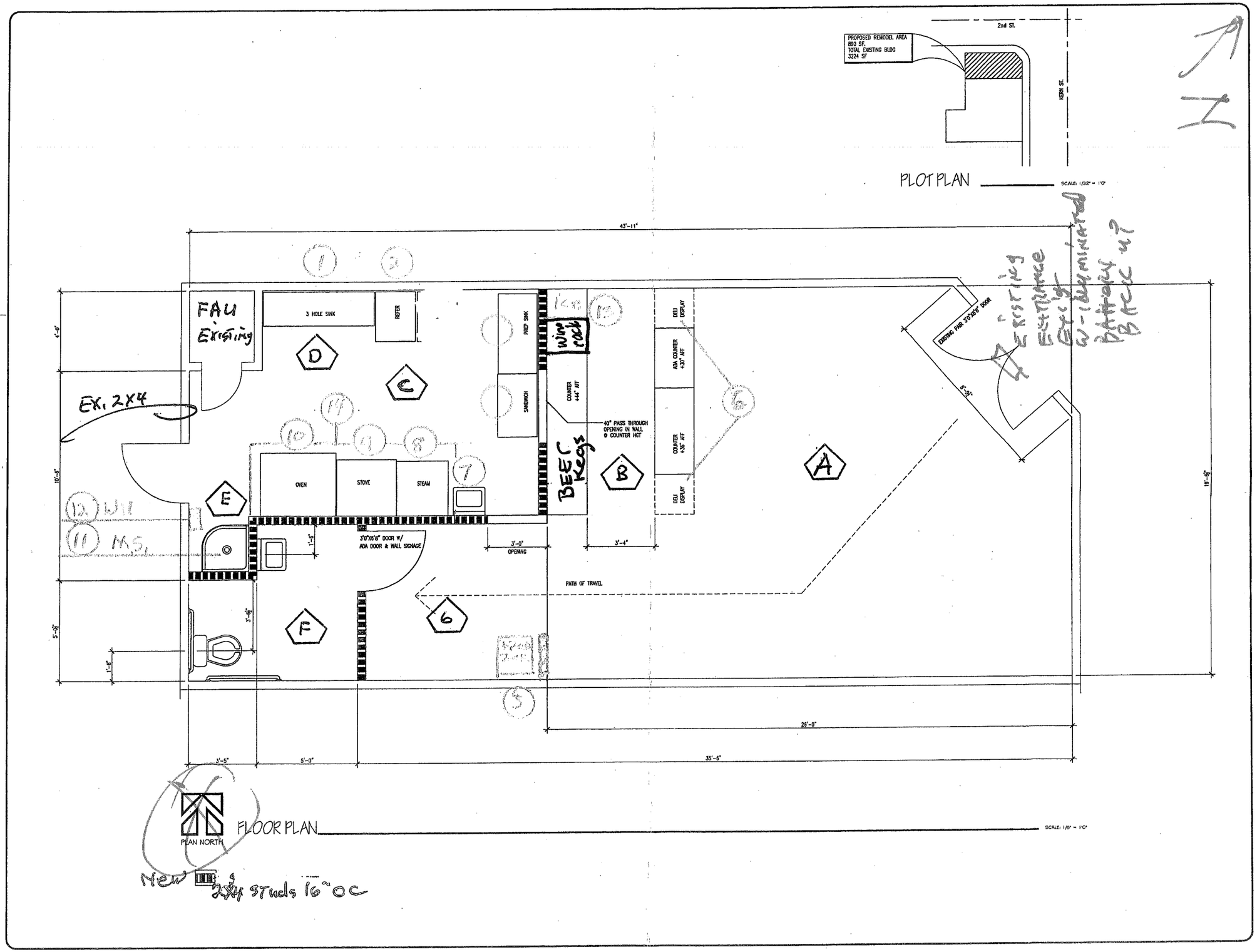
To Whom It May Concern:

Roots Eatery is our new restaurant opening late June to early July located on the corner of 2nd and Kern Street. We will be serving specialty burgers, BBQ platters, fresh sandwiches, and many other choices for lunch and dinner. We are requesting your consideration in obtaining our beer and wine license, for us to offer our patrons the option while dining at our family friendly establishment.

We appreciate your time and consideration in regards to this matter.

Kind Regards,

Mike & Debbie Perry
Owners



BLACK/HALL CONSTRUCTION
147 KERN STREET
PHONE: 661.763.3919
TAFT, CA. 93268
FAX: 661.763.0046

Glenn Blackc
120 Emmanuel
Taft Ca 93268

MARK	DATE	DESCRIPTION
1		
2		
3		
4		

SANDWICH SHOP
890 sq.ft.
149 Kern St., Taft, Ca.

AGENCY APPROVAL

CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK. REPORT DISCREPANCIES TO THE CONTRACTOR

THE DRAWINGS, IDEAS, AND DESIGNS REPRESENTED ON THIS SHEET ARE THE PROPERTY OF THE CONTRACTOR

COPYRIGHT
BLACK/HALL CONSTRUCTION INC. 2005

JOB NAME:
SANDWICH SHOP

APN #
031-450-38

DRAWN BY:

CHECKED BY:

DATE
4/1/15

SHEET TITLE
Kitchen equipment Floor Sched

SHEET NUMBER
EQ-1

SHEET OF

CAD DRAWING FILE: DRAWING TAB NAME:

'Roots' Eaterie

Debbie Perry
149 Kern St.
330-0731

RECEIVED
MAY 02 2016
CITY OF TAFT

California Department of Alcoholic Beverage Control
For the city of TAFT- (Retail Licenses)

Report as of 5/2/2016

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	391864	ACTIVE	47	10-04-2002	08-31-2016	ESCALANTE, MARIA 1015 4TH ST TAFT, CA 93268 Census Tract: 0035.00	LA SALSA TEX MEX		1506
2)	391917	ACTIVE	21	04-30-2003	03-31-2017	TAFT OUTPOST CORPORATION INC 509 6TH ST TAFT, CA 93268 Census Tract: 0035.00	OUTPOST FOOD STORE		1506
3)	539290	ACTIVE	20	12-18-2013	06-30-2016	7 ELEVEN INC 1124 6TH ST TAFT, CA 93268 Census Tract: 0035.00	7 ELEVEN STORE 268 27122B	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1506
4)	406665	ACTIVE	20	12-17-2003	11-30-2016	ALI, NAGI BEN ALI 228 ASHER ST TAFT, CA 93268 Census Tract: 0035.00	ASHER STREET MARKET		1500
5)	566666	ACTIVE	41	04-29-2016	08-31-2016	LOPEZ-AMEZCUA, OFELIA BERENICE 101 B ST TAFT, CA 93268-3815 Census Tract: 0036.00	MARISCOS TACO DE MEXICO		1500
6)	10458	ACTIVE	52	10-01-1975	08-31-2016	AMERICAN LEGION FELLOWS POST 63 618 CENTER ST TAFT, CA 93268 Census Tract: 0035.00	AMERICAN LEGION FELLOWS POST 63		1506
7)	434668	ACTIVE	41	05-16-2006	04-30-2016	SCHERTZ, DENNIS JAMES 215 CENTER ST TAFT, CA 93268 Census Tract: 0035.00	ASIAN EXPERIENCE		1506
8)	435954	ACTIVE	41	06-09-2006	05-31-2016	ONGS CAFE INC 314 CENTER ST TAFT, CA 93268 Census Tract: 0035.00	ONGS CAFE		1506
9)	539056	ACTIVE	21	12-18-2013	11-30-2016	QUIKTRIP FOOD AND GAS CORPORATION 830 CENTER ST TAFT, CA 93268 Census Tract: 0035.00	QUICK TRIP LIQUOR AND DELI		1506
10)	502169	ACTIVE	41	10-07-2010	09-30-2016	LONG, JARUWAN 508 CENTER ST	BLACK GOLD COFFEE HOUSE		1506

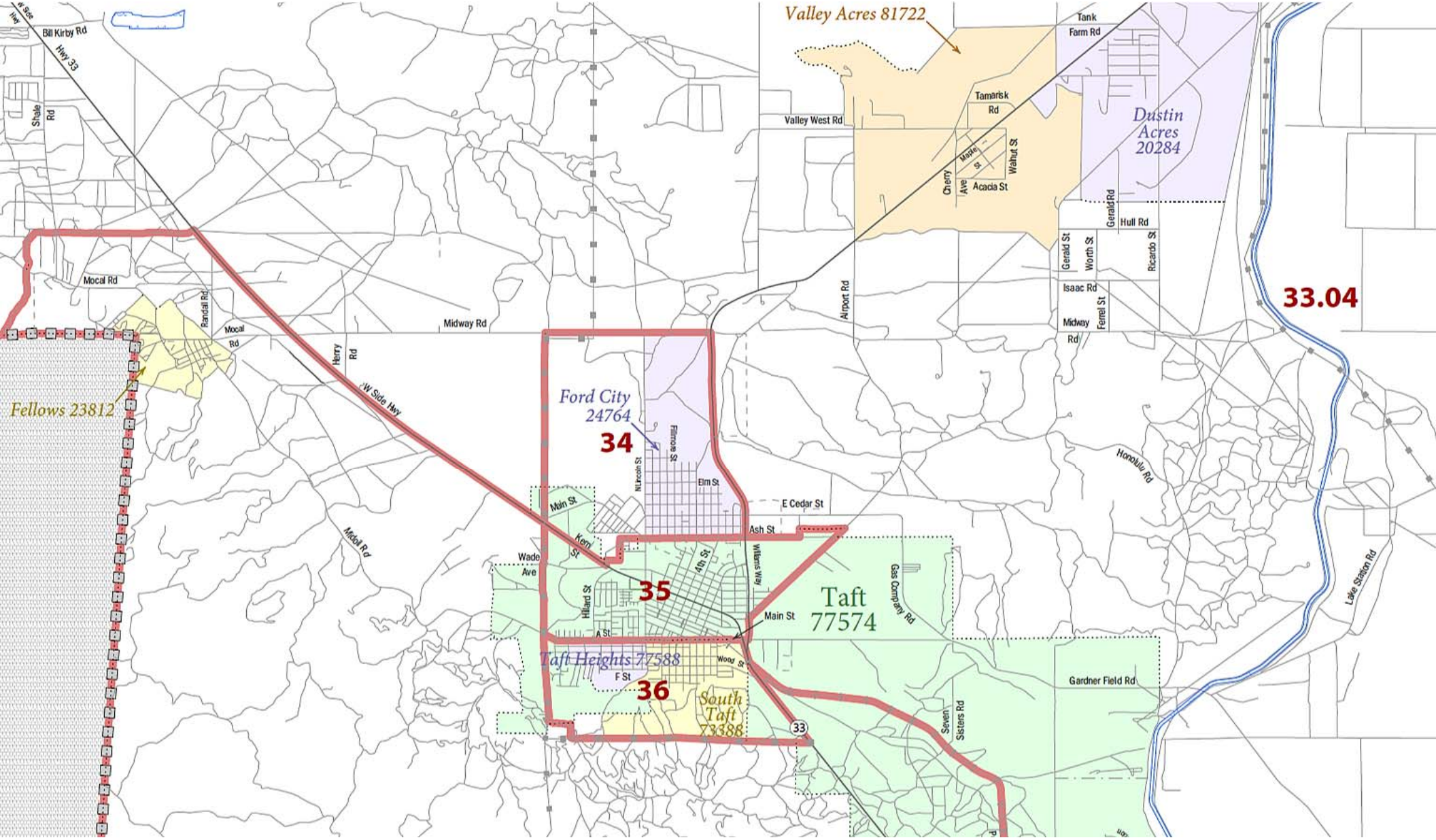
						TAFT, CA 93268-3109 Census Tract: 0035.00	AND DELI		
11)	549330	ACTIVE	20	07-08-2015	06-30-2016	RUBIO, BASILISA Z 623 CENTER ST TAFT, CA 93268-3124 Census Tract: 0035.00	LA VILLA MEAT MARKET		1506
12)	551111	ACTIVE	47	12-15-2014	11-30-2016	MI CASITA RESTAURANT 621 CENTER ST TAFT, CA 93268-3124 Census Tract: 0035.00	MI CASITA RESTAURANT	611 A ST TAFT, CA 93268-3735	1506
13)	447201	ACTIVE	41	12-18-2006	08-31-2016	BRAVO, FELIX ROMERO 614 CENTER ST TAFT, CA 93268-3125 Census Tract: 0035.00	PIZZA FACTORY		1506
14)	525935	ACTIVE	47	03-08-2013	02-28-2017	LA SALSA FAMILY RESTAURANT 101 E KERN ST TAFT, CA 93268-3223 Census Tract: 0035.00	LA SALSA FAMILY RESTAURANT	7145 HOUGHTON RD BAKERSFIELD, CA 93313	1506
15)	468550	ACTIVE	41	08-08-2008	07-31-2016	SORENSEN BROS INC 10256 GOLF COURSE RD TAFT, CA 93268-9624 Census Tract: 0033.04	BUENA VISTA GOLF COURSE		1500
16)	541987	ACTIVE	40	04-25-2014	03-31-2017	JACKSON, MICHAEL BROCK 400 HARRISON ST TAFT, CA 93268-1708 Census Tract: 0034.00	ARTS CORNER		1500
17)	471022	ACTIVE	21	09-14-2009	08-31-2016	SHAHLA, FATEN 219 HARRISON ST TAFT, CA 93268-2107 Census Tract: 0034.00	FASTRIP FOOD STORE NO 49 792		1500
18)	557852	ACTIVE	41	09-02-2015	08-31-2016	ALCALA ACEVEDO, MARIA AMALIA I 301 HARRISON ST, STE A TAFT, CA 93268-1705 Census Tract: 0034.00	LAS BRASA MEXICAN GRILL	215 2ND ST TAFT, CA 93268-3501	1500
19)	526464	ACTIVE	41	01-08-2013	12-31-2016	RUSHING, CYNTHIA LOUISE 28323 HIGHWAY 119 TAFT, CA 93268-9766 Census Tract: 0033.04	BUENA VISTA ROADHOUSE CAFE	509 TYLER ST TAFT, CA 93268-1612	1500
20)	179288	ACTIVE	21	01-27-1986	06-30-2016	THRIFTY PAYLESS INC 1076 KERN ST TAFT, CA 93268 Census Tract: 0035.00	RITE AID STORE 5800	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	1506
21)	271480	ACTIVE	21	05-28-1992	10-31-2016	ARTZ, GREGORY B 127 KERN ST			1506

						TAFT, CA 93268 Census Tract: 0035.00			
22)	326792	ACTIVE	20	01-31-1997	12-31-2016	LEE, JONG AN 301 KERN ST TAFT, CA 93268 Census Tract: 0035.00	COUGAR COUNTRY		1506
23)	327109	ACTIVE	20	03-17-1997	02-29-2016	ARTZ, GREGORY B 100 KERN ST TAFT, CA 93268 Census Tract: 0035.00	ARTZ WESTSIDE CHEVRON		1506
24)	388618	ACTIVE	41	09-06-2002	08-31-2016	PAIK, LAWRENCE ENGLE 200 KERN ST TAFT, CA 93268 Census Tract: 0035.00	PAIKS RANCH HOUSE	4103 PINEWOOD LAKE DR BAKERSFIELD, CA 93309	1506
25)	404377	ACTIVE	21	06-09-2006	05-31-2016	TAYLOR, DAVID BRIAN 903 KERN ST TAFT, CA 93268 Census Tract: 0035.00	FASTRIP FOOD STORE #929		1506
26)	531311	ACTIVE	21	11-04-2013	06-30-2016	ALBERTSONS LLC 1044 KERN ST TAFT, CA 93268 Census Tract: 0035.00	ALBERTSONS 6382	PO BOX 20 BOISE, ID 83726-0020	1506
27)	526948	ACTIVE	41	12-20-2012	11-30-2016	MORALESSANCHEZ, ALBERTO 330 KERN ST TAFT, CA 93268-2811 Census Tract: 0035.00	TACO Y MARISCOS CASA TABARES		1506
28)	270597	ACTIVE	41	04-13-1992	07-31-2016	KATZ, OZ 1107 KERN ST, STE 3 TAFT, CA 93268 Census Tract: 0035.00	CHICKEN OF OZ THE		1506
29)	326139	ACTIVE	21	04-10-1997	04-30-2016	CHAHLAH, CHAHLA 103 N 10TH ST TAFT, CA 93268 Census Tract: 0035.00	JUG N ROSE LIQUOR		1506
30)	337679	ACTIVE	47	06-03-1998	05-31-2016	PAYNE, CHRISTINA YUK CHING 205 N 10TH ST TAFT, CA 93268 Census Tract: 0035.00	O T COOKHOUSE & SALOON		1506
31)	35792	ACTIVE	47	09-01-1976	02-28-2017	BRADLEY, GAIL N 414-16 NORTH ST TAFT, CA 93268 Census Tract: 0035.00	OASIS BAR & RESTAURANT THE	414 NORTH ST TAFT, CA 93268	1506
32)	543605	ACTIVE	41	12-04-2014	11-30-2016	ASIAN EXPERIENCE, INC. 431 NORTH ST TAFT, CA 93268 Census Tract: 0035.00	BANK THE	215 CENTER ST TAFT, CA 93268	1506

33)	2730	ACTIVE	47	01-16-1980	10-31-2016	TAFT PETROLEUM CLUB 450 PETROLEUM CLUB RD TAFT, CA 93268 Census Tract: 0033.03	TAFT PETROLEUM CLUB	PO BOX 383 TAFT, CA 93268	1500
34)	398375	ACTIVE	21	07-07-2003	06-30-2016	ALDAMTY, ALI AHMED SALIH 501 S 10TH ST TAFT, CA 93268 Census Tract: 0036.00	LUCKY 7 FOODSTORE 20	9606 OLD BERRY CT BAKERSFIELD, CA 93311	1500
35)	554348	ACTIVE	21	06-18-2015	05-31-2016	VALLEY ACRES INC. 27530 TAFT HWY 119 TAFT, CA 93268 Census Tract: 0033.04	VALLEY ACRES		1500
36)	67057	ACTIVE	51	01-01-1994	07-31-2016	MOOSE LODGE TAFT 1431 205-1/2 TENTH ST TAFT, CA 93268 Census Tract: 0035.00	MOOSE LODGE TAFT 1431	PO BOX 1231 TAFT, CA 93268	1506
37)	476847	ACTIVE	41	04-27-2009	03-31-2017	JHAJ, RUPINDER SINGH LAKE WEBB ES BUENA VISTA 12M E OF TAFT, CA 93268 Census Tract: 0033.04	BUENA VISTA CONCESSIONS	31110 7TH STANDARD RD BAKERSFIELD, CA 93314-9306	1500
38)	548102	ACTIVE	20	04-27-2015	03-31-2017	QUHSHEE, MOHAMMED HUSSAN 801 WOOD ST TAFT, CA 93268-4325 Census Tract: 0036.00	WOOD STREET MARKET		1500

- - - End of Report - - -

For a definition of codes, view our glossary.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Dustin Acres 20284
Fellows 23812
Ford City 24764
Taft 77574
Taft Heights 77588
South Taft 73388
33.04
34
35
36
Bill Kirby Rd
Hwy 33
Shale Rd
Mocal Rd
Randall Rd
Mocal Rd
Midway Rd
Henry Rd
W Side Hwy
Midoil Rd
Valley West Rd
Tamarisk Rd
Tank Farm Rd
Cherry Ave
Maple St
Walnut St
Acacia St
Airport Rd
Gerald Rd
Hull Rd
Gerald St
Worth St
Ricardo St
Isaac Rd
Midway Rd
Ferrel St
Honolulu Rd
Lake Station Rd
Fillmore St
N Lincoln St
Elm St
E Cedar St
Ash St
Main St
Kern St
Wade Ave
Hilland St
4th St
Williams Way
Gas Company Rd
A St
Wood St
F St
Seven Sisters Rd
Gardner Field Rd
33

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
NUMBER OF LICENSES AUTHORIZED
BY CENSUS TRACT

COUNTY	CENSUS TRACT	POPULATION	ON SALE	OFF SALE
KERN	0030.00	7,374	7	6
KERN	0031.03	3,979	3	3
KERN	0031.12	5,116	4	4
KERN	0031.13	4,784	4	4
KERN	0031.14	7,654	7	7
KERN	0031.15	5,482	5	5
KERN	0031.21	8,264	7	7
KERN	0031.22	8,845	8	8
KERN	0031.23	15,296	14	14
KERN	0031.24	5,414	5	5
KERN	0032.02	15,579	14	14
KERN	0032.03	2,383	2	2
KERN	0032.04	9,386	8	8
KERN	0032.05	8,998	8	8
KERN	0032.06	12,112	11	11
KERN	0033.03	1,471	1	1
KERN	0033.04	5,248	4	4
KERN	0033.05	3,608	3	3
KERN	0033.06	4,897	4	4
KERN - Ford City	0034.00	4,318	4	4
KERN - Taft	0035.00	6,156	5	5
KERN - S. Taft & Taft Hghts	0036.00	4,531	4	4
KERN	0037.00	3,953	3	3
KERN	0038.03	4,769	4	4
KERN	0038.04	15,464	14	14
KERN	0038.05	8,774	8	8
KERN	0038.06	4,889	4	4
KERN	0038.07	3,616	3	3
KERN	0038.08	4,439	4	4
KERN	0038.09	10,984	10	10
KERN	0038.10	2,578	2	2
KERN	0038.11	2,661	2	2
KERN	0038.12	4,367	4	4
KERN	0038.13	7,613	7	7
KERN	0039.00	2,250	2	2
KERN	0040.00	7,704	7	7
KERN	0041.01	4,917	4	4
KERN	0041.02	5,451	5	5
KERN	0042.00	1,320	1	1
KERN	0043.01	7,416	7	6
KERN	0043.02	5,710	5	5
KERN	0044.01	7,308	6	6
KERN	0044.02	5,437	5	5
KERN	0045.00	3,937	3	3
KERN	0046.01	5,363	5	5
KERN	0046.03	490	0	0
KERN	0046.04	15,845	15	14
KERN	0047.01	8,868	8	8
KERN	0047.02	4,051	3	3
KERN	0048.00	9,297	8	8
KERN	0049.01	5,733	5	5
KERN	0049.02	8,349	7	7
KERN	0050.03	3,543	3	3
KERN	0050.04	7,219	6	6

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	**BEER MANUFACTURER -** (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	**WINEGROWER -** (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	**OFF SALE BEER & WINE -** (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	**OFF SALE GENERAL -** (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	**SMALL BEER MANUFACTURER -** (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	**ON SALE BEER -** (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	**ON SALE BEER & WINE – EATING PLACE -** (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	**ON SALE BEER & WINE – PUBLIC PREMISES -** (Bar, Tavern) **Authorizes** the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	**ON SALE GENERAL – EATING PLACE -** (Restaurant) **Authorizes** the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	**ON SALE GENERAL – PUBLIC PREMISES -** (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	**ON SALE GENERAL – SEASONAL -** Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.

LICENSEE EDUCATION ON ALCOHOL AND DRUGS
LEAD

LICENSE TYPE	DESCRIPTION
51	**CLUB -** Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	**VETERAN'S CLUB -** Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	**SPECIAL ON SALE GENERAL -** Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	**ON SALE BEER AND WINE – SEASONAL -** Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	**ON SALE BEER – SEASONAL -** Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	**ON SALE BEER – PUBLIC PREMISES -** (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	**BED AND BREAKFAST INN -** Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	**ON SALE GENERAL – RESTRICTIVE SERVICE -** Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	**ON SALE GENERAL – BREWPUB -** (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. This license does not authorize the sale of alcoholic beverages for consumption off the premises where sold. Minors are allowed on the premises.
80	**BED AND BREAKFAST INN – GENERAL -** Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	**INSTRUCTIONAL TASTING LICENSE–**Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.

SPECIAL EVENTS

The Department also issues licenses and authorizations for the retail sale of beer, wine and distilled spirits on a temporary basis for special events. The most common are listed below. Other less common ones are found in Business and Professions Code Section 24045.2, et seq.

SPECIAL DAILY BEER AND/OR WINE LICENSE - (Form ABC-221) Authorizes the sale of beer and/or wine for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to non-profit organizations. (Rule 59, California Code of Regulations)

DAILY ON SALE GENERAL LICENSE - (Form ABC-221) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to political parties or affiliates supporting a candidate for public office or a ballot measure or charitable, civic, fraternal or religious organizations. (Section 24045.1 and Rule 59.5 California Code of Regulations)

CATERING AUTHORIZATION - (Form ABC-218) Authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. Type 51 and 52 licensees may only cater alcoholic beverages at their licensed premises. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

EVENT AUTHORIZATION - (Form ABC-218) Authorizes Type 41, 42, 47, 48, 49, 57, 75 and 78 licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public. *The licensee shall obtain prior approval of the local law enforcement agency.* At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises (including any license conditions) and violations of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399)

WINE SALES EVENT PERMIT - (Form ABC-239) Authorizes Type 02 licensees to sell bottled wine produced by the winegrower for consumption off the premises where sold and only at fairs, festivals or cultural events sponsored by designated tax exempt organizations. The licensee must notify the city and/or county where the event is being held and obtain approval from ABC for each event (Form ABC-222). The licensee must also comply with all restrictions listed in Business and Professions Code Section 23399.6.

Note:

1. "Minor" means any person under 21 years of age.

2. Consult Section 25663(b) regarding age of employees in off-sale premises; consult Sections 25663(a) and 25663.5 regarding age of employees in on-sale premises.

3. In certain situations, ABC may place reasonable conditions upon a license, such as restrictions as to hours of sale, employment of designated persons, display of signs, restrictions on entertainment or dancing, etc. If a license has been conditioned, it will be endorsed as such on the face of the license. (Conditional licenses, Sections 23800-23805.)

4. Licensees whose license allows minors on the premises may have a “house policy” restricting minors from entering certain areas of the premises or prohibiting minors in the premises during certain hours.

5. This handout contains only abbreviated information. Contact your local ABC office for full information before doing anything which may jeopardize your license. Also available from the ABC: Quick Summary of Selected ABC Laws (form ABC-608); Alcoholic Beverage Control Act (complete laws); Rules & Regulations; and P-90 (describes privileges of non-retail licenses).

City of Taft
Planning Commission
Staff Report

Agenda Item #4

DATE: May 18, 2016

TO: Chairman Orrin and Members of the Planning Commission

FROM: Mark Staples, Director
Planning and Development Services

SUBJECT: Zoning Ordinance Amendment No. 2016-09 – Urban Growth Boundary (UGB)

RECOMMENDATION: Adopt a Resolution recommending approval to the City Council of Zoning Ordinance Amendment No. 2016-09, an amendment of Title 6 of the Taft Municipal Code, the Taft Zoning Ordinance, adding a chapter regarding an Urban Growth Boundary (UGB)

LOCATION: Citywide

PROJECT ANALYSIS:
On April 11, 2016, Mayor Miller signed a settlement agreement regarding the Sierra Club's suit against the City of Taft for the General Plan that was adopted on June 22, 2010. After much deliberation the Sierra Club and the City reached an agreement without going to a hearing, but does include some conditions that the City much complete within the next year.

The 2010 General Plan had an ambitious planning area that extended eastward from the current City boundary and sphere of influence to Interstate 5, from the intersection with Stockdale Highway on the north to Highway 166 on the south. The planning area included the Kern County Raceway Park, Lake Buena Vista, and agricultural areas along South Lake Road. During the pending litigation period with the Sierra Club, the City agreed to reduce the planning area to area more similar to the current City boundary and sphere of influence. The City also agreed to establish an Urban Growth Boundary (UGB) to limit, but focus development toward the central developed areas of Taft that currently have existing public services nearby.

Areas beyond the UGB would require a General Plan Amendment to adjust the boundary line and would include a more intensive land use and environmental analysis with the most important being public services such as water availability, sewer, transit and other services. Beyond the UGB line, the majority of properties are active oil and gas activity areas, are owned by oil and gas companies or are Bureau of Land Management (federal government) property. These properties are not anticipated to be developed in the near future.

There are additional actions the City of Taft must complete in a timely manner to comply with the settlement agreement. Attached to this staff report is a copy of the executed agreement. The key items of the agreement can be found in Section 2A through 2E on pages 1 through 3. Another ordinance amendment called out in the agreement will be reviewed at the May 18, 2016, Planning Commission meeting. The Planning Director will report back at future Commission meetings the status of the City's completion of action items.

Therefore, staff recommends that the Planning Commission hold a public hearing and adopt a resolution recommending approval to the City Council of Zoning Ordinance Amendment No. 2016-09, an amendment

of Title 6 of the Taft Municipal Code, the Taft Zoning Ordinance, adding a chapter regarding an Urban Growth Boundary (UGB).

CEQA:

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) as set forth in Section 15061(b)(3) of the CEQA Guidelines as the proposed amendment will have no significant effect on the environment.

ATTACHMENTS:

1. Resolution
2. Settlement Agreement – Sierra Club v. City of Taft
3. Exhibit A – Urban Growth Boundary Map

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING ORDINANCE AMENDMENT NO. 2016-09, AN AMENDMENT OF TITLE 6 OF THE TAFT MUNICIPAL CODE, THE TAFT ZONING ORDINANCE, ADDING A CHAPTER REGARDING AN URBAN GROWTH BOUNDARY (UGB)

WHEREAS, California Government Code Section 65800 provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities; and

WHEREAS, the City of Taft is responsible for continually reviewing and updating the adopted Zoning Ordinance to address changing conditions within the City; and

WHEREAS, the City encourages efficient growth patterns and discourages sprawl development; and

WHEREAS, the City manages growth in a manner that fosters and protects the character of the City while encouraging appropriate economic development; and

WHEREAS, the City seeks to continue to meet its obligation of providing a fair share of regional housing needs for all economic segments by directing development of housing into areas where services and infrastructure are more efficiently available; and

WHEREAS, the City is promoting stability in long term planning by establishing policies that designate the geographic limits of long-term development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time; and

WHEREAS, the Planning Commission reviewed and commented on a draft ordinance amendment of adding a Chapter 16 to Title VI of the Taft Municipal Code at its regular meeting on May 18 2016; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Zoning Ordinance Amendment No. 2016-09, City Staff's written and oral reports, and all public testimony before making a decision on this request; and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the Planning Commission has fully considered this request and the potential environmental effects.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, RESOLVE, AND RECOMMEND AS FOLLOWS:

1. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan and is necessary and desirable to implement the provision of the General Plan; and

2. The proposed amendment will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern; and

3. The proposed amendment is consistent with the purpose and intent of the remainder of this Zoning Ordinance not under consideration; and

4. The potential environmental impacts of the proposed amendment are insignificant, have been mitigated, or there are overriding considerations that outweigh the potential impacts; and

5. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines because the Code Amendment will have no significant effect on the environment.

SECTION 1. The following addition of Chapter 16, of Title VI, shall be recommended to the City Council of the City of Taft as follows:

CHAPTER 16 OF TITLE VI
TAFT URBAN GROWTH BOUNDARY

6.16.10 PURPOSE AND FINDINGS
6.16.20 GENERAL PLAN LAND USE MAP - CHANGES IN BOUNDARY
6.16.30 EXEMPTIONS
6.16.40 SEVERABILITY

6.16.10 Purpose and Findings

1. Purpose

The purpose of this ordinance is to create the City of Taft Urban Growth Boundary (Taft UGB). The Taft UGB has the following objectives:

a. To encourage efficient growth patterns, discourage sprawl development and premature conversion of agricultural lands and open space to urban use and protect the City's quality of life by concentrating future development within the adopted Urban Growth Boundary;

b. To promote on lands outside the Taft UGB ongoing agricultural, oil and gas, and other natural resource and open space uses such as preservation of natural resources, and protection of environmentally sensitive habitat, public and private outdoor recreation, uses that foster public health and safety, and productive investment for agricultural and oil and gas enterprises;

c. To manage the City's growth in a manner that fosters and protects the character of the City while encouraging appropriate economic development in accordance with the City's unique local conditions and General Plan;

d. To allow the City to continue to meet its obligation to provide its fair share of regional housing needs for all economic segments of the population by directing the development of housing into areas where services and infrastructure are more efficiently available; and

e. To promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long-term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.

2. Findings

a. The protection of existing agricultural, oil and gas, open space, and other lands surrounding the City is of critical importance to present and future residents of the City.

b. Continued urban encroachment into agricultural, oil and gas, or open space areas may impair agriculture and oil and gas land uses and threatens the public health, safety and welfare by causing increased traffic congestion, and associated air pollution. Such urban encroachment would require both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban, agricultural, oil and gas, and open space uses.

c. The unique character of the City and quality of life of City residents depend on the protection of a substantial amount of open space, rural, agricultural, and oil and gas land uses outside of the City's urban area. The protection of such lands not only ensures the continued viability of agriculture and oil and gas operations, but also protects the limited available water supply to surrounding communities and contributes to the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

d. This measure ensures that the important Goals and Policies of the 2010 General Plan are inviolable against transitory and short-term decisions and that agricultural, oil and gas, and open space lands are not prematurely or unnecessarily converted to non-agricultural or non-open space uses without adequate public debate and a vote of the People. Accordingly, the City shall restrict the provision of urban services, or creation of urban uses, other than in certain circumstances and according to specific procedures set forth in this measure, within the territory of the Taft UGB as set forth and depicted as Figure 1 to this Ordinance.

6.16.20 General Plan Land Use Map - Changes in Boundary

This ordinance hereby amends the Taft General Plan by adding or amending the following in Chapter 3.0 of the Land Use Element of the 2010 General Plan:

CITY OF TAFT URBAN GROWTH BOUNDARY

The City of Taft (City) has adopted a UGB line denominated the City of Taft UGB (Taft UGB, as set forth and depicted in Figure 1. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in this General Plan Amendment.

1. Purpose

   a. The purpose of this amendment is to ensure that the preservation of agricultural production, oil and gas development, open space, and protection of environmentally sensitive habitat are inviolable against transitory and short-term decisions and that agricultural, oil and gas, and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate at a public hearing or a vote of the people.

   b. Limiting urban sprawl through the use of an UGB enhances the sense of community, allows for development unique to the City of Taft, and promotes the efficient use of the City's infrastructure and limits public funding of infrastructure and road repair.

2. Principles

   a. Continued urban encroachment into agricultural, oil and gas, and open space areas negatively impacts sensitive environmental areas, intrudes on open space irrevocably changing its utility, diminishes the quality of life, and threatens the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and causing potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources not only for the City of Taft but for its jurisdictional neighbors. Such urban encroachment may eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural, oil and gas, and open space uses.

   b. The unique character of the City, and quality of life of City residents, depends on the protection of a substantial amount of agricultural, oil and gas, and open space lands. The protection of such lands through the implementation of this measure not only ensures the continued viability of agriculture and oil and gas operations, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

3. Implementation

   a. The City hereby establishes the Taft Urban Growth Boundary (Taft UGB), as set

forth and depicted in Figure 1, which shall be separately set forth and depicted in Figure 3.0 Land Use Map.

b. The City shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Taft UGB, except as provided herein and except for the purpose of completing roadways designated in the circulation element of the Taft General Plan as of January 1, 2015. Other than the exceptions provided for herein, upon the effective date of this 2010 General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this General Plan amendment, unless in accordance with the Amendment Procedures of Section D, below, of this General Plan Amendment.

c. "Urbanized uses of land" shall mean any development that would require the establishment of new community sewer and/or water systems or the significant expansion of existing community sewer and/or water systems; or, would result in the creation of residential densities greater than one primary residential unit per 10 acres in area; or, would result in the establishment of commercial or industrial uses which do not involve the cultivation, harvesting, or assembly of agricultural products or that are not related to the production of oil and gas or other mineral resources.

d. The Taft UGB may not be amended, altered, revoked or otherwise changed except by vote of the people or by the City Council pursuant to the procedures set forth in Section D of this General Plan Amendment.

4. Amendment Procedures

a. The foregoing Purposes, Principles and Implementation provisions of this General Plan amendment, and the Taft UGB may be amended only pursuant to one of the following methods:

1) The City Council may, by a majority vote, amend the Taft UGB described herein for non-residential uses if it deems it to be in the public interest, consistent with the intent of this Ordinance, provided that the amended boundary is adjacent to the Taft UGB established by this General Plan. The result of the action would be a negative or neutral impact on the amount of land within the UGB. Such amendment may be adopted only if the City Council makes the following finding:

(i) The land subject to the proposed Taft UGB boundary amendment is immediately adjacent to existing compatibly developed areas and the applicant for inclusion of land within the UGB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, and the local water agency with jurisdiction over such land have

adequate capacity to accommodate the proposed development and provide it with adequate public services.

2) The City Council, following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may amend, by majority vote, the Taft UGB described herein to implement the Housing Element of the General Plan to achieve compliance with the applicable regional housing needs assessment pursuant to Government Code section 65580 *et seq*. The City Council may amend the Taft UGB as described herein in order to accommodate lands to be designated for residential uses, provided that no more land may be brought within the UGB as required for compliance with State law for this purpose. Such amendment may be adopted only if the City Council makes each of the following findings:

   (i) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the Taft UGB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, applicable water and sewer districts, and the school district with jurisdiction over such land have adequate capacity to accommodate the proposed development and provide it with adequate public services; and

   (ii) The proposed development will address the highest priority need identified in the analysis, of the Housing Element, by which the City has determined it is not in compliance with State law, i.e., low and very low income housing; and

   (iii) There is no existing residentially designated land of comparable size and accessibility available within the Taft UGB to accommodate the proposed development; and

   (iv) It is not reasonably feasible to accommodate the proposed development by re-designating lands within the Taft UGB.

3) The City Council following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may amend, by majority vote, the Taft UGB described herein, based on substantial evidence in the record, if the City Council makes each of the following findings:

   (i) Application of the provisions of subsections (a) or (b) of these amendment procedures are unworkable and failure to amend the Taft UGB would constitute an unconstitutional taking of a landowner's property for which compensation would be required or would deprive the landowner of a vested right; and

   (ii) The amendment and associated land use designations will allow additional land uses only to the minimum extent necessary to avoid such unconstitutional taking of the landowner's property or to give effect to the vested right.

4) The City Council following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may place any amendment to the Taft UGB or the provisions of this ordinance concerning any urbanized uses of land not subject to subsections (a), (b), or (c) on the ballot pursuant to the mechanisms provided by State law.

6.16.30 Exemptions

The provisions of this Article do not apply to any roadways designated in the Circulation Element of the Taft General Plan as of January 1, 2015, , nor to any development project that has obtained as of the effective date of this ordinance a vested right pursuant to State or local law.

6.16.40 Severability

This ordinance shall be interpreted so as to be consistent with all federal and State laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If any provision of this ordinance is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. It is the intent of the City Council that this ordinance shall be interpreted by the City and others in a manner that facilitates the confinement of urban uses within the City's UGB thereby protecting agricultural, oil and gas, open space, and rural lands, and preventing urban sprawl.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this Resolution. The Planning Commission hereby declares that it would have passed this Resolution, and each section, subsection, clause and phrase thereof, irrespective of the face that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the City Clerk to the City Council of the City of Taft.

PASSED AND ADOPTED on this 18th day of May, 2016.

ATTEST

_____ _____

Brenda Johns, Deputy City Clerk Ron Orrin, Chairman

CERTIFICATION

I, Brenda Johns, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a specially scheduled meeting held on the 18th day of May, 2016, by the following vote

AYES:
NOES:
ABSENT:
ABSTENTIONS:

_____

Brenda Johns, Deputy City Clerk

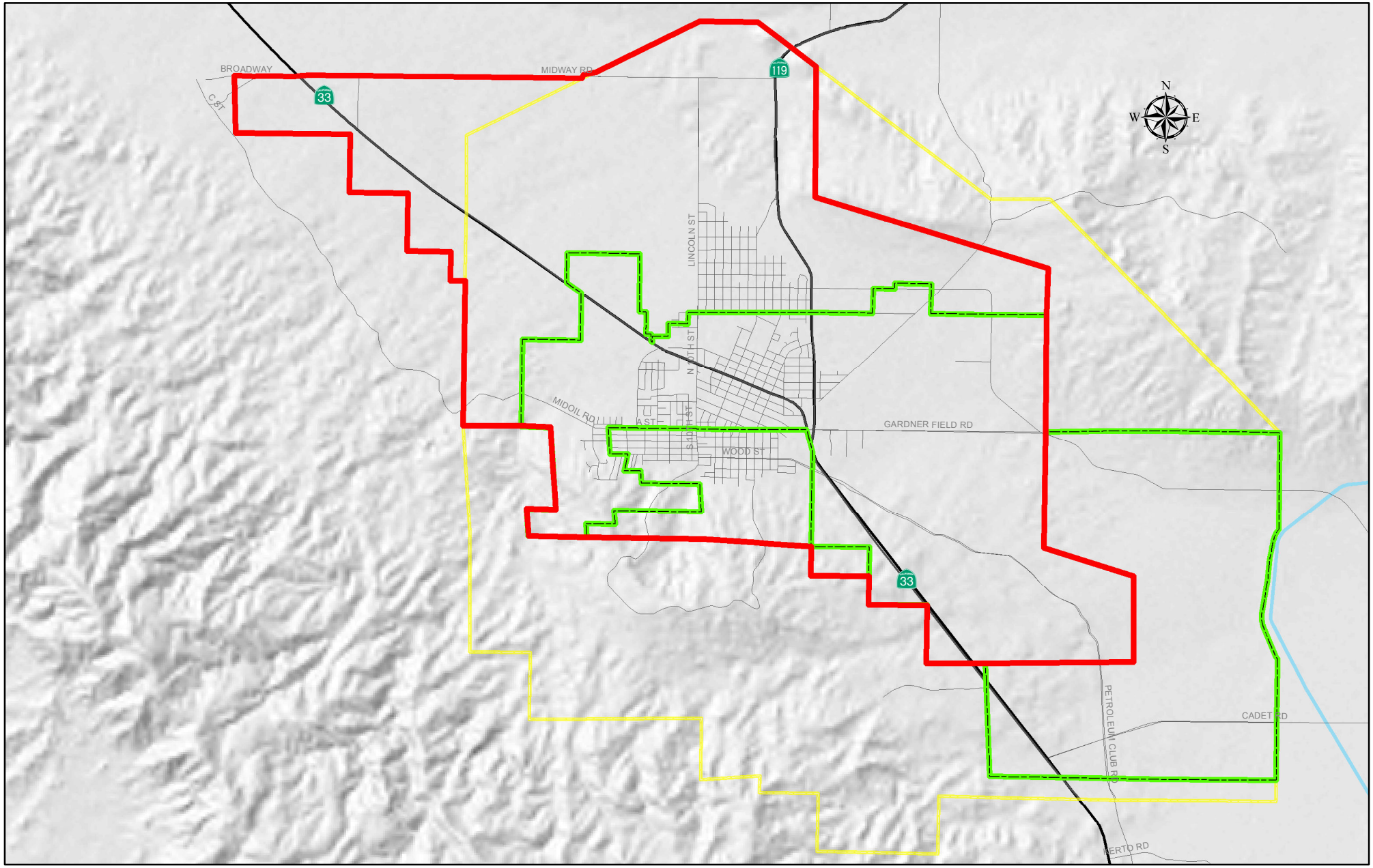

EXHIBIT 1

Legend

- Urban Area (~18 Sq Miles)
- Taft City Limits (~15 Sq Miles)
- Sphere of Influence (~37 Sq Miles)

CITY OF TAFT
URBAN AREA PLAN

0 1 2 Miles

This map was prepared by the City of Taft, CA Geographic InformationSystems division of Planning and Building Department. The City of Taft makes no warranty, representation, or guarantee regarding the accuracy of this map The map is intended for display purposes only and does not replace official recorded documents.

City of Taft Planning, Print Date: March 20, 2012
File: V:\Projects\General Plan Land Use\Urban Areas Committees\Urban Areas2012.mxd

SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS

This Settlement Agreement and Mutual Release of Claims ("Agreement") is entered into between Petitioner, Sierra Club ("Sierra Club") and Respondent, City of Taft and Taft City Council (collectively, "City") regarding *Sierra Club v. City of Taft*, Kern Superior Court Case No. S-1500-CV-271090 (the "Legal Action"). Collectively, the Sierra Club and the City are "Parties" to this Agreement and each is, individually, a "Party" to this Agreement. This Agreement shall be deemed to have been entered into on April 11, 2016 ("Effective Date").

RECITALS

A. The Sierra Club commenced the Legal Action on July 22, 2010. The action alleges six causes of action asserting that the City's approval of its 2010 General Plan Update ("GPU") violated the California Environmental Quality Act ("CEQA"). The Sierra Club sought a writ of mandate to compel the City to comply with CEQA prior to implementing, applying, or enforcing the GPU. The City answered the petition on August 19, 2010.

B. Without making any admissions, the Parties through this Agreement seek to resolve their outstanding disputes in a manner that allows them to forego the expenses, burdens, and time commitment of further proceedings in the Legal Action.

AGREEMENT

1. The Parties to this Agreement hereby incorporate the above-stated Recitals as material terms of this Agreement.

2. As conditions for the releases provided for within, the City shall undertake all of the following actions:

A. Within 120 days of the Effective Date of this Agreement, the City shall adopt an Urban Growth Boundary Ordinance (amending both the GPU and the City Zoning Ordinance) substantially in the form as shown in **Exhibit A**, which is incorporated into this Agreement by reference;

B. Within 120 days of the Effective Date of this Agreement, the City shall adopt an ordinance requiring that all new development prove the existence of an adequate water supply prior to final subdivision map approval or approval of any discretionary entitlements. This ordinance shall be adopted substantially in the form as shown in **Exhibit B**, which is incorporated into this Agreement by reference;

C. Within 120 days of the Effective Date of this Agreement, the City shall enter into a contract with, or enter into another suitable arrangement with, the West Kern Water District ("WKWD") to perform and provide a water availability analysis for areas of growth authorized within the above Urban Grown Boundary Ordinance for all time horizons analyzed in the GPU. The contract shall include provisions for the analysis to be completed within a reasonable time and the City shall at all times promptly and diligently cooperate with WKWD in providing all information, data, maps, records, and other documents for WKWD to properly supply all contracted for or requested deliverables;

D. The City shall use complete the preparation of a Climate Action Plan within 12 months of the execution of this Agreement.

E. As interim measures to be implemented prior to the adoption of a climate action plan, the City shall take the following actions:

(i) The City will install a Level Two electronic vehicle charging station at City Hall, and an additional Level Two charging station at a park-and-ride facility near the City Transit Center, within 12 months of the Effective Date of this Agreement. The City will use its best efforts to obtain grant funding for and to secure the installation of a Level Three charging station within City limits at the earliest feasible time;

(ii) The City will use its best efforts to require the installation of electronic-vehicle charging stations as mitigation measures under CEQA or as conditions of approval under its land-use authority whenever it considers discretionary applications for entitlements relating to new gasoline service stations;

(iii) The City will continue converting its passenger and commuter-car fleet by only purchasing new, or replacing existing, gas-fueled vehicles with electronic vehicles, except in situations in which (1) an electric vehicle is not available for purchase for the type of vehicle needed or being replaced; (2) an electric vehicle would not enable the City to reasonably perform the function for which the vehicle is needed; or (3) the purchase price of an electric model of the vehicle is so significantly greater than the purchase price of a gas-fueled model that purchasing the electric model would be cost prohibitive;

(iv) The City will only purchase new, or replace existing, diesel trucks and heavy vehicles with engines that meet California Air Resources Board (CARB) standards or rated at Tier IV or greater standards; and

(v) For discretionary projects the City reviews under CEQA, if an applicant satisfies its obligations for its proposed development project under Rule 9510, and fully complies with Indirect Source Review, to the extent applicable, the City shall not solely on that basis conclude substantial evidence exists that the projects' air-quality impact for the contaminants addressed by that rule are reduced to a level less than significant or no impact.

3. Because the actions set forth in the preceding paragraph will require approvals by the City Council of the City, the parties expressly recognize that the City Council of the City has no authority to waive the enforcement of any law or to agree to exercise its discretion in any specific manner. Notwithstanding the foregoing, the parties recognize the substantial public and environmental benefits of the above-stated actions, if taken, and thus agree that the dismissal required in the following paragraph shall be without prejudice to the Sierra Club's right to resume this litigation, and to be restored to all rights, benefits, and interests it possessed prior to the Effective Date, should the City fail to complete all of the actions set forth in the preceding paragraph. The Parties agree that all statutes of limitations applicable to the claims and causes of action stated in the Legal Action shall be tolled until such time that the City fails to comply with this Agreement and fails to timely cure its noncompliance within a reasonable time of receiving a written demand by the Sierra Club.

4. Within 30 days of the Effective Date of this Agreement, the City shall pay the sum of $44,892.06 to the Sierra Club as reimbursement of its legal fees and costs in this action. The City shall make such payment through the Sierra Club's counsel of record payable to the Law Office of Babak Naifcy.

5. Within five days of receipt of the payment required in the preceding paragraph, the Sierra Club shall file a request to dismiss, without prejudice, and timely serve a copy of the same on the City. Upon receiving an executed dismissal from the Court, the Sierra Club shall serve the dismissal on the City promptly thereafter.

6. Each Party and his/her/its heirs, executors, administrators, predecessors, successors in interest, affiliates, partners, assigns, agents, officers and directors hereby forever generally, completely and mutually release and discharge the other, including, but not limited to, his/her/its heirs, executors, administrators, trustees, settlors, beneficiaries, issue, directors, officers, shareholders, agents, predecessors, assigns, employees and attorneys, from any and all claims, demands, debts, duties, obligations, promises, liabilities, damages, accounts, payments, liens, acts, costs, expenses, sums of money, suits, dues, actions and/or causes of action of every kind and nature in law, equity, or

otherwise, known and unknown, matured and unmatured, suspected and unsuspected, disclosed and undisclosed, and in particular from all claims and demands of every kind and nature, known and unknown, matured and unmatured, suspected and unsuspected, disclosed and undisclosed, for damages actual and consequential, past, present, and after, arising out of or in any way related to their respective obligations, activities and/or dealings with one another arising out of or in any way related to or based upon the facts, circumstances or disputes claimed in, or related to, the subject matter of the Legal Action.

7. It is the intention of the Parties hereto that, upon full satisfaction of the conditions set forth above, this Agreement shall be effective as a full and final accord and satisfaction, and as a bar to all actions, causes of action, and obligations, costs, expenses, attorneys' fees, damages, losses, claims, liabilities, and demands of whatsoever nature, character, or kind, known or unknown, suspected or unsuspected, with the exception of the Parties' rights and obligations under this Agreement. All of the Parties hereto acknowledge that they are familiar with Section 1542 of the California Civil Code and expressly waive the benefits thereof. Section 1542 reads as follows:

> **A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.**

8. The Parties acknowledge they have received the advice of counsel regarding the advisability of all releases provided for within, including the waiver of California Civil Code section 1542. The Parties are aware that, following execution of this Agreement, they may discover claims or facts in addition to or different from those they now know or believe to be true in relation to the matters addressed in this Agreement. Nonetheless, it is their intention to fully and finally settle and release all claims they have or may have against each other, except as reserved herein.

9. The Parties acknowledge they have read this Agreement, have had the opportunity to have the Agreement explained to them by counsel of their choice, are aware of its content and legal effect, and are signing this Agreement freely and voluntarily.

10. This Agreement shall be effective upon its full execution. Each of the undersigned represents that he/she has the authority to bind the Party on whose behalf that he/she has executed this Agreement. The Agreement may be executed in counterparts and in duplicate originals. If so executed, then upon proof of execution of at least one copy, the Agreement shall be effective from the date of the last signature. If executed in duplicate, each duplicate copy shall be valid as an original copy.

11. The Parties each warrant that it has not assigned or transferred, attempted to assign or transfer, and will not assign or transfer, any claim which was raised, or could have been raised, in connection with the Legal Action. Should any controversy arise over any assignment or transfer of any claim in this Agreement, the Parties further agree that the Party who is alleged to have made such assignment or transfer shall fully indemnify the other Parties as to that controversy, including any legal action arising from it.

12. This Agreement has been jointly negotiated and drafted. The language of this Agreement shall be construed as a whole according to its fair meaning, and not strictly for or against any Party.

13. This Agreement constitutes the entire agreement between the Parties. No modification of this Agreement shall be valid unless in writing and signed by the Parties. The Parties shall not be bound by any representation, warranty, promise, or statement unless it is specifically set forth in this Agreement.

14. This Agreement shall be deemed to have been entered into and shall be construed and enforced in accordance with the laws of the State of California. Should any term of this Agreement be deemed unlawful, that provision shall be severed, or construed in accordance with applicable law as nearly as possible to reflect the Parties' mutual original intent, and all remaining terms shall continue to be valid and fully enforceable. Furthermore, the place of performance shall be the County of Kern, State of California, in the event of litigation.

15. This Agreement shall bind the heirs, personal representatives, successors, and assigns of the Parties, and inure to the benefit of each Party, its successors and assigns.

16. The Parties agree to execute and deliver any other instrument or document convenient or necessary to carry out the terms of this Agreement.

17. This Agreement is made and is enforceable in accordance with the provisions of Code of Civil Procedure Section 664.6 and the Parties agree that the Court shall retain jurisdiction for that purpose after dismissal of the Legal Action.

18. Failure of any of the Parties to insist upon the strict observance of, or compliance with, all of the terms of this Agreement in one or more instances, shall not be deemed to be a waiver of any of the Parties' right to insist upon such observance or compliance with the other terms of this Agreement.

19. This Agreement is intended to be for the benefit of the Parties, and by this instrument, the Parties do not release any claims against any other person or entity.

20. If any suit or action or other proceeding is commenced to enforce or interpret any of the terms or provisions of this Agreement, the prevailing Party in such suit or action or other proceeding shall be entitled to an award against the other Party for

the prevailing Party's reasonable attorney's fees and costs incurred both at trial and on any appeal.

SO AGREED.

SIERRA CLUB

By:	Dated

CITY OF TAFT AND TAFT CITY COUNCIL

By: Randy Miller Mayor	4-11-16 Dated

Approved as to Form.

By: Babak Naficy Attorney for the Sierra Club	Dated
By: Derek P. Cole Attorney for City of Taft and Taft City Council	4-11-16 Dated

the prevailing Party's reasonable attorney's fees and costs incurred both at trial and on any appeal.

SO AGREED.

SIERRA CLUB

Gordon L. Nipp — March 15, 2016

By: [Insert Name] — Dated

CITY OF TAFT AND TAFT CITY COUNCIL

By: Randy Miller
Mayor — Dated

Approved as to Form.

Babak Naficy

By: Babak Naficy
Attorney for the Sierra Club — Dated

By: Derek P. Cole
Attorney for City of Taft and
Taft City Council — Dated

EXHIBIT A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT ADDING TITLE 6, CHAPTER 16 TO THE TAFT MUNICIPAL CODE TO BE KNOWN AS THE "URBAN GROWTH BOUNDARY ORDINANCE"

The City Council of the City of Taft does hereby ordain as follows:

SECTION 1.

Chapter 16 of Title 6 of the Taft Municipal Code to read as follows:

Section 6.16.10. Title.

This ordinance shall be known as the City of Taft Urban Growth Boundary Ordinance.

Section 6.16.20. Purpose and Findings.

A. Purpose. The purpose of this ordinance is to create the City of Taft Urban Growth Boundary (Taft UGB). The Taft UGB has the following objectives:

1. To encourage efficient growth patterns, discourage sprawl development and premature conversion of agricultural lands and open space to urban use and protect the City's quality of life by concentrating future development within the adopted Urban Growth Boundary;

2. To promote on lands outside the Taft UGB ongoing agricultural, oil and gas, and other natural resource and open space uses such as preservation of natural resources, and protection of environmentally sensitive habitat, public and private outdoor recreation, uses that foster public health and safety, and productive investment for agricultural and oil and gas enterprises;

3. To manage the City's growth in a manner that fosters and protects the character of the City while encouraging appropriate economic development in accordance with the City's unique local conditions and General Plan;

4. To allow the City to continue to meet its obligation to provide its fair share of regional housing needs for all economic segments of the population by directing the development of housing into areas where services and infrastructure are more efficiently available; and

5. To promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long-term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.

B. Findings.

1. The protection of existing agricultural, oil and gas, open space, and other lands surrounding the City is of critical importance to present and future residents of the City.

2. Continued urban encroachment into agricultural, oil and gas, or open space areas may impair agriculture and oil and gas land uses and threaten the public health, safety and welfare by causing increased traffic congestion, and associated air pollution. Such urban encroachment would require both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban, agricultural, oil and gas, and open space uses.

3. The unique character of the City and quality of life of City residents depend on the protection of a substantial amount of open space, rural, agricultural, and oil and gas land uses outside of the City's urban area. The protection of such lands not only ensures the continued viability of agriculture and oil and gas operations, but also protects the limited available water supply to surrounding communities and contributes to the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

4. This measure ensures that the important Goals and Policies of the 2010 General Plan are inviolable against transitory and short-term decisions and that agricultural, oil and gas, and open space lands are not prematurely or unnecessarily converted to non-agricultural or non-open space uses without adequate public debate and a vote of the People. Accordingly, the City shall restrict the provision of urban services, or creation of urban uses, other than in certain circumstances and according to specific procedures set forth in this measure, within the territory of the Taft UGB as set forth and depicted as Figure 1 to this Ordinance.

Section 6.16.30. General Plan Amendment: Changes in Boundary

This ordinance hereby amends the Taft General Plan by adding or amending the following in Chapter 3.0 of the Land Use Element of the 2010 General Plan:

CITY OF TAFT URBAN GROWTH BOUNDARY

The City of Taft (City) has adopted a UGB line denominated the City of Taft UGB (Taft UGB, as set forth and depicted in Figure 1. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in this General Plan Amendment.

A. Purpose.

1. The purpose of this amendment is to ensure that the preservation of agricultural production, oil and gas development, open space, and protection of environmentally sensitive habitat are inviolable against transitory and short-term decisions and that agricultural, oil and gas, and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate at a

public hearing or a vote of the people.

2. Limiting urban sprawl through the use of an UGB enhances the sense of community, allows for development unique to the City of Taft, and promotes the efficient use of the City's infrastructure and limits public funding of infrastructure and road repair.

B. Principles.

1. Continued urban encroachment into agricultural, oil and gas, and open space areas negatively impacts sensitive environmental areas, intrudes on open space irrevocably changing its utility, diminishes the quality of life, and threatens the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and causing potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources not only for the City of Taft but for its jurisdictional neighbors. Such urban encroachment may eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural, oil and gas, and open space uses.

2. The unique character of the City, and quality of life of City residents, depends on the protection of a substantial amount of agricultural, oil and gas, and open space lands. The protection of such lands through the implementation of this measure not only ensures the continued viability of agriculture and oil and gas operations, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

C. Implementation.

1. The City hereby establishes the Taft Urban Growth Boundary (Taft UGB), as set forth and depicted in Figure 1, which shall be separately set forth and depicted in [specify map or figure location in 2010 General Plan].

2. The City shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Taft UGB, except as provided herein and except for the purpose of completing roadways designated in the circulation element of the Taft General Plan as of January 1, 2015. Other than the exceptions provided for herein, upon the effective date of this 2010 General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this General Plan amendment, unless in accordance with the Amendment Procedures of Section D, below, of this General Plan Amendment.

3. "Urbanized uses of land" shall mean any development that would require the establishment of new community sewer and/or water systems or the

significant expansion of existing community sewer and/or water systems; or, would result in the creation of residential densities greater than one primary residential unit per 10 acres in area; or, would result in the establishment of commercial or industrial uses which do not involve the cultivation, harvesting, or assembly of agricultural products or that are not related to the production of oil and gas or other mineral resources.

3. The Taft UGB may not be amended, altered, revoked or otherwise changed except by vote of the people or by the City Council pursuant to the procedures set forth in Section D of this General Plan Amendment.

D. Amendment Procedures.

1. The foregoing Purposes, Principles and Implementation provisions of this General Plan amendment, and the Taft UGB may be amended only pursuant to one of the following methods:

(a) The City Council may, by a majority vote, amend the Taft UGB described herein for non-residential uses if it deems it to be in the public interest, consistent with the intent of this Ordinance, provided that the amended boundary is adjacent to the Taft UGB established by this General Plan. The result of the action would be a negative or neutral impact on the amount of land within the UGB. Such amendment may be adopted only if the City Council makes the following finding:

(i) The land subject to the proposed Taft UGB boundary amendment is immediately adjacent to existing compatibly developed areas and the applicant for inclusion of land within the UGB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, and the local water agency with jurisdiction over such land have adequate capacity to accommodate the proposed development and provide it with adequate public services.

(b) The City Council, following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may amend, by majority vote, the Taft UGB described herein to implement the Housing Element of the General Plan to achieve compliance with the applicable regional housing needs assessment pursuant to Government Code section 65580 *et seq*. The City Council may amend the Taft UGB as described herein in order to accommodate lands to be designated for residential uses, provided that no more land may be brought within the UGB as required for compliance with State law for this purpose. Such amendment may be adopted only if the City Council makes each of the following findings:

(i) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the Taft UGB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, applicable water and sewer districts, and the school district with jurisdiction over such land have adequate capacity to accommodate the proposed development and provide it with adequate public services; and

(ii) The proposed development will address the highest priority need identified in the analysis, of the Housing Element, by which the City has determined it is not in compliance with State law, i.e., low and very low income housing; and

(iii) There is no existing residentially designated land of comparable size and accessibility available within the Taft UGB to accommodate the proposed development; and

(iv) It is not reasonably feasible to accommodate the proposed development by re-designating lands within the Taft UGB.

(c) The City Council following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may amend, by majority vote, the Taft UGB described herein, based on substantial evidence in the record, if the City Council makes each of the following findings:

(i) Application of the provisions of subsections (a) or (b) of these amendment procedures are unworkable and failure to amend the Taft UGB would constitute an unconstitutional taking of a landowner's property for which compensation would be required or would deprive the landowner of a vested right; and

(ii) The amendment and associated land use designations will allow additional land uses only to the minimum extent necessary to avoid such unconstitutional taking of the landowner's property or to give effect to the vested right.

(d) The City Council following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may place any amendment to the Taft UGB or the provisions of this ordinance concerning any urbanized uses of land not subject to subsections (a), (b), or (c) on the ballot pursuant to the mechanisms provided by State law.

Section 6.16.40. Exemptions.

The provisions of this Article do not apply to any roadways designated in the Circulation Element of the Taft General Plan as of January 1, 2015, , nor to any development project that has obtained as of the effective date of this ordinance a vested right pursuant to State or local law.

Section 6.16.60. Severability.

This ordinance shall be interpreted so as to be consistent with all federal and State laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If any provision of this ordinance is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. It is the intent of the City Council that this ordinance shall be interpreted by the City and others in a manner that facilitates the confinement of urban uses within the City's UGB thereby protecting agricultural, oil and gas, open space, and rural lands, and preventing urban sprawl.

SECTION 2.

This ordinance shall take effect thirty (30) days after its passage by the City Council. Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Kern, State of California, together with names of the members of the City Council voting for and against the same.

Considered at a regular meeting of the Planning Commission of the City of Taft held on the ___ day of _____ and adopted at a regular meeting of the City Council held on the ___ day of _____ by the following vote:

EXHIBIT B

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT ADDING TITLE 6, CHAPTER 17, AND SECTION 10-3-18 TO THE TAFT MUNICIPAL CODE CONCERNING WATER SUPPLY REQUIREMENTS FOR NEW DEVELOPMENT AND SUBDIVISIONS

The City Council of the City of Taft does hereby ordain as follows:

SECTION 1.

Chapter 17 of Title 6 of the Taft Municipal Code is added to read as follows:

Section 6.17.10. Requirement for Proof of Adequate Water Supply

As a condition for receiving any discretionary approval under this Title, an applicant shall demonstrate:

(A) An assured water supply and delivery system is available at the time of project approval. For purposes of this section, an "assured water supply" is one that has been accounted for in the most recently adopted urban water management plan of the water agency that will furnish water for the project. If the project was not accounted for in the agency's most recent urban water management plan, or water would be provided to the project from a source for which no urban water management plan has been adopted, an assured water supply shall exist if the applicant demonstrates that the proposed water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the water system's existing and planned future uses, including agricultural and manufacturing uses. The water agency providing service to the project may provide several alternative methods of supply and/or delivery, provided that any method of supply or delivery is capable individually of providing water to the project; and

(B) All required water infrastructure for the project is assured through the use of financial guarantees to the City's satisfaction prior to the issuance of any building permit; and

(C) All required water infrastructure for a property is constructed and is in place prior to the issuance for a certificate of occupancy for any structure or building on a site; and

(D) For any project that involves development in phases, all required infrastructure is constructed in a manner and at times that will allow for the orderly phasing of the project.

SECTION 2.

Chapter 1 of Title 10 of the Taft Municipal Code is added to read as follows:

Section 10-3-18. Requirement for Proof of Adequate Water Supply

As a condition for receiving any approval of any subdivision under this Title, an applicant shall demonstrate:

(A) The proposed water supply and delivery systems for the subdivision shall be

identified at the time of tentative map approval to the satisfaction of the City. The water agency providing service to the project may provide several alternative methods of supply and/or delivery, provided that any method of supply or delivery is capable individually of providing water to the project; and

(B) The agency providing water service to the subdivision shall demonstrate prior to the approval of the final map by the City that the proposed subdivision has been accounted for in its most recently adopted urban water management plan. If the project was not accounted for in the agency's most recent urban water management plan, an assured water supply shall exist if the applicant demonstrates that the water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the water system's existing and planned future uses, including agricultural and manufacturing uses.

(C) Off-site and on-site water infrastructure sufficient to provide adequate water to the subdivision shall either be in place prior to the approval of the final map, or the financing of such infrastructure shall be assured to the satisfaction of the City prior to such time, consistent with the requirements of the Subdivision Map Act.

SECTION 3.

This ordinance shall take effect thirty (30) days after its passage by the City Council. Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Kern, State of California, together with names of the members of the City Council voting for and against the same.

Considered at a regular meeting of the Planning Commission of the City of Taft held on the ___ day of _____ and adopted at a regular meeting of the City Council held on the ___ day of _____ by the following vote:

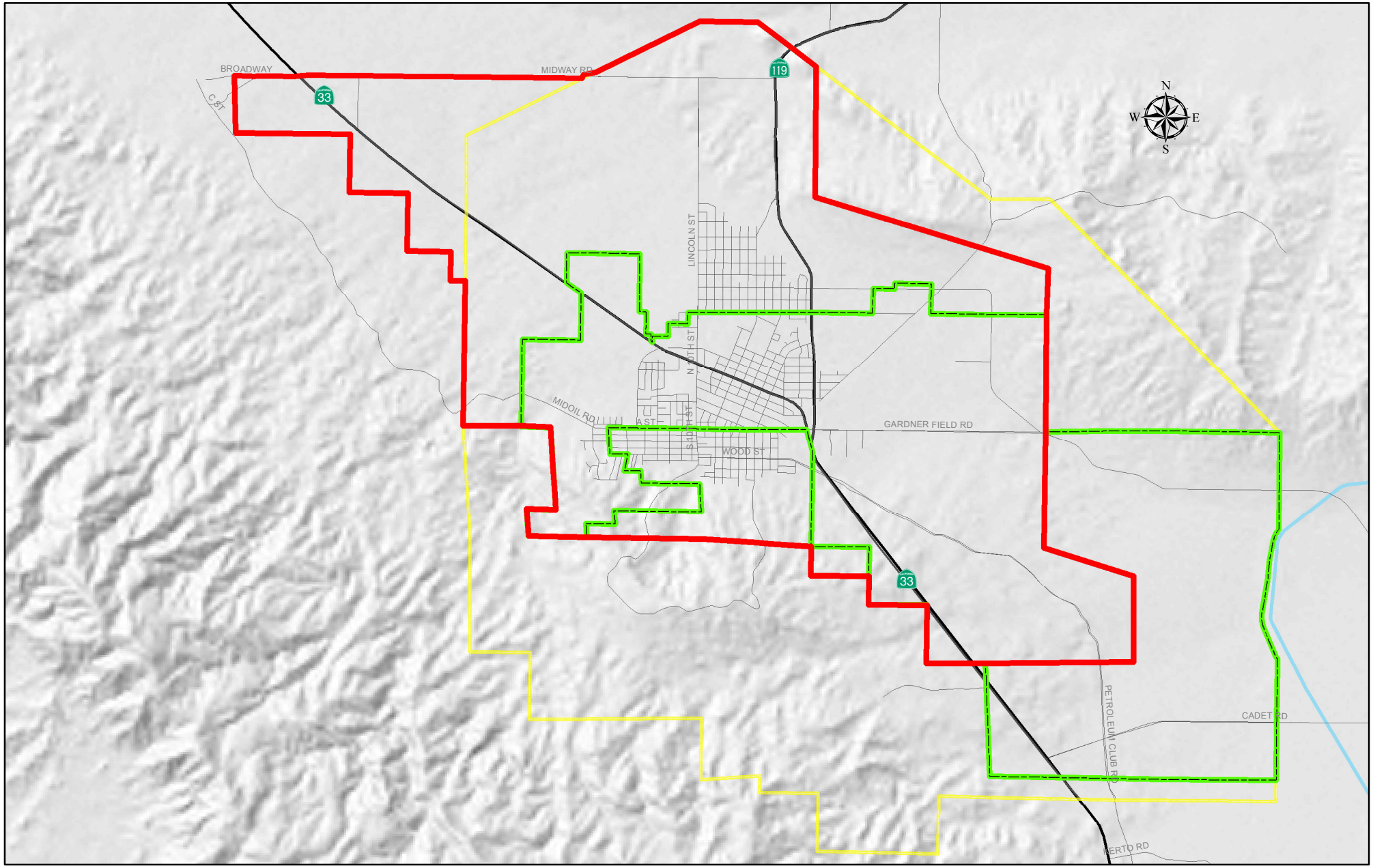

EXHIBIT "A"

CITY OF TAFT
URBAN AREA PLAN

Legend

- Urban Area (~18 Sq Miles)
- Taft City Limits (~15 Sq Miles)
- Sphere of Influence (~37 Sq Miles)

0 1 2 Miles

This map was prepared by the City of Taft, CA Geographic InformationSystems division of Planning and Building Department. The City of Taft makes no warranty, representation, or guarantee regarding the accuracy of this map The map is intended for display purposes only and does not replace official recorded documents.

City of Taft Planning, Print Date: March 20, 2012
File: V:\Projects\General Plan Land Use\Urban Areas Committees\Urban Areas2012.mxd

City of Taft
Planning Commission
Staff Report

Agenda Item #5

DATE: May 18, 2016

TO: Chairman Orrin and Members of the Planning Commission

FROM: Mark Staples, Director
Planning and Development Services

SUBJECT: Zoning Ordinance Amendment No. 2016-10 – Water Supply Requirements

RECOMMENDATION: Adopt a Resolution recommending approval to the City Council of Zoning Ordinance Amendment No. 2016-10, an amendment of the Taft Municipal Code by adding a chapter to Title 6, the Taft Zoning Ordinance, and adding a section to Chapter 3 of Title 10, the Taft Subdivision Ordinance, regarding water supply requirements for new developments and subdivisions.

LOCATION: Citywide

PROJECT ANALYSIS:
On April 11, 2016, Mayor Miller signed a settlement agreement regarding the Sierra Club's suit against the City of Taft for the General Plan that was adopted on June 22, 2010. After much deliberation the Sierra Club and the City reached an agreement without going to a hearing, but does include some conditions that the City much complete within the next year.

The 2010 General Plan had an ambitious planning area that extended eastward from the current City boundary and sphere of influence to Interstate 5, from the intersection with Stockdale Highway on the north to Highway 166 on the south. The planning area included the Kern County Raceway Park, Lake Buena Vista, and agricultural areas along South Lake Road.

During the pending litigation period with the Sierra Club, the City agreed to reduce the planning area to an area similar to the current City boundary and sphere of influence. The reduction in the planning area was needed as the expanded planning area included an additional water district to the current one serving the City of Taft, West Kern Water District. The water availability studies conducted for the other district found that there was insufficient supply for full buildout of the planning area. Thus, reducing the planning area leaves the City working with just one water district. The West Kern Water District is in the process of completing their Urban Water Management Plan, which provides a currently analysis and a 25-year outlook on their District water supply. City staff will come back at a future meeting with the agreement with the District.

In addition to the items above, the City agreed to adopt an ordinance that requires all new development to demonstrate that there is adequate water supply prior to a final subdivision map approval or approval of any discretionary entitlements. As the City is not the local water purveyor, the City had always advised new applicants (Best Western Hotel, Taco Bell, etc.) to meet with the West Kern Water District to begin the process of determining water supply for each project or if there was a need to acquire more supply from wholesale water suppliers. This new ordinance requires new subdivisions and non-residential developments to complete most of this process prior to Planning Commission or City Council approval.

Attached is the draft new Water Supply Requirements Ordinance, which is a new Chapter 17 of Title 6, the Taft Zoning Ordinance. The amendment also includes adding Section 10-3-18 to Chapter 3 of Title 10, the Taft Subdivision Ordinance. Both amendments require an assured water supply and delivery system at the time of project or subdivision approval. City staff will revise application to reflect the new requirement for proof of water supply and delivery.

Therefore, staff recommends that the Planning Commission hold a public hearing and adopt a resolution recommending approval to the City Council of Zoning Ordinance Amendment No. 2016-10, an amendment of the Taft Municipal Code by adding a chapter to Title 6, the Taft Zoning Ordinance, and adding a section to Chapter 3 of Title 10, the Taft Subdivision Ordinance, regarding water supply requirements for new developments and subdivisions.

CEQA:

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) as set forth in Section 15061(b)(3) of the CEQA Guidelines as the proposed amendment will have no significant effect on the environment.

ATTACHMENTS:

1. Resolution
2. Settlement Agreement – Sierra Club v. City of Taft

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING ORDINANCE AMENDMENT NO. 2016-10, AN AMENDMENT OF THE TAFT MUNICIPAL CODE BY ADDING A CHAPTER TO TITLE 6, THE TAFT ZONING ORDINANCE, AND ADDING A SECTION TO CHAPTER 3 OF TITLE 10, THE TAFT SUBDIVISION ORDINANCE, REGARDING WATER SUPPLY REQUIREMENTS FOR NEW DEVELOPMENTS AND SUBDIVISIONS

WHEREAS, California Government Code Section 65800 provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities; and

WHEREAS, the City of Taft is responsible for continually reviewing and updating the adopted Zoning Ordinance to address changing conditions within the City; and

WHEREAS, there is a finite supply of water available to all residents and businesses of the State of California and City of Taft; and

WHEREAS, the West Kern Water District is the local water purveyor for the City of Taft and most of the west side of Kern County; and

WHEREAS, the City encourages efficient growth patterns and sustainable developments with an assured water supply and delivery system; and

WHEREAS, the City is promoting stability in long term planning by establishing policies that designate the geographic limits of long-term development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time; and

WHEREAS, the Planning Commission reviewed and commented on a draft ordinance amendment of adding a Chapter 17 to Title VI, and a section to Chapter 3 of Title X, of the Taft Municipal Code at its regular meeting on May 18 2016; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Zoning Ordinance Amendment No. 2016-10, City Staff's written and oral reports, and all public testimony before making a decision on this request; and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the Planning Commission has fully considered this request and the potential environmental effects.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, RESOLVE, AND RECOMMEND AS FOLLOWS:

1. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan and is necessary and desirable to implement the provision of the General Plan; and

2. The proposed amendment will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern; and

3. The proposed amendment is consistent with the purpose and intent of the remainder of this Zoning Ordinance not under consideration; and

4. The potential environmental impacts of the proposed amendment are insignificant, have been mitigated, or there are overriding considerations that outweigh the potential impacts; and

5. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines because the Code Amendment will have no significant effect on the environment.

SECTION 1. The following addition of Chapter 17, of Title VI, shall be recommended to the City Council of the City of Taft as follows:

CHAPTER 17 OF TITLE VI
WATER SUPPLY REQUIREMENTS

6.17.10 PURPOSE
6.17.20 PROOF OF ADEQUATE WATER SUPPLY

6.17.10 Purpose

These provisions are intended to ensure that all new developments and residential subdivision have an assured water supply and delivery system. The standards contained in this Chapter apply throughout the City in each zone district and, as appropriate, for all land uses and development.

6.17.20 Proof of Adequate Water Supply

As a condition for receiving any discretionary approval under this Title, an applicant shall demonstrate:

1. An assured water supply and delivery system is available at the time of project approval. For purposes of this section, an "assured water supply" is one that has been accounted for in the most recently adopted urban water management plan of the water agency that will furnish water for the project. If the project was not accounted for in the agency's most recent urban water management plan, or water would be provided to the project from a source for which no urban water management plan has been adopted, an assured water supply shall exist if the applicant demonstrates that the proposed water system's total projected water

supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the water system's existing and planned future uses, including agricultural and manufacturing uses. The water agency providing service to the project may provide several alternative methods of supply and/or delivery, provided that any method of supply or delivery is capable individually of providing water to the project; and

2. All required water infrastructure for the project is assured through the use of financial guarantees to the City's satisfaction prior to the issuance of any building permit; and

3. All required water infrastructure for a property is constructed and is in place prior to the issuance for a certificate of occupancy for any structure or building on a site; and

4. For any project that involves development in phases, all required infrastructure is constructed in a manner and at times that will allow for the orderly phasing of the project.

SECTION 2. Section 10-3-18 of Title X of the Taft Municipal Code is added to read as follows:

10-3-18: **PROOF OF ADEQUATE WATER SUPPLY:** As a condition for receiving any approval of any subdivision under this Title, an applicant shall demonstrate:

A. The proposed water supply and delivery systems for the subdivision shall be identified at the time of tentative map approval to the satisfaction of the City. The water agency providing service to the project may provide several alternative methods of supply and/or delivery, provided that any method of supply or delivery is capable individually of providing water to the project; and

B. The agency providing water service to the subdivision shall demonstrate prior to the approval of the final map by the City that the proposed subdivision has been accounted for in its most recently adopted urban water management plan. If the project was not accounted for in the agency's most recent urban water management plan, an assured water supply shall exist if the applicant demonstrates that the water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the water system's existing and planned future uses, including agricultural and manufacturing uses.

C. Off-site and on-site water infrastructure sufficient to provide adequate water to the subdivision shall either be in place prior to the approval of the final map, or the financing of such infrastructure shall be assured to the satisfaction of the City prior to such time, consistent with the requirements of the Subdivision Map Act.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this Resolution. The Planning Commission hereby declares that it would have passed this Resolution, and each section, subsection, clause and phrase thereof, irrespective of the face that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the City Clerk to the City Council of the City of Taft.

PASSED AND ADOPTED on this 18th day of May, 2016.

ATTEST

_____ _____

Brenda Johns, Deputy City Clerk Ron Orrin, Chairman

CERTIFICATION

I, Brenda Johns, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a specially scheduled meeting held on the 18th day of May, 2016, by the following vote

AYES:
NOES:
ABSENT:
ABSTENTIONS:

_____

Brenda Johns, Deputy City Clerk

SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS

This Settlement Agreement and Mutual Release of Claims ("Agreement") is entered into between Petitioner, Sierra Club ("Sierra Club") and Respondent, City of Taft and Taft City Council (collectively, "City") regarding *Sierra Club v. City of Taft*, Kern Superior Court Case No. S-1500-CV-271090 (the "Legal Action"). Collectively, the Sierra Club and the City are "Parties" to this Agreement and each is, individually, a "Party" to this Agreement. This Agreement shall be deemed to have been entered into on April 11, 2016 ("Effective Date").

RECITALS

A. The Sierra Club commenced the Legal Action on July 22, 2010. The action alleges six causes of action asserting that the City's approval of its 2010 General Plan Update ("GPU") violated the California Environmental Quality Act ("CEQA"). The Sierra Club sought a writ of mandate to compel the City to comply with CEQA prior to implementing, applying, or enforcing the GPU. The City answered the petition on August 19, 2010.

B. Without making any admissions, the Parties through this Agreement seek to resolve their outstanding disputes in a manner that allows them to forego the expenses, burdens, and time commitment of further proceedings in the Legal Action.

AGREEMENT

1. The Parties to this Agreement hereby incorporate the above-stated Recitals as material terms of this Agreement.

2. As conditions for the releases provided for within, the City shall undertake all of the following actions:

A. Within 120 days of the Effective Date of this Agreement, the City shall adopt an Urban Growth Boundary Ordinance (amending both the GPU and the City Zoning Ordinance) substantially in the form as shown in **Exhibit A**, which is incorporated into this Agreement by reference;

B. Within 120 days of the Effective Date of this Agreement, the City shall adopt an ordinance requiring that all new development prove the existence of an adequate water supply prior to final subdivision map approval or approval of any discretionary entitlements. This ordinance shall be adopted substantially in the form as shown in **Exhibit B**, which is incorporated into this Agreement by reference;

C. Within 120 days of the Effective Date of this Agreement, the City shall enter into a contract with, or enter into another suitable arrangement with, the West Kern Water District ("WKWD") to perform and provide a water availability analysis for areas of growth authorized within the above Urban Grown Boundary Ordinance for all time horizons analyzed in the GPU. The contract shall include provisions for the analysis to be completed within a reasonable time and the City shall at all times promptly and diligently cooperate with WKWD in providing all information, data, maps, records, and other documents for WKWD to properly supply all contracted for or requested deliverables;

D. The City shall use complete the preparation of a Climate Action Plan within 12 months of the execution of this Agreement.

E. As interim measures to be implemented prior to the adoption of a climate action plan, the City shall take the following actions:

(i) The City will install a Level Two electronic vehicle charging station at City Hall, and an additional Level Two charging station at a park-and-ride facility near the City Transit Center, within 12 months of the Effective Date of this Agreement. The City will use its best efforts to obtain grant funding for and to secure the installation of a Level Three charging station within City limits at the earliest feasible time;

(ii) The City will use its best efforts to require the installation of electronic-vehicle charging stations as mitigation measures under CEQA or as conditions of approval under its land-use authority whenever it considers discretionary applications for entitlements relating to new gasoline service stations;

(iii) The City will continue converting its passenger and commuter-car fleet by only purchasing new, or replacing existing, gas-fueled vehicles with electronic vehicles, except in situations in which (1) an electric vehicle is not available for purchase for the type of vehicle needed or being replaced; (2) an electric vehicle would not enable the City to reasonably perform the function for which the vehicle is needed; or (3) the purchase price of an electric model of the vehicle is so significantly greater than the purchase price of a gas-fueled model that purchasing the electric model would be cost prohibitive;

(iv) The City will only purchase new, or replace existing, diesel trucks and heavy vehicles with engines that meet California Air Resources Board (CARB) standards or rated at Tier IV or greater standards; and

(v) For discretionary projects the City reviews under CEQA, if an applicant satisfies its obligations for its proposed development project under Rule 9510, and fully complies with Indirect Source Review, to the extent applicable, the City shall not solely on that basis conclude substantial evidence exists that the projects' air-quality impact for the contaminants addressed by that rule are reduced to a level less than significant or no impact.

3. Because the actions set forth in the preceding paragraph will require approvals by the City Council of the City, the parties expressly recognize that the City Council of the City has no authority to waive the enforcement of any law or to agree to exercise its discretion in any specific manner. Notwithstanding the foregoing, the parties recognize the substantial public and environmental benefits of the above-stated actions, if taken, and thus agree that the dismissal required in the following paragraph shall be without prejudice to the Sierra Club's right to resume this litigation, and to be restored to all rights, benefits, and interests it possessed prior to the Effective Date, should the City fail to complete all of the actions set forth in the preceding paragraph. The Parties agree that all statutes of limitations applicable to the claims and causes of action stated in the Legal Action shall be tolled until such time that the City fails to comply with this Agreement and fails to timely cure its noncompliance within a reasonable time of receiving a written demand by the Sierra Club.

4. Within 30 days of the Effective Date of this Agreement, the City shall pay the sum of $44,892.06 to the Sierra Club as reimbursement of its legal fees and costs in this action. The City shall make such payment through the Sierra Club's counsel of record payable to the Law Office of Babak Naifcy.

5. Within five days of receipt of the payment required in the preceding paragraph, the Sierra Club shall file a request to dismiss, without prejudice, and timely serve a copy of the same on the City. Upon receiving an executed dismissal from the Court, the Sierra Club shall serve the dismissal on the City promptly thereafter.

6. Each Party and his/her/its heirs, executors, administrators, predecessors, successors in interest, affiliates, partners, assigns, agents, officers and directors hereby forever generally, completely and mutually release and discharge the other, including, but not limited to, his/her/its heirs, executors, administrators, trustees, settlors, beneficiaries, issue, directors, officers, shareholders, agents, predecessors, assigns, employees and attorneys, from any and all claims, demands, debts, duties, obligations, promises, liabilities, damages, accounts, payments, liens, acts, costs, expenses, sums of money, suits, dues, actions and/or causes of action of every kind and nature in law, equity, or

otherwise, known and unknown, matured and unmatured, suspected and unsuspected, disclosed and undisclosed, and in particular from all claims and demands of every kind and nature, known and unknown, matured and unmatured, suspected and unsuspected, disclosed and undisclosed, for damages actual and consequential, past, present, and after, arising out of or in any way related to their respective obligations, activities and/or dealings with one another arising out of or in any way related to or based upon the facts, circumstances or disputes claimed in, or related to, the subject matter of the Legal Action.

7. It is the intention of the Parties hereto that, upon full satisfaction of the conditions set forth above, this Agreement shall be effective as a full and final accord and satisfaction, and as a bar to all actions, causes of action, and obligations, costs, expenses, attorneys' fees, damages, losses, claims, liabilities, and demands of whatsoever nature, character, or kind, known or unknown, suspected or unsuspected, with the exception of the Parties' rights and obligations under this Agreement. All of the Parties hereto acknowledge that they are familiar with Section 1542 of the California Civil Code and expressly waive the benefits thereof. Section 1542 reads as follows:

> **A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.**

8. The Parties acknowledge they have received the advice of counsel regarding the advisability of all releases provided for within, including the waiver of California Civil Code section 1542. The Parties are aware that, following execution of this Agreement, they may discover claims or facts in addition to or different from those they now know or believe to be true in relation to the matters addressed in this Agreement. Nonetheless, it is their intention to fully and finally settle and release all claims they have or may have against each other, except as reserved herein.

9. The Parties acknowledge they have read this Agreement, have had the opportunity to have the Agreement explained to them by counsel of their choice, are aware of its content and legal effect, and are signing this Agreement freely and voluntarily.

10. This Agreement shall be effective upon its full execution. Each of the undersigned represents that he/she has the authority to bind the Party on whose behalf that he/she has executed this Agreement. The Agreement may be executed in counterparts and in duplicate originals. If so executed, then upon proof of execution of at least one copy, the Agreement shall be effective from the date of the last signature. If executed in duplicate, each duplicate copy shall be valid as an original copy.

11. The Parties each warrant that it has not assigned or transferred, attempted to assign or transfer, and will not assign or transfer, any claim which was raised, or could have been raised, in connection with the Legal Action. Should any controversy arise over any assignment or transfer of any claim in this Agreement, the Parties further agree that the Party who is alleged to have made such assignment or transfer shall fully indemnify the other Parties as to that controversy, including any legal action arising from it.

12. This Agreement has been jointly negotiated and drafted. The language of this Agreement shall be construed as a whole according to its fair meaning, and not strictly for or against any Party.

13. This Agreement constitutes the entire agreement between the Parties. No modification of this Agreement shall be valid unless in writing and signed by the Parties. The Parties shall not be bound by any representation, warranty, promise, or statement unless it is specifically set forth in this Agreement.

14. This Agreement shall be deemed to have been entered into and shall be construed and enforced in accordance with the laws of the State of California. Should any term of this Agreement be deemed unlawful, that provision shall be severed, or construed in accordance with applicable law as nearly as possible to reflect the Parties' mutual original intent, and all remaining terms shall continue to be valid and fully enforceable. Furthermore, the place of performance shall be the County of Kern, State of California, in the event of litigation.

15. This Agreement shall bind the heirs, personal representatives, successors, and assigns of the Parties, and inure to the benefit of each Party, its successors and assigns.

16. The Parties agree to execute and deliver any other instrument or document convenient or necessary to carry out the terms of this Agreement.

17. This Agreement is made and is enforceable in accordance with the provisions of Code of Civil Procedure Section 664.6 and the Parties agree that the Court shall retain jurisdiction for that purpose after dismissal of the Legal Action.

18. Failure of any of the Parties to insist upon the strict observance of, or compliance with, all of the terms of this Agreement in one or more instances, shall not be deemed to be a waiver of any of the Parties' right to insist upon such observance or compliance with the other terms of this Agreement.

19. This Agreement is intended to be for the benefit of the Parties, and by this instrument, the Parties do not release any claims against any other person or entity.

20. If any suit or action or other proceeding is commenced to enforce or interpret any of the terms or provisions of this Agreement, the prevailing Party in such suit or action or other proceeding shall be entitled to an award against the other Party for

the prevailing Party's reasonable attorney's fees and costs incurred both at trial and on any appeal.

SO AGREED.

SIERRA CLUB

By:	Dated

CITY OF TAFT AND TAFT CITY COUNCIL

By: Randy Miller Mayor	4-11-16 Dated

Approved as to Form.

By: Babak Naficy Attorney for the Sierra Club	Dated
By: Derek P. Cole Attorney for City of Taft and Taft City Council	4-11-16 Dated

the prevailing Party's reasonable attorney's fees and costs incurred both at trial and on any appeal.

SO AGREED.

SIERRA CLUB

Gordon L. Nipp — March 15, 2016

By: [Insert Name] — Dated

CITY OF TAFT AND TAFT CITY COUNCIL

By: Randy Miller
Mayor — Dated

Approved as to Form.

Babak Naficy

By: Babak Naficy
Attorney for the Sierra Club — Dated

By: Derek P. Cole
Attorney for City of Taft and
Taft City Council — Dated

EXHIBIT A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT ADDING TITLE 6, CHAPTER 16 TO THE TAFT MUNICIPAL CODE TO BE KNOWN AS THE "URBAN GROWTH BOUNDARY ORDINANCE"

The City Council of the City of Taft does hereby ordain as follows:

SECTION 1.

Chapter 16 of Title 6 of the Taft Municipal Code to read as follows:

Section 6.16.10. Title.

This ordinance shall be known as the City of Taft Urban Growth Boundary Ordinance.

Section 6.16.20. Purpose and Findings.

A. Purpose. The purpose of this ordinance is to create the City of Taft Urban Growth Boundary (Taft UGB). The Taft UGB has the following objectives:

1. To encourage efficient growth patterns, discourage sprawl development and premature conversion of agricultural lands and open space to urban use and protect the City's quality of life by concentrating future development within the adopted Urban Growth Boundary;

2. To promote on lands outside the Taft UGB ongoing agricultural, oil and gas, and other natural resource and open space uses such as preservation of natural resources, and protection of environmentally sensitive habitat, public and private outdoor recreation, uses that foster public health and safety, and productive investment for agricultural and oil and gas enterprises;

3. To manage the City's growth in a manner that fosters and protects the character of the City while encouraging appropriate economic development in accordance with the City's unique local conditions and General Plan;

4. To allow the City to continue to meet its obligation to provide its fair share of regional housing needs for all economic segments of the population by directing the development of housing into areas where services and infrastructure are more efficiently available; and

5. To promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long-term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.

B. Findings.

1. The protection of existing agricultural, oil and gas, open space, and other lands surrounding the City is of critical importance to present and future residents of the City.

2. Continued urban encroachment into agricultural, oil and gas, or open space areas may impair agriculture and oil and gas land uses and threaten the public health, safety and welfare by causing increased traffic congestion, and associated air pollution. Such urban encroachment would require both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban, agricultural, oil and gas, and open space uses.

3. The unique character of the City and quality of life of City residents depend on the protection of a substantial amount of open space, rural, agricultural, and oil and gas land uses outside of the City's urban area. The protection of such lands not only ensures the continued viability of agriculture and oil and gas operations, but also protects the limited available water supply to surrounding communities and contributes to the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

4. This measure ensures that the important Goals and Policies of the 2010 General Plan are inviolable against transitory and short-term decisions and that agricultural, oil and gas, and open space lands are not prematurely or unnecessarily converted to non-agricultural or non-open space uses without adequate public debate and a vote of the People. Accordingly, the City shall restrict the provision of urban services, or creation of urban uses, other than in certain circumstances and according to specific procedures set forth in this measure, within the territory of the Taft UGB as set forth and depicted as Figure 1 to this Ordinance.

Section 6.16.30. General Plan Amendment: Changes in Boundary

This ordinance hereby amends the Taft General Plan by adding or amending the following in Chapter 3.0 of the Land Use Element of the 2010 General Plan:

CITY OF TAFT URBAN GROWTH BOUNDARY

The City of Taft (City) has adopted a UGB line denominated the City of Taft UGB (Taft UGB, as set forth and depicted in Figure 1. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in this General Plan Amendment.

A. Purpose.

1. The purpose of this amendment is to ensure that the preservation of agricultural production, oil and gas development, open space, and protection of environmentally sensitive habitat are inviolable against transitory and short-term decisions and that agricultural, oil and gas, and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate at a

public hearing or a vote of the people.

2. Limiting urban sprawl through the use of an UGB enhances the sense of community, allows for development unique to the City of Taft, and promotes the efficient use of the City's infrastructure and limits public funding of infrastructure and road repair.

B. Principles.

1. Continued urban encroachment into agricultural, oil and gas, and open space areas negatively impacts sensitive environmental areas, intrudes on open space irrevocably changing its utility, diminishes the quality of life, and threatens the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and causing potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources not only for the City of Taft but for its jurisdictional neighbors. Such urban encroachment may eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural, oil and gas, and open space uses.

2. The unique character of the City, and quality of life of City residents, depends on the protection of a substantial amount of agricultural, oil and gas, and open space lands. The protection of such lands through the implementation of this measure not only ensures the continued viability of agriculture and oil and gas operations, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

C. Implementation.

1. The City hereby establishes the Taft Urban Growth Boundary (Taft UGB), as set forth and depicted in Figure 1, which shall be separately set forth and depicted in [specify map or figure location in 2010 General Plan].

2. The City shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Taft UGB, except as provided herein and except for the purpose of completing roadways designated in the circulation element of the Taft General Plan as of January 1, 2015. Other than the exceptions provided for herein, upon the effective date of this 2010 General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this General Plan amendment, unless in accordance with the Amendment Procedures of Section D, below, of this General Plan Amendment.

3. "Urbanized uses of land" shall mean any development that would require the establishment of new community sewer and/or water systems or the

significant expansion of existing community sewer and/or water systems; or, would result in the creation of residential densities greater than one primary residential unit per 10 acres in area; or, would result in the establishment of commercial or industrial uses which do not involve the cultivation, harvesting, or assembly of agricultural products or that are not related to the production of oil and gas or other mineral resources.

3. The Taft UGB may not be amended, altered, revoked or otherwise changed except by vote of the people or by the City Council pursuant to the procedures set forth in Section D of this General Plan Amendment.

D. Amendment Procedures.

1. The foregoing Purposes, Principles and Implementation provisions of this General Plan amendment, and the Taft UGB may be amended only pursuant to one of the following methods:

(a) The City Council may, by a majority vote, amend the Taft UGB described herein for non-residential uses if it deems it to be in the public interest, consistent with the intent of this Ordinance, provided that the amended boundary is adjacent to the Taft UGB established by this General Plan. The result of the action would be a negative or neutral impact on the amount of land within the UGB. Such amendment may be adopted only if the City Council makes the following finding:

(i) The land subject to the proposed Taft UGB boundary amendment is immediately adjacent to existing compatibly developed areas and the applicant for inclusion of land within the UGB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, and the local water agency with jurisdiction over such land have adequate capacity to accommodate the proposed development and provide it with adequate public services.

(b) The City Council, following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may amend, by majority vote, the Taft UGB described herein to implement the Housing Element of the General Plan to achieve compliance with the applicable regional housing needs assessment pursuant to Government Code section 65580 *et seq*. The City Council may amend the Taft UGB as described herein in order to accommodate lands to be designated for residential uses, provided that no more land may be brought within the UGB as required for compliance with State law for this purpose. Such amendment may be adopted only if the City Council makes each of the following findings:

(i) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the Taft UGB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, applicable water and sewer districts, and the school district with jurisdiction over such land have adequate capacity to accommodate the proposed development and provide it with adequate public services; and

(ii) The proposed development will address the highest priority need identified in the analysis, of the Housing Element, by which the City has determined it is not in compliance with State law, i.e., low and very low income housing; and

(iii) There is no existing residentially designated land of comparable size and accessibility available within the Taft UGB to accommodate the proposed development; and

(iv) It is not reasonably feasible to accommodate the proposed development by re-designating lands within the Taft UGB.

(c) The City Council following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may amend, by majority vote, the Taft UGB described herein, based on substantial evidence in the record, if the City Council makes each of the following findings:

(i) Application of the provisions of subsections (a) or (b) of these amendment procedures are unworkable and failure to amend the Taft UGB would constitute an unconstitutional taking of a landowner's property for which compensation would be required or would deprive the landowner of a vested right; and

(ii) The amendment and associated land use designations will allow additional land uses only to the minimum extent necessary to avoid such unconstitutional taking of the landowner's property or to give effect to the vested right.

(d) The City Council following at least one noticed public hearing for presentations by an applicant and the public, and after compliance with CEQA, may place any amendment to the Taft UGB or the provisions of this ordinance concerning any urbanized uses of land not subject to subsections (a), (b), or (c) on the ballot pursuant to the mechanisms provided by State law.

Section 6.16.40. Exemptions.

The provisions of this Article do not apply to any roadways designated in the Circulation Element of the Taft General Plan as of January 1, 2015, , nor to any development project that has obtained as of the effective date of this ordinance a vested right pursuant to State or local law.

Section 6.16.60. Severability.

This ordinance shall be interpreted so as to be consistent with all federal and State laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If any provision of this ordinance is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. It is the intent of the City Council that this ordinance shall be interpreted by the City and others in a manner that facilitates the confinement of urban uses within the City's UGB thereby protecting agricultural, oil and gas, open space, and rural lands, and preventing urban sprawl.

SECTION 2.

This ordinance shall take effect thirty (30) days after its passage by the City Council. Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Kern, State of California, together with names of the members of the City Council voting for and against the same.

Considered at a regular meeting of the Planning Commission of the City of Taft held on the ___ day of _____ and adopted at a regular meeting of the City Council held on the ___ day of _____ by the following vote:

EXHIBIT B

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT ADDING TITLE 6, CHAPTER 17, AND SECTION 10-3-18 TO THE TAFT MUNICIPAL CODE CONCERNING WATER SUPPLY REQUIREMENTS FOR NEW DEVELOPMENT AND SUBDIVISIONS

The City Council of the City of Taft does hereby ordain as follows:

SECTION 1.

Chapter 17 of Title 6 of the Taft Municipal Code is added to read as follows:

Section 6.17.10. Requirement for Proof of Adequate Water Supply

As a condition for receiving any discretionary approval under this Title, an applicant shall demonstrate:

(A) An assured water supply and delivery system is available at the time of project approval. For purposes of this section, an "assured water supply" is one that has been accounted for in the most recently adopted urban water management plan of the water agency that will furnish water for the project. If the project was not accounted for in the agency's most recent urban water management plan, or water would be provided to the project from a source for which no urban water management plan has been adopted, an assured water supply shall exist if the applicant demonstrates that the proposed water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the water system's existing and planned future uses, including agricultural and manufacturing uses. The water agency providing service to the project may provide several alternative methods of supply and/or delivery, provided that any method of supply or delivery is capable individually of providing water to the project; and

(B) All required water infrastructure for the project is assured through the use of financial guarantees to the City's satisfaction prior to the issuance of any building permit; and

(C) All required water infrastructure for a property is constructed and is in place prior to the issuance for a certificate of occupancy for any structure or building on a site; and

(D) For any project that involves development in phases, all required infrastructure is constructed in a manner and at times that will allow for the orderly phasing of the project.

SECTION 2.

Chapter 1 of Title 10 of the Taft Municipal Code is added to read as follows:

Section 10-3-18. Requirement for Proof of Adequate Water Supply

As a condition for receiving any approval of any subdivision under this Title, an applicant shall demonstrate:

(A) The proposed water supply and delivery systems for the subdivision shall be

identified at the time of tentative map approval to the satisfaction of the City. The water agency providing service to the project may provide several alternative methods of supply and/or delivery, provided that any method of supply or delivery is capable individually of providing water to the project; and

(B) The agency providing water service to the subdivision shall demonstrate prior to the approval of the final map by the City that the proposed subdivision has been accounted for in its most recently adopted urban water management plan. If the project was not accounted for in the agency's most recent urban water management plan, an assured water supply shall exist if the applicant demonstrates that the water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the water system's existing and planned future uses, including agricultural and manufacturing uses.

(C) Off-site and on-site water infrastructure sufficient to provide adequate water to the subdivision shall either be in place prior to the approval of the final map, or the financing of such infrastructure shall be assured to the satisfaction of the City prior to such time, consistent with the requirements of the Subdivision Map Act.

SECTION 3.

This ordinance shall take effect thirty (30) days after its passage by the City Council. Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Kern, State of California, together with names of the members of the City Council voting for and against the same.

Considered at a regular meeting of the Planning Commission of the City of Taft held on the ___ day of _____ and adopted at a regular meeting of the City Council held on the ___ day of _____ by the following vote: