

**CITY OF TAFT PLANNING COMMISSION
REGULAR MEETING AGENDA
WEDNESDAY, OCTOBER 19, 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

September 21, 2016 Regular

Recommendation – Approve as submitted.

3. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT NO. 2016-21

Recommendation

1. Conduct a Public Hearing
2. Motion to adopt a Resolution recommending approval to the City Council of Zoning Ordinance Amendment No. 2016-21 an amendment of Section 6-12-24 of Title 6 of the Taft Municipal Code, establishing regulations for the installation of EV Charging Stations at new service stations.

4. PLANNING DIRECTOR REPORT

5. CITY ATTORNEY STATEMENTS

6. COMMISSIONER COMMENTS

7. 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 October 13, 2016, pursuant to 1987 Brown Act Requirements.

I declare under penalty of perjury that the foregoing is true and correct.
Executed October 13, 2016, at Taft, California.

Date/Time _____ Signature _____

**CITY OF TAFT PLANNING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, SEPTEMBER 21, 2016**

REGULAR MEETING

6:00 P.M.

The September 21, 2016 regular meeting of the Planning Commission of the City of Taft, held in the City of Taft Council Chamber at 209 E. Kern Street, Taft CA 93268, was opened by Chairman Orrin at [6:02:52 PM](#). The Commission was joined by Ellie Downy and Allie Barnachia who led the Commission in the Pledge of Allegiance. An invocation was given by Bob Jordan of the Lighthouse Foursquare Church.

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

1. CITIZEN REQUESTS/PUBLIC COMMENTS

Bob Jordan board member of the Cemetery District announced on behalf of the district that as of November 1, 2016 due to a decrease in tax revenue a 25% cost increase will be implemented. Mr. Jordan noted this had been the only increase in last four years. He also shared the cemetery would be remodeling and welcomes all to visit.

2. MINUTES

August 17, 2016 Regular

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

AYES: Orrin, Jones, Livingston, Thompson
PASSED: 4-0-1
ABSTAIN: Leikam

3. CITY OF TAFT MUNICIPAL SERVICE REVIEW UPDATE

Planning Director Staples presented his staff report and recommendation to adopt a Resolution recommending approval to the City Council of an amended City of Taft Municipal Service Review (MSR) for Kern County LAFCo (Local Agency Formation Commission).

Orrin asked if there would be another opportunity for public comment regarding the MSR.

Staples stated yes the item would go before City Council at their next regular scheduled meeting and at that time the public may give comment.

The Public Hearing was opened at [6:10:44 PM](#) to receive testimony from proponents and opponents.

Bob Jordan board member of the Cemetery District asked if the purple watermark was addressed within the MSR Update.

Staples stated the purple watermark is addressed through the West Kern Water District's (WKWD) and recommends Mr. Jordan meet with the WKWD for any questions regarding the purple watermark.

Public Hearing was closed at [6:12:45 PM](#).

Motion: Moved by Thompson seconded by Jones to adopt **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT RECOMMENDING**

APPROVAL TO THE CITY COUNCIL OF AN UPDATE TO THE CITY OF TAFT AND WESTSIDE RECREATION AND PARK DISTRICT MUNICIPAL SERVICE REVIEW FOR KERN COUNTY LAFCO. (Resolution No. 2016-14)

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

4. PLANNING DIRECTOR REPORT

Director Staples presented a slide show on the City of Taft staff attendance at International Council of Shopping Centers (ICSC) Western Conference. He also provided slide show handouts to the Commissioners and public (a copy was submitted to the Clerk for the permanent file).

Staples also noted a future meeting would be approaching with Kern COG (Kern Council of Governments) regarding the bike trail.

5. CITY ATTORNEY STATEMENTS

City Attorney Jason Epperson read the monthly code enforcement report to the Commission.

6. COMMISSIONER COMMENTS

Orrin directed staff to research for any grants available to rehab commercial buildings.

Jones shared:

- The annual car show will be held on October 1, 2016 at rails to trails.
- The Chamber is in search of a theme for the Christmas parade, they welcome any ideas.
- Okie dinner will be tomorrow at the Taft Historic Fort.
- A Town Hall meeting will be held by Assembly Woman Shannon Grove on October 4, 2016 at West Side Recreation District, its main focus will be education.
- The Alpha House will be selling Cinnamon Rolls tomorrow.

7. IDENTIFICATION OF REPRESENTATIVE TO THE CITY COUNCIL

Commissioner Livingston was selected to be the representative to the City Council on October 4, 2016 meeting.

ADJOURNMENT

With no further business to conduct it was moved by Thompson seconded by Leikam and approved unanimously, to adjourn the meeting at [7:10:41 PM](#)

Brenda Johns, Recording Secretary

Ron Orrin, Chairman



City of Taft Planning Commission Staff Report

Agenda Item #3

DATE: October 19, 2016
TO: Chairman Orrin and Members of the Planning Commission
FROM: Mark Staples, Director, Planning and Development Services
SUBJECT: Zoning Ordinance Amendment No. 2016-21 – Electric Vehicle Charging Stations

RECOMMENDATION:

1. Conduct a Public Hearing
2. Motion to adopt a Resolution recommending approval to the City Council of Zoning Ordinance Amendment No. 2016-21 an amendment of Section 6-12-24 of Title 6 of the Taft Municipal Code, establishing regulations for the installation of EV Charging Stations at new service stations.

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.

During the pending litigation period with the Sierra Club, the City agreed to further the use of alternative fueled/powerd vehicles. The City agreed to work on reducing its fleet of vehicles to electric hybrids and all electric vehicles where feasible. Additionally, the City agreed to amend its zoning ordinance to encourage more electric vehicle (EV) charging stations within the City of Taft.

Attached is an amended Section 6-12-24 of Chapter 12 of Title 6, the Taft Zoning Ordinance. The amendment requires new service station developments to include EV charging stations at a rate of one station per four fuel pumps no matter the fuel type. The EV charging stations would require being a minimum of a Level 2, 240-volt facility, which would charge most all electric vehicles in approximately 3 to 7 hours.

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. 2016-21, an amendment of Section 6-12-24 of Title 6 of the Taft Municipal Code, establishing regulations for the installation of EV Charging Stations at new service stations

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. Drive Clean – Descriptions of Levels 1-3 EV Charging Equipment

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING ORDINANCE AMENDMENT NO. 2016-21, AN AMENDMENT OF SECTION 6-12-24 OF TITLE 6 OF THE TAFT MUNICIPAL CODE, ESTABLISHING REGULATIONS FOR THE INSTALLATION OF EV CHARGING STATIONS AT NEW SERVICE STATIONS

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 Planning Commission studied and considered the written findings for approval of Zoning Ordinance Amendment No. 2016-21, 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 amendment of Chapter 4, of Title VI, shall be recommended to the City Council of the City of Taft as follows:

6-12-24: SERVICE STATIONS:

- (A) Intent: This section is intended to ensure that service stations do not result in adverse impacts on adjacent land uses, especially residential uses. The traffic, glare and uses associated with service stations, particularly those which are open twenty four (24) hours a day, may be incompatible with adjacent land uses. To protect the health, safety and general welfare of the city and its residents, these special regulations shall be imposed on the development and operations of service stations.
- (B) Applicability: A service station shall comply with the provisions of this section in addition to the property development standards and the permit procedures for the zone district in which it is to be located. The provisions of this section and this title, as applicable, shall apply to all new service stations, to all existing service stations at such a time as those existing stations may come before the project assistance team for an expansion of twenty five percent (25%) or greater in floor area, a remodeling, or any other development that would cost more than fifty percent (50%) of the value of the improvements on the parcel at the time of remodeling, excluding land value.
- (C) Minimum Development Standards:
1. Minimum Street Frontage: Each parcel shall have a minimum street frontage of one hundred feet (100') on at least one abutting street.
 2. Setbacks: No building or structure, except canopies as provided below, shall be located within thirty feet (30') of any right of way line, or within twenty feet (20') of any interior parcel line.
 3. Canopies: Canopies shall be located no closer than ten feet (10') from any property line.
 4. Gasoline Pumps: Gasoline pumps shall be located no closer than twenty feet (20') from any property line.
 5. Electric Vehicle (EV) Charging Stations: All new service station developments and existing service stations that install additional fueling pumps shall adhere to the following:
 - (a) All new service station developments shall install new EV charging stations, and make available for public use, at a rate of one (1) electric charging station for every four (4) fueling stations (i.e. 1 to 4 fuel pumps = 1 EV station, 5 to 8 fuel pumps = 2 EV stations, etc.).
 - (b) Existing service stations that install additional fueling pumps shall install new EV charging stations, and make available for public use, at the same rate as in section (a) above.
 - (c) EV charging stations installed at service stations shall be a Level 2 240-volt station or DC Fast Charging 440-volt station. A standard 120-volt outlet may be made available at an EV charging station, but will not satisfy the requirements of this section.
 - (d) EV charging stations may be located in required parking spaces of the service station.

~~4.6.~~ Walls: Service stations shall be separated from adjacent property which is zoned or used for residential purposes, by a decorative masonry wall of not less than six feet (6') in height, as approved by the project assistance team. Materials, textures, colors and design of all walls shall be compatible with on site development and adjacent properties. No wall higher than forty inches (40") in height shall be constructed within five feet (5') of a driveway entrance or vehicle accessway which opens onto a street or alley. The wall shall be constructed to ensure a clear cross view of pedestrians on the sidewalk, alley or elsewhere by motorists entering or exiting the parcel.

~~5.7.~~ Paving: The site shall be entirely paved, except for buildings and landscaping.

~~6.8.~~ Landscaping: The service station site shall be landscaped pursuant to the following standards:

(a) A minimum of fifteen percent (15%) of the site shall be landscaped, which may include a planting strip of at least five feet (5') wide along all interior parcel lines, nondrivable street frontages and areas adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and so arranged to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent opaque landscaping or berming shall be provided and maintained in the planters at a height of not less than three feet (3') above the average adjacent grade.

(b) A minimum of one hundred fifty (150) square foot landscaped area shall be provided at the intersection of two (2) property lines at a street corner.

~~7.9.~~ Access and Circulation:

(a) Driveways shall be located no closer than fifty feet (50') from a street intersection and fifteen feet (15') from a residential property line or alley and shall not interfere with the movement and safety of vehicular and pedestrian traffic. Locations of all driveways shall be subject to the approval of the public works director.

(b) All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within fifty feet (50') of a residentially zoned property, and shall be oriented, when practical, away from public rights of way.

~~8.10.~~ Air and Water: Each service station shall provide air and water to customers at a convenient location during hours when gasoline is dispensed.

~~9.11.~~ Restrooms: Each service station shall provide a men's and women's public restroom that is accessible to the general public, including physically disabled persons, during all hours the service station is open to the public. Restrooms shall be identified by placing entrances or signage in a location that is clearly visible from the gasoline service area or cashier station, and shall be maintained on a regular basis.

~~10.12.~~ Vending Machines: Coin operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in service stations, such as refreshments and maps.

~~11.13.~~ Location of Activities: All repair and service activities and operations shall be conducted entirely within an enclosed service building, except as follows:

(a) The dispensing of petroleum products, water and air from pump islands.

- (b) Replacement service activities, such as wiper blades, fuses, radiator caps and lamps.
 - (c) The sale of items from vending machines placed next to the main building in a designated area not to exceed thirty two (32) square feet.
 - (d) The display of merchandise offered for customer convenience on each pump island; provided, that the aggregate display area on each island shall not exceed twelve (12) square feet and that the products shall be enclosed in a specially designated case.
 - (e) Motor vehicle products displayed along and within three feet (3') of the front of the building. Such display areas shall be limited to five feet (5') in height and not more than ten feet (10') in length.
13. Refuse Storage And Disposal: Trash areas shall be provided and screened on at least three (3) sides from public view by a solid decorative wall not less than five feet (5') in height. Permanent opaque panel gates shall be installed on all openings to the trash area.
- (a) All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
 - (b) Refuse bins shall be provided and placed in a location convenient for customers.
 - (c) Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked or wrecked vehicles, may be stored outside the main building.
14. Equipment Rental: Rental of equipment, such as trailers and trucks, may be permitted; provided, that:
- (a) The rental equipment does not occupy or reduce the availability of the required parking for the automobile service station.
 - (b) The rental equipment storage location does not interfere with access and circulation on and around the site.
 - (c) The rental of the equipment is incidental and secondary to the main activity on the site.
15. Operation of Facilities:
- (a) The service station shall at all times be operated in a manner which is not detrimental to surrounding properties or residents. Site design and activities shall be conducted to avoid and minimize:
 - (1) Damage or nuisances from noise, smoke, odor, dust or vibration.
 - (2) Hazards from explosion, contamination or fire.
 - (b) Service station hours of operation shall be as conditioned in conditional use permit; a security plan shall be developed by the applicant and approved by the police department prior to issuance of a building permit.

(D) Abandoned Or Converted Service Stations:

1. Removal Of Facilities: Where service stations become vacant or cease operation for more than one hundred eighty (180) days, the owner shall be required to remove all underground storage tanks (in a manner acceptable to all applicable permitting/regulatory agencies), remove all gasoline pumps and pump islands, and remove all freestanding canopies.
2. Evidence Of Operation: To confirm that a use has not been abandoned, the owner shall provide evidence to the planning department with written verification prior to the one hundred eightieth day that an allocation of gas has been received and operation of the station will commence within thirty (30) days of the date of written correspondence.
3. Resumption Of Operations: Resumption of service station operations after the one hundred eighty (180) days, specified above, may be permitted upon review and approval, or conditional approval by the planning commission:
 - (a) Replanting existing landscape areas;
 - (b) Installing new landscape areas;
 - (c) Painting of structures;
 - (d) Upgrading or installing trash enclosures;
 - (e) Striping parking spaces;
 - (f) Installation of signs in conformance with chapter 15 of this title;
 - (g) Resurfacing vehicle access and parking areas; and
 - (h) Installation of missing street improvements.

- (E) Converted Service Stations: The conversion of service station structures and sites to another use may require upgrading and remodeling, including, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of overhead doors, additional landscaping, and missing street improvements to conform to access regulations, and exterior remodeling. (Ord. 768-08, 8-19-2008)

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.

Resolution No. _____

October 19, 2016

Page 6 of 6

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 19th day of October, 2016.

ATTEST

Brenda Johns, Recording Secretary

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 19th day of October, 2016, by the following vote

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Brenda Johns, Recording Secretary

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 Naify.

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.

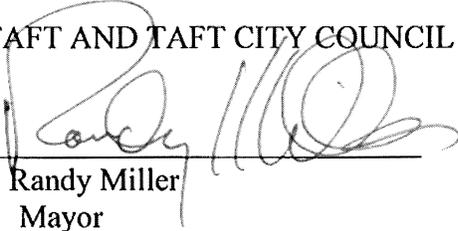
SO AGREED.

SIERRA CLUB

By:

Dated

CITY OF TAFT AND TAFT CITY COUNCIL



By: Randy Miller
Mayor

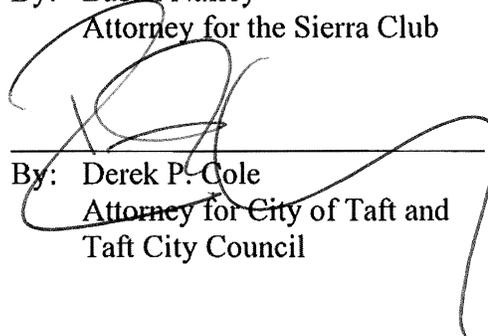
4-11-16

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

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:

DriveClean.ca.gov

A guide to clean and efficient vehicle technology. Brought to you by California Air Resources Board.

Charging

PEV drivers find charging to be easy and convenient, since most charging occurs at **home**, at night. Filling up your “tank” while sleeping is a great perk, but taking advantage of off-peak electricity rates can also lower your fuel cost. Paying \$0.10 per kW is the equivalent of driving on gasoline that costs less than \$1 per gallon. If you have a busy life and need to “top off” at work or while running errands, there are **public and workplace** options for charging your car as well.

Charging Basics

There are three basic levels to charge any PEV, and since the adoption of a standard connector (J1772), every new PEV can be charged using any charging equipment with the standard connector. How long it takes to charge at each level depends on how far you have driven and the size of the battery. Charging speed is also governed by the size of the on-board charger and power level of the charging equipment.

Level 1: 120-volt

Level 1 charging uses a standard 120-volt plug. Every new PEV comes with portable charging equipment that allows them to plug in to any 120-volt outlet. Level 1 charging provides about 3-5 miles of range per hour of charge. From empty, a full size battery electric vehicle will take about 17 hours to recharge. Level 1 charging is ideal for **Plug-in Electric Vehicles** that have a smaller battery than a full **battery electric vehicle**.

Level 2: 240-volt

Level 2 requires charging equipment to be **purchased** and **installed** and provides about 10-20 miles of range per hour of charge. From empty, a full size battery electric car takes about 4-7 hours to recharge.

DC Fast Charging: 440-volt

DC fast charging provides up to an 80% charge in about 30 minutes.

Charging Level	Power Supply	Charger Power	Miles of Range for 1 Hour of Charge	Charging Times From Empty to Full*	
				BEV	PHEV
Level 1	120VAC Single Phase	1.4 kW @ 12 amp (on-board charger)	~3 - 4 miles	~17 Hours	~7 Hours
Level 2	240VAC Single Phase up to 19.2 kW (up to 80 amps)	3.3 kW (on-board)	~8 - 10 miles	~7 Hours	~3 Hours
		6.6 + kW (on-board)	~17 - 20 miles	~3.5 Hours	~1.4 Hours
DC Fast Charge Level 2	200 – 450 VDC up to 90 kW (approximately 200 amp)	45 kW (off-board)	~50 - 60 miles (~80% per 0.5 hr charge)	~30 - 45 Minutes (to ~80%)	~10 Minutes (to ~80%)

Source: **PEV Charging: Where and When?**

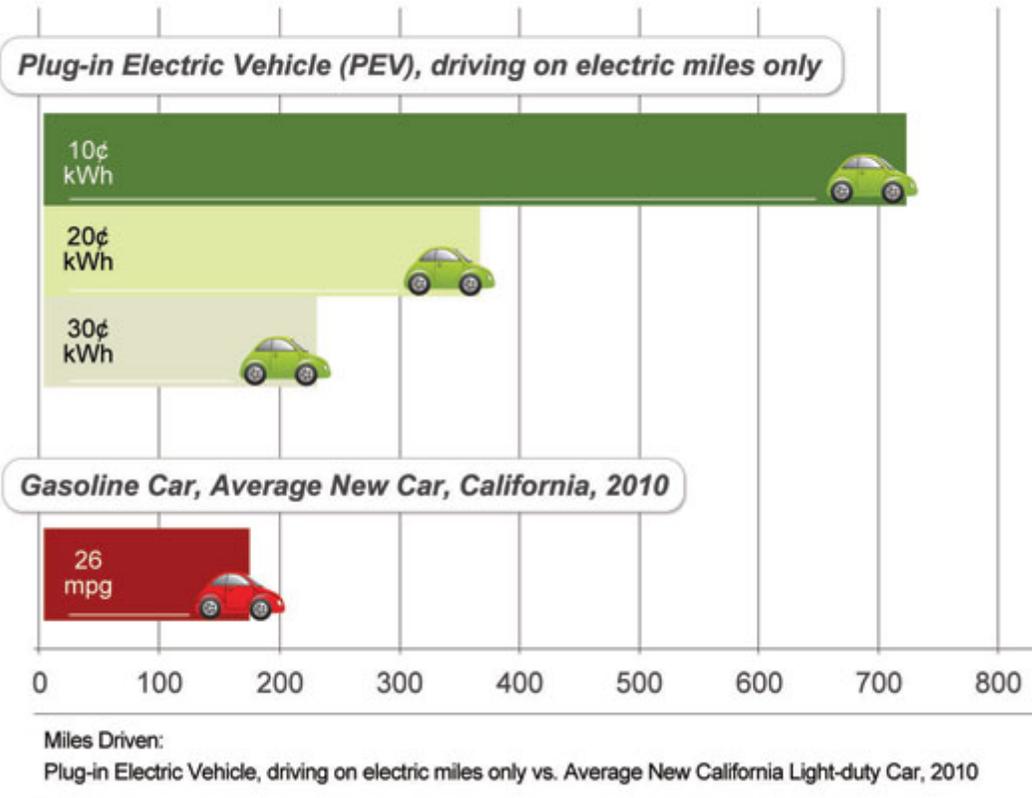
Buying and Installing Charging Equipment

If you choose to charge your PEV with a Level 2 (240-Volt) charger, the PEV Resource Center offers many resources for learning about the **different chargers you can buy** and the **process for installing the charger** at your residence.

Cost to Charge Your Car

Driving on electricity is cheaper than driving on gasoline. Charging at \$0.10 a kWh is like spending a \$1/gallon on gasoline. Your **local utility** can provide information about the best rates for charging a PEV. The PEV Resource Center offers many resources for learning what electricity rate is best and how much it will cost you to drive your PEV on electricity.

HOW FAR CAN YOU DRIVE ON \$25?



Source: **Fuel Costs: PEVs vs. Gasoline Cars**

Find Public Charging Stations

There are about 1000 **public charging stations** available to PEV drivers with many more coming. The PEV Resource Center can help you find those stations whether you are sitting at your computer or on your Smart Phone.

This document was printed from DriveClean.ca.gov.