



336 Pacific Avenue, Shafter, CA 93263
Meeting Held In-Person and Via Zoom and Livestream on YouTube.

**AGENDA
REGULAR MEETING
SHAFTER PLANNING COMMISSION
TUESDAY, AUGUST 13, 2024**

NOTICE TO THE PUBLIC:

Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available in the City Clerk's Office during normal business hours at City Hall located at 336 Pacific Avenue, Shafter CA. In addition, such documents will be posted on the City's website at www.shafter.com.

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE: Commissioner Joshan

INVOCATION: Chairman Sanchez

ROLL CALL: Chairman Sanchez
Vice Chairman Frantz
Commissioner Joshan
Commissioner Piuser
Commissioner Wiebe

APPROVAL OF AGENDA:

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: July 9, 2024.

PUBLIC COMMENT:

This portion of the meeting is reserved for persons wanting to address the Commission only on matters not listed on this agenda. Speakers are limited to five minutes unless additional time is needed for translation. Please state your name and address for the record before making your presentation.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described

in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. **Extension of Time Request for Tentative Tract Map No. 6704:** Planning Commission conduct a public hearing; and adopt Resolution No. 24-446, a Resolution of the Planning Commission of the City of Shafter recommending the City Council approve a two (2) year extension of time for Tentative Tract Map No. 6704 located on the northeast corner of N. Beech Avenue and E. Fresno Avenue, within the City of Shafter; subject to the conditions approved by the City Council on March 7, 2006, to expire on March 07, 2027. See **Exhibit 5** for Resolution No. 24-446. (Planning Director Esselman)

ROLL CALL

2. **Land Conservation Contract No. 24-32:** Planning Commission find that the project is exempt from the California Environmental Quality Act; conduct a public hearing and recommend for approval a land conservation contract for an approximately 33.87-acre parcel (APN 090-020-14) to the City Council of the City of Shafter. (Planning Director Esselman)

ROLL CALL

COMMISSIONER REPORTS:

ADJOURNMENT:

Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 at least three (3) days prior to the meeting or time the special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the City Clerk's Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and Police Dept. by 5:00 p.m., August 8, 2024. Yazmina Pallares, S/S, City Clerk

REMOTE PUBLIC PARTICIPATION IS ALLOWED IN THE FOLLOWING WAYS, SEE BELOW FOR INSTRUCTIONS.

1. You are strongly encouraged to observe the Planning Commission meetings live via YouTube <https://www.youtube.com/user/CityofShafter/>
2. If you wish to make a comment on a specific agenda item or public comment, please submit your comment via email by **6:00 PM on August 13, 2024** to the City Clerk at CityClerk@shafter.com
3. If you wish to make a written comment to the City Clerk, 336 Pacific Avenue, Shafter, CA 93263.
4. If you wish to make a comment during the live meeting, callers must first register with the City Clerk at 661-746-5012 before the meeting begins to receive instructions and the call- in number and code. Please call by 5:00pm on the

Monday prior to the Planning Commission meeting to allow ample time for sign up. You will need to provide your name, phone number and the item number you wish to address.

5. All public comments are provided to the Planning Commission and applicable Staff, for review and consideration by the Board prior to taking action on any matters listed on the agenda and are incorporated into the official record of the Planning Commission meeting.

**MINUTES OF THE REGULAR MEETING OF THE
SHAFTER PLANNING COMMISSION
COUNCIL CHAMBER, 336 PACIFIC AVENUE
MEETING HELD IN-PERSON AND VIA ZOOM AND LIVESTREAM TO YOUTUBE
TUESDAY, JULY 9, 2024**

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE: Chairman Sanchez

INVOCATION: Commissioner Piuser

ROLL CALL:

PRESENT(In-Person): Chairman Sanchez, Commissioners Joshan, Piuser, and Wiebe. Absent with an excused absence: Vice Chairman Frantz. Also present: Senior Planner Cazares, IT Specialist Herrera, and Deputy City Clerk Uribe.

APPROVAL OF AGENDA:

*MOVED (WIEBE) AND SECONDED (PIUSER) COMMISSIONERS APPROVED THE AGENDA AS PRESENTED.
MOTION CARRIED BY THE FOLLOWING VOTE:*

AYES: JOSHAN, PIUSER, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: FRANTZ.

ABSTENTIONS: NONE.

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: June 11, 2024.

MOVED (PIUSER) AND SECONDED (JOSHAN) COMMISSIONERS APPROVED THE MINUTES OF THE REGULAR MEETING OF JUNE 11, 2024, AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: JOSHAN, PIUSER, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: FRANTZ.

ABSTENTIONS: NONE.

PUBLIC COMMENT:

There were no members of the public wishing to speak.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. Extension of Time for Tentative Tract Map No. 6613: Senior Planner Cazares made

introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Whitney Jackson, with McIntosh & Associates, spoke in favor of the project and made herself available for questions.

Being no other members of the public wishing to speak, the public hearing was closed.

MOVED (JOSHAN) AND SECONDED (PIUSER) COMMISSIONERS CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION NO. 24-445, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING THE CITY COUNCIL APPROVE A TWO (2) YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 6613 LOCATED ON THE SOUTH SIDE OF E. LOS ANGELES AVENUE APPROXIMATELY 1/3 MILE EAST OF S. SHAFTER AVENUE, WITH THE CITY OF SHAFTER. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: JOSHAN, PIUSER, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: FRANTZ.

ABSTENTIONS: NONE.

COMMISSIONER REPORTS: There were no Commissioner Reports.

ADJOURNMENT:

MOVED (PIUSER) AND SECONDED (WIEBE) COMMISSIONERS ADJOURNED THE MEETING AT 6:08 P.M. MOTION CARRIED WITH NO OPPOSITION WITH VICE CHAIRMAN FRANTZ ABSENT.

John Sanchez, Chairman

ATTEST:

Vanessa Uribe, Deputy City Clerk

DATE: August 13, 2024
TO: Planning Commission
FROM: Planning Department
SUBJECT: Extension of Time Request for Tentative Tract Map No. 6704

RECOMMENDATION:

Planning Commission conduct a public hearing; and adopt Resolution No. 24-446, a Resolution of the Planning Commission of the City of Shafter recommending the City Council approve a two (2) year extension of time for Tentative Tract Map No. 6704 located on the northeast corner of N. Beech Avenue and E. Fresno Avenue, within the City of Shafter; subject to the conditions approved by the City Council on March 7, 2006, to expire on March 07, 2027. See **Exhibit 5** for Resolution No. 24-446.

APPLICANT

Jonathan B. Barnes
5100 California Avenue, Suite 105
Bakersfield, CA 93309

OWNER

Donna Rae Eckmann, Trustee of the
James C. Eckmann Living Family Trust
5901 River Acres Drive
Bakersfield, CA 93308

LOCATION: The project site is located on the northeast corner of North Beech Avenue and East Fresno Avenue. See **Exhibit 1**.

PROJECT ANALYSIS:

The City Council approved Tentative Tract Map No. 6704 on March 07, 2006 by Resolution No. 06-1823 (**Exhibit 4**). The tract map is located at the northeast corner of E. Fresno Avenue and N. Beech Avenue and proposes to subdivide approximately 40 acres into 102 single-family residential lots with lot sizes ranging from 11,000 square feet to 15,500 square feet and a sump lot (**Exhibit 2**). The subject property under this tentative map is currently owned by Donna Rae Eckmann. The existing zoning of the site is Estate (E), and the General Plan land use designation is Very Low Density Residential (VLDR). On July 01, 2024, the property owner requested approval of an extension of time to record the final map for Tentative Tract No. 6704.

The original expiration date for the map was March 07, 2008. On February 19, 2008, the City Council approved a two-year extension of time, extending the recordation date to March 7, 2010. The tentative map continued to remain active due to multiple extensions of time approved by the State legislature and another two-year discretionary extension of time approved by the City Council, which altogether extended the map approval to March 07, 2023. The last Extension of Time was a two-year State legislature extension in accordance with Government Code Section 66452.26, which was approved by City Council Resolution No. 2865 on June 07, 2022, and extended the map approval to March 07, 2025.

The applicant has requested an additional two-year discretionary extension (**Exhibit 3**),

PUBLIC HEARING

which is allowed by the City's Subdivision Ordinance and the Subdivision Map Act section 66452.6.e. The approval of this request would result in Tentative Tract Map 6704 expiring on March 07, 2027. This extension of time request is the final discretionary approval available to tentative map 6704. If the tentative map has still not been recorded by the new expiration date, the map will be null and void.

The applicant has indicated that the extension of time is needed to provide the developer with additional time to apply for and record a final map. James Eckmann passed on February 6, 2024, and he was the person handling this project. His wife and surviving Trustee of their Trust, Donna Eckmann, is now in charge of seeing this project through to its completion. Due to the significant investments already made by Mr. Eckmann, Donna Eckmann will need an extension of time to gain an understanding of the project, while at the same time dealing with the administration of her husband's estate.

Staff believes the eventual recordation of the approved subdivision would be beneficial to the City and recommends the Planning Commission approve for recommendation to the City Council, the requested two-year extension of time to file a final map for Tentative Tract Map 6704, subject to the conditions approved by the City Council on March 07, 2006.

CEQA:

The City of Shafter adopted a Negative Declaration for Tentative Tract Map No. 6704 on March 7, 2006 (Resolution No. 06-1823). Therefore, no additional CEQA analysis or documentation is required for the extension of time.

ATTACHMENTS

EXHIBIT

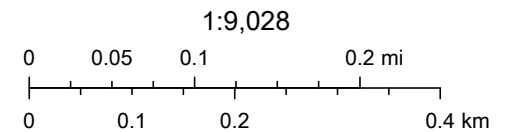
Vicinity Map	1
Tentative Tract Map No. 6704	2
Extension of Time Application	3
Resolution No. 06-1823 with Conditions of Approval	4
Resolution No. 24-446	5

Tentative Tract 6704 Extension of Time



1/15/2019, 8:57:26 AM

 City Limits

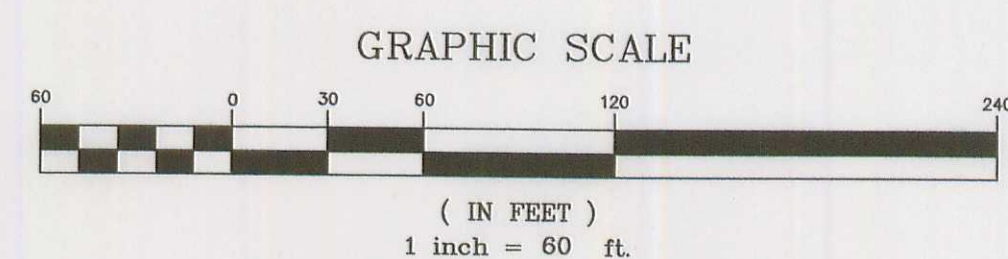


Sources: Esri, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS,

City of Shafter, Planning Department Official

The contents of this map are to be considered unofficial unless granted express consent from the City of Shafter Planning Department. The City of Shafter cannot guarantee the accuracy of this map layout or its contents.

CITY OF SHAFTER
PLANNING DEPT
Date Map Approved By City Council
Date 3/7/2006

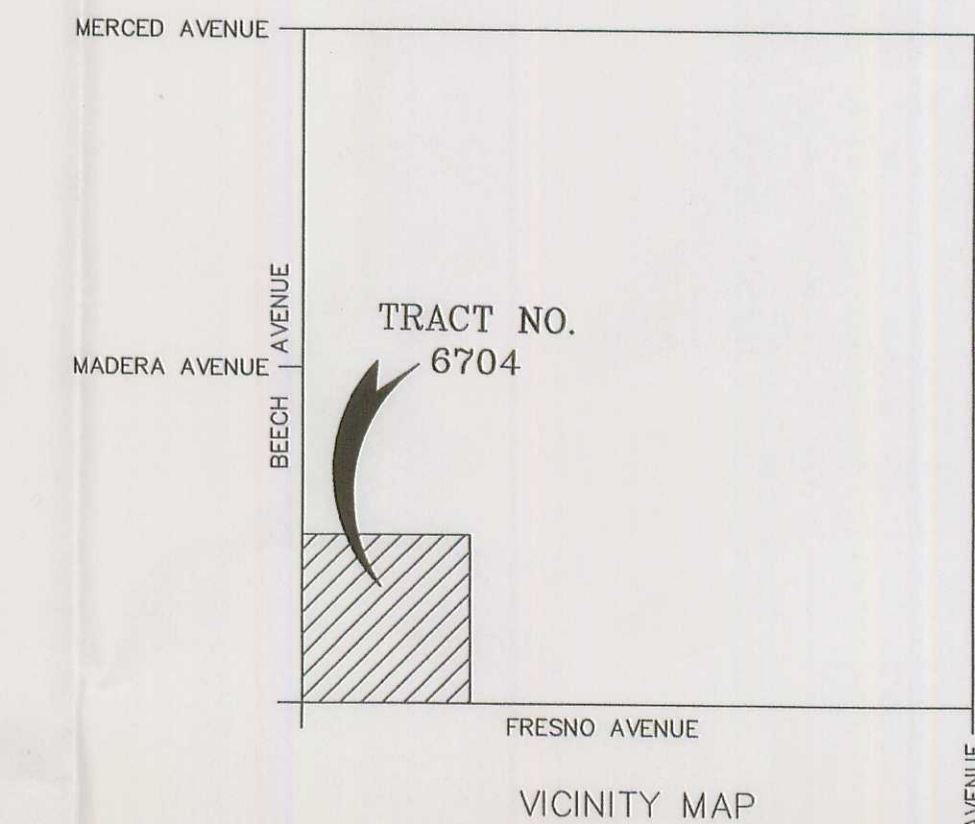


LEGEND:
PROPOSED CROSS GUTTER
DIRECTION OF DRAINAGE. ALL SLOPES @ 0.2% MIN.

GENERAL NOTES:
ZONING: E (39.86 ACRES)
APN: 69-010-04
GENERAL PLAN DESIGNATION: VLR - VERY LOW DENSITY RESIDENTIAL
EXISTING LAND USE: VACANT FARM LAND

WATER: CITY OF SHAFTER
SEWER: CITY OF SHAFTER
POWER: PACIFIC GAS & ELECTRIC
GAS: THE GAS COMPANY
CABLE T/V: BRIGHTHOUSE
TELEPHONE: SBC
SCHOOL DISTRICTS: KERN HIGH SCHOOL - SHAFTER HIGH SCHOOL
RICHLAND SCHOOL DISTRICT - SEQUOIA ELEMENTARY
RICHLAND JUNIOR HIGH SCHOOL

WAIVER OF ACCESS



EXISTING STREET NAMES:
BEECH AVENUE
FRESNO AVENUE

PROPOSED STREET NAMES:
DONNA RAE COURT
JILLIAN AVENUE
DORTHY COURT
JOAN LUCILLE COURT
ECKMANN DRIVE
JAMES DRIVE

UNPLOTTABLE EASEMENTS
CENTRAL CANAL COMPANY LATERAL CANAL
EASEMENT PER BK. 128, PG. 214 O.R.
KERN COUNTY LAND COMPANY EASEMENT FOR
ROADS ETC., PER BK. 652, PG. 109 O.R.

LOT DRAINAGE SHALL BE AS PER CITY STANDARDS
FRESNO & BEECH AVENUES TO HAVE WALL & LANDSCAPING

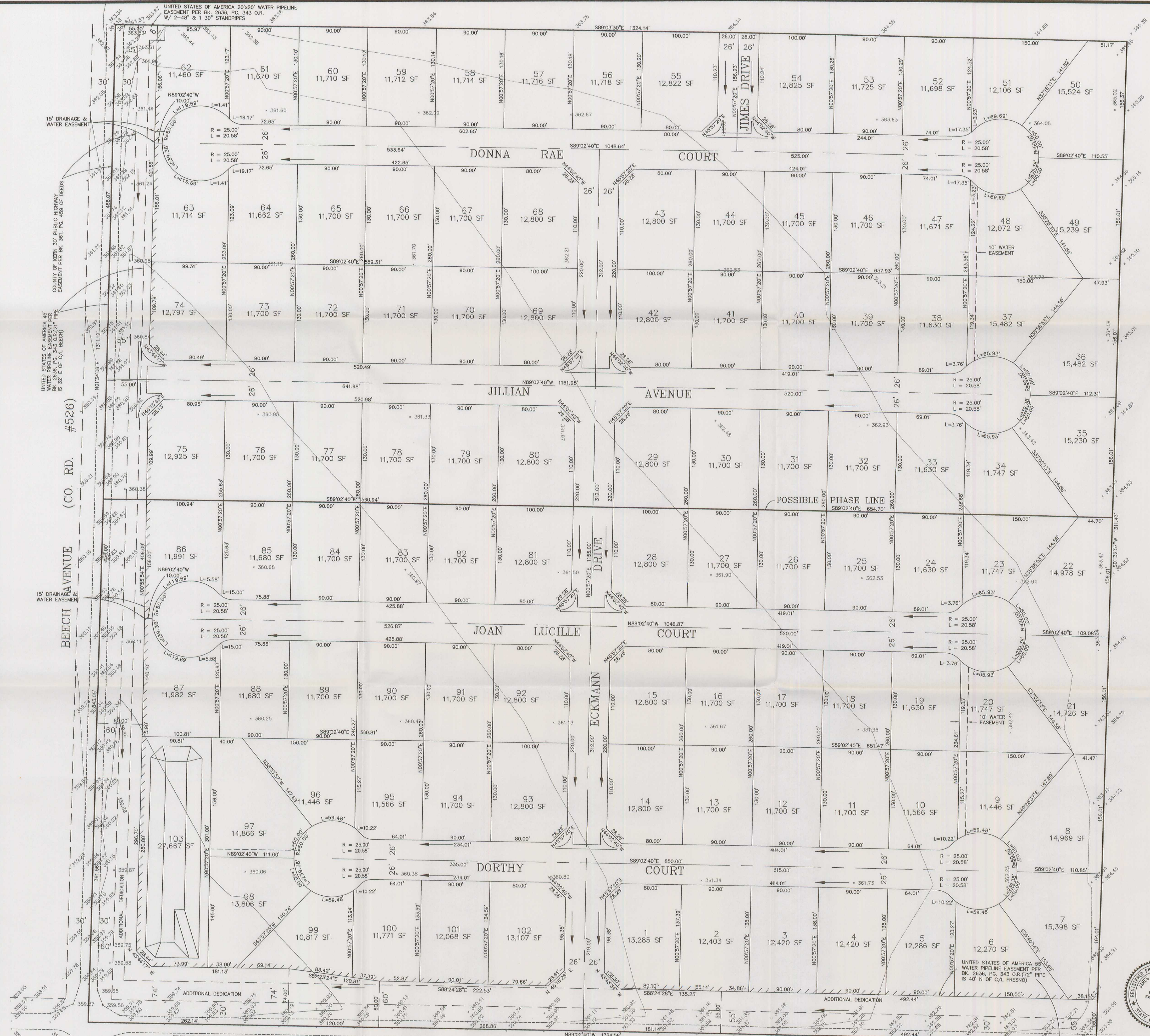
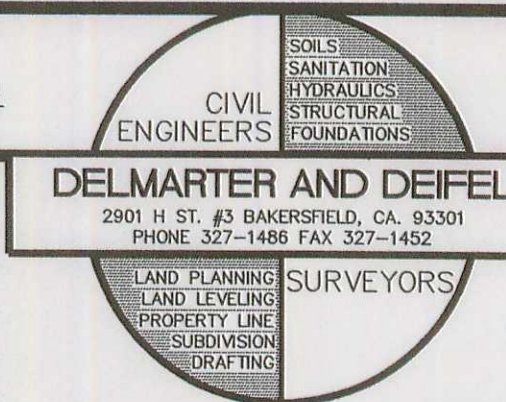
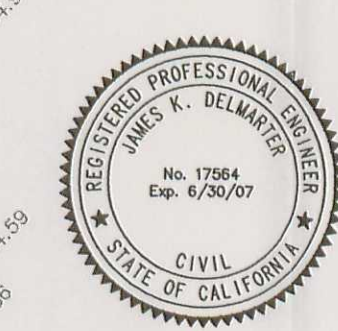
OWNER/SUBDIVIDER & MINERAL OWNER:
JAMES C. & DONNA RAE ECKMANN, TRUSTEES
OF JAMES C. ECKMANN LIVING FAMILY TRUST
1731 16TH STREET "D"
BAKERSFIELD, CA, 93301
(661) 322-8561

ENGINEER:
DELMARTER & DEIFEL
2901 H STREET
BAKERSFIELD, CA, 93301
(661) 327-1486

LEGAL DESCRIPTION:
A SUBDIVISION OF SW 1/4 OF THE SW 1/4 OF
SECTION 2, T. 28 S., R. 25 E., M.D.M. IN THE CITY OF SHAFTER
COUNTY OF KERN, STATE OF CALIFORNIA.

MAP MAY BE PHASED
CONTAINING 39.86 ACRES, MORE OR LESS GROSS 29.34 ACRES NET
102 E LOTS & 1 SUMP LOT
LOT DENSITY = 2.54 LOTS/ACRE (GROSS) = 3.51 LOTS/ACRE (NET)

TENTATIVE TRACT NO. 6704	
DATE: 12-14-05	Revised Date By
DRAWN BY: JKD	
APPROVED: JAMES K. DELMARTER R.C.E. 17564 EXP. 6-30-2007	NO. 14075 SHEET 1 OF 1 DRAWING FILE 14075-ECKMANN



FRESNO AVENUE (CO. RD. # 526)

CITY OF SHAFTER
Planning Department
336 Pacific Avenue
Shafter, California 93263
(661) 746-5002

**TENTATIVE SUBDIVISION/PARCEL MAP EXTENSION OF TIME
APPLICATION FORM**

Tent. Map No. 6704 Application Fee \$ 500.00 ^{Check} Receipt No. 11485 Date Received By Staff 7/11/2024

To expedite processing of this Extension of Time Application, and to eliminate unnecessary delays to the applicant, Planning Staff will not accept this application unless all items have been completed and this application form has been signed and dated.

In the event errors or omissions are discovered, the application will be deemed incomplete and will be returned to the applicant for revision.

APPLICATION IS HEREBY MADE TO THE PLANNING DEPARTMENT THAT:

Property Owner (attach sheet if more than one property owner)

Donna Rae Eckmann, Trustee of the James C.
Name: Eckmann Living Family Trust Phone: (661) 332-6077
Address: 5901 River Acres Drive
City: Bakersfield State: CA Zip: 93308
E-mail address donna.eckmann@gmail.com

Applicant or Agent (attach sheet if more than one applicant)

Name: Jonathan B. Barnes, Esq. Phone: (661) 716-3900
Address: 5100 California Avenue, Suite 105
City: Bakersfield State: CA Zip: 93309
E-mail address jon@jbblaw.pro

BE GRANTED AN EXTENSION OF TIME FOR:

Tentative Subdivision/Parcel Map No: 6704

Reason(s) for and supporting the requested extension: James Eckmann passed unexpectedly on February 6, 2024. Mr. Eckmann was the person handling this project. His wife and surviving Trustee of their Trust, Donna Eckmann, is now in charge with seeing this project through to its completion. Due to the significant investment already made by Mr. Eckmann, Donna Eckmann will need an extension of time to gain an understanding of the project, while at the same time dealing with the administration of her husband's estate.

APPLICANT'S SIGNATURE AND DATE INDICATES COMPLETION OF THE APPLICATION.

I certify that I am the record owner or authorized agent and that the information filed is true and correct to the best of my knowledge.


Owner's Signature

6-20-24
Date


Applicant's or Agent's Signature

6/20/24
Date

RESOLUTION NO. 06-1823

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER
ADOPTING A NEGATIVE DECLARATION AND APPROVING TENTATIVE
TRACT NO. 6704, AS DEPICTED IN EXHIBIT "2"**

WHEREAS, Delmarter & Diefel, filed an application requesting approval of Tentative Tract No. 6704 on that certain property in the City of Shafter as shown in Exhibit "2"; and

WHEREAS, the Planning Commission did, on February 14, 2006, approve Resolution No. 06-94; a resolution of the Planning Commission of the City of Shafter recommending that the City Council approve Tentative Tract No. 6704; and

WHEREAS, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Shafter's CEQA Implementation Procedures, have been duly followed by city staff, Planning Commission, and City Council; and

WHEREAS, a Negative Declaration has been prepared for the above described project; and

WHEREAS, the facts presented in the staff report and evidence at the above referenced public hearing support the findings contained in this resolution; and

WHEREAS, at said public hearing held on March 7, 2006, the proposed tentative tract map submitted by Delmarter & Diefel and considered and the City Council found as follows:

1. All required public notices have been given. Hearing notices regarding the proposed project were mailed to property owners within 300 feet of the project area and published in a local newspaper of general circulation at least 10 days prior to the hearing.

2. The provisions of CEQA and City of Shafter CEQA Implementation Procedures have been followed. The City Council has reviewed the environmental documentation associated with this project and has determined that the project will not have a significant impact on the environment.

3. The City Council finds the proposed subdivision is in substantial conformity with the Subdivision Map Act and with Title 16 (Subdivision Ordinance) of the Shafter Municipal Code. The proposed lots are in substantial conformance with the provisions of City Ordinances and all lots have adequate and proper access to public streets, sanitary sewer, water lines, fire hydrants, drainage structures and utilities.

4. The attached Conditions of Approval are deemed necessary for the safety and welfare of the community.

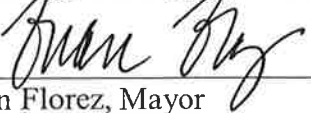
5. Urban services are available for the proposed development. The project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the project will deliver utilities to the individual lots or parcels to be created.

6. The proposed subdivision (Tentative Tract No. 6704), together with the provisions for its design and improvement, is consistent with the General Plan. The proposed density and intensity of development are consistent with the LR (Low Density Residential) land use designation for the property. Proposed road improvements are consistent with the Circulation Program. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.

7. The project must be granted a "de minimis" exemption with respect to the payment of Fish and Game Section 711 fees. Based on the absence of evidence in the record, as required by Section 21082.2 of the State of California Public Resources Code (CEQA) for the purpose of documenting significant effects, it is the conclusion of the City of Shafter that this project will result in impacts that fall below the threshold of significance with regard to wildlife resources and, therefore, must be granted a "de minimis" exemption in accordance with Section 711 of the State of California Fish and Game Code. Additionally, the assumption of adverse effect is rebutted by the above-referenced absence of evidence in the record and the Lead Agency's decision to prepare a Negative Declaration for this project.

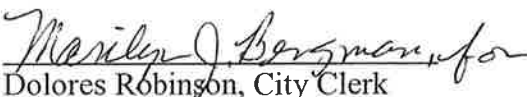
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Shafter, in a regular session assembled on the 7th day of March, 2006, hereby adopts the Negative Declaration and approves Tentative Tract Map No. 6704, as described above and shown in Exhibit "2", with conditions of approval as shown in Exhibit "1"

PASSED AND ADOPTED THIS 7th DAY OF MARCH, 2006.



Fran Florez, Mayor

ATTEST:



Dolores Robinson, City Clerk

APPROVED AS TO FORM

Stephen P. Deitsch S/S

Stephen P. Deitsch, City Attorney

J:\USERS\ENG-PLAN\JAKE\City Council\T6704\CC Resolution 06-1823.doc

CERTIFICATE OF GOVERNING BODY'S ACTION

STATE OF CALIFORNIA)
COUNTY OF KERN) ss.

I, Dolores Robinson, City Clerk of the City of Shafter, California, DO HEREBY CERTIFY that the above and foregoing Resolution of the City Council of the City of Shafter was duly passed and adopted at a Regular Meeting held on the 7th day of March, 2006, by the following vote:

AYES: Colvard, Prout, Johnston, Nelson & Florez
NOES: None
ABSENT: None
ABSTAINING: None

DATED: March 8, 2006

(SEAL)


Marilyn Bergman, Deputy City Clerk

TENTATIVE TRACT NO. 6704
CONDITIONS OF APPROVAL
EXHIBIT 1

1. Developer shall remove and replace any existing public or private improvements that may become damaged during any phase of construction, as required by the City Engineer. The contractor working within the public right-of-way shall obtain an encroachment permit from the City Engineer prior to commencing any such work.
2. Developer shall relocate and/or install all necessary infrastructure to provide utilities to the proposed project.
3. A six (6) foot public utility easement shall be provided in the front of all lots and on the street side of all corner lots as requested by the utility companies and the City Engineer. Easements shall be granted with the final map.
4. Easements to be given to the City or any other public utility agency for, sewer, water, storm drain, electrical, or any other utility or similar purpose shall not cross private property without prior approval of the City Engineer.
5. Any above ground utility cabinets or facilities to be located within the road right-of-way or public utility easement shall be permitted only upon approval by the City Engineer. Such approval will be made in writing, upon written request of the applicant and/or the affected utility company.
6. Any obstructions including utilities, irrigation lines, etc., shall be removed and/or relocated, if necessary, at the expense of the applicant.
7. Any onsite wells shall be abandoned per Kern County standards.
8. No final inspection shall be approved until all required improvements have been completed by the applicant and accepted by the City.
9. All new utilities shall be underground service.
10. During construction, vehicular access points shall be covered with decomposed granite, road oil, or some other treatment acceptable to the City Engineer, to prevent generation of dust during periods of vehicular activity and/or windy conditions and tracking of mud and dirt on public roadways.
11. Prior to issuance of a certificate of occupancy on any lot of the proposed tract, all required improvements shall be completed and accepted by the City Council. Additional improvement outside the affected project boundary may be required for orderly development as determined by the City Engineer.

12. All improvements shall be complete within one (1) year from the date of filing of the final map for the development, unless a time extension is granted by the City Engineer.
13. Type & location of centralized mail delivery units shall be determined by the postal service. If the postal service requires special easements for the placement of the delivery units, then said easements shall be shown on the final map.

ENGINEERING: GRADING & DRAINAGE

14. All grading and drainage shall conform to a master grading & drainage plan to be performed by the developer's engineer for Tract 6704.
15. Prior to review of any required improvement plans, both a drainage/hydrology study and a grading plan shall be submitted to and approved by the City Engineer.
16. The drainage/hydrology study and hydraulic analysis for the project shall be performed by a registered civil engineer and submitted to the City Engineer for review and approval. The study shall demonstrate that any potential run-off will not impact surrounding properties. The study shall focus on the project property and any affected adjacent properties.
17. The grading plan for the project shall be performed by a registered civil engineer and submitted to the City Engineer for review and approval. All grading shall conform to the California Building Code, latest edition, approved by the City and City adopted standards and specifications. Storm drainage protection and disposal of water into and from the affected property shall be by method approved by the City Engineer.
18. A soils report, prepared by a registered civil engineer shall be submitted along with the grading plan. Soils report shall be performed in compliance with California Building Code, Chapter 18, latest edition. In addition, all site grading, earthwork, & building design shall be performed in accordance with the recommendations of the soils report.
19. A grading permit shall be obtained from the City prior to commencement of any grading activity.
20. Prior to issuance of a building permit, the developer shall file a "Rough Grade Certificate" with the City in accordance with the City Engineering & Design Standards. Rough Grade Certificate shall be accompanied by certified soil compaction test data from an acceptable materials testing company and a certification that the rough graded in substantial conformance with the approved grading plan and Chapter 33 of the California Building Code . Developer to obtain Rough Grade Certificate form from the City.
21. Prior to final approval, acceptance of work, or issuance of certificate of occupancy, the applicant's engineer shall file a "Final Grade Certificate" stating that all required grading has been done in accordance with the approved grading plan. An as built grading plan shall be submitted showing the as-built condition. Developer to obtain Final Grade Certificate form from the City.

22. The location & frequency of soils compaction testing shall be per the City Engineer. Soils compaction testing shall be provided by the developer/owner.
23. Minimum slopes across any flat surface shall be 1%. For slopes less than 1%, surface drainage shall be channeled into a concrete v-gutter, curb & gutter, underground storm drain, or similar drainage structure.
24. All building pads shall provide a minimum of 0.5% slope away from each house to a earth swale, and a minimum of 0.5% from the highest point in the swale to the street. The minimum pad height shall be twelve (12) inches above the adjacent curb.
25. Street side corner lots shall not have their side yard slope (finish grade to back of sidewalk) exceed 4 horizontal:1 vertical. If maximum slope is exceeded, side yard shall be retained in an approved manner.
26. Wood retaining structures shall not be approved. Developer shall use masonry, concrete, or other approved material.
27. Storm drainage shall be contained within the development unless approved otherwise by the City Engineer. Street drainage shall be mitigated in a manner approved by the City Engineer.
28. The area used for the drainage sump shall be fenced and screened in a manner approved by the City Engineer. The fence is to enclose the entire sump. Masonry wall (or equivalent) conforming to City standards shall be built for all portions of the perimeter fence viewable from the street or adjacent lots. A lockable privacy gate, concrete driveway, access easements, and drainage easements shall be provided for access and storm drain lines to the drainage sump as required by the City Engineer.
 - (a.) A landscaping plan, including design of a permanent irrigation system, shall be submitted to and approved by the City Engineer. Said approved landscape and irrigation plan shall be implemented prior to issuance of any building permit for the development. All landscaping subject to the requirements for landscaping contained herein these conditions.
 - (b.) Public works entrance to the drainage sump shall be from Beech Avenue at the northwest corner of the drainage sump lot. Concrete drive approach shall be constructed from street to the entrance gate. Access shall be provided by a commercial drive approach and a 16 foot wide gate. Gate construction shall be decorative in nature, shall provide a secure entrance to the basin, and shall prevent visibility of the basin. Gate shall be constructed of steel, or other approved material. Wood or chain link gates shall not be acceptable. Gate shall not allow visibility into the basin area. Construction, style, and finish are subject to city approval.
29. The number and location of street based siphons and cross gutters allowed, if any, will be determined during the grading and drainage review process. The minimum grade for allowed cross gutters shall be 0.6%.

30. Grading onto adjacent property shall not be done without written permission from the adjacent property owner.
31. The Office of the City Engineer shall be notified 24 hours in advance of the placement of any fill material.
32. Fill and/or import material shall be subject to the approval of the soils engineer.
33. Contractor is responsible for the grading of lot pad areas to within 0.1' of the design elevations.
34. All areas in the site on which structures are to be placed must be compacted to 90% relative density, for a minimum distance of 5' in all directions from the foundations of the structure.
35. All fill material shall be moisture conditioned to at least 2% above optimum moisture and compacted to 90% relative density, as determined by test methods referenced in California Building Code. appendix Chapter 33, Section 3305, and so certified by tests and report from the soils engineer.
36. The design engineer shall exercise sufficient supervisory control during grading operations to insure compliance with the plans, specifications, and code within his purview.
37. The placement of fill shall be in 6" maximum lifts, compacted with heavy compaction equipment approved by the City Engineer, unless specifically recommended otherwise in the preliminary soils report.
38. Compaction in proposed pavement areas should be the same as for the building pads, and should extend to a minimum distance of 2' beyond the outside edges of pavements.
39. All cut and fill slopes shall not be steeper than 2 horizontal to 1 vertical.
40. All fill areas to be cleared of all vegetation and other unsuitable material for a structural fill and the areas shall be scarified to a depth of 6", unless specifically noted otherwise in the preliminary soils report.
41. All slopes in excess of three feet shall be prepared and maintained to control against erosion.
42. Grading work shall be supervised as engineered grading in accordance with Chapter 33 of the California Building Code.
43. During grading, reasonable searching should be performed for concealed subsurface obstructions. All abandoned subsurface obstructions should be removed. If the terminus of any abandoned piping is outside the project limits, the piping should be removed within the project and properly capped at the project boundary.
44. Dust Control: It shall be the developer's responsibility to prevent a dust nuisance originating from the site of work as a result of his operations during the effective period of this contract.

Preventative measures to be taken by the contractor shall include but not be limited to the following;

- (a.) Water shall be applied to all unpaved areas as required to prevent the surfaces from becoming dry enough to permit dust formation.
- (b.) Paved surfaces over which vehicular traffic is permitted to travel shall be kept free of dirt.

ENGINEERING: WATER/FIRE

- 45. Developer shall install a water system for the development together with such equipment, pipeline, and facilities, including individual water services, as may be necessary to ensure the development has a minimum supply of water for the purposes of the development including fire protection. Developer shall submit water improvement plans to the City Engineer for review and approval. Developer shall construct public water systems in accordance with Subdivision Engineering Design Manual for the subject property.
- 46. Fire protection shall be provided per Kern County Fire Department Standards for the type of development. A Certificate of Approval shall be obtained by the applicant from the Kern County Fire Department. Evidence of this certificate of approval shall be provided to the City prior to acceptance of the water system by the City.
- 47. The City Engineer shall recommend hydrant type and location if required.
- 48. Water line size, location, and materials shall be subject to the approval of the City Engineer. Minimum water line size shall be in accordance with the Subdivision Engineering Design Manual.
- 49. Tie-ins to existing water mains shall be constructed in a manner approved by the City Engineer.
- 50. Whenever possible, the water system shall be looped to minimize dead ends. For cul-de-sacs greater than 330 feet in length, the water main shall be looped through the side lotlines, of the lots near the end of the cul-de-sac, back to adjacent streets, as directed by the City Engineer. Easements shall be provided to the City in a manner consistent with the Subdivision Engineering & Design Manual.
- 51. Separate water services shall be installed for each residential property.
- 52. No permanent structures shall be constructed over proposed or existing utility easements.
- 53. Prior to the issuance of a building permit, water mains and fire hydrants to be installed by applicant shall be completed, tested, and accepted (UFC 10.502,10.503).

ENGINEERING: SEWER

- 54. Developer shall install a sewer system for the development together with such materials, pipeline, manholes, and individual services for the purposes of the development. Developer shall submit sewer improvement plans to the City Engineer for review and approval.

Developer shall construct public sewer systems in accordance with Subdivision Engineering Design Manual for the subject property.

55. No properties shall be served by a septic system.
56. Sewer line size, location, slope, and materials shall be subject to the approval of the City Engineer. Minimum sewer line size, location, slope, and materials shall also be in accordance with the Subdivision Engineering Design Manual.
57. Tie-ins to existing sewer mains, manholes, or other structure shall be constructed as directed by the City Engineer.
58. Separate sewer services shall be installed for each property. At no time shall sewer be joint trench with water.
59. Sewer lines will not be permitted in easements between the back yards or side yards of single or multi-family lots.
60. No permanent structures shall be constructed over proposed or existing utility easements.
61. SEWER IMPROVEMENT AGREEMENT:
 - (a.) Currently, there is no usable sewer main or infrastructure for this development. This infrastructure shall be designed & constructed for the benefit of this development and adjacent developments.
 - (b.) Septic systems shall not be allowed.
 - (c.) Developer shall enter into an agreement with the City of Shafter to provide sewer facilities usable for each of the 102 buildable lots of Tract 6704.
 - (d.) This agreement between the developer and the City shall provide for extending the City's sewer system northerly along Beech Avenue to serve the City's upper east side area, of which Tract 6704 shall be considered a part thereof.
 - (e.) Tract 6704 will not be recorded until the applicant has entered into said sewer service agreement with the City of Shafter.
 - (f.) Other developers shall be required to enter into the same agreement with the City of Shafter for the extension of sewer facilities along Beech Avenue.
 - (g.) This agreement shall distribute the costs of the infrastructure improvement to each development based upon the number of Equivalent Dwelling Units (EDUs) within each development. One (1) residence is considered one (1) EDU.
 - (h.) Costs of the infrastructure improvement shall include all surveying, engineering, design, construction, testing, construction management, and administration.
 - (i.) City of Shafter shall be the lead agency for the project.

ENGINEERING: STREET & TRAFFIC

62. Developer shall construct and provide right of way for all streets, curb, gutter, cross gutter, drainage facilities, sidewalks, street lights, drive approaches, intersections, and other related improvements for the purposes of the development. Developer shall submit street improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and shall include:
- (a.) preliminary soils report - including R values taken from proposed road locations and infiltration tests taken from any proposed basin site(s);
 - i.) At least two (2) R-value tests will be taken for Fresno Avenue, two (2) for Beech Avenue, and five (5) for local streets dedicated for the development.
 - (b.) preliminary engineer's estimate of construction costs; and
 - (c.) plan check and inspection fees.
63. The drawings shall include all proposed public street pavement, curb, gutter, driveways, streetlights, cross gutter, catch basins, striping, signage, traffic signals, and sidewalks along the perimeter of all streets adjacent to or within the project site. Said improvement shall be constructed as per the street improvement plans approved by the City Engineer in a manner consistent with the Subdivision Engineering Design Manual.
64. Street Sections:
- (a.) The minimum allowable structural section for Fresno Avenue shall be 0.50 feet of Asphalt Concrete (3/4" AR-4000) over 0.83 feet of Class II Aggregate Base over 1.2 feet native material moistened and compacted to city standards. Traffic Index = 10.0. Assumed base soil R-Value of 45.
 - (b.) The minimum allowable structural section for Beech Avenue shall be 0.50 feet of Asphalt Concrete (3/4" AR-4000) over 0.83 feet of Class II Aggregate Base over 1.2 feet native material moistened and compacted to city standards. Traffic Index = 10.0. Assumed base soil R-Value of 45.
 - (c.) The minimum allowable structural section for all local interior streets shall be 0.17 feet of Asphalt Concrete (1/2" AR-4000) over 0.33 feet of Class II Aggregate Base over 1.0 feet native material moistened and compacted to city standards. Traffic Index = 4.0
 - (d.) Pavement structural section calculations shall be performed to verify the proposed structural sections and shall be submitted to and approved by the City Engineer with street plans. Calculations shall use the results of the R-value tests from the soils report.
 - (e.) Minimum cross slope shall be 1.5% constructed. A minimum of 2% cross slope shall be designed and shown on plans.
65. Street Dimensions:
- (a.) Fresno Avenue shall be developed as a arterial, half width, along the entire property line of the subject property, in accordance with standards and specifications of the City as approved by the City Engineer. Fresno Avenue shall be fifty-five (55) feet half right of way with forty-one (41) feet centerline to flowline.
 - i.) The existing edge of paving of Fresno Avenue shall be sawcut and

- Fresno Avenue shall be constructed to match the paving at the sawcut line.
 - ii.) Provisions shall be made for both the design and construction of Fresno Avenue for a future fourteen (14) feet wide landscaped median centered on Fresno Avenue.
 - iii.) Developer shall transition Fresno Avenue to the existing two lane road in a manner acceptable to the City Engineer.
 - (b.) Beech Avenue shall be developed as a arterial, half width, along the entire property line of the subject property, in accordance with standards and specifications of the City as approved by the City Engineer. Beech Avenue shall be fifty-five (55) feet half right of way with forty-one (41) feet centerline to flowline.
 - i.) The existing edge of paving of Beech Avenue shall be sawcut and Beech Avenue shall be constructed to match the paving at the sawcut line.
 - ii.) Provisions shall be made for both the design and construction of Beech Avenue for a future fourteen (14) feet wide landscaped median centered on Beech Avenue.
 - iii.) Developer shall transition Beech Avenue to the existing two lane road in a manner acceptable to the City Engineer.
 - (c.) The intersection of Fresno Avenue and Beech Avenue shall be expanded to provide additional right of way for turning lanes in accordance with City standards. Dimensions are subject to approval by the City Engineer.
 - (d.) All local streets shall be developed as full width streets in accordance with standards and specifications of the City as approved by the City Engineer. All local streets shall be fifty-two (52) feet full right of way with forty (40) feet flowline to flowline.
- 66. Should a street transition to another street with a ninety (90) degree turn occur, that transition shall be a street knuckle and shall be shown on the final tract map and in the street improvement plans.
- 67. Cul-de-sac and street knuckle dimensions & radii to conform to the Subdivision Engineering Design Manual and/or the City Engineer. The use of offset cul-de-sacs is approved provided they meet the requirements of the City.
- 68. The following streets shall be striped in accordance with the City Engineer and Caltrans Traffic Manual, latest edition. Proposed striping shall be shown on street plans.
 - (a.) Fresno Avenue
 - (b.) Beech Avenue
- 69. Street signs shall be installed per City standards as required by the City Engineer.
- 70. All utilities proposed under paving shall be installed prior to paving. Cover over utilities shall be a depth as approved by the City Engineer.
- 71. During construction, the applicant shall maintain the project, including adjacent streets in a dust free condition. This condition applies at all times including weekends, evenings and

night time hours. During construction operations, cleanup of soil from the public roadways shall be required, if deemed necessary, by the City Engineer.

72. Driveway approaches shall be constructed in a manner consistent with the requirements for residential approaches as set forth in the City's Subdivision and Engineering Design Manual.
73. Sidewalk, including curb, shall be five (5) feet wide and shall be placed behind the curb on all streets. Transitions at intersections and wheelchair ramps shall be provided and installed per City's Subdivision and Engineering Design Manual.
74. Monument and monument covers shall be set per City Standards.
75. Temporary turnarounds, if required, including right of way, shall be granted, designed, & installed per the Subdivision and Engineering Design Manual.
76. Property line locations shall be marked with a chiseled line on the top of curb for all property lines. The location of all sewer laterals shall be indicated on the top of curb with a stamped "S".
77. Street lighting shall be installed in accordance with the City Engineering & Subdivision Design Manual as directed by the City Engineer. Developer shall coordinate with Pacific Gas & Electric to ensure that the street lights are established under the LS-2B rate schedule.
78. Secondary access easements shall be provided at the request of the City Engineer. Within any given phase of development, secondary access easements and improvements shall be provided in a manner approved by the City Engineer. Access roads shall be twelve (12) feet in width and shall consist of three (3) inches of class II aggregate base over six (6) inches of native material compacted to 90% relative maximum density.
79. A waiver of direct access shall be dedicated and shown on the final map along:
 - (a.) Along the south property lines of lots 1 through 7 and lots 99 through 103.
 - (b.) Along the west property lines of lots 62, 63, 74, 75, 86, 87, and all but the northernmost 30 feet of lot 103.
80. Blue Botts' dots shall be placed at the center of the street for each fire hydrant.
81. A City benchmark shall be set in the top of curb at the intersection of Fresno Avenue and Beech Avenue. Elevation shall be certified by a licensed land surveyor for the State of California. Level circuit data and calculations shall be submitted to the City of Shafter for approval.

ENGINEERING: LANDSCAPING

82. All landscaping plans including plants, irrigation equipment, points of connection to water lines, electrical services for timers, lighting, etc. shall be approved by the City Engineer prior to construction.

83. A masonry wall, or approved alternative, is to be installed:
- (a.) Along the south property lines of lots 1 through 7 and lots 99 through 103.
 - (b.) Along the west property lines of lots 62, 63, 74, 75, 86, 87, and 103.
 - (c.) Along portions of the proposed sump perimeter as described previously.
84. Wall plans, materials, dimensions to be approved by City prior to construction.
85. Landscaping plans including irrigation timers, piping, sprinklers, fittings, plants, trees, turf shall be approved by the City.
86. Landscaping plumbing & electrical shall be designed for all phases of the tract.
87. Plastic sleeves, minimum four (4) inches diameter schedule 40 pipe, shall be installed under proposed streets where landscaping waterlines or control wires pass under the street.
88. Developer shall place the entire subdivision within a new or pre-existing Landscape/Lighting Maintenance District, prior to recordation of the final map.
- (a.) The maintenance district shall be set-up to cover the cost of street lighting, drainage basin maintenance, and landscaping maintenance, as well as all administrative costs associated with the City's management of the district.
 - (b.) The Developer shall be required to cover the cost of street lighting, maintain all landscaping, including the replacement of any trees or shrubs that do not survive, within public right-of-way and landscape easements for a period of six (6) months after final inspection of the landscape improvements, or until such time as the maintenance district is formed, whichever shall occur last.
 - (c.) Developer shall be fully responsible for the formation, and formation cost of the Landscape/Lighting Maintenance District, as directed by the City Engineer.
 - (d.) Developer shall be fully responsible for paying the cost of water for all landscaping and electricity for the street lights until such time as the maintenance district is formed.
89. The developer(s) (hereinafter referred to as "Developer"), at their sole cost and expense, shall defend, indemnify and hold harmless the City of Shafter (hereinafter referred to as "City"), its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Tract No. 6704 (hereinafter referred to as "TT 6704") or, at its election and in the alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City's reasonable approvals. Developer shall also reimburse the City, its agents, legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve Developer of their obligations under this condition.

90. The following disclosure shall be given as part of transfer of properties: "If your real property is near property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on any 24 hour basis. Said discomforts may include, but not be limited to equipment noises, odors from manure or other chemicals, and dust or smoke. The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City and Kern County and will not be considered a nuisance for those inconveniences or discomforts arising from agricultural operations, provided such operations are consistent with accepted customs, standards, and laws."
91. Developer, or the general contractor, shall submit a list of all contractors and/or subcontractors performing work on TT 6704 to the City Administrative Services Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City.
92. Until all portions of TT 6704 have been completed, all vacant and undeveloped land shall be maintained within the boundaries of TT 6704 in a weed-free and clean and orderly manner by Developer. Should said property not be so maintained, the City shall notify property owner that the property is to be cleaned within thirty days of receipt of said notice. If property owner does not comply within the required time frame, City may then clear the land and bill property owner for expenses incurred.
93. TT 6704 shall expire twenty-four months from the date of approval by the City Council, unless an extension is granted by the City Council. Should an extension be requested, the applicant, not less than sixty days prior to the expiration date, shall submit to the City in writing, a request for an extension of that approval in accordance with the provisions of City Codes.
94. Developer shall pay all development fees and impact fees adopted by the City in effect at the time of issuance of any building permits.
95. Developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.

PLANNING

96. TT 6704 shall conform to the in-lieu park fee measures (Quimby Act) of the City of Shafter. Said fees shall be paid prior to recordation of the Final Map.
97. In lieu of the construction of alleys, Developer shall pay refuse capacity fee as required by Ordinance No. 351. Refuse capacity fee shall be due and payable prior to recordation of a Final Map.
98. Prior to recordation of Tract Map No. 6704, the developer shall enter into a development agreement with the City of Shafter, in a form and substance reasonably approved and required by the City, which shall provide for a minimum square footage of residential units

within the subdivision, and which shall provide for payment of park fees, traffic fees and other fees established by the City. In the event that the City has not adopted such fees in a timely manner such that the developer would have to make payment at the time of obtaining each building permit for development of the subdivision, then the developer and the City agree that park fees shall be a minimum of \$650 per lot and traffic fees shall be a minimum of \$2,346 per lot, and that such fees represent the actual costs pertaining to park and recreation and traffic impacts proportional to and directly related to each lot. Such fees shall be paid regardless of whether the developer and the City enter into a development agreement. In addition, the developer shall cooperate with the City regarding the establishment and formation of a community facilities district for school purposes, and the developer shall require all successors in interest in and to the subdivision, and each portion thereof, to cooperate with the City in the establishment of such a district. For this purpose, the developer and its successors in interest shall not object or participate in any protest regarding the formation of such a district, and shall affirmatively vote "yes" with respect to all real property within the subdivision for purposes of establishing such a district.

99. Prior to issuance of each building permit for houses within TT 6704, Developer shall submit a site plan to the City Planning Department for review and approval. The site plan shall reference the floor plan layout and building elevations, including exterior building materials and colors, for each of the single-family residences to be constructed within TT 6704. All architectural features of each single-family residence and all landscaping requirements set forth in Section 2.80, Chapter 2, Title 17 of the Shafter Municipal Code (Design Review) shall be adhered to. All roofs constructed within TT 6704 shall be of concrete tile or Prestique I High Definition manufactured by ELK Corporation in Shafter, its equivalent, or better.

Developer may request approval to substitute equivalent housing plans in lieu of any of the plans provided as part of the application for TT 6704. The City's Project Assistance Team shall determine, in the exercise of its reasonable discretion, whether a proposed substitute is equivalent to the corresponding floor plan and elevation previously provided as a requirement of Section 2.80, Chapter 2, Title 17 of the Shafter Municipal Code. At a minimum, however, the proposed equivalent plan must be of the same or greater size than the plan it is intended to replace within TT 6704.

100. Developer shall submit a conceptual landscaping plan for all publically maintained landscaping to the Planning Department for approval prior to recordation of the Final Map, or first phase of the Final map.
101. All roof-mounted air conditioning equipment shall be located on the rear portion of the roof ridge line in such a manner as to be screened as much as practical from view from public streets.
102. With the exception of model houses, as provided in Section 3.080, Chapter 3, Title 16 (Subdivision Ordinance) of the Shafter Municipal Code, no building permit shall be issued by the City until TT 6704 has been recorded pursuant to the requirements of Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) of the Shafter Municipal Code.

103. Prior to recordation of Tract 6704, the subdivider shall remove “Jimes Drive”, “Donna Rae Court” and “Joan Lucille Court” from the map and replace them with names approved by the City police Department. The applicant shall submit replacement names to the Shafter Planning Department for review of the new street names, and staff will circulate the new names through the Shafter Police Department’s 911 system for approval. No additional Planning Commission or City Council hearings will be required for approval of the revised street names .
104. All requirements of Section 2.80.6 (Residential Subdivision Land Use Design Criteria)of the City’s Zoning Ordinance shall be met.
105. The U.S. Government has a 72-inch pipeline located 43 feet north of the centerline of Fresno Avenue. In addition, the U.S. Government has a 24 inch pipeline located 32 feet east of the centerline of Beech Avenue. The owner of the subject property will need to submit a request to the Shafter-Wasco Irrigation District’s Board of Directors requesting that outlet (2.1-1) be removed at the landowners’ expense and in coordination with the Shafter-Wasco Irrigation District’s time frame. Any development on the parcel, which would affect the easements, or pipelines would require a License and Consent to enter upon, construct, operate and maintain a facility on the United States easements from the Bureau of Reclamation. The Shafter- Wasco Irrigation District contact person is Ron Sutton.
106. The developer of Tract 6704 shall comply with all San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) requirements while grading and developing the site. It is the developers responsibility to contact the SJVUAPCD to determine which requirements/rules the developer must comply with.
107. Prior to recordation on Tract 6704, the developer shall participate in a median construction program for land adjacent to the site along Fresno Avenue and Beech Avenue. The developer will be charged on a linear foot basis in lieu of building ½ of the width of the median that is adjacent to Tract 6704. Maintenance of medians and landscaping within medians shall be included in the landscape and lighting district to be provided for Tract 6704.
108. Prior to recordation of Tract 6704, developer/owner shall construct a 5-6 foot wide asphalt walking path 10-15 feet north of the Fresno Avenue edge of pavement from the northwest corner of Beech Avenue and Fresno Avenue west to Sequoia School. The walking path is a matter of public safety for children that will walk to school.
109. Prior to recordation of Tract 6704, developer/owner shall make a good faith effort to resolve bus stop location issue with the Richland School District.

BUILDING

110. Private drives constructed of Portland cement-concrete shall be constructed at a minimum width of 16 feet from the edge of public roadway pavement to the garage of each house.
111. Prior to permitting occupancy of any lot, building addresses shall be permanently installed and clearly visible from the street.

112. Prior to recordation, clearly identify sump access location on the map.
113. Prior to recordation, Identify the existing irrigation well near the northwest corner of the property.



EXHIBIT '2' CITY ZONING

Shafter City Limits (2004)

Site

Fresno Ave



ZONING LEGEND

- E ESTATE
- R-1 LOW DENSITY RESIDENTIAL
- R-2 MEDIUM DENSITY RESIDENTIAL
- R-3 MEDIUM-HIGH DENSITY RESIDENTIAL
- DC DOWNTOWN COMMERCIAL
- GC GENERAL COMMERCIAL
- NC NEIGHBORHOOD COMMERCIAL
- BP BUSINESS PARK
- I INDUSTRIAL
- A AGRICULTURE
- PD PLANNED DEVELOPMENT
- CF COMMUNITY FACILITIES
- H AIRPORT APPROACH HEIGHT OVERLAY

RESOLUTION NO. 24-446

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING THE CITY COUNCIL APPROVE A TWO (2) YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 6704 LOCATED ON THE NORTHEAST CORNER OF NORTH BEECH AVENUE AND EAST FRESNO AVENUE, WITHIN THE CITY OF SHAFTER

WHEREAS, on July 1, 2024, Donna Eckmann, the property owner, requested approval of an extension of time to record a final map on that certain property in the City of Shafter as shown on attached Exhibit “A”, citing a desire to keep the map active due to the significant investment already made in sewer improvements to serve the development and the need for a more favorable housing market for a large-lot subdivision as the justification for extending the map. The extension of time request was submitted prior to the expiration of the map and is being considered within the 60-day time period allowed by the Subdivision Map Act; and

WHEREAS, Tentative Tract Map 6704, proposing to subdivide 39.86 acres into 102 single-family residential lots ranging in size from 10,817 square feet to 15,524 square feet and a sump lot, was approved by the City Council on March 7, 2006; and

WHEREAS, the City of Shafter adopted a Negative Declaration for Tentative Tract No. 6407 on March 7, 2006 (Resolution No. 06-1823), therefore no additional CEQA analysis or documentation is required for the extension of time; and

WHEREAS, Tentative Tract Map No. 6704 was approved with a condition requiring the final map to be recorded within two years; and

WHEREAS, on February 19, 2008, the City Council approved a two-year discretionary extension of time, thereby extending the recordation of the map to March 7, 2010; and

WHEREAS, on July 15, 2008, the state legislature amended the Subdivision Map Act to provide an additional twelve (12) month extension of time for all approved subdivision maps, thereby extending the recordation of the map to March 7, 2011; and

WHEREAS, on July 15, 2009, the state legislature amended the Subdivision Map Act to provide an additional twenty-four (24) month extension of time for all approved subdivision maps, thereby extending the recordation of the map to March 7, 2013; and

WHEREAS, on July 15, 2011, the state legislature amended the Subdivision Map Act to provide an additional twenty-four (24) month extension of time for all approved subdivision maps, thereby extending the recordation of the map to March 7, 2015; and

WHEREAS, on July 11, 2013, the state legislature amended the Subdivision Map Act to provide an additional twenty-four (24) month extension of time for all approved subdivision maps, thereby extending the recordation of the map to March 7, 2017; and

WHEREAS, on October 10, 2015, the state legislature amended the Subdivision Map Act to provide an additional twenty-four (24) month extension of time for all approved subdivision

EXHIBIT 5

maps, thereby extending the recordation of the map to March 7, 2019; and

WHEREAS, on February 19, 2019, the City Council approved Resolution No. 18-342, a resolution of the City Council of the City of Shafter approving a two (2) year discretionary extension of time, thereby extending the recordation of the map to March 07, 2021; and

WHEREAS, on September 27, 2018, the state legislature amended the Subdivision Map Act to provide an additional twenty-four (24) month extension of time for all tentatively approved subdivision maps approved on or after January 1, 2006, and not later than July 11, 2013, thereby extending the recordation of the map to March 07, 2023; and

WHEREAS, on June 7, 2022, the City Council approved Resolution No. 2865, a resolution of the City Council of the City of Shafter approving a two (2) year legislative extension of time in accordance with Government Code Section 66452.26 for Tentative Tract No. 6704, thereby extending the recordation date of the map to March 07, 2025; and

WHEREAS, Title 16, Section 4.080.B of the City Municipal Code (Subdivision Ordinance) and Government Code §66452.6(e) allow the City Council to approve extensions of time for approved, or conditionally approved, tentative subdivision maps if the request is received prior to the expiration date of the map; and

WHEREAS, the City of Shafter has historically approved subdivision map extensions of time in two-year intervals; and

WHEREAS, at said Planning Commission meeting held August 13, 2024, the proposed extension of time for Tentative Tract Map No. 6704 was duly presented and considered and the Planning Commission determined that Tentative Tract Map No. 6704 is eligible to receive a two-year extension of time for recordation of the final map.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in a regular session assembled on the 13th day of August, 2024, resolved to recommend that the City Council approve a two-year extension of time for Tentative Tract Map No. 6704 (**Exhibit “A”**) located at the northeast corner of E. Fresno Avenue and N. Beech Avenue, subject to the conditions approved by the City Council on March 07, 2006 (Resolution No. 06-1823), to expire on March 07, 2027.

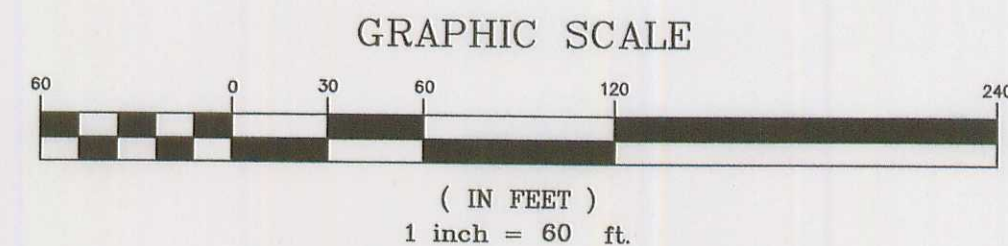
PASSED AND ADOPTED THIS 13th DAY OF AUGUST, 2024.

John Sanchez, Chairman

ATTEST

Vanessa Uribe, Deputy City Clerk

CITY OF SHAFTER
PLANNING DEPT
Date Map Approved By City Council
Date 3/17/2006



LEGEND:

PROPOSED CROSS GUTTER
DIRECTION OF DRAINAGE. ALL SLOPES @ 0.2% MIN.

GENERAL NOTES:

ZONING: E (39.86 ACRES)
APN: 69-010-04
GENERAL PLAN DESIGNATION: VLR - VERY LOW DENSITY RESIDENTIAL
EXISTING LAND USE: VACANT FARM LAND
WATER: CITY OF SHAFTER
SEWER: CITY OF SHAFTER
POWER: PACIFIC GAS & ELECTRIC
GAS: THE GAS COMPANY
CABLE T/V: BRIGHTHOUSE
TELEPHONE: SBC
SCHOOL DISTRICTS: KERN HIGH SCHOOL - SHAFTER HIGH SCHOOL
RICHLAND SCHOOL DISTRICT - SEQUOIA ELEMENTARY
RICHLAND JUNIOR HIGH SCHOOL
WAIVER OF ACCESS

EXISTING STREET NAMES:
BEECH AVENUE
FRESNO AVENUE

PROPOSED STREET NAMES:
DONNA RAE COURT
JILLIAN AVENUE
DORTHY COURT
JOAN LUCILLE COURT
ECKMANN DRIVE
JAMES DRIVE

UNPLOTTABLE EASEMENTS
CENTRAL CANAL COMPANY LATERAL CANAL
EASEMENT PER BK. 128, PG. 214 O.R.
KERN COUNTY LAND COMPANY EASEMENT FOR
ROADS ETC., PER BK. 652, PG. 109 O.R.

LOT DRAINAGE SHALL BE AS PER CITY STANDARDS
FRESNO & BEECH AVENUES TO HAVE WALL & LANDSCAPING

OWNER/SUBDIVIDER & MINERAL OWNER: JAMES C. & DONNA RAE ECKMANN, TRUSTEES OF JAMES C. ECKMANN LIVING FAMILY TRUST
1731 16TH STREET "D"
BAKERSFIELD, CA, 93301
(661) 322-8561
ENGINEER: DELMARTER & DEIFEL
2901 H STREET
BAKERSFIELD, CA, 93301
(661) 327-1486

LEGAL DESCRIPTION:
A SUBDIVISION OF SW 1/4 OF THE SW 1/4 OF SECTION 2, T. 28 S., R. 25 E., M.D.M. IN THE CITY OF SHAFTER COUNTY OF KERN, STATE OF CALIFORNIA.

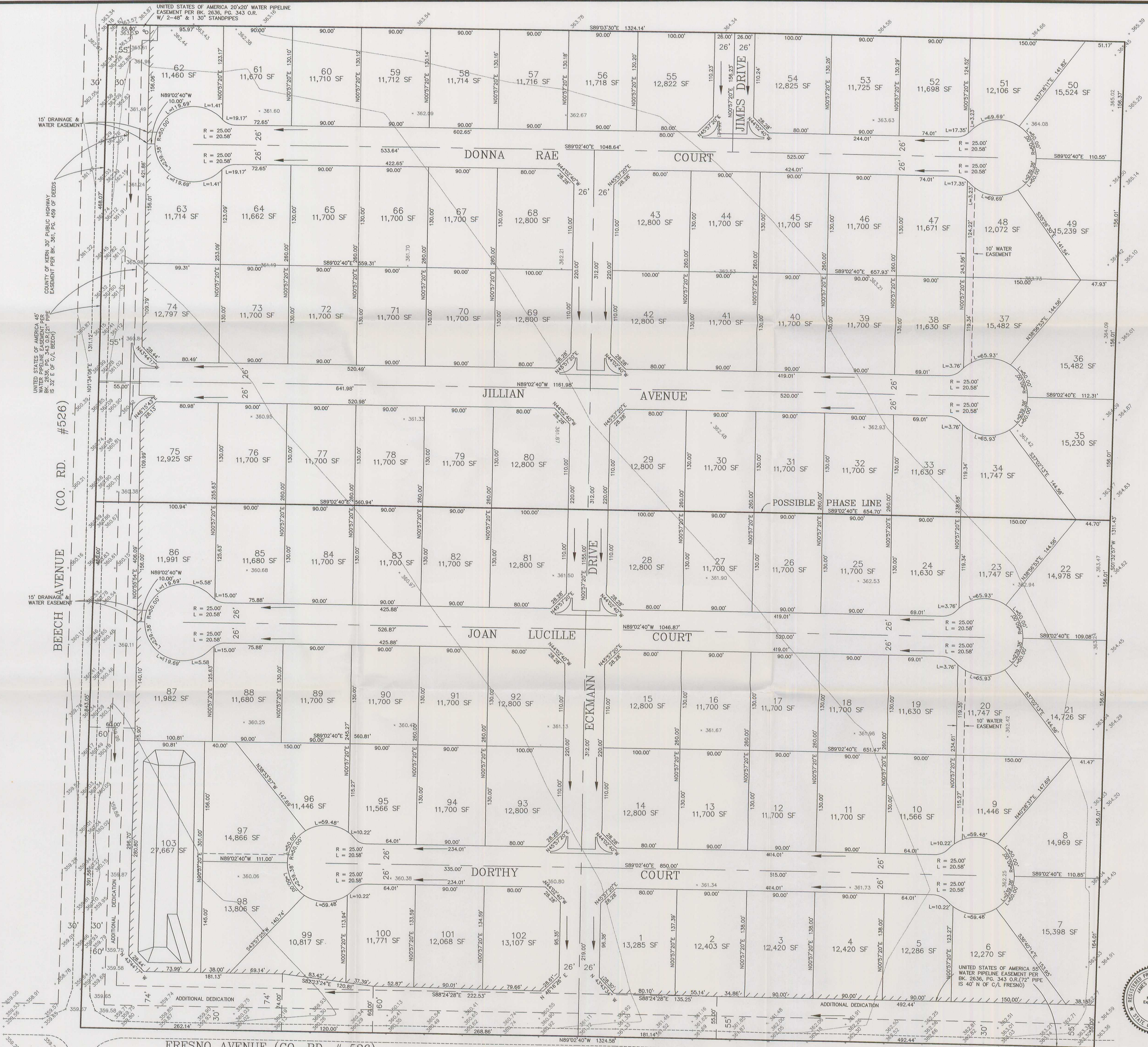
MAP MAY BE PHASED
CONTAINING 39.86 ACRES, MORE OR LESS GROSS 29.34 ACRES NET
102 E LOTS & 1 SUMP LOT
LOT DENSITY = 2.54 LOTS/ACRE (GROSS) = 3.51 LOTS/ACRE (NET)

TENTATIVE TRACT NO. 6704

DATE: 12-14-05	Revised Date: By:	NO. 14075
DRAWN BY: JKD		
APPROVED: JAMES K. DELMARTER R.C.E. 17564 EXP. 6-30-2007		

DEL MARTER AND DEIFEL
2901 H ST. #3 BAKERSFIELD, CA 93301
PHONE 327-1486 FAX 327-1452
CIVIL ENGINEERS
LAND PLANNING
SURVEYING
PROPERTY LINE
SURVEYING
DRAFTING

SHEET 1 OF 1
DRAWING FILE 14075-ECKMANN



FRESNO AVENUE (CO. RD. # 526)

DATE: August 13, 2024
TO: Planning Commission
FROM: Planning Department
SUBJECT: Land Conservation Contract No. 24-32

RECOMMENDATION:

Planning Commission find that the project is exempt from the California Environmental Quality Act; conduct a public hearing and recommend for approval a land conservation contract for an approximately 33.87-acre parcel (APN 090-020-14) to the City Council of the City of Shafter.

APPLICANT

William F. Leslie and Mary Jean Leslie
Revocable Trust Dated July 24, 2013
Attn: Timothy W. Leslie,
Trustee
9503 Ravenwood Drive
Bakersfield, CA 93312

OWNER

William F. Leslie and Mary Jean Leslie
Revocable Trust Dated July 24, 2013
Attn: Timothy W. Leslie,
Trustee
9503 Ravenwood Drive
Bakersfield, CA 93312

LOCATION: The location of the site is Assessor's Parcel Number 090-020-14. See **Exhibit 1.**

PROJECT DATA:

1. General Plan Designation: The current land use designation of the site is AOS (Agriculture-Open Space). The properties to the north, south, and west are also AOS, and the properties to the east are designated CF (Community Facilities).
2. Zoning: The site is zoned A (Agricultural). The properties to the north, east, and south are also zoned A. The properties to the west have no Shafter zoning classification because they are found within Kern County.
3. Acreage: Approximately 33.87 acres

PROJECT ANALYSIS:

William F. Leslie and Mary Jean Leslie Revocable Trust Dated July 24, 2013 (Owner) is requesting to enter a land conservation contract pursuant to the California Land Conservation Act of 1965 (also known as the Williamson Act), California Government Code Section 51200 et seq., for an approximately 33.87-acre parcel (APN 090-020-14). The Williamson Act is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a 10-year agreement that the land will not be developed or otherwise converted to another use.

The subject parcel is located within an existing City of Shafter Agricultural Preserve No.

PUBLIC HEARING

14-02 established pursuant to Title 18 of the Shafter Municipal Code and recorded on July 14, 2015. Therefore, the project is eligible to enter a land conservation contract with approval from the City Council. The parcel is currently being commercially farmed.

The Planning Commission's role is to recommend approval of the contract to the City Council or not. If the contract is recommended for approval, then the contract will be presented to the City Council for their consideration. If approved by the City Council, staff will record the contract and then prepare a notification packet for the California Department of Conservation's Division of Land Resources Protection (DOC). The DOC will then review the packet to ensure it meets all requirements. If the packet meets all requirements, then the DOC will confirm that the new contract has been recorded and recognized.

CEQA:

This project is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment and therefore, the project is exempt from CEQA.

ATTACHMENTS

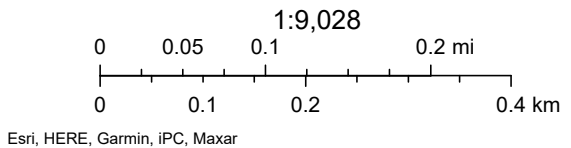
EXHIBIT

Site Map	1
Land Conservation Contract	2



7/23/2024, 1:55:42 PM

-  Site
-  Shafter City Limits



RECORDED AT REQUEST OF
CITY OF SHAFTER

WHEN RECORDED RETURN TO:

City of Shafter
336 Pacific Avenue
Shafter, CA 93263
Attention: City Clerk

Exempt from Filing Fees Gov. Code Section 27383

LAND CONSERVATION CONTRACT – AGRICULTURE

This is a Land Conservation Contract (the “Contract”) between the City of Shafter, State of California (the “City”), and Timothy W. Leslie, as Trustee of the William F. Leslie and Mary Jean Leslie Revocable Trust Dated July 24, 2013 (the “Owner”).

NOW THEREFORE, City and Owner agree as follows:

WHEREAS, Owner is the legal owner of certain real property located within the City of Shafter in the State of California described in Exhibits “A” and “B”, which are attached hereto and incorporated herein (the “Property”); and

WHEREAS, the Property is devoted to agricultural use as described in Shafter Municipal Code Section 18.04.30; and

WHEREAS, both City and Owner desire to limit the use of the Property to agriculture and uses compatible with agriculture uses; and

WHEREAS, the parties have determined that the highest and best use for the Property during the term of this Contract is agriculture and uses compatible with agriculture.

1. CONTRACT SUBJECT TO CALIFORNIA LAND CONSERVATION ACT OF 1965 AND RELATED CITY ORDINANCES AND GUIDELINES

This Contract is entered into pursuant to the California Land Conservation Act of 1965 (also known as the Williamson Act), California Government Code § 51200 et seq. (the “Act”) and is subject to all the provisions of the Act, including any amendments to the Act that may be enacted in the future. This Contract is also subject to City ordinances implementing the Act, City of Shafter Municipal Code § 18.04 et seq. (“Ordinances”), including any amendments to the Ordinances that may be enacted in the future.

2. RESTRICTIONS ON USE OF PROPERTY

During the term of this Contract, the Property may only be used for agriculture and uses compatible with agriculture. A list of potentially compatible uses is set forth in the Shafter Municipal Code Section 18.04.030(B). The City may from time to time during the term of this Contract modify the Ordinances. The provisions of this Contract shall not limit or supersede the planning, zoning or other regulatory powers of the City.

3. RESTRICTIONS ON SUBDIVISION OR LOT LINE ADJUSTMENT OF THE PROPERTY

To be subdivided or lot line adjusted, the Property must meet certain additional requirements and limitations imposed by the Act, the Subdivision Map Act and City Ordinances implementing the Act and the Subdivision Map Act.

4. RESTRICTIONS ON SALE OF THE PROPERTY

If this Contract covers more than one legal parcel, Owner may only sell portions of the Property that meet the minimum acreage requirement of 10 acres for prime agricultural land and 40 acres for non-prime agricultural land. In no case may any portion of the Property be maintained in separate ownership of less than these minimum acreages, even if an existing legal parcel is smaller than these minimum acres. Smaller portions of land may be sold to contiguous property owners if the undersized portions are merged with other parcel(s) covered by a Land Conservation Contract for which no notice of nonrenewal or application for cancellation has been filed as of the date the Property ownership is transferred and the resulting merged parcel(s) meet the minimum size requirements set forth in this paragraph. Any sale or transfer of the Property must also comply with all other legal requirements.

5. TERM OF CONTRACT

This Contract is effective on the date of execution by the City and remains in full force and effect for an initial term of at least ten years, which ten-year term commences on the first day of January following execution of the Contract. Each succeeding first day of January is the annual renewal date of this Contract. This Contract will be renewed automatically on each succeeding January 1 and one additional year will be added automatically to the contract term unless notice of nonrenewal is given in compliance with the Act and Paragraph 6.

6. NOTICE OF NONRENEWAL

- a. If either party desires not to renew this Contract for an additional year, that party must serve written notice of nonrenewal upon the other party in advance of the annual renewal date of this Contract. Unless such written notice of nonrenewal is served by Owner at least 90 days prior to the renewal date, or by City at least 60 days prior to the renewal date, this Contract will be automatically renewed for one additional year as provided in Paragraph 5 above.
- b. If City serves written notice of nonrenewal of this Contract, the Owner may submit to City a written protest of nonrenewal within ten (10) days after receipt of the notice of nonrenewal. City may withdraw its notice of nonrenewal at any time prior to the next January 1st and if the

notice is withdrawn, this Contract will continue as if no such notice of nonrenewal had been served.

- c. If either party serves written notice of nonrenewal in any year within the time limits of a. above and the notice of nonrenewal is not withdrawn prior to the next January 1st, then this Contract will remain in effect for the balance of the term remaining on the Contract as of the last automatic annual renewal. If the initial term of the Contract was ten (10) years, the remaining term after notice of nonrenewal is nine (9) years from the January 1st following the recording of the properly filed notice of nonrenewal.

7. NO COMPENSATION

It is recognized and agreed that the consideration for the execution of this Contract is the substantial benefit to be derived from, and the advantage that may accrue to Owner because of, the effect upon the assessed value of the Property from the restrictions on the Property's use as provided herein. Owner will not receive any payment from City in consideration of the obligations imposed under this Contract.

8. SUCCESSORS IN INTEREST

This Contract is binding upon and inures to the benefit of all heirs, executors, administrators, trustees, assigns and successors in interest of the Owner. Whenever any of the Property is divided or sold, the Owner of any parcel of the original Property may exercise, independently of any other Owner of a portion of the Property, any of the rights of the Owner in this Contract, including the right to give notice of nonrenewal and to petition for cancellation. The effect of any such action by the Owner of a portion of the Property will not be imputed to the other Owners of any other portions of the Property.

9. CANCELLATION

This Contract may not be cancelled except pursuant to the provisions of the Act and the Shafter Municipal Code.

10. NOTICES

All notices required or permitted by this Contract, including notice of a change of address, must be in writing and given by personal delivery or sent by United States Mail, postage prepaid, return receipt requested, addressed to the party intended to be notified. Notice will be deemed given as of the date of delivery in person or as of the date when deposited in any post office or any mail receptacle regularly maintained by the United States Postal Service.

Notice to the City must be addressed:

CITY OF SHAFTER
City Clerk
336 Pacific Avenue

Shafter, California 93263

Notice to Owner must be addressed:

WILLIAM F. LESLIE AND MARY JEAN LESLIE REVOCABLE TRUST DATED
JULY 24, 2013
Timothy W. Leslie, Trustee
9503 Ravenwood Drive
Bakersfield, CA 93312

11. RIGHT OF ENTRY

Owner hereby grants the City and its agents, employees and contractors a Right of Entry to enter and inspect the Property to assure compliance with this Contract.

12. INDEMNITY

Owner and its successors in interest agree to indemnify, defend and hold harmless the City and its officials, employees, and agents from any claim, liability, loss, injury or damage arising out of or in connection with this Contract. The Owner shall reimburse the City for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which Owner is obligated to indemnify, defend and hold harmless the City under this Contract.

13. REMEDIES FOR BREACH/WAIVER

If Owner fails to comply with or breaches any provision of this Contract, City may pursue any available rights or remedies at law or equity to address such noncompliance or breach, including but not limited to injunctive or other equitable relief, specific performance, and/or an enforcement proceeding for material breach pursuant to Government Code § 51250. City's failure to exercise its remedies for any noncompliance or breach by Owner shall not be deemed a waiver of that particular noncompliance or breach or any future noncompliance or breach, regardless of whether City had knowledge of the nonperformance or breach.

14. VOLUNTARY EXECUTION

Owner and City acknowledge that they have been furnished with copies of, and have read, this Contract and that this Contract has been freely and voluntarily entered by them and they agree to be fully bound by the terms of this Contract. Furthermore, this Contract is executed without reliance upon any representation by any person that is not set forth in this Contract.

15. OWNERS OF RECORD

Each signatory to this Contract personally warrants that he/she has full authority to enter this Contract and, if signing in a representative capacity, that he/she has full authority to sign on behalf of the person or entity whom he/she represents. Owner warrants that they are the only owners, in

fee title, of the Property, and will continue to be the only owners of the Property until the Contract is recorded in the official records of the County Clerk-Recorder.

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IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by the City on _____ and by the Owner on July 22, 2024.

CITY OF SHAFTER

Chad Givens, Mayor

APPROVED AS TO FORM AND LEGALITY:

Marco A. Martinez, City Attorney

PROPERTY OWNER(S):

Timothy Leslie
Signature

Timothy Leslie Trustee
Name/Title

Exhibits to this Contract:

A – Property Description
B – APN Map

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

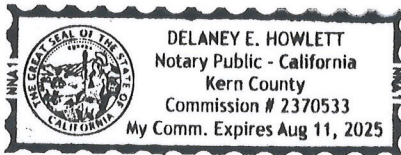
State of California

County of Kern }

On 7/22/2024 before me, Delaney E. Howlett, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Timothy Leslie
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature Delaney E. Howlett
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Land Conservation Contract

Document Date: 7/22/2024 Number of Pages: _____

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

EXHIBIT "A"

Property Description

Lots 2 and 3 in Heinrichs Subdivision, being a subdivision of the Southwest $\frac{1}{4}$ of Section 24, Township 28 South, Range 25 East, M.D.B.M., as per map filed March 3, 1921 in the Office of the county recorder of said county.

SUBJECT, HOWEVER, TO:

1. Nondelinquent real property taxes and assessments;
2. Covenants, conditions, restrictions, easements, rights and right of way of record, and any other exceptions and reservations of record.

(APN: 090-020-14)

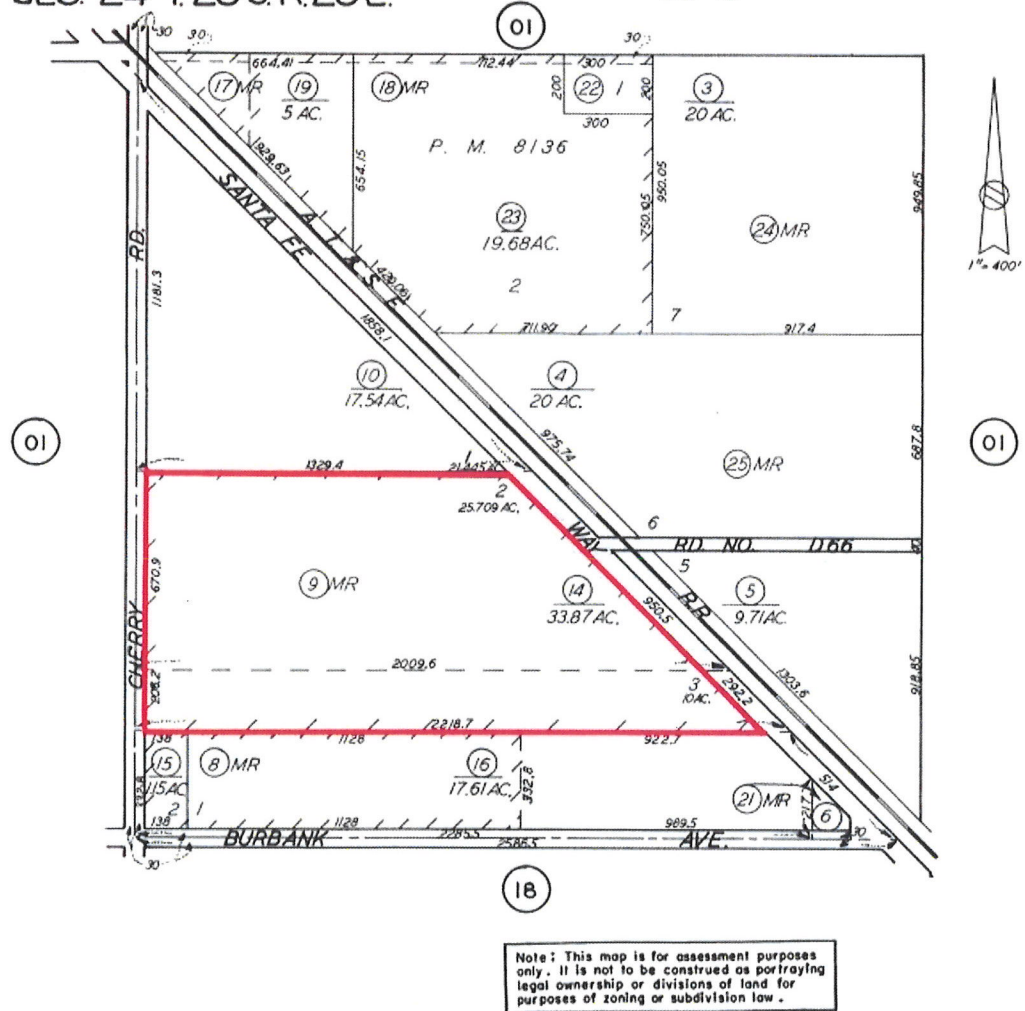
EXHIBIT "B"

APN Map

HEINRICHS SUB'D.
SW.1/4 OF SEC. 24 T.28 S. R.25 E.

SCHOOL DIST. 85-15
85-13

90-02



ASSESSORS MAP NO. 90-02....
COUNTY OF KERN