

AGENDA

TEHACHAPI CITY COUNCIL REGULAR MEETING, TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING, TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING

**Beekay Theatre
110 South Green Street
Monday, April 16, 2012 - 6:00 P.M.**

Persons desiring disability-related accommodations should contact the City Clerk no later than ten days prior to the need for the accommodation. A copy of any writing that is a public record relating to an open session of this meeting is available at City Hall, 115 South Robinson Street, Tehachapi, California.

CALL TO ORDER

ROLL CALL

INVOCATION

Participation in the invocation is strictly voluntary. Each City Councilmember, city employee, and each person in attendance may participate or not participate as he or she chooses.

PLEDGE TO FLAG

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT

All items listed with an asterisk (*) are considered to be routine and non-controversial by city staff. Consent items will be considered first and may be approved by one motion if no member of the council or audience wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in listed sequence with an opportunity for any member of the public to address the city council concerning the item before action is taken. Staff recommendations are shown in caps. Please turn all cellular phones off during the meeting.

AUDIENCE ORAL AND WRITTEN COMMUNICATIONS

The City Council welcomes public comments on any items within the subject matter jurisdiction of the Council. We respectfully request that this public forum be utilized in a positive and constructive manner. Persons addressing the Council should first state their name and area of residence, the matter of City business to be discussed, and the organization or persons represented, if any. To ensure accuracy in the minutes, please fill out a speaker's card at the podium. Comments directed to an item on the agenda should be made at the time the item is called for discussion by the Mayor. Questions on non-agenda items directed to the Council or staff should be first submitted to the City Clerk in written form no later than 12:00 p.m. on the Wednesday preceding the Council meeting; otherwise response to the question may be carried over to the next City Council meeting. No action can be taken by the Council on matters not listed on the agenda except in certain specified circumstances. The Council reserves the right to limit the speaking time of individual speakers and the time allotted for public presentations.

**TEHACHAPI CITY COUNCIL REGULAR MEETING,
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING
MONDAY, APRIL 16, 2012 - 6:00 P.M. - PG. 2**

1. General public comments regarding matters not listed as an agenda item.
2. Mayor Grimes to present a Certificate of Recognition to the Tehachapi High School Robotics Team.

CITY CLERK REPORTS

Tehachapi City Council Unassigned Res. No. 08-12
Tehachapi City Council Unassigned Ord. No. 12-01-709
Tehachapi Redevelopment Successor Agency Unassigned Res. No. 06-12
Tehachapi Public Financing Authority Unassigned Res. No. 01-12

- *3. **ALL ORDINANCES SCHEDULED FOR INTRODUCTION OR ADOPTION AT THIS MEETING SHALL BE READ BY TITLE ONLY**
- *4. Minutes for the Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority, and the Tehachapi City Financing Corporation regular meeting on April 2, 2012 - **APPROVE AND FILE**
- *5. National Day of Prayer will be held on Thursday, May 3, 2012. The Prayer event will start at approximately 12:00 pm and will end at approximately 1:00 pm. The event will be held on Robinson Street in front of City Hall and is open to the public - **APPROVE THE SPECIAL USE APPLICATION FOR NATIONAL DAY OF PRAYER EVENT, SUBJECT TO CITY CONDITIONS**
- *6. According to Tehachapi Municipal Code § 8.32.040 the City is to charge the cost of the weed abatement work on the next regular city/county property tax bill. The County is requiring that the attached resolution be adopted prior to any delinquent assessment being placed on the tax bill - **APPROVE A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW FUND TO PROVIDE FOR THE COLLECTION OF DELINQUENT ASSESSMENTS FOR THE ABATEMENT OF WEEDS AND RUBBISH**

FINANCE DIRECTOR REPORTS

- *7. Disbursements, bills, and claims for March 28, 2012 through April 10, 2012 – **AUTHORIZE PAYMENTS**

AIRPORT MANAGER REPORTS

- *8. Mr. Michael O'Quinn is requesting a new tie-down rental agreement – **APPROVE THE TIE-DOWN AGREEMENT BETWEEN THE CITY OF TEHACHAPI AND MICHAEL O'QUINN**

COMMUNITY DEVELOPMENT DIRECTOR REPORTS

9. **PUBLIC HEARING:** Approval and adoption of a comprehensive update of six of the seven mandatory General Plan elements along with two optional elements. The Town Form Element, Mobility Element, Public Realm Element, Natural Resources Element, Sustainable Infrastructure Element, Community Safety Element and Economic Vitality Element and Civic Health/Culture Element and certify the Tehachapi General Plan Update Environmental Impact Report (EIR) (State Clearinghouse #2009101084) **OPEN HEARING; NOTICE OF**

**TEHACHAPI CITY COUNCIL REGULAR MEETING,
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING
MONDAY, APRIL 16, 2012 - 6:00 P.M. - PG. 3**

PUBLIC HEARING AND CORRESPONDENCE; STAFF REPORT; RECEIVE PUBLIC COMMENT; CLOSE HEARING

STAFF AND THE PLANNING COMMISSION RECOMMENDS TO THE CITY COUNCIL REGARDING THE GENERAL PLAN EIR AND THE GENERAL PLAN UPDATE BE MADE AS FOLLOWS:

CERTIFICATION OF THE TEHACHAPI GENERAL PLAN UPDATE EIR WITH THE INCLUSION OF A "STATEMENT OF OVERRIDING CONSIDERATION" RELATIVE TO IMPACTS ASSOCIATED WITH AGRICULTURAL RESOURCES, AIR QUALITY AND BIOLOGICAL RESOURCES WHICH CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE AND THE ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO RESOLUTION NO. 08-12

APPROVAL AND ADOPTION OF SIX (6) OF THE SEVEN (7) MANDATORY ELEMENTS OF THE GENERAL PLAN AS RENAMED WITH THE EXCEPTION OF THE HOUSING ELEMENT AND THE INCLUSION OF THE TWO (2) OPTIONAL ELEMENTS PURSUANT TO RESOLUTION NO. 09-12

CITY MANAGER REPORTS

- *10. The Kern Council of Governments Board of Directors established the Geographic Information Advisory Committee. The GIAC will review and make recommendations on aerial imagery, coordinated street addressing, and other regional geographic information issue - **DESIGNATE DAVID JAMES AS THE CITY OF TEHACHAPI REPRESENTATIVE FOR THE GIAC**
11. Report to Council regarding current activities and programs – **VERBAL REPORT**

MAYOR APPOINTMENTS

12. Following the change in City Council membership, the Council may wish to modify the current assignments to groups, organizations and committees – **MODIFY COUNCIL ASSIGNMENTS TO GROUPS AND ORGANIZATIONS**

COUNCILMEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative, a Councilmember may ask a question for clarification, make a brief announcement, provide a reference to staff or other resources for factual information, take action to have staff place a matter of business on a future agenda, request staff to report back at a subsequent meeting concerning any matter, or make a brief report on his or her own activities. (Per Gov't. Code §54954.2(a))

CLOSED SESSION

1. Conference with legal counsel regarding petition to file late claim by Darnell Oliver per Government Code Section 54956.9(b)

ADJOURNMENT

MINUTES

TEHACHAPI CITY COUNCIL REGULAR MEETING, TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING, TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING

BeeKay Theatre
110 South Green Street

Monday, April 2, 2012 – 6:00 P.M.

NOTE: Sm, Gr, Wi, Ni and Va are abbreviations for Council Members Smith, Grimes, Wiggins, Nixon and Vachon, respectively. For example, Gr/Sm denotes Council Member Grimes made the motion and Council Member Smith seconded it. The abbreviation Ab means absent, Abd abstained, Ns noes, and NAT no action taken.

ACTION TAKEN

CALL TO ORDER

Meeting called to order by Mayor Grimes at 6:00 p.m.

ROLL CALL

Roll call by City Clerk Denise Jones.

Present: Mayor Grimes, Mayor Pro-Tem Smith, Councilmembers,
Wiggins, Nixon and Vachon

Absent: None

INVOCATION

By Michael Clark of Calvary Chapel.

PLEDGE TO THE FLAG

Led by Councilmember Vachon.

CONSENT AGENDA

Approved consent agenda.

Approved Consent Agenda
Sm/Ni Ayes All

AUDIENCE ORAL COMMUNICATIONS

1. General public comments regarding matters not listed as an agenda item were received from:
 - a. Charles White, city resident, thanked Council for considering him for the vacant Council position at the last Council meeting, commented on donations received by various non-profit

organizations in Tehachapi and spoke about AB 1585

- b. Lisa Cyr, Main Street President, announced that Linda Carhart is the new Executive Director and gave a report on upcoming activities and events.
- c. Leon Thomas spoke about Tehachapi becoming a Purple Heart City.

CITY CLERK REPORTS

*2. **ALL ORDINANCES SCHEDULED FOR INTRODUCTION OR ADOPTION AT THIS MEETING SHALL BE READ BY TITLE ONLY.**

All Ord. Read By Title Only
Sm/Ni Ayes All

*3. Minutes for the Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority, and the Tehachapi City Financing Corporation special meeting on March 16, 2012, and regular meeting on March 19, 2012- **APPROVE AND FILE**

Approved & Filed
Sm/Ni Ayes All

4. Main Street requests using Railroad Park for a Farmers Market. The event will be held on Thursday's starting June 14, 2012 through August 16, 2012. It will be from 4:00 p.m. until 7:00 p.m. – **DEPUTY CITY CLERK ASHLEY WHITMORE GAVE PRESENTATION; CRAIG BRITTON SAID THANK YOU; COUNCILMEMBER SMITH ASKED IF THE FORMAT OF EVENT HAS CHANGED; APPROVED THE SPECIAL USE APPLICATION FOR MAIN STREET'S FARMERS MARKET, SUBJECT TO CITY CONDITIONS AND CITY ATTORNEY APPROVAL OF INSURANCE**

Approved The Special Use Application For Main Street's Farmers Market, Subject To City Conditions & City Attorney Approval Of Insurance
Ni/Wi Ayes All

*5. On April 18, 2011, Council adopted Ordinance No. 11-01-707 which authorizes the City to abate weeds and rubbish and then charge the expenses to the property. The City needs to enter into an agreement with the County of Kern for collection of such taxes and assessments – **APPROVED AND AUTHORIZED THE MAYOR TO SIGN THE AGREEMENT BETWEEN THE CITY OF TEHACHAPI AND THE COUNTY OF KERN FOR COLLECTION OF CERTAIN TAXES AND ASSESSMENTS**

Approved & Authorized The Mayor To Sign The Agreement Between C.O.T. & The County Of Kern For Collection Of Certain Taxes & Assessments
Sm/Ni Ayes All

*6. RV Peddler requests utilizing city streets in Capital Hills for RV show and sales event for 10 days on 7/6/12 through 7/15/12. The applicant will be selling RVs from 8:00 am until dusk - **APPROVED THE SPECIAL USE APPLICATION AND AGREEMENT FOR RV PEDDLER, SUBJECT TO CITY CONDITIONS**

Approved The Special Use Application & Agreement For RV Peddler, Subject To City Conditions
Sm/Ni Ayes All

FINANCE DIRECTOR REPORTS

*7. Disbursements, bills, and claims for March 14, 2012 through March 27, 2012 –**AUTHORIZED PAYMENTS.**

Authorized Payments
 Sm/Ni Ayes All

*8. The City of Tehachapi has workers' compensation through the Central San Joaquin Valley Risk Management Authority (RMA). The RMA provides workers' compensation coverage to volunteers without an additional charge – **ADOPTED RESOLUTION NO. 07-12 PROVIDING WORKERS' COMPENSATION COVERAGE FOR CITY VOLUNTEERS**

Adopted Res. No. 07-12
 Providing Workers'
 Compensation Coverage For
 City Volunteers
 Sm/Ni Ayes All

CAPITAL PROJECTS REPORTS

9. The City successfully reached a settlement with Bond Safeguard for the completion of Tract 6216. Funds from this settlement will be used to complete necessary infrastructure associated with the Tract. The first phase of this process is to bid and construct the pump station at the drainage basin on Applewood Drive – **CAPITAL PROJECTS MANAGER CHRIS KIRK GAVE REPORT; COUNCILMEMBER WIGGINS IS GLAD THE IMPROVEMENTS ARE GETTING STARTED; COUNCILMEMBER SMITH ASKED FOR CLARIFICATION OF AREA THE SUMP WILL SERVICE AND WHAT KIND OF ROAD WORK WILL BE DONE; AUTHORIZED STAFF TO ADVERTISE, AND RECEIVED BIDS, FOR THE CONSTRUCTION OF THE PUMP STATION SERVING TRACT 6216**

Authorized Staff To
 Advertise, & Received Bids,
 For The Construction Of The
 Pump Station Serving Tract
 6216
 Sm/Ni Ayes All

CITY MANAGER REPORTS

10. City staff has recently developed and implemented a sponsorship program that will allow businesses, organizations, families or individuals to sponsor a flag in downtown Tehachapi – **INFORMATIONAL REPORT**

Received & Discussed

11. Report to Council regarding current activities and programs – **VERBAL REPORT.**

Gave Report

COUNCIL MEMBER ANNOUNCEMENTS OR REPORTS

1. Councilmember Vachon thanked Charles White for his service to community.

2. Mayor Grimes asked when the Dodge commercial will be televised.

CLOSED SESSION

1. Approval of closed session minutes of March 19, 2012.

Approved Minutes
Wi/Sm Ayes All

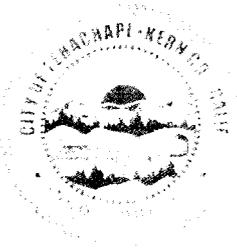
ADJOURNMENT

The City Council/Boards adjourned at 6:40 pm to a Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority and Tehachapi City Financing Corporation Regular Meeting to be held on Monday, April 16, 2012, at 6:00 pm.

DENISE JONES, CMC
City Clerk, City of Tehachapi

Approved this 16th day
Of April, 2012.

ED GRIMES
Mayor, City of Tehachapi



COUNCIL REPORTS

AGENDA SECTION: CITY CLERK

MEETING DATE: APRIL 16, 2012

APPROVED
DEPARTMENT HEAD
CITY MANAGER

TO: HONORABLE MAYOR GRIMES AND COUNCIL MEMBERS

FROM: ASHLEY WHITMORE, DEPUTY CITY CLERK

DATE: APRIL 11, 2012

SUBJECT: NATIONAL DAY OF PRAYER SPECIAL EVENT APPLICATION

APPLICANT AND ORGANIZATION

Brian Drucker, National Day of Prayer

EVENT DESCRIPTION

National Day of Prayer will be held on Thursday, May 3, 2012. The Prayer event will start at approximately 12:00 p.m. and will end at approximately 1:00 p.m. The event will be held on Robinson Street in front of City Hall and is open to the public.

APPLICANT REQUESTS

- Closure of Robinson Street in front of City Hall
- Street Barricades from Public Works Department

STAFF CONDITIONS

Public Works: The Event Representative will need to contact the Public Works staff prior to event to arrange for barricades. Should there be other requests; the Event Representative should contact the department as soon as possible.

Administration: Handicapped ramp will be accessible at all times. Electrical cords and wires from speakers and microphones shall be covered for handicapped walkers and wheelchair access. Insurance purchased from the city must be applied for prior to the event.

RECOMMENDATION

APPROVE THE SPECIAL USE APPLICATION FOR NATIONAL DAY OF PRAYER EVENT, SUBJECT TO CITY CONDITIONS.

MAR 29 2012

City of Tehachapi

SPECIAL USE/EVENT APPLICATION

Organization National Day of Prayer - Tehachapi

Event Contact Brian Drucker Phone Number 822-0626

Address 531 East D Street, Unit A

City Tehachapi State CA Zip Code 93561

E-mail Address druckerbrian@yahoo.com

Event Name Prayer Rally

Event Location Robinson St. in front of City Hall

Event Date(s) Thursday, May 3, 2012 Event Time(s) Noon - 1pm

Describe Event: (Street Closures, Activities, Participation, Etc.) Need Robinson St. closed directly in front of City Hall. Folding chairs (Approx. 120) will be set up there between 11am and Noon and will be removed immediately following the meeting. Meeting will include speaking and music—we will use a PA system which we will provide. We would appreciate use of whatever quantity of folding chairs the city can provide

Is the event open to the Public? Yes No

Is event for money raising purposes? Yes No

If Yes, what will the proceeds be used for? _____

Will alcoholic beverages be served? Yes No

Will alcoholic beverages be sold? Yes No

If Yes, what is A.B.C. Permit No? _____

Event Name

National Day of Prayer - Noon Rally

Event Date(s)

May 3, 2012

Please Describe How The Following Will Be Accomplished:

Street Barricades

City provide

Traffic Control

N/A

Crowd Control

N/A

Utility Services: Water, Sewer, Electric

N/A

Lights

N/A

Dust Control

N/A

Site Clean-up & Maintenance

We will clean up any papers, etc.

Security

N/A

Site Facilities

We will set up chairs and PA system

Health Dept.

N/A

I understand that if I am utilizing a city-owned facility I am responsible to clean the above requested facility, by removing all rubbish, debris, etc., and restore the grounds/facility back to a clean and orderly condition. I further understand I may be required to pay a deposit, at the cities discretion, for clean-up of the grounds/facility, and upon inspection of the grounds/facility, the deposit, may be fully or partially refunded, depending upon the condition the facility is left in by the user.

I also understand that this application is not a guarantee of event approval.

I, the undersigned, have read the above statements, general regulations and insurance requirements attached to this contract, and understand them and agree fully.

Applicant Signature

Brian D. ...

Date

2/13/2012

Office Use Only

Insurance Certificate

List Of Vendors

Meeting

Deposit

Plot Plan

Date

Time

- CM PW A HD
CPM CD P BL
LC BI F C

Notes

April 16th Council Meeting

GENERAL REGULATIONS

Facility use agreements are issued in accordance with the policies outlined below as established by the City of Tehachapi. All reservation forms must be signed and returned, along with fees and deposits, before consideration of use approval. SUBMISSION OF RESERVATION REQUEST DOES NOT CONSTITUTE APPROVAL.

1. Any authorization and usage is understood to be at the City's discretion. The City will not be responsible for special condition, accommodations or other improvements for any granted request for use. Any special needs are the responsibility of the user with prior approval of the Public Works Director.
2. Groups or persons using a facility are responsible to pay for any damage to property or loss of property.
3. The City of Tehachapi is not liable for accidental injury to persons or loss or damage of group or individual property. The City requires proof of insurance coverage.
4. When, in the opinion of the City, activity conditions warrant the presence of one or more security personnel, the cost of such service shall be borne by the group or organization sponsoring the activity.
5. Permission to use City of Tehachapi facilities is granted subject to observance of regulations, and permits may be revoked for violation of regulations.
6. Permits may not be transferred, assigned or sublet.
7. Users of the facilities shall observe, obey and comply with all applicable City, County, State and Federal Laws, rules and regulations.

FOOD AND ALCOHOL REGULATIONS

1. The use of alcoholic beverages is by written permit only and must be requested at the time the facility use application is made. The City reserves the right to place restrictions on the use of alcoholic beverages in accordance with State Law.
2. The alcoholic beverage permittee will remove all beverages from the premises immediately following the approved function.
3. Food and refreshments, including alcoholic beverages, may be permitted in certain designated areas as determined by the City, or the designated representative.
4. Any function that is to be catered will be catered by an approved licensed caterer. All caterer's names and addresses will be provided upon request.
5. Any function where alcoholic beverages will be permitted shall require an additional (\$50.00) deposit.

ANY EXCEPTION TO THE ABOVE POLICIES WILL BE REFERRED TO THE CITY MANAGER.

FEE AND DEPOSIT SCHEDULE

The following guidelines and rules will govern the costs and procedures for City approvals.

1. Any part of an hour will be considered a full hour in determining City costs.
2. All fees must be paid to the City of Tehachapi located at 115 South Robinson Street.
3. All refunds will be mailed as soon as possible following conclusion of the activity.
4. No arrangements can be made for a time extension with personnel on duty the day of the activity.

SECURITY PERSONNEL

If, in the opinion of the City Manager or a designated representative an activity condition warrants the presence of one or more security personnel, the cost of such service shall be borne by the group or person sponsoring the activity. Proof of obtaining the required security personnel must be in the City Hall no later than ten (10) working days prior to the activity. Proof should be in the form of a receipt and/or contract from a bonded security agency. If proof is not in the City Hall by the required date, use of the facility may be denied.

IF AFTER PROOF OF SECURITY HAS BEEN SUBMITTED TO CITY, SAID SECURITY IS NOT PRESENT ON DATE OF ACTIVITY, THE CITY EMPLOYEE IN CHARGE MAY REQUEST THE GROUP TO DISCONTINUE ACTIVITY AND ASK THE GROUP TO LEAVE THE AREA.

LIABILITY INSURANCE REQUIREMENTS

Insurance requirements for persons or organizations wishing to use City facilities should be as follows:

The party requesting to use the facility ("applicant") shall secure and keep in force during the entire term of applicant's use of the facility and covering all of applicant's activities with respect to the facility a comprehensive general liability insurance policy with bodily injury, property damage, and contractual coverage of not less than \$1 million per occurrence and including a comprehensive coverage form, and coverages for premises/operation, operations hazard, complete operations, and products liability, and containing special endorsements providing substantially the following:

(1) That the City of Tehachapi, its agents, officers, employees and governing body and each member thereof are declared to be an additional named insured under the terms of the policy with reference to the activity described in the policy, whether such additional insured be actively or passively negligent or liable by operation of law;

(2) Contractual liability coverage underwriting the obligations of applicant to hold harmless, indemnify and defend each of the insureds provided herein;

(3) "Cross liability" or "Severability of Interest" coverage for all named insureds;

(4) That such insurance is primary, and that any other insurance maintained by the additional named insureds is excess and not contributing insurance with respect to the subject insurance policy;

(5) That the insurer waives all rights of subrogation against the additional named insureds;

(6) That the coverage afforded by such policy to the additional named insureds shall not be prejudiced in any way by any failure of the principal insured to comply with any notice requirements of such policy; and

(7) That such policy may not be canceled, coverage reduced or terms altered in any manner detrimental to the coverage except after delivery to the City of written notice not less than 15 days prior to the effective date of such cancellation, reduction or alteration. No such cancellation provisions in any such insurance policy shall be construed in derogation of the continuous duty of applicant to furnish insurance during the term of applicant's use of the facility. The lapse for any reason of insurance as required herein shall constitute breach of this requirement.

The facility shall not be used until applicant has provided City with a duly certificated certificate of insurance issued by an insurance company approved by City and evidencing that the policy has been issued, is effective, and complies with the foregoing requirements. Applicant must also provide City with a facsimile of the insurance policy and no use of the facility can be made until City has approved the policy.

INDEMNIFICATION

Applicant hereby agrees to indemnify, defend, and hold harmless the City, its Councilpersons, boards, commissions, officers, employees and agents from any and all claims, demands, suits, judgements, liability, damages, costs, and expenses arising out of or related to applicant's use or occupation of City's streets or facilities, including but not limited to, any act or omission to act on the part of City, its Councilpersons, boards, commissions, officers, employees, or agents, whether active or passive.

Brian Drucher
Applicant Signature
3/29/12
Date

Event Name

National Day of Prayer

Date

5/3/12

Department

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Comments

[Large grid area for handwritten comments]



COUNCIL REPORTS

AGENDA SECTION: CITY CLERK

MEETING DATE: APRIL 16, 2012

APPROVED
DEPARTMENT HEAD: 
CITY MANAGER: 

TO: HONORABLE MAYOR GRIMES AND COUNCIL MEMBERS

FROM: DENISE JONES, CITY CLERK

DATE: APRIL 12, 2012

SUBJECT: A RESOLUTION TO PROVIDE FOR THE COLLECTION OF DELINQUENT ASSESSMENTS

BACKGROUND

Pursuant to Ordinance No. 11-01-707 the City's weed abatement deadline is June 15 of every year. For any property that is not in compliance, the City shall proceed to have the work done and charge the cost to the property owner. According to Tehachapi Municipal Code § 8.32.040 the City is to charge the cost of the weed abatement work on the next regular city/county property tax bill. The County is requiring that the attached resolution be adopted prior to any delinquent assessment being placed on the tax bill.

RECOMMENDATION

APPROVE A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A NEW FUND TO PROVIDE FOR THE COLLECTION OF DELINQUENT ASSESSMENTS FOR THE ABATEMENT OF WEEDS AND RUBBISH.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TEHACHAPI AUTHORIZING THE
ESTABLISHMENT OF A NEW FUND TO
PROVIDE FOR THE COLLECTION OF
DELINQUENT ASSESSMENTS FOR THE
ABATEMENT OF WEEDS AND RUBBISH**

WHEREAS, Chapter 8.32 of the Tehachapi Municipal Code authorizes the City of Tehachapi (City) to abate the nuisance of weeds and rubbish at the expense of property owners on private properties when the property owners fail to do so; and

WHEREAS, the City has abated the nuisance of weeds and rubbish on various parcels where the property owners have failed to do so and will request that the cost of the assessments be placed on the property tax rolls for 2012-13; and

WHEREAS, collection of the delinquent assessments on the tax rolls will require establishment of a separate fund with the Kern County Auditor Controller's office; and

WHEREAS, the City Council wishes to establish a fund for the collection of the delinquent assessments for the abatement of weeds and rubbish on certain properties within the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tehachapi as follows:

1. That the foregoing recitals are true and correct.
2. That the Kern County Auditor Controller's office is hereby authorized

to establish a fund for the City of Tehachapi for the collection of assessments against parcels which have failed to comply with the City's requirement for abatement of weeds and rubbish.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tehachapi on the 16th day of April, 2012 by the following vote:

AYES : COUNCIL MEMBERS: _____

NOES: COUNCIL MEMBERS: _____

ABSTAIN: COUNCIL MEMBERS: _____

ABSENT: COUNCIL MEMBERS: _____

ED GRIMES, Mayor, City of
Tehachapi, California

ATTEST:

DENISE JONES, CMC, City Clerk,
City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on April 16, 2012.

DENISE JONES, CMC
City Clerk of the City of Tehachapi, California

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 0 42432347	Check Date: ? PW\Industrial Acetylene	Vendor: 0015	211 Praxair Distribution, Inc. 03/20/2012	116.23
			Check Total:	116.23
Check No: 0 B118401	Check Date: ? Wtr\Dennison Well water samples	Vendor: 0035	BC Laboratories, Inc. 03/22/2012	15.00
B116553	Wtr\Minton Well & Highline Resv samp		03/20/2012	50.00
B117904	Wtr\Dennison Well samples		03/16/2012	15.00
B117857	Wtr\Wahlstrom & Dennison Wells sampl		03/19/2012	50.00
B118203	Wtr\Pinon & Mojave Wells samples		03/26/2012	50.00
B118628	Wtr\Highline & Minton Wells samples		03/26/2012	50.00
B117401	Wtr\Curry Resv water samples		03/21/2012	15.00
B118400	Wtr\Curry Resv water samples		03/27/2012	15.00
B117905	Wtr\Curry Resv water samples		03/21/2012	15.00
B116553-1	Wtr\309 E I & 222 W D St samples		03/20/2012	24.00
B117443	Wtr\110 Brentwood samples		03/15/2012	12.00
B117857-1	Wtr\221 S Hayes & 1305 Alder samples		03/19/2012	24.00
B118203-1	Wtr\Oakwood & Tanglewood samples		03/26/2012	24.00
B118628-1	Wtr\222 W D St & 309 E I St samples		03/26/2012	24.00
B118108	Swr\WWTP water samples		03/20/2012	210.00
B118391	Swr\WWTP water samples		03/22/2012	210.00
			Check Total:	803.00
Check No: 0 0063430	Check Date: ? PD/Property Acquisition/construction	Vendor: 0061	BSK Associates 02/29/2012	792.00
0063310	Swr\1st Quarter 2012 Monitoring		02/29/2012	4,000.00
0063408	Swr\F St Water Line Compaction Testi		02/29/2012	605.00
			Check Total:	5,397.00
Check No: 0 4187	Check Date: ? Swr\trouble shoot sludge pump #2	Vendor: 0182	P&J Electric 03/21/2012	320.25
4198	Swr\repull wire to clarifier		03/27/2012	1,692.38
			Check Total:	2,012.63
Check No: 0 2975	Check Date: ? Strts\Paper R32P temp no pk dt/tm	Vendor: 0212	Interstate Sales 03/28/2012	396.83
			Check Total:	396.83
Check No: 0 6044824	Check Date: ? Strts\Ford truck repair	Vendor: 0214	J&H Automotive Unlimited 04/02/2012	89.13
			Check Total:	89.13
Check No: 0 60303	Check Date: ? Strts\K-45, K-43, K-54, K60	Vendor: 0241	Kern Bros. Trucking, Inc. 03/23/2012	1,233.38
60303-1	Wtr\K-45, K-43, K-54, K60		03/23/2012	1,233.38
			Check Total:	2,466.76
Check No: 0 140193243	Check Date: ? PW\svc chg\linen maintenance\cleaner	Vendor: 0300	Mission Linen & Uniform Servic 03/27/2012	71.66
140194385	PW\svc chg\linen maintenance\cleaner		04/03/2012	75.64
			Check Total:	147.30
Check No: 0 1976251	Check Date: ? Wtr\Large Truck	Vendor: 0304	Mojave Sanitation 02/29/2012	13.53
1976351	Swr\2 Storage Containers		02/29/2012	170.00
			Check Total:	183.53
Check No: 0 0251122	Check Date: ? PW\Fuel	Vendor: 0362	RSI Petroleum Products 03/26/2012	1,414.06

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
0250987	PW\Fuel		03/20/2012	1,344.04
0251174	Strts\AGL Acetone		03/27/2012	470.73
			Check Total:	3,228.83
Check No: 0	Check Date: ?	Vendor: 0426	Tehachapi-Cummings County Wate	
424803	Wtr usage/TUSD		03/31/2012	1,563.29
9590600 033112	Wtr service chrg/Benz San		03/31/2012	4.50
37213000 033112	Wtr service chrg/Chemtool		03/31/2012	4.50
2118400 033112	Wtr service chrg/Henway		03/31/2012	4.50
27553140	Wtr usage/service chrg/Warrior Park		03/31/2012	548.06
15846500	Wtr usage/service chrg/Landscaping		03/31/2012	349.03
647470	Wtr usage/service chrg/Median		03/31/2012	31.53
			Check Total:	2,505.41
Check No: 0	Check Date: ?	Vendor: 0441	Vulcan Materials Company	
691500	PW\5sk 1" 50/50 PM AE		03/19/2012	211.02
			Check Total:	211.02
Check No: 0	Check Date: ?	Vendor: 0476	WITTS Everything for the Office	
121855-0	GG\Heavy duty dust pan		03/29/2012	22.97
121821-0	GG\wall clock, marker, copy paper		03/28/2012	308.31
121968-0	CD\index erase/binders		04/05/2012	25.15
121830-0	CD\Wireless keyboard		03/28/2012	150.13
			Check Total:	506.56
Check No: 0	Check Date: ?	Vendor: 0525	All American Tire & Service Ce	
34142	GG\06 ChevyTahoe/tires		04/04/2012	789.08
			Check Total:	789.08
Check No: 0	Check Date: ?	Vendor: 0534	CA Assoc. for Local Economic D	
03282012	CD\Conference Registration		03/28/2012	150.00
			Check Total:	150.00
Check No: 0	Check Date: ?	Vendor: 0543	BSE Rents	
33808	PW\stone concrete & sand belt\credit		06/09/2011	-20.99
34725	PW\stone concrete & sand belt\credit		11/09/2011	-22.35
551284	Strts\bumber jumper kit, 3/8" compat		03/28/2012	92.10
550718	City Hall Remodel\Linoleum Roller		02/29/2012	17.54
			Check Total:	66.30
Check No: 0	Check Date: ?	Vendor: 0567	Microflex Corp #774353	
IN1264439	Swr\PF SafeGrip XL, PF Evolution One		03/06/2012	387.28
			Check Total:	387.28
Check No: 0	Check Date: ?	Vendor: 0832	ACWA Health Benefits Authority	
050112-3	Life/AD&D		05/01/2012	1,053.66
050112	Medical		05/01/2012	63,011.83
050112-1	Dental		05/01/2012	7,403.18
050112-2	Vision		05/01/2012	879.50
			Check Total:	72,348.17
Check No: 0	Check Date: ?	Vendor: 0842	Kern County Roads Department	
082011 8	Farebox Revenue Aug.2011		04/02/2012	-260.82
092011 12	Farebox Revenue Sept.2011		04/02/2012	-313.68
122011 24	Farebox Revenue Dec. 2011		04/02/2012	-301.50
112011 20	Farebox Revenue Nov.2011		04/02/2012	-330.53
102011 16	Farebox Revenue Oct.2011		04/02/2012	-287.80
012012 28	Farebox Revenue Jan. 2012		04/02/2012	-314.75
072011 4	Farebox revenue July 2011		04/02/2012	-379.77

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
102011 18	Farebox Revenue Oct.2011 prepaid		04/02/2012	396.08
092011 14	Farebox Revenue Sept.2011 pre paid		04/02/2012	396.08
072011 6	Farebox revenue July 2011/pre-paid		04/02/2012	396.08
082011 10	Farebox Revenue Aug.2011 pre paid		04/02/2012	396.08
112011 22	Farebox Revenue Nov.2011 prepaid		04/02/2012	396.08
122011 26	Farebox Revenue Dec. 2011 pre paid		04/02/2012	396.08
012012 27	Dial-A-Ride Opeartion cost Jan. 2012		04/02/2012	11,158.03
122011 23	Dial-A-Ride Operation cost Dec. 2011		04/02/2012	10,611.50
102011 15	Dial-A-Ride Operation cost Oct.2011		04/02/2012	10,638.41
112011 19	Dial-A-Ride Operation cost Nov.2011		04/02/2012	10,879.87
072011 3	Dial-A-Ride/Operation cost July 2011		04/02/2012	9,315.62
082011 7	Dial-A-Ride/Operation cost Aug.2011		04/02/2012	12,413.37
092011 11	Dial-A-Ride Operation cost Sept.2011		04/02/2012	11,096.97
112011 21	Dial-A-Ride Operation cost Nov.2011		04/02/2012	-8,730.51
072011 5	Dial-A-Ride/July 2011/pre-paid		04/02/2012	-9,157.30
082011 9	Dial-A-Ride/Operation cost Aug.2011p		04/02/2012	-9,513.36
122011 25	Dial-A-Ride Operation cost Dec. 2011		04/02/2012	-10,190.43
102011 17	Dial-A-Ride Opeation cost Oct.2011 p		04/02/2012	-8,879.85
092011 13	Dial-A-Ride Operation cost Sept.2011		04/02/2012	-9,257.85
Check Total:				20,572.10
Check No: 0	Check Date: ?	Vendor: 1037	Antelope Valley Press	
033112	GG/notice inviting state m		03/31/2012	812.70
Check Total:				812.70
Check No: 0	Check Date: ?	Vendor: 1055	Mercury Graphics	
4139	GG/passports sign		04/04/2012	51.48
4141	GG/bumper stickers		04/06/2012	632.78
4137	GG>window envelopes		03/29/2012	63.28
Check Total:				747.54
Check No: 0	Check Date: ?	Vendor: 1149	GAVEA	
936	CD\Annual Investor Membership		12/06/2011	2,500.00
936-1	CD\2012 Economic RTR Sponsorship		12/06/2011	2,500.00
Check Total:				5,000.00
Check No: 0	Check Date: ?	Vendor: 1286	M&M's Sports Uniforms & Embroi	
25877	GG/easelback plaque		04/04/2012	112.61
Check Total:				112.61
Check No: 0	Check Date: ?	Vendor: 1352	HMA	
7900	GG/tradeshaw display booth/design/la		04/02/2012	1,935.00
7899	GG/tradeshaw display booth/design/la		04/02/2012	1,237.85
Check Total:				3,172.85
Check No: 0	Check Date: ?	Vendor: 1442	FLEX ONE AFLAC	
218984ER	GG\Admin Fees		03/15/2012	50.00
Check Total:				50.00
Check No: 0	Check Date: ?	Vendor: 1729	Alpha Landscape Maintenance	
11130	City Offices		02/27/2012	45.38
11131	GGMarket Place & Union Pacific		02/27/2012	1.14
11130-1	Market Place & Union Pacific		02/27/2012	201.79
11130-15	Pioneer Park		02/27/2012	506.04
11130-16	Old Town Planters		02/27/2012	11.12
11130-18	Pinon House		02/27/2012	109.63
11130-19	Robinson Park		02/27/2012	461.02
11130-20	Taco Samich & Wall		02/27/2012	25.68
11130-21	Senior Center		02/27/2012	95.95

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
11130-23	Robinson Parking lot		02/27/2012	22.85
11131-13	GG\Pioneer Park		02/27/2012	3.41
11131-14	GG\Old Town Planters		02/27/2012	1.14
11131-16	GG\Pinon House		02/27/2012	1.14
11131-17	GG\Robinson Park		02/27/2012	1.14
11131-18	GG\Taco Samich		02/27/2012	1.14
11131-19	GG\Senior Center		02/27/2012	1.14
11131-21	GG\Robinson Parking Lot		02/27/2012	0.44
11130-22	Railroad Depot		02/27/2012	116.44
11131-20	Railroad Depot		02/27/2012	2.27
11130-12	Street Trees		02/27/2012	113.10
11131-1	Strts\Mill Street Island		02/27/2012	3.41
11130-13	Dennison Street		02/27/2012	658.10
11130-2	Mill St Islands		02/27/2012	392.38
11131-2	Strts\Capitol Hills		02/27/2012	2.27
11130-3	Capitol Hills (South Island)		02/27/2012	246.63
11131-8	Strts\South Curry		02/27/2012	2.27
11130-9	South Curry		02/27/2012	207.93
11131-11	Strts\Dennison St		02/27/2012	3.41
11131-9	LLD\Heritage Oaks		02/27/2012	11.40
11130-10	Heritage Oak		02/27/2012	787.98
11130-14	Clearview		02/27/2012	294.12
11131-12	LLD\Clearview		02/27/2012	1.14
11131-3	LLD\Manzanita Park		02/27/2012	3.41
11130-4	Manzanita Park		02/27/2012	693.93
11131-4	LLD\KB Tract\High LMD		02/27/2012	1.14
11130-5	KB Tract - Highland LMD		02/27/2012	468.03
11131-5	LLD\Alta Tract\War Park		02/27/2012	26.13
11130-6	Alta Tract\Warrior Park		02/27/2012	4,082.07
11131-6	LLD\Alta Parkway Lawns		02/27/2012	2.27
11130-7	Alta Parkway Lawns		02/27/2012	160.38
11131-7	LLD\Alta Planter\Highline and Tract		02/27/2012	11.40
11130-8	All Planters-Highline & tract perime		02/27/2012	1,433.48
11130-11	KB Tract - Dennison		02/27/2012	3,293.96
11131-10	LLD\KB\Dennison		02/27/2012	31.81
11130-17	Mill Street Cottages		02/27/2012	22.49
11131-15	LLD\Mill Street Cottages		02/27/2012	0.57
11130-24	Red Barn		02/27/2012	80.59
Check Total:				14,644.66

Check No: 0	Check Date: ?	Vendor: 1801	HD Supply Waterworks, LTD	
4534284	Water rein. conc. lid\u-branch		03/22/2012	78.29
4517619	Wtr\Dual mtr box		03/15/2012	84.00
4474915	Wtr\12" hyd ext w/kit		03/15/2012	337.15
4561008	Wtr\u-branch, outlets		03/23/2012	341.96
4556150	Wtr\brass nipple low lead		03/23/2012	141.32
4465926	Water Meter		03/22/2012	1,453.86
Check Total:				2,436.58

Check No: 0	Check Date: ?	Vendor: 1843	The Bank of New York Mellon Trust	
041012 1	Wtr loan #TEHPIWSR04 debt service py		04/10/2012	8,103.81
041012 2	Swr loan #TEHPIWSR04 debt service py		04/10/2012	49,780.57
Check Total:				57,884.38

Check No: 0	Check Date: ?	Vendor: 1947	Tehachapi Lawn and Garden	
0063	PW\spark plug		03/08/2012	5.24
Check Total:				5.24

Check No: 0	Check Date: ?	Vendor: 2111	Swift Napa Auto Parts	
735557	Constr\hoses, hose ends, labor		03/26/2012	76.43

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
735948	Strts\paint truck-distr cap, rotor,		03/29/2012	70.74
735966	Strts\paint truck-solenoid		03/29/2012	26.27
			Check Total:	173.44
Check No: 0	Check Date: ?	Vendor: 2120	Teledyne Isco, Inc.	
986884	Swr\bt1 set 1L plstc24		03/14/2012	148.56
			Check Total:	148.56
Check No: 0	Check Date: ?	Vendor: 2151	Melo's Gas & Gear	
408382	Wtr\oxygen compressed, acetylene		03/22/2012	37.29
			Check Total:	37.29
Check No: 0	Check Date: ?	Vendor: 2153	Michael Pera	
03272012	Constr\oil for saws		03/27/2012	6.21
03272012-1	Door jams for City Hall		03/27/2012	67.03
			Check Total:	73.24
Check No: 0	Check Date: ?	Vendor: 2155	City of McFarland	
03282012	GG\3-22-12 Km Cty Asoc of Cities di		03/28/2012	75.00
			Check Total:	75.00
Check No: 0	Check Date: ?	Vendor: 2200	Argo Chemical	
1203075	Wtr\Argo-Chlor Sol. 12.5%		03/13/2012	806.08
			Check Total:	806.08
Check No: 0	Check Date: ?	Vendor: 2459	CSG International	
78419 7	GG\printing		03/30/2012	39.33
78419 4	Rfs\postage		03/30/2012	189.12
78419 1	Rfs\printing		03/30/2012	95.11
78419 5	Wtr\postage		03/30/2012	472.79
78419 2	Wtr\printing		03/30/2012	237.80
78419 6	Swr\postage		03/30/2012	283.67
78419 3	Swr\printing		03/30/2012	142.68
			Check Total:	1,460.50
Check No: 0	Check Date: ?	Vendor: 2490	QT Technologies	
43154 UT	Use Tax		03/30/2012	-15.88
43154	Air\Auto Fuel Key Pad		03/30/2012	234.88
			Check Total:	219.00
Check No: 0	Check Date: ?	Vendor: 2636	High Desert Wireless Broadband	
18977	PD\Mar 2012 monthly consulting fee		04/01/2012	2,000.00
			Check Total:	2,000.00
Check No: 0	Check Date: ?	Vendor: 2892	Mountain Maintenance Group, In	
4357	GG\cleaning 3/19 to 29		03/30/2012	480.00
4357-1	PD\cleaning 3/18 to 29		03/30/2012	600.00
4359	Depot\cleaning 3/22 to 4/2		03/30/2012	500.00
4358	Air\cleaning 3/22 & 29		03/30/2012	100.00
			Check Total:	1,680.00
Check No: 0	Check Date: ?	Vendor: 2902	Sim Sanitation, Inc	
23104	Air\monthly std & handicap unit rent		03/22/2012	82.00
			Check Total:	82.00
Check No: 0	Check Date: ?	Vendor: 2978	Andy Gump, Inc	
91244	Sump maint\6' cahin link fence\gate		03/22/2012	88.80

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	88.80
Check No: 0 182350	Check Date: ? AB X1 26 Advice	Vendor: 2994	Richards, Watson & Gershon 02/24/2012	5,010.71
			Check Total:	5,010.71
Check No: 0 3191	Check Date: ? PD\oil change	Vendor: 3051	Tehachapi Transmissions, Inc. 03/20/2012	39.10
			Check Total:	39.10
Check No: 0 37217717D	Check Date: ? Four Seasons Mall Encroachment Permi	Vendor: 3066	AECOM Technical Services, Inc. 03/07/2012	370.00
37217717B	CD\Green Code Assistance		03/07/2012	579.26
37216885	GG\Engineering Svcs - Police Assista		03/07/2012	192.91
37217717A-2	GG\Engineering Svcs		03/07/2012	9,104.01
37217717E	SCE Meet and Greet		03/07/2012	606.00
37211449	Loop Ranch Bio Constraints Analysis		02/17/2012	1,617.50
37216916	SCE Expansion		03/07/2012	277.70
37216881	SCE Expansion		03/07/2012	117.00
37217717C	CD\Engineering Svcs		03/07/2012	1,896.73
37215184	Dwntwn Beautification Ph II		03/07/2012	1,098.09
37217079	Teh Blvd Phase IV - CA Project		03/07/2012	2,572.85
37217208	Tract 6216 Bid Packages		03/07/2012	4,339.50
37217717F	WW Assistance\Report of Waste Discha		03/07/2012	1,088.50
37217029	WWTP Upgrade Project		03/07/2012	44,148.26
			Check Total:	68,008.31
Check No: 0 1250099	Check Date: ? Water System Fees July 2011 - Dec 20	Vendor: 3073	CA Department of Public Health 03/23/2012	1,990.80
			Check Total:	1,990.80
Check No: 0 03272012	Check Date: ? Wall to Wall Event Insurance	Vendor: 3083	Hub International 03/27/2012	372.80
			Check Total:	372.80
Check No: 0 4152	Check Date: ? Landscape\remove & replace windshiel	Vendor: 3174	Tehachapi Auto Glass 03/27/2012	186.37
4148	Swr\remove & replace windshield		03/26/2012	177.21
			Check Total:	363.58
Check No: 0 A00263/12	Check Date: ? Strts\intel 4401 red low voc s/b 5G	Vendor: 3281	Statewide Safety & Signs, Inc. 03/28/2012	341.06
26/D	Wtr\Traffic stands, signs, mesh, vin		03/12/2012	1,101.67
			Check Total:	1,442.73
Check No: 0 1316	Check Date: ? GG/display ad/inside frnt cover	Vendor: 3437	Tehachapi Lifestyle Magazine 04/01/2012	1,300.00
1317	GG/display ad/Airport		04/01/2012	250.00
			Check Total:	1,550.00
Check No: 0 12-002-2	Check Date: ? Feb 2012 svcs - Teh Bicycle Master P	Vendor: 3461	Alta Planning & Design, Inc. 03/26/2012	396.54
			Check Total:	396.54
Check No: 0 891	Check Date: ? Swr\Weed control at 800 Enterprise W	Vendor: 3467	United Rodent & Pest Services 12/31/2011	698.25
			Check Total:	698.25

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 0 17600	Check Date: ? PW\removed stoppage @ 600 Haze St.	Vendor: 3470	Mike Magie Plumbing 03/21/2012	85.00
			Check Total:	85.00
Check No: 0 8457367	Check Date: ? Swr\chain roller, link connect	Vendor: 3471	Ovivo USA, LLC 03/28/2012	180.50
			Check Total:	180.50
Check No: 0 03282012	Check Date: ? used airport ground equipment purcha	Vendor: 3472	Mark Milano 03/28/2012	3,400.00
			Check Total:	3,400.00
Check No: 0 66851	Check Date: ? GG/LPAC event lobby banners & graphi	Vendor: 3473	Four Star Printing 03/21/2012	337.13
			Check Total:	337.13
			Report Total:	287,963.08

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 35599 02192012	Check Date: 03/28/2012 Dwn Twn Beautification Final Pymnt	Vendor: 1694	Granite Construction Company 10/11/2011	87,475.97
			Check Total:	87,475.97
Check No: 35600 033112 1 033112 2	Check Date: 03/28/2012 Swr/meals allowance/grade II exam Swr/mileage/grade II exam	Vendor: 2562	Wyatt J. Misiura 03/22/2012 03/22/2012	50.00 172.05
			Check Total:	222.05
Check No: 35601 032712	Check Date: 03/28/2012 PD/volunteering services/Dodge comme	Vendor: 3468	Tehachapi Volunteering in Poli 03/27/2012	500.00
			Check Total:	500.00
Check No: 35602 03262012	Check Date: 03/28/2012 PW/2012 Chevy-Silverado	Vendor: 1085	Three-Way Chevrolet 03/26/2012	27,889.85
			Check Total:	27,889.85
			Report Total:	116,087.87

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 35603 032812	Check Date: 03/28/2012 FNG Partners Property/AD 89-3	Vendor: 0228	Kern County Sheriff's Dept. 03/28/2012	1,500.00
			Check Total:	1,500.00
			Report Total:	0.00 1,500.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 35672 3214828	Check Date: 04/04/2012 PD\Subscriber Access Line	Vendor: 2963 AT&T	03/13/2012	177.75
			Check Total:	177.75
Check No: 35673 2856229 8670 9834 223 41947631 10164307	Check Date: 04/04/2012 GG\Fellowes E comb binding machine Clerk/meal allowance/CCAC/TTC training Clerk/meal allowance/CCAC/TTC training Clerk/lodging/CCAC/TTC training C/registration/CCAC conference/AW Swr/6 volt sla recharge	Vendor: 2893 General Business Acct. #8217 General Business Acct. #8217 General Business Acct. #8217 General Business Acct. #8217 General Business Acct. #8803 General Business Acct. #8217	Cardmember Service 03/08/2012 03/13/2012 03/14/2012 03/13/2012 03/21/2012 03/08/2012	446.74 15.99 19.66 240.72 375.00 22.51
			Check Total:	1,120.62
Check No: 35674 73697	Check Date: 04/04/2012 A/100 Octane wholesale	Vendor: 2113 Fuel Controls, Inc.	03/23/2012	20,912.63
			Check Total:	20,912.63
Check No: 35675 03202012	Check Date: 04/04/2012 GG\108 Pinon St.	Vendor: 0395 The Gas Company	03/20/2012	147.81
			Check Total:	147.81
Check No: 35676 03262012	Check Date: 04/04/2012 Council\mileage reimb\KC Econ Summit	Vendor: 1822 Ed Grimes	03/26/2012	49.95
			Check Total:	49.95
Check No: 35677 032712	Check Date: 04/04/2012 CD/CEQA/AD&SPR No. 2012-01	Vendor: 1469 Kern County Auditor-Controller	03/27/2012	50.00
			Check Total:	50.00
Check No: 35678 02292012	Check Date: 04/04/2012 New Treatment Plant\Pay#7 Feb 29 201	Vendor: 3415 W.M. Lyles Company	02/29/2012	193,675.50
			Check Total:	193,675.50
Check No: 35679 033112	Check Date: 04/04/2012 Swr/mileage reimbursement/SWR test	Vendor: 2562 Wyatt J. Misiura	03/31/2012	3.37
			Check Total:	3.37
Check No: 35680 120802	Check Date: 04/04/2012 PW/Dec. balance	Vendor: 0509 Safety-Kleen Systems, Inc.	12/08/2008	50.00
			Check Total:	50.00
Check No: 35681 03282012 03282012-1 03282012-2 03212012-3 03212012-5 03212012-6 03232012 03232012-2 03242012 03212012 03212012-1 03212012-4 03292012-3 03292012-5 03292012-6 03292012-7 03292012-8	Check Date: 04/04/2012 GG\1125 Capital Hills GG\109 E Tehachapi Blvd GG\111 W I St GG\115 S Robinson St GG\303 E D St GG\108 Pinon St GG\311 E D St GG\114 S Green GG\200 W Tehachapi Blvd PW\800 Enterprise PW\800 Enterprise - Shop PD\129 E F St Strts\Curry-D St Strts\Tehachapi Blvd w/o Green Strts\103 Tehachapi Blvd Strts\101 E Tehachapi Blvd #B Strts\110 S Mill St	Vendor: 0372 Southern California Edison	03/28/2012 03/28/2012 03/28/2012 03/21/2012 03/21/2012 03/21/2012 03/23/2012 03/23/2012 03/24/2012 03/21/2012 03/21/2012 03/21/2012 03/21/2012 03/29/2012 03/29/2012 03/29/2012 03/29/2012 03/29/2012	22.72 40.79 55.73 616.78 32.06 26.51 79.98 125.68 40.87 85.04 282.99 659.39 15.05 15.05 86.55 176.65 138.01

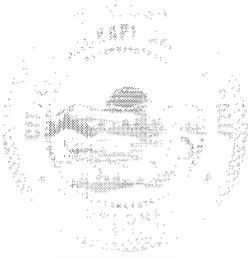
<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
03282012-3	GG\209 1/2 E Tehachapi Blvd		03/28/2012	22.72
03282012-4	GG\333 1/2 E Tehachapi Blvd		03/28/2012	159.72
03212012-19	Strts\Tehachapi Airport 4		03/21/2012	14.97
03292012	801 Mountain View Ave		03/29/2012	47.56
03292012-4	Wtr\358 E D St		03/29/2012	1,160.32
03212012-7	Wtr\100 Commercial Way		03/21/2012	138.73
03212012-8	Wtr\101 Commercial Way		03/21/2012	130.99
03292012-1	Swr\800 Enterprise		03/29/2012	4,084.30
03292012-2	Swr\880 Enterprise		03/29/2012	1,413.24
03212012-2	PW\800 Enterprise - Maintenance		03/21/2012	530.05
03212012-9	Air\314 N Hayes St		03/21/2012	52.98
03212012-10	Air\9999 1/2 Hayes St		03/21/2012	75.47
03212012-11	Air\316 S Mojave St		03/21/2012	42.53
03212012-12	Air\314 N Hayes St PAPI		03/21/2012	70.13
03212012-13	Air\409 Bryan Ct		03/21/2012	284.67
03212012-14	Air\West End Teh Airport		03/21/2012	57.88
03212012-15	Air\314 N Hayes St # B		03/21/2012	254.98
03212012-16	Air\NE Cor Teh Airport		03/21/2012	21.26
03212012-17	Air\314 N Hayes St # G3		03/21/2012	33.08
03212012-18	Air\Dennison s/o Hwy 58		03/21/2012	142.73
03212012-20	Air\314 N Hayes St		03/21/2012	139.58
03232012-1	LLD\318 E E St		03/23/2012	64.20
03242012-1	LLD\329 1/2 D St		03/24/2012	77.54
Check Total:				11,519.48

Check No: 35682 Check Date: 04/04/2012 Vendor: 3011

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Verizon Wireless				
1066011432-1	GG\Mobile Broadband		03/13/2012	38.01
1066011432	Fin\Mobile Broadband		03/13/2012	38.01
1068224496	Wtr\Mobile Broadband		03/20/2012	15.01
1067341066	Wtr\Mobile Broadband		03/18/2012	15.01
1066011432-2	Wtr\Mobile Broadband		03/13/2012	15.01
1068224496-1	Swr\Mobile Broadband		03/20/2012	15.01
1067341066-1	Swr\Mobile Broadband		03/18/2012	15.01
1066011432-3	Swr\Mobile Broadband		03/13/2012	15.01
Check Total:				166.08

Report Total: 227,873.19

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 35684	Check Date: 04/10/2012	Vendor: 2940	U.S. Bank Corporate Payment Sy	
031612	GG/gloves for clean up day	Acct. No. 3333 G. Garrett	06/16/2012	104.76
022912	GG/bottled water/PC & GenGov meeting	Acct. No. 3366 D. James	02/29/2012	4.19
72187	GG/bottled water/PC & GenGov meeting	Acct. No. 3366 D. James	03/01/2012	6.28
3842010	GG/wood magazine rack	Acct. No. 3366 D. James	03/01/2012	144.49
030512	GG/trash can for breakroom	Acct. No. 3333 G. Garrett	03/05/2012	25.08
0316122	GG/meals/KEDC annual brkfst program	Acct. No. 3333 G. Garrett	03/16/2012	400.00
3129	GG/meals/Airport planning	Acct. No. 3333 G. Garrett	02/23/2012	58.46
000003 030112	GG/meals/GTEDC meeting	Acct. No. 3366 D. James	03/01/2012	59.57
113996	GG/vehicle maint/06 Chev truck/servic	Acct. No. 3333 G. Garrett	03/02/2012	46.45
022712 CR	GG/Fraud chrg Credit frm 02/27/12	Acct. No. 9510 C. Kirk	02/27/2012	-360.00
256	PW/tires/04 Chev truck	Acct. No. 3790 D. Wahlstrom	02/27/2012	900.00
022412	CD/subscription renewal/Dwntwn Idea	Acct. No. 3366 D. James	02/24/2012	236.50
15120058	CD/site plan fee	Acct. No. 3366 D. James	03/14/2012	50.75
90069039	CD/apc back-UPS	Acct. No. 3366 D. James	02/28/2012	170.06
040212 1	PD/lodging/WEmpey	Acct. No. 0161 J. Kermod	04/02/2012	481.26
040212 2	PD/lodging/WEmpey	Acct. No. 0161 J. Kermod	04/02/2012	240.63
040212 3 CR	PD/lodging/WEmpey	Acct. No. 0161 J. Kermod	04/02/2012	-240.63
1281257	PD/lodging	Acct. No. 0161 J. Kermod	03/11/2012	633.87
116543997	PD/repair combo for ps3	Acct. No. 0161 J. Kermod	03/13/2012	35.17
116543997 2	PD/dvd dup	Acct. No. 0161 J. Kermod	03/13/2012	493.44
030812	Strts/traffic cones/reflectors/ratch	Acct. No. 3790 D. Wahlstrom	03/08/2012	2,075.22
F004469926	Strts/dc park cont	Acct. No. 3790 D. Wahlstrom	02/22/2012	122.85
002561	Wtr/ car wash	Acct. No. 9309 J. Curry	03/06/2012	8.00
1111038	A/water dispenser & leak repair	Acct. No. 2516 T. Glasgow	02/28/2012	221.65
8132280	A/awos shipping & packing material	Acct. No. 2516 T. Glasgow	03/02/2012	110.66
000016 030612	A/label maker tape	Acct. No. 2516 T. Glasgow	03/06/2012	31.90
4111518	A/bottled water	Acct. No. 2516 T. Glasgow	03/06/2012	6.99
15267814	A/weed sprayer	Acct. No. 2516 T. Glasgow	03/15/2012	217.83
2132624	A/turf builder fertililizer	Acct. No. 2516 T. Glasgow	03/08/2012	17.56
338312092 1	A/1" emt extension	Acct. No. 2516 T. Glasgow	03/01/2012	22.88
71799	Successor Agency training/lodging	Acct. No. 3341 H. Chung	03/12/2012	96.05
030712	Successor Agency training/registrati	Acct. No. 3341 H. Chung	03/07/2012	195.00
Check Total:				6,616.92
Report Total:				6,616.92



COUNCIL REPORTS

AGENDA SECTION: AIRPORT MANAGER REPORTS

MEETING DATE: APRIL 16, 2012

APPROVED
DEPARTMENT HEAD: _____
CITY MANAGER: _____

[Handwritten signature]

TO: HONORABLE MAYOR GRIMES AND COUNCIL MEMBERS

FROM: TOM GLASGOW, AIRPORT MANAGER

DATE: APRIL 10, 2012

SUBJECT: NEW AIRPORT TIE-DOWN RENTAL AGREEMENT

Background:

Mr. Michael O'Quinn would like to enter into a month to month tie-down agreement with the City of Tehachapi, Municipal Airport.

Fiscal Impact:

This new tie-down rental agreement will generate \$58.80 per month (\$705.60 yr.) for the city airport.

Recommendation:

Approve the new tie-down agreement between the City of Tehachapi and Mr. Michael O'Quinn.

TIEDOWN RENTAL AGREEMENT

(Tehachapi Airport)

THIS AGREEMENT, made this 16th day of April 2012, by and between the CITY OF TEHACHAPI, hereinafter referred to as "CITY", and, Michael O'Quinn hereinafter referred to as "TENANT".

IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

1. **PREMISES:**

CITY does hereby rent to TENANT, and TENANT hereby hires from CITY, those certain premises situated in the City of Tehachapi, County of Kern, State of California, hereinafter referred to as the "premises", as follows: An area located on the tiedown area of the Tehachapi Airport (the "Airport"), and designated by the CITY as Tiedown Space.

2. **TERM:**

The term of this agreement shall be for a period of thirty (30) days, commencing on April 16th, 2012, and continuing thereafter on a month-to-month basis until terminated by either party hereto upon thirty (30) days prior written notice to the other party.

3. **RENTAL CONSIDERATION:**

As and for rental, TENANT agrees to pay to CITY, the sum of \$58.80 per month payable in advance on the first day of each month commencing May 1st, 2012, provided however that if TENANT should fail to pay the rental when required herein a penalty equal to ten percent (10%) per month on the unpaid balance or portion thereof shall be charged until paid in full. CITY reserves the right to modify the rental in CITY'S sole and absolute discretion upon thirty days prior written notice to TENANT. Notwithstanding the forgoing, on February 1, of each calendar year, the monthly rental shall be increased (but never decreased) for said calendar year by the percentage increase between the Consumer Price Index (All Urban Consumers) (Base Years 1982 - 1984 = 100) for Los Angeles - Anaheim - Riverside CMSA published by the United States Department of Labor, Bureau of Labor Statistics ("Index") which is published for the calendar year immediately preceding the commencement of the prior calendar year and the Index published for the calendar year immediately preceding the commencement of the new calendar year. City shall endeavor to notify Tenant in writing of said rental increase prior to February 1 of each year or as soon thereafter as the increase is known

to City, provided however that said increase shall become effective on the first day of February of each calendar year whether or not such notice is given or received prior to February 1. Rental payments not received by City on the first day of the month when due shall be deemed delinquent.

4. PURPOSE:

The premises shall be used only for the purpose of storing an aircraft owned or leased by the TENANT; however, the TENANT'S automobile or other transportation vehicle may be parked on the premises for a maximum of one (1) week, unless a written approval for an extended period is first obtained from the Tehachapi City Manager or designee.

5. CONDITION PRECEDENT:

Before this agreement becomes effective the following information must be supplied by TENANT to and verified by CITY, after which such verified information shall be inserted in the appropriate blanks of this paragraph, as follows:

Description of Plane: N-Number: **N21747**
Manufacturer: **Cessna**
Model: **172-M**
Name & Address of Registered Owner(s): **Michael O'Quinn**
26770 Ronnie Ave
Tehachapi, CA 93561
Home Telephone of Registered Owner(s): **Cell: (661) 972-4560 Home: (661) 822-1372**
Name & Address of TENANT'S Aircraft Insurer: **SEE ATTACHED**
Telephone Number of TENANT'S Aircraft Insurer: _____
Type of Insurance: _____ Policy #: _____

6. USE OF PREMISES:

TENANT agrees, at his sole cost and expense and throughout the term of this agreement, to do the following:

- a. To notify the Tehachapi City Manager, in writing, within ten (10) days of any change in the information furnished to CITY pursuant to Paragraph 5 above;
- b. To abide by all laws, rules and regulations of the Federal Aviation Administration, the State of California, the County of Kern, the City of Tehachapi, and of all other duly constituted public agencies or authorities having jurisdiction over any part of the premises or the Airport;
- c. Not to allow the use of the premises by any other person or entity, without first obtaining the written consent of the Tehachapi City Manager; and
- d. To properly tiedown any aircraft parked on the premises.

7. INDEMNIFICATION; INSURANCE:

TENANT, in order to protect CITY, its agents, officers, councilmembers, commissioners, and employees, against all claims and liability for death, injury, loss, and damage as a result of TENANT'S use, occupancy and/or operation of the demised premises or in a connection therewith, shall secure and maintain in force during the entire term of this agreement and covering all TENANT'S operations and activities on the airport, a Comprehensive General Liability with a reliable insurance carrier approved by the CITY and authorized to do such public liability and property damage insurance business in the State of California in an amount of \$500,000.00; provided, however, that if TENANT'S policy limits damages for bodily injury to less than \$500,000.00, CITY shall accept the policy as being in full compliance herewith provided damages for bodily injury in a single incident are not less than \$250,000.00. Said policy of insurance shall:

- (1) name the CITY, its officers, councilmembers, commissioners, agents and employees as additional insureds; and
- (2) be primary insurance as to any other insurance CITY possesses, and any other such insurance that CITY may possess shall be considered excess insurance only; and
- (3) contain a Severability of Interest or cross liability clause, which is to say, such policy shall act as though a separate policy were written for each insured and additional named insured in the policy; and
- (4) not be canceled or modified except on at least thirty (30) days' prior written notice to CITY.

Within ten (10) days after the date of this agreement, and prior to taking possession of the premises, TENANT shall file with the Tehachapi City Manager a duly certified Certificate of Insurance and appropriate endorsements evidencing that the above requirements have been complied with.

In the event that TENANT fails to take out or keep in effect such policy or policies or to furnish evidence thereof to CITY, CITY may terminate this agreement upon ten (10) days prior written notice to TENANT.

8. DEFAULT:

In the event TENANT breaches this agreement or is otherwise in default of any of the terms or conditions herein, then this agreement shall automatically terminate and except as officers described herein be of no further force or effect upon CITY giving TENANT three days (3) written notice of TENANT'S breach or default and TENANT failing to cure the breach or default within said three days, and TENANT shall immediately surrender possession of the premises to CITY. CITY shall have the right to recover damages from TENANT as provided in California Civil Code Section 1951.2, as well as passed due rentals and CITY shall

have all other remedies available hereunder and at law and in equity.

9. GENERAL PROVISIONS:

The parties hereto further agree as follows:

- a. That TENANT will not hold City or any of its officers, councilmembers, commissioners, agents, or employees (the "Others") responsible for any loss occasioned by fire, theft, rain, windstorm, hail, flooding, earthquake or vandalism whether said event be the direct, indirect or merely a contributing factor in producing the loss to any airplane or authorized vehicle that may be located or stored on the premises or any other location at the Airport and TENANT hereby releases City and others from same; and, TENANT further agrees that the airplanes and other authorized vehicles and the contents thereof are stored at TENANT'S sole risk and responsibility; and TENANT assumes the risk of damage or loss to all of the foregoing;
- b. That the CITY may enter upon the premises at any reasonable time for the purpose of inspecting same and to make any repairs, additions or alterations which it may determine necessary for the protection or preservation of the premises; also the City Manager or designee may move planes in emergencies and/or if necessary for the efficient operation of the Airport and TENANT hereby consents to same.
- c. That TENANT accepts the premises on an "as is" basis; further, the CITY disclaims, and TENANT accepts such disclaimer, any warranty, either express or implied, of the condition, use, or fitness of the premises, the tiedown rings, ropes, or chains used to secure airplanes, and the TENANT assumes full responsibility to furnish any equipment at his sole expense necessary to properly secure sole aircraft;
- d. That TENANT accepts and recognizes that he and his agents are solely responsible for placing chocks, and tying down and checking his own aircraft; TENANT further agrees not to do engine run ups for mag checks in the tiedown area;
- e. That TENANT hereby acknowledges receipt of a copy of this agreement and may request a copy of the rules and regulations of the Airport as set forth in the applicable rules, regulations and ordinances of the City, and said rules, regulations and ordinances are hereby specifically incorporated by reference herein as though fully set forth herein, and TENANT agrees to comply with same;
- f. That any notice desired or required to be served by either party to this agreement upon the other party may be delivered personally or served by depositing the notice in the United States mail in a sealed envelope, postage prepaid, addressed as follows:

TO CITY: City Manager
City of Tehachapi
115 South Robinson Street
Tehachapi, CA 93561-1722

TO TENANT: **Michael O'Quinn**
26770 Ronnie Ave
Tehachapi, CA 93561

or to such other address as the respective party may hereinafter in writing to the other designate, the manner herein described;

- g. That time is the essence of this agreement and due performance of the terms, conditions and covenants herein contained by the TENANT are specifically made conditions precedent to his right to peaceable possession thereof;
- h. That in the event that either party files suit to enforce any term, covenant or condition hereof, or to enforce the payment of any money due, then the losing party in such action shall pay to the prevailing party his or its attorney's fees and costs in said action, such sum to be added to and made a part of any judgment recovered by the prevailing party;
- i. That as used herein, the masculine, feminine, or neuter gender, and the singular or plural number shall be deemed to include the other whenever the context so indicates;
- j. That this agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto;
- k. That his agreement shall be governed by and construed in accordance with the laws of the State of California;
- l. That this agreement may only be amended by a writing executed by all parties;
- m. That the captions herein are not a part of this agreement and shall not be used in interpreting this agreement;
- n. That waiver by a party of any provision of this agreement shall not be construed a continuing waiver or a waiver of any other provision, including the time for performance of any provision.
- o. That if any term, provision, covenant or condition of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and not be effected, impaired, or invalidated thereby.
- p. That the parties agree that this agreement shall be interpreted without reference to the rule of interpretation of documents that uncertainties or ambiguities therein shall be determined

against the party so drafting the agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

CITY:

TENANT: **Michael O'Quinn**

CITY OF TEHACHAPI

BY: _____
Mayor Grimes of the City of Tehachapi

BY: _____

TIEDOWN SPACE # **B5**



**NOTICE OF PUBLIC HEARING
BEFORE THE TEHACHAPI PLANNING COMMISSION
AND TEHACHAPI CITY COUNCIL
GENERAL PLAN UPDATE AND ASSOCIATED EIR**

A Public Hearing will be held before the Tehachapi Planning Commission on Monday April 9, 2012 or soon thereafter at 6:00 P.M., at the Beekay Theatre, 110 South Green Street Tehachapi, California and the Tehachapi City Council on Monday April 16, 2012 or soon thereafter at 6:00 P.M., at the Beekay Theatre, 110 South Green Street Tehachapi, California for the purpose of considering the following request

To adopt a comprehensive update of six mandatory General Plan Elements. The Town Form Element, Mobility Element, Public Realm Element, Natural Resource, Sustainable Infrastructure, Civic Health and Culture Element and Community Safety Economic Vitality Element and the certification of the General Plan Environmental Impact Report

The Planning Commission and City Council will consider verbal and written comments by all interested persons.

The California Environmental Quality Act (CEQA) requires consideration of the potential effects of this project on the environment. The Planning Department has conducted an initial study and determined that the project could have a significant effect on the environment and an Environmental Impact Report (EIR) has been prepared a copy of, which is available at the Planning Department and the Tehachapi Public Library for review.

Anyone wishing to present evidence or be heard in said matter may appear at said hearing or any continuation thereof. If you choose to challenge the procedural or substantive legality of these actions, you may be limited to those issues raised at the Public Hearing by you or others.

A handwritten signature in blue ink that reads "Roxanne Davis".

ROXANNE DAVIS, CMC, ADMINISTRATOR OF THE
PLANNING COMMISSION OF THE CITY OF
TEHACHAPI

DATED: March 21, 2012
POSTED: March 21, 2012
PUBLISHED: March 28, 2012



COUNCIL REPORTS

AGENDA SECTION: COMMUNITY DEVELOPMENT

MEETING DATE: APRIL 16, 2012

APPROVED
DEPARTMENT HEAD: _____
CITY MANAGER: _____

[Handwritten signatures and initials are present over the form.]

TO: HONORABLE MAYOR GRIMES AND COUNCIL MEMBERS

FROM: DAVID A. JAMES, COMMUNITY DEVELOPMENT DIRECTOR

DATE: April 11, 2012

SUBJECT: ADOPTION OF A COMPREHENSIVE UPDATE OF SIX MANDATORY GENERAL PLAN ELEMENTS AND TWO OPTIONAL GENERAL PLAN ELEMENTS AND THE CERTIFICATION OF THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT

BACKGROUND:

The City Council is being asked to evaluate, approve and certify two (2) separate but interrelated documents; the General Plan and the General Plan Environmental Impact Report (EIR). As indicated, the above referenced documents are interrelated however for purposes of managing the information the Staff Report has been segregated into the following subsets; General Plan discussion and General Plan EIR discussion.

As the City Council is aware the current General Plan was adopted in December of 1999. With the exception of the Housing Element there are no specific time tables that mandate the timing of General Plan Updates. However, re-evaluating or updating, if you will, the General Plan on a ten year cycle is a relatively common practice funding availability notwithstanding. The impetus for updating the General Plan in this instance was two (2) fold. First, the General Plan had not been revisited for several years. Secondly, the community of Tehachapi had experienced several years of unprecedented growth in principally the retail and residential sectors of the economy in the years between 2004 to 2007. This growth created a degree of anxiety among some members of the public concerned that the growth and corresponding changes to the community would cause Tehachapi to lose its distinct character and become just another suburban anywhere USA in the process.

In response to these concerns the City Council in 2007 initiated a Community Charratte in order to make a case that growth is inevitable but at the same time pose the question what form should that growth take? Through the Community Charratte process it was abundantly clear that the General Plan was ready for an overhaul. The Interim Community Design Program (ICDP) was a product of the Community Charrette process and functioned as a place holder, if you will, in addition to serving as the foundation for which the new General Plan was to be built upon.

III. GENERAL PLAN UPDATE:

General Plan Updates can range from simple tinkering around the edges to complete and comprehensive overhauls. The General Plan Update under consideration can be characterized as one of the comprehensive update variety and in this regard the proposed General Plan once adopted will completely supplant the current General Plan.

The proposed General Plan can be characterized as a “Form Based” General Plan in contrast to the current and more common place Land Use and Policy driven General Plan. In this regard the proposed General Plan is more concerned with utilizing design parameters to achieve our vision and in this regard the General Plan is a very visual document in contrast to a Policy based effort to achieve a community vision. Form Based advocates have an expression; don’t plan your community design your community. And that is precisely what the General Plan is setting forth; the community vision in a very visual and compelling manner to achieve the Communities most important goal *“maintaining Tehachapi’s high quality of life and its unique character as a small mountain town.”*

As the name suggests, the General Plan is general in nature, it is also long range in its scope and content. It sets forth goals, policies and directions. The General Plan covers not only the present City limits but also takes into account properties outside the City limits within the area termed “Sphere of Influence”. Both the City limits and the sphere of influence are legal boundaries in which the City has the authority to impose its overall planning in addition to areas that might be annexed. It is advantageous that a City extend its General Plan into the sphere of influence area in order to anticipate and plan for infrastructure and public safety needs.

The term General Plan build out is often referenced and in this regard based on the Tehachapi regions historic and anticipated 2% average growth rate, the City would not reach a theoretical “build out” until the year 2070. This is a far too distant and speculative timeframe in which to plan for. Alternately communities can establish reasonable General Plan planning horizons and in this regard the year 2035 was selected. This planning horizon was not selected arbitrarily but represents a planning horizon common to many communities that have recently embarked on a General Plan Update. Additionally, the 2035 planning horizon is consistent with planning efforts currently being undertaken by our regional partners such as KernCog and Caltrans District 9 located in Bishop California.

California State Law (Government Code Section 65300) requires that each city and county prepare and adopt a comprehensive long term General Plan for its development. The General Plan must possess seven (7) mandatory elements including Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety. The proposed General Plan will comprehensively update all of the mandatory elements with the exception of Housing. The Housing Element is still a work in progress taking advantage of the recently released 2010 Census data. However, the Housing Element should be ready for City Council consideration shortly after the adoption of the General Plan Elements under consideration. It should also be noted that communities can rename the mandatory elements to more accurately reflect what the community is trying to achieve with a given element. With respect to the proposed General Plan each of the mandatory elements have been renamed to more accurately reflect the City’s intent. The mandatory element with the corresponding renamed element are listed below. It should be noted that Noise and Safety Elements have been combined and recast as the Community Safety Element.

Conventional Title

Proposed Title

Land Use Element

Town Form Element

Circulation Element

Mobility Element

Open Space Element	Public Realm Element
Conservation Element	Natural Resources Element
Public Facilities Element	Sustainable Infrastructure Element
Noise and Safety Element	Community Safety Element

The content of each element is prescribed by the State of California General Plan Guidelines, published by the Office of Planning and Research (OPR), specific requirements for the Housing Element are defined by the State Department of Housing and Community Development (HCD), Title 25. Additionally, prior to the City adoption of the forthcoming Housing Element it must first be reviewed and approved by HCD. The Housing Element is unique in that of all the mandatory elements it is the only element that must be reviewed and approved by an outside agency before respective cities and counties can formally adopt the element.

As previously indicated the Housing Element is a work in progress and will be presented to the City Council following its approval from HCD and the formal adoption of the other six (6) mandatory elements and certification of the associated EIR.

In addition to the above referenced mandatory elements California State Law also permits the inclusion of other elements or optional elements which address specific needs and objectives of the City. In the case of the proposed General Plan an Economic Vitality Element and Civic Health/Culture Element have also been incorporated into the plan.

California State Law requires that the day-to-day decisions of a City should follow logically from and be consistent with the General Plan. Government Code Sections 65860, 66473.5 and 66474 requires that the Zoning Ordinance and Subdivision and Parcel Map approval be consistent with the General Plan and as such a Consistency Zone effort will be forthcoming over time as a component of the General Plan implementation process.

Planning case law places the General Plan atop the hierarchy of local government law regulating land use. Consequently, consistency between the General Plan and other Land Use Plans, policies and programs is necessary and essential. Zoning Ordinances, Specific Plans, Redevelopment Plans and individual project plan proposals must be consistent with the goals, policies and standards mentioned in the General Plan. Additionally, all capital improvements and public park projects must be consistent with the General Plan.

The following identifies each of the six (6) mandatory General Plan Elements under consideration followed by a brief description of the purpose of each element under California Land Use Law. A description of the two (2) optional elements is also included.

IV. GENERAL PLAN ELEMENTS

I. TOWN FORM ELEMENT

Conventional Land Use Elements are intended to designate the general distribution and intensity of uses of land for housing, business, industry, open space, education, public buildings and

grounds and private use. The Town Form Element consolidates the required Land Use Element components but expands the conventional application of a Land Use Element to include the physical pattern of buildings that individual uses occupy. The Town Form Element addresses land use, development patterns neighborhoods, the unique qualities of special districts, corridors, physical form and character, historic resources and the strategic emphasis for the various areas in Tehachapi. In this regard Land Use is very important but not the sole or major determinate in the decision making process.

The implementation of the Town Form Element will involve several interrelated exercises. The initial evaluation segregates the planning area into two (2) sectors, the "O" sector which primarily consists of open space, natural and agricultural preservation and the "G" sectors which allocates where growth is allowed. The "G" sector is further segregated into four (4) subsets, G-1 thru G-4, with G-1 being the most restrictive and G-4 representing infill areas. As the term implies build out of the infill G-4 area would be the highest priority from a smart growth sustainability perspective.

The General Plan planning area is also divided into Transect Zones or "T" zones. T-1 to T-5. Traditionally there are six (6) Transect Zones. However, T-6 is characterized as a very urban inner city type environment which does not exist in Tehachapi and is therefore non-applicable. The "T" zones correspond to historical land use patterns and intensities and reinforce the fact that the General Plan planning area is not homogeneous but rather ranges in land use intensities from the traditional downtown district to the more rural and fringed areas on the outer edge of the planning area. The "T" zone provides the frame work to allow the implementation of the General Plan with a greater degree of precision and a broad continuous range of environments for human habitat and activity that is consistent with the planning area's historic pattern of land use. In this regard the "T" zone reinforces the area's diversity and avoids homogenous development patterns as the general plan builds out. In addition to the "T" zones there are areas within the planning area identified as Special Districts. Special Districts are intended to accommodate uses that are either too large, too different or incompatible to fit into a conventional neighborhoods "T" zone.

Special Districts also acknowledges established patterns of development such as Special District 2 (the Tucker Road Commercial corridor) which acknowledges the predominately strip mall and large format retail pattern of development which are integral to Tehachapi's continued economic prosperity. It should be noted as a point of clarification that the illustrations in the General Plan associated with each of the Special Districts are not intended to dictate design parameters. Rather using Special District 2 as an example the General Plan acknowledges that the future of retail could be very different from the strip center and Big Box format retail scenario we are currently familiar with. Utilizing Special District 2 for example the illustrations offer up an alternative scenario or vision if you will for developers to consider or alternatively provide a post strip mall/big box development pattern scenario and in this regard the illustrations represent a vision of what could be but certainly do not represent a mandate in the present tense.

Another planning tool that will help implement the Town Form Element are the "pedestrian sheds". Each pedestrian shed becomes a mini-master development concept unto itself. In this regard even if a proposed development involved only a portion of a given pedestrian shed it will be incumbent upon the developer to provide at least a conceptual design over the entire pedestrian shed in order to illustrate how the actual project will relate to the larger pedestrian shed area in terms of street layout, open space amenities and potentially civic and commercial opportunities. By incorporating a range of land uses within the pedestrian shed on a more detailed scale than

typical suburban developments provide and by employing a town scale block structure within a network of pedestrian orientated streets linking each pedestrian shed a walkable neighborhood pattern emerges. In this regard the concept of designing within a given pedestrian shed encourages short trips on foot and bicycle, greater connectivity between projects and neighborhoods and shorter automobile trips. The concept of how that pedestrian shed design approach could be utilized as a planning tool can be found in the Introduction Chapter on Page 11. A contrast between the traditional neighborhood design, emphasizing mixed use and interconnectedness and the more suburban development patterns can also be found on this page and the following Page 12.

II. MOBILITY ELEMENT

Conventional Circulation Elements are correlated with the Land Use Element and identify the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other local public utilities and facilities. In this regard Conventional Circulation Elements are heavily skewed towards the efficient movement of vehicles with little regard for non-motorized traffic such as pedestrian and bicycle. The Mobility Element incorporates the Circulation Element requirements but expands the Conventional application of a Circulation Element to facilitate a more balanced approach between the need to move vehicles with the need to move people through a variety of transportation (Mobility) modes while establishing an appealing sense of place. The Mobility Element is still linked to Land Use, however, with an emphasis on greater connectivity, walkability and opportunities for mixed use development.

III. PUBLIC REALM ELEMENT

Conventional Open Space Elements Plan and measure for preserving open space for natural resources, the managed protection of resources, outdoor recreation, public health and safety and the identification of agricultural land. The current General Plan relied heavily on the Tehachapi Recreation and Parks District in terms of park planning and in this regard the current General Plan does a very good job of protecting agricultural resources but is not particularly proactive in terms of providing adequate and accessible park space. In contrast the proposed Public Realm Element consolidates the required Open Space Element components and addressed how public space is generated and distributed. This is accomplished by establishing a Public Realm frame work that addresses parks and recreation in the context of walkability and networks.

IV. ECONOMIC VITALITY ELEMENT

This is also an optional element with no state guidelines as a basis for the element. However, this element in terms of addressing Tehachapi's specific circumstances provides a fiscal platform upon which Tehachapi can position ourselves in the region, thrive and be a sustainable community while not sacrificing the small Town Vision as articulated in the Community Design Charratte.

V. NATURAL RESOURCES ELEMENT

Conventional conservation elements address the conservation development and use of natural resources including water, forest, soils, rivers and mineral deposits. The proposed Natural Resources Element consolidates the required Conservation Element components in addition to striking a balance between Tehachapi and its defining natural environment. Additionally it

elaborates on the interrelationship between Tehachapi's built environment which defines the town and provides the clear line of demarcation between town and country.

VI. SUSTAINABLE INFRASTRUCTURE ELEMENT

Conventional Public Facilities Elements are technically an optional element but have over time become a de facto mandatory element and when included addresses and emphasizes infrastructure issues. In the case of Tehachapi, the current Public Facilities Element identifies infrastructure issues and needs that currently exist as well as infrastructure needed to accommodate future development. The proposed Sustainable Infrastructure Element builds upon the current Public Facilities Element with an additional emphasis on water supply, wastewater treatment and recasting storm water from a nuisance to a resources. In this regard the Sustainable Infrastructure Element is more focused on smart growth principles and conservation than the typical focus of always looking for opportunities to expand infrastructure.

VII. CIVIC HEALTH/CULTURE ELEMENT

As previously indicated, this is an optional element and as such there are no state guidelines in which to inform city and county jurisdictions as to the minimal intent of the element. However, this element in terms of addressing Tehachapi's specific circumstances addresses issues of how individuals in Tehachapi interact with the larger community on a daily basis. This element emerged from Tehachapi's desire to acknowledge and promote the interrelationship between a community's culture and health, well being and sense of place.

VIII. COMMUNITY SAFETY ELEMENT

The Community Safety Element combines what are typically two (2) separate elements; the Noise Element and the Safety Element. Conventional Noise Elements as an independent element identifies and appraises noise problems and issues within the community and in many instances forms the basis for land use distribution. Typical stand alone Safety Elements establish policies and programs to protect the community from risks associated with seismic, geology, flood and fire hazards. The community Safety Element integrates the requirements of safety and noise into a single comprehensive element by clearly identifying and consistently avoiding potential hazards.

V. ENVIRONMENTAL IMPACT REPORT

There are several types of Environmental Impact Reports (EIRs). The most familiar of which is the project EIR. Other types of EIRs include a subsequent EIR, supplemental EIR, addendum to an EIR, staged EIR and a program EIR. The type of EIR most commonly prepared in conjunction with the preparation of a General Plan or the update of an existing General Plan is the Program EIR. A Program EIR as specified by CEQA covers a sequence of actions or implementation steps, not necessarily specific project impacts. In this regard mitigation measures are specified as standards or additional policies to ensure consistent application, conformity with plan policies ensures implementation. CEQA specifically recognizes the programmatic EIR as the appropriated environmental document for a general plan. A program EIR is prepared to address a series of actions that can be characterized as one large project and are related either:

- Geographically.

- As logical parts in a sequence of contemplated action.
- In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or
- As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

CEQA acknowledges the following advantages of utilizing a program EIR. The Program EIR can;

- Provides an opportunity for a more exhaustive consideration of effects and alternatives than would be practical in an EIR prepared in conjunction with an individual action.
- Ensure consideration of cumulative impacts that might be slighted in a case-by-case or project-by-project type analysis.
- Avoid duplicative reconsideration of basic policy considerations.
- Allow the lead agency to consider broad policy alternatives and program wide mitigation measures at an earlier time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
- Allow the reduction in paperwork.

The General Plan Update EIR document is comprehensive and addresses a wide range of issues in the context of a programmatic EIR towards evaluating the impacts associated with the build-out of the General Plan "Project" within a 2035 planning horizon. In the course of the CEQA process, impacts that are measurable and quantifiable must be accompanied by a mitigation strategy to lessen the impact to the degree possible, CEQA has established impact thresholds known as Thresholds of Significance. City and county governments can also establish their own Thresholds of Significance that are tailored to a city or county's specific circumstance. However, the City and/or county adopted Thresholds of Significance cannot lower the bar, so to speak, from the CEQA mandated Thresholds of Significance. In this regard the City of Tehachapi adopted its own Threshold of Significance in conjunction with the 1999 General Plan. The goal or intent of the mitigation strategy is to reduce the impact in question to below the established Threshold of Significance. When an identified impact cannot be mitigated to a level of insignificance as either an individual impact or as a cumulative impact then the impact is considered or characterized as significant and unavoidable or commutatively significant and unavoidable. General Plan EIRs are inherently evaluating impacts from a cumulative perspective

With respect to the General Plan Update EIR there were three (3) broad categories of impacts that were determined to be significant and unavoidable as enumerated below:

1. Agricultural Resource Impacts
2. Air Quality Impacts

3. Biological Resource Impacts

When an agency determines that there are unavoidable environmental impacts that cannot be mitigated to a level of insignificance, the agency must make a "Statement of Overriding Consideration." The CEQA process requires the decision makers, in this instance the City Council, to balance the benefits of a proposed project/action against the unavoidable adverse environmental effects, whether to approve the proposed project/action. If the benefits of a proposed action outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." To that end the City Council is being asked to evaluate and adopt a Statement of Overriding Considerations with respect to the significant unavoidable impacts as listed above in association with the adoption of the General Plan Update "Project".

The City Council is being asked to declare that having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the project against its unavoidable significant impacts after mitigation, the Council has determined that the social economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the considerations enumerated below:

1. The proposed General Plan will help facilitate smart growth principles.
2. The proposed General Plan will emphasize infill development.
3. The proposed General Plan will facilitate better circulation connectivity.
4. The proposed General Plan will de-emphasize vehicular modes of transportation.
5. The proposed General Plan will help protect agricultural lands within the Planning Area.
6. The proposed General Plan will provide a framework for future development.
7. The proposed General Plan will help to ensure that the City grows in an orderly manner.

CEQA requires that project alternatives also be evaluated. In this context project alternatives typically evaluate a more intensive alternate and a less intensive alternative. In addition to a jurisdiction's alternate project choices the no-project alternative is a mandatory alternative. With respect to the Tehachapi General Plan Update EIR three (3) alternates were evaluated as enumerated below:

1. No Project Alternative: This mandatory alternative assumes that the City of Tehachapi would continue to rely on the 1999 General Plan.
2. Reduced Density Alternative: This alternative would propose fewer residential units and fewer acres/square feet of Commercial and Industrial space.
3. Traditional General Plan Alternative: This alternate assumes that the City of Tehachapi would in fact adopt a new general plan. The distinction is that the new General Plan would be a conventional or traditional General Plan in contrast with the proposed Form Based General Plan.

In addition to the identifying and evaluating Project alternatives CEQA also requires that jurisdictions identify an environmentally superior alternative. In the case of the General Plan EIR the reduced density alternative was selected as the environmentally superior alternative. However, the unintended consequence of this alternative would be to drive growth into the unincorporated Tehachapi region in order to absorb the growth foreclosed upon within the City limits. In spite of the Greater Tehachapi Specific Plan it would be naive to assume the County of Kern would not embrace the growth with open arms. As such the reduced density alternative was dismissed as a more viable alternative than the proposed project.

The Draft EIR was circulated on January 30, 2012, to 48 agencies and organizations for the mandatory 45 day review period which ended on March 15, 2012. Out of the 48 organizations and agencies circulated the City of Tehachapi received comments from two (2) agencies; Caltrans District 9 and the California Public Utilities Commission. It should be noted that the majority of comments received from these two (2) agencies had to do with the General Plan and less to do with the EIR itself. This lack of response in Staff's opinion is testament to the quality of the General Plan and associated EIR document.

VI. FINDINGS

Staff makes the following findings relative to the General Plan Update and the Environmental Impact Report General Plan Findings:

1. The proposed General Plan incorporates the mandatory elements required of Government Code Section 65300 with the exception of the Housing Element which will be developed subsequently under separate cover.
2. The proposed General Plan Elements and Policies contained therein provide direction for the long range development of the City and serve as a guide to a multitude of public and private decisions.
3. The implementation of the General Plan will serve to facilitate smart growth principals and protect the health and safety of the Tehachapi community.

VII. ENVIRONMENTAL IMPACT REPORT FINDINGS

1. The Environmental Impact Report prepared in conjunction with the General Plan Update was prepared in the context of a Program EIR.
2. Program EIRs are intended to cover a sequence of actions or implementation steps and not necessarily specific project type impacts.
3. The California Environmental Quality Act (CEQA) acknowledges Program EIRs as the appropriate form of environmental review in conjunction with the preparation, amendment, or update of a general plan.
4. From a cumulative perspective the EIR concluded that three (3) environmental issues, agricultural resources, air quality and biological resources cannot be mitigated to a level of insignificance and will require a "Statement of Overriding Consideration."

5. The Program EIR evaluated alternative General Plan Update scenarios.
6. The Program EIR adequately covers the environmental issues.

VIII. **RECOMMENDATION**

Staff and the Planning Commission recommends to the City Council regarding the General Plan EIR and the General Plan Update be made as follows:

1. Certification of the Tehachapi General Plan Update EIR with the inclusion of a "Statement of Overriding Consideration" relative to impacts associated with agricultural resources, air quality and biological resources which cannot be mitigated to a level of insignificance and the adoption of a Mitigation Monitoring and Reporting Program pursuant to Resolution No. 08-12.
2. Approval and adoption of six (6) of the seven (7) mandatory elements of the General Plan as renamed with the exception of the Housing Element and the inclusion of the two (2) optional elements pursuant to Resolution No. 09-12.

RESOLUTION NO. 8-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEHACHAPI CERTIFY THE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2009101084) AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PLAN FOR THE CITY OF TEHACHAPI GENERAL PLAN UPDATE

WHEREAS, on October 20, 2009, the City forwarded a Notice of Preparation and the Initial Study for the City of Tehachapi General Plan Update to the State Clearinghouse, and circulated the same for public review and comment; and

WHEREAS, between January 31, 2012 and March 15, 2012, the State-mandated 45-day public review period for the Draft EIR took effect, which was publicly noticed by a publication in the newspaper of general circulation, related agencies and government agencies (Responsible Agencies), the Mandatory copies of the Draft EIR were sent to the State Clearinghouse, and copies were made available for public review at the City's Planning Department and the Tehachapi Public Library; and

WHEREAS, on February 29, 2012, at the Special Meeting of the Tehachapi Planning Commission, the City held a Public Workshop to facilitate Planning Commission and public review and comment on the General Plan Update EIR; and

WHEREAS, written comments were received from the California Department of Transportation District 9 and the State of California Public Utilities Commission during the public review period; and

WHEREAS, the Final EIR was prepared for the Project in accordance with Sections 21000 through 21177 of the *Public Resources Code* (California Environmental Quality Act, CEQA) and Sections 15000 through 15387 of the California Code of Regulations (CEQA Guidelines); and

WHEREAS, this update of the currently adopted 1999 General Plan incorporates and addresses the applicable requirements of state law in Government Code Section 65302, including but not limited to the mandatory elements with the exception of

Housing. Alternative titles for each mandatory element have been provided to better reflect the content contained in each element. The conventional titles are followed by the renamed titles in parenthesis; Land Use Element (Town Form Element), Circulation Element (Mobility Element), Open Space Element (Public Realm Element), Conservation Element (Natural Resources Element) and the combined Noise and Safety Elements (Community Safety Element). The Tehachapi General Plan applies to all property within the adopted Tehachapi Sphere of Influence. This plan shall be administered by the Tehachapi Community Development Department, the Tehachapi Planning Commission and, the Tehachapi City Council according to the procedures and requirements set forth in the Tehachapi Municipal Code.

WHEREAS, on March 29, 2012, pursuant to CEQA Guidelines section 15088 (b), all public agencies that commented on the Draft EIR were provided written responses to their respective comments, and the Final EIR was completed and distributed to the Planning Commission for review; and

WHEREAS, on April 16, 2012, the City Council held a noticed public hearing on the EIR and the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for the Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan and the Environmental Impact Report (EIR) (State Clearinghouse #2009101084), General Plan Update, which hearing was publicly noticed by a publication in a newspaper of general circulation, and agenda posting; and

WHEREAS, the EIR was prepared for the General Plan Update in accordance with Sections 21000 through 21177 of the *Public Resources Code* (California Environmental Quality Act, CEQA) and Sections 15000 through 15387 of the CEQA Guidelines; and

WHEREAS, the City has complied with CEQA and the EIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines and represents the independent judgment of the City; and

WHEREAS, no evidence of new significant impacts, as defined by CEQA Guidelines Section 15088.5, has been received by the City after circulation of the Draft EIR which would require recirculation.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Tehachapi as follows:

1. That the foregoing recitals are true and correct.
2. That the City Council of the City of Tehachapi certify the Final Environmental Impact Report for the Project including but not limited to the Facts Findings and Statement of Overriding Considerations and the Mitigation and Monitoring Plan, as contained in the record of the April 16, 2012, City Council public hearing, and the Final Environmental Impact Report was presented to the City Council and that the City Council reviewed and considered the information contained therein prior to making a decision on the General Plan Update.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tehachapi held on the 16th day of April, 2012 by the following vote.

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ED GRIMES, Mayor
of the City of Tehachapi, California

ATTEST:

DENISE JONES, CMC
City Clerk of the City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on April 9, 2012.

DENISE JONES, CMC
City Clerk of the City of Tehachapi, California

RESOLUTION NO. 9-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEHACHAPI ADOPTING A COMPREHENSIVE UPDATE OF
SIX OF THE SEVEN MANDATORY GENERAL PLAN
ELEMENTS ALONG WITH TWO OPTIONAL ELEMENTS

WHEREAS, California State Law (Government Code Section 65300) requires that each City and County adopt a comprehensive long term General Plan consisting of seven (7) mandatory elements including Land Use, Circulation, Conservation, Open Space, Noise, Safety; and Housing; and

WHEREAS, the City of Tehachapi is proposing a comprehensive update of six (6) out of the seven (7) mandatory elements with the Housing Element being the exception; and

WHEREAS, the Housing Element will be prepared separately in response to recently released Census 2010 data; and

WHEREAS, communities have the authority to rename the mandatory elements to more accurately reflect a community's intent for each of the respective elements; and

WHEREAS, the City of Tehachapi has renamed each of the six (6) mandatory elements under consideration to reflect the following: Land Use Element (Town Form Element), Circulation Element (Mobility Element), Open Space Element (Public Realm Element), Conservation Element (Natural Resources Element) and the combined Noise and Safety Elements (Community Safety Element); and

WHEREAS, State law also permits the inclusion of the optional elements which address the specific needs and circumstances of a community; and

WHEREAS, the City of Tehachapi has included two (2) optional elements; the Economic Vitality Element and the Civic Health/Culture Element; and

WHEREAS, it has been since 1999 that the City of Tehachapi last updated the General Plan; and

WHEREAS, California State Law provides that City and County governments may establish planning horizons in which to evaluate the implications associated with the buildout of the planning area; and

WHEREAS, the City of Tehachapi has established through the General Plan Update process a vision for the planning area with an initial planning horizon of 2035; and

WHEREAS, the City Council of the City of Tehachapi has reviewed all chapters of the entire comprehensive General Plan Update including the aforementioned six (6) mandatory elements as renamed and the inclusion of two (2) optional elements.

NOW, THEREFORE, be it resolved by the City Council of the City of Tehachapi as follows:

1. That the foregoing recitals are true and correct.
2. That the City Council hereby recommends the following:
 - (a) That it adopt the comprehensive General Plan Update with a 2035 planning horizon; and
 - (b) That it adopt six (6) of the seven (7) mandatory elements as renamed to more accurately reflect the intent of the respective elements exclusive of the Housing Element; and
 - (c) That it adopt two (2) optional elements Civic Health/Culture Element and Economic Vitality Element.

Passed and adopted at a regular meeting of the City Council of the City of Tehachapi held on April 16, 2012, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ED GRIMES, Mayor
of the City of Tehachapi, California

ATTEST:

DENISE JONES, CMC
City Clerk of the City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on April 9, 2012.

DENISE JONES, CMC
City Clerk of the City of Tehachapi, California

CITY OF TEHACHAPI GENERAL PLAN UPDATE

Facts, Findings, and Statement of Overriding
Considerations Regarding the Environmental
Effects from the Environmental Impact Report

SCH# 2009101084

April 2012

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FACTS, FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 INTRODUCTION

The Planning Commission (Commission) of the City of Tehachapi (City), in approving the proposed General Plan, which transitions the 1999 General Plan from a land use-based city planning approach to a physical design-based approach (the Project); makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report (EIR) was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notice of Availability & Completion (NOA/NOC), Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR (Final EIR), and the Mitigation Monitoring and Reporting Program (MMRP) will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Commission, including the EIR. This Commission adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Commission.

2.0 PROJECT SUMMARY

2.1 Project Description

2.1.1 *Regional Location*

The City of Tehachapi is within the Tehachapi Valley on State Route 58 between Bakersfield and Mojave. This area is the physical transition between the San Joaquin Valley and the Sierra Foothills to the west and north respectively, and the high desert to the east with the metropolitan region of Los Angeles approximately 120 miles south. Neighboring communities include the unincorporated communities of Golden Hills, Bear Valley Springs, Stallion Springs, Mountain Meadows, Old Towne, and Alpine Forest. The City of Tehachapi General Plan Planning Area (Planning Area) is comprised of all lands within the City of Tehachapi's adopted Sphere of Influence for a total of approximately 15,067 acres, or approximately 23.5 square miles.

2.1.2 *Project Description*

The proposed General Plan transitions the 1999 General Plan from a land use-based city planning approach to a physical design-based approach. The physically based approach recognizes that while land

use is an important factor in city planning, it is not the only or most important factor that comprises a community, as is typical of the land use-based approach.

Overall, implementation of the proposed General Plan at buildout would result in the addition of approximately 2,012 dwelling units, 766,000 square feet of commercial space, and approximately 759,000 square feet of industrial space. In addition, implementation of the proposed General Plan would result in the addition of 206.6 acres of park/open space, 454.83 acres of rights-of-way, and a conversion of approximately 2,414 acres of agricultural space to residential, commercial, and industrial space. Portions of this agricultural space are being used for agriculture but do not contain the soil types necessary for it to be classified as agricultural land.

2.1.3 Actions Covered by the EIR

Additional subsequent approvals and permits that may be required from local, regional, state, and federal agencies in the processing of subsequent development permits include, but are not limited to, the following:

- Site plan review
- Tentative and final tract map review
- Conditional Use Permits
- Variances
- Annexation
- Grading Permits
- Stormwater Protection Plan
- Airport Compatibility

2.2 Project Objectives

The Project documents the community's long-range vision for itself and serves the following purposes:

- Identifies and articulates the community's vision for the City's next 100 years with an initial planning horizon of 2035;
- Recasts the 1999 General Plan to incrementally generate a place that fulfills the community's 2035 vision;

- Sets forth the principles, goals, strategies, objectives and policies that will help achieve the community vision, establishing the basis for evaluating choices and making near- and long-term decisions to maintain the “small town character” and to preserve and enhance that character;
- Use form-based code to allow for a mix and range of land use types to efficiently use land resources;
- Use form-based code to enhance walkability and decrease dependency on vehicle trips;
- Use form-based code to maintain small town character;
- Use form-based code to provide flexibility of building types within pre-set parameters;
- Defines integrated strategies for economic development, environmental sustainability, transportation, land use, housing and community design to help achieve the City’s vision; and
- Prioritizes actions to advance ongoing implementation.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive review of this Project which included the Draft EIR and Final EIR, along with the supporting technical studies along with a public review and comment period first during the circulation of the NOP and then through the circulation of the Draft EIR. The following is a summary of the environmental review of this Project:

- On October 20, 2009, the City forwarded a NOP to the State Clearinghouse, and circulated the same for public review and comment. The comment period for the NOP closed November 19, 2009.
- On January 31, 2012, the NOA/NOC was filed with the State Clearinghouse and the Draft EIR was circulated for the 45-day public review, which ended March 15, 2012.
- On February 29, 2012, at the Regular Meeting of the Tehachapi Planning Commission, the City held a Public Workshop to facilitate Planning Commission and public review and comment on the Project.
- March 29, 2012, in accordance with *Public Resources Code* Section 21092.5, the City provided written response to public agencies that commented on the Draft EIR.
- March 28, 2012, Notice of the Commission hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: *The Tehachapi News*.
- April 9, 2012, the Commission, after considering written comments and oral testimony on the EIR and the project, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Commission certified the EIR, adopted these Facts, Findings, and the Statement of Overriding Considerations, which also adopts the Mitigation Monitoring and Reporting Plan (MMRP) and the further recommendations in the Staff Report, and approved the Project.

4.0 INDEPENDENT JUDGMENT FINDING

The City retained the independent consulting firm of Impact Sciences, Inc., to prepare the EIR for the Project. Impact Sciences, prepared the EIR under the supervision, direction, and review of the City. The Commission has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding

The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

4.1 General Finding on Mitigation Measures

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding

Unless specifically stated to the contrary in these findings, it is this Commission's intent to adopt all mitigation measures recommended by the EIR that are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports; the EIR; written and oral testimony at public meetings or hearings; these facts, findings, and statement of overriding considerations; and other information in the administrative record serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0, Environmental Impact Analysis of the Draft EIR. Responses to comments on the Draft EIR, along with copies of the comments, are provided in Section 2.0 of the Final EIR.

The EIR evaluated 14 major environmental categories for potential impacts including Visual Resources; Agricultural Resources; Air Quality and Climate Change; Biological Resources; Cultural Resources; Geology, Soils, and Minerals; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Population and Housing; Public Services; Transportation and Traffic; and Utilities and Service Systems. The proposed General Plan is intended to be self-mitigating, in that the objectives and policies of the proposed General Plan are designed to mitigate environmental impacts. Of these 14 major environmental categories, this Commission concurs with the conclusions in the EIR that the issues and sub issues discussed in **Subsection 5.1**, **Subsection 5.2**, and **Subsection 5.3**, below are either no impacts, less than significant without mitigation, or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in **Subsection 5.4**, overriding considerations exist that make these potential impacts acceptable to this Commission.

5.1 No Environmental Impacts

The Commission hereby finds that the following potential environmental areas result in no impacts by the Project.

5.1.1 *Agricultural Resources*

Forest Land

No forest land or timberland exists within the City's limits. Therefore, development permitted by the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production or result in the loss of forest land or conversion of forest land to non-forest use, and no impact would occur. (Draft EIR, p. 4.2-22)

5.1.2 *Biological Resources*

Local Policies or Ordinances

There are no adopted local policies or ordinances protecting biological resources that cover the greater Tehachapi area. As such, development permitted by the Project would not conflict with any local policies

or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and no impact would occur. (Draft EIR, p. 4.4-33)

Habitat Conservation Plan/Natural Community Conservation Plan

There are no adopted habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans that cover the greater Tehachapi area. As such, development permitted by the Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan, and no impact would occur. (Draft EIR, p. 4.4-34)

5.1.3 *Geology, Soils, and Minerals*

Landslides

The topography of the City of Tehachapi and its immediate built environment is relatively flat and thus devoid of any destructive landforms. There are no known landslides near the City of Tehachapi, nor is the City in the path of any known or potential landslides. Therefore, there is no potential for impacts from landslides. (Draft EIR, p. 4.6-25)

Soils Incapable of Supporting Septic Tanks

Development permitted by the Project would not involve the installation of septic tanks or alternative wastewater disposal systems. As required by Policy CS6, all new development would be required to connect with sewers to avoid undermining the integrity of sub-surface soils, and no impact would occur. (Draft EIR, p. 4.6-29)

Mineral Resources

The Planning Area is not known to contain any known mineral resources within its boundaries. Development associated with buildout of the Project would not encroach upon the closest MRZ zone located outside the Planning Area boundaries to the northeast. If mineral resources were discovered within the Planning Area, implementation of proposed General Plan objectives and policies would act to protect and conserve these resources (Policy NR24 and Policy NR33). (Draft EIR, pp. 4.6-29 and 4.6-30) For these reasons, development permitted by the Project would not result in the loss of availability of mineral resources, and no impact would occur.

5.1.4 Hydrology and Water Quality

Seiche, Tsunami, or Mudflow

Due to the City's distant location from the ocean and enclosed bodies of water, the City would not be affected by inundation by a tsunami or seiche event. Therefore, no impact would occur. (Draft EIR, p. 4.8-22)

5.1.5 Land Use

Habitat Conservation Plan/Natural Community Conservation Plan

No adopted Habitat Conservation Plan or Natural Conservation Plan has been adopted for the Tehachapi Valley. Consequently, development of land uses permitted by the proposed General Plan would not conflict with the provisions of any adopted Conservation Plan, and no impact would occur. (Draft EIR, p. 4.9-16)

5.2 Less Than Significant Environmental Impacts Not Requiring Mitigation

The Commission hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures.

5.2.1 Visual Resources

Scenic Vista

Potential Significant Impact: Whether the development permitted by the Project would have a substantial adverse effect on a scenic vista.

Findings: Potential impacts of the Project related to scenic vistas are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to scenic vistas will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Views from areas within developed neighborhoods would generally not change, with the potential exception of areas adjacent to infill sites. Overall, public views would not be significantly altered or blocked. The Project proposes development in the Sierra Nevada foothills north of SR-58 in the Capital Hills and Loop Ranch Specific Plan areas. No development is proposed in the Tehachapi foothills to the south of town. Allowing urban development within existing vacant hills would alter the visual character of the open slopes. However, residential development currently approved or proposed for the foothills by the proposed General Plan is restricted primarily to Estate and Home

building types with a maximum height of two stories. The impacts of development on visible hillsides would be minimal because the City's Hillside Development Ordinance and the Project objectives and policies (Policy TF2, NR5, and NR6) would limit development on visible hillsides. (Draft EIR, pp. 4.1-7 and 4.1-8) Accordingly, impacts associated with scenic vistas would be less than significant and no mitigation is required.

State Scenic Highway

Potential Significant Impact: Whether the development permitted by the Project would significantly damage scenic resources within a state scenic highway.

Findings: Potential impacts of the Project related to significantly altering scenic resources within a state scenic highway are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to damage of scenic resources within a state scenic highway will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Though not officially designated by the state, the City has considered designating portions of SR-58 as a scenic highway. The City of Tehachapi does not contain any natural scenic resources, such as native trees or rock outcroppings. The City will take necessary steps to preserve hillside views that are visible from SR-58 and Tehachapi-Willow Springs Road. (Draft EIR, p. 4.1-10) Therefore, impacts that would significantly damage scenic resources within a locally designated scenic highway would be less than significant and no mitigation is required.

Visual Character/Quality

Potential Significant Impact: Whether the development permitted by the Project would substantially degrade the existing visual character or quality of the study area and its surroundings.

Findings: Potential impacts of the Project related to substantially degrading the existing visual character or quality of the study area and its surroundings are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to the existing visual character or quality of the study area and its surroundings will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the Project would increase the density and intensity of residential and non-residential uses in the City. The Project would extend the urban edge, primarily to the north towards the Capital Hills and Loop Ranch areas by converting currently undeveloped land to urban and suburban uses. These rural areas may lose some of their character as the City grows to the

north. (Draft EIR, p. 4.1-10) In order to maintain the town's character, the Project provides a number of objectives and policies that establish an urban and architectural framework (Policies TF7, TF8, and TF9). These policies range from the structure of Tehachapi's neighborhoods, districts, and corridors to the built environment and architectural details (Policy TF19). (Draft EIR, p. 4.1-11) Accordingly, impacts associated with the visual character and quality would be less than significant and no mitigation is required.

Light and Glare

Potential Significant Impact: Whether the Project would introduce new sources of light and glare to the City.

Findings: Potential impacts of the Project related to light and glare are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, the Commission finds that no significant impacts related to light or glare will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Development permitted by the Project would increase the amount of light in the Planning Area due to street lighting, floodlights, security lighting, private residential lights, and automobile headlights. The increase in development throughout the Planning Area (incorporated and unincorporated areas) will increase the amount of ambient light, interfering with views of the dark sky, especially in more urbanized areas, and altering the nighttime character of the Planning Area. The Project contains objectives and policies specifically designed to minimize light and glare impacts, such as Policy NR14 which would require the enforcement of a 'dark sky' protocol to preserve nighttime views, prevent light pollution, reduce light spillage both upward and onto adjoining properties while Policy NR15 would require that outdoor lighting not create or worsen incompatible situations. (Draft EIR, p. 4.1-15) Therefore, impacts that would introduce new sources of light and glare to the City would be less than significant and no mitigation is required.

5.2.2 Agricultural Resources (Conversion of Farmland)

Conversion of Farmland

Potential Significant Impact: Whether the development permitted by the Project would result in the indirect conversion of incidental non-prime farmland to non-agricultural use.

Findings: Potential impacts of the Project related to the conversion of farmland to non-agricultural use is discussed in detail in Section 4.2 of the Draft EIR. Based on the entire record before us, the Commission finds that no significant impacts related to the conversion of farmland to non-agricultural use will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Direct impacts to agricultural resources include the conversion of existing farmlands to non-agricultural uses. As a result of these changes, a variety of related or indirect changes could also occur. These indirect effects include noise (from farm equipment and crop dusting), dust, odors, and drift of agricultural chemicals. From the agricultural perspective, conflicts with urban development include restrictions on the use of agricultural chemicals, complaints regarding noise and dust, trespass, vandalism, and damage from domestic animals (such as dogs). Compliance with the existing regulations, AB 2881 and California Government Code, Food and Agricultural Section 12972 will help minimize potential agriculture/urban interface conflicts by requiring noticing of new residents near farmland and preventing the improper use and application of pesticides, respectively. (Draft EIR, p. 4.2-23) In addition, implementation of Project objectives and policies would further assist in reducing conflicts within the Planning Area (Policy CS51). Accordingly, impacts associated with the conversion of farmland to non-agricultural use would be less than significant and no mitigation is required.

5.2.3 Air Quality and Climate Change

Air Quality Plan

Potential Significant Impact: Whether the development permitted by the Project would conflict with adopted federal and state Air Quality Attainment Plans.

Findings: Potential impacts of the project that are related to the possibility of conflict or obstruction of implementation of an applicable air quality attainment plan is discussed in detail in Section 4.3 of the Draft EIR. Based on the entire record before us, the Commission finds that no significant impacts related to the inconsistency with an applicable air quality plan will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: The Project was designed specifically to achieve and promote consistency with the planning documents of other key neighboring land use agencies or other agencies that have jurisdiction over the Planning Area. Specific objectives and policies listed in the proposed General Plan direct the City to reduce air quality impacts from roadway development, encourage alternative modes of transportation, prevent incompatible land uses, support programs to mitigate impacts of global warming, and maintain healthy air quality (Policies NR2 and NR3). The City will reduce emissions for stationary point and area sources of air pollution by working closely with the Eastern Kern Air Pollution Control District (EKAPCD) to achieve emission-reductions for non-attainment pollutants and by applying CEQA to evaluate and mitigate the local and cumulative effects of new development on air quality. (Draft EIR, p. 4.3-31) As such, the Project will not conflict with applicable air quality attainment plans, which is considered a less than significant impact. No mitigation is required.

5.2.4 Biological Resources

Riparian Habitat

Potential Significant Impact: Whether the development permitted by the Project would result in the conversion of riparian habitat to more urban uses.

Findings: Potential impacts of the Project related to the conversion of riparian habitat are discussed in detail in Section 4.4 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to riparian habitat will occur as a result of the Project. Thus, no mitigation is required.

Facts in Support of the Findings: Areas along the Antelope Run Drainage contain riparian habitat. No other sensitive habitats are located within the Planning Area. The protection and enhancement of environmentally sensitive areas, such as riparian habitat, is a key initiative of the Project. The City would promote appropriately sensitive development along the edges of Antelope Run (Policy TF1) and would maintain Antelope Run as a natural corridor to foster wildlife movement (Policy NR27). (Draft EIR, p. 4.4-30) Therefore, development permitted by the Project will not result in the conversion of riparian habitat to more urban uses, and this impact is considered less than significant. No mitigation is required.

Wetlands

Potential Significant Impact: Whether the development permitted by the Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Findings: Potential impacts of the Project related to substantial adverse effects on federally protected wetlands are discussed in Section 4.4 of the Draft EIR. Based on the entire record, this Commission finds that no significant impacts related to substantial adverse effects on federally protected wetlands will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Wetlands located along Antelope Run, in the western portion of the Planning Area, would be protected. The protection of environmentally sensitive areas, such as wetlands, and other natural resources is a key initiative of the Project. Objectives and policies within the Project strive to establish specific measures that the City will implement to protect and preserve wetlands (Policy TF1). (Draft EIR, p. 4.4-31) Accordingly, substantial adverse effects on federally protected wetlands impacts would be less than significant. No mitigation is required.

Wildlife Movement or Native Wildlife Nurseries

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of a native wildlife nursery site.

Findings: Potential impacts of the Project related to wildlife movement and native wildlife nurseries are discussed in detail in Section 4.4 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to wildlife movement and native wildlife nurseries will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Several areas within the Planning Area (predominately waterways and the riparian areas that border them) are utilized as migratory corridors for the movement of wildlife. Development permitted by the Project would not remove riparian habitat currently providing cover. However, development within the Planning Area would cause an increase in both vehicular traffic levels and nighttime light levels, which would also serve to deter wildlife movement in the area, and could increase the distance that animals would need to traverse. However, development proposed under the Project would largely be on land that is contiguous to existing development. In addition, land outside the City limits to the east and south, which is part of the Tehachapi Connection, would remain as open space and implementation of the Project would not interfere with this linkage. (Draft EIR, p. 4.4-32) The objectives and policies within the Project strive to establish specific measures that the City will implement to protect and preserve wildlife corridors. Accordingly, impacts associated with wildlife movement and native wildlife nurseries would be less than significant. No mitigation is required.

5.2.5 Geology, Soils, and Minerals

Earthquake Fault Rupture

Potential Significant Impact: Whether the development permitted by the Project would expose people or structures to rupture of a known earthquake fault or landslides.

Findings: Potential impacts of the Project related to surface fault rupture are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to surface fault rupture will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: No known active faults cross the Planning Area. The closest known active fault is the Garlock Fault, which is located approximately 6 miles from the City of Tehachapi. The

only fault that crosses the Planning Area is the Tehachapi Creek Fault, which roughly parallels State Route 58 in Planning Area 5B. This Fault is not considered active. (Draft EIR, p. 4.6-19) In addition, the Project includes objectives and policies that address seismic and geologic hazards (Policy CS2). Therefore, the Project would not expose people or structures to rupture of a known earthquake fault or landslides and would be less than significant. No mitigation is required.

Strong Seismic Ground Shaking

Potential Significant Impact: Whether the Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Findings: Potential impacts of the Project related to strong seismic ground shaking are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to strong seismic ground shaking will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Due to the proximity of the City of Tehachapi to known active faults, the probability that the City will be subject to strong seismic shaking from a moderate to large earthquake on any of the major active faults in the region is considered high. However, all structures that would be built in the City would be designed in accordance with the Uniform Building Code (UBC) and applicable City codes to ensure safety in the event of an earthquake. In addition, implementation of Project objectives and policies would further assist in reducing the risk to people or structure from groundshaking (Policies CS1, CS26, and CS35). (Draft EIR, p. 4.6-20) For these reasons, impacts due to groundshaking would be less than significant. Therefore, would not require mitigation.

Seismic Related Ground Failure

Potential Significant Impact: Whether the Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

Findings: Potential impacts of the Project related to seismic related ground failure including liquefaction, are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to seismic related ground failure will occur as a result of the Project. Therefore, no mitigation is required.

Facts in Support of the Findings: Groundwater levels may have risen near the surface in some low-lying valley areas, particularly near existing streams, lakes, and playas, since the 1970s. As such, liquefaction is considered to be a potentially significant impact. (Draft EIR, p. 4.6-24) Compliance with the UBC and implementation of proposed General Plan objectives and policies (Policies CS1, CS26, and CS35) would reduce the risk to people or structures from seismic-related ground failure, including liquefaction. In addition, Policy CS7 would require the City to conduct technical reviews of groundwater, liquefaction susceptibility, and fault zone data as needed for potential revisions in liquefaction susceptibility and fault zone designations and related land use and construction policies. (Draft EIR, p. 4.6-25) Accordingly, impacts due to seismic-related ground failure, including liquefaction, would be less than significant. No mitigation is required.

Soil Erosion/Loss of Topsoil

Potential Significant Impact: Whether the proposed General Plan would result in substantial soil erosion or the loss of topsoil.

Findings: Potential impacts of the proposed General Plan related to soil erosion or the loss of topsoil are discussed in Section 4.6 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to soil erosion or the loss of topsoil will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Projects that include grading, earth moving, excavating, or other construction activities would loosen soils within a construction site. This would make the soils more prone to erosion by wind or by stormwater runoff. Grading activities for subsequent projects under the proposed General Plan are expected for foundations, building pads, access roads, and utility trenches. All of these activities increase the potential for soil erosion. One of the major effects of loss of topsoil is sedimentation in receiving waters, and as such, erosion control standards are set by the Regional Water Quality Control Board (RWQCB) through administration of the National Pollutant Discharge Elimination System (NPDES) permit process for storm drainage discharge. The NPDES permit requires implementation of non-point source control of stormwater runoff through the application of a number of Best Management Practices (BMPs). These BMPs are meant to reduce the amount of constituents, including eroded sediment, that enter streams and other water bodies. A Storm Water Pollution Prevention Plan (SWPPP), as required by the RWQCB, is required to describe the stormwater BMPs (structural and operational measures) that would control the quality and quantity of stormwater runoff. Erosion and sedimentation issues are addressed more fully in Section 4.8 of the Draft EIR. (Draft EIR, p. 4.6-26) As part of the SWPPP, an Erosion Control Plan is required to be prepared for a project prior to the commencement of grading. An erosion control professional, landscape architect, or civil engineer

specializing in erosion control must design the Erosion and Sediment Transport Control Plan and be on a project site during the installation of erosion and sediment transport control structures to supervise the implementation of the designs and maintenance of such facilities throughout the site clearing, grading, and construction periods. (Draft EIR, p. 4.6-26) Erosion control is required by the City of Tehachapi. Section 17.16.100 of the City's Municipal Code provides requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property as set forth in Chapter 70 of UBC and adopted by the City. Policies included as part of the proposed General Plan have been designed to further minimize soil erosion impacts (Policy CS14). (Draft EIR, p. 4.6-27) Accordingly, development permitted by the proposed General Plan would not result in substantial soil erosion or the loss of topsoil, and would be less than significant. No mitigation is required.

Unstable Geologic Unit/Expansive Soil

Potential Significant Impact: Whether the proposed General Plan would locate structures on a geologic unit or soil that is unstable that would result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, as well as result in substantial risks to life and property as a result of expansion soil.

Findings: Potential impacts of the proposed General Plan related to unstable geologic units or expansive soils are discussed in Section 4.6 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to substantial risks to life or property as a result of expansive soils or unstable geologic units will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Soils in the Planning Area are subject to expansion. Native surficial soils located in the City of Tehachapi (alluvium and colluvium) are potentially compressible, typically in the upper 5 to 10 feet. Uncompacted fills are also compressible, and are unsuitable for foundation support. Therefore, the impact posed by compressible soils is considered to be potentially significant. Compliance with the UBC and implementation of proposed General Plan objectives and policies (Policies CS1, CS26, and CS35) reduces the risk to people or structures from unstable geologic units or expansive soils. Impacts are considered less than significant. No mitigation is required.

5.2.6 Hazards and Hazardous Materials

Transport, Use, or Disposal of Hazardous Materials

Potential Significant Impact: Whether the proposed General Plan would result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Findings: Potential impacts of the proposed General Plan related to the routine transport, use, or disposal of hazardous materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to routine transport, use, or disposal of hazardous materials will occur. Therefore, no mitigation is required.

Facts in Support of the Findings: Businesses such as dry cleaners, gas stations, and airports routinely transport, use, or dispose of hazardous waste. Although a number of businesses within the Planning Area routinely store, handle and transport hazardous substances, the use of these hazardous materials is controlled and permitted by the Kern County Fire Department, which conducts Uniform Fire Code inspections of these facilities, regulates these facilities, and otherwise ensures that risks associated with the use of hazardous materials in the community area are minimized. Any new hazardous materials transportation, use, and disposal would be subject to state and federal hazardous materials laws and regulations. The transport of hazardous materials is regulated by the U.S. Department of Transportation (U.S. DOT). Hazardous materials use, storage, and disposal would be subject to hazardous materials programs administered by Environmental Health and Safety (EHS). Future development under the proposed General Plan would be subject to regulatory programs such as the Hazardous Materials Business Plan, aboveground and underground storage tank programs, and Resource Conservation and Recovery Act (RCRA) hazardous waste generator programs. Policy CS41 of the proposed General Plan requires coordinating the use of approved routes and notification of all transport of hazardous materials utilizing routes through Tehachapi while Policy CS42 requires that property owners along approved haul routes be informed of the potential for hazard release. (Draft EIR, p. 4.7-18) The proposed General Plan would not cause an adverse effect on the environment with respect to the use, storage, or disposal of general household and commercial hazardous substances generated from future development or uses. Impacts would be less than significant and would not require mitigation.

Release of Hazardous Materials

Potential Significant Impact: Whether the proposed General Plan would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Findings: Potential impacts of the proposed General Plan related to the release of hazardous materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Hazardous materials used during construction and operational activities throughout the Planning Area may expose nearby residents and local schools to toxic emissions. Electrical transformers and industrial products containing PCBs and heavy metals, as well as persistent residual chemicals including pesticides, herbicides, and fertilizers, have the potential to pose a health and safety risk via accidental release or misuse in the Planning Area. Certain geographic areas anticipated for development under the proposed General Plan are currently in agricultural use and as a result have the potential to contain concentrations of agricultural chemicals due to the possible long-term application of pesticides. Future land uses in these areas include residential, commercial, and industrial uses. In addition, development permitted by the proposed General Plan would involve significant ground disturbance for new construction. Soils in the area may contain contaminants associated with long-term use of agricultural chemicals. Other contaminants may also be found in the soils that are associated with former land uses, including asbestos and lead-based paint in structures and contaminants associated with septic systems. The use, storage, and transport of hazardous materials by developers, contractors, business owners, industrial businesses, and others are required to be in compliance with local, state, and federal regulations during project construction and operation. Facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous waste releases. (Draft EIR, p. 4.7-20)

The transportation of hazardous materials on area roadways is regulated by the California Highway Patrol (CHP), U.S. DOT (Hazardous Materials Transportation Act) and the California Department of Transportation (Caltrans); and use of these materials is regulated by the Department of Toxic Substances Control (DTSC). The use, storage, and transport of hazardous materials by developers, contractors, business owners, industrial businesses, and others are required to be in compliance with local, state, and federal regulations during project construction and operation. Facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous waste releases. All existing and future projects in the Planning Area would be required to comply with federal, state, and local regulations. Policy CS45 of the proposed General Plan requires the establishment of zoning provisions and environmental review processes that limit the location of facilities using hazardous materials while Policy CS50 requires a soil and groundwater contamination assessment for proposed land use/development activity adjacent to industrial, commercial, or agricultural uses. (Draft EIR, p. 4.7-21) Accordingly, impacts associated with the release of hazardous materials into the environment would be less than significant and no mitigation is required.

Emit Hazardous Emissions or Handle Hazardous Materials

Potential Significant Impact: Whether the development permitted by the proposed General Plan would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

Findings: Potential impacts of the development permitted by the proposed General Plan related to exposure of sensitive receptors to hazardous materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to exposure of sensitive receptors to hazardous materials will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Schools are one of several sensitive receptors that must be taken into consideration when the City is approving new land uses or transportation routes that may accommodate the production, storage, use, or transportation of hazardous materials and/or waste. Buildout of the proposed General Plan would result in increased population levels throughout the Planning Area and would increase the number of school-age children as well. New school sites should be evaluated for their proximity and potential exposure to hazardous materials as they are proposed for development. In addition to general CEQA requirements, school acquisition/development projects to be funded under the State School Facilities Program must satisfy several specific requirements established under the California Education Code and California Code of Regulations. These regulations require that potential school hazards relating to soils, seismicity, hazards and hazardous materials, and flooding be addressed during the school site selection process. Compliance with these requirements will address hazardous conditions associated with the siting of new public schools within the Planning Area. (Draft EIR, p. 4.7-22) Development within Tehachapi would be required to comply with, or demonstrate that the lead agency - if other than the district preparing the environmental impact report or negative declaration - has consulted with, the appropriate city/county agency and with any air pollution control district or air quality management district having jurisdiction, concerning any facilities having hazardous or acutely hazardous air emissions within 0.25 mile of a proposed school site as required by CEQA Statutes Section 21151.4, Education Code Section 17213 and all other applicable federal, state, and local regulations. In addition, implementation of the proposed General Plan objectives and policies, such as Policy CS48, would require that air pollution point sources be located at safe distances from sensitive sites such as schools and would also require an analysis that demonstrates that the health risk would not be significant when siting of sensitive land uses such as schools within or adjacent to industrially designated areas. (Draft EIR, p. 4.7-23) Therefore, impacts associated with the exposure of sensitive receptors to hazardous materials would be less than significant and no mitigation is required.

Located on a Hazardous Materials Site

Potential Significant Impact: Whether the development permitted under the proposed General Plan would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.

Findings: Potential impacts of the development permitted under the proposed General Plan related to hazardous material sites are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to hazardous material sites will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Businesses such as dry cleaners, gas stations, and airports are often contaminated. In addition, the removal of structures that contain hazardous business materials such as asbestos, lead-based paint, or PCBs could expose individuals to hazardous conditions during demolition. In addition, the Union Pacific Railroad (UPRR) right-of-way extends through the central portion of the Planning Area. Railroad rights-of-way typically have surface contamination due to the lubricating oil used on the wheels and the use of herbicides to help minimize weeds within these areas. Vacant parcels adjacent to these rail lines have development potential, and numerous other parcels have redevelopment and infill potential as well. While historic activities may have exposed soils surfaces to contaminants, the potential for exposure to these contaminants is minimal. However, development of lands adjacent to these tracks would be required under the proposed General Plan to have soils analyzed for volatile and extractable hydrocarbons, volatile and extractable organics, pesticides, herbicides, and California Administrative Manual, Title 22 (CAM 17) metals. (Draft EIR, p. 4.7-24)

Objectives and policies included as part of the proposed General Plan have been designed to minimize this impact. As proposed in the General Plan, Policy CS44 requires the City to maintain an accurate inventory of environmentally contaminated sites to inform the public about contamination from previous uses. In addition, Policy CS49 requires the City to work directly with landowners in the cleanup of these sites, particularly in areas with the potential for regeneration of sites/buildings. (Draft EIR, p. 4.7-25)

Development within Tehachapi would be required to comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. Full compliance with Title 17 and Title 8 of the California Code of Regulations is also required, which includes work practice standards related to the evaluation and abatement of lead in public and residential buildings and covers

construction work where an employee may be exposed to lead, including metallic lead, inorganic lead compounds, or organic lead. Continued compliance with these and all other applicable local, state, and federal safety standards, and proposed General Plan objectives and policies would reduce the potential exposure of people and the environment to hazardous materials associated with development on impacted properties or demolition of older structures, and this impact is considered less than significant.

Airport Land Use Plan/Vicinity of Private Airstrip

Potential Significant Impact: Whether the proposed General Plan would result in significant safety hazard impacts for people residing or working on projects located within an airport land use plan or within 2 miles of a public airport or public use airport.

Findings: Potential impacts of the proposed General Plan related to development permitted within an airport land use plan or within proximity to a public airport are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to projects located within an airport land use plan or proximity to a public airport will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: The Tehachapi Municipal Airport is located in the central portion of the Planning Area. The proposed General Plan would permit new development within the Airport's planning boundary, including the Airport's approach/departure zones. The Kern County Airport Land Use Compatibility Plan (ALUCP) places restrictions on types of land uses allowed around the airport. For example, schools, day care centers, libraries, hospitals, nursing homes, and the storage of highly flammable materials are not allowed within the Airport's approach/departure zones. The proposed General Plan would not locate land uses restricted by the ALUCP within the planning boundary of the Tehachapi Municipal Airport. (Draft EIR, p. 4.7-26)

The proposed General Plan provides objectives and policies that would minimize land use conflicts with airports. For example, Community Safety Objective 8, Policy CS31 would prohibit conflicts with approach surfaces, clear zones, or Federal Aviation Regulation Part 77 imaginary surfaces. Therefore, development permitted by the proposed General Plan would not result in a safety hazard for people residing or working within the planning boundaries of the Tehachapi Municipal Airport and Mountain Valley Airport, and this impact is considered less than significant.

Emergency Response Plan

Potential Significant Impact: Whether the development permitted by the proposed General Plan would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Findings: Potential impacts of the development permitted by the proposed General Plan and the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to emergency response or evacuation will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: The resulting changes in land use patterns associated with buildout of the proposed General Plan, with the consequent increase in traffic, could increase the potential for conflicts with existing emergency response and/or emergency evacuation plans by making implementation of emergency response activities more difficult. This increased difficulty would place more people at risk of serious injury or death and property at greater risk of serious damage. The proposed General Plan addresses these traffic impacts through a combination of policies and several physical roadway improvements (see Chapter 4.13, **Transportation** for additional information). In addition, proposed General Plan objectives and policies address evacuation in the event of an emergency. (Draft EIR, pp. 4.7-27, 4.7-28)

Implementation of the proposed General Plan would not interfere with implementation of the City's Emergency Operations Plan. In addition, the Community Safety Element provides objectives and policies that require additional emergency preparedness planning and dissemination of information. (Draft EIR, p. 4.7-28)

Therefore, development permitted by the proposed General Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and this impact is considered less than significant.

Wildland Fires

Potential Significant Impact: Whether the development permitted under the proposed General Plan would expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

Findings: Potential impacts of the proposed General Plan related to wildland fire risk are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Commission finds that no

significant impacts related to wildland fire risk will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Wildland fires would continue to pose a significant threat to the people and structures within the Planning Area. Although the central portions of Tehachapi are highly urbanized, portions of the Planning Area outside the urban core are more susceptible to wildland fires due to potential fuel loads (grassland and other vegetation). (Draft EIR, p. 4.7-29)

The Community Safety Element provides objectives and policies that address wildland fires. Continued compliance with these General Plan actions would reduce potential exposure of people and development to wildland fires, and this impact is considered less than significant.

5.2.7 Land Use

Divide Established Community

Potential Significant Impact: Whether the proposed General Plan would divide an established community.

Findings: Potential impacts of the development of permitted land uses under the proposed General Plan are discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to physically divide an established community will occur with implementation of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Development permitted by the proposed General Plan has been designed to be compatible with surrounding land uses and to minimize a variety of land use conflicts resulting from the placement of incompatible land uses near sensitive receptors. (Draft EIR, pp. 4.9-9 and 4.9-11) Therefore, development of land uses permitted by the proposed General Plan would not result in a disruption of the existing community, and this impact is considered less than significant.

Conflict With Applicable Land Use Plan, Policy, or Regulation

Potential Significant Impact: Whether the development of the land uses permitted under the proposed General Plan would conflict with any applicable land use plan, policy, or regulation.

Findings: Potential impacts from the development of the land uses permitted under the proposed General Plan would not conflict with any applicable land use plan, policy or regulation is discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, this Commission finds that no

significant impacts as a result of development permitted under the proposed General Plan would conflict with any applicable land use plan, policy, or regulation. As such, no mitigation is required.

Facts in Support of the Findings: The proposed General Plan objectives and policies promote ongoing City coordination in the areas of planning, transportation, environmental stewardship with these agencies and entities including Kern County, Kern County Local Agency Formation Commission (LAFCO), Kern Council of Governments, Eastern Kern Air Pollution Control District, and the Central Valley Regional Water Quality Control Board. (Draft EIR, p. 4.9-11)

Objectives and policies contained in the proposed General Plan that would minimize conflicts with existing plans is provided below. Several Land Use objectives and policies speak directly to the City's coordination and cooperation with regional agencies in addressing growth issues. The proposed General Plan also requires coordination with federal and state agencies, including the U.S. Army Corps of Engineers and Caltrans. (Draft EIR, p. 4.9-13)

The intent of the proposed General Plan is to create a city in which land uses exist and function without imposing a nuisance, hazard, or unhealthy condition upon adjacent uses. Uses within development areas are expected to be compatible with one another because proposed General Plan objectives and policies establish requirements for compatible development. Implementation of the proposed General Plan will create specific regulatory standards and review procedures to ensure compatible land uses. With the implementation of the policies and implementation measures listed below, development permitted by the proposed General Plan would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and this impact is considered less than significant.

5.2.8 Population and Housing

Substantial Population Growth

Potential Significant Impact: Whether the development of the land uses permitted under the proposed General Plan would induce substantial population growth in an area, either directly or indirectly.

Findings: Potential impacts from the development of the land uses permitted under the proposed General Plan would not induce substantial population growth in an area, either directly or indirectly. This is discussed in detail in Section 4.11 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts would result from development permitted under the proposed General Plan conflicting with any applicable land use plan, policy, or regulation. As such, no mitigation is required.

Facts in Support of the Findings: Development of land uses permitted by the proposed General Plan is expected to add 2,012 residential dwelling units to the City. This increase in residential dwelling units is expected to add 5,372 new residents over the next 25 years. This increase would bring the total population of the City of Tehachapi (without CCI) to approximately 14,201 persons. (Draft EIR, p. 4.11-10)

The projected growth and associated development within the Planning Area would have direct and indirect physical effects on the environment, which are addressed in other technical sections of the Draft EIR. The environmental effects of the development of additional fire protection facilities in the Planning Area have been programmatically considered in the Draft EIR as part of overall development identified in the Planning Area (see Section 4.1 through Section 4.14). As such, this impact is considered less than significant.

Displace Existing Housing

Potential Significant Impact: Whether the project would displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere.

Findings: Potential impacts of the proposed General Plan related to displacing existing housing are discussed in detail in Section 4.11 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to the project's potential to displace substantial numbers of existing housing will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: While implementation of the proposed General Plan would not in and of itself displace substantial numbers of housing units or people, it would change land use designations in currently undeveloped areas. This in turn could allow for future growth that may require additional infrastructure or improvements to existing infrastructure, thereby resulting in the removal of some housing units or businesses. However, state and federal law requires just compensation for persons required to relocate as a result of redevelopment projects carried out by a city, particularly resulting from any projects that use federal or state funding. Any private development that may occur would pay the fair market price for any land or housing acquired as a result of project development. Therefore, although displacement of persons or housing may result, just compensation offsets any cost-related effects. (Draft EIR, p. 4.11-11)

The proposed General Plan contains objectives and policies that preserve housing, increase development certainty, and seek to provide housing opportunities to all resident groups. The proposed General Plan designates additional areas for residential development and is anticipated to expand the City's housing stock. As such, the project is not anticipated to result in a reduction of housing units or displacement of substantial numbers of persons or amounts of housing. Therefore, implementation of the proposed

General Plan would not result in the substantial displacement of housing units or people, and this impact is considered less than significant.

5.2.9 Public Services

Fire Protection Services

Potential Significant Impact: Whether the proposed General Plan would result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.

Findings: Potential impacts of the proposed General Plan on fire protection services are discussed in detail in Section 4.12.1 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to fire protection services will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: As population and other development in the Planning Area increases, demands for fire protection and emergency medical services will also increase, resulting in the need for new or expanded fire protection facilities. If significant development occurs prior to the addition of the necessary facilities, the potential exists for simultaneous multiple calls for service, which could result in a need to prioritize calls, resulting in delays and increased response times. The development of additional fire protection facilities needed to serve new development could result in physical environmental impacts (for example, disturbance of cultural resources, biological resources, etc.) depending on the stations' ultimate location and design. Until such time that the fire stations are designed and located, it is not possible to assess the specific environmental effects that will be addressed in the appropriate environmental documents prepared at that time. Moreover, there are numerous available sites in the City that can be developed with fire stations with no significant environmental effects. (Draft EIR, p. 4.12.1-6) Continued implementation of City Fire Code provisions and implementation of Policy CS53 requires the addition of fire station(s) in development areas to assure consistent response times throughout Tehachapi. (Draft EIR, p. 4.12.1-6) The environmental effects of the development of additional fire protection facilities in the Planning Area have been programmatically considered in the Draft EIR as part of overall development identified in the Planning Area (see Sections 4.1 through 4.14). Accordingly, impacts associated with fire protection services would be less than significant. No mitigation is required.

Police Protection Services

Potential Significant Impact: Whether the proposed General Plan would result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services.

Findings: Potential impacts of the proposed General Plan on police protection services are discussed in detail in Section 4.12.2 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to police protection services will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Development of land uses permitted by the proposed General Plan is expected to add 2,012 residential dwelling units to the City, which is expected to add 5,372 new residents over the next 25 years. This increase would bring the total population of the City of Tehachapi to approximately 14,201 persons. Based on the FBI standard of 2.0 officers per 1,000 residents, General Plan buildout within the existing City Limits would require approximately 28 officers, or 15 officers above existing conditions, to serve the total population. This increased staffing requirement would likely result in the expansion of the current police building, relocation to a significantly larger building, or the addition of substations. The development of additional police protection facilities needed to serve new development could result in physical environmental impacts (for example, disturbance of cultural resources, biological resources, etc.) depending on the stations' ultimate location and design. Until such time that the police protection facilities are designed and located, it is not possible to assess the specific environmental effects that will be addressed in the appropriate environmental documents prepared at that time. Moreover, there are numerous available sites in the City that can be developed with police protection facilities with no significant environmental effects. (Draft EIR, p. 4.12.2-3) Implementation of proposed General Plan Policy CS55 requires the funding of new services from fees, assessments, or as development permits are approved. The environmental effects of the development of additional police protection facilities in the Planning Area have been programmatically considered in the Draft EIR as part of overall development identified in the Planning Area (see Sections 4.1 through 4.14). As such, impacts associated with police protection services would be considered less than significant. No mitigation is required.

Schools

Potential Significant Impact: Whether the proposed General Plan would result in substantial adverse impacts associated with the provision of new or physically altered school facilities, or need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives of the school district.

Findings: Potential impacts of the development permitted under the proposed General Plan are discussed in detail in Section 4.12.3 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to school facilities will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Projected growth associated with implementation of the proposed General Plan would increase student enrollment, which could result in the need for new school facilities and support personnel. The Tehachapi Unified School District (TUSD) currently collects Level I statutory fees of \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial/industrial construction. California Government Code Sections 65995(h) and 65996(b) provide full and complete school facilities mitigation for CEQA purposes. Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or provision of adequate school facilities. (Draft EIR, p. 4.12.3-5) Implementation of the proposed General Plan is expected to add 2,012 residential dwelling units to the City. Based on a student yield factor of 0.467, this increase in residential dwelling units is expected to add 940 students over the next 25 years. Due to the fact that the TUSD is already operating at an overcrowded level, even with the reopening of vacant facilities, this increase in students would result in the continuation of overcrowded conditions, and future growth within the City of Tehachapi is likely to require the construction of new schools. Implementation of proposed General Plan Policy 13, Action 1 would require the City to continue to assist the TUSD in reserving school sites for future schools. (Draft EIR, p. 4.12.3-6) The environmental effects of the development of additional school facilities in the Planning Area have been programmatically considered in the Draft EIR as part of overall development identified in the Planning Area (see Sections 4.1 through 4.14). As such, this impact would be considered less than significant. No mitigation is required.

Parks and Recreation

Potential Significant Impact: Whether the development permitted under the proposed General Plan would result in substantial adverse impacts associated with the provision of new or physically altered parks, or need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives of the parks department.

Findings: Potential impacts of the proposed General Plan related to parks and recreation facilities are discussed in detail in Section 4.12.4 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to parks and recreation facilities or use will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: National Park standards recommend that 5 acres per 1,000 residents be dedicated to meet park demand. Based on this standard, Tehachapi should designate approximately 71 acres of parkland for the existing and future needs of the community. Although Tehachapi significantly exceeds the 71-acre requirement, the vast majority of the current open space is located in planning area 5B. This area is in the foothills and across State Route 58, not easily accessible by or within walking distance of most residents. This emphasizes the need for more “urban” open space types within town to address the needs of residents and visitors. For this reason, the combination of rural and urban open space forms the basis for the open space network. The proposed General Plan would create an additional 206.56 acres of urban open space parkland. The amount of open space listed in the proposed General Plan would substantially exceed the 71-acre requirement. (Draft EIR, p. 4.12.4-4) Typical environmental effects associated with the construction and operation of parks and recreational facilities may involve issues with noise (during construction and playfields and playgrounds), air quality (during the construction of the facility), biological resources (depending on location), historic/cultural resources (depending on location), public services and utilities (demand for police and fire protection, electric, water and wastewater service), and traffic on a local neighborhood level. The environmental effects of construction of such facilities in the Planning Area have been considered in the technical analyses of the Draft EIR. Implementation of the proposed General Plan Policy PR15 requires the City to develop a program that requires new residential development to dedicate land, pay in-lieu fees, or otherwise contribute its fair share toward the acquisition and development of parks and/or recreation facilities to meet the community’s service goals. (Draft EIR, p. 4.12.4-6) The environmental effects of the development of additional facilities in the Planning Area have been programmatically considered in the Draft EIR as part of overall development identified in the proposed General Plan (see Section 4.1 through Section 4.14 of the Draft EIR). As such, impacts to parks and recreation use and facilities would be less than significant. No mitigation is required.

Libraries

Potential Significant Impact: Whether the development permitted under the proposed General Plan would result in adverse physical impacts associated with the provision of new or physically altered library facilities, or need for new or physically altered library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services.

Findings: Potential impacts of the proposed General Plan related to library facilities are discussed in Section 4.12.5 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to library facilities will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Based on the National Library planning ratio of 0.6 square foot of library per capita, General Plan buildout within the existing City Limits would require 8,520.6 square feet of library space, or 2,620.6 square feet above existing conditions, to serve the total population. The development of additional library facilities needed to serve new development could result in physical environmental impacts (for example, disturbance of cultural resources, biological resources, etc.) depending on the Library's ultimate location and design. Until such time as new library facilities are designed and located, it is not possible to assess the specific environmental effects that will be addressed in the appropriate environmental documents prepared at that time. Moreover, there are numerous available sites in the City that can be developed as library facilities with no significant environmental effects. (Draft EIR, p. 4.12.5-3) The environmental effects of the development of additional library facilities in the Planning Area have been programmatically considered in the Draft EIR as part of overall development identified in the Planning Area (see Sections 4.1 through 4.14 of the Draft EIR). As such, library impacts would be less than significant. Therefore, no mitigation is required.

5.2.10 Transportation and Traffic

Intersections

Potential Significant Impact: Whether the development permitted under the proposed General Plan would potentially cause an increase in traffic that would conflict with the City's level of service (LOS) standard for intersections.

Findings: Potential impacts of the proposed General Plan related to the City's LOS standard for intersections are discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record before us,

this Commission finds that no significant impacts related to intersection LOS will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: The proposed General Plan contains objectives and policies that seek to minimize the impacts of traffic generated by land use permitted by the proposed General Plan. Improvements could include signalization, construction of additional through and/or turn lanes, improvements in existing roadway connections, grade separations, or alternative improvements such as traffic circles or synchronization. Alternative improvements were not tested for these intersections. The intersections should be studied in detail in the future, as development occurs and additional network improvements are planned. The above future intersection improvements would improve the future operating conditions at the all of the analyzed intersections to LOS C or better. These actions would minimize the impact of traffic generated by the proposed General Plan, to the extent that impacts would become less than significant. (Draft EIR, p. 4.13-17)

Roadway Segments

Potential Significant Impact: Whether the development permitted under the proposed General Plan would cause an increase in traffic that would conflict with the City's LOS standard for roadway segments.

Findings: Potential impacts of the proposed General Plan related to the City's LOS standard for roadway segments is discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts related to roadway segment LOS will occur as a result of the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Network improvements are proposed as part of the proposed General Plan. The improvements include new planned signalized intersections and new roadways segments that will provide for additional capacity and access to proposed land uses and developments. All future roadway segments would operate at an LOS of C or better. Therefore, if the proposed improvements are made, the proposed General Plan would have a less than significant impact for all segments. In addition, the proposed General Plan contains objectives and policies that seek to minimize the impacts of traffic generated by land use permitted by the proposed General Plan.

Congestion Management Program

Potential Significant Impact: Whether the development permitted under the proposed General Plan would conflict with an applicable congestion management program.

Findings: Potential conflicts of the proposed General Plan related to any applicable congestion management program are discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record, this Commission finds that no significant conflicts with an applicable congestion management program and the proposed General Plan will occur. As such, no mitigation is required.

Facts in Support of the Findings: The Congestion Management Program (CMP) has established LOS E as the minimum system-wide LOS traffic standard for CMP designated highways and roadways in the County. All CMP designated state highways and principal arterials within the Tehachapi Valley would operate at LOS C or better with implementation of the proposed General Plan. (Draft EIR, p. 4.13-23) Therefore, development permitted by the proposed General Plan would not conflict with the County's CMP, and this impact would be less than significant. Accordingly, no mitigation is required.

Air Traffic Patterns

Potential Significant Impact: Whether the development permitted under the proposed General Plan would result in a significant impact to air traffic patterns.

Findings: Potential impacts of the proposed General Plan related to air traffic patterns is discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant air traffic impacts as a result of the proposed General Plan will occur. Therefore, no mitigation is required.

Facts in Support of the Findings: Tehachapi is home to two airports: the Tehachapi Municipal Airport and the Mountain Valley Airport. The Tehachapi Municipal Airport is a publicly owned airport located in the central portion of the Planning Area, north of the UPRR right-of-way and south of SR-58. The Mountain Valley Airport is a privately owned and publicly accessible airport used for glider operations and is located in the southern portion of the Planning Area on the outskirts of the City, south of Highline Road. The proposed maximum height limits designated in the proposed General Plan for land uses that surround each airport are consistent with the height limits established by the ALUCP. (Draft EIR, p. 4.13-27) As a result, development permitted by the proposed General Plan would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, and this impact is considered less than significant.

Design Features/Inadequate Emergency Access

Potential Significant Impact: Whether the development permitted under the proposed General Plan would not substantially increase hazards due to a design feature or incompatible uses or result in inadequate emergency access.

Findings: Potential impacts of the proposed General Plan related to hazards and emergency access are discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant hazards and emergency access impacts would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: While implementation of the proposed General Plan would increase the amount of vehicle traffic and the number of potential safety conflicts, implementation of the proposed General Plan and modern construction design standards would also result in the provision of acceptably safe facilities. In addition, current City and state requirements require the provision of emergency access for emergency response and evacuation. Implementation of proposed General Plan objectives and policies to maintain roadways and improve traffic flow in the City, in conjunction with enforcement of modern design standards in the construction of new roadway facilities, would ensure that construction of roadway facilities associated with the proposed General Plan would not result in unacceptable safety conflicts. (Draft EIR, p. 4.13-28) Therefore, development permitted by the proposed General Plan would not substantially increase hazards due to a design feature or incompatible uses or result in inadequate emergency access, and this impact is considered less than significant.

Public Transit, Bicycle, or Pedestrian Facilities

Potential Significant Impact: Development permitted by the proposed General Plan would not conflict with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Findings: Potential impacts of the proposed General Plan related to public transit, bicycle, and pedestrian facilities are discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to public transit, bicycle, or pedestrian facilities would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: The City's support of a variety of alternative transportation modes and programs is one of the primary features of several objectives and policies contained in the proposed General Plan. (Draft EIR, p. 4.13-29) Based on the policies of the General Plan, permitted development would not conflict with policies, plans, or programs supporting alternative transportation, and this impact is considered less than significant.

5.2.11 Utilities and Service Systems

Water Supply

Potential Significant Impact: Development permitted by the proposed General Plan will not exceed the limits of the City's existing water entitlements and resources.

Findings: Potential impacts of the proposed General Plan related to water supply are discussed in detail in Section 4.14.1 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to water supply would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Population increases associated with implementation of the proposed General Plan assume that population will increase at a 2 percent growth rate with an ultimate buildout in 2035, when the desired distribution of single-family and multi-family units will occur. (Draft EIR, p. 4.14.1-6) It is anticipated that demand will be met in all conditions with the existing water sources and the addition of reclaimed water. Additional water may be available via exchanges and leases within the groundwater basin as they have historically been available; however, they were not considered as future sources as it is unrealistic to predict water exchanges without knowing existing users future intentions. In addition, compliance with the proposed objectives and policies would further reduce the impact of the proposed General Plan with regards to water supply. (Draft EIR, pp. 4.14.1-9-10) Therefore, development permitted by the proposed General Plan will not exceed the limits of the City's existing water entitlements and resources and this impact is considered less than significant.

Water Distribution Facilities

Potential Significant Impact: Development permitted by the proposed General Plan would require or result in either the construction of new water distribution facilities or the expansion of existing water distribution facilities.

Findings: Potential impacts of the proposed General Plan related to water distribution facilities are discussed in detail in Section 4.14.1 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to water distribution facilities would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: The City's existing water distribution system does not have adequate capacity to deliver water to all areas proposed for development under the proposed General Plan. Development outside of the current adjudicated water basin boundaries cannot be accommodated with

water supply for future development, even if it is within the future boundaries of the City of Tehachapi. All potential development within the boundaries of the City of Tehachapi but outside of the adjudicated water basin boundaries will require outside water supply. Therefore, implementation of the proposed General Plan would require or result in either the construction of new water distribution facilities or the expansion of existing water distribution facilities, the construction of which could cause significant impacts. While the environmental effects of necessary infrastructure to serve development accommodated by the proposed General Plan are addressed programmatically in the Draft EIR, the environmental review of providing water infrastructure is typically handled on a case-by-case basis in conjunction with individual development projects. A project-level CEQA document would analyze the potential environmental impacts of a project involving additional infrastructure at a more specific level and would identify mitigation measures more specific to those impacts. Since specific infrastructure projects have not been identified at this time, potential impacts are addressed at a programmatic level only. This impact is considered less than significant. (Draft EIR, p. 4.14.1-11 to 12) In addition, compliance with the proposed General Plan objectives and policies would further reduce the impact of the proposed General Plan with regards to water system upgrades.

Wastewater Treatment Capacity

Potential Significant Impact: Development permitted by the proposed General Plan would exceed the existing capacity of the City's wastewater treatment plant. However, future upgrades would provide enough capacity to meet expected demand.

Findings: Potential impacts of the proposed General Plan related to wastewater treatment capacity are discussed in detail in Section 4.14.2 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to wastewater treatment capacity would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: According to the Standard Provisions and Reporting Requirements for Waste Discharges, the City should initiate planning and engineering for additional wastewater treatment plant (WWTP) capacity when the volume of influent at the existing facility has reached 80 percent of the plant capacity. Currently the plant is operating at approximately 68 percent of capacity. Therefore, while implementation of the proposed General Plan would exceed the existing capacity of the City's wastewater treatment plant, future upgrades would provide enough capacity to meet expected demand, and this impact is considered less than significant. (Draft EIR, p. 4.14.2-5)

Wastewater Distribution Facilities

Potential Significant Impact: Development permitted by the proposed General Plan would require or result in either the construction of new wastewater distribution facilities or the expansion of existing wastewater distribution facilities.

Findings: Potential impacts of the proposed General Plan related to wastewater distribution facilities are discussed in detail in Section 4.14.2 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to wastewater distribution facilities would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: The City's existing wastewater distribution system does not have adequate capacity to convey sewage from all areas proposed for development under the proposed General Plan. Therefore, implementation of the proposed General Plan would require or result in either the construction of new wastewater conveyance facilities or the expansion of existing wastewater conveyance facilities, the construction of which could cause significant impacts. While the environmental effects of necessary infrastructure to serve development accommodated by the proposed General Plan are addressed programmatically in the Draft EIR, the environmental review of providing wastewater infrastructure is typically handled on a case-by-case basis in conjunction with individual development projects. A project-level CEQA document would analyze the potential environmental impacts of a project involving additional infrastructure at a more specific level and would identify mitigation measures more specific to those impacts. Since specific infrastructure projects have not been identified at this time, potential impacts are addressed at a programmatic level only. This impact is considered less than significant. (Draft EIR, p. 4.14.2-6) In addition, compliance with the proposed General Plan objectives and policies would further reduce the impact of the proposed General Plan with regards to wastewater system upgrades.

Wastewater Treatment Requirements

Potential Significant Impact: Development permitted by the proposed General Plan would not exceed wastewater treatment requirements issued by the Central Valley Regional Water Quality Control Board.

Findings: Potential impacts of the proposed General Plan related to wastewater treatment requirements are discussed in detail in Section 4.14.2 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to wastewater treatment requirements would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Future development under the proposed General Plan has the potential to increase the levels of pollutants in local and regional groundwater reserves and/or surface water. Additionally, development could result in the deterioration of the quality of water in Tehachapi and could contribute to groundwater quality degradation and/or contamination within the Planning Area. The City's WWTP would have enough capacity to treat wastewater generated by development permitted by the proposed General Plan, assuming that the proposed General Plan's goal of 20 percent water conservation is met. In addition, compliance with the proposed objectives and policies would reduce the effects of non-point pollution sources, such as stormwater run-off. (Draft EIR, p. 4.14.2-8) Therefore, implementation of the proposed General Plan would not exceed wastewater treatment requirements issued by the Central Valley Regional Water Quality Control Board, and this impact is considered less than significant.

Landfill Capacity

Potential Significant Impact: Development permitted by the proposed General Plan would not result in solid waste levels exceeding available disposal capacity.

Findings: Potential impacts of the proposed General Plan related to landfill capacity are discussed in detail in Section 4.14.3 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to landfill capacity would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Based on solid waste generation rate of 4.4 pounds per person per day and a 50 percent recycling or waste diversion rate, the estimated solid waste disposal demand for Tehachapi at buildout of the proposed General Plan would be approximately 11,264.5 tons per year (30.9 tons per day). Kern County has indicated that they will not expand the Tehachapi Sanitary landfill. When it reaches capacity in 2014, the County anticipates setting up a transfer facility at the landfill that would divert waste to a landfill with adequate capacity owned and operated by the County. (Draft EIR, p. 4.14.3-4) For this reason, development permitted by the proposed General Plan would not result in solid waste levels exceeding available disposal capacity, and this impact is considered less than significant.

Solid Waste Regulations

Potential Significant Impact: Development permitted by the proposed General Plan would comply with federal, state, and local statutes and regulations related to solid waste.

Findings: Potential impacts of the proposed General Plan related to solid waste regulations are discussed in detail in Section 4.14.3 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to solid waste regulations would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: The City of Tehachapi has implemented a number of programs to divert the amount of material from its solid waste stream in an effort to comply with AB 939's 50 percent waste diversion requirement. These programs include xeriscaping and grass recycling, backyard and on-site composting/mulching, residential curbside, drop off and buyback programs, residential and commercial greenwaste pick-up, and operation of a materials recovery facility. Development permitted by the proposed General Plan would participate in these programs and would not interfere with their implementation. (Draft EIR, p. 4.14.3-5) Therefore, development permitted by the proposed General Plan comply with federal, state, and local statutes and regulations related to solid waste, and this impact is considered less than significant.

Energy Demand/Facilities

Potential Significant Impact: Development permitted by the proposed General Plan would not result in a substantial increase in electrical demand relative to the availability of supply, nor would it exceed the capacity of electrical generation or distribution facilities.

Findings: Potential impacts of the proposed General Plan related to energy demand and facilities are discussed in detail in Section 4.14.4 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to energy demand and facilities would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: Southern California Edison (SCE) provides electrical service to the City and would likely serve subsequent development projects. SCE would need to increase its power supplies in order to serve development permitted by the proposed General Plan. The most recent projections for energy supply and demand in California are available through 2018. The California Energy Commission has indicated that power providers, including the SCE, will have to meet a projected statewide demand of about 77,000 megawatts of power in 2018. To meet this demand California power providers will need to procure an additional 13,000 megawatts energy. The SCE will monitor the power situation within its service area and obtain firm contracts with out of state electrical suppliers as necessary. In addition, compliance with the proposed General Plan objectives and policies would further reduce the impact of the proposed General Plan with regards to energy supply. (Draft EIR, p. 4.14.4-5) Therefore, implementation of the proposed General Plan will not result in a substantial increase in energy demand

relative to the availability of supply, nor would development permitted by the proposed General Plan exceed the capacity of energy generation or distribution facilities, and this impact is considered less than significant.

Natural Gas Demand/Facilities

Potential Significant Impact: Development permitted by the proposed General Plan would not result in a substantial increase in natural gas demand relative to the availability of supply, nor would it exceed the capacity of electrical generation or distribution facilities.

Findings: Potential impacts of the proposed General Plan related to natural gas demand and facilities are discussed in detail in Section 4.14.4 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to natural gas demand and facilities would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: The Gas Company has adequate capacity to meet future demand within its service area, including planned development in the City of Tehachapi. (Draft EIR, p. 4.14.4-7) Given that supplies are adequate, implementation of the proposed General Plan will not result in a substantial increase in energy demand relative to the availability of supply, nor would development permitted by the proposed General Plan exceed the capacity of energy generation or distribution facilities, and this impact is considered less than significant.

New Electrical/Natural Gas/Telecommunication Facilities

Potential Significant Impact: Development permitted by the proposed General Plan would require or result in either the construction of new electrical, natural gas, and telecommunication distribution facilities or the expansion of existing electrical, natural gas, and telecommunication distribution facilities.

Findings: Potential impacts of the proposed General Plan related to new electrical, natural gas, and telecommunication facilities are discussed in detail in Section 4.14.4 of the Draft EIR. Based on the entire record before us, this Commission finds that no significant impacts to new electrical, natural gas, and telecommunication facilities would result from the proposed General Plan. Therefore, no mitigation is required.

Facts in Support of the Findings: As growth in the Planning Area occurs, it is anticipated that SCE would need to construct new substations to provide adequate electrical service under buildout of the proposed General Plan. Additional transmission lines would also be necessary to deliver electrical service. Similarly, the Gas Company would need to extend its natural gas infrastructure to serve new

development. Finally, while most of the underground and aerial telephone, cable, and internet transmission lines are generally collocated with other utilities on poles or in underground trenches and are constructed in public and roadway rights-of-way to reduce visual and aesthetic impacts and potential safety hazards, extension of these lines would also likely be required. (Draft EIR, p. 4.14.4-8)

While the environmental effects of necessary infrastructure to serve development accommodated by the proposed General Plan are addressed programmatically in the Draft EIR, the environmental review of providing electrical, natural gas, telephone, and cable television services is typically handled on a case-by-case basis in conjunction with individual development projects. A project-level CEQA document would analyze the potential environmental impacts of a project involving additional infrastructure at a more specific level and would identify mitigation measures more specific to those impacts. Since specific infrastructure projects have not been identified at this time, potential impacts are addressed at a programmatic level only. This impact is considered less than significant.

5.3 Environmental Impacts Mitigated to a Level Less Than Significant

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects unless the public agency makes one or more of the following findings:

- I Changes or alternations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.
- II Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- III Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following issues from three of the environmental categories analyzed in the EIR, including Cultural Resources, Hydrology and Water Quality, and Noise were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This Commission hereby finds pursuant to Public Resources Code Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this Commission. Specific findings of this Commission for each category of such impacts are set forth in detail, below.

5.3.1 Cultural Resources

Historical Resource

Potential Significant Impact: The EIR evaluated and concluded that the Project could potentially cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

Finding: Implementation of the following mitigation measures will reduce potential impacts related to historical resources to less than significant.

MM 4.5-1a The following action shall be incorporated to the Civic Health and Culture Element:

When historic architectural resources that are either listed in or determined eligible for inclusion in the National Register of Historic Places (NRHP), the California Register of Historic Places (CRHR), or the local historical registry are proposed for demolition or modification; require an evaluation of the proposal to determine whether the project proposal would result in an adverse impact on the historic resource. If an adverse impact to the resource is identified, feasible measures shall be identified to mitigate the impact, which may include modification of the design, reuse of the structure, or avoidance of the structure.

MM 4.5-1b The following action shall be incorporated to the Civic Health and Culture Element:

Develop and regularly update a comprehensive historic resources survey, in compliance with guidelines of the State Office of Historic Preservation. The survey shall include a historic context and inventory containing a list of all historically significant (contributing) properties and non-contributing buildings within the District and a map depicting their locations.

Facts in Support of the Finding: New development that occurs outside of existing urban areas and within these likely archaeological deposit sites may adversely affect these archaeological resources either during ground disturbance or development activity. Implementation of the proposed **Mitigation Measures MM 4.5-1a** and **4.5-1b** would require that the City's Community Development Department be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction and that actions be taken to preserve the find. (Draft EIR, p. 4.5-15) With the implementation of **Mitigation Measure 4.5-1a** and **4.5-1b**, development permitted by the proposed General Plan would not cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 and this impact would be reduced to less than significant.

Archeological and Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of an archeological resource and directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

Finding: Implementation of the following mitigation measure will reduce potential impacts related to archeological and paleontological resources to less than significant.

MM 4.5-2 The following policy shall be incorporated to the Civic Health and Culture Element:

The City shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

Facts in Support of the Finding: There are 519 recorded archaeological sites within the greater Tehachapi area. The Tehachapi region is extremely sensitive, and there is a high possibility of uncovering and identifying additional archaeological resources in the Planning Area. New development that occurs outside of existing urban areas and within these likely archaeological deposit sites may adversely affect these archaeological resources either during ground disturbance or development activity. The Natural History Museum of Los Angeles County (LACM) lists two localities where fossils have been found in the greater Tehachapi area. One of these localities is documented to be within the Planning Area. In addition, records maintained by the University of California Museum of Paleontology (UCMP) list localities surrounding the greater Tehachapi area. While no other known significant paleontological resources occur within the Planning Area, there is the potential to encounter unidentified fossils during construction of new development. The preservation of cultural resources, including archaeological and paleontological resources, is a key goal of the proposed General Plan. (Draft EIR p. 4.5-15)

With the implementation of this mitigation measure, development permitted by the proposed General Plan would not cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5, and this impact is reduced to a less than significant level.

Human Remains

Potential Significant Impact: The EIR evaluated and concluded that the Project could potentially disturb human remains, including those interred outside of formal cemeteries.

Finding: Implementation of the following mitigation measure will reduce potential impacts related to the disturbance of human remains to less than significant.

MM 4.5-3 The following policy shall be incorporated to the Civic Health and Culture Element:

All construction must stop if any human remains are uncovered, and the Kern County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.

Facts in Support of the Finding: A records search revealed several archaeological sites within the Planning Area. In addition, the Tehachapi region is extremely sensitive, and there is a high possibility of uncovering and identifying additional archaeological resources in the Planning Area, including human remains. As a result, there is the potential that human remains could be uncovered during construction. This represents a potentially significant impact. (Draft EIR, p. 4.5-17)

Implementation of the proposed mitigation measure would require the City to manage the discovery of human remains in accordance with Section 7050.5 of California's Health and Safety Code. With implementation of this mitigation measure, development permitted by the proposed General Plan would not cause a significant disturbance of any human remains, and this impact is reduced to a less than significant level.

5.3.2 Hydrology and Water Quality

Violate Water Quality Standards or Waste Discharge Requirements

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in potentially significant impacts regarding violating water quality standards or waste discharge requirements.

Finding: Implementation of the following mitigation measure will reduce potential impacts related to the violation of water quality standards or waste discharge requirements to less than significant.

MM 4.8-1 The following action shall be incorporated to the Sustainable Infrastructure Element:

Require new development projects to use best management practices (BMPs) to protect receiving waters from the adverse effects of construction activities. Require that the BMPs be developed and incorporated into construction plans prior to approval by the City.

Facts in Support of the Finding: Development permitted by the proposed General Plan will increase local runoff production, temporarily destabilize soils during the grading process, and introduce constituents into stormwater that are typically associated with construction projects. Development-related vegetation removal, excavation, grading, and other construction activities involving soil disturbance may impact water quality by increasing the potential for erosion and sedimentation. Soil disturbance associated with construction activities may cause accelerated soil erosion, which would increase the likelihood of sediments and other pollutants being transported by runoff into creeks and drainage channels, thereby degrading the water quality. This impact is considered potentially significant. (Draft EIR, p. 4.8-9 to 10)

Implementation of the proposed mitigation measure would require new development projects to incorporate best management practices in order to protect receiving waters from the adverse effects of construction activities. With implementation of this mitigation measure, development permitted by the proposed General Plan would not result in adverse impacts to groundwater and/or surface water quality, and this impact is reduced to a less than significant level.

5.3.3 Noise

Excessive Groundborne Vibration/Noise Levels

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in the exposure of persons to excessive groundborne vibration or groundborne noise levels during construction.

Finding: Implementation of the following mitigation measure will reduce potential impacts related to the exposure of persons to excessive groundborne vibration or groundborne noise levels to less than significant.

- MM 4.10-1 The following action shall be incorporated into the Community Safety Element:
- Require new development to use best management practices (BMPs) to reduce vibration due to construction activities such as
- Conducting demolition, earthmoving, and ground-impacting operations sequentially, so as not to have two such operations occurring on the project site at the same time;
 - Selecting a demolition method to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers); and/or

- Operating earthmoving equipment on the construction site as far away as possible or practical from vibration-sensitive sites; using wheeled or rubber-tracked equipment, and using small pieces of equipment such as smaller bulldozers when possible.

Facts in Support of the Finding: Most new development permitted by the proposed General Plan would take place on undeveloped parcels away from existing noise-sensitive uses. However, some new development could take place adjacent to existing noise-sensitive uses in the City. Noise-sensitive uses within 100 feet of construction could be negatively affected, and implementation of the proposed General Plan could result in the exposure of persons to excessive groundborne vibration or groundborne noise levels. This impact is considered potentially significant. (Draft EIR, p. 4.10-31)

Implementation of the proposed mitigation measure would require new development projects to use best management practices (BMPs) to reduce vibration due to construction activities. With implementation of this mitigation measure, development permitted by the proposed General Plan would not result in adverse vibration impacts during construction, and this impact is reduced to a less than significant level.

5.4 Environmental Impacts Not Fully Mitigated to a Level Less Than Significant

The Commission finds that the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: the conversion of Prime, Unique, or Farmland of Statewide Importance; conflicts with existing zoning for agricultural use or with a Williamson Act contract; exceeding the air quality standards; cumulative increase in criteria pollutants; the exposure of sensitive receptors to substantial pollutant concentrations; the emission of greenhouse gases (GHGs); conflicts with GHG plans, policies, or regulations; and adverse impacts on wildlife species.

In accordance with *State CEQA Guidelines* Section 15092(b)(2), the Commission of the City of Tehachapi cannot approve the project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and *State CEQA Guidelines* Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities to highly trained workers make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under *State CEQA Guidelines* Section 15092(b), that the remaining significant affects are acceptable due to overriding concerns described in the *State CEQA Guidelines* Section 15093. Therefore, a statement of overriding considerations is included herein.

5.4.1 Agricultural Resources

Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to Non-agricultural Use

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Commission finds, however, that **Mitigation Measure MM 4.2-1** would not reduce impacts to a less than significant level for the life of the plan (2035 General Plan Buildout). (Draft EIR, p. 4.2-21) Accordingly, the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural use is determined to be significant and unavoidable.

MM 4.2-1 The following action shall be incorporated to the Natural Resources Element:

The City shall require development to protect a minimum of 1 acre of existing farmland of equal or higher quality for each acre of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance that would be converted to non-agricultural uses. This protection may consist of the establishment of farmland conservation easements, farmland deed restrictions, or other appropriate farmland conservation in perpetuity, but may also be utilized for compatible wildlife conservation efforts. The farmland to be preserved shall be located within Kern County and must have adequate water supply to support agricultural use.

Facts in Support of the Finding: There are approximately 965.2 acres of Prime Farmland within the Sphere of Influence and the Planning Area of the proposed General Plan. Most of these farmlands lie outside of the existing City limits and are not designated for conversion to urban uses under the proposed General Plan. However, implementation of the proposed General Plan would result in the loss of some of these lands on the edge of the City. For example, Prime Farmland immediately north and south of Valley Boulevard would be converted to non-agricultural use under the proposed General Plan. The proposed General Plan contains objectives and policies that would minimize the loss of farmland. However, while these policies would minimize the loss of important farmlands, they would not prevent the loss of these lands to non-agricultural use. (Draft EIR, p. 4.2-17 to 18)

The conversion of Important Farmland is considered a permanent, irreversible impact that cannot be fully mitigated through off-site conservation. No further feasible mitigation is available; therefore, this impact would be significant and unavoidable.

Conflict with Existing Zoning for Agricultural Use or a Williamson Act Contract

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in conflicts with existing zoning for agricultural use, or a Williamson Act contract.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Commission finds, however, that **Mitigation Measure MM 4.2-2** would not reduce impacts to a less than significant level for the life of the plan (2035 General Plan Buildout). (Draft EIR, p. 4.2-22) Accordingly, the conflicts with existing zoning for agricultural use or a Williamson Act contract are determined to be significant and unavoidable.

MM 4.2-2 The following action shall be incorporated to the Natural Resources Element:

The City shall not support the development or conversion of any parcel subject to a Williamson Act contract until said contract has been terminated through the non-renewal method pursuant to Government Code Section 51245.

Facts in Support of the Finding: Implementation of the proposed General Plan would result in the long-term conversion of lands currently under Williamson Act contracts. Objectives and policies from the General Plan would minimize the loss of land under Williamson Act contracts. However, they would not prevent the loss of lands currently under Williamson Act contract to non-agricultural use. However, it should be noted that the area currently under Williamson Act contract possesses soil of only marginal quality, not prime or locally important. (Draft EIR, p. 4.2-21)

Implementation of the proposed mitigation measure would require the City to not support the development or conversion of any parcel subject to a Williamson Act contract until said contract has been terminated through the nonrenewal method pursuant to Government Code Section 51245. With implementation of this measure, this impact would be reduced by encouraging infill development and the preservation of agricultural land. However, the development and population growth expected to occur as a result of the proposed General Plan would still place pressure on land owners to develop and encourage non-renewal of Williamson Act contracts. Therefore, this impact is considered to be significant and unavoidable.

5.4.2 Air Quality and Climate Change

Violate Air Quality Standards

Significant Unavoidable Impact: The EIR evaluated and concluded that Project construction could violate air quality standards or contribute substantially to an existing or projected air quality violation.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Commission finds, however, that **Mitigation Measures MM 4.3-1, 4.3-2, and 4.3-3** would not reduce impacts to a less than significant level. (Draft EIR, p. 4.3-35) Accordingly, the violation of air quality standards is determined to be significant and unavoidable.

MM 4.3-1 Prior to the issuance of a grading permit, individual proposed projects shall comply with the following EKAPCD land preparation, excavation, and/or demolition mitigation measures:

- a. All soil excavated or graded should be sufficiently watered to prevent excessive dust. Watering should occur as needed with complete coverage of disturbed soil areas. Watering should be a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations.
- b. All clearing, grading, earth moving, and excavation activities should cease (a) during periods of winds greater than 20 mph (averaged over 1 hour), if disturbed material is easily windblown; or (b) when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property.
- c. All fine material transported off site should be either sufficiently watered or securely covered to prevent excessive dust.
- d. If more than 5,000 cubic yards of fill material will be imported or exported from the site, then all haul trucks should be required to exit the site via an access point where a gravel pad or grizzly has been installed.
- e. Areas disturbed by clearing, earth moving, or excavation activities should be minimized at all times.
- f. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
- g. Where acceptable to the fire department, weed control should be accomplished by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering.

MM 4.3-2 Prior to the issuance of a building permit, individual proposed projects shall comply with the following EKAPCD building construction mitigation measures:

- h. Once initial leveling has ceased, all inactive soil areas within the construction site should either be seeded and watered until plant growth is evident, treated with a dust palliative, or watered twice daily until soil has sufficiently crusted to prevent fugitive dust emission.
- i. All active disturbed soil areas should be sufficiently watered to prevent excessive dust, but no less than twice per day.

MM 4.3-3 Prior to the issuance of a grading and/or building permit, individual proposed projects shall comply with the following EKAPCD vehicle mitigation measures:

- j. On-site vehicle speed should be limited to 15 mph.
- k. All areas with vehicle traffic should be paved, treated with dust palliatives, or watered a minimum of twice daily.
- l. Streets adjacent to the project site should be kept clean and accumulated silt removed.
- m. Access to the site should be by means of an apron into the project from adjoining surfaced roadways. The apron should be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of the vehicles, a grizzly or other such device should be used on the road exiting the project, immediately prior to the pavement, in order to remove most of the soil material from the vehicle's tires.
- n. Properly maintain and tune all internal combustion engine powered equipment.
- o. Require employees and subcontractors to comply with California's idling restrictions for compression ignition engines.

Facts in Support of the Finding: Construction activity that would occur in accordance with the proposed General Plan would cause temporary, short-term emissions of air pollutants such as reactive organic compounds (ROCs) and nitrogen oxides (NO_x), which are ozone precursors, and fine particulate matter (PM₁₀) and respirable particulate matter (PM_{2.5}). Emissions would be generated by construction equipment during various activities, such as grading and excavation, infrastructure construction, building demolition, and a variety of construction activities. Given the amount of development associated with implementation of the proposed General Plan, it is reasonable to assume that some large-scale construction activity could exceed the EKAPCD adopted thresholds over the duration of the proposed General Plan. The proposed General Plan contains objectives and policies specifically designed to minimize impacts to air quality during construction. (Draft EIR, p. 4.3-34) Even with implementation of these actions, construction of land uses permitted by the proposed General Plan would still exceed air

quality standards or contribute substantially to an existing or projected air quality condition, and this impact is considered potentially significant and unavoidable.

Operation of Land Uses Violate Air Quality Standards

Significant Unavoidable Impact: The EIR evaluated and concluded that the operation of land uses permitted by the Project would exceed air quality standards or contribute substantially to an existing or projected air quality condition.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Commission finds, however, that **Mitigation Measure MM 4.3-4** would not reduce impacts to a less than significant level. (Draft EIR, p. 4.3-39) Accordingly, exceeding the air quality standards is determined to be significant and unavoidable.

4.3-4 Prior to the issuance of a building permit, individual proposed projects shall comply with the following EKAPCD-recommended mitigation measures:

- a. Provide direct pedestrian and bicycle access to neighborhood amenities, shopping areas, existing bike paths, and transit stops in any residential development with a density of four or more residences per acre. Low-, medium-, and high-density developments should have curbs and sidewalks on both sides of the street.
- b. Pave the access roadways and the project's interior streets where there are expected to be 50 vehicle trips per day on the road.
- c. For medium- to high-density developments provide designated bicycle paths and easy access to these paths.
- d. Provide easy and safe pathways to existing schools.
- e. Residential developments should provide easy and safe pathways to existing parks and planned parks.
- f. For medium to high-density residential development where transit services exist, construct bus turnouts and loading areas with shelters and locations acceptable to the local transit provider. This area will provide future easement for bus turnouts and shelters. If transit does not exist, but the project is within a transit district's sphere of influence, provide a site at a location and size acceptable to the transit provider
- g. Install low-emitting, U.S. EPA-certified fireplace inserts and/or wood stoves or natural gas fireplaces. (Wood burning fireplaces are prohibited in developments of 10 or more residences by KCAPCD Rule 416.1)

- h. Provide indigenous trees and shrubs around residences. This provides several air quality benefits by generating oxygen, anchoring soil and providing wind breaks and conserving energy by providing shade. Trees should be drought tolerant and planted in accordance with fire safe guidelines.
- i. Provide natural lines or electrical outlets to backyards to encourage use of natural gas or electric barbecues.
- j. Provide low NO_x emitting and high efficiency water heaters or solar water heaters. (Required by KCAPCD Rule 424).

Facts in Support of the Finding: Operational impacts would primarily result from local and regional area and mobile source emissions generated by future development and population growth associated with buildout of the proposed General Plan. Future growth in accordance with the proposed General Plan would exceed the EKAPCD threshold for ROC and PM₁₀. Kern County is in attainment of the CO, sulfur dioxide (SO₂), and PM_{2.5} standards, and the proposed General Plan is not expected to conflict with continuing attainment. Although buildout of the proposed General Plan land uses would result in an increase in the total amount of vehicle miles traveled, emissions of NO_x and CO are expected to decline primarily due to improved vehicle emission standards and fuel economy standards that have been adopted by the U.S. EPA and State of California. (Draft EIR, p. 4.3-36) The proposed General Plan contains objectives and policies specifically designed to minimize impacts to air quality during operation. Even with implementation of these actions, operation of land uses permitted by the proposed General Plan would still violate air quality standards or contribute substantially to an existing or projected air quality violation, and this impact is considered significant and unavoidable.

Cumulative Increase in Criteria Pollutant

Significant Unavoidable Impact: The EIR evaluated and concluded that the development permitted under the Project may cause or contribute to an exceedance of any California or National Ambient Air Quality Standard.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant and that no feasible mitigation measures are available to reduce this impact. Accordingly, this Commission finds that the Project may cause or contribute to an exceedance of any California or National Ambient Air Quality Standard that is significant and unavoidable.

Facts in Support of the Finding: The air quality analyses included in the Draft EIR evaluate the future development scenario as a whole, with development permitted by the proposed General Plan applied to projected future growth in the region. Therefore, analysis of air quality from implementation of the proposed General Plan inherently represents both the project impacts and cumulative effects. As a result

of adding the proposed General Plan to the regional land use and transportation baseline, the associated air emissions produced under proposed General Plan conditions are considered identical to the cumulative condition for CEQA purposes. (Draft EIR, p. 4.3-40)

According to the EKAPCD's Guidelines, "a project's potential contribution to cumulative impacts shall be assessed utilizing the same significance criteria as those for project specific impacts." Therefore, the proposed General Plan would exceed the EKAPCD significance threshold for ROC and PM10. Even with objectives and policies listed in the proposed General Plan, future development would result in negative air quality effects during operation. Therefore, development permitted by the proposed General Plan may cause or contribute to an exceedance of any California or National Ambient Air Quality Standard, and this impact is considered significant and unavoidable.

Expose Sensitive Receptors to Substantial Pollutant Concentrations

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in the exposure of substantial pollutant concentrations to sensitive receptors.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant and that no feasible mitigation measures are available to reduce this impact. Accordingly, this Commission finds that the exposure of substantial pollutant concentrations to sensitive receptors is significant and unavoidable.

Facts in Support of the Finding: Development permitted by the proposed General Plan could place sensitive land uses near local intersections or heavily traveled roadways associated with air pollutant emissions, including toxic air contaminants (TACs), that exceed the adopted health-based standards. Similarly, existing sensitive land uses near roadways that experience increased levels of traffic resulting from buildout of the proposed General Plan could be exposed to air pollutant emissions, including TACs, that exceed the adopted health-based standards. (Draft EIR, p. 4.3-41) Even with objectives and policies listed in the proposed General Plan, future development would result in negative air quality effects during operation. Therefore, development permitted by the proposed General Plan may exceed the District health risk public notification thresholds adopted by the EKAPCD Board, and this impact is considered significant and unavoidable.

Emission of Greenhouse Gases

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would generate direct or indirect GHG emissions that may have a significant impact on the environment.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant and that no feasible mitigation measures are available to reduce this impact. Accordingly, this Commission finds that the Project would generate direct or indirect GHG emissions that are significant and unavoidable.

Facts in Support of the Finding: A regional project, such as this, would result in substantial emissions of GHGs. Although construction GHG emissions cannot be explicitly determined without additional project-level detail, and although no numerical significance threshold for GHG has been adopted by the lead agency or any other relevant agency, net emission of 41,693 metric tons of carbon dioxide (CO₂) equivalent (CO₂e) could have a significant impact on the environment. While buildout of the proposed General Plan would result in a very small fraction of the state's GHG emissions, the emissions are large enough to be considered significant. (Draft EIR, p. 4.3-49)

The proposed General Plan contains several objectives and policies that would indirectly minimize the amount of GHG emissions generated by the proposed General Plan. These objectives and policies cover alternative transportation, green building/energy efficiency programs, street network and circulation improvements for all modes of transportation, and the provision of open space. However, even with implementation of these objectives and policies, development permitted by the proposed General Plan would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and this impact is considered significant and unavoidable.

Conflict With Greenhouse Gas Plans, Policies or Regulations

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project may conflict with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of GHGs.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant and that no feasible mitigation measures are available to reduce this impact. Accordingly, this Commission finds that the Project may conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions is significant and unavoidable.

Facts in Support of the Finding: The City will implement a variety of policies designed to address air quality issues (including several additional policies designed to address climate change issues). Depending on the feasibility and level of implementation as applied to individual development projects consistent with the General Plan, the inclusion of construction emission reduction policies, trip reduction measures, and energy conservation practices would help to further reduce GHG emissions from individual project development. Future project-specific compliance with EKAPCD permitting would also help to reduce air quality emissions associated with individual projects. However, the estimated increase

in GHGs by the proposed project places the General Plan in conflict with the goal of the state to reduce up to 169 million metric tons of CO₂e per year. Therefore, as a conservative determination, development permitted by the proposed General Plan may conflict with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of GHGs, and this impact is considered significant and unavoidable.

5.4.3 Biological Resources

Wildlife Species

Significant Unavoidable Impact: The EIR evaluated and concluded that the development permitted by the Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or US Fish and Wildlife Service (USFWS).

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant and that no feasible mitigation measures are available to reduce this impact. Accordingly, this Commission finds that wildlife impacts are significant and unavoidable.

Facts in Support of the Finding: Buildout of the proposed General Plan will allow for the introduction of development (predominately residential land uses) into largely undisturbed areas. The primary impact will be the removal of sensitive species habitats for building pad development and the construction of buildings, infrastructure, and roadways. Additional impacts will result from increased incidence of fire due to human activity, increased erosion from roadways, and the introduction of non-native weed and animal species. The protection of environmentally sensitive areas, including wildlife species habitat, and other natural resources is a key initiative of the proposed General Plan. (Draft EIR, p. 4.4-28) However, even with implementation of the objectives and policies, development permitted by the proposed General Plan would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS, and this impact is considered significant and unavoidable.

5.5 Alternatives

The EIR analyzed three alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in **Subsection 2.2**, above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. CEQA also requires evaluation of an alternative that can reduce the

significance of identified impacts and “feasibly attain most of the basic objectives of the Project.” Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Commission is evaluating alternatives.

5.5.1 Alternative 1: No Project Alternative

Description: Under the No Project Alternative, the proposed City of Tehachapi General Plan would not be adopted or implemented, and buildout within the City’s Planning Area would continue to occur under the existing General Plan (adopted in 1999). This alternative does not represent a “no build” scenario in which no future development would occur. The number of dwelling units at buildout of the existing General Plan would increase by 454 residential units by 2013. This No Project analysis discusses the existing conditions at the time the NOP was prepared as well as what would be reasonably expected to occur in the foreseeable future if the proposed General Plan Project was not approved. The existing General Plan was adopted in 1999. Some of the policies do not reflect current changes in the population, economy, or the environment. (Draft EIR, pp. 6.0-2 and 6.0-3)

Impacts: Alternative 1 would result in greater impacts to all categories except for population and housing.

Objectives: Alternative 1 would not meet Project Objectives 4 through 7 since the existing General Plan is based on Euclidian code, or one that segregates land uses.

Finding: The No Project Alternative would not avoid any of the significant and unavoidable impacts caused by the Project. In addition, the Commission finds that the No Project Alternative would not fulfill any of the Project Objectives. Because the No Project Alternative will not fulfill the Project Objectives and would result in greater impacts to all categories except for population and housing, the Commission hereby rejects the No Project Alternative.

5.5.2 Alternative 2: Reduced Density Alternative

Description: The Reduced Density Alternative was designed to reduce overall impacts and attempt to avoid or reduce significant and unavoidable impacts to agricultural resources, biological resources, air quality, noise, and transportation and traffic caused by the proposed project. Under Alternative 2, 50 percent of the proposed development would be developed. Overall, implementation of Alternative 2 would result in the addition of approximately 5,580 dwelling units, 1.65 million square feet of commercial space, and approximately 2.05 million square feet of industrial space. In addition, implementation of Alternative 2 would result in the addition of 103.28 acres of park/open space, 227.42 acres of rights-of-

way, and a conversion of approximately 1,207 acres of agricultural space to residential, commercial, and industrial space.

Impacts: Alternative 2 would result in fewer impacts to all categories and would reduce the significant and unavoidable impacts to agricultural resources, air quality, biological resources, air quality, and transportation and traffic. Additionally, Alternative 2 would avoid the significant and unavoidable transportation and traffic impacts. However, Alternative 2 would result in a new significant and unavoidable impact to population and housing and would not be able to accommodate the projected growth within the Sphere of Influence. Additionally, Alternative 2 would cause subsequent impacts on the surrounding and predominantly rural, Kern County area by driving growth and development out into the unincorporated area.

Objectives: Alternative 2 would meet all of the objectives of the Project.

Finding: The Reduced Density Alternative would reduce significant and unavoidable impacts caused by the Project, but would result in a new significant and unavoidable impact to population and housing and would not be able to accommodate the projected growth. Because the Reduced Density Alternative would result in greater impacts to population and housing and would not be able to accommodate the projected growth where there are adequate municipal services, the Commission hereby rejects the Reduced Density Alternative.

5.5.3 Alternative 3: Traditional General Plan Alternative

Description: Under Alternative 3, buildout would result in the addition of approximately 2,012 dwelling units, 766,496 square feet of commercial space, and 759,714 square feet of industrial space. In addition, implementation of Alternative 3 would result in the addition of 206.6 acres of park/open space, 454.83 acres of rights-of-way, and a conversion of approximately 2,414 acres of agricultural space to residential, commercial, and industrial space. As such, the same amount of development would occur under Alternative 3 as the proposed Project, however, land uses would continue to be segregated and development would be low-density; therefore, spread out over more land.

Impacts: Alternative 3 would result in greater impacts to all categories except for population and housing, which would remain the same. Therefore, Alternative 3 would not avoid any of the significant and unavoidable impacts caused by the proposed Project.

Objectives: Additionally, Alternative 3 would not meet Project Objectives 4 through 7 since the existing General Plan is based on Euclidian code, or one that segregates land uses.

Finding: The Traditional General Plan Alternative would result in greater impacts to all categories except for population and housing, which would remain the same. In addition, the Commission finds that the No Project Alternative would not fulfill Project Objectives 4 through 7. Because the Traditional General Plan Alternative will not fulfill Project Objectives 4 through 7 and would result in greater impacts to all categories except for population and housing, the Commission hereby rejects the Traditional General Plan Alternative.

5.5.4 Environmental Superior Alternative

State CEQA Guidelines Section 15126.6(e)(2) requires an EIR to identify an environmentally superior alternative among those evaluated in an EIR. Of the alternatives considered in this section, the Reduced Density Alternative (Alternative 2) could be characterized as the environmentally superior alternative to the other alternatives as it would result in the greatest incremental reduction of the overall level of impact when compared to the proposed Project due to the reduction in development intensity. Alternative 2 would meet all the objectives of the proposed Project. While the overall impacts of the proposed Project would be incrementally reduced by the selection of Alternative 2, the significant and unavoidable agricultural resource and biological resource impacts would not be eliminated by this alternative. However, as discussed above, Alternative 2 would not be able to accommodate the projected growth within the Sphere of Influence and would stifle development. As such, the unintended consequences of Alternative 2 would result in significant and unavoidable population and housing impacts due to the inability to meet regional housing needs, and causing subsequent impacts on the surrounding Kern County area which would have to absorb the growth foreclosed upon within the City limits. (Draft EIR, pp. 6.0-15 and 6.0-16)

5.6 Growth Inducing Impacts

CEQA requires a discussion of ways in which the Project could be growth inducing. Specifically, *State CEQA Guidelines* Section 15126(d) states that an EIR must describe the ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Buildout of the proposed General Plan will accommodate a population of approximately 37,206 or an average annual population growth rate of 13 percent to 2035. The proposed General Plan is intended to accommodate an additional 8,903 units, through both new and infill development. In total, proposed General Plan buildout will result in approximately 12,597 housing units in Tehachapi. Buildout of the proposed General Plan would have growth inducing impacts in eastern Kern County, especially the Tehachapi Valley. Indirect growth-inducing impacts, such as those associated with job increases within

the City's that might affect housing and retail demand in other jurisdictions over an extended period, are difficult to assess with precision, since future economic and population trends may be influenced by unforeseeable events, such as natural disasters and business and development cycles. (Draft EIR, p. 5.0-5)

As the employment base in Kern County continues to increase, more population may be drawn to the City of Tehachapi who work in other nearby cities as people grow more comfortable with living further from their place of work. As a result, housing demand may increase in both the City of Tehachapi and other adjacent areas. The City's adopted Housing Element, which has been certified by the State Department of Housing and Community Development, includes programs to address regional housing needs of the near-term; subsequent revisions will extend, modify, or add to these programs as needed to continue to respond to the City's "fair share" of regional housing needs, as required by law. (Draft EIR, p. 5.0-5)

A city's jobs/employment ratio (jobs to employed residents) would be 1:1 if the number of jobs in the city equaled the number of employed residents. In theory, such a balance would eliminate the need for commuting. More realistically, a balance means that in-commuting and out-commuting are matched, leading to efficient use of the transportation system, particularly during peak hours. In 2000, the jobs/employment ratio in Tehachapi was 0.77, indicating that there were a slightly greater number of housing units than jobs in the City. This data is not available for the City beyond the year 2000. The proposed General Plan will add more jobs than the No Project Alternative, making the City "job rich." This may affect regional housing demand. (Draft EIR, pp. 5.0-5 and 5.0-6)

6.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Public Resources Code Section 21081 mandates that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless both of the following occur:

- The public agency makes one or more of the following findings with respect to each significant impact:
 - Changes or alternatives have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.
 - Those changes or alternatives are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.
- With respect to the third point, the public agency finds that specific overriding economic, legal, social and technological, or other benefits of the project outweigh the significant impact on the environment.

As discussed in **Subsection 5.4**, significant impacts were identified, but mitigation measures have been incorporated into the project that mitigate or avoid the significant impacts on the environment. Additionally, as discussed in **Subsection 5.4**, there were three significant impacts that could not be mitigated to a less than significant level. Agricultural impacts could not be reduced to a less than significant level due to the amount of growth anticipated and the size of the plan area. Air quality and climate change impacts could not be reduced to a less than significant level due to the amount of growth that is predicted and the construction, and associated emissions, that will be required to accommodate that growth. Biological impacts could not be reduced to a less than significant level due to the fact that in order to accommodate the anticipated growth, currently undisturbed habitat will have to be developed.

Accordingly, the Tehachapi Commission adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Agricultural impacts;
2. Air Quality and Climate Change impacts; and
3. Biological impacts.

The Commission hereby declares that, pursuant to *State CEQA Guidelines* Section 15093, the Commission has balanced the benefits of the Project against any significant and unavoidable environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The Commission hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in **Subsection 5.4**, above.

The Commission hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The Commission hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this Commission finds outweigh the unmitigated impacts.

The Commission further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would not prevent the significant and unavoidable agricultural, air quality and climate change, and biological impacts associated with the Project, and would prohibit the realization of the Project objectives and/or specific economic, social, or other benefits that this Commission finds outweigh any environmental benefits of the alternatives.

The Commission hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighted the benefits of the Project against its unavoidable significant impact after mitigation, the Commission has determined that the social, economic, and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The General Plan will help facilitate smart growth principles.
- The General Plan will emphasize infill development.
- The General Plan will facilitate better circulation connectivity.
- The General Plan will de-emphasize vehicular modes of transportation.
- The General Plan will help protect agricultural lands within the Planning Area.
- The General Plan will provide a framework for future development.
- The General Plan will help to ensure that the City grows in an orderly manner.

As the CEQA Lead Agency for the proposed action, the City of Tehachapi has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Commission finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. This Commission also finds that a reasonable range of alternatives was considered in the EIR and this document, **Section 7.0**, above, and finds that approval of the Project is appropriate.

In **Section 7.0**, the Commission has identified economic and social benefits and important policy objectives that will result from implementing the Project. The Commission has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Commission finds that these specific overriding benefits of the Project outweigh the significant impact on the environment.

Public Resource Code 21002 provides, "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002(c) provides, "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency" Finally, California Administrative Code, Title 4, 15093(a) states, "If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The Commission hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The Commission finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR, and finds those impacts to be acceptable.

7.0 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

7.1 Findings

The Commission finds that it has reviewed and considered the EIR in evaluating the Project, that the EIR is an accurate and objective statement that fully complies with CEQA and the *State CEQA Guidelines*, and that the EIR reflects the independent judgment of the Commission.

The Commission declares that no new significant information as defined by *State CEQA Guidelines* Section 15088.5 has been received by the Commission after the circulation of the Draft EIR that would require recirculation. All of the information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an already adequate Draft EIR pursuant to *State CEQA Guidelines* Section 15088.5(b).

The Commission hereby certifies the EIR based on the following findings and conclusions.

7.1.1 CEQA Compliance

As the decision-making body for the Project, the Commission has reviewed and considered the information contained in the Findings and supporting documentation. The Commission determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations. The Commission finds that the EIR was prepared in compliance with CEQA and that the Commission complied with CEQA's procedural and substantive requirements.

7.1.2 Significant Unavoidable Impacts/Statement of Overriding Considerations

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the Commission. As set forth in **Section 5.4** of these Findings, the following significant environmental impacts have been identified in the Final EIR and no feasible mitigation measures are available to reduce these impacts to a level of insignificance: agricultural, air quality and climate change, and biological impacts. The Commission has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the Commission determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

7.1.3 Conclusions

All potentially significant environmental impacts from implementation of the Project have been identified in the Final EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less than significant level, except for the impacts identified in **Section 5.4**, above.

Other reasonable alternatives to the Project that could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project.

Environmental, economic, social, and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

8.0 ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the Commission hereby adopts, as conditions of approval of the Project, the MMRP. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Public Resources Code Section 21081.6, which requires a Lead or Responsible Agency that approves or carries out a project where an environmental impact report (EIR) has identified significant environmental effects to adopt a, “reporting or monitoring program for the changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” The City of Tehachapi is the Lead Agency for the proposed City of Tehachapi General Plan (Project).

This MMRP is designed to monitor implementation of the mitigation measures identified for the Project. The MMRP is subject to review and approval by the Lead Agency as part of the certification of the EIR and adoption of project conditions. The required mitigation measures are listed and categorized by impact area, as identified in the Draft EIR, with an accompanying identification of the following:

- Monitoring Phase, the phase of the project during which the mitigation measure shall be monitored;
 - Pre-Construction, including the design phase
 - Construction
 - Occupancy (post-construction)
- Enforcement Agency, the agency with the authority to enforce the mitigation measure; and
- Monitoring Agency, the agency to which reports including feasibility, compliance, implementation, and development are made.

The subsequent project applicants shall be obligated to provide certification prior to the issuance of site or building plans that compliance with the required mitigation measures has been achieved. All departments listed below are within the City of Tehachapi unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the subsequent project applicant unless otherwise noted.

Agricultural Resources

MM 4.2-1 The following action shall be incorporated to the Natural Resources Element:

The City shall require development to protect a minimum of 1 acre of existing farmland of equal or higher quality for each acre of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance that would be converted to non-agricultural uses. This protection may consist of the establishment of farmland conservation easements, farmland deed restrictions, or other appropriate farmland conservation in perpetuity, but may also be utilized for compatible wildlife conservation efforts. The farmland to be preserved shall be located within Kern County and must have adequate water supply to support agricultural use.

Monitoring Phase: Pre construction

Enforcement Agency: Community Development Department

Monitoring Agency: Community Development Department

MM 4.2-2 The following action shall be incorporated to the Natural Resources Element:

The City shall not support the development or conversion of any parcel subject to a Williamson Act contract until said contract has been terminated through the non-renewal method pursuant to Government Code Section 51245.

Monitoring Phase: Pre construction

Enforcement Agency: Community Development Department

Monitoring Agency: Community Development Department

Air Quality and Climate Change

MM 4.3-1 Prior to the issuance of a grading permit, individual proposed projects shall comply with the following EKAPCD land preparation, excavation, and/or demolition mitigation measures:

- a. All soil excavated or graded should be sufficiently watered to prevent excessive dust. Watering should occur as needed with complete coverage of disturbed soil areas. Watering should be a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations.

- b. All clearing, grading, earth moving and excavation activities should cease: (a) during periods of winds greater than 20 mph (averaged over 1 hour), if disturbed material is easily windblown, or (b) when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property.
- c. All fine material transported off site should be either sufficiently watered or securely covered to prevent excessive dust.
- d. If more than 5,000 cubic yards of fill material will be imported or exported from the site, then all haul trucks should be required to exit the site via an access point where a gravel pad or grizzly has been installed.
- e. Areas disturbed by clearing, earth moving or excavation activities should be minimized at all times.
- f. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
- g. Where acceptable to the fire department, weed control should be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.

Monitoring Phase: Pre construction, construction, and post construction

Enforcement Agency: East Kern Air Pollution District and Community Development Department

Monitoring Agency: East Kern Air Pollution District and Community Development Department

MM 4.3-2 Prior to the issuance of a building permit, individual proposed projects shall comply with the following EKAPCD building construction mitigation measures:

- h. Once initial leveling has ceased all inactive soil areas within the construction site should either be seeded and watered until plant growth is evident, treated with a dust palliative, or watered twice daily until soil has sufficiently crusted to prevent fugitive dust emission.
- i. All active disturbed soil areas should be sufficiently watered to prevent excessive dust, but no less than twice per day.

Monitoring Phase: Pre construction and construction

Enforcement Agency: East Kern Air Pollution District and Community Development Department

Monitoring Agency: East Kern Air Pollution District and Community Development Department

MM 4.3-3 Prior to the issuance of a grading and/or building permit, individual proposed projects shall comply with the following EKAPCD vehicle mitigation measures:

- j. On-site vehicle speed should be limited to 15 mph.
- k. All areas with vehicle traffic should be paved, treated with dust palliatives, or watered a minimum of twice daily.
- l. Streets adjacent to the project site should be kept clean and accumulated silt removed.
- m. Access to the site should be by means of an apron into the project from adjoining surfaced roadways. The apron should be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of the vehicles, a grizzly or other such device should be used on the road exiting the project, immediately prior to the pavement, in order to remove most of the soil material from the vehicle's tires.
- n. Properly maintain and tune all internal combustion engine powered equipment.
- o. Require employees and subcontractors to comply with California's idling restrictions for compression ignition engines.

Monitoring Phase: Pre construction and construction

Enforcement Agency: East Kern Air Pollution District and Community Development Department

Monitoring Agency: East Kern Air Pollution District and Community Development Department

MM 4.3-4 Prior to the issuance of a building permit, individual proposed projects shall comply with the following EKAPCD-recommended mitigation measures:

- a. Provide direct pedestrian and bicycle access to neighborhood amenities, shopping areas, existing bike paths and transit stops in any residential development with a density of four or more residences per acre. Low, medium, and high-density developments should have curbs and sidewalks on both sides of the street.
- b. Pave the access roadways and the project's interior streets where there are expected to be 50 vehicle trips per day on the road.
- c. For medium to high density developments provide designated bicycle paths and easy access to these paths.
- d. Provide easy and safe pathways to existing schools.
- e. Residential developments should provide easy and safe pathways to existing parks and planned parks.

- f. For medium- to high-density residential development where transit services exist, construct bus turnouts and loading areas with shelters and locations acceptable to the local transit provider. This area will provide future easement for bus turnouts and shelters. If transit does not exist, but the project is within a transit district's sphere of influence, provide a site at a location and size acceptable to the transit provider
- g. Install low-emitting, U.S. EPA-certified fireplace inserts and/or wood stoves or natural gas fireplaces. (Wood burning fireplaces are prohibited in developments of 10 or more residences by KCAPCD Rule 416.1)
- h. Provide indigenous trees and shrubs around residences. This provides several air quality benefits by generating oxygen, anchoring soil and providing windbreaks and conserving energy by providing shade. Trees should be drought tolerant and planted in accordance with fire safe guidelines.
- i. Provide natural lines or electrical outlets to backyards to encourage use of natural gas or electric barbecues.
- j. Provide low NOx emitting and high efficiency water heaters or solar water heaters. (Required by KCAPCD Rule 424).

Monitoring Phase: Pre construction, construction, and post construction

Enforcement Agency: East Kern Air Pollution District and Community Development Department

Monitoring Agency: East Kern Air Pollution District and Community Development Department

Cultural Resources

MM 4.5-1a The following action shall be incorporated to the Civic Health and Culture Element:

When historic architectural resources that are either listed in or determined eligible for inclusion in the NRHP or the CRHR, or the local historical registry, are proposed for demolition or modification, require an evaluation of the proposal to determine whether the project proposal would result in an adverse impact on the historic resource. If an adverse impact to the resource is identified, feasible measures shall be identified to mitigate the impact, which may include modification of the design, reuse of the structure, or avoidance of the structure.

Monitoring Phase: Pre construction

Enforcement Agency: Community Development Department

Monitoring Agency: Community Development Department

MM 4.5-1b The following action shall be incorporated to the Civic Health and Culture Element:

Develop and regularly update a comprehensive historic resources survey, in compliance with guidelines of the State Office of Historic Preservation. The survey shall include a historic context and inventory containing a list of all historically significant (contributing) properties and non-contributing buildings within the District and a map depicting their locations.

Monitoring Phase: Pre construction (design phase)

Enforcement Agency: Community Development Department

Monitoring Agency: Community Development Department

MM 4.5-2 The following policy shall be incorporated to the Civic Health and Culture Element:

The City shall be notified immediately if any prehistoric, archaeologic, or fossil artifact or resource is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

Monitoring Phase: Construction

Enforcement Agency: Community Development Department

Monitoring Agency: Community Development Department

MM 4.5-3 The following policy shall be incorporated to the Civic Health and Culture Element:

All construction must stop if any human remains are uncovered, and the Kern County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.

Monitoring Phase: Construction

Enforcement Agency: Community Development Department

Monitoring Agency: Community Development Department

Hydrology and Water Quality

MM 4.8-1 The following action shall be incorporated to the Sustainable Infrastructure Element:

Require new development projects to use best management practices (BMPs) to protect receiving waters from the adverse effects of construction activities. Require that the BMPs be developed and incorporated into construction plans prior to approval by the City.

Monitoring Phase: Pre construction and construction

Enforcement Agency: City Engineer

Monitoring Agency: City Engineer

Noise

MM 4.10-1 The following action shall be incorporated into the Community Safety Element:

Require new development to use best management practices (BMPs) to reduce vibration due to construction activities such as:

- Conducting demolition, earthmoving, and ground-impacting operations sequentially, so as not to have two such operations occurring on the project site at the same time;
- Selecting a demolition method to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers); and/or
- Operating earthmoving equipment on the construction site as far away as possible or practical from vibration-sensitive sites; using wheeled or rubber-tracked equipment, and using small pieces of equipment such as smaller bulldozers when possible.

Monitoring Phase: Pre construction and construction

Enforcement Agency: City Engineer and Community Development Department

Monitoring Agency: City Engineer and Community Development Department



**Kern Council
of Governments**

RECEIVED
MAR 26 2012
CITY OF TEHACHAPI

March 20, 2012

Greg Garrett
City Manager
City of Tehachapi
115 South Robinson Street
Tehachapi, CA 93561

Dear Mr. Garrett,

The Kern COG Board of Directors established the Geographic Information Advisory Committee (GIAC) at its September 15, 2011 meeting, and adopted bylaws governing Committee business. The GIAC will review and make recommendations on aerial imagery, coordinated street addressing, and other regional geographic information issues.

The GIAC comprises Geographic Information Systems (GIS) Directors, Planning Directors or their designees from each of Kern COG's member jurisdictions. If the member agency does not have the equivalent of a GIS Director, the City Manager/administrator shall designate a representative and alternate from the management level. Alternates are required to have written permission to vote from the primary representative.

GIAC meetings will be held quarterly on the fifth Tuesday of the month at 1:30 p.m. in the Kern COG Board Room. The GIAC's first meeting will be April 30, 2012.

Attached for your information is a complete set of the GIAC bylaws. Please send an E-mail or letter designating your GIAC representative and alternate by April 30, 2012.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Ball".

Robert R. Ball
Interim Executive Director

Enclosures

RB:mh:tdp

Kern Council of Governments

1401 19th Street, Suite 300, Bakersfield, California 93301 (661) 861-2191 Facsimile (661) 324-8215 TTY (661) 832-7433 www.kerncog.org

DRAFT AGENDA

KERN COUNCIL OF GOVERNMENTS GEOGRAPHIC INFORMATION ADVISORY COMMITTEE

**KERN COG CONFERENCE ROOM
1401 19TH STREET, THIRD FLOOR
BAKERSFIELD, CALIFORNIA**

**TUESDAY
April 30, 2012
1:30 P.M.**

I. ROLL CALL:

- II. PUBLIC COMMENTS:** This portion of the meeting is reserved for persons to address the Committee on any matter not on this agenda but under the jurisdiction of the Committee. Committee members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information, or request staff to report back to the Committee at a later meeting. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD PRIOR TO MAKING A PRESENTATION.**

Disabled individuals who need special assistance to attend or participate in a meeting of the Geographic Information Advisory Committee may request assistance at 1401 19th Street, Suite 300; Bakersfield CA 93301 or by calling (661) 861-2191. 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 at least three (3) working days in advance whenever possible.

III. ELECTION OF GEOGRAPHIC INFORMATION ADVISORY COMMITTEE OFFICERS (Heimer)

Comment: On September 15, 2011, The Kern COG Board of Directors adopted bylaws governing Committee business.

Action:

Nominate Chair and Vice Chair to facilitate TTAC meetings for fiscal year May 2012 to April 2013

IV. KERN 2013 AERIAL IMAGERY UPDATE (Heimer)

Comment: Kern COG is coordinating an update to the County-wide aerial imagery for 2013. Opportunities exist for collaboration in purchasing high resolution for areas within Kern County.

Action: Information

V. KERN COUNTY MASTER ADDRESS DATABASE (Heimer)

Comment: The County of Kern received a report on the possible implementation of a County-wide multijurisdictional address database. Additional work is needed to determine the feasibility of the project for Kern County.

Action: Information

IX. MEMBER ITEMS

X. ADJOURNMENT

The next scheduled meeting of the GIAC will be July, 30 2012 at 1:30 PM.

GEOGRAPHIC INFORMATION ADVISORY COMMITTEE

(Adopted _____)

KERN COUNCIL OF GOVERNMENTS
GEOGRAPHIC INFORMATION ADVISORY COMMITTEE
BY LAWS

ARTICLE I. NAME

The name of the committee shall be "Kern Council of Governments Geographic Information Advisory Committee (Kern COG GIAC)."

ARTICLE II. PURPOSE

Section 1. The fundamental purposes of the Kern COG GIAC shall be defined as follows:

- a. To provide a forum for review and development of recommendations regarding coordination and continued development of Geographic Information Systems (GIS) in the Kern region.
- b. To provide a forum for coordination of Kern Multi-Agency Aerial Imagery Projects.
- c. To provide a forum for development of a Comprehensive Address Database for the Kern region.
- d. To provide a forum for policy decisions related to GIS in the Kern region.

Section 2. In order to fulfill the purposes as stated in Section 1, Kern COG GIAC shall review, conduct technical analysis and recommend action(s) on the following items:

- a. Kern GEONET Work Plan.
- b. Kern GEODATA Catalog.
- c. Kern County Street Centerline File Project.
- d. Kern Master Environmental Assessment Resources (MEAR).
- e. Kern Multi-Agency Aerial Imagery Project

- f. Develop and design a Comprehensive Address Database for the Kern region.
- g. Assign tasks and direction to the Kern Geographic Network (Kern GEONET) Technical Committee.
- h. Other matters as referred by the Kern COG Council.

ARTICLE III. MEMBERSHIP

The Kern COG GIAC voting membership shall be as follows:

Each incorporated city: one (1) representative.
Kern County: one (1) representative.

The manager/administrator from each jurisdiction/agency shall designate a representative and alternate from the management level, in one of the following categories:

Manager/Administrator
Public Works
Planning

Ex-Officio Non-Voting Membership will be as follows:

Bureau of Land Management
Special District Representative
Military Representatives
Kern County Assessor's Office

ARTICLE IV. OFFICERS

Section 1. The officers of the Kern COG GIAC shall be the Chair, Vice-Chair and Secretary.

Section 2. The Chair and Vice-Chair shall be elected from among members of the appointed committee members at the April meeting of each year.

Section 3. In the temporary absence of the Chair and Vice-Chair, the committee members present shall elect a Chair Pro Tem from among the membership of the committee.

Section 4. The Secretary shall be the Kern COG Executive Director, or designee.

Section 5. If, for any reason, the office of Chairman or Vice-Chairman becomes vacant, a successor shall be nominated and elected by the voting members to complete the term of the retiring officer; provided, however, that said member shall also be a member of the committee and provided further that, if the office of Chair becomes vacant, the successor who is elected as provided herein, shall not be disqualified from serving as Chair for the next regular term.

ARTICLE V. POWER AND DUTIES OF OFFICERS

Section 1. The Chair shall:

- a. Preside at regular and special meetings.
- b. Appoint sub-committee members as required.

Section 2. The Vice-Chair shall serve in the absence of the Chair.

Section 3. The Secretary shall:

- a. Prepare and distribute the agenda for each meeting to the Kern COG GIAC members.
- b. Prepare and print minutes of each meeting.
- c. Be responsible for maintaining all records of the Kern COG GIAC.
- d. Be responsible for preparing all necessary reports and programs.
- e. Be responsible for documenting and forwarding Kern COG GIAC recommendations to the Kern COG Council.

ARTICLE VI. MEETINGS

Section 1. One regular meeting shall be held each quarter at a time and place designated by the committee.

Section 2. Special meetings may be called by the Chair or at the request of five (5) voting members.

Section 3. A quorum shall consist of a majority of voting members who have been appointed in accordance with Article III.

Section 4. Robert's Rules of Order shall serve as the rules for conducting meetings.

ARTICLE VII. GENERAL PROVISIONS

- Section 1. Items to be included in the agenda shall be transmitted to the Executive Director at least fourteen (14) calendar days prior to the meeting of the committee.
- Section 2. Meeting procedures shall be confined to items on the agenda, and related discussion as provided by the Brown Act, at the discretion of the Chair.
- Section 3. Minutes of meetings shall be sent to each of the jurisdictions represented in Kern COG.
- Section 4. No member or officer of Kern COG GIAC shall issue any public statement which purports to be an official attitude or position of the organization.

COUNCIL & DEPARTMENT HEADS ASSIGNED TO ORGANIZATIONS AND GROUPS

1. **EMERGENCY PREPAREDNESS:**
Mayor Ed Grimes-
 Public Information Officer
Public Works Director Dennis Wahlstrom –
 Public Works in Operations
Community Development Director David James –
 Planning Chief
Finance Director Hannah Chung – **Finance Chief**
City Manager Greg Garrett

Primary function is to establish & coordinate emergency preparedness in case of disaster in the city and the surrounding communities. Members of this group also serve as liaison with public safety departments including the Fire Departments.
2. **COMMON INTEREST GROUP:**
Council Member Susan Wiggins
Mayor Ed Grimes – **alternate**

This informal organization meets monthly & provides a forum for all local governments to meet and exchange ideas & report the status of each member.
3. **KERN COUNCIL OF GOVERNMENTS & KERN COUNTY CITY SELECTION ORGANIZATION:**
Mayor Pro Tem Philip Smith – **Kern COG**
vacant – **alternate**
City Manager Greg Garrett - **TTAC**

All Kern County cities are represented by this State mandated organization & primarily evaluate & implement transportation issues. A secondary function is to appoint members to mandatory county organizations & committees.
4. **DEPARTMENT OF CORRECTIONS, ACCAP & CITIZENS ADVISORY ORGANIZATION:**
vacant- **CAC**
Mayor Ed Grimes – **ACCAP**
vacant

This group meets with local prison officials & coordinates & improves relations between CCI, the City, & local community. The Association of California Cities Allied with Prisons (ACCAP) works with other California prison cities to publicize & promote common areas of interest to benefit member cities.
5. **KERN COUNTY AIR POLLUTION CONTROL DISTRICT:**
Mayor Ed Grimes

This mandated district works on air pollution issues & the City is required by State law to have a representative on this board. Through the Department of Motor Vehicles program grants to reduce air pollution, the City & surrounding communities have received significant funding over the past few years for worthwhile pollution reduction projects.
6. **KERN COUNTY ASSOCIATION OF CITIES:**
All City Council Members
vacant-KCAC Rep.
Mayor Ed Grimes – **Waste Management**

This voluntary organization is comprised of all the incorporated cities of Kern County. The members work collectively in solving common problems & achieving mutual goals.
7. **LEAGUE OF CALIFORNIA CITIES, SOUTH SAN JOAQUIN DIVISION:**
vacant
Council Member Susan Wiggins

Most cities in California belong to this organization, which represents its membership on statewide legislative issues. A secondary function of the League is to train, educate & advise on various functions, laws & issues that pertain to member cities.
8. **TEHACHAPI SENIOR CITIZENS CENTER ORGANIZATION:**
Council Member Susan Wiggins

Advises and works with the Senior Citizen Club & its membership on issues pertaining to this organization.
9. **PERSONNEL ADVISORS:**
Mayor Ed Grimes
Mayor Pro-Tempore Phil Smith
vacant - **alternate**

The functions of this organization are to review, revise, evaluate, advise & implement personnel issues that pertain to the City.
10. **GOLDEN HILLS COMMUNITY SERVICES DISTRICT LIAISON:**
vacant
Council Member Kim Nixon

Members of this group serve as liaisons with Golden Hills Community Services District.
11. **CAPITAL IMPROVEMENT PROJECTS GROUP:**
Council Member Phil Smith
Council Member Kim Nixon
City Manager Greg Garrett
Public Works Director Dennis Wahlstrom
Community Development Director David James
Finance Director Hannah Chung
City Engineer Jay Schlosser

Members of this group rank and prioritize the City's capital improvement projects.

COUNCIL & DEPARTMENT HEADS
ASSIGNED TO ORGANIZATIONS AND GROUPS

12. **TEHACHAPI HOSPITAL FOUNDATION:**
All City Council Members - **member**
City Treasurer Pat Gassaway - **member**

The members of this foundation support and inform as well as educate the community of the need to build a new hospital.

13. **CALIFORNIA STATE UNIVERSITY,
BAKERSFIELD, ANTELOPE VALLEY CAMPUS
COMMUNITY DEVELOPMENT ADVISORY
BOARD:**
Mayor – Ed Grimes
Council Member Susan Wiggins – alternate

The Center for Community Development mission is to promote community development through collaborative research, education, and service activities. The Center is guided by its commitments to cooperation among academic disciplines; strengthened relationships between educational, governmental, and private entities; collective wellbeing; and respect for cultural diversity.

14. **TEHACHAPI UNIFIED SCHOOL DISTRICT**
Mayor Ed Grimes
Council Member Kim Nixon

Members of this group serve as liaisons to the Tehachapi Unified School District.

15. **TEHACHAPI VALLEY RECREATION AND
PARKS DISTRICT:**
Council Member Susan Wiggins

Members of this group serve as liaisons to the Tehachapi Valley Recreation and Parks District.

16. **TEHACHAPI MUNICIPAL ADVISORY
COMMISSION:**
Mayor Ed Grimes

The Tehachapi Municipal Advisory Commission advises the County Board of Supervisors on planning matter pertinent to the Tehachapi Area.

17. **LEAGUE OF CALIFORNIA CITIES, PUBLIC
SAFETY POLICY COMMISSION:**
Mayor Ed Grimes – Chairman

The Commission reviews public safety legislation from the State and provides recommendations to the League on such legislation.

18. **LAFCO**
Council Member Kim Nixon

The Local Agency Formation Commission reviews and takes action on annexations in Kern County.