AGENDA
MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY
MCFARLAND USA FOUNDATION

REGULAR MEETING
CITY COUNCIL CHAMBERS **August 26, 2021**
103 W. SHERWOOD AVE, MCFARLAND, CA **6:00 PM**

In Person Meeting

How to submit public comments:

The meetings of the City Council and all municipal entities, commissions, and boards ("the City") are open to the public. At regularly scheduled meetings, members of the public may address the city on any item listed on the agenda, or on any non-listed matter over which the city has jurisdiction. At special or emergency meetings, members of the public may only address the city on items listed on the agenda.

There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the mayor opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to City Council, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Mayor finds that there is in fact willful disruption of any City Council Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the City's business without them present.

Americans with Disabilities Act:

In compliance with the ADA, if you need special assistance to participate in a city meeting or other services offered by the City, please contact the City Clerk's office, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

CALL TO ORDER: Mayor Sally Gonzalez

ROLL CALL:
Mayor/Chairman, Sally Gonzalez
Mayor Pro Tem, María T. Pérez
Council Member/Board Member, Saul Ayon
Council Member/Board Member, Ricardo Cano
Council Member/ Board Member, Vidal Santillano

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS, INTRODUCTIONS AND AWARDS

PUBLIC COMMENT: The public may address the Council/Board Member on items, which do not appear on the agenda. Council/Board Members may respond briefly to statements made or questions posed. They may ask a question for clarification; may refer the item to staff for further study or for placement on a future agenda. **Speakers are limited to two minutes for each person. Please state your name and address for the record prior to making a presentation. Fifteen minutes total will be allowed for any one subject.**

1. Letter from Juan Munguia, President of the McFarland Greater Chamber of Commerce, for Mayor Gonzalez and Councilmember Cano expressing gratitude for volunteering during McFarland Greater Chamber of Commerce's Fourth of July TNT Fireworks fundraiser.

CONSENT AGENDA: The Consent Agenda consists of items that in staff's opinion are routine and non-controversial. These items are approved in one motion unless a Council Member/Board Member removes a particular item.

2. Warrant Register for $231,440.90 from August 1, 2021, through August 15, 2021.

3. Approval of **August 12, 2021**, Regular Meeting Minutes.

4. Approval of **August 18, 2021**, Special Meeting Minutes.

ADMINISTRATIVE MATTERS:

5. Report, Discussion, and Possible Approval of Vesting Tentative Tract Map 7393 to produce new housing development and provide 167 residential houses, neighborhood park, and a drainage sump.

6. Report, Discussion, and Possible Approval of Vesting Tentative Tract Map 7394 to produce new housing development and provide 183 residential houses.

PUBLIC HEARINGS:

7. Public Hearing: Report, discuss, and Possible Adoption of a Resolution No. 2021-0047 to Adopt the Initial Study and approve Negative Declaration for the housing Tracts 7393 and 7394, (APN 060-090-29) Southwest of Intersection Taylor Ave/Garzoli Avenue.

Staff Recommends That the City Council:

a. Staff Report, Resolution No. 2021-0047;

b. Open the Public Hearing and receive public testimony;

c. Adopt ***Resolution No. 2021-0047***, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND adopting the Initial Study and Negative Declaration PREPARED TENTATIVE TRACT 7393 AND 7394.

8. Public Hearing to discuss and Introduce the First Reading: of Ordinance No. 0006-2021 of the City Council of the City of McFarland, Adopting an Uncodified Ordinance, Approving A ***Development Agreement*** Between the City of McFarland and LeOra LLC for the development of Tract 7393 and 7394, (APN 060-090-29) Southwest of Intersection Taylor Ave/Garzoli.

Staff Recommends That the City Council:

d. Staff Report, Resolution No. 2021-0047;

e. Open the public hearing, take comments, if any, and introduce Ordinance No. 2021-0047 for first reading by title only. Ordinance reads as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, ADOPTING AN UNCODIFIED ORDINANCE, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCFARLAND AND LEORA LLC FOR THE DEVELOPMENT OF TRACT 7393 AND 7394 LOCATED AT APN (060-090-29) SOUTHWEST OF INTERSECTION TAYLOR AVE/GARZOLI AVE

9. Public Hearing to report, discuss and certifying the Final Environmental Impact Report (EIR) and adopting City of McFarland Comprehensive 2040 General Plan.

f. Staff Report, Resolution No. 2021-0050

g. Open Public Hearing and Receive Public Testimony

h. Adopt Resolution No. 2021-0050, A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) ADOPTING ENVIRONMENTAL FINDINGS, MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPTING THE COMPREHENSIVE GENERAL PLAN UPDATE THAT ENCOMPASSES THE CITY AND ITS SPHERE OF INFLUENCE.

DEPARTMENTAL REPORTS

a. Administration
b. Police Department

c. Finance Department
d. Public Works Department
e. Community Development Department

ADMINISTRATIVE AGENDA

10. Report, Discussion and Potential Direction - Ad Hoc Committee Report: Recommendation for Potential Restructuring Job Classifications/Duties- Grant Administrator, Public Works Administrative Assistant, And Part Time Code Enforcement.

11. Report and Discuss the Memorandum of Understanding (MOU) among the City of McFarland and Kern Council of Governments (KERN COG): CEC Agreement GFO-20-010 for E. Industrial Electric Vehicle Charging Station.

12. Report, Discuss, and Approve a contract with Lexipol for a new city policy manual and to revise the employee handbook.

13. Report, Discuss, and Approve re-establishing the MPD Police Activity League.

14. Report, Discuss, and Consider approval of the City of McFarland Facility Use Agreement for Veteran's Hall, parks, and other city owned facilities.

15. Report, Discuss and Consider Approval of a new Real Property Lease Agreement (103 W. Sherwood Avenue, McFarland, CA 93250) between City of McFarland and Sonrise Baptist Church of Clovis.

16. Report, Discuss and Consider Approval of License Agreement for Use of Veteran's Hall for McFarland Greater Chamber of Commerce.

17. Report, Discuss and Consider Approval of License Agreement for Use of Veteran's Hall for McFarland Lions Club.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

a. Delano Mosquito Abatement District (DMAD) – Council Member Ricardo Cano
b. Kern Council of Governments (KCOG) – Mayor Sally Gonzalez or Alternate Mayor Pro Tem Maria T. Pérez
c. McFarland Tri-Agency Partners (MTAP) – Mayor Sally Gonzalez
d. Kern Economic Development Corp. (KEDC) – Mayor Sally Gonzalez
e. Kern County Association of Cities (KCAC)
f. Poso Creek IRWMP – Council Member Saul Ayon

COUNCIL STATEMENTS AND REPORTS

On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. In addition, Council Members may ask a question of staff or the public for clarification on any matter, provide a reference to staff or other resources for information. Alternatively, request staff to report

to the City Council at a later meeting concerning any matter. Furthermore, the City Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.

CLOSED SESSION

ADJOURNMENT

This is to certify this agenda was posted at McFarland City Hall on August 23, 2021.

Sarah Drake

Sarah Drake, Interim City Clerk

Next Meeting: Regular City Council September 9, 2021.

The City of McFarland does not discriminate based on disability and complies with the provisions of the Americans with Disabilities Act (ADA). If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (661) 792-3091 at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.

McFARLAND GREATER CHAMBER OF COMMERCE

McFarland Greater Chamber of Commerce

103 W. Sherwood Ave. McFarland, CA 93250
Mailing Address: P.O. Box 355, McFarland, CA 93250 * 661 458-1342
(661) 586-3890 or (661) 586-7937
Email: mcfarlandchamberofcommerce@gmail.com

July 27, 2021

City Mayor Sally Gonzalez
Councilmember Ricardo Cano
City Of McFarland
401 West Kern Avenue
McFarland, CA 93250

Dear Mayor Sally Gonzalez and Councilmember Ricardo Cano:

Thank you both so much for volunteering on our annual Fourth of July TNT Fireworks stand fundraiser. Your willingness to give so freely of your time and service is greatly appreciated. Your support of the McFarland Greater Chamber of Commerce's mission allows us to serve our community each year a joyful family safe Country's holiday event of fireworks sale.

The event you recently volunteered with the McFarland Greater Chamber of Commerce's primary fundraiser. This year's event brought in approximately $10,000 which will go directly to support our McFarland Student Scholarships.

Again we **"Thank You"** so much for your willingness to donate your time and talent to help the Chamber. Your efforts contributed greatly to the success of this fundraiser event. We look forward to your continued volunteer involvement with our annual Fourth of July fundraiser.

The Directors of the McFarland Greater Chamber of Commerce appreciate your committed positions to serve our community in the City of McFarland.

Sincerely,

Juan Munguia | President
McFarland Greater Chamber of Commerce

cc: McFarland City Council

City of McFarland, CA

Expense Approval Report

By Vendor Name

Payment Dates 8/1/2021 - 8/15/2021

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Axon - Axon Enterprise Inc					
Axon Enterprise Inc	SI-1708174	08/05/2021	Inv. SI-1728174	26-110-53100-8550-1	25,350.83
Axon Enterprise Inc	SI-1734176	08/05/2021	Inv. SI-1734176	26-110-53100-8550-1	671.39
				Vendor Axon - Axon Enterprise Inc Total:	**26,022.22**
Vendor: BHT Engineering, Inc - BHT Engineering, Inc.					
BHT Engineering, Inc.	INV0019320	06/30/2021	DAVIS AVE. REHAB. -ELMO HWY...	25-000-52960-8490-1	2,580.00
				Vendor BHT Engineering, Inc - BHT Engineering, Inc. Total:	**2,580.00**
Vendor: Business Card - Business Card					
Business Card	INV0018278	03/10/2021	0272 3/3/2021 Kerndata	01-160-56000-0000-1	100.00
Business Card	106323	08/05/2021	INV 106323	30-500-56410-0000-1	1,389.07
				Vendor Business Card - Business Card Total:	**1,489.07**
Vendor: Cintas - Cintas Corporation No.3					
Cintas Corporation No.3	1902294872	08/05/2021	Inv 1902294872	26-110-53100-8550-1	246.68
Cintas Corporation No.3	4084336693	06/30/2021	Inv 4084336693	01-180-51800-0000-1	55.14
Cintas Corporation No.3	4084336693	06/30/2021	Inv 4084336693	30-500-51800-0000-1	60.15
Cintas Corporation No.3	4084336693	06/30/2021	Inv 4084336693	32-510-51800-0000-1	32.17
Cintas Corporation No.3	4085746689	06/30/2021	Inv 4085746689	01-180-51800-0000-1	63.88
Cintas Corporation No.3	4085746689	06/30/2021	Inv 4085746689	30-500-51800-0000-1	64.79
Cintas Corporation No.3	4085746689	06/30/2021	Inv 4085746689	32-510-51800-0000-1	34.44
Cintas Corporation No.3	4088263690	06/30/2021	Inv 4088263690	01-180-51800-0000-1	340.00
Cintas Corporation No.3	4088263690	06/30/2021	Inv 4088263690	30-500-51800-0000-1	63.49
Cintas Corporation No.3	4088263690	06/30/2021	Inv 4088263690	32-510-51800-0000-1	33.61
Cintas Corporation No.3	4088920535	08/05/2021	Inv 4088920535	01-180-51800-0000-1	65.71
Cintas Corporation No.3	4088920535	08/05/2021	Inv 4088920535	30-500-51800-0000-1	63.48
Cintas Corporation No.3	4088920535	08/05/2021	Inv 4088920535	32-510-51800-0000-1	33.62
Cintas Corporation No.3	4090230586	08/05/2021	Inv 4090230586	01-180-51800-0000-1	65.71
Cintas Corporation No.3	4090230586	08/05/2021	Inv 4090230586	30-500-51800-0000-1	63.48
Cintas Corporation No.3	4090230586	08/05/2021	Inv 4090230586	32-510-51800-0000-1	33.62
Cintas Corporation No.3	4090889704	08/05/2021	Inv 4090889704	01-180-51800-0000-1	65.72
Cintas Corporation No.3	4090889704	08/05/2021	Inv 4090889704	30-500-51800-0000-1	63.49
Cintas Corporation No.3	4090889704	08/05/2021	Inv 4090889704	32-510-51800-0000-1	33.60
				Vendor Cintas - Cintas Corporation No.3 Total:	**1,482.78**
Vendor: CITY OF WASCO - CITY OF WASCO					
CITY OF WASCO	9732	06/30/2021	Inv 9732 CNG Fuel City of Was...	01-165-54000-0000-1	38.26
CITY OF WASCO	9732	06/30/2021	Inv 9732 CNG Fuel City of Was...	30-500-54000-0000-1	140.06
CITY OF WASCO	9732	06/30/2021	Inv 9732 CNG Fuel City of Was...	32-510-54000-0000-1	73.76
CITY OF WASCO	9732 CNG	08/05/2021	Inv 9732 CNG Fuel City of Was...	01-165-54000-0000-1	50.97
CITY OF WASCO	9732 CNG	08/05/2021	Inv 9732 CNG Fuel City of Was...	30-500-54000-0000-1	109.66
CITY OF WASCO	9732 CNG	08/05/2021	Inv 9732 CNG Fuel City of Was...	32-510-54000-0000-1	140.99
				Vendor CITY OF WASCO - CITY OF WASCO Total:	**553.70**
Vendor: CLA - CLIFTONLARSONALLEN LLP					
CLIFTONLARSONALLEN LLP	INV0019337	08/05/2021	INV 2940228 Audit Services Au...	01-20400-0000-1	12,249.90
CLIFTONLARSONALLEN LLP	INV0019337	08/05/2021	INV 2940228 Audit Services Au...	30-20400-0000-1	12,249.90
CLIFTONLARSONALLEN LLP	INV0019337	08/05/2021	INV 2940228 Audit Services Au...	31-20400-0000-1	5,653.80
CLIFTONLARSONALLEN LLP	INV0019337	08/05/2021	INV 2940228 Audit Services Au...	32-20400-0000-1	12,721.05
CLIFTONLARSONALLEN LLP	INV0019337	08/05/2021	INV 2940228 Audit Services Au...	34-20400-0000-1	4,240.35
				Vendor CLA - CLIFTONLARSONALLEN LLP Total:	**47,115.00**
Vendor: Home Depot - Home Depot					
Home Depot	6511406	08/05/2021	Inv 6511406	32-510-56410-0000-1	24.38
				Vendor Home Depot - Home Depot Total:	**24.38**

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Visual Edge - Image Source					
Image Source	25AR1293649	08/05/2021	Inv25AR1293649	01-310-54800-0000-1	458.40
				Vendor Visual Edge - Image Source Total:	**458.40**
Vendor: Jim White - Jim White					
Jim White	INV0019321	06/30/2021	Planning Commission - May 18, ...	01-140-52200-0000-1	60.00
Jim White	INV0019327	08/05/2021	Planning Commission - July 20	01-140-52200-0000-1	30.00
				Vendor Jim White - Jim White Total:	**90.00**
Vendor: Jose Hernandez - Jose Hernandez					
Jose Hernandez	INV0019323	06/30/2021	Planning Commission - May 18, ...	01-140-52200-0000-1	60.00
Jose Hernandez	INV0019325	08/05/2021	Planning commission July 20, 2...	01-140-52200-0000-1	30.00
				Vendor Jose Hernandez - Jose Hernandez Total:	**90.00**
Vendor: Jose L Hernandez - Jose Luis Hernandez					
Jose Luis Hernandez	INV0019324	06/30/2021	Planning C	01-140-52200-0000-1	60.00
Jose Luis Hernandez	INV0019328	08/05/2021	Planning Commission	01-140-52200-0000-1	30.00
				Vendor Jose L Hernandez - Jose Luis Hernandez Total:	**90.00**
Vendor: Luis Sarabia - Luis Sarabia					
Luis Sarabia	INV0019353	08/10/2021	Planning Commission Meeting J...	01-140-52200-0000-1	30.00
				Vendor Luis Sarabia - Luis Sarabia Total:	**30.00**
Vendor: Marco A. Martinez - Marco A. Martinez					
Marco A. Martinez	INV0019322	06/30/2021	Planning Commission - May 18, ...	01-140-52200-0000-1	60.00
Marco A. Martinez	INV0019326	08/05/2021	planning commission - July 20, ...	01-140-52200-0000-1	30.00
				Vendor Marco A. Martinez - Marco A. Martinez Total:	**90.00**
Vendor: Mario Sanchez - Mario Sanchez					
Mario Sanchez	INV0019334	08/05/2021	06.10.2021 Regular CC Agenda ...	01-105-56000-0000-1	300.00
Mario Sanchez	INV0019334	08/05/2021	06.24.2021 Regular CC Meerting..	01-105-56000-0000-1	300.00
Mario Sanchez	INV0019335	08/05/2021	06.24.2021 Regular CC Agenda ...	01-105-56000-0000-1	150.00
Mario Sanchez	INV0019336	08/05/2021	07.14.2021 Regular CC Agenda ...	01-105-56000-0000-1	300.00
Mario Sanchez	INV0019336	08/05/2021	07.26.2021 Regular CC Meerting..	01-105-56000-0000-1	300.00
				Vendor Mario Sanchez - Mario Sanchez Total:	**1,350.00**
Vendor: Mcfarland Tent - Mcfarland Tent					
Mcfarland Tent	5857	06/30/2021	Inv 5857	30-500-56410-0000-1	30.00
				Vendor Mcfarland Tent - Mcfarland Tent Total:	**30.00**
Vendor: McFarland Tire - McFarland Tire					
McFarland Tire	23052	06/30/2021	Inv 23052	30-500-56410-0000-1	90.00
				Vendor McFarland Tire - McFarland Tire Total:	**90.00**
Vendor: Mobile Ag - Mobile Ag & Industrial Supply Inc.					
Mobile Ag & Industrial Supply I...	108846	08/05/2021	Inv 108846	01-180-56410-0000-1	2,907.64
Mobile Ag & Industrial Supply I...	108846	08/05/2021	Inv 108846	32-510-56410-0000-1	2,907.63
				Vendor Mobile Ag - Mobile Ag & Industrial Supply Inc. Total:	**5,815.27**
Vendor: GON400 - Octavio Gonzalez					
Octavio Gonzalez	INV0019319	06/30/2021	Reimbursement Certificate Ren...	30-500-53250-0000-1	159.25
				Vendor GON400 - Octavio Gonzalez Total:	**159.25**
Vendor: Office Depot - Office Depot					
Office Depot	181709705001	08/05/2021	Inv. 181709705001	01-150-57200-0000-1	4.28
				Vendor Office Depot - Office Depot Total:	**4.28**
Vendor: Principal Life - Principal Life Insurance Company					
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-105-50550-0000-1	107.67
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-105-50550-0000-1	107.67
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-110-50550-0000-1	60.24
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-110-50550-0000-1	60.24
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-115-50550-0000-1	55.41
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-115-50550-0000-1	55.41
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-140-50550-0000-1	66.54
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-140-50550-0000-1	66.64
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-150-50550-0000-1	1,605.57
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-150-50550-0000-1	1,443.53

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-155-50550-0000-1	201.52
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-155-50550-0000-1	201.52
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-160-50550-0000-1	28.04
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-160-50550-0000-1	28.04
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-165-50550-0000-1	56.08
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-165-50550-0000-1	56.08
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-175-50550-0000-1	168.25
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-175-50550-0000-1	168.25
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	01-180-50550-0000-1	415.08
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	01-180-50550-0000-1	566.21
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	20-200-50550-0000-1	140.45
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	20-200-50550-0000-1	140.55
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	30-500-50550-0000-1	793.28
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	30-500-50550-0000-1	616.97
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	31-505-50550-0000-1	81.53
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	31-505-50550-0000-1	81.53
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	32-510-50550-0000-1	879.52
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	32-510-50550-0000-1	703.21
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS. JULY 2021	34-520-50550-0000-1	140.21
Principal Life Insurance Company	INV0019338	08/05/2021	DENTAL PREMIUMS AUGUST 2...	34-520-50550-0000-1	140.21
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-105-50700-0000-1	6.85
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-105-50700-0000-1	6.85
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-110-50700-0000-1	3.85
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-110-50700-0000-1	3.85
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-115-50700-0000-1	6.93
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-115-50700-0000-1	6.93
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-140-50700-0000-1	1.54
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-140-50700-0000-1	1.54
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-150-50700-0000-1	154.00
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-150-50700-0000-1	107.80
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-155-50700-0000-1	5.39
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-155-50700-0000-1	5.39
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-160-50700-0000-1	1.54
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-160-50700-0000-1	1.54
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-165-50700-0000-1	5.39
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-165-50700-0000-1	5.39
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-175-50700-0000-1	9.24
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-175-50700-0000-1	9.24
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	01-180-50700-0000-1	24.64
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	01-180-50700-0000-1	24.64
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	20-200-50700-0000-1	0.39
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	20-200-50700-0000-1	0.39
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	30-500-50700-0000-1	38.08
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	30-500-50700-0000-1	38.08
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	31-505-50700-0000-1	5.54
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	31-505-50700-0000-1	5.54
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	32-510-50700-0000-1	52.32
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	32-510-50700-0000-1	52.32
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. AUG 2021	34-520-50700-0000-1	7.70
Principal Life Insurance Company	INV0019339	08/05/2021	LIFE INS. JULY 2021	34-520-50700-0000-1	7.70
				Vendor Principal Life - Principal Life Insurance Company Total:	**9,836.05**
Vendor: R&F Disposal - R&F Disposal					
R&F Disposal	653300	08/05/2021	Inv 653300 3yd @ Kennels	01-155-58050-0000-1	143.56
R&F Disposal	INV0019331	08/05/2021	July 2021 R&F Garbage Fee	01-100-41300-0000-1	-4,120.44
R&F Disposal	INV0019331	08/05/2021	July 2021 R&F Garbage Fee	31-505-42340-0000-1	-2,167.50
R&F Disposal	INV0019331	08/05/2021	July 2021 R&F Garbage Fee	31-505-52400-0000-1	82,408.78
R&F Disposal	INV0019332	08/05/2021	July 2021 R&F Recycling Fees	31-505-52500-0000-1	11,359.72
				Vendor R&F Disposal - R&F Disposal Total:	**87,624.12**

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Richards, Watson & G - Richards, Watson & G					
Richards, Watson & G	232803	08/05/2021	12452-0001 Inv 232803 - Gener...	01-130-56100-0000-1	600.15
				Vendor Richards, Watson & G - Richards, Watson & G Total:	**600.15**
Vendor: Ronald E. Brummett - Ronald E. Brummett					
Ronald E. Brummett	INV0019333	08/05/2021	Billing for Ronald Brummett Jan...	01-140-55500-0000-1	6,077.50
				Vendor Ronald E. Brummett - Ronald E. Brummett Total:	**6,077.50**
Vendor: SC SITES Services - SC SITES Services					
SC SITES Services	51071	08/05/2021	Inv 51071	01-150-52200-0000-1	190.00
				Vendor SC SITES Services - SC SITES Services Total:	**190.00**
Vendor: The Gas Co. - SoCalGas					
SoCalGas	16861631949	08/05/2021	16861631949 JULY 2021	01-185-58000-0000-1	50.72
SoCalGas	INV0019340	08/05/2021	07591626002 JULY 2021	01-190-58000-0000-1	2.86
				Vendor The Gas Co. - SoCalGas Total:	**53.58**
Vendor: Solar Energy - Solar Energy of America 1 LLC					
Solar Energy of America 1 LLC	20448902	05/31/2021	Inv 20448902 -JB-9321941-00	30-500-58000-0000-1	19,500.97
Solar Energy of America 1 LLC	20448904	06/30/2021	Inv 20091180 - JB9323918-00	32-510-58000-0000-1	7,060.79
				Vendor Solar Energy - Solar Energy of America 1 LLC Total:	**26,561.76**
Vendor: SPD - SPD					
SPD	17676	08/05/2021	Inv 17676	30-500-57200-0000-1	139.67
SPD	17676	08/05/2021	Inv 17676	31-505-57200-0000-1	139.63
SPD	17676	08/05/2021	Inv 17676	32-510-57200-0000-1	139.63
				Vendor SPD - SPD Total:	**418.93**
Vendor: Stria - Stria LLC					
Stria LLC	15234	08/05/2021	Inv 15234	01-130-56000-0000-1	8,986.87
				Vendor Stria - Stria LLC Total:	**8,986.87**
Vendor: ADT - The ADT Security Corportation					
The ADT Security Corportation	140779373	08/05/2021	Inv 140779373 Acc# 534735	32-510-58050-0000-1	527.59
				Vendor ADT - The ADT Security Corportation Total:	**527.59**
Vendor: Torpedo - Torpedo					
Torpedo	10165	06/30/2021	Inv - 10165 Pest Control City Hal..	01-190-52200-0000-1	100.00
Torpedo	10166	06/30/2021	Inv 10166 Pest Control Commun..	01-185-52200-0000-1	100.00
				Vendor Torpedo - Torpedo Total:	**200.00**
Vendor: United States Postal - United States Postal					
United States Postal	INV0019329	08/05/2021	Regular Billing Postage July 2021	30-500-55600-0000-1	666.66
United States Postal	INV0019329	08/05/2021	Regular Billing Postage July 2021	31-505-55600-0000-1	666.66
United States Postal	INV0019329	08/05/2021	Regular Billing Postage July 2021	32-510-55600-0000-1	666.68
United States Postal	INV0019330	08/05/2021	Annual Permit United States Po...	30-500-55600-0000-1	79.20
United States Postal	INV0019330	08/05/2021	Annual Permit United States Po...	31-505-55600-0000-1	79.20
United States Postal	INV0019330	08/05/2021	Annual Permit United States Po...	32-510-55600-0000-1	81.60
				Vendor United States Postal - United States Postal Total:	**2,240.00**
Vendor: WESTEC - WESTEC					
WESTEC	27697	08/05/2021	Inv.#27697 Contract for CPR Ins...	01-180-53250-0000-1	140.00
WESTEC	27697	08/05/2021	Inv.#27697 Contract for CPR Ins...	30-500-53250-0000-1	140.00
WESTEC	27697	08/05/2021	Inv.#27697 Contract for CPR Ins...	32-510-53250-0000-1	140.00
WESTEC	27697	08/05/2021	Inv.#27697 Contract for CPR Ins...	34-520-53250-0000-1	140.00
				Vendor WESTEC - WESTEC Total:	**560.00**
				Grand Total:	**231,440.90**

Report Summary

Fund Summary

Fund	Payment Amount
01 - GENERAL FUND	36,387.36
20 - LIGHTING & LANDSCAPING-DISTRICT 1	281.78
25 - CAPITAL IMPROVEMENTS PROJECTS	2,580.00
26 - MISCELLANEOUS GRANTS	26,268.90
30 - SEWER	36,559.73
31 - REFUSE/RECYCLING	98,314.43
32 - WATER	26,372.53
34 - PUBLIC TRANSPORTATION	4,676.17
Grand Total:	**231,440.90**

Account Summary

Account Number	Account Name	Payment Amount
01-100-41300-0000-1	Franchise Fees	-4,120.44
01-105-50550-0000-1	Dental/Vision Premiums	215.34
01-105-50700-0000-1	Life Insurance	13.70
01-105-56000-0000-1	Professional Services - Ot…	1,350.00
01-110-50550-0000-1	Dental/Vision Premiums	120.48
01-110-50700-0000-1	Life Insurance	7.70
01-115-50550-0000-1	Dental/Vision Premiums	110.82
01-115-50700-0000-1	Life Insurance	13.86
01-130-56000-0000-1	Professional Services - Ot…	8,986.87
01-130-56100-0000-1	Legal Services	600.15
01-140-50550-0000-1	Dental/Vision Premiums	133.18
01-140-50700-0000-1	Life Insurance	3.08
01-140-52200-0000-1	Contract Services	390.00
01-140-55500-0000-1	Special Studies/Master Pl…	6,077.50
01-150-50550-0000-1	Dental/Vision Premiums	3,049.10
01-150-50700-0000-1	Life Insurance	261.80
01-150-52200-0000-1	Contract Services	190.00
01-150-57200-0000-1	Supplies - Office	4.28
01-155-50550-0000-1	Dental/Vision Premiums	403.04
01-155-50700-0000-1	Life Insurance	10.78
01-155-58050-0000-1	Utilities Other	143.56
01-160-50550-0000-1	Dental/Vision Premiums	56.08
01-160-50700-0000-1	Life Insurance	3.08
01-160-56000-0000-1	Professional Services	100.00
01-165-50550-0000-1	Dental/Vision Premiums	112.16
01-165-50700-0000-1	Life Insurance	10.78
01-165-54000-0000-1	Fuel	89.23
01-175-50550-0000-1	Dental/Vision Premiums	336.50
01-175-50700-0000-1	Life Insurance	18.48
01-180-50550-0000-1	Dental/Vision Premiums	981.29
01-180-50700-0000-1	Life Insurance	49.28
01-180-51800-0000-1	Clothing Allowance	656.16
01-180-53250-0000-1	Permits & Certificates	140.00
01-180-56410-0000-1	Repairs & Maintenance E…	2,907.64
01-185-52200-0000-1	Contract Services	100.00
01-185-58000-0000-1	Utilities	50.72
01-190-52200-0000-1	Contract Services	100.00
01-190-58000-0000-1	Utilities	2.86
01-20400-0000-1	Intergovernmental Payabl…	12,249.90
01-310-54800-0000-1	Maintenance Agreements	458.40
20-200-50550-0000-1	Dental/Vision Premiums	281.00
20-200-50700-0000-1	Life Insurance	0.78
25-000-52960-8490-1	Streets & Roads Capital S…	2,580.00
26-110-53100-8550-1	Grant Expenditure - ARPA…	26,268.90
30-20400-0000-1	Intergovernmental Payabl…	12,249.90

Account Summary

Account Number	Account Name	Payment Amount
30-500-50550-0000-1	Dental/Vision Premiums	1,410.25
30-500-50700-0000-1	Life Insurance	76.16
30-500-51800-0000-1	Clothing Allowance	378.88
30-500-53250-0000-1	Permits & Certificates	299.25
30-500-54000-0000-1	Fuel	249.72
30-500-55600-0000-1	Postage	745.86
30-500-56410-0000-1	Repairs & Maintenance E...	1,509.07
30-500-57200-0000-1	Supplies - Office	139.67
30-500-58000-0000-1	Utilities	19,500.97
31-20400-0000-1	Intergovernmental Payabl...	5,653.80
31-505-42340-0000-1	Administration Fee	-2,167.50
31-505-50550-0000-1	Dental/Vision Premiums	163.06
31-505-50700-0000-1	Life Insurance	11.08
31-505-52400-0000-1	Contract Services - Refuse...	82,408.78
31-505-52500-0000-1	Contract Services - Recycl...	11,359.72
31-505-55600-0000-1	Postage	745.86
31-505-57200-0000-1	Supplies - Office	139.63
32-20400-0000-1	Intergovernmental Payabl...	12,721.05
32-510-50550-0000-1	Dental/Vision Premiums	1,582.73
32-510-50700-0000-1	Life Insurance	104.64
32-510-51800-0000-1	Clothing Allowance	201.06
32-510-53250-0000-1	Permits & Certificates	140.00
32-510-54000-0000-1	Fuel	214.75
32-510-55600-0000-1	Postage	748.28
32-510-56410-0000-1	Repairs & Maintenance- E...	2,932.01
32-510-57200-0000-1	Supplies - Office	139.63
32-510-58000-0000-1	Utilities	7,060.79
32-510-58050-0000-1	Utilities Other	527.59
34-20400-0000-1	Intergovernmental Payabl...	4,240.35
34-520-50550-0000-1	Dental/Vision Premiums	280.42
34-520-50700-0000-1	Life Insurance	15.40
34-520-53250-0000-1	Permits & Certificates	140.00
	Grand Total:	**231,440.90**

Project Account Summary

Project Account Key	Payment Amount
None	231,440.90
Grand Total:	**231,440.90**

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
August 12, 2021

MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY

CALL TO ORDER

Mayor Pro Tem Gonzalez called the meeting to order at 6:01 p.m.

ROLL CALL

Council Members Present: Mayor Gonzalez, Mayor-Pro Tem Pérez, Councilmember Cano, Councilmember Santillano

Council Members Absent: Councilmember Ayon

OFFICIALS PRESENT

City Manager Lara, Chief of Police Williams, Substitute City Attorney Kelly Allen Francisco, Interim City Clerk Drake, Finance Director Lara, Public Works Director Gonzales

INVOCATION

Councilmember Cano

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Pérez

PUBLIC COMMENTS

Lori Schultz spoke on behalf of the McFarland School District about utilizing the city council chamber to hold attendance review board meetings. Before Covid-19 the board held the meetings twice a month, and the board would like to resume the use of the council chamber now that the board is resuming their meetings.

Ocie Crawford at 11206 Mirage Dr in Bakersfield, CA invited Council Members to attend the award banquet to honor the police force. It will take place Hodel's Country Dining on Saturday, September 18th at 12:00 pm.

Public Comment Closed at 6:11 p.m.

CONSENT AGENDA

1. Motion was made by: Mayor Pro Tem Pérez to approve warrant register for $76, 351.23 from July 16, 2021, through July 31, 2021*; 2nd* by: Councilmember Santillano.

Vote: 4/0
Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

2. Motion was made by: Mayor Pro Tem Pérez to approve Payroll Report for $327,246.97 for July 2021; 2nd by: Councilmember Santillano.
Vote: 3/0
Ayes: Cano, Pérez, Santillano
Nays: None
Absent: Ayon
Abstentions: Gonzalez (Mayor)

**Mayor Gonzalez recused herself from item #2 due to marriage.*

3. Motion was made by: Mayor Pro Tem Pérez to approve Regular Minutes of ***July 22, 2021***; 2nd by: Councilmember Santillano.
Vote: 4/0
Ayes:, Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

4. Motion was made by: Mayor Pro Tem Pérez to approve Special Minutes of ***August 5, 2021***; 2nd by: Councilmember Santillano**.**
Vote: 4/0
Ayes:, Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

PUPBIC HEARINGS

5. Public Hearing to Receive Comments Related to Declaration of Negative Declaration for Tract 7393 and 7394.

Staff Recommends That the City Council:

a. Mayor Gonzalez Opened the Public Hearing to Receive Public Testimony.
City Planner Brianahi De Leon speaks on Negative Declaration for Tract 7393 and 7394. A total of 350 homes will be built, as well as a park and sump. Studies have been conducted and reviewed by contractors. City Planner De Leon is open to answer questions the Council may have about the Negative Declaration for Tract 7393 and 7394.

Q. Councilman Santillano inquires as to why Tract 7393 and 7394 are divided into two Tracts instead of one Tract.

A. City Planner De Leon informs the Council Tracts 7393 and 7394 are to be separate phases with four phases each. First phase will be 167 homes. Special Planning Consultant Ron Brummett mentions early stages for sewer planning has begun. Mr. Brummett speaks on the importance of time and getting started as soon as possible.

Q. Councilman Santillano inquires about cleaning the area after trees has been cleared.

A. Contractor will clean the area when trees are down and after expectation for irrigation pipes.

Q. Councilmember Santillano expresses his concern regarding the number of exists and asks about an allowing an additional exit amongst the Tracts.

A. Special Planning Consultant Ron Brummett Addresses Councilmember Santillano's inquiry and mentions there are currently two exits planned. An additional exit was not planned due to its proximity to a school and taking into account the safety of children walking to and from school.

b. Adopt ***Resolution No. 2021-0047***, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING THE INITIAL STUDY AND NEGATIVE DECLARATION PREPARED TENTATIVE TRACT 7393 AND 7394.

***No action was taken, Public Hearing extended and to continue on August 26th.*

DEPARTMENT REPORTS

a. Administration – City Manager Lara- The Administration Department is working with the Planning Department to assist in moving their projects along as quickly as possible, as well as the Financial Department with their audits. The City Manager job opening has been posted on the City's website. Dial-A-Ride is still in available to the public up to next year. City Planner De Leon is in the early stages of planning a new medical center, is finishing Tracts 7393 and 7394 planning, and has future projects in the works with the Planning Commission. Code enforcement is in the process of utilizing officers to cite those parked illegally.

b. Police Department – Chief of Police Williams- Two new officers are in the process of joining the Police Force. Speaks on the importance of crime watch communities in order to better identify those who break the law. School is back in session and with that comes traffic difficulties such as congestion and pedestrian hazards. The Police Department received new spike strips which would shorten high speed pursuits if such an event occurred. Two new dispatchers are going through training and background checks and an officer expressed interest in the Sargent position. Presented crime statistics and informed the Council the rise in crime statistics is due to more Police Offers around the city and more enforcement of the law.

c. Finance Department- Finance Director Lara- Department is working hard on yielding $2.2 million to the city due to claiming funds. The job posting for Staff Accountants closed and the department will be going over the applicants. A new time clock system is desired to improve accuracy. New technology for payments is in the early stages in order to save money and improve payment convenience to citizens. Utility billing is being outsourced, which will save time and money.

d. Public Works Department- Public Works Director Gonzales- Street crew is improving crosswalks around schools and are working to fill potholes around city. The street sweeper is going to be returning to be back in the regular schedule. The department is working with the Police Department for advice regarding where to put new solar lights. Johnson and Johnson and Pfizer will be available in the Veteran's Hall on August 17th for those 12 years old and up. Fixing main breaks are being dealt with, cameras will be installed by well and treatment sites, and citizens will be made aware, when possible, of water being shut off. EV charging stations are in the early stages of development. Department is pursuing a bus driver to support the current bus driver.

ADMINISTRATIVE AGENDA

6. Motion was made by: **Mayor Pro Tem Pérez** to table Report, Discussion, and Possible Approval of Vesting Tentative Tract Map 7393 to produce new housing development and provide 167 residential houses, neighborhood park, and a drainage sump; 2nd by: **Councilmember Cano.**
   Vote: 4/0
   Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
   Nays: None
   Absent: Ayon
   Abstentions: None

7. Motion was made by: **Mayor Pro Tem Pérez** to table Report, Discussion, and Possible Approval of Vesting Tentative Tract Map 7394 to produce new housing development and provide 183 residential houses; 2nd by: **Councilmember Cano.**
   Vote: 4/0
   Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
   Nays: None
   Absent: Ayon
   Abstentions: None

8. Motion was made by: **Mayor Pro Tem Pérez** to table Report, Discussion and Potential Direction - Ad Hoc Committee Report: Recommendation for Potential Restructuring Job Classifications/Duties- Grant Administrator, Public Works Administrative Assistant, And Part Time Code Enforcement; 2nd by: **Councilmember Cano.**
   Vote: 4/0
   Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
   Nays: None
   Absent: Ayon
   Abstentions: None

9. Motion was made by: Report, Discuss, and Appoint a voting delegate and up to two alternates for League of California Cities Annual Conference & Expo on September 22-24, 2021; 2nd by: Councilmember Ayon shall be in attendance with Mayor Gonzalez and Councilmember Cano as alternatives.

   Discussed and clarified. Members of City Council appointed.

10. Motion was made by: **Mayor Pro Tem Pérez** to table Approval to contract with Lexipol for a new city policy manual and to eliminate the employee handbook due descriptor inaccuracy; 2nd by: **Councilmember Cano**
    Vote: 4/0
    Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
    Nays: None
    Absent: Ayon
    Abstentions: None

11. Motion was made by: **Councilmember Santillano** to Approve Agreement for Illegal Dumping Resources Funds between County of Kern and City of McFarland; 2nd by: **Councilmember Cano**
    Vote: 4/0
    Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
    Nays: None
    Absent: Ayon
    Abstentions: None

12. Motion was made by: **Councilmember Cano** to Approve the Notice of Completion for Villa Del Caribe Park; 2nd by: **Mayor Pro Tem Pérez**
Vote: 4/0
Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

13. Motion was made by: **Councilmember Santillano** Approve Davis Ave. Road Reconstruction Project from W. Perkins Ave. to Elmo Hwy; 2nd by: **Councilmember Cano**
Vote: 4/0
Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

14. Motion was made by: **Mayor Pro Tem Pérez** to table the Possible Approval of the city of McFarland facility use agreement; 2nd by: **Councilmember Santillano**
Vote: 4/0
Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

15. Motion was made by: **Councilmember Cano** to Approve Cancellation of the McFarland Veteran's Community Center Rental Agreement between City of McFarland and Sonrise Baptist Church of Clovis, per Council Member Saul Ayon; 2nd by: **Mayor Pro Tem Pérez**
Vote: 3/0
Ayes: Cano, Pérez, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: Santillano

16. Motion was made by: **Mayor Pro Tem Pérez** to table Report, Discuss and Consider Approval of a new Real Property Lease Agreement (103 W. Sherwood Avenue, McFarland, CA 93250) between City of McFarland and Sonrise Baptist Church of Clovis; 2nd by: **Councilmember Santillano**
Vote: 4/0
Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

17. Motion was made by: **Mayor Pro Tem Pérez** to table Report, Discuss and Consider Approval of License Agreement for Use of Veteran's Hall for McFarland Greater Chamber of Commerce; 2nd by: **Councilmember Santillano**
Vote: 4/0
Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

18. Motion was made by: **Mayor Pro Tem Pérez** to table Report, Discuss and Consider Approval of License Agreement for Use of Veteran's Hall for McFarland Lions Club; **Councilmember Santillano**
Vote: 4/0

Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

19. Motion made by: **Councilmember Cano** to award a construction agreement to Triple A Construction in the amount of $22,500.00 for the Animal Shelter facility; 2nd by: **Mayor Pro Tem Pérez.**
Vote: 4/0
Ayes: Cano, Pérez, Santillano, Gonzalez (Mayor)
Nays: None
Absent: Ayon
Abstentions: None

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- **a.** Delano Mosquito Abatement District (DMAD) – Council Member Ricardo Cano- None to report
- **b.** Kern Council of Governments (KCOG) – None to report
- **c.** McFarland Tri-Agency Partners (MTAP) – None to report
- **d.** Kern Economic Development Corp. (KEDC) – None to report
- **e.** Kern County Association of Cities (KCAC) – None to report
- **f.** Poso Creek IRWMP – None to report

ADJOURNMENT

Meeting adjourned at 9:01 p.m.

_____
Sarah Drake, Interim City Clerk

_____
Kenny Williams, Interim City Manager/Chief of Police

SPECIAL CITY COUNCIL MINUTES
IN PERSON MEETING
August 18, 2021

MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY

CALL TO ORDER

Mayor Pro Tem Gonzalez called the meeting to order at 6:04 p.m.

ROLL CALL

Council Members Present: Mayor Gonzalez, Mayor-Pro Tem Pérez, Councilmember Ayon, Councilmember Cano, Councilmember Santillano

Council Members Absent: None

OFFICIALS PRESENT

City Manager Lara, Chief of Police Williams, City Attorney Hodges, Interim City Clerk Drake, Finance Director Lara, Public Works Director Gonzales

INVOCATION

Councilmember Cano

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Pérez

PUBLIC COMMENTS

Rosa, a Kern Country resident, expressed concern regarding to the potential Intergovernmental Agreement with a facility in San Diego due to its distance from McFarland and its effect on the community. Urged the council to review pursuing an agreement and to consider their motivation for such a possible agreement.

ADMINISTRATIVE AGENDA

1. Motion was made by: **Councilmember Ayon** to Approve City of McFarland Pursuing an Intergovernmental Agreement (IGA) with United States Marshals Service and The GEO Group, Inc. for Western Region Detention Facility located in San Diego, CA; 2nd by: **Councilmember Cano.**
   Vote: 5/0
   Ayes: Ayon Cano, Pérez, Santillano, Gonzalez (Mayor)
   Nays: None
   Absent: None
   Abstentions: None

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code, § 54957.6): City Negotiator: Che Johnson; Employee Organization: McFarland Police Officers Association (MPOA).

ADJOURNMENT

Meeting adjourned at 6:19 p.m.

_____
Sarah Drake, Interim City Clerk

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Kenneth Williams, Interim City Manager/Chief of Police

MEMORANDUM
CITY OF MCFARLAND

TO: Honorable Mayor and City Council Members

FROM: Maria Lara, Community Development Director

DATE: August 26, 2021

SUBJECT: Report, Discussion, and Possible Approval of Vesting Tentative Tract Map 7393.

RECOMMENDATION:

Staff recommends the City of McFarland City Council to approve Vesting Tentative Tract Map 7393 to produce new housing development and provide 167 residential houses, neighborhood park, and a drainage sump.

BACKGROUND:

The parcel is located across Horizon Elementary at the Southwest corner of Taylor Avenue and Garzoli Avenue. Property is designated as single-family residential, R-1, zoning on the City General Plan Map and Zoning map. The designated zoning will remain on the Tentative Tract. The existing parcel has been divided into 2 parcels. Parcel 1 will be recorded as the Tentative Tract 7393. Parcel 1 will consist of 37.38 acres gross. If approved, the Tentative Tract 7393 would bring forth 167 residential lots, park site, and a drainage sump. The Tentative Tract 7393 Map went through a plan check from the City Planning Department, the City Engineer, and Subdivision Committee. The proposed project will include conditions of approval that are based on adopted City guidelines, vision, and policies, those determined through subdivision review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the community, and recommended conditions for development that are not essential to the health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

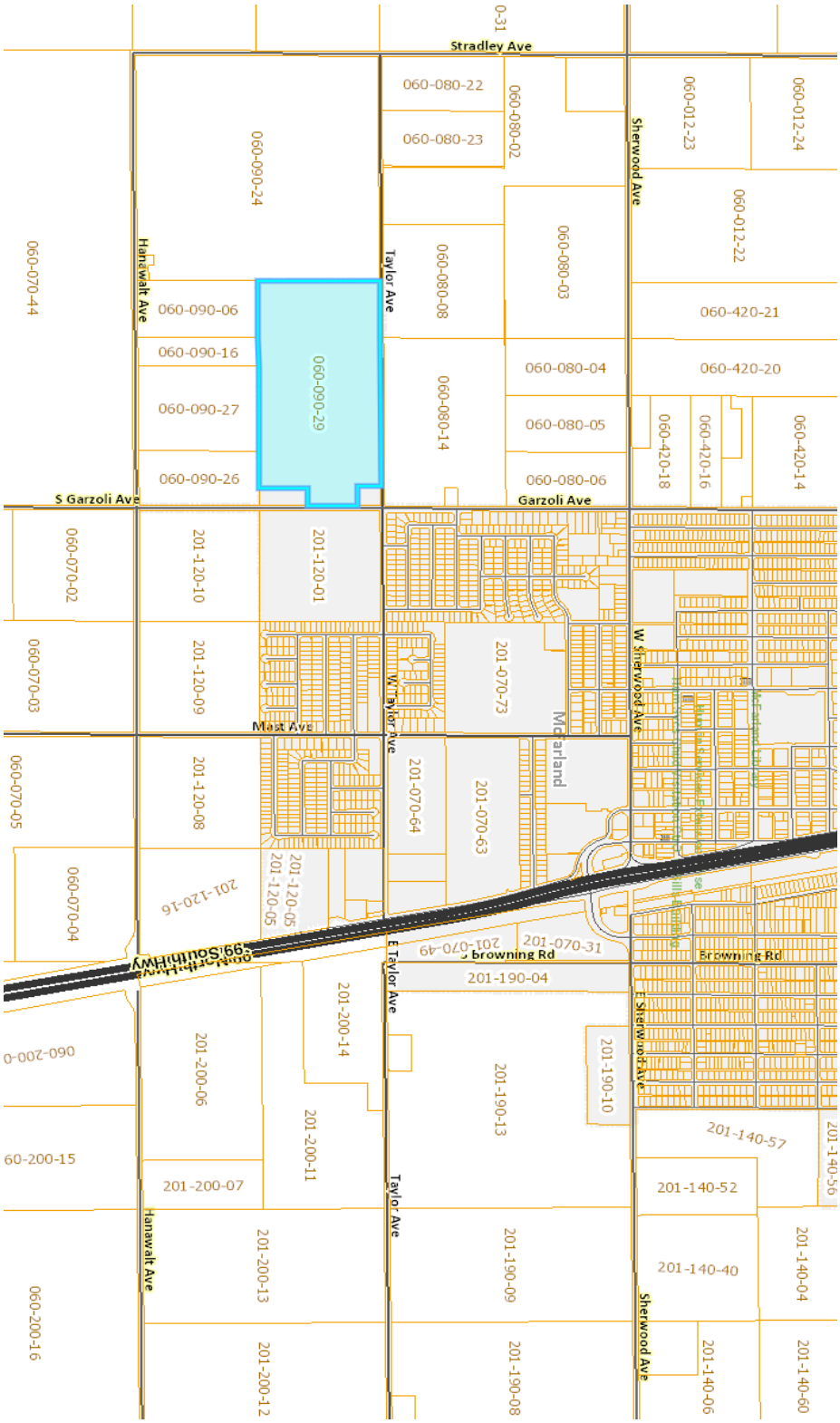
FISCAL IMPACT:

Legal Fees -Development Agreement

Attachments:

Attachment 1 – Vicinity Map
Attachment 2 – Aerial Photograph
Attachment 3 – Proposed Tentative Tract 7393 Map
Attachment 4 – Negative Declaration / Initial Study
Attachment 5 – Conditions of Approval

ATTACHMENT 1
Vicinity Map



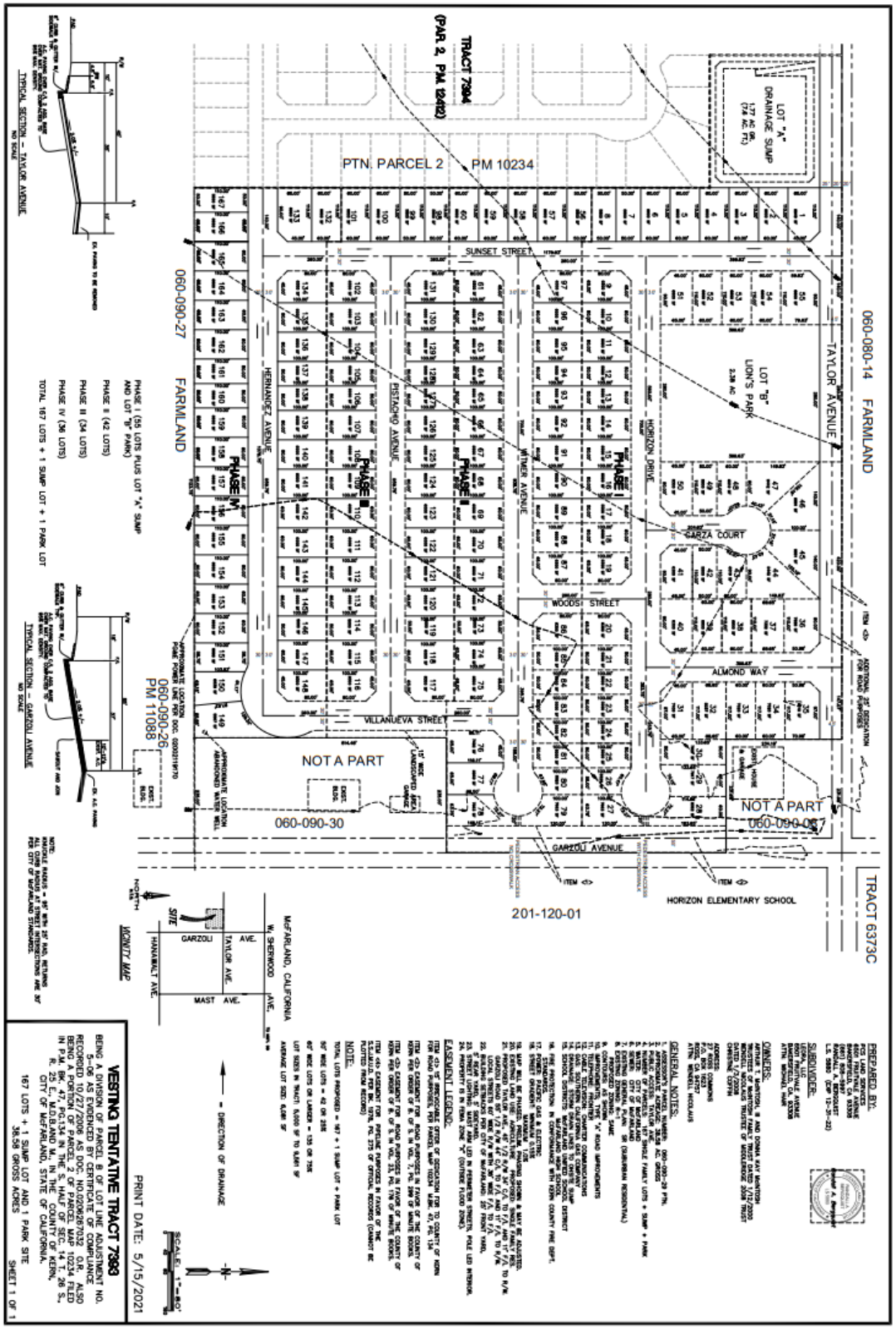
ATTACHMENT 2

Aerial photograph



ATTACHMENT 3

Proposed Tentative Tract 7393 Map



MAY 1, 2021

INITIAL STUDY

TENTATIVE TRACT 7393 & TENTATIVE TRACT 7394

PREPARED BY: BRIANAHI DE LEON, CITY PLANNER
MCFARLAND, CA 93250
401 W. Kern Avenue McFarland, CA 93250

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SECTION ONE

INTRODUCTION

SECTION ONE – INTRODUCTION

CEQA Requirements

This document is the Initial Study of the potential environmental effects of the adoption of Tentative Tract 7393 and Tentative Tract 7394. The City of McFarland will act as the Lead Agency for this project pursuant to the *California Environmental Quality Act* (CEQA) and the *CEQA Guidelines*.

Section 15063 of the CEQA Guidelines requires the Lead Agency to prepare an Initial Study to determine whether a discretionary project will have a significant effect on the environment. The purposes of an Initial Study, as listed under Section 15063[c] of the CEQA Guidelines, include:

(1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare on EIR [Environmental Impact Report] or a Negative Declaration;
(2) Enable an applicant or Lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;
(3) Assist in the preparation of an EIR, if one is required, by:
    (A) Focusing the EIR on the effects determined to be significant;
    (B) Identifying the effects determined not to be significant;
    (C) Explaining the reasons for determining that potentially significant effects would not be significant; and
    (D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the projects' environmental effects.
(4) Facilitate environmental assessment early in the design of a project;
(5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will bot have a significant effect on the environment;
(6) Eliminate unnecessary EIRs; and
(7) Determine whether a previously prepared EIR could be used with the project.

If it can be determined that there is substantial evidence that the proposed project will have a significant impact on the environment than pursuant to Section 15604 an environmental impact report (EIR) must be prepared. However, if it can be determined that the project will not have a significant impact on the environment then a negative or mitigated negative declaration may be prepared instead. According to CEQA Guidelines, Section 15070, a negative declaration or mitigated negative declaration shall be prepared for the project when either:

(1) This initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or;
(2) The initial study identified potentially significant effect, but:

(A) Revisions to the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
(B) There is no substantial, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

Lead Agency

The lead agency is the public agency with primary responsibility over a proposed project. Where two (2) or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with the CEQA Guidelines Section 15051 (b)(1), "the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." Based on these criteria, the City of McFarland will serve as lead agency for the proposed project.

Purpose and Document Organization

The purpose of this Initial Study /Negative Declaration is to evaluate the potential environmental impacts of the proposed project.

This document is divided into the following sections:

1.0 - Introduction
2.0 - Project Description
3.0 – Environmental Checklist

SECTION TWO

PROJECT DESCRIPTION

SECTION TWO – PROJECT DESCRIPTION

Project Location

The project location is approximately 75.95 acres gross in size and is located in the South West corner of Taylor Avenue and Garzoli Avenue. Directly East of the project is Horizon Elementary School. Found on either side of the project, to the East, are two single family residential homes. The vacant land located to the North, South, and West of the site is land currently being utilized for agricultural uses.

The legal description for the Tentative Tract 7393 is:

"A portion of Parcel B of Lot Line Adjustment No. 5-06 as evidenced by certificate of compliance recorded 10/27/2006 as document No. 0206267032 O.R. Also being a portion of the South half of Section 14 Township 26 South, Range 25 East, M.D.M, in the County of Kern, City of McFarland, State of California. "

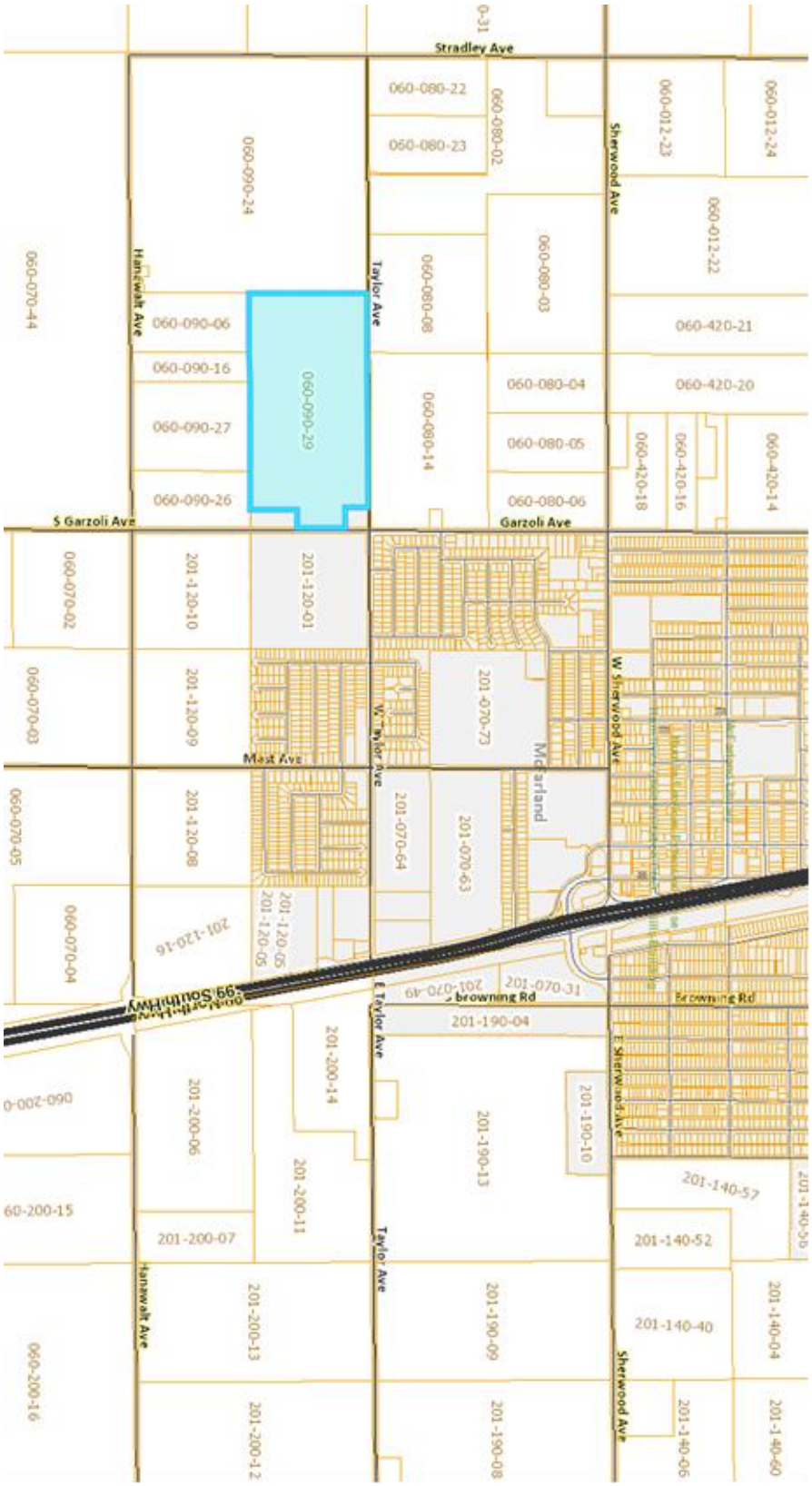
The legal description for the Tentative Tract 7394 is:

"A portion of Parcel B of Lot Line Adjustment No. 5-06 as evidenced by certificate of compliance recorded 10/27/2006 as document No.0206267032 O.R. Also being a portion of the South half of Section 14 Township 26 South, Range 25 East, M.D.M, in the County of Kern, City of McFarland, State of California."

Description of Project

The proposed project is to subdivide two parcels. Tentative Tract 7393 is 38.58 gross acres and will subdivide into 167 residential lots that will be built with single family dwelling units. Additionally, this tentative tract will include a drainage sump and park site. Tentative Tract 7394 is 37.38 gross acres and will subdivide into 183 residential lots that will be built with single family dwelling units. The proposed project will not only have access points to ensure circulation but as well as a pedestrian access for residents to get to school.

Figure 1 – Location Map



SECTION THREE

ENVIRONMENTAL CHECKLIST

SECTION THREE – ENVIRONMENTAL CHECKLIST

1. Project title:	Tentative Tract 7393 & 7394
2. Lead agency name and address:	City of McFarland, Community Development Dept. 401 W. Kern Avenue McFarland, CA 93250
3. Contact person and phone number:	City of McFarland Brianahi De Leon, City Planner 401 W. Kern Avenue McFarland, CA 93250 Phone: (661)792-3091
4. Project location:	South West corner of Taylor Avenue and Garzoli Avenue
5. Project sponsor's name and address:	Interstate Land Company 6501 Fruitvale Ave. Bakersfield, CA 93308
6. General Plan designation:	Single-family Residential
7. Zoning designation:	R-1 Single-family Residential

8. **Project Description:** The proposed 76.95 acres gross project will go through a subdivision. Parcel 1 and Parcel 2 will become Tentative Tract 7393 and Tentative Tract 7394. The subdivision will produce a total of 350 lots that will be built with single-family residential homes. The proposed project will be located across Horizon Elementary School. Tentative Tract 7393 will contain 167 lots, drainage basin, and park site. Tentative Tract 7394 will contain 183 lots.
9. **Surrounding Land Uses and Setting:** The City of McFarland is located in the northern portion of Kern County approximately 25 miles North of Bakersfield on SR-99. Kern County is in the southern portion of the San Joaquin Valley and is bounded on the South by the Tehachapi Mountains. The City of McFarland is an agriculture-based community and a prime farmland area. Directly East of the project is Horizon Elementary School. Surrounding the project is vacant farmland and single-family residential homes.

10. **Other Agencies whose approval is required:** The City of McFarland is the Lead Agency. No other approvals are required.

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature **Date**

_____ _____

VALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a) Earlier Analyses Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).

Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

    a) the significance criteria or threshold, if any, used to evaluate each question; and

    b) the mitigation measure identified, if any, to reduce the impact to less than significance

AESTHETICS DISCUSSION

The City of McFarland is located in the southern San Joaquin Valley and at an approximate 25 miles North of the City of Bakersfield. The project sire is located in an urbanized area of McFarland that is bounded on the East by residential homes and the North, South, and West of the project are agricultural vacant lands.

DISCUSSION OF IMPACTS

A) Would the project have a substantial adverse effect on the scenic vista?

No impact. *There are no identified scenic vistas in the McFarland General Plan*

B) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. *The project site is not located within the vicinity of a state scenic highway. The California Department of Transportation (Caltrans) designates and lists all state scenic highways within the County of Kern, the City of McFarland and the vicinity of the project site on its online database of sites ( ). Further the project was previously used for agricultural purposes and as a result is devoid of any scenic resources.*

C) Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings?

No impact. The project site was previously used for agriculture and is currently covered in almond orchards. The proposed development of the lot will be consistent with the surrounding area.

D) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No impact. The project site would not have any impact on the light that is already present in the city. Additionally, the City of McFarland has placed development standards for the lighting accepted.

AGRICULTURE DISCUSSION

The project site has been used for primarily agriculture and/ or vacant land.

DISCUSSION OF IMPACT

A) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No impact.

B) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
No impact. The project site is not encumbered by a Williamson Act Contract nor is it zoned for agricultural uses.

C) Conflict with existing zoning for, or cause rezoning of, forest land (ass defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by GC section 51104(g))?

No impact. The project site is not classified as forest land nor will it have any effect on forest land.

D) Would the project result in the loss of forest land or conversation of forest land to non-forest use?

No impact. See item (C) above.

E) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?

No impact. The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or under a Williamson Act contract. There are also no lands zoned as forest land, timberland, or Timberland Production within the footprint. The project site is on lands zoned for residential; therefore, the proposed project would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to nonagricultural use or forest land to non-forest use. There would be no impact.

AIR QUALITY DISCUSSION

The City of McFarland is located within the San Joaquin Valley Air Pollution Control District SJVAPCD), which covers several counties. The SJVAPCD is responsible for the management of the air pollution emissions in the valley portion authority for most types of stationary emission sources.

DISCUSSION OF IMPACTS

A) Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact.

B) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

No Impact.

C) Would the project expose sensitive receptors to substantial pollutant concentrations?

No Impact.

D) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact.

BIOLOGICAL RESOURSES DISCUSSION

The project site is located in the Southern San Joaquin Valley and as a result is typified as a hot, dry summers, and cool, rainy winters. The project site is currently covered in Almond trees and will go through a process of taking down the harvest, grading, tilling, and disking the site. A drainage basin/sump will be developed along with a park.

DISCUSSION OF IMPACTS

A) Would the project have a substantial 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 Wildfire Service?

No impact: however, a biological survey shall be completed by a licensed biologist.

B) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services?

No impact. No riparian habitat or other sensitive natural community exists on the project site.

C) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. There are no state or federally protected wetlands, as defined by Section 404 of the Clean Water Act, located on the project site.

D) Would the project interfere substantially with the moment of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No impact. The project site was initially used for agriculture and contains no native resident or migratory fish or wildlife species and will therefore not be impeding on any native wildlife nursery sites.

E) Would the project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

No impact. The city of McFarland does not have any local policies or ordinances protecting biological resources.

F) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. The project is not conflicting with any habitat conservation plans.

CULTURAL RESOURCES DISCUSSION

This environmental issue focuses on the impacts of a project on any cultural resources that may be present in or around the project site.

DISCUSSION OF IMPACTS

A) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?
No Impact.
B) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to sections 15064.5?
No Impact.
C) Would the project disturb any human remains, including those interred outside pf dedicated cemeteries?
No Impact.

ENERGY DISCUSSION

This environmental issue focuses on the impacts of a project on the energy distribution or consumption.

DISCUSSION OF IMPACTS

A) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

No Impact. The residential sites will also include solar panels to prevent any wasteful consumption.

B) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact.

GEOLOGY AND SOILS DISCUSSION

DISCUSSION OF IMPACTS

A) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact.

b. Strong seismic ground shaking?

No Impact.

c. Seismic-related ground failure, including liquefaction?

No Impact.

d. Landslides?

No Impact.

B) Result in substantial soil erosion or the loss of topsoil?

No Impact.

C) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onor off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact.

D) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
No Impact.

E) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact.

GREENHOUSE GAS EMISSIONS DISCUSSION

Greenhouse gas emissions or GHG are known to be generated by human activities such as production of certain materials, electricity consumption transportation, and many more. These greenhouse gases have been known to accelerate global warming.

DISCUSSION OF IMPACTS

A) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Development of the project will result in an increase in vehicle trips in the area which will lead to an increase in the generation of greenhouse gases; however, to offset this increase the project will contain a 2.38-acre park and will contain pedestrian crossing path to encourage walkability.

B) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact.

HAZARDS AND HAZARDOUS MATERIALS DISCUSSION

This environmental issue focuses on the impacts of a project with respect to hazards. The creation of new hazardous conditions or activities that will result in people or property being exposed to existing hazards is the primary area of focus under this environmental issue.

DISCUSSION OF IMPACTS

A) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The project site will be developed with residential uses which are typically not associated with the routine transport, use, or disposal of hazardous materials.

B) Would the project 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?

No Impact. The project site will be developed with residential uses which are typically not associated with the release of hazardous materials.

C) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The proposed project will be a residential subdivision which does not typically have hazardous emissions nor are hazardous materials, substances or waste associated with this type of development.

D) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The project site is not located on a hazardous waste site.

E) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project site is not located within an Airport Land Use Plan nor is it within two (2) miles of an existing airport.

F) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
No impact. There are no private airstrips in the vicinity of the airport site.

G) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The project site is included in the City of McFarland's Emergency Response Plan.

H) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project sire is in an area of agricultural land uses and urban development neither of which are considered wildlands.

HYDROLOGY AND WATER QUALITY DISCUSSION

This environmental issue focuses on the impacts of a project on surface and groundwater, including compliance with water quality standards and regulation, depletion of groundwater supplies, pollution or degradation of water quality. Additionally, concerns include water related hazards such as flooding, mudflows, and similar hazards. This area of environmental concern also addresses potential project impacts on area drainage, including storm water runoff.

DISCUSSION OF IMPACTS

A) Would the project violate any water quality standards or waste discharge requirements?

No Impact.

B) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact.

C) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

No Impact.

D) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No Impact.

E) Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. Any storm water or runoff associated with the site will be conveyed, via underground pipes, to an existing retention basin that will allow the water to percolate into the ground.

F) Would the project impede or redirect flood flows?

No Impact.

G) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact.

H) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact.

LAND USE AND PLANNING DISCUSSION

This environmental issue focuses on the impacts of a project on adopted land use, habitat conservation or natural community conservation plans. The specific focus of this area of environmental concern is the project's potential to conflict with established plans and policies or the potential for the project to physically divide a community area.

DISCUSSION OF IMPACTS

A) Would the project physically divide an established community?

No Impact. The project site is located on the existing City limits and is directly north and west of existing residential development.

B) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The proposed uses are consistent with the project site's General Plan Land Use designation and Zoning Classifications.

MINERAL RESOURCES DISCUSSION

This environmental issue focuses on the impacts of a project on known mineral resources of commercial or otherwise documented economic value.

DISCUSSION OF IMPACTS

A) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The McFarland area does not contain any identified oil or natural gas fields (Kern County Oil Fields map, California Department of Conservation, 2002)

B) Would the project result in the loss of availability of a locallyimportant mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. There are no mineral resource recovery sites located in the McFarland area.

NOISE DISCUSSION

This environmental issue focuses on the impacts of a project with respect to noise or ground-borne vibration. The creation of new noise or ground-borne vibration conditions or activities that will result in people or property being exposed to existing noise or vibrations is the primary area of focus under this environmental issue. Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and interferes with or disrupts normal activities. Federal, state, and local regulations have been developed to avoid noise impacts.

DISCUSSION OF IMPACTS

A) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

No Impact.

B) Generation of excessive ground borne vibration or ground borne vibration or ground borne noise levels?

No Impact.

C) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels

No Impact.

POPULATION AND HOUSING DISCUSSION

This environmental issue focuses on the impacts of a project on population and housing, including population growth or displacement of human population and housing.

DISCUSSION OF IMPACTS

A) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. Future development of the site will include residential development; however, the project site is located in the City of McFarland and has been planned for urban development.

B) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. There are no dwelling units located on the project site.

C) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. There are no dwelling units located on the project site.

PUBLIC SERVICES DISCUSSION

This environmental issue focuses on the impacts of a project on public service facility needs and the potential environmental impacts of developing and/or expanding these facilities. Facility needs can be defined by the need to maintain acceptable levels of service such as response times or other such community service standard as may apply.

DISCUSSION OF IMPACTS

A) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

B) Fire protection?

No Impact.

C) Police protection?

No Impact.

D) Schools? Parks?

No Impact.

E) Other public facilities?

No Impact.

RECREATION DISCUSSION

This environmental issue focuses on the impacts of a project on public recreation service and facility needs and the potential environmental impacts of developing and/or expanding recreation facilities. Facility needs can be defined by the need to maintain acceptable levels of community recreation service in the area and region.

DISCUSSION OF IMPACTS

A) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The developer of the proposed project will construct a 2.38-acre park on the site. This park will serve residents of the proposed development, but also be open to the city for use.

B) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact.

TRANSPORTATION DISCUSSION

This environmental issue focuses on the impacts of a project on transportation systems including roads and highways, public transportation systems, pedestrian circulation and access, parking, and emergency access. Impacts can be in the form of new hazardous circulation or traffic conditions, conflict with existing plans or policies, or creation of an unacceptable traffic level on a transportation system or facility.

DISCUSSION OF IMPACTS

A) Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into

account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

No Impact. The City of McFarland adopted a Circulation Element. Included in this circulation Element is a list of projects that primarily deal with new or expanded infrastructure to accommodate the increase in vehicle traffic that is generated by new development. The applicant will be required to dedicate land for right-of-way purposes to the City of McFarland. As development occurs the dedicated right-of-way will be constructed to City standards which include adequate lanes of travel, sidewalk, and pedestrian access.

B) Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. The city does not have a congestion management program however the City's recently adopted Circulation Element includes level of service requirements that need to be maintained. As stated under item (a) above, road improvements will be required to ensure that traffic moves at or above the projected level of service.

C) Would the project 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?

No Impact. We are far from an airport.

D) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. City Engineer, Surveyor, and City Planner have done plan checks to ensure no hazardous features are present on-site.

E) Would the project result in inadequate emergency access?

No Impact. Project site will have various exits and entrances in order to prevent any issues.

F) Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The City of McFarland does not have a fixed route transit system therefore no transit facilities will need to be constructed.

TRIBAL CULTURAL RESOURCES DISCUSSION

This environmental issue focuses on the projects potential impact on any tribal or cultural resources that may be present.

DISCUSSION OF IMPACTS

A) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Sections 21074 as either a site, feature, place, cultural landscape that is geologically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. Listed or eligible for listing in the California Register of Historical resources as defined in Public Resources Code Section 5020.1(k), or

No Impact.

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Sections 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact.

UTILITIES AND SERVICE SYSTEM DISCUSSION

This environmental issue focuses on the impacts of a project on public utility systems or facilities such as water, wastewater, storm water drainage or other utility or service systems.

DISCUSSION OF IMPACTS

A)Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact.

B) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

No Impact.

C) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
No Impact.

D) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No Impact.

E) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact.

WILDFIRE DISCUSSION
This environmental issue focuses on the impacts of a project on a wildfire or the potential of accelerating potential wildfire.

DISCUSSION OF IMPACTS

A) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact.

B) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact.

C) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact.

D) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less Than Significant Impact. Project site is currently agriculture, site will be paved and constructed. Not a significant amount to cause a risk.

MANDATORY FINDINGS OF SIGNIFICANCE DISCUSSION

DISCUSSION OF IMPACTS

A) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a lant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No Impact. The project site is currently agriculture land and contains no endangered plants or animals.

B) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less Than Significant Impact. The project would not conflict with the appropriate General Plan Land Use designation and policies of the McFarland General Plan. All current and future project's impacts would be reduced to a less than significant level by adherence to basic regulatory requirements and/or conditions of approval incorporated in the project design.

C) Does the project have environmental effects which will cause substantial adverse on human beings, either directly or indirectly?

No Impact.

CITY OF MCFARLAND
PLANNING DEPARTMENT

Vesting Tentative Tract Map 7393
Conditions of Approval
June 1, 2021 PRELIMIANRY

PART A – PROJECT INFORMATION

Assessor's Parcel Number 060-090-29

Job Address: No address assigned yet

Existing General Plan: Single Family Residential

Existing Zoning: R-1 Single Family Residential

Tract #: Tract 7393

PROJECT DESCRIPTION:
The proposed project is a proposal to construct Tract 7393. The project will consist of 167 single-family homes with various lot sizes starting at a minimum of 5000 square feet with an average lot size of 6081 square feet. This tract will be conducted with 4 phases. There will be a drainage basin and a neighborhood park with a total acreage of approximately 2.38 acres.

The existing parcel will be divided, and the Parcel Map will be recorded to create two parcels. One parcel consists of Tract 7393 and the other parcel comprises Tract 7394.

These residential units will follow all new California Building Code and require solar panels to be installed on new single-family residences. This will give homeowners the ability to conduct their own electricity.

Sanitary sewer and water will be provided by the City of McFarland, refuse services by Franchise Hauler, Police Services by the McFarland Police Department and Fire Services by Kern County Fire Department. All water run-offs will be conveyed to the City owned retention basin located at the westerly property line on Taylor Ave.

PART B – CONDITIONS OF APPROVAL

The conditions of approval are based on adopted City plans and policies, determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the community, and recommended conditions will enhance the project and its relationship to the neighborhood and environment.

Conditions of approval may be appealed within fifteen (15) calendar days from the date of the approval. However, conditions based on the City of McFarland Municipal Code are mandatory and may be modified by variance, provided findings pursuant to the McFarland Municipal Code Section 17.148 can be made. Should an appeal of a mandatory condition of approval be received, an application for a variance and the associated fee must be submitted for consideration.

GENERAL CONDITIONS AND REQUIREMENTS

1) The applicant(s)/subdividers(s)/developer(s) (hereinafter referred-to as "Developer"), at their sole cost and expense, shall defend, indemnify and hold harmless the City of McFarland (hereinafter referred to as "City") , its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of VestingTentative Tract Map 7393 (hereinafter referred to as VTTM-7393) or, at its election and in all alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City's reasonable approvals. Developer shall also reimburse the City, its agents legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such actions, claim, or proceeding. The City may at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the Developer of their obligations under this condition.

2) The following disclosure shall be given as part of transfer to properties: "If your real property is near property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on any 24 hours basis. Said discomforts may include, but not be limited to equipment noises, odors from manure or other chemicals, and dust or smoke: The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City and will not be considered a nuisance for those inconveniences or discomforts arising from agricultural operations, provided such operations are consistent with accepted customs, standards, and laws." Developer, or his successor, shall inform prospective homebuyers of the possible exposure to agricultural chemicals that may be used on adjacent agricultural lands.

3) Developer, or the general contractor shall submit a list of all contractors and/or subcontractors performing work on VTTM-7393 to the City Clerk and such contracts and subcontractors shall obtain valid business licenses to do business and/or work in the City.

4) Until all portions of VTTM-7393 have been completed, all vacant and undeveloped land within the boundaries of VTTM-7393 shall be maintained in a weed-free, clean or orderly manner by the Developer. Should said property not be maintained, the City shall notify property that the property is to be cleaned within thirty (30) days of receipt of said notice. If property owner does not comply within the required time frame, City may then clear the land and bill property owner for expenses incurred.

5) VTTM-7393 shall expire twenty (20) years from the date of final approval by the City Council consistent with the term of the Development Agreement approved for this Project, and in accordance with California Government Code, §66452.6. In the event the City enacts a moratorium on residential development for any reason whatsoever, VTTM 7393 shall be extended for the same period of time as said moratorium.

6) Developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.

7) Developer shall submit a copy of any proposed Covenants, Conditions and Restrictions (CC&R's) to the City's Community Development Director prior to - Certification of Occupancy and CCRs must also be approved by the city prior to a certificate of occupancy being issued. If the Community Development Director determines that said CC&R's result in any consistency with City Ordinance the City General Plan, or City Development standards, said CC&R's shall be amended to eliminate any such inconsistency. Once the CC&R's are accepted by the City, none of the portions thereof shall be amended, modified or changed without first obtaining written consent from the City.

8) Any and all applicable City fees adopted as of the effective date of the Development Agreement and for a period of twenty (20) years thereafter, including but not limited to Connection Fees, Impact Fees and Exactions, as those terms are defined in the Development Agreement, shall be paid to the City of McFarland prior to the issuance of a building permit.

9) Prior or concurrent with the recordation of the final map for the first phase of Tract 7393, the Developer shall convey title to the City for park site and drainage basin at the location and property size as shown on the vesting tentative tract map and developed in accordance with the Development Agreement.

10) Within five working days after project approval, the applicant shall pay the mandatory Notice of Determination (NOD) filing fee of $50.00 along with the mandatory State Department of Fish and Wildlife CEQA review fee as amended or adjusted from time to time. (F&G code §713) for Kern County Clerk NOD processing. The check will be made to Kern County Recorder. If the required filing fee is not paid for the project, the project approval will not be operative, vested, or final and any local permits issued for the project will be invalid (§711.4 (c) (3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the vesting tentative tract map, it will extend the time frame for CEQA legal challenges.

PLANNING CONDITIONS:

11) All Street names shown on the final map are subject to approval of the Community Development Director after consultation with the subdivider or subdivider's representative and approved by the Planning Department. The approved street names shall be shown on the Final Map. The words "Avenue," "Boulevard," "Drive," "Place," "Way," "Street," "Road" or other designation of any such street or way shall be spelled out in full. City logo must be present on signage for all subdivision street signs.

12) ***Residential Subdivision Land Use Design Criteria***. It is the intent of the General Plan and the provisions of this Title to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the City. The following represents components of design requirements for all residential subdivisions:

a. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yard building setbacks. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.
b. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the City Building Official.
c. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one- story element into the two-story structure shall be required when feasible.
d. The minimum size for construction of a new house in the City shall be one thousand one hundred square feet.
e. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.
f. If custom homes are not proposed, the developer shall provide a minimum of five (5) floor plans and four (4) building elevations for each proposed floor plan. The required number of building elevations may be reduced by one for every two building footprints added to the required minimum number. Elevations, for the purpose of meeting this requirement, shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevations of any other house in the same

subdivision as seen from the street upon which it faces. No two identical elevations shall be placed side by side within a subdivision.

g. Color.

i. The use of monochromatic and complementary accent and trim colors is considered to meet the intent of this Chapter.

ii. The use of bright or garish colors (i.e., fluorescent "hot" or "day-glow" colors) shall not be permitted.

iii. Using building materials in their natural state, such as brick or stone, is strongly recommended.

iv. The use of colors to express individuality and identity within a cohesive and attractive framework is encouraged. Such colors should be in harmony with other colors used in the immediate area.

h. ***Landscaping of Model Homes***. Notwithstanding the provisions of Section 20.10.410, and as to this Section only, any new single-family project or development:

i. Consisting of eight or more lots;

ii. In which one or more model homes are built; and

iii. Which landscapes said model home(s), shall provide the following:

iv. All landscaped model home shall comply with the requirements of this Chapter; and

v. A four square foot sign shall be placed in the front yard of each said model home that contains such water efficient landscaping, such that it is clearly visible to pedestrian and vehicular traffic. Said sign shall state that the model features a water saving landscape and irrigation system; and

vi. Within said models, there shall be located a drawing, or combination of drawings, providing a schematic and description of the landscaping and irrigation system, including a key identifying the common names of all plantings which are part of said landscaping.

13) ***All Landscaping to comply with MWELO*** A landscaping and irrigation plan prepared by a licensed landscape architect shall be submitted to the City for approval by the Community Development Department. All landscaping plans shall comply with the requirements of the State Model Water Efficiency Landscape Ordinance (MWELO). Species, sizes, and number of proposed tree and shrub species shall be shown, labeled on the required plans, and consistent with the City's Adopted Urban Forestry Guidelines. The required plans shall show irrigation facilities, automatic controller locations, and points of connection as required by local and state laws. Lawn (turfed) areas and walkways shall be shown.

14) ***Front Yard Landscaping*** The developer shall provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final

inspection for any house constructed in that subdivision, as follows: landscaping and an irrigation system for both the front yard and the street side yard, provided the street side yard is not obscured from sight from an adjacent street by fencing, of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one tree from the approved City Plant List with a minimum listed canopy width of fifteen (15) foot tree canopy; (2) ten percent of said yard area shall consist of a landscaped planter; and (3) the remaining portion of said yard area not occupied by a driveway, shall be improved with sod including one, six-station clock and two, one-inch valves. All plant materials shall be selected from the City approved Urban Forestry Guidelines. The applicant shall provide two variations of landscaping plans for each model and shall not place the same landscaping configuration on two adjacent properties.

15) ***Side Yard Wall/Fence Requirement***: Properties with side yards abutting the public right of way may have wood fencing material but must include enhanced landscaping selected from the City Urban Forestry Guideline in order to screen the fencing material from the street. The plants shall be minimum of three feet in height and three feet wide when planted, as listed within the City Plant List. If enhanced landscaping is not installed, the fencing type along the side yards abutting the public right of way must be approved by the Community Development Department. The applicant shall notify property owners of that maintenance of these areas is their responsibility as property owner.

16) ***Maintenance of Landscaping***. All landscaping and structural features that are required pursuant to this Chapter shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating. For purposes of enforcement, the owner and the occupant of the property shall be responsible for such maintenance. In the case of a vacant building, the owner shall be responsible for such maintenance.

17) ***CEQA Compliance:*** The tract map shall comply with any adopted environmental mitigations for the project..

18) ***Development Agreement***. If a Development Agreement is adopted for the proposed project, the Development Agreement requirements as adopted by the City Council shall supersede or modify any requirements listed within the Conditions of Approval.

19) ***All Plant Materials.*** Said plans shall be in compliance with the Municipal Code and Subdivision Design Standards. All landscaping and irrigation system plans shall be submitted to the City of McFarland for review and subsequent approval by the Community Development Department, the City's Engineer Office prior to acceptance of the Final Map.

20) ***Screening Requirements*** Prior to occupancy approval for residential units within the tract map or applicable phase thereof, Developer shall construct the following: A six-foot exterior masonry wall, or a combination of masonry and other compatible material with split block faces, columns, or other design features to provide visual relief along the wall face for the northerly boundary of Tract 7393 adjacent to Taylor Avenue; the easterly boundary of Tract 7393 adjacent to Garzoli Avenue; and the easterly and westerly boundaries of the proposed park. Said wall(s) shall meet the City's specifications and subdivision standards. The entire wall for each phase shall be completed and receive final inspection approval, prior to issuance of the first occupancy permit within the development. Exterior surrounding walls of the exterior of the Tract 7393 shall be constructed with decorative materials which include, but are not limited to split face block, slump stone, stucco block, brick, or other similar materials but specifically excluding precision cinder block construction or may be designed to match adjacent exterior walls of adjacent subdivisions. The exterior wall shall include a capstone of a minimum of one (1) inch, and pilasters at every 50'-0''. Both the capstone and pilasters shall vary in shade from the rest of the block wall. The wall shall be shown on any permits required for construction of the proposed use prior to issuance of said permits. Final screening design and materials shall be submitted Community Development Department for approval prior to construction.

BUILDING CONDITIONS:

21) Private driveways constructed of Portland concrete/cement shall be constructed at a minimum width of sixteen (16) feet from the edger of the public right-of-way to the garage of each house.

22) Prior to permitting occupancy of any lot, building addresses shall be permanently installed and clearly visible from the street, in accordance with the requirements of the McFarland Municipal Code.

23) Prior to a Certificate of Occupancy being issued for any structure all required off-site improvements shall be installed and inspected by the City of McFarland.

24) ***Building Permit Fees.*** The Developer shall be responsible for paying all applicable building permit fees as adopted in Resolution No. 2020-0027, which shall apply throughout the entire development of Tract 7393.

25) ***Development Impact Fees.*** The Developer shall be responsible for paying all development impact fees as adopted in Resolution No. 2020-0046, which shall apply throughout the entire development of Tract 7393. All fees associated with each lot shall be paid at time of building permit.

ENGINEERING CONDITIONS:

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

27) This map is being created from Tentative Parcel Map 12412. Final Tract Map 7393 shall not be recorded until the Parcel Map has recorded in accordance with the Subdivision Map Act.

28) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved vesting tentative map.

29) The applicant to reimburse the City of McFarland for expenses of consultants work for Vesting Tentative Tract Map No. 7393 and agrees to reimburse the City within thirty (30) days of receiving an invoice from the City of McFarland for these expenses.

30) ***Development Agreement (DA):*** A Development Agreement will outline more specifics related to scope and timing of required offsite and park improvements. A Subdivision Improvement Agreement for each phase of the project will be required, in which onsite and offsite public improvement security will be addressed, along with the required landscape and lighting maintenance districts.

31) ***Grading Permit Fee:*** This fee is set by the building code, where the cost depends on the cut/fill volume, and shall be paid prior to Final Map approval. All building finish floor elevations shall be a minimum of one foot above the front street curb elevation.

32) ***Engineering Inspection and Materials Testing***: 3.5% deposit of the engineer's estimate of the public improvements shall be paid prior to Final Map approval. Total Fee will consist of total time and material plus 15% administration fee.

33) ***Plan-check fees***: An engineering plan-check fee deposit of $3,000.00 of the engineer's estimate of the public improvements and grading plan shall be paid at time of plan submittal. Total Fee will consist of total time and material plus 15% administration fee.

34) ***Encroachment Permits***: Encroachment Permits must be paid and acquired prior to any street improvement or any new utility installation within the public right-of-way.

35) The project site is subject to all applicable City of McFarland ordinances, regulations, standards and policies.

36) The applicant shall obtain necessary permits and/or approvals from all agencies having jurisdiction with respect to this project.

37) Provide the City of McFarland with a copy of the current Title Report

38) Provide the City of McFarland with a Preliminary Soils Report that addresses all improvements.

39) Provide the City of McFarland with an estimate of the cost of improvements for bonding or securities of improvements.

40) All improvements to comply with American Disabilities Act standards and regulations (ADA) including drive approach ramp(s), walk around(s), etc.

41) Provide an on-site Drainage Study for the 10-year 5-day storm per Kern County standards.

42) Developer shall provide existing sump volume verification for additional runoff capacity.

43) Retention basins shall be fenced and provided with gated access when the design ponding depth exceeds 18 inches. All retention basins shall be enclosed by a six (6) foot high commercial grade chain link fence with privacy slat except the northern boundary of sump. Northern boundary shall be construct of a six (6') foot high cement block wall.

44) Project to satisfy National Pollution Discharge Elimination System (NPDES), State and Central Valley Regional Water Quality Control Board requirements.

45) The following road improvements are required:

    a. Install Curb, Sidewalk, gutter, and pavement adjacent to Tract 7393 along southside of Taylor Ave within the 45' right-of-way.
    b. Install curb, sidewalk, gutter, and pavement adjacent to Tract 7393 along the westside of Garzoli Ave within the 45' right-of-way.
    c. With dedication of right-of-way from property owner, Developer to install Curb, sidewalk, gutter, and pavement on the South/West corner property at the intersection of Garzoli Ave and Taylor Ave., conditioned on the following:
        i. The cost of these improvement will turn into credit towards traffic impact fees applicable to each lot in Tract 7393 and applied until completely exhausted.
        ii. City shall be responsible for acquiring any additional right-of-way necessary to complete this improvement.
        iii. If dedication is not given to City by property owner, section C shall be removed and not be completed.

46) All new and existing utilities to be installed underground.

47) Developer shall use Roadway hard surface design TI-7.

48) Lighting for all roads surrounding and within subdivision must follow city standard lighting improvement standards.

49) Improvement plans to include a Dust Control Plan as required by San Joaquin Valley Air Pollution Control District (SJVAPCD).

50) Provide verification from Division of Oil and Gas of no conflicts.

51) Provide Kern County Fire Department project approval prior to any plan approvals.

52) Developer shall comply with requirements of the Kern County Fire Department regarding fire hydrants, and hydrant maintenance.

53) Verify water service capacity prior to any plan approval.

54) Sewer and water service shall be provided for each parcel created.

55) Developer shall verify wastewater plant capacity prior to any plan approval.

56) Developer shall verify gravity service sewer system prior to any plan approval.

57) All streets, alleys, access rights, drainage and/or sewer easements and other easements and parcels of land shown on the final map as intended for public use shall be offered for dedication for public use pursuant to the Subdivision Map Act.

58) The final map shall show the location, width and side lines of all easements to which the lots are subject. If an existing easement is not definitely located of record, a statement as to the easement shall appear on the title sheet. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines. Distance and bearings on the side lines of the lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easement, the lengths of the bearings of the lines thereof, and sufficient ties to locate the easement shall be clearly labeled and identified, and, if already of record, proper reference to the records shall be given. Easements being dedicated shall be so indicated in the certificate of dedication.

59) Sufficient data shall be shown to determine readily the bearing and length of each line. Dimensions of lots shall be the net dimensions.

60) Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the city engineer. Such plans will be required before approval of the final map. All such plans and profiles shall be filed with the city engineer.

61) Developer shall provide copies of complete set of Civil on-site/offsite improvement plans

signed by a California Registered Civil Engineer.

62) Developer shall provide complete Engineer's Cost Estimate per the project's improvement plans signed by a California Registered Civil Engineer. Use current Kern County Development Standards Division Seven Sec. 701-1 to Sec. 702-9. The estimate shall include a contingency factor to compensate for the effect of inflation and any changes in construction during the life of the project.

63) Improvement work shall not be commenced until the city engineer and the public works director have been notified in advance, and if work has been discontinued for any reason, it shall not be begun again until the city engineer and public works director have been notified.

64) All required improvements shall be constructed under the inspection of, and to the approval of, the city engineer and the city public works director.

65) All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when connections thereto are made.

66) All streets and highways shall be graded and surfaced to cross sections and grades approved by the city engineer.

67) Structures shall be installed as required for drainage, access and/or public safety. Such structure shall be placed to grades and shall be of a design approved by the city engineer.

68) Vertical curbs, gutters and sidewalks shall be installed to grades and at locations approved by the city engineer prior to the issuance of an occupancy permit on building construction on any site within the subdivision. Sidewalks shall be required on all street frontages.

69) Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, location and design and size approved by the city sewer engineer. No septic tanks or cesspools shall be permitted. Location of house sewer laterals shall be marked on curb or sidewalk with a letter "S."

70) Storm drains shall be installed as required by the city engineer.

71) Water mains and fire hydrants of design and layout and in locations approved by the city water engineer and public works director shall be installed by the subdivider. Location of water services shall be marked on the curb or sidewalk with a letter "W." The water system shall be installed and in operation and all required fire hydrants

connected thereto prior to the commencement of building construction on any site within the subdivision.

72) Permanent stainless-steel storm drain markers shall be installed at all storms drain inlets. Coordinate "No dumping" legend with City.

73) Street signs of a type approved by the city shall be installed by the subdivider, in locations approved by the city engineer. Two street name signs shall be installed at each four-way intersection within the subdivision and one street name sign shall be installed at each two-way or three-way intersection. Any required barricades to prevent traffic access to dead-end streets shall be provided by the subdivider.

74) Ornamental streetlights shall be installed by the subdivider, at locations approved by the city engineer, at each four- way intersection, at each three-way intersection, at each two-way intersection, at the end of each cul-de-sac and at such other locations as necessary to provide that no point along any street within the subdivision shall be more than two hundred fifty feet from a streetlight.

75) Permanent monuments in accord with the standard specifications shall be set at all angle and curve points on the exterior boundaries of the subdivision, at all street intersections, at all angle points of street lines, and at all curve points, both simple and compound, of street lines. Monuments in street lines shall be set on street centerlines unless otherwise directed by the city engineer; provided, however, such permanent monuments need not be set at angle and curve points on the exterior boundaries of the subdivision when such points on the exterior boundaries of the subdivision have been previously monumented and accepted by the city.

76) The engineer or surveyor shall set at all corners a marker not less substantial and enduring than one-half-inch iron pipe eighteen inches long with a noncorroding material with the registered engineer's or licensed land surveyor's marker on the head thereof.

77) Any monument or benchmark, as required by the provisions of this title, which is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider.

78) Monuments and benchmarks shall be set before acceptance of the improvements by the council.

79) All improvements necessary shall conform to the proposed subdivision to the standards and policies of the city existing at the time of filing the vesting tentative map shall be installed at the cost of the subdivider.

80) Prior to approval by the council of the final map, the subdivider shall execute and file a Subdivision Improvement Agreement between himself and the city specifying a period

(not to exceed twelve months), within which he, or his agent or contractor, shall complete all improvement work and providing that if he fails to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall provide for the inspection of all improvements by the public works department. Such agreement shall include such stipulations as may be required to assure completion of the subdivision in accord with the requirements of the city.

81) The subdivider shall file with the agreement required provisions to assure his full and faithful performance thereof, a bond or security for such sum as the City engineer deems sufficient to cover the cost of the improvements.

82) The security shall be in the manner, form and kind provided in the Subdivision Map Act. The security shall be in the amount of one hundred percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty percent of such sum securing the payment by the subdivider to his contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements.

83) The security provided shall guarantee maintenance and/or all defects in the required improvements for a period of one year following acceptance of the improvements by the City.

84) (Location) Please add the current property description to the title. (Being a Division of Parcel _ - of Parcel Map 12412)

85) Water Meters shall be installed to City Standard and a Master Smart Meter (Part # B16-A31-B15-0101A-1) shall be installed at each single-family dwelling.

86) Water conservation methods to be utilized to satisfy City & State recommendations and requirements.

87) Sewer service to be provided for each parcel created.

88) All dedications and improvements shall conform to the current City of McFarland Improvement Standards and the Americans with Disabilities Act.

89) All improvements shall be completed, approved by the city engineer, and accepted by the council before a certificate of occupancy for any structure can be issued and a One Year Guarantee Security shall be posted as required by City Ordinance or a Subdivision Improvement Agreement, Faithful Performance and Laborer and Materialmen Security, and Insurance Certificate shall be posted as required by the City Ordinance for Final Parcel Map recordation.

90) Provide note on Improvement Plans: "PRIOR TO ACCEPTANCE OF IMPROVEMENTS: PROVIDE INSPECTION APPROVAL BY CITY WATER ENGINEER, CITY PUBLIC WORKS DEPARTMENT, CITY POLICE DEPARTMENT AND KERN COUNTY FIRE DEPARTMENT, AND PROVIDE RECORD DRAWINGS AND ONE YEAR GUARANTEE SECURITY.

91) DEVELOPER MUST ANNEX TO THE CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICTS (CFDS) FOR: LANDSCAPING AND STREET MAINTENANCE CFD 2017-2; POLICE SERVICES CFD 2017-1; AND FIRE PROTECTION CFD2019-1.

KERN COUNTY SUPERINTENDENT OF SCHOOLS:

92) The applicant shall be required to pay school impact fees in the amount of $4.08 per square foot of residential development and $0.66 per square foot for commercial development. All school fees shall be paid prior to issuance of a building permit.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT:

93) The applicant shall submit and Air Impact Assessment to the San Joaquin Valley Air Pollution Control District. The Air Impact Assessment shall be submitted and approved prior to the recordation of the Final Map.

94) Development of VTTM-7393 may be subject to additional Air District rules therefore the applicant shall contact the San Joaquin Valley Air Pollution Control District prior to construction commencing on any phase of the development.

MCFARLAND RECREATION AND PARKS DISTRICT:

95) Dedication of 2.38 acres park to cover all Quimby Fees and the development of the park in lieu of Park Impact Fees for Tracts 7393 and 7394.

RESOLUTION NO. 2021-0048
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING VESTING TENTATIVE TRACT 7393 AND 7394 AS REFLECTED IN EXHIBIT A AND CONDITIONED IN EXHIBIT B

WHEREAS, LeOra LLC ("Applicant"), as the owner of Assessor's Parcels 060-090-29 is proposing to subdivide a parcel into two vesting tentative tracts (VTT7393 and VTT7394); and

WHEREAS, on March 30, 2021, Applicant submitted an application requesting approval of: 1) Vesting Tract 7393, and 2) Vesting Tract 7394 to subdivide the 75.96-acres lot into 350 lots. The project site is located at Southwest property at intersection of Garzoli Ave and Taylor Ave. APN: 060-090-29. ("Project"); and

WHEREAS, on July, 2021, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the City prepared an Initial Study/Negative Declaration dated May 1, 2021, which was circula The Notice of Intent to Adopt a Negative Declaration and Initial Study/Mitigated Negative Declaration were filed with the Governor's Office of Planning and Research State Clearinghouse and the County Clerk, on July 12, 2021; and

WHEREAS, on June 15, 2021, the City's Planning Commission received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission took a vote and adopted Resolutions No 2021-0006PC and 2021-0007PC to approve recommendation of the Project pursuant to the conditions of approval attached to the Resolution and the Negative Declaration; and

WHEREAS, on August 12, 2021, the City Council received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based on the City's General Plan and the City's Zoning Ordinance, and the information submitted to the City Council at its regular meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the City Council of the City of McFarland makes the following additional findings in support of the approvals:

1) The foregoing recitals are true and correct.
2) The proposed project is consistent with the City of McFarland's General Plan Land Use designation;
3) The proposed project is consistent with the City of McFarland's Zoning classification;
4) The proposed project will assist the City in satisfying the required Regional Housing Needs Allocation;
5) The project as conditioned will not detrimentally impact the health, safety and welfare of the community.
6) The initial study/mitigated negative declaration has been prepared and made available for public comment, pursuant to the California Environmental Quality Act Guidelines, and mitigation measures contained therein will reduce all potentially significant impacts of the project to a less than significant level.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for Vesting Tentative Map subject to the Conditions of Approval, a true and correct copy of which are attached hereto as Exhibit A and incorporated herein by reference.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the ____ day of July, 2021 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

_____
Sarah Drake, Interim City Clerk

_____
Maria Lara, City Manager

CITY OF MCFARLAND:

_____
Sally Gonzalez, Mayor

Attachments: Exhibit A-Conditions of Approval.

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

_____
Sarah Drake, Interim City Clerk

_____
Maria Lara, City Manager

MEMORANDUM
CITY OF MCFARLAND

TO: Honorable Mayor and City Council Members

FROM: Maria Lara, Community Development Director

DATE: August 26, 2021

SUBJECT: Report, Discussion, and Possible Approval of Vesting Tentative Tract Map 7394.

RECOMMENDATION:
Staff recommends the City of McFarland City Council to approve Vesting Tentative Tract Map 7394 to produce new housing development and provide 183 residential houses.

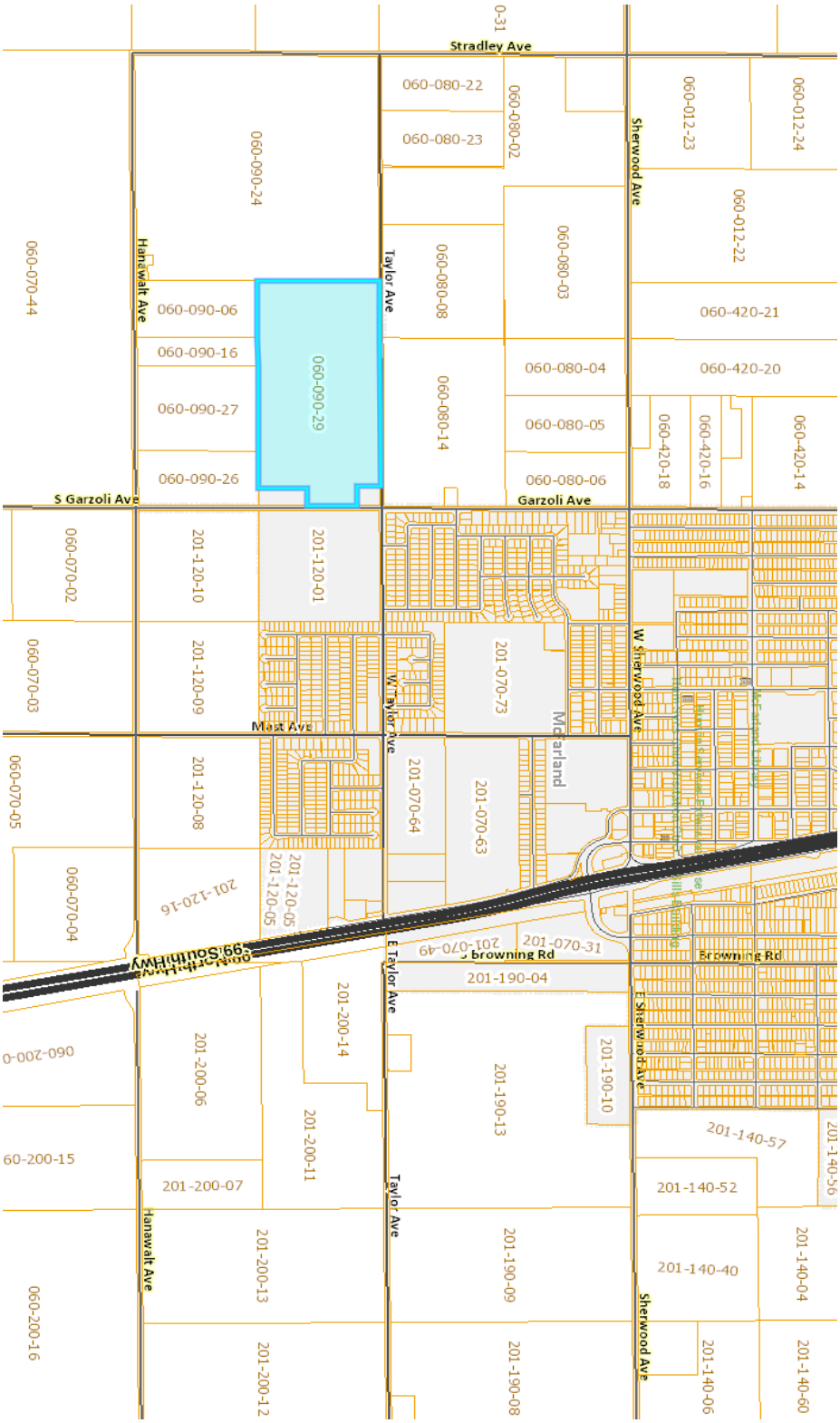
BACKGROUND:
The parcel is located across Horizon Elementary at the Southwest corner of Taylor Avenue and Garzoli Avenue. Property is designated as single-family residential, R-1, zoning on the City General Plan Map and Zoning map. The designated zoning will remain on the Tentative Tract. The existing parcel has been divided, and Parcel 2 will be recorded as the Tentative Tract 7394. Parcel 2 will consist of 37.38 acres gross. If approved, the Tentative Tract 7394 would bring forth 183 residential lots. The Tentative Tract 7394 Map went through a plan check from the City Planning Department, the City Engineer, and Subdivision Committee. The proposed project will include conditions of approval that are based on adopted City guidelines, vision, and policies, those determined through subdivision review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the community, and recommended conditions for development that are not essential to the health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

FISCAL IMPACT:
Legal Fees -Development Agreement

Attachments:
Attachment 1 – Vicinity Map
Attachment 2 – Aerial Photograph
Attachment 3 – Proposed Tentative Tract 7393 Map
Attachment 4 – Conditions of Approval

ATTACHMENT 1

Vicinity Map



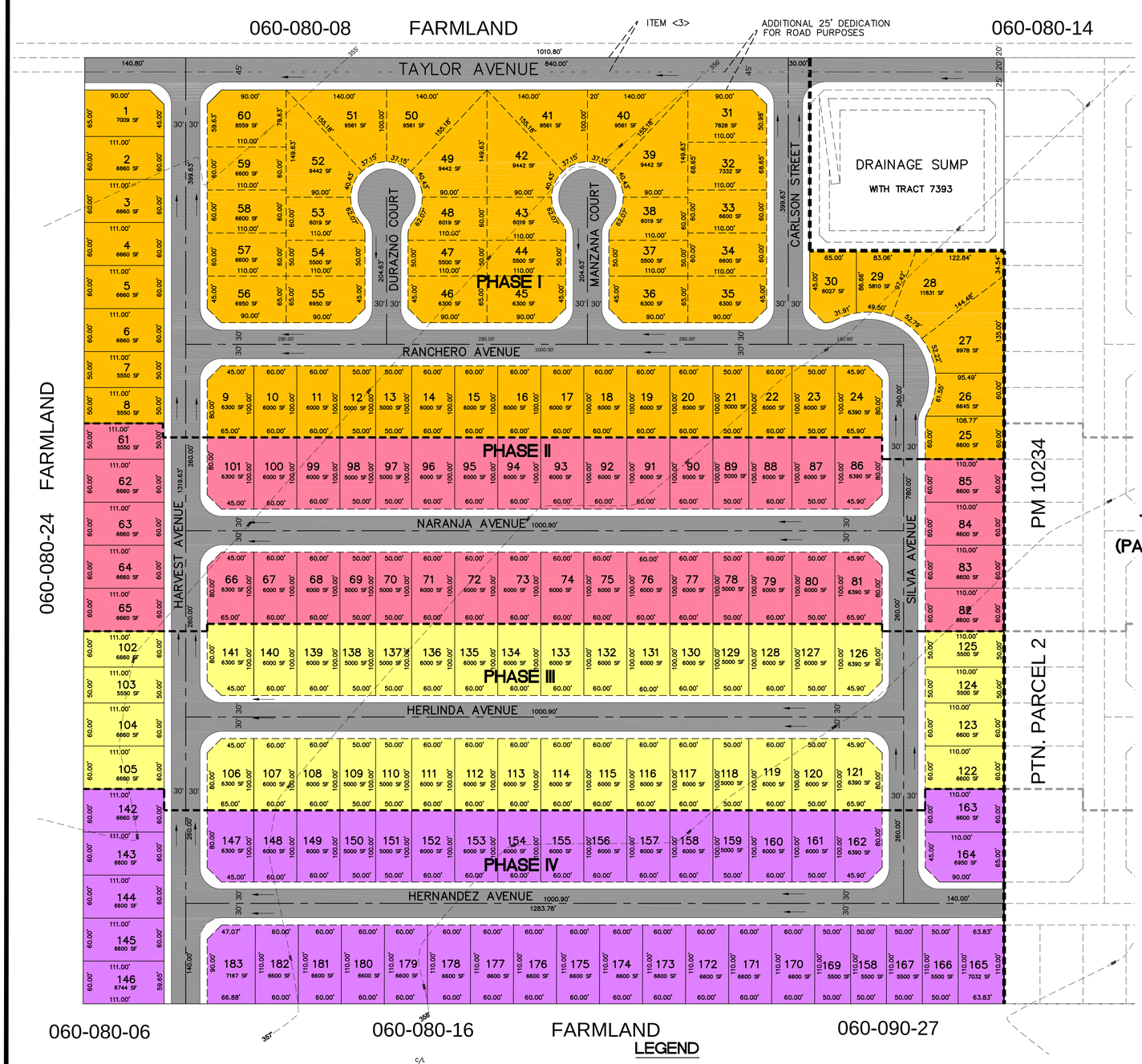
ATTACHMENT 2

Aerial photograph

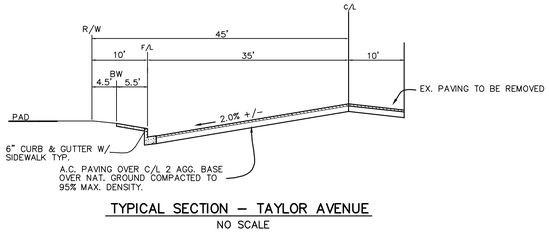


ATTACHMENT 3

Proposed Tentative Tract 7394 Map



TRACT 7393
(PAR. 1, P.M. 12412)



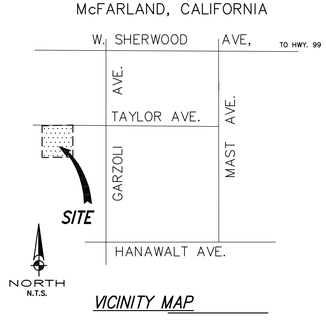
TYPICAL SECTION – TAYLOR AVENUE
NO SCALE

LEGEND

- PHASE I (60 LOTS)
- PHASE II (41 LOTS)
- PHASE III (40 LOTS)
- PHASE IV (42 LOTS)

TOTAL 183 LOTS

NOTE: CUL DE SAC RADIUS = 50' WITH 25' RAD. RETURNS
KNUCKLE RADIUS = 85' WITH 25' RAD, RETURNS
ALL CURB RADIUS AT STREET INTERSECTIONS ARE 30'
PER CITY OF McFARLAND STANDARDS



VICINITY MAP

PREPARED BY:

PCS LAND SERVICES
6501 FRUITVALE AVENUE
BAKERSFIELD, CA 93308
(661) 808-5997
RANDALL A. BERGQUIST
L.S. 5880 (EXP 12-31-22)

LICENSED LAND SURVEYOR
RANDALL A BERGQUIST
Randall A. Bergquist
LS 5880
STATE OF CALIFORNIA

SUBDIVIDER:

LEORA, LLC
6501 FRUITVALE AVENUE
BAKERSFIELD, CA. 93308
ATTN: MICHAEL HAIR

OWNERS:

ARTHUR T. McINTOSH, III AND DONNA KAY McINTOSH
TRUSTEES OF McINTOSH FAMILY TRUST DATED 1/12/2000
WENDELL NICOLAUS TRUSTEE OF MIDDLERIDGE 2008 TRUST
DATED 1/3/2008
CHRISTINE COFFIN

ADDRESS:
27 ROSS COMMONS
P.O. BOX 1623
ROSS, CA 94757
ATTN: WENDELL NICOLAUS

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER: 060-090-29 PTN.
2. APPROXIMATE ACREAGE: 37.38 AC. GROSS
3. PUBLIC ACCESS: TAYLOR AVE.
4. NUMBER OF PARCELS: 183 SINGLE FAMILY LOTS
5. WATER: CITY OF McFARLAND
6. SEWER: CITY OF McFARLAND
7. EXISTING GENERAL PLAN: SR (SUBURBAN RESIDENTIAL)
8. EXISTING ZONING: R-1
   PROPOSED ZONING: SAME
9. CONTOURS: AS SHOWN
10. IMPROVEMENTS; TYPE "A' ROAD IMPROVEMENTS
11. TELEPHONE: FRONTIER
12. CABLE TELEVISION: CHARTER COMMUNICATIONS
13. GAS: SOUTHERN CALIFORNIA GAS COMPANY
14. DRAINAGE: STORM DRAIN LINES TO OFFSITE SUMP
15. SCHOOL DISTRICTS: McFARLAND UNIFIED SCHOOL DISTRICT
    McFARLAND HIGH SCHOOL
16. FIRE PROTECTION: IN CONFORMANCE WITH KERN COUNTY FIRE DEPT. STANDARDS.
17. POWER: PACIFIC GAS & ELECTRIC
18. STREET GRADIENT: MINIMUM 0.15%
    MAXIMUM 1.0%
19. MAP WILL BE PHASED. PRELIM. PHASING SHOWN & MAY BE ADJUSTED.
20. EXISTING LAND USE: AGRICULTURE PROPOSED: SINGLE FAMILY RES.
21. TAYLOR AVE., PROPOSED 45' 1/2 R/W 34' C/L TO F/L AND 11' F/L TO R/W.
    LOCAL STREETS 60' WIDE R/W WITH 40' WIDE F/L TO F/L
22. BUILDING SETBACKS PER CITY OF McFARLAND: 25' FRONT YARD, 5' REAR YARD, 5' SIDEYARD.
23. STREET LIGHTING: MAST ARM LED IN PERIMETER STREETS, POLE LED INTERIOR.
24. DELETED
25. PROPERTY IS IN FEMA ZONE "X" (OUTSIDE FLOOD ZONE).

EASEMENT LEGEND:

ITEM <3> EASEMENT FOR ROAD PURPOSES IN FAVOR OF THE COUNTY OF KERN PER ORDER OF B. OF S. IN VOL. 23, PG. 176 OF MINUTE BOOKS.

EASEMENT FOR PIPELINE PURPOSES IN FAVOR OF THE U.S.A. PER BK. 1978, PG. 275 O.R. CANNOT BE PLOTTED FROM RECORD.

NOTE:

TOTAL LOTS PROPOSED = 183

50' WIDE LOTS = 39 OR 21%

60' WIDE LOTS OR LARGER = 144 OR 79%

LOT SIZES IN TRACT: 5,000 SF TO 11,831 SF

AVERAGE LOT SIZE: 6,177 SF

= DIRECTION OF DRAINAGE

-N-

SCALE: 1"=80'
0 40 80 160

PRINT DATE: 5/20/2021

VESTING TENTATIVE TRACT 7394

BEING A DIVISION OF PARCEL B OF LOT LINE ADJUSTMENT NO. 5-06 AS EVIDENCED BY CERTIFICATE OF COMPLIANCE RECORDED 10/27/2006 AS DOC. NO.0206267032 O.R. ALSO BEING A PORTION OF PARCEL 2 OF PARCEL MAP 10234 FILED IN P.M. BK. 47, PG.134 IN THE S. HALF OF SEC. 14 T. 26 S., R. 25 E., M.D.B.AND M., IN THE COUNTY OF KERN, CITY OF McFARLAND, STATE OF CALIFORNIA.

183 LOTS 37.38 GROSS ACRES

CITY OF MCFARLAND
PLANNING DEPARTMENT

Vesting Tentative Tract Map 7394
Conditions of Approval
June 1, 2021 PRELIMIANRY

PART A – PROJECT INFORMATION

Assessor's Parcel Number 060-090-29

Job Address: No address assigned yet

Existing General Plan: Single Family Residential

Existing Zoning: R-1 Single Family Residential

Tract #: Tract 7394

PROJECT DESCRIPTION:

The proposed project is a proposal to construct Tract 7394. The project will consist of 183 single-family homes with various lot sizes starting at a minimum of 5000 square feet with an average lot size of 6177 square feet. This tract will be conducted with 4 phases. A required drainage basin and neighborhood park will be constructed in connection with development of Tract 7393 and will satisfy the requirements for Tract 7394.

The existing parcel will be divided, and the Parcel Map will be recorded to create two parcels. One parcel consists of Tract 7393 and the other parcel comprises Tract 7394.

These residential units will follow all new California Building Code and require solar panels to be installed on new single-family residences. This will give homeowners the ability to conduct their own electricity.

Sanitary sewer and water will be provided by the City of McFarland, refuse services by Franchise Hauler, Police Services by the McFarland Police Department and Fire Services by Kern County Fire Department. All water run-offs will be conveyed to the City owned retention basin constructed as part of Tract 7393, located at the easterly property line on Taylor Ave.

PART B – CONDITIONS OF APPROVAL

The conditions of approval are based on adopted City plans and policies, determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment

including the health, safety and welfare of the community, and recommended conditions will enhance the project and its relationship to the neighborhood and environment.

Conditions of approval may be appealed within fifteen (15) calendar days from the date of the approval. However, conditions based on the City of McFarland Municipal Code are mandatory and may be modified by variance, provided findings pursuant to the McFarland Municipal Code Section 17.148 can be made. Should an appeal of a mandatory condition of approval be received, an application for a variance and the associated fee must be submitted for consideration.

GENERAL CONDITIONS AND REQUIREMENTS

1) The applicant(s)/subdividers(s)/developer(s) (hereinafter referred-to as "Developer"), at their sole cost and expense, shall defend, indemnify and hold harmless the City of McFarland (hereinafter referred to as "City") , its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of VestingTentative Tract Map 7394 (hereinafter referred to as VTTM-7394) or, at its election and in all alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City's reasonable approvals. Developer shall also reimburse the City, its agents legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such actions, claim, or proceeding. The City may at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the Developer of their obligations under this condition.

2) The following disclosure shall be given as part of transfer to properties: "If your real property is near property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on any 24 hours basis. Said discomforts may include, but not be limited to equipment noises, odors from manure or other chemicals, and dust or smoke: The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City and will not be considered a nuisance for those inconveniences or discomforts arising from agricultural operations, provided such operations are consistent with accepted customs, standards, and laws." Developer, or his successor, shall inform prospective homebuyers of the possible exposure to agricultural chemicals that may be used on adjacent agricultural lands.

3) Developer, or the general contractor shall submit a list of all contractors and/or subcontractors performing work on VTTM-7394 to the City Clerk and such contracts and subcontractors shall obtain valid business licenses to do business and/or work in the City.

4) Until all portions of VTTM-7394 have been completed, all vacant and undeveloped land within the boundaries of VTTM-7394 shall be maintained in a weed-free, clean or orderly manner by the Developer. Should said property not be maintained, the City shall notify property that the property is to be cleaned within thirty (30) days of receipt of said notice.

If property owner does not comply within the required time frame, City may then clear the land and bill property owner for expenses incurred.

5) VTTM-7394 shall expire twenty (20) years from the date of final approval by the City Council consistent with the term of the Development Agreement approved for this Project, and in accordance with California Government Code, §66452.6. In the event the City enacts a moratorium on residential development for any reason whatsoever, VTTM 7394 shall be extended for the same period of time as said moratorium.

6) Developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.

7) Developer shall submit a copy of any proposed Covenants, Conditions and Restrictions (CC&R's) to the City's Community Development Director prior to - Certification of Occupancy and CCRs must also be approved by the city prior to a certificate of occupancy being issued. If the Community Development Director determines that said CC&R's result in any consistency with City Ordinance the City General Plan, or City Development standards, said CC&R's shall be amended to eliminate any such inconsistency. Once the CC&R's are accepted by the City, none of the portions thereof shall be amended, modified or changed without first obtaining written consent from the City.

8) Any and all applicable City fees adopted as of the effective date of the Development Agreement and for a period of twenty (20) years thereafter, including, but not limited to Connection Fees, Impact Fees and Exactions, as those terms are defined in the Development Agreement, shall be paid to the City of McFarland prior to the issuance of a building permit.

9) Within five working days after project approval, the applicant shall pay the mandatory Notice of Determination (NOD) filing fee of $50.00 along with the mandatory State Department of Fish and Wildlife CEQA review fee as amended or adjusted from time to time. (F&G code §713) for Kern County Clerk NOD processing. The check will be made to Kern County Recorder. If the required filing fee is not paid for the project, the project approval will not be operative, vested, or final and any local permits issued for the project will be invalid (§711.4 (c) (3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the vesting tentative tract map, it will extend the time frame for CEQA legal challenges.

<u>PLANNING CONDITIONS:</u>

10) All Street names shown on the final map are subject to approval of the Community Development Director after consultation with the subdivider or subdivider's representative and approved by the Planning Department. The approved street names shall be shown on the Final Map. The words "Avenue," "Boulevard," "Drive," "Place," "Way," "Street,"

"Road" or other designation of any such street or way shall be spelled out in full. City logo must be present on signage for all subdivision street signs.

11) ***Residential Subdivision Land Use Design Criteria***. It is the intent of the General Plan and the provisions of this Title to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the City. The following represents components of design requirements for all residential subdivisions:

a. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yard building setbacks. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.

b. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the City Building Official.

c. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one- story element into the two-story structure shall be required when feasible.

d. The minimum size for construction of a new house in the City shall be one thousand one hundred square feet.

e. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.

f. If custom homes are not proposed, the developer shall provide a minimum of five (5) floor plans and four (4) building elevations for each proposed floor plan. The required number of building elevations may be reduced by one for every two building footprints added to the required minimum number. Elevations, for the purpose of meeting this requirement, shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevations of any other house in the same subdivision as seen from the street upon which it faces. No two identical elevations shall be placed side by side within a subdivision.

g. Color.

i. The use of monochromatic and complementary accent and trim colors is considered to meet the intent of this Chapter.

ii. The use of bright or garish colors (i.e., fluorescent "hot" or "day-glow" colors) shall not be permitted.

iii. Using building materials in their natural state, such as brick or stone, is strongly recommended.

iv. The use of colors to express individuality and identity within a cohesive and attractive framework is encouraged. Such colors should be in harmony with other colors used in the immediate area.

h. ***Landscaping of Model Homes***. Notwithstanding the provisions of Section 20.10.410, and as to this Section only, any new single-family project or development:

i. Consisting of eight or more lots;

ii. In which one or more model homes are built; and

iii. Which landscapes said model home(s), shall provide the following:

iv. All landscaped model home shall comply with the requirements of this Chapter; and

v. A four square foot sign shall be placed in the front yard of each said model home that contains such water efficient landscaping, such that it is clearly visible to pedestrian and vehicular traffic. Said sign shall state that the model features a water saving landscape and irrigation system; and

vi. Within said models, there shall be located a drawing, or combination of drawings, providing a schematic and description of the landscaping and irrigation system, including a key identifying the common names of all plantings which are part of said landscaping.

12) ***All Landscaping to comply with MWELO*** A landscaping and irrigation plan prepared by a licensed landscape architect shall be submitted to the City for approval by the Community Development Department. All landscaping plans shall comply with the requirements of the State Model Water Efficiency Landscape Ordinance (MWELO). Species, sizes, and number of proposed tree and shrub species shall be shown, labeled on the required plans, and consistent with the City's Adopted Urban Forestry Guidelines. The required plans shall show irrigation facilities, automatic controller locations, and points of connection as required by local and state laws. Lawn (turfed) areas and walkways shall be shown.

13) ***Front Yard Landscaping*** The developer shall provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final inspection for any house constructed in that subdivision, as follows: landscaping and an irrigation system for both the front yard and the street side yard, provided the street side yard is not obscured from sight from an adjacent street by fencing, of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one tree from the approved City Plant List with a minimum listed

canopy width of fifteen (15) foot tree canopy; (2) ten percent of said yard area shall consist of a landscaped planter; and (3) the remaining portion of said yard area not occupied by a driveway, shall be improved with sod including one, six-station clock and two, one-inch valves. All plant materials shall be selected from the City approved Urban Forestry Guidelines. The applicant shall provide two variations of landscaping plans for each model and shall not place the same landscaping configuration on two adjacent properties.

14) ***Side Yard Wall/Fence Requirement***: Properties with side yards abutting the public right of way may have wood fencing material but must include enhanced landscaping selected from the City Urban Forestry Guideline in order to screen the fencing material from the street. The plants shall be minimum of three feet in height and three feet wide when planted, as listed within the City Plant List. If enhanced landscaping is not installed, the fencing type along the side yards abutting the public right of way must be approved by the Community Development Department. The applicant shall notify property owners of that maintenance of these areas is their responsibility as property owner.

15) ***Maintenance of Landscaping***. All landscaping and structural features that are required pursuant to this Chapter shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating. For purposes of enforcement, the owner and the occupant of the property shall be responsible for such maintenance. In the case of a vacant building, the owner shall be responsible for such maintenance.

16) ***CEOA Compliance:*** The tract map shall comply with any adopted environmental mitigations for the project..

17) ***Development Agreement***. If a Development Agreement is adopted for the proposed project, the Development Agreement requirements as adopted by the City Council shall supersede or modify any requirements listed within the Conditions of Approval.

18) ***All Plant Materials.*** Said plans shall be in compliance with the Municipal Code and Subdivision Design Standards. All landscaping and irrigation system plans shall be submitted to the City of McFarland for review and subsequent approval by the Community Development Department, the City's Engineer Office prior to acceptance of the Final Map.

19) ***Screening Requirements*** Prior to occupancy approval for residential units within the tract map or applicable phase thereof, Developer shall construct a six-foot exterior masonry wall, or a combination of masonry and other compatible material with split block faces, columns, or other design features to provide visual relief along the wall face for the northerly boundary of Tract 7394 adjacent to Taylor Avenue. Said wall(s) shall meet the City's specifications and subdivision standards. The entire wall fshall be completed and

receive final inspection approval, prior to issuance of the first occupancy permit within the development. Exterior surrounding walls of the exterior of the Tract 7394 shall be constructed with decorative materials which include, but are not limited to split face block, slump stone, stucco block, brick, or other similar materials but specifically excluding precision cinder block construction or may be designed to match adjacent exterior walls of adjacent subdivisions. The exterior wall shall include a capstone of a minimum of one (1) inch, and pilasters at every 50'-0''. Both the capstone and pilasters shall vary in shade from the rest of the block wall. The wall shall be shown on any permits required for construction of the proposed use prior to issuance of said permits. Final screening design and materials shall be submitted Community Development Department for approval prior to construction.

BUILDING CONDITIONS:

20) Private driveways constructed of Portland concrete/cement shall be constructed at a minimum width of sixteen (16) feet from the edger of the public right-of-way to the garage of each house.

21) Prior to permitting occupancy of any lot, building addresses shall be permanently installed and clearly visible from the street, in accordance with the requirements of the McFarland Municipal Code.

22) Prior to a Certificate of Occupancy being issued for any structure all required off-site improvements shall be installed and inspected by the City of McFarland.

23) ***Building Permit Fees.*** The Developer shall be responsible for paying all applicable building permit fees as adopted in Resolution No. 2020-0027, which shall apply throughout the entire development of Tract 7394.

24) ***Development Impact Fees.*** The Developer shall be responsible for paying all development impact fees as adopted in Resolution No. 2020-0046, which shall apply throughout the entire development of Tract 7394. All fees associated with each lot shall be paid at time of building permit.

ENGINEERING CONDITIONS:

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

26) *This map is being created from Tentative Parcel Map 12412.* Final Tract Map 7394 shall not be recorded until the Parcel Map has recorded in accordance with the Subdivision Map Act.

27) Final subdivision map proposed to be recorded shall be in substantial conformance with

the approved vesting tentative map.

28) The applicant to reimburse the City of McFarland for expenses of consultants work for Vesting Tentative Tract Map No. 7394 and agrees to reimburse the City within thirty (30) days of receiving an invoice from the City of McFarland for these expenses.

29) ***Development Agreement (DA):*** A Development Agreement will outline more specifics related to scope and timing of required offsite and park improvements. A Subdivision Improvement Agreement for each phase of the project will be required, in which onsite and offsite public improvement security will be addressed, along with the required landscape and lighting maintenance districts.

30) ***Grading Permit Fee:*** This fee is set by the building code, where the cost depends on the cut/fill volume, and shall be paid prior to Final Map approval. All building finish floor elevations shall be a minimum of one foot above the front street curb elevation.

31) ***Engineering Inspection and Materials Testing***: 3.5% deposit of the engineer's estimate of the public improvements shall be paid prior to Final Map approval. Total Fee will consist of total time and material plus 10% administration fee.

32) ***Plan-check fees***: An engineering plan-check fee deposit of $3,000.00 of the engineer's estimate of the public improvements and grading plan shall be paid at time of plan submittal. Total Fee will consist of total time and material plus 10% administration fee.

33) ***Encroachment Permits***: Encroachment Permits must be paid and acquired prior to any street improvement or any new utility installation within the public right-of-way.

34) The project site is subject to all applicable City of McFarland ordinances, regulations, standards and policies.

35) The applicant shall obtain necessary permits and/or approvals from all agencies having jurisdiction with respect to this project.

36) Provide the City of McFarland with a copy of the current Title Report

37) Provide the City of McFarland with a Preliminary Soils Report that addresses all improvements.

38) Provide the City of McFarland with an estimate of the cost of improvements for bonding or securities of improvements.

39) All improvements to comply with American Disabilities Act standards and regulations (ADA) including drive approach ramp(s), walk around(s), etc.

40) Developer shall not be required to construct a retention basin or park as a condition of approval for Tract 7394 based on construction of said improvements in connection with development of VTTM 7393.

41) Project to satisfy National Pollution Discharge Elimination System (NPDES), State and Central Valley Regional Water Quality Control Board requirements.

42) The following road improvements are required:

    a. Install Curb, Sidewalk, gutter, and pavement adjacent to Tract 7394 along southside of Taylor Ave within the 45' right-of-way.
    b. Install new pavement on remaining 15' non-improvement street, north of centerline on Taylor Ave between east and west boundaries of Tract 7394.
        i. Cost of this improvement will turn into credit towards traffic impact fees applicable to each lot in Tract 7394 and applied until completely exhausted.

43) All new and existing utilities to be installed underground.

44) Developer shall use Roadway hard surface design TI-7.

45) Lighting for all roads surrounding and within subdivision must follow city standard lighting improvement standards.

46) Improvement plans to include a Dust Control Plan as required by San Joaquin Valley Air Pollution Control District (SJVAPCD).

47) Provide verification from Division of Oil and Gas of no conflicts.

48) Provide Kern County Fire Department project approval prior to any plan approvals.

49) Developer shall comply with requirements of the Kern County Fire Department regarding fire hydrants, and hydrant maintenance.

50) Verify water service capacity prior to any plan approval.

51) Sewer and water service shall be provided for each parcel created.

52) Developer shall verify wastewater plant capacity prior to any plan approval.

53) Developer shall verify gravity service sewer system prior to any plan approval.

54) All streets, alleys, access rights, drainage and/or sewer easements and other easements and parcels of land shown on the final map as intended for public use shall be offered for dedication for public use pursuant to the Subdivision Map Act.

55) The final map shall show the location, width and side lines of all easements to which the lots are subject. If an existing easement is not definitely located of record, a statement as to the easement shall appear on the title sheet. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines. Distance and bearings on the side lines of the lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easement, the lengths of the bearings of the lines thereof, and sufficient ties to locate the easement shall be clearly labeled and identified, and, if already of record, proper reference to the records shall be given. Easements being dedicated shall be so indicated in the certificate of dedication.

56) Sufficient data shall be shown to determine readily the bearing and length of each line. Dimensions of lots shall be the net dimensions.

57) Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the city engineer. Such plans will be required before approval of the final map. All such plans and profiles shall be filed with the city engineer.

58) Developer shall provide copies of complete set of Civil on-site/offsite improvement plans signed by a California Registered Civil Engineer.

59) Developer shall provide complete Engineer's Cost Estimate per the project's improvement plans signed by a California Registered Civil Engineer. Use current Kern County Development Standards Division Seven Sec. 701-1 to Sec. 702-9. The estimate shall include a contingency factor to compensate for the effect of inflation and any changes in construction during the life of the project.

60) Improvement work shall not be commenced until the city engineer and the public works director have been notified in advance, and if work has been discontinued for any reason, it shall not be begun again until the city engineer and public works director have been notified.

61) All required improvements shall be constructed under the inspection of, and to the approval of, the city engineer and the city public works director.

62) All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when connections thereto are made.

63) All streets and highways shall be graded and surfaced to cross sections and grades approved by the city engineer.

64) Structures shall be installed as required for drainage, access and/or public safety. Such structure shall be placed to grades and shall be of a design approved by the city engineer.

65) Vertical curbs, gutters and sidewalks shall be installed to grades and at locations approved by the city engineer prior to the issuance of an occupancy permit on building construction on any site within the subdivision. Sidewalks shall be required on all street frontages.

66) Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, location and design and size approved by the city sewer engineer. No septic tanks or cesspools shall be permitted. Location of house sewer laterals shall be marked on curb or sidewalk with a letter "S."

67) Storm drains shall be installed as required by the city engineer.

68) Water mains and fire hydrants of design and layout and in locations approved by the city water engineer and public works director shall be installed by the subdivider. Location of water services shall be marked on the curb or sidewalk with a letter "W." The water system shall be installed and in operation and all required fire hydrants connected thereto prior to the commencement of building construction on any site within the subdivision.

69) Permanent stainless-steel storm drain markers shall be installed at all storms drain inlets. Coordinate "No dumping" legend with City.

70) Street signs of a type approved by the city shall be installed by the subdivider, in locations approved by the city engineer. Two street name signs shall be installed at each four-way intersection within the subdivision and one street name sign shall be installed at each two-way or three-way intersection. Any required barricades to prevent traffic access to dead-end streets shall be provided by the subdivider.

71) Ornamental streetlights shall be installed by the subdivider, at locations approved by the city engineer, at each four- way intersection, at each three-way intersection, at each two-way intersection, at the end of each cul-de-sac and at such other locations as necessary to provide that no point along any street within the subdivision shall be more than two hundred fifty feet from a streetlight.

72) Permanent monuments in accord with the standard specifications shall be set at all angle and curve points on the exterior boundaries of the subdivision, at all street intersections, at all angle points of street lines, and at all curve points, both simple and compound, of street lines. Monuments in street lines shall be set on street centerlines unless otherwise directed by the city engineer; provided, however, such permanent monuments need not be set at angle and curve points on the exterior boundaries of the subdivision when such points on the exterior boundaries of the subdivision have been

previously monumented and accepted by the city.

73) The engineer or surveyor shall set at all corners a marker not less substantial and enduring than one-half-inch iron pipe eighteen inches long with a noncorroding material with the registered engineer's or licensed land surveyor's marker on the head thereof.

74) Any monument or benchmark, as required by the provisions of this title, which is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider.

75) Monuments and benchmarks shall be set before acceptance of the improvements by the council.

76) All improvements necessary shall conform to the proposed subdivision to the standards and policies of the city existing at the time of filing the vesting tentative map shall be installed at the cost of the subdivider.

77) Prior to approval by the council of the final map, the subdivider shall execute and file a Subdivision Improvement Agreement between himself and the city specifying a period (not to exceed twelve months), within which he, or his agent or contractor, shall complete all improvement work and providing that if he fails to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall provide for the inspection of all improvements by the public works department. Such agreement shall include such stipulations as may be required to assure completion of the subdivision in accord with the requirements of the city.

78) The subdivider shall file with the agreement required provisions to assure his full and faithful performance thereof, a bond or security for such sum as the City engineer deems sufficient to cover the cost of the improvements.

79) The security shall be in the manner, form and kind provided in the Subdivision Map Act. The security shall be in the amount of one hundred percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty percent of such sum securing the payment by the subdivider to his contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements.

80) The security provided shall guarantee maintenance and/or all defects in the required improvements for a period of one year following acceptance of the improvements by the City.

81) (Location) Please add the current property description to the title. (Being a Division of Parcel _ - of Parcel Map 12412)

82) Water Meters shall be installed to City Standard and a Master Smart Meter (Part # B16-A31-B15-0101A-1) shall be installed at each single-family dwelling.

83) Water conservation methods to be utilized to satisfy City & State recommendations and requirements.

84) Sewer service to be provided for each parcel created.

85) All dedications and improvements shall conform to the current City of McFarland Improvement Standards and the Americans with Disabilities Act.

86) All improvements shall be completed, approved by the city engineer, and accepted by the council before a certificate of occupancy for any structure can be issued and a One Year Guarantee Security shall be posted as required by City Ordinance or a Subdivision Improvement Agreement, Faithful Performance and Laborer and Materialmen Security, and Insurance Certificate shall be posted as required by the City Ordinance for Final Parcel Map recordation.

87) Provide note on Improvement Plans: "PRIOR TO ACCEPTANCE OF IMPROVEMENTS: PROVIDE INSPECTION APPROVAL BY CITY WATER ENGINEER, CITY PUBLIC WORKS DEPARTMENT, CITY POLICE DEPARTMENT AND KERN COUNTY FIRE DEPARTMENT, AND PROVIDE RECORD DRAWINGS AND ONE YEAR GUARANTEE SECURITY.

88) DEVELOPER MUST ANNEX TO THE CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICTS (CFDS) FOR: LANDSCAPING AND STREET MAINTENANCE CFD 2017-2; POLICE SERVICES CFD 2017-1; AND FIRE PROTECTION CFD 2019-1.

KERN COUNTY SUPERINTENDENT OF SCHOOLS:

89) The applicant shall be required to pay school impact fees in the amount of $4.08 per square foot of residential development and $0.66 per square foot for commercial development. All school fees shall be paid prior to issuance of a building permit.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT:

90) The applicant shall submit and Air Impact Assessment to the San Joaquin Valley Air Pollution Control District. The Air Impact Assessment shall be submitted and approved prior to the recordation of the Final Map.

91) Development of TTM-7394 may be subject to additional Air District rules therefore the applicant shall contact the San Joaquin Valley Air Pollution Control District prior to construction commencing on any phase of the development.

MCFARLAND RECREATION AND PARKS DISTRICT:

92) The dedication and development of the community park in connection with the completion of Tract 7393 satisfies all Quimby Fees and in-lieu Park Impact Fees for Tract 7394.

RESOLUTION NO. 2021-0049
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING VESTING TENTATIVE TRACT 7393 AND 7394 AS REFLECTED IN EXHIBIT A AND CONDITIONED IN EXHIBIT B

WHEREAS, LeOra LLC ("Applicant"), as the owner of Assessor's Parcels 060-090-29 is proposing to subdivide a parcel into two vesting tentative tracts (VTT7393 and VTT7394); and

WHEREAS, on March 30, 2021, Applicant submitted an application requesting approval of: 1) Vesting Tract 7393, and 2) Vesting Tract 7394 to subdivide the 75.96-acres lot into 350 lots. The project site is located at Southwest property at intersection of Garzoli Ave and Taylor Ave. APN: 060-090-29. ("Project"); and

WHEREAS, on July, 2021, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the City prepared an Initial Study/Negative Declaration dated May 1, 2021, which was circula The Notice of Intent to Adopt a Negative Declaration and Initial Study/Mitigated Negative Declaration were filed with the Governor's Office of Planning and Research State Clearinghouse and the County Clerk, on July 12, 2021; and

WHEREAS, on June 15, 2021, the City's Planning Commission received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission took a vote and adopted Resolutions No 2021-0006PC and 2021-0007PC to approve recommendation of the Project pursuant to the conditions of approval attached to the Resolution and the Negative Declaration; and

WHEREAS, on August 12, 2021, the City Council received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based on the City's General Plan and the City's Zoning Ordinance, and the information submitted to the City Council at its regular meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the City Council of the City of McFarland makes the following additional findings in support of the approvals:

1) The foregoing recitals are true and correct.
2) The proposed project is consistent with the City of McFarland's General Plan Land Use designation;
3) The proposed project is consistent with the City of McFarland's Zoning classification;
4) The proposed project will assist the City in satisfying the required Regional Housing Needs Allocation;
5) The project as conditioned will not detrimentally impact the health, safety and welfare of the community.
6) The initial study/mitigated negative declaration has been prepared and made available for public comment, pursuant to the California Environmental Quality Act Guidelines, and mitigation measures contained therein will reduce all potentially significant impacts of the project to a less than significant level.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for Vesting Tentative Map subject to the Conditions of Approval, a true and correct copy of which are attached hereto as Exhibit A and incorporated herein by reference.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the ____ day of July, 2021 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

_____
Sarah Drake, Interim City Clerk

_____
Kenneth Williams, Interim City Manager, Chief of Police

CITY OF MCFARLAND:

_____
Sally Gonzalez, Mayor

Attachments: Exhibit A-Conditions of Approval.

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

_____
Sarah Drake, Interim City Clerk

_____

Maria Lara, City Manager

MEMORANDUM
CITY OF MCFARLAND

TO: Honorable Mayor and City Council

FROM: Maria Lara, Community Development Director

DATE: August 12, 2021

SUBJECT: Report, discussion, and Possible Adoption of a Resolution No. 2021-0047 to approve declaration of Negative Declaration for Tract 7393 and 7394.

RECOMMENDATION:

Staff recommends the approval of a resolution **APPROVING** the Negative Declaration that was prepared Tract 7393 and 7394.

BACKGROUND:

The City of McFarland is currently working with a housing developer to produce 350 single family residence just west of the Horizon Elementary School near Garzoli Ave and Taylor Ave. In the process conducting these homes, the City is required to conduct an initial study and declare the impact on the Environment where this development will occur.

As a part of this Development, the City, pursuant to the California Environmental Quality, the City prepared an Initial Study to determine what if any impacts the proposed project would have on the environment. As a result of this Initial Study it was determined that a Negative Declaration would be the appropriate environmental document for the housing development of Tracts 7393 and 7394.

The City of McFarland finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less-than-significant level. The City of McFarland further finds that there is no substantial evidence that this project may have a significant effect on the environment.

The Initial Study/Negative Declaration went through a 30 day review period during which time the public or responsible agencies could provide comment. This comment period has concluded and any comments received were addressed by the City. After this review period the next step is for the City Council to approve the Initial Study/Negative Declaration and instruct staff to file a Notice of Determination with the Kern County Clerk.

ATTACHMENTS

Attachment A – Initial Study

RESOLUTION NO. 2021-0047
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING THE INITIAL STUDY AND NEGATIVE DECLARATION FOR THE HOUSING TRACTS 7393 AND 7394

WHEREAS, LeOra LLC, as the owner of Assessor's Parcels 060-090-29 is proposing to subdivide a parcel into two vesting tracts ("Project"); and

WHEREAS, on June 15, 20201, the project application was deemed complete per Government Code Section 65920 et. seq; and

WHEREAS, the City prepared an Initial Study/Negative Declaration, dated May 1, 2021, of environmental impacts for the Project in accordance with the California Environmental Quality Act and City and County Guidelines.

WHEREAS, the Initial Study and the Negative Declaration was duly noticed and circulated for public review for a period of 20 days, from July 12, 2021 through August 1, 2021; and

WHEREAS, no comments on the Initial Study and Negative Declaration were received during the public review period; and

WHEREAS, on August 10, 2021, following notice duly and regularly given as required by law, the Planning Commission of the City of McFarland held a public hearing to consider the Initial Study and Negative Declaration. At that meeting, the Planning Commission adopted Resolutions 2021-0006-PC and 2021-0007-PC, recommending the City Council adopt the Initial Study/Negative Declaration; and

WHEREAS, on August 12, 2021, following notice duly and regularly given as required by Law, the City Council of the City of McFarland held a public hearing to consider the Project, the Initial Study, the Negative Declaration, and the recommendations of the Planning Commission. The City Council received a report from City Staff, oral and written testimony from the public, and deliberated on the project.

WHEREAS, all legal prerequisites to adoption of this resolution have occurred.

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

Section 1. That the foregoing Recitals are true and correct and constitute a substantive part of this Resolution.

Section 2. Adoption of the Initial Study/Negative Declaration

a. The City Council finds that the Initial Study/Negative Declaration was presented to the City Council, that the City Council has reviewed the Initial Study/Negative Declaration prepared for the Project, all staff reports pertaining to the Project, and all other pertinent documents relating to the preparation of the Initial Study/Negative Declaration and all comments received thereon, and that the initial Study/Negative Declaration has been prepared and completed in compliance with CEQA;

b. The City Council finds that on the basis of the Initial Study/Negative Declaration, comments received, and the whole record that there is no substantial evidence that the Project will have a significant adverse impact on the environment;

c. The City Council finds that the Initial Study/Negative Declaration reflects the City's independent judgment and analysis;

d. The City Council hereby Adopts the Initial Study/Negative Declaration, attached hereto as Exhibit A and incorporated herein by reference, and directs that a Notice of Determination be posted with the Kern County Clerk, in compliance with the California Environmental Quality Act.

Section 3. The custodian of records for the Initial Study/Negative Declaration for the Project, and all other materials which constitute the record of proceedings upon which the City Council's decision is based is the City Clerk of the City of McFarland. Those documents are available for public review in the Office of the City Clerk, which can be reached at 661-792-3091, and is located at 401 W. Kern Avenue, McFarland, CA 93250

Section 4. This Resolution shall take effect immediately upon its adoption.

Section 5. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the ____ day of August, 2021 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

_____

Sarah Drake, Interim City Clerk

_____

Maria Lara, Interim City Manager/Chief of Police

CITY OF MCFARLAND:

_____

Sally Gonzalez, Mayor

Attachments: Initial Study and Negative Declaration

I, Sarah Drake, Interim City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

_____

Sarah Drake, Interim City Clerk

_____

Maria Lara, City Manager

MEMORANDUM
CITY OF MCFARLAND

TO: Honorable Mayor and City Council Members

FROM: Maria Lara, Community Development Director

DATE: August 26, 2021

SUBJECT: Introduction and First Reading of Ordinance No. 0006-2021 of the City Council of the City of McFarland, Adopting an Uncodified Ordinance, Approving A Development Agreement Between the City of McFarland and LeOra LLC for the development of Tract 7393 and 7394, (APN 060-090-29) Southwest of Intersection Taylor Ave/Garzoli.

BACKGROUND:

Development Agreements are used between a Developer(s) and the City of McFarland to create a mutual agreement to make sure all items under conditions, improvements, fees, etc. are covered and are complete prior to any final inspections/approvals. It is a tool that helps Cities and Developers grow a community.

On August 24th, 2021, the Planning Commission held a duly and properly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed development agreement and associated entitlements. In this meeting the Planning Commission recommended to the City Council of the City of McFarland to adopt this Ordinance 0006-2021 related to the Development Agreement between the City of McFarland and LeOra LLC for the development of Tract 7393 and 7394.

In addition, Planning Commission has recommended Conditions of Approval for Vesting Tract Maps 7393 and Tract 7394. The Development Agreement contains all the mandatory requirements of Government Code Section 65865.2 and is consistent with the General Plan and any applicable specific plans Government Code Section 65867.5.

This Development Agreement not only will give the developer guidelines for the subdivision, but also secure all city fees, improvements, required park and sumps, and any other conditions given as a requirement.

The approval of Development Agreement will allow the developer to move forward and start the improvements to the location of the subdivision. The developer has stated that their goal is to start grading and improvement installation by October 2021.

RECOMMENDATION:

Staff recommends City Council open public hearing and receive public testimony; a Second Hearing and possible approval of the Development Agreement Between City of McFarland and LeOra LLC will be held on September 9, 2021.

FISCAL IMPACT:

Legal Fees -Development Agreement- The City will be invoicing LEORA LLC for these fees.

Attachments:

Development Agreement
Ordinance No. 0006-2021

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of McFarland
401 W Kern Ave
Delano, CA 93250 Attention: City Clerk

EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE §27383

Space Above Line Reserved For Recorder's Use

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "**Agreement**"), dated as of _____, is made and entered into by and between the City of McFarland, a California municipal corporation ("**City**"), and LeOra, LLC, a California limited liability company ("**Developer**"). Developer and City are referred to individually in this Agreement as a "**Party**" and collectively as the "**Parties**."

RECITALS

This Agreement is entered into on the basis of the following facts, understandings, and intentions of the Parties. The following recitals are a substantive part of and incorporated in this Agreement; the Recitals refer to and utilize certain capitalized terms which are defined in this Agreement. The parties intend to refer to those definitions in conjunction with the use thereof in these Recitals.

A. In order to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs and risks of development, the Legislature of the State of California enacted Section 65864 *et seq.* of the Government Code ("**Development Agreement Statute**") which authorizes a city and a developer having a legal or equitable interest in real property to enter into a binding, long-term development agreement establishing certain development rights in the property.

B. Developer has contractual right to purchase all rights, title and interest in and to that certain real property located at Taylor Avenue and South Garzoli Avenue in the City of McFarland, Kern County, California, as more particularly described in Exhibit A attached hereto and incorporated herein (the "**Initial Property**"). Additionally, Developer has the option to purchase all rights, title, and interest to the immediately adjacent property to the west, also described in Exhibit A attached hereto and incorporated herein (the "**Option Property**"). The Initial Property and Option Property shall collectively be referred to herein as the "**Property.**"

C. **Developer** desires to develop the **Property** in accordance with the provisions of this Agreement, and as more particularly set forth in Vesting Tentative Tract Map 7393 and 7394.

D. Developer has applied to the City for approvals to develop a large-scale, phased, master planned residential development on the Property consisting of up to 350 single-family homes, related amenities, and certain on-site and perimeter improvements (the "**Project**").

E. Development of the Property and the potential environmental impacts related to the Project, if any, has been analyzed in compliance with the California Environmental Quality Act

("CEQA").

F. Prior to or concurrently with approval of this Agreement, the City has taken or will take several actions to review and plan for the future development of the Property and the Project ("**Existing Approvals**"). These include:

Approval of Vesting Tentative Tract Maps 7393 and 7394

G. It is the intent of City and Developer to establish certain conditions and requirements related to review and development of the Project, which may be the subject of subsequent development applications and land use entitlements.

H. The City has determined that the Agreement will promote orderly growth and quality development in accordance with the objectives, policies, general land uses and programs specified in the General Plan; is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the Property is located; will promote the public convenience, general welfare, and good land use practice; will not be detrimental to the health, safety and general welfare; will not adversely affect the orderly development of property or the preservation of property values; and will promote and encourage the development of the Project.

I. The City has determined that the orderly development of the Project in accordance with this Agreement will provide many public benefits, including, without limitation, the following, as more particularly described in the Conditions of Approval for Vesting Tentative Tract Map 7393 and 7394, which are attached hereto as Exhibit B and incorporated herein by reference:

- The promotion of a balance between jobs and residential needs within the City and the region.
- An increase in City sales and property tax revenue.
- The installation of off-site, perimeter public street improvements, including street paving, curb and gutter.
- The construction of beneficial urban in-fill adjacent to already developed properties at a location well-serviced by local thoroughfares and transportation systems.
- The resolution of inadequate traffic circulation problems.
- Assistance in meeting the City's housing needs through development of a variety of affordable housing types, including small, medium and large single- family residential homes.
- The maintenance of landscaping in lands dedicated to the City for twelve months after subdivision dedication.
- The creation of job opportunities through the construction and development of the Project.

J. The City and Developer have reached mutual agreement and desire to enter into this Agreement to facilitate development of the Project subject to the conditions and requirements set forth herein.

K. City has given the required notice of its intention to adopt this Agreement pursuant to Government Code Sections 65090 and 65091 and has conducted public hearings thereon pursuant to Government Code Section 65867. The City has reviewed and evaluated this Agreement in accordance with the Development Agreement Law and has determined that the provisions of this Agreement and its purposes are consistent with the Development Agreement Law and the goals, policies, standards, and land use designations specified in the General Plan.

L. On _____, 2021, the City Council introduced Ordinance No. _____ approving this Agreement and authorizing its execution, and the City Council adopted such Ordinance on _____, 2021. The Ordinance became effective on _____, 2021 (the "**Approval Date**").

M. In consideration of the substantial public improvements and benefits to be provided by D**eveloper** and the **Project**, and in order to strengthen the public financing and planning process and reduce the economic costs of development, by this Agreement, **City** intends to give **Developer** assurance that **Developer** can proceed with the development of the **Project** for the Term of this Agreement pursuant to the terms and conditions of this Agreement and in accordance with **City's** General Plan, ordinances, policies, rules and regulations existing as of the Effective Date. In reliance on **City's** covenants in this Agreement concerning the Development of the **Property**, **Developer** has and will in the future incur substantial costs in site preparation and the construction and installation of major infrastructure and facilities in order to make the **Project** feasible.

N. Pursuant to Section 65867.5 of the **Development Agreement Statute**, the City Council has found and determined that: (i) this Agreement and the Existing Project Approvals implement the goals and policies of **City's** General Plan, provide balanced and diversified land uses and impose appropriate standards and requirements with respect to land development and usage in order to maintain the overall quality of life and the environment within **City**, (ii) this Agreement is in the best interests of and not detrimental to the public health, safety and general welfare of **City** and its residents; (iii) adopting this Agreement is consistent with **City's** General Plan and constitutes a present exercise of the **City's** police power; and (iv) this Agreement is being entered into pursuant to and in compliance with the requirements of Section 65867 of the Development Agreement Statute, and Chapter 17.154.060 of the McFarland Municipal Code.

O. **City** and **Developer** agree that it may be beneficial to enter into additional agreements or to modify this Agreement with respect to the implementation of the separate components of the **Project** when more information concerning the details of each component is available, and that this Agreement should expressly allow for such contemplated additional agreements or modifications to this Agreement.

NOW, THEREFORE, pursuant to the authority contained in the Development Agreement Law, and in consideration of the foregoing recitals of fact, all of which are expressly incorporated into this Agreement, the mutual covenants and promises of the parties herein contained, and for

other consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1
DEFINITIONS

1.1 Definitions. Each reference in this Agreement to any of the following terms shall have the meaning set forth below for each such term. Additional terms are defined in the Recitals and the text of this Agreement.

"Applicable Law" is defined in Section 3.2.

"CEQA" means the California Environmental Quality Act, California Public Resources Code section 21000, *et seq*., as amended from time to time.

"City" means the City of McFarland, a municipal corporation.

"City Council" means the City Council of the City of McFarland.

"City Manager" means the City Manager of the City of McFarland.

"*Claims*" is defined in Section 5.1.

"Conditions of Approval" are the conditions required by the City in connection with the Existing Approvals. The Conditions of Approval are listed in Exhibit B hereto.

"Connection Fees" means those fees charged by City on a citywide basis or by a utility provider to utility users as of the Approval Date as a cost for connecting water, sanitary sewer, and other applicable utilities, except for any such fee or portion thereof that constitutes an Impact Fee, as defined below. A list of the Connection Fees is set forth in Exhibit C hereto.

"Developer" means LeOra, LLC, a California limited liability company, and its permitted successors and assigns.

"Development Agreement Law" is defined in Recital B.

"Development Agreement Statute" is defined in Recital A.

"Effective Date" means the date that this Agreement becomes effective as determined under Section 2.3.

"Enacting Ordinance" means the Ordinance identified in Recital L.

"Exactions" means all exactions that may be imposed by the City as of the Approval Date as a condition of developing or occupying the Property, including the payment of money, the dedication or reservation of property, and obligations to construct on-site or perimeter improvements or public improvement facilities or services, whether such exactions constitute subdivision improvements, or impositions made under applicable City regulations. For purposes

of this Agreement, Exactions do not include Impact Fees, Connection Fees, or Processing Fees. All Exactions for the Project are stated among the Conditions of Approval set forth in Exhibit B hereto.

"Existing Approvals" means and includes those permits and approvals for the Project granted by City to Developer as of the Approval Date as set forth in Recital F.

"Event of Default" is defined in Section 8.1.

"General Plan" means the City of McFarland's General Plan, as amended from time to time.

"Impact Fees" means the monetary amount charged by City as of the Approval Date in connection with a development project for the purpose of defraying all or a portion of the cost of mitigating the impacts of the development project or development of the public facilities related to the development project, including, any "fee" as that term is defined by Government Code Section 66000(b). A list of the Impact Fees applicable to the Project are set forth in Exhibit C hereto.

"Indemnitees" is defined in Section 5.1.

"Major Amendment" is defined in Section 11.2.

"Minor Amendment" is defined in Section 11.2.

"Mortgage" means any mortgage, deed of trust, security agreement, and other like security instrument encumbering all or any portion of the Property or any of the Developer's rights under this Agreement.

"Municipal Code" means the City of McFarland's Municipal Code, as amended from time to time.

"New City Laws" means and includes any ordinances, resolutions, orders, rules, official policies, standards, specifications, guidelines, or other regulations, which are promulgated or adopted by the City (including but not limited to any City agency, body, department, officer or employee) or its electorate (through their power of initiative or otherwise) after the Approval Date.

"Notice of Default" is defined in Section 8.1.

"Official Records" means the Official Records of Kern County.

"Permitted Delay" is defined in Section 7.1.

"Planning Commission" means the City of McFarland City Planning Commission.

"Planning Director" means the Community Development Director of the City of McFarland**.**

"Processing Fees" means all fees charged by the City as of the Approval Date for processing

development project applications, including any required supplemental or other further environmental review, plan checking and inspection and monitoring for land use approvals, design review, grading and building permits, and other permits and entitlements required to implement the Project. A list of the Processing Fees is set forth in Exhibit C hereto.

"Project Approvals" means the Existing Approvals and all Subsequent Approvals.

"Project" is defined in Recital D.

"Property" is defined in Recital C.

"Subdivision Map Act" means California Government Code Sections 66410 through 66499.58, as it may be amended from time to time.

"*Subsequent Approvals*" is defined in Section 3.4.

"Term" is defined in Section 2.2.

ARTICLE 2
GENERAL PROVISIONS

2.1 Binding Covenants. The provisions of this Agreement to the extent permitted by law shall constitute covenants which shall run with the Property for the benefit thereof, and the benefits and burdens of this Agreement shall bind and inure to the benefit of the parties and all successors in interest to the parties hereto. The City Clerk of **City** shall cause this Agreement to be recorded with the County Recorder, County of Kern, within ten (10) days after the Effective Date.

2.2 Condition Precedent. The parties' respective obligations under this Agreement and the resulting covenants running with the Property shall become effective if, and only if, the Developer becomes the legal vested owner of said Property. In the event Developer does not close on the purchase of the Initial Property and/or Option Property and become the vested owner thereof, this Agreement shall not become effective as it relates any or all of the Property, as the case may be. .

2.3 Effective Date. The Effective Date of this Agreement shall be the later of (a) the date that the Developer takes title to and becomes the vested owner of the Initial Property and/or Option Property, or (b) the date this Agreement is fully executed by the Parties. The Parties acknowledge that Section 65868.5 of the Government Code requires this Agreement to be recorded in the Official Records no later than ten (10) days after the City enters into this Agreement, and that the burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement.

2.4 Term. The term of this Agreement shall commence on the Effective Date and shall terminate on the twentieth (20^{th}) anniversary of the Effective Date, on _____, 2041, unless sooner terminated or extended as hereinafter provided.

2.5 Developer Representations and Warranties. Developer represents and warrants to City that, as of the Effective Date:

2.5.1 Developer is duly organized and validly existing under the laws of the State of California and is in good standing and has all necessary powers under the laws of the State of California to own property interests and in all other respects enter into and perform the undertakings and obligations of Developer under this Agreement.

2.5.2 The execution and delivery of this Agreement and the performance of the obligations of Developer hereunder have been duly authorized by all necessary company action and all necessary member and/or manager approvals have been obtained.

2.5.3 This Agreement is a valid obligation of Developer and is enforceable in accordance with its terms.

2.5.4 Developer has not: (i) made a general assignment for the benefit of creditors; (ii) filed any voluntary petition in bankruptcy or suffered the filing of any involuntary petition by Developer's creditors; (iii) suffered the appointment of a receiver to take possession of all, or substantially all, of Developer's assets; (iv) suffered the attachment or other judicial seizure of all, or substantially all, of Developer's assets; or (v) admitted in writing its inability to pay its debts as they come due.

2.5.5 As of the Effective Date, Developer is the owner of the Property and is authorized to enter into this Agreement.

During the Term of this Agreement, Developer shall, upon learning of any fact or condition which would cause any of the warranties and representations in this Section 2.5 not to be true, immediately give written notice of such fact or condition to City.

ARTICLE 3
DEVELOPMENT OF THE PROPERTY

3.1 **Project**. During the Term of this Agreement, Developer shall have the vested right to implement the Development pursuant to this Agreement and the Project Approvals and City shall have the right to control the Development of the Project in accordance with the terms and conditions of this Agreement. Except as otherwise specified in this Agreement, the Project Approvals and the Existing Regulations shall control the design and Development of the Project and all On-Site Improvements and Off-Site Improvements and appurtenances in connection therewith. The permitted uses of the property, the density and intensity of use, the maximum height and size of proposed buildings and provisions for reservation or dedication of land for public purposes shall be as set forth in the Existing Regulations and Project Approvals. So long as Developer is not in default under this Agreement and provided the Project is being developed in accordance with the Project Approvals, Developer has a vested right to construct, in accordance with the terms of this Agreement, a maximum of 350 residential units.

3.2 **Applicable Law.** City and Developer acknowledge and agree that City is restricted in its authority to limit its police power by contract, and that the limitations, reservations and exceptions contained in this Agreement are intended to reserve to City all of its police power that cannot be so limited. Notwithstanding the foregoing reservation, it is the intent of City and Developer that this Agreement be construed to provide Developer with rights afforded by law, including but not limited to, the Development Agreement Statute. Therefore, the ordinances, resolutions, codes,

laws, rules, regulations, official policies, standards and specifications of City applicable to the development of the Property and/or the Project shall be the following (collectively, "**Applicable Law**"):

(a) The rules, regulations, official policies, standards and specifications of the City set forth in the Project Approvals and this Agreement;

(b) With respect to matters not addressed by and not otherwise inconsistent with the Project Approvals and this Agreement, the laws, rules, regulations, official policies, standards and specifications (including City ordinances and resolutions) governing permitted uses, land use designations, design, improvement and construction standards and specifications pertaining to the location of buildings, structures or other improvements, the timing and manner of construction, the rate, timing, phasing or sequencing of construction or development, densities, intensities of uses, floor area ratios, heights and sizes, requirements for the approval and recording of final condominium maps, and requirements for on- and off-site infrastructure and public improvements (including without limitation, the General Plan, the City's Zoning Ordinance, and the City's Subdivision Ordinance) each as in force and effect on the Approval Date;

(c) New City Laws that relate to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure imposed at any time shall apply, provided such New City Laws are uniformly applied on a City- wide basis to all substantially similar types of development projects and properties;

(d) New City Laws that revise City's uniform construction codes, including City's building code, plumbing code, mechanical code, electrical code, fire code, grading code and other uniform construction codes, as of the date of permit issuance shall apply, provided, that such New City Laws are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties;

(e) New City Laws that constitute an exercise of the City's police powers that cannot legally be abrogated by contract and that are necessary to protect the physical health and safety of the public shall apply, provided, that such New City Laws are uniformly applied on a City- wide basis to all substantially similar types of development projects and properties.

3.3 Reserved Authority.

3.3.1 Uniform Codes. This Agreement shall not prevent City from applying new rules, regulations and policies relating to uniform codes (such as the Uniform Building Code, National Electrical Code, Uniform Mechanical Code or Uniform Fire Code, as amended) adopted by the State of California, which new rules and regulations are necessary to preserve the health and safety of the residents of City or which the City is required by state law to apply.

3.3.2 State and Federal Laws and Regulations. In the event that State or Federal laws or regulations prevent or preclude compliance with one or more of the provisions of this Agreement, such

provisions of this Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations; provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.3.3 Regulation for Health and Safety. Notwithstanding anything to the contrary in this Agreement, City shall have the right to apply regulations (including amendments to the Existing Regulations) adopted by the City after the Approval Date, in connection with any Project Approvals, or deny, or impose conditions of approval on, any Project Approvals provided that such application to the Development is required to protect the physical health and safety of existing or future residents or occupants of the Property, or any portion thereof or any lands adjacent thereto. Developer may protest the imposition of any such emergency regulations or conditions to the City Council or as otherwise provided by City rules or regulations while continuing to construct the Development.

3.3.4 Procedure For Application of New Regulations. The City shall not apply to the Project any regulation, law, program, ordinance or action under Section 3.3.1, 3.3.2, or 3.3.3 (except for emergency ordinances adopted to protect health and welfare as set forth therein) which is not an Existing Regulation ("New Regulation") without providing at least thirty (30) days prior written notice to Developer of the City's intent to apply such New Regulation to the Project. Developer shall have thirty (30) days from the date of such notice to review and evaluate the New Regulation and to serve City with a written protest (Protest) against the application of the New Regulation to the Project. If the Developer timely provides the Protest to City, then City will not apply the New Regulation to the Project until the City Council of City makes a finding, after a duly noticed public hearing, that such New Regulation does not conflict with the Existing Regulations as applied to the Project and is required (as opposed to permitted) to comply with State or Federal laws or regulations after taking into consideration all reasonable alternatives.

3.4 Developer's Election to Comply with New City Laws.

(a) If any New City Laws are enacted or revised after the Effective Date with the result that Developer believes that the Project would benefit by being subject to the New City Laws, including, if applicable, in lieu of being subject to requirements of the Applicable Law, Developer may elect to have the Project governed by the New City Laws.

(b) If the Developer elects to have the Project governed by a New City Law that is not otherwise applicable pursuant to Section 3.2 and the New City Law is of a nature that would require an amendment to the Tentative Tract Approval or other Project Approvals, then Developer shall file an amendment application and the Parties shall proceed in accordance with Sections 3.4 and 3.4.1 below. If the Developer elects to have the Project governed by a New City Law and the New City Law is of a nature that can be implemented without amendment to the Existing Approvals, the Parties shall proceed in accordance with this Agreement. In either case, if the Developer elects to have the Project governed by New City Laws, the New City Laws shall thereafter apply to the Project as if they were part of the Project Approvals.

(c) Notwithstanding the foregoing, at no time shall the City be required to make any refund or concession or relinquish the grant of any item or interest received from Developer because of the election by the Developer to have the Project governed by a New City Law pursuant to this Section. The election by the Developer shall be only prospective in its application and will not be given retroactive effect under any circumstances. Further, the election shall be effective only if Developer gives the Planning Director written notice of such election. The effective date upon which such New City Law shall apply shall be thirty (30) days after receipt of the notice by the Planning Director unless the notice states that Developer agrees to have the New City Law apply as of the date of the notice.

3.5 Project Phasing. The Parties acknowledge that Developer cannot at this time predict when or the order in which Project phases will be developed. Such decisions with respect to phasing of the Project will depend upon a number of circumstances not within the control of the Developer, including, without limitation, market orientation and demand for the use or uses within the Project, the condition of capital markets and availability of appropriate financing for the development of the Project (such as construction or interim and permanent loans, and/or equity capital) and other similar factors. In particular, and not in any limitation of any of the foregoing, since the California Supreme Court held in *Pardee Construction Co. v. The City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to consider and expressly provide for the timing of development resulted in a later-adopted initiative restricting the timing of development prevailing over such parties' agreement, it is the desire to avoid that result by acknowledging that, unless otherwise provided for in this Agreement, Developer shall have the right to develop the Project in such order, phases, sequence and at such rate and at such times and with such modifications of the size and components of each phase as Developer deems appropriate within the exercise of Developer's discretion subject to the terms, requirements and conditions of the Project Approvals and this Agreement, provided that the Project is constructed as an integrated development as contemplated by the Existing Approvals and this Agreement.

3.6 Subsequent Approvals. Certain subsequent land use approvals, entitlements, and permits other than the Existing Approvals, will be necessary or desirable for implementation of the Project ("**Subsequent Approvals**"). The Subsequent Approvals may include, without limitation, the following: amendments of the Existing Approvals, grading permits, building permits, sewer and water connection permits, certificates of occupancy, lot line adjustments, site plans, development plans, land use plans, building plans and specifications, parcel maps and/or subdivision maps, and any amendments to, or repealing of, any of the foregoing. Except as otherwise expressly provided herein or permitted pursuant to this Agreement, the City shall not impose requirements or conditions upon the development and construction of the Project that are inconsistent with, or in addition to, the requirements and conditions set forth in the Existing Approvals and the terms and conditions of this Agreement.

3.7 Parcelization of Property. Developer shall have the right, from time to time or at any time, to reconfigure the parcels comprising the Property as may be necessary in order to develop a particular phase of the Project, or to lease or finance a portion of the Property in connection with the development of the Project to achieve the allowed density of 350 residential units provided that such reconfiguration complies with the City's subdivision regulations in effect as of the Approval Date. Developer shall initiate such reconfiguration through an application for a lot line

adjustment, a parcel map, or a tentative tract amendment of a final map (each, a "**Parcelization**") in accordance with the requirements of Applicable Law.

The City, acting through the Planning Director, shall approve any such application, in accordance with the procedures specified therefor in Applicable Law; provided however, unless otherwise required by Applicable Law, the Planning Director shall process such applications without a public hearing, if the Planning Director determines that the requested Parcelization is consistent with this Agreement, the Project Approvals, and Applicable Law.

The Parties acknowledge that the Parcelizations are an appropriate means to accomplish the purposes herein specified because the Existing Approvals provide for all necessary on-site or perimeter improvements to service the Project, imposed in accordance with the requirements of Applicable Law. Nothing contained herein shall be interpreted to exempt any proposed Parcelization and resulting effects of such Parcelization, including, without limitation, changes in use or density, from analysis under, and compliance with, CEQA.

3.7.1 ***Processing of Parcelizations.*** Each phase of the Project shall be carried out pursuant to an appropriate Parcelization filed under Applicable Law. Provided that the Parcelization is in compliance with the standards of this Agreement and the Project Approvals, City shall accept and process it in accordance with the procedures specified therefor in Applicable Law. If such Parcelization conforms to the standards, terms and conditions contained in this Agreement and Applicable Law, then City shall approve it. City shall accept applications for Parcelizations without a certificate of consent or other signature by any persons owning mineral interests or leases, rights-of- way, easements or other interests that cannot ripen into a fee if such consents are permitted to be excluded pursuant to Government Code Section 66436.

3.8 **Term of Project Approvals.** The Existing Approvals and all Subsequent Approvals shall have a term that expires upon the expiration of the Term of this Agreement, unless this Agreement is earlier terminated or canceled pursuant to the provisions hereof, in which event utilization of the Existing Approvals shall be governed by the applicable provisions of this Agreement with respect to entitlements after cancellation or termination.

3.9 **Modifications.** To the extent permitted by law and provided that the changes sought by the Developer do not in any way conflict (with the exception of changes within the scope of the Existing Approvals) with the City's General Plan as in effect as of the Approval Date, then prior to submitting Parcelizations hereunder, and in order further to refine and effectuate the development of the Project, Developer may from time to time apply to the Planning Director to amend or modify plans including without limitation, lot sizes, lot locations, and circulation design approved under the Existing Approvals. Provided that the proposed modification is in compliance with the standards of this Agreement, the Project Approvals, and Applicable Law, City shall accept and process it in accordance with the procedures specified therefor in Applicable Law.

3.10 **Building Permits and Other Approvals.** Upon attainment of an appropriate Parcelization, and subject to any necessary reconfiguration of the boundary lines of the parcels comprising the Property, Developer shall have the right to apply for any necessary permits and approvals under the City Building and Fire Codes in effect as of the date of the application for such permits. Following review and approval of such applications, and Developer's payment of City's

Processing Fees, Connection Fees, Impact Fees, and application and inspection fees and charges as the same are in force and effect as of the Approval Date as listed in Exhibit C attached hereto, City shall issue building permits, occupancy certificates, and other applicable permits for the construction, use, and occupancy of the Project, subject to Developer's compliance with Building and Fire Code requirements as in effect on the date of permit issuance. Nothing contained in this Agreement shall constitute a representation or obligation on the part of the City concerning fees that may be owed to or regulated by third parties.

3.11 Exactions. All further applications for permits or approvals for development of the Project shall be processed in accordance with Applicable Law and the standards, terms and conditions of this Agreement, except that City shall not impose any Exactions other than those called for under the Existing Approvals. Subject to adjustment at Developer's election pursuant to Section 3.4 above, the Exactions applicable to the Project are as stated in Exhibit B hereto. The Parties acknowledge that the provisions contained in this Section 3.11 are intended to implement the intent of the Parties that Developer have the right to develop the Project pursuant to specified and known criteria and rules, and that City receive the benefits which will be conferred as a result of such development without interdicting the right of City to act in accordance with its powers, duties and obligations.

3.12 Review and Processing of Approvals. City shall process, review, and take action upon all applications for Subsequent Approvals within the time periods specified by City's adopted procedures and Applicable Law, including without limitation, Government Code Sections 65940 *et seq.* Upon request from Developer, City shall promptly inform Developer of all necessary information and submission requirements in connection with each application hereunder, and shall review any such application for completeness within the time required by Government Code Section 65943. Specification by City of the necessary requirements and information hereunder shall be conclusive and binding on City, and City shall not have the right to require any additional information or impose any additional requirements with respect to such application except as permitted under Applicable Law, including Government Code Sections 65940 *et seq.*

ARTICLE 4
SPECIFIC CRITERIA APPLICABLE TO DEVELOPMENT OF THE PROJECT

4.1 Applicable Ordinances and Approvals. The Project Approvals and Applicable Law shall govern the development of the Property. Except as otherwise specified in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes and the location of public improvements, provisions regarding design, improvement and construction standards, and other terms and conditions of development applicable to the Property shall be those set forth in the Project Approvals and Applicable Law.

4.2 Subdivision Improvements. City shall accept dedication of subdivision improvements and easements within each Parcelization area consistent with the Project Approvals upon certification by the City Engineer that the same have been completed to City standards and in accordance with this Agreement, the Project Approvals, and any applicable Subdivision Improvement Agreement. City shall assume responsibility for maintenance of the public improvements through the City of McFarland Community Facilities District ("**CFD**") or directly, twelve (12) months following

City's acceptance of dedication, and Developer shall retain responsibility for maintenance until such time. Notwithstanding the foregoing, City and Developer agree that it is their intent not to compel Developer to relocate utilities or infrastructure ("**Relocation Work**") until such a time as the needs of the Project require said work. In the event the City requires Relocation Work prior to the time when the same may be scheduled by Developer, City shall cause the Relocation Work to be performed at the cost of City and/or the applicable property owners, and at no cost to Developer. Alternatively, City may defer the Relocation Work until it is necessary for the Project, in which case it shall be at the sole cost of Developer.

4.3 Mitigation Measures. All mitigations, improvements and requirements imposed as mitigation measures pursuant to the Existing Approvals in accordance with CEQA shall be made and installed as each phase of the Project is developed. The determination of the improvements and requirements to be implemented shall be made with each Parcelization for a phase of the Project, pursuant to Section 3.7 above. Such improvements and requirements shall be implemented as the impacts of the Project giving rise to the need for such improvements or requirements comes about as a result of a phase of development of the Project in order to ameliorate any adverse impacts of the development of the Project.

4.4 Additional Development Requirements. Developer shall provide all of the following, all in accordance with the provisions of the Conditions of Approval:

A. Public Park and Park Fees. Developer shall dedicate to the McFarland Recreation and Parks District a park site, the size of which shall be at least 2.38 gross acres in size, in satisfaction of the Quimby Act (Govt. Code, §66477.). Developer shall be responsible for improving the perimeter streets surrounding the park by installing curb and gutters, sidewalk with compliance of ADA requirements, prior to recordation of the final map for Phase I of Tract 7393.

B. Curbs and Gutters: Developer shall construct curbs and gutters with 4.5 foot-wide sidewalks along all interior streets of the Project with compliance of ADA requirements.

C. Front Yard Setbacks: Front Yard setbacks of 25 feet.

D. Fencing: Developer to construct six (6) foot tall cement block wall adjacent to any single-family dwelling around park described in paragraph A above.

E. Signs: Developer to construct project identity signs on corner wall at street entrances; and Developer shall install street signs with City Logo with street names spelled complete.

F. Walls: Developer shall install cement block wall on north side of drainage basin on Taylor Ave and shall install commercial grade chain link fence with commercial privacy "slats" and provide gate for entrance off of Taylor Ave.

G. Lighting: Developer shall install City Standard Lighting along all major city streets. Developer shall install Ornamental City Standard Lighting within subdivision.

H. Signage: Street signs must show street names spelling in full and contain City Logo on sign. All traffic signs must be located and installed in accordance to City standards and approved by the City Engineer.

ARTICLE 5
INDEMNITY AND INSURANCE; COOPERATION IN THE EVENT OF LEGAL CHALLENGE

5.1 Indemnity. To the greatest extent permitted by law, Developer shall indemnify, defend (with counsel acceptable to City) and hold City, and its elected and appointed officers, officials, boards, commissioners, agents, contractors, employees, and representatives (all of the foregoing, "**Indemnitees"**) harmless from and against any and all claims, liabilities, obligations, orders, fines, penalties, causes of action, actions, suits, judicial or administrative proceedings, demands, damages, losses, costs, and expenses (including reasonable attorneys' fees and costs) (all of the foregoing, "**Claims**") directly or indirectly caused by or arising out or in connection with: the approval of this Agreement; the development, construction, improvement, or operation of the Project or the Property or any part thereof by Developer or Developer's contractors, subcontractors, agents or employees or any other party acting for or on behalf of Developer; or otherwise arising out of or in connection with Developer's performance or failure to perform under this Agreement, including without limitation, Claims arising or alleged to have arisen in connection with any violation of applicable law in connection with the development, operation, or management of the Project; and/or any other acts or omissions of Developer, or Developer's contractors, subcontractors, agents or employees relating to the performance of this Agreement, including, without limitation, Claims relating to bodily injury, death, or property damage, except to the extent any such Claim arises from the gross negligence or willful misconduct of the Indemnitees. The provisions of this Section 5.1 shall survive the expiration or earlier termination of this Agreement. It is further agreed that City does not and shall not waive any rights against Developer that it may have by reason of this indemnity and hold harmless agreement because of the acceptance by City, or the deposit with City by Developer, of any of the insurance policies described in this Agreement.

5.2 Relationship of Parties. The contractual relationship between City and Developer is such that Developer is not the agent or employee of City. City and Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained in this Agreement or in any document executed in connection with the Project shall be construed as making City and Developer joint venturers or partners.

5.3 Commercial General Liability Insurance. Developer shall, at all times during the Term of this Agreement, maintain or cause to be maintained a commercial general liability policy including coverage for bodily injury, property damage, products, completed operations, and contractual liability with coverage limits in the amount of not less than Two Million ($2,000,000) per occurrence, Five Million ($5,000,000) annual aggregate. Each policy of insurance required hereunder: (i) shall be written on an occurrence basis, (ii) shall name the Indemnitees as additional insured, (iii) shall be placed with insurers licensed to do business in the State of California, and with a current A.M. Best's rating of no less than A:VII, and (iv) shall comply with the requirements set forth in Section 5.4 below.

5.4 Workers' Compensation Insurance. Developer shall also provide, or cause to be provided,

Workers' Compensation insurance as required by law, together with Employer's Liability insurance in a minimum amount of One Million ($1,000,000) per accident, covering employees of Developer and employees of any contractor, subcontractor, agent or representative of Developer.

5.5 Evidence of Insurance; Endorsements; Policies. Prior to commencement of construction of the Project, Developer shall furnish City with certificates of insurance in form acceptable to City evidencing the insurance coverage required hereunder, duly executed endorsements evidencing the Indemnitees' status as additional insured, and all other endorsements required hereunder pertaining to such coverage. All insurance certificates shall contain a statement of obligation on the part of the carrier to notify City of any material adverse change, cancellation, termination or non-renewal of the coverage at least thirty (30) days in advance of the effective date of any such material adverse change, cancellation, termination or non-renewal. In addition, Developer shall promptly provide written notice to City in the event of any such material change, cancellation, termination, or nonrenewal. Upon City's request, Developer shall, within thirty (30) days of the request, provide or arrange for the insurer to provide to City, complete certified copies of all insurance policies required under this Agreement. City's failure to make such request shall not constitute a waiver of the right to require delivery of the policies in the future.

Any insurance required to be maintained by Developer hereunder may be maintained under a so-called "blanket policy", insuring other parties and other locations, so long as the amount of insurance required to be provided hereunder is not thereby diminished.

5.6 Reinstatement. If any insurance policy or coverage required hereunder is canceled or reduced, Developer shall, within five (5) days after receipt of notice of such cancellation or reduction in coverage, but in no event later than the effective date of cancellation or reduction, file with City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies.

5.7 Primary Coverage; Waiver of Subrogation; Annual Aggregate Limits. All coverage required hereunder shall be primary insurance and shall not be contributing with any insurance, self-insurance or joint self-insurance maintained by City, and each policy shall contain such an endorsement. Each insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of City. If any of the required insurance is provided under a form of coverage that includes an annual aggregate limit or provides that claims investigation or legal defense costs are included in such annual aggregate limit, such annual aggregate limit shall be three times the occurrence limits specified above.

5.8 Adjustments. The limits of the liability coverage and, if necessary, the terms and conditions of insurance, shall be reasonably adjusted from time to time (not less than every five (5) years after commencement of construction of the Project nor more than once in every three (3) year period) to address changes in circumstance, including, but not limited to, changes in inflation and the litigation climate in California. City shall give written notice to Developer of any such adjustments, and Developer shall provide City with amended or new insurance certificates or endorsements evidencing compliance with such adjustments within thirty (30) days following receipt of such notice.

5.9 Additional Insured Coverage; Liability Limits. For all liability insurance required by this

Agreement, Developer (and Developer's contractors, as applicable) shall obtain endorsements that name the Indemnitees as additional insured in the full amount of all applicable policies, notwithstanding any lesser minimum limits specified in this Agreement. This Agreement requires Developer (and Developer's contractors) to obtain and provide for the benefit of the Indemnitees, additional insured coverage in the same amount of insurance carried by Developer (or Developer's contractors, as applicable), but in no event less than the minimum amounts specified in this Agreement. In the event that Developer (or Developer's contractors as applicable) obtains insurance policies that provide liability coverage in excess of the amounts specified in this Agreement, the actual limits provided by such policies shall be deemed to be the amounts required under this Agreement. Without limiting the foregoing, the limits of liability coverage specified in this Agreement are not intended, nor shall they operate, to limit City's ability to recover amounts in excess of the minimum amounts specified in this Agreement.

5.10 Defense and Cooperation in the Event of a Litigation Challenge. City and Developer shall cooperate in the defense of any court action or proceeding instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, or the Project Approvals ("**Litigation Challenge**"), and the Parties shall keep each other informed of all developments relating to such defense, subject only to confidentiality requirements that may prevent the communication of such information. To the extent Developer desires to contest or defend such Litigation Challenge: (a) Developer shall take the lead role defending such Litigation Challenge and may, in its sole discretion, elect to be represented by the legal counsel of its choice; (b) City may, in its sole discretion, elect to be separately represented by the legal counsel of its choice in any such action or proceeding with the reasonable costs of such representation to be paid by Developer; (c) Developer shall reimburse City, within ten (10) business days following City's written demand therefor, which may be made from time to time during the course of such litigation, all reasonable costs incurred by City in connection with the Litigation Challenge, including City's administrative, legal, and court costs and City Attorney oversight expenses; and (d) Developer shall indemnify, defend, and hold harmless the Indemnitees from and against any damages, attorneys' fees or cost awards, including attorneys' fees awarded under Code of Civil Procedure Section 1021.5, assessed or awarded against City by way of judgment, settlement, or stipulation. Any proposed settlement of a Litigation Challenge shall be subject to City's approval not to be unreasonably withheld, conditioned or delayed. If the terms of the proposed settlement would constitute an amendment or modification of this Agreement or any Project Approvals, the settlement shall not become effective unless such amendment or modification is approved by City in accordance with Applicable Law, and City reserves its full legislative discretion with respect thereto. If Developer opts not to contest or defend such Litigation Challenge, City shall have no obligation to do so. Developer's obligations under this Section 5.9 shall survive the termination of this Agreement.

ARTICLE 6
ANNUAL REVIEW

6.1 Annual Review. As required by California Government Code Section 65865.1, City and Developer shall review this Agreement and all actions taken pursuant to the terms of this Agreement with respect to the development of the Project every twelve (12) months to determine good faith compliance with this Agreement.

6.2 Conduct of Annual Review. The annual review shall be conducted as provided in this Article 6.

By December 1st of each year, Developer shall provide documentation of its good faith compliance with this Agreement during the calendar year, and such other information as may reasonably be requested by the Planning Director. The Planning Director shall review the Developer's submission to ascertain whether Developer has complied in good faith with the terms of this Agreement. Upon request of the Planning Director, Developer shall furnish such additional documents or information as may be reasonably required and available to Developer to enable to Planning Director to complete the annual review. At least ten (10) days prior to making his determination hereunder, the Planning Director shall provide Developer with copies of staff reports, documents, exhibits and other information concerning Developer's compliance with the terms of this Agreement, including the determination proposed by the Planning Director, and Developer may supplement the record or otherwise respond thereto prior to the Planning Director's decision.

6.3 Finding of Compliance or Noncompliance. If the Planning Director finds good faith compliance by Developer with the terms of this Agreement, the Planning Director shall issue a certificate of compliance certifying Developer's good faith compliance with the terms of this Agreement through the period of the applicable annual review. If the Planning Director, on the basis of substantial evidence, finds that the Developer has not complied in good faith with the terms of this Agreement, the Planning Director shall prepare a written report describing why the Developer is not in compliance with this Agreement. If Developer does not cure the noncompliance within ninety (90) days following the date of delivery of the Planning Director's report, then this Agreement shall be subject to modification or termination pursuant to this Agreement.

6.4 Referral to Planning Commission. The Planning Director may refer any review to be conducted hereunder to the Planning Commission (or such commission or body as may assume the responsibilities of the Planning Commission if it ceases to function during the Term of this Agreement). Such referral shall be made by the Planning Director, together with a staff report on the Planning Director's preliminary findings, a copy of which, together with any supporting material, shall be provided to Developer at least ten (10) days prior to the hearing date. Upon such referral, the Planning Commission shall conduct a noticed public hearing to determine if Developer has demonstrated good faith compliance with the terms of this Agreement, in accordance with the provisions of this Article 6.

6.5 Appeals to City Council. If Developer appeals a determination of noncompliance hereunder to the City Council, then the City Council shall schedule a hearing thereon not earlier than thirty (30) days after Developer files its notice of appeal. At such hearing, Developer shall be entitled to submit evidence and address all the issues raised in the notice of noncompliance or on appeal. Developer's evidence may be in writing or may be taken orally at the hearing before the City Council, or both. If, after receipt of any written response of Developer, and after considering all of the evidence at such public hearing, the City Council finds and determines on the basis of substantial evidence that the Developer has not complied in good faith with the terms and conditions of this Agreement, then the City Council shall specify to Developer the respect in which Developer has failed to comply, and shall also specify a reasonable time for Developer to meet the terms of compliance, which time shall be not less than thirty (30) days and shall be reasonably related to the time necessary to adequately bring Developer's performance into good faith compliance with the terms of this Agreement. If the areas of noncompliance specified by the City Council are not corrected within the specified time limits, then the City Council may by noticed hearing terminate or modify this Agreement. A notice of determination hereunder of

noncompliance by Developer shall specify in detail the grounds therefor and all facts demonstrating such noncompliance, so that Developer may address the issues raised in the notice of noncompliance on a point-by-point basis on any appeal taken to the City Council hereunder.

6.6 Miscellaneous Requirements in Connection with Annual Review. The Planning Director's determination shall be made within thirty (30) days after the submission by Developer of the required material hereunder, and, if the Planning Director refers the matter to the Planning Commission, then the determination by the Planning Commission shall be made within thirty (30) days after such referral. Developer shall be permitted an opportunity to be heard orally or in writing before the Planning Director regarding such performance and before the Planning Director makes a determination or referral hereunder. The issuance of a certificate of compliance by the Planning Director (or the Planning Commission on referral) and the expiration of the applicable appeal period without appeal, or the direction of or the confirmation by, the City Council of the issuance of a certificate of compliance on appeal, shall conclude the review for the applicable period, and such determination shall be final and conclusive for the applicable review period.

6.7 Failure to Conduct Annual Review. Failure of City to conduct an annual review shall not constitute a waiver by the City of its rights to otherwise enforce the provisions of this Agreement nor shall Developer have or assert any defense to such enforcement by reason of any such failure to conduct an annual review.

ARTICLE 7
PERMITTED DELAYS; SUPERSEDURE BY SUBSEQUENT STATE OR FEDERAL LAWS.

7.1 Permitted Delays. Performance by either Party of its obligations hereunder shall be excused during any period of Permitted Delay. "**Permitted Delay"** shall mean delay beyond the reasonable control of a Party caused by acts of God, civil commotion, riots, pandemics, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to work in process by reason of fire, floods, earthquake, or other casualties, or any other cause beyond the reasonable control of a Party. A Party's financial inability to perform or obtain financing or adverse economic conditions generally shall not be grounds for claiming a Permitted Delay. The Party claiming a Permitted Delay shall notify the other Party of its intent to claim a Permitted Delay, the specific grounds of the same and the anticipated period of the Permitted Delay within thirty (30) business days after the occurrence of the conditions which establish the grounds for the claim. If notice by the Party claiming such extension is sent to the other Party more than thirty (30) days after the commencement of the cause, the period shall commence to run only thirty (30) days prior to the giving of such notice. The period of Permitted Delay shall last no longer than the conditions preventing performance. In no event shall any Permitted Delay extend the Term of this Agreement.

7.2 Supersedure by Subsequent State or Federal Laws. If any law or regulation enacted by the State of California or the federal government after the Approval Date prevents or precludes compliance with one or more provisions of this Agreement, then the provisions of this Agreement shall, to the extent feasible, be modified or suspended as may be necessary to comply with such State or federal laws or regulations. Immediately after enactment of any such new State or federal law or regulation, the Parties shall meet and confer in good faith to determine the feasibility of any such modification or suspension based on the effect such modification or suspension would

have on the purposes and intent of this Agreement. If such modification or suspension is infeasible in Developer's reasonable business judgment, then Developer shall have the right to terminate this Agreement by written notice to City. In addition, at Developer's election, the Term of this Agreement may be extended pursuant to Section 7.1 above for the duration of the period during which such new State or federal law or regulation precludes compliance with the provisions of this Agreement. In addition, Developer shall have the right to challenge the new State or federal law or regulation preventing compliance with the terms of this Agreement, and, in the event such challenge is successful, this Agreement shall remain unmodified and in full force and effect, except that the Term shall be extended by the period of actual delay in Project construction resulting from the enactment of, and challenge to, such new State or federal law or regulation.

ARTICLE 8
EVENTS OF DEFAULT; REMEDIES; TERMINATION

8.1 Events of Default. Subject to any extensions of time agreed upon by the Parties in writing, and subject to the provisions of Section 7.1 regarding Permitted Delays, any failure by either Party to perform any term, condition, or obligation of this Agreement shall constitute a default. In the event of any alleged breach of, or default under, any term, condition, or obligation of this Agreement, the Party alleging such default shall give the defaulting Party notice in writing specifying the nature of the alleged default and the manner in which the default may be satisfactorily cured ("**Notice of Default**"). An "**Event of Default**" shall arise hereunder if (i) the defaulting Party does not cure the default within thirty (30) days following receipt of Notice of Default from the other Party if the default is of a nature that can be cured within such thirty (30) day period, or (ii) if the default is not of a nature which cannot be cured within such thirty (30) day period, the defaulting Party does not within such thirty (30) day period commence substantial efforts to cure the default, or thereafter does not prosecute to completion with diligence and continuity the curing of such default within not more than ninety (90) days from the date of delivery of the Notice of Default.

Any Notice of Default given hereunder shall specify in detail the nature of the failures in performance which the noticing Party claims constitutes the default and the manner in which such default may be satisfactorily cured in accordance with the terms and conditions of this Agreement. During the time periods herein specified for cure of defaults, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto.

8.2 Withholding of Permits. Following delivery of Notice of Default to Developer pursuant to Section 8.1 above, and during the cure period provided therein, upon a finding by the Planning Director that Developer is in breach under this Agreement, City shall have the right to refuse to issue any permit or other Subsequent Approvals to which Developer would otherwise have been entitled pursuant to this Agreement until such default or breach is cured. This provision is in addition to, and shall not limit any actions that City may take to enforce the conditions of the Project Approvals.

8.3 Termination. Upon the occurrence of an Event of Default and the failure to cure within the time permitted under this Agreement, the non-defaulting Party shall have the right to terminate this Agreement upon giving notice of intent to terminate pursuant to Government Code Section 65868 and regulations of City implementing such section. Following notice of intent to terminate, the

matter shall be scheduled for consideration and review in the manner set forth in Government Code Section 65867 and City regulations implementing said section. Following consideration of the evidence presented in said review before the City Council, a Party alleging default by the other Party may give written notice of termination of this Agreement to the other Party. In the event this Agreement is terminated, neither Party shall have any further rights or obligations hereunder, except as expressly set forth in this Agreement.

8.4 Legal Action.

8.4.1 ***Institution of Legal Actions***. In addition to any other rights or remedies and subject to the limitation set forth in Section 8.4.4, a Party may institute legal action to cure, correct or remedy any Event of Default, to enforce any covenants or agreements herein, to enjoin any threatened or attempted violation thereof, or to obtain any other remedies consistent with the purpose of this Agreement. Any such legal action shall be brought in the Superior Court for Kern County, California, except for actions that include claims in which the Federal District Court for the Eastern District of the State of California has original jurisdiction, in which case the Eastern District of the State of California shall be the proper venue.

8.4.2 ***Acceptance of Service of Process.*** In the event that any legal action is commenced by Developer against City, service of process on City shall be made by personal service upon the City Clerk or in such other manner as may be provided by law. In the event that any legal action is commenced by City against Developer, service of process on Developer shall be made by personal service upon Developer's registered agent for service of process, or in such other manner as may be provided by law.

8.4.3 ***Rights and Remedies Are Cumulative.*** Subject to the limitations set forth in Sections 8.4.4 and 8.4.6, the rights and remedies of the Parties hereunder are cumulative, and the exercise by a Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party, except as otherwise expressly provided herein.

8.4.4 ***No Damages.*** In no event shall a Party, or its boards, commissions, officers, agents or employees, be liable in damages, including without limitation, actual, consequential or punitive damages, for any default under this Agreement. It is expressly understood and agreed that the sole legal remedies available to a Party for a breach or violation of this Agreement by the other Party shall be an action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement by the other Party, and/or to terminate this Agreement. This limitation on damages shall not preclude actions by a Party to enforce payment of monies or the performance of obligations requiring an obligation of money from the other Party under the terms of this Agreement including, but not limited to, obligations to pay attorneys' fees and obligations to pay fees, advance monies, or reimburse monies. In connection with the foregoing provisions, each Party acknowledges, warrants and represents that it has been fully informed with respect to, and represented by counsel of such Party's choice in connection with, the rights and remedies of such Party hereunder and the waivers herein contained, and after such advice and consultation has presently and actually intended, with full knowledge of such Party's rights and remedies otherwise available at law or in equity, to waive and relinquish such rights and remedies to the extent specified herein, and to rely to the extent herein specified solely on the remedies

provided for herein with respect to any breach of this Agreement by the other Party.

8.4.5 ***Resolution of Disputes.*** The Parties agree to mediate any dispute or claim arising between them out of this Agreement, before instituting any court action or proceeding. The mediation shall be conducted by a mediator mutually selected by the Parties and mediation fees, if any, shall be divided equally among the Parties involved. If, for any dispute or claim to which this paragraph applies, any Party commences a court action without first attempting to resolve the matter through mediation, or refuses to mediate after a request has been made, then that party shall not be entitled to recover attorney fees, even if they would otherwise be available to such Party. If, and only if, the dispute is not resolved by mediation, may a Party proceed to initiate a court action.

8.4.6 ***Event of Default Arising Out of Annual Review.*** If the City determines that the Developer is in default under this Agreement as a result of an annual review pursuant to Article 6, then City shall give notice and an opportunity to cure in accordance with the provisions of Article 6. Notwithstanding anything to the contrary contained in this Agreement, if City elects to modify or terminate this Agreement as a result of its annual review under Article 6 after a finding of noncompliance by the Developer with this Agreement, such proceeding of termination or modification shall constitute City's exclusive and sole remedy, and City hereby waives, releases and relinquishes any other right or remedy otherwise available under this Agreement or at law or in equity; provided however, nothing in this Section 8.4.6 shall operate to limit City's ability to recover fees payable by Developer as of the date of the finding of noncompliance or to seek an order of specific performance if Developer has failed to build public improvements that Developer was required to construct or install as of the date of the finding of noncompliance.

8.4.7 ***Waiver.*** No failure or delay by a Party in asserting any of its rights and remedies under this Agreement, and no failure to insist upon the strict performance of any of the provisions of this Agreement, shall constitute a waiver of any such rights or remedies or a waiver of such Party's right to demand strict compliance in the future, or deprive any such Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any such rights or remedies. No waiver shall be effective or binding unless made in writing, and no waiver of any default or breach hereunder shall be implied from any omission by a Party to take any action with respect thereto. No waiver shall constitute a further or continuing waiver of any preceding or succeeding breach of the same or any other provision of this Agreement. Consent by a Party to any act by the other Party shall not be deemed to imply consent or waiver of the necessity of obtaining such consent for the same or similar acts in the future.

8.4.8 ***Effect of Termination.*** If this Agreement is terminated on account of an Event of Default, such termination shall not affect any rights or obligations emanating from Existing Approvals or Subsequent Approvals issued prior to the date of termination, but the rights, duties, and obligations of the Parties hereunder shall otherwise cease as of the date of such termination except as expressly stated herein. If Developer is the defaulting party, then any and all benefits, including money or land received by City, shall be retained by City. If City is the defaulting party, then Developer shall be entitled to all of the benefits arising out of any Exactions paid, given or dedicated to, or received by, City under this Agreement. Notwithstanding the foregoing provisions, no termination of this Agreement shall prevent

Developer from completing and occupying buildings or other improvements authorized pursuant to valid building permits issued by City prior to the date of termination.

8.4.9 ***Cooperation.*** If any action or proceeding is instituted by any third person challenging the validity of any provision of this Agreement, or any action or decision taken or made hereunder, the Parties shall cooperate in defending such action or proceeding; provided however, nothing in this Section is intended or shall be interpreted to modify or reduce Developer's obligations to indemnify and defend City pursuant to Section 5.1 and 5.9 or to pay City's attorneys' fees in connection therewith.

8.4.10 ***Effect of Court Action.*** If any court action or proceeding is brought by any third party to challenge any Project Approval, this Agreement, or any other permit or approval required from City, or any other governmental entity, for development or construction of the Project, or any portion thereof, then (i) Developer shall have the right to terminate this Agreement upon thirty (30) days' notice in writing to City, given at any time during the pendency of such action or proceeding, or within thirty (30) days after the final determination therein (including any appeals), irrespective of the nature of such final determination, and (ii) any such action shall constitute a Permitted Delay.

8.5 **Non-Liability of City Officials, Employees and Agents.** No officer, official, employee or agent of the City shall be personally liable to the Developer in the event of any default or breach by the City or for any amount which may become due to the Developer or its successor or on any obligation under the terms of this Agreement.

8.6 **Estoppel Certificate.** Developer or its lender may, at any time, and from time to time, deliver written notice to the City requesting the City to certify in writing that, to the knowledge of the City: (i) this Agreement is in full force and effect, (ii) this Agreement has not been amended or modified, and if so amended or modified, identifying the amendments or modifications, and (iii) Developer is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature and extent of any such defaults. Developer shall pay, within thirty (30) days following receipt of City's invoice, the actual costs borne by City in connection with its review of the proposed estoppel certificate, including the costs expended by the City Attorney's office in connection therewith. City shall execute and return such certificate within sixty (60) days following the receipt of request therefor. The Planning Director shall have the right to execute any certificate requested by Developer hereunder. City acknowledges that a certificate hereunder may be relied upon by transferees and Mortgagees.

8.7 **Release of Obligation.** Provided that Developer has (i) completed all conditions set forth in the subdivision map for the Property to the satisfaction of City, (ii) paid all fees and monetary obligations required by this Agreement with respect to a particular phase of the Project, and (iii) completed all non-monetary obligations under this Agreement for such phase or has completed or provided bonds or other security for completion of such obligations in a form and from a surety approved by City, City shall provide Developer with an instrument so certifying and releasing the lots within such phase from this Agreement. The release shall constitute conclusive determination that the obligations of Developer under this Agreement have been met or secured with respect to the phase of the Project for which the release is issued. The release shall be in such form as will enable it to be recorded in the Official Records and as will enable the lots within such phase to be conveyed free and clear of any encumbrance resulting from this Agreement.

ARTICLE 9
TRANSFERS AND ASSIGNMENTS

9.1 Assignment. Because of the necessity to coordinate development of the entirety of the Property pursuant to plans for the Project, particularly with respect to the provision of on- and off-site public improvements and public services and benefits, certain restrictions on the right of Developer to assign or transfer its interest under this Agreement with respect to the Property, or any portion thereof, are necessary in order to assure the achievement of the goals, objectives and public benefits of the Project and this Agreement. Developer agrees to and accepts the restrictions set forth in this Article 9 as reasonable and as a material inducement to City to enter into this Agreement.

9.2 Assignment Provisions Before Completion of Public Improvements and Acceptance by the City. Developer shall have the right to sell, transfer or assign its fee interest, or ground lease its interests in the Property, in whole or in part (provided that no such partial transfer shall violate the provisions of the Subdivision Map Act) to any person, partnership, joint venture, firm, company, corporation or other entity (any of the foregoing, an "**Assignee**") subject to the written consent of City, which consent shall not be unreasonably withheld provided that such Assignee demonstrates to the reasonable satisfaction of City that it has the experience and financial capacity to undertake and complete development of the Property in accordance with the requirements of this Agreement. Notwithstanding the foregoing, Developer may assign its rights under this Agreement without the consent of City to any corporation, limited liability company, partnership or other entity which controls, is controlled by, or is under common control with Developer, and provided further, that Subject to Article 10 below, Developer may assign this Agreement as security to a Mortgagee and such Mortgagee may foreclose its interest in this Agreement and be deemed a permitted Assignee. For the purposes of this Section, "control" means effective management and control of the other entity.

9.3 Assignment Provisions After Completion of Public Improvements and Acceptance by the City. Notwithstanding the conditions to Developer's right to assign provided for in Sections 9.2 above, Developer shall have the absolute right to sell, transfer or assign its fee interest, or ground lease its interest in the Property, in whole or in part (provided that no such partial transfer shall violate the provisions of the Subdivision Map Act) to any Assignee after Developer's completion and the City's acceptance of the public improvements required of the Project as to that portion of the Property subject to the assignment.

9.4 Notice of Assignment; Recordation of Assignment and Assumption Agreement. Developer shall provide the City with written notice of any proposed transfer or assignment of Developer's rights or obligations hereunder (each, an "**Assignment**") at least thirty (30) days prior to such Assignment. Each such notice of proposed Assignment shall be accompanied by evidence of Assignee's agreement to assume Developer's obligations hereunder. Developer shall pay the actual costs borne by City in connection with its review of the proposed Assignment, including the costs incurred by the City Attorney's Office. If City consents to such Assignment, a written assignment and assumption agreement, in a form approved by City, shall be recorded in the Official Records. Assignee shall succeed to the rights, duties and obligations of Developer only with respect to the parcel or parcels, or portion of the Property so purchased, transferred, ground leased or assigned, and Developer shall continue to be obligated under this Agreement with

respect to any remaining portions of the Property retained by Developer and not assigned.

9.5 Successive Assignment. In the event there is more than one Assignment under the provisions of this Article 9, the provisions of this Article 9 shall apply to each successive Assignment and Assignee.

9.6 Covenants Run with the Land. Except as expressly provided in this Agreement, this Agreement and all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all other persons or entities acquiring the Property, or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns until such time as lots within a particular phase of the Project are released from this Agreement as contemplated by Section 8.7 above, from which point the covenants of this Agreement no longer shall bind any lot so released.

ARTICLE 10
MORTGAGEE PROTECTION; CERTAIN RIGHTS OF CURE

10.1 Mortgagee Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any Mortgage. Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Agreement shall be binding upon and effective against any person (including any Mortgagee) who acquires title to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise. City agrees to amend this Agreement from time to time to address any revision reasonably requested by a proposed Mortgagee for the purpose of implementing mortgagee protections and allowing the Mortgagee reasonable means to protect or preserve the lien of its Mortgage upon the occurrence of a default under the terms of this Agreement; provided that any such amendment shall not in any way affect the Term of this Agreement, subordinate the City's superior and senior position noted above, increase the burdens or obligations of City under this Agreement, reduce the rights and benefits of City hereunder, or otherwise in any material respect adversely affect any rights of City under this Agreement.

10.2 Mortgagee Not Obligated. Notwithstanding the provisions of Section 10.1 above, no Mortgagee shall have any obligation or duty under this Agreement to construct or complete the construction of improvements, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to any uses or to construct any improvements thereon except in full compliance with this Agreement and the Existing Approvals, nor to construct any improvements thereon or institute any other uses other than those uses or improvements provided for or authorized by this Agreement, or otherwise under the Existing Approvals. Except as otherwise provided in this Section 10.2, all of the terms and conditions contained in this Agreement and the Existing Approvals shall be binding upon and effective against and shall run to the benefit of any person or entity, including any Mortgagee, who acquires title or possession to the Property, or any portion thereof.

10.3 Notice of Default to Mortgagee; Right of Mortgagee to Cure. If City receives notice from a Mortgagee requesting a copy of any Notice of Default given Developer hereunder and specifying

the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default given to Developer, and if City makes a determination of noncompliance under Article 6 above, City shall likewise serve notice of such noncompliance on such Mortgagee concurrently with service thereof on Developer. Each Mortgagee shall have the right (but not the obligation) during the same period provided to Developer hereunder to cure or remedy, or to commence to cure or remedy, the default claimed or the areas of noncompliance set forth in City's notice. If the default or such noncompliance is of a nature which can only be remedied or cured by such Mortgagee upon obtaining possession of the Property, such Mortgagee shall seek to obtain possession with diligence and continuity through a receiver or otherwise, and shall thereafter remedy or cure the default or noncompliance within ninety (90) days after obtaining possession. Notwithstanding the foregoing, nothing contained in this Agreement shall be deemed to permit or authorize any Mortgagee to undertake or continue construction or completion of any improvements comprising the Project (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed Developer's obligation hereunder in the manner specified in Article 10.

10.4 No Supersedure. Nothing in this Article 10 shall be deemed to supersede or release a Mortgagee or modify a Mortgagee's obligations under any subdivision or public improvement agreement or other obligation incurred with respect to the Project outside this Agreement, nor shall any provision of this Article 10 constitute an obligation of City to such Mortgagee, except as to the notice requirements of Section 10.3.

ARTICLE 11
AMENDMENT AND TERMINATION

11.1 Initiation of Amendment. Either party may propose an amendment to this Agreement and both parties agree that it may be beneficial to enter into additional agreements or modification of this Agreement in connection with the implementation of separate components of the Project.

11.2 Amendment by Written Consent. Except as otherwise expressly provided herein (including Article 6 relating to City's annual review and Article 8 relating to termination upon the occurrence of an Event of a Default), this Agreement may be terminated, modified or amended only by mutual written consent of the Parties or their successors in interest or assignees and in accordance with the provisions of Government Code sections 65867, 65867.5 and 65868.

11.3 Operating Memoranda. The parties acknowledge that refinements and further development of the Project may demonstrate that changes are appropriate with respect to the details and performance of the parties under this Agreement. The parties desire to retain a certain degree of flexibility with respect to the details of the Project Development and with respect to those items covered in general terms under this Agreement. If and when the parties mutually find that changes, adjustments, or clarifications are appropriate to further the intended purposes of this Agreement, they may, unless otherwise required by law, effectuate such changes, adjustments, or clarifications without amendment to this Agreement as specified in the Project Approvals or through operating memoranda mutually approved by the parties, which, after execution, shall be attached hereto as addenda and become a part hereof and may be further changed and amended from time to time as necessary, with further approval by City Manager, on behalf of the City and by any corporate officer or other person designated for such purpose in a writing signed by a corporate officer on behalf of Developer. Unless otherwise required by law or by the Project

Approvals, no such changes, adjustments, or clarifications shall require prior notice or hearing. The Parties agree that the maximum number of 350 single family detached units may not be increased through an Operating Memoranda.

11.4 Major Amendments to Agreement. Any amendment to this Agreement that affects or relates to (a) the Term; (b) permitted uses of the Property; (c) the density or intensity of the use of the Property; (d) the maximum height or size of proposed buildings; (e) provisions for the reservation or dedication of land; (f) conditions, terms, restrictions or requirements for subsequent discretionary actions; (g) the location and maintenance of on-site or off-site public improvements, or (g) monetary contributions by Developer, shall be deemed a "**Major Amendment**" and shall require giving of notice and a public hearing before the Planning Commission and City Council. Any amendment which is not a Major Amendment shall be deemed a "**Minor Amendment**" and shall not, except to the extent otherwise required by Applicable Law, require notice of public hearing before the Parties may execute an amendment hereto. Such Minor Amendments shall be subject to Section 11.4 of this Agreement. The City Manager or his or her designee shall have the authority to determine if an amendment is a Major Amendment or a Minor Amendment.

11.5 Requirement for Writing; Recordation. No modification, amendment or other change to this Agreement or any provision hereof shall be effective for any purpose unless specifically set forth in a writing which refers expressly to this Agreement and is signed by duly authorized representatives of both Parties or their successors in interest. Any amendment to, or cancellation of, this Agreement shall be recorded in the Official Records not later than ten (10) days after the effective date of the action effecting such amendment or cancellation.

11.6 Subsequent CEQA Review. In the event that any additional CEQA documentation is legally required for any discretionary Subsequent Approval, then the scope of such documentation shall be focused, to the extent possible consistent with CEQA, on the specific subject matter of the Subsequent Approval, and the City, at Developer's expense, shall conduct such additional CEQA review as expeditiously as possible.

ARTICLE 12
MISCELLANEOUS PROVISIONS

12.1 Notices. Any notice to either Party shall be in writing and given by delivering the same to such party in person or by sending the same by registered or certified mail, or overnight delivery service, return receipt requested, with postage prepaid, to the Party's mailing address. The respective mailing addresses of the Parties are, until changed as hereinafter provided, the following:

City:

City of McFarland
401 W Kern Avenue
McFarland, California 93250
Attn.: City Manager

Developer:

LeOra LLC
6501 Fruitvale Avenue
Bakersfield, CA 93308
Attn: Michael Hair

Either Party may change its mailing address at any time by giving written notice of such change to the other Party in the manner provided herein at least ten (10) days prior to the date such change is effective. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal delivery is effected or, if mailed, on the delivery date shown on the return receipt.

12.2 Negation of Partnership; No Third-Party Beneficiaries. The Parties specifically acknowledge that the Project is a private development, neither Party is acting as the agent of the other in any respect hereunder, and that each Party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties in the businesses of Developer, the affairs of City, or otherwise, nor shall it cause them to be considered joint venturers or members of any joint enterprise. This Agreement is not intended nor shall it be construed to create any third party beneficiary rights in any person or entity, unless expressly otherwise provided herein.

12.3 Not a Public Dedication. Except as expressly provided herein, nothing in this Agreement shall be deemed to be a gift or dedication of the Property, or of the Project, or portion thereof, to the general public, for the general public, or for any public use or purpose whatsoever.

12.4 Severability. Invalidation of any of the provisions contained in this Agreement, or of the application thereof to any person or entity by judgment or court order, shall in no way affect any of the other provisions hereof or the application thereof to any other person, entity, or circumstance, and the same shall remain in full force and effect, unless enforcement of this Agreement as so invalidated would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

12.5 Entire Agreement. This Agreement, together with Exhibits A through C attached hereto and incorporated herein by this reference contains the entire agreement between the Parties with respect to the subject matter hereof. Except as otherwise expressly specified in this Agreement, any prior correspondence, memoranda, agreements, warranties or representations are superseded by this Agreement.

12.6 Captions; Interpretation. Section headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants, or conditions of this Agreement. The use in this Agreement of the words "including," "such as" or words of similar import when following any general term, statement or matter shall not be construed to limit such statement, term or matter to the specific items or matters, whether or not language of nonlimitation, such as "without limitation" or "but not limited to," or words of similar import, are used with reference thereto, but rather shall be deemed to refer to all other items or matters that could reasonably fall within the broadest possible scope of such statement, term or matter. All

Parties have been represented by counsel in the preparation and negotiation of this Agreement, and this Agreement shall be construed according to the fair meaning of its language. The rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement.

12.7 Counterparts. This Agreement may be executed in counterparts, each of which shall be an original and all of which taken together shall constitute one and the same instrument.

12.8 Time of the Essence; Calculation of Time Periods. Time is of the essence for each condition, term, obligation and provision of this Agreement. Unless otherwise specified, in computing any period of time described in this Agreement, the day of the act or event after which the designated period of time begins to run is not to be included and the last day of the period so computed is to be included, unless such last day is not a business day, in which event the period shall run until the next business day. The final day of any such period shall be deemed to end at 5:00 p.m., local time at the Property. For purposes of this Agreement, a "business day" means a day that is not a Saturday, Sunday, a federal holiday or a state holiday under the laws of the State of California. Unless otherwise specified, throughout this Agreement the word "days" shall refer to calendar days.

12.9 Governing Law, Venue. This Agreement shall be construed in accordance with the laws of the State of California, without reference to its choice of law provisions. Any action to interpret or enforce this Agreement shall be filed and heard in state or federal courts with jurisdiction in Kern County, California.

12.10 Survival. Developer's obligations pursuant to Section 5.1 and Section 5.9, and all other provisions that expressly so state, shall survive the expiration or termination of this Agreement.

12.11 City Approvals and Actions. Whenever a reference is made herein to an action or approval to be undertaken by City, the City Manager or his or her designee is authorized to act on behalf of City, unless specifically provided otherwise or the context requires otherwise.

12.12 Exhibits. The following exhibits are attached to this Agreement and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

- Exhibit A: Legal Description of the Property
- Exhibit B: Conditions of Approval and Exactions
- Exhibit C: Existing Impact Fees, Connection Fees and Processing Fees

[*SIGNATURES ON FOLLOWING PAGE*]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

Dated: _____

City of McFarland,
a California municipal corporation

By: _____
Sally Gonzalez,
Mayor

Attest:

_____
Sarah Drake, Interim City Clerk

Dated: _____

LeOra LLC,
a California limited liability company

By: _____
Michael Hair,
Managing Member

SIGNATURES MUST BE NOTARIZED

Approved as to form:

_____
Nathan Hodges, City Attorney

EXHIBIT C

City of McFarland

Development Impact Fee Schedule

Land Use	General Government	Law Enforcement	Parks	Fire Protection	Water	Sewer	Storm Drain	Traffic	Total
Residential - per Dwelling Unit									
Single Family	$ 1,957	$ 1,163	$2,300	$ 289	$4,101	$1,499	$ 648	$ 5,700	$17,657
Multifamily	1,747	1,037	2,053	258	3,651	1,334	395	3,800	14,275
Nonresidential - per 1,000 Square Feet									
Commercial	$ 346	$ 205		$ 100	$ 984	$ 210	$ 661	$ 7,149	$ 9,655
Office	440	260		128	1,189	210	642	9,099	11,968
Industrial	171	102		50	1,477	180	939	5,399	8,318

Source: City of McFarland Development Impact Fee Update, 11-16-20

EXHIBIT B
CITY OF MCFARLAND
PLANNING DEPARTMENT

Vesting Tentative Tract Map 7393
Conditions of Approval

PART A – PROJECT INFORMATION

Assessor's Parcel Number 060-090-29

Job Address: No address assigned yet

Existing General Plan: Single Family Residential

Existing Zoning: R-1 Single Family Residential

Tract #: Tract 7393

PROJECT DESCRIPTION:

The proposed project is a proposal to construct Tract 7393. The project will consist of 167 single-family homes with various lot sizes starting at a minimum of 5000 square feet with an average lot size of 6081 square feet. This tract will be conducted with 4 phases. There will be a drainage basin and a neighborhood park with a total acreage of approximately 2.38 acres.

The existing parcel will be divided, and the Parcel Map will be recorded to create two parcels. One parcel consists of Tract 7393 and the other parcel comprises Tract 7394.

These residential units will follow all new California Building Code and require solar panels to be installed on new single-family residences. This will give homeowners the ability to conduct their own electricity.

Sanitary sewer and water will be provided by the City of McFarland, refuse services by Franchise Hauler, Police Services by the McFarland Police Department and Fire Services by Kern County Fire Department. All water run-offs will be conveyed to the City owned retention basin located at the westerly property line on Taylor Ave.

PART B – CONDITIONS OF APPROVAL

The conditions of approval are based on adopted City plans and policies, determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the community, and recommended conditions will enhance the project and its relationship to the neighborhood and environment.

Conditions of approval may be appealed within fifteen (15) calendar days from the date of the approval. However, conditions based on the City of McFarland Municipal Code are mandatory and may be modified by variance, provided findings pursuant to the McFarland Municipal Code Section 17.148 can be made. Should an appeal of a mandatory condition of approval be received, an application for a variance and the associated fee must be submitted for consideration.

GENERAL CONDITIONS AND REQUIREMENTS

1) The applicant(s)/subdividers(s)/developer(s) (hereinafter referred-to as "Developer"), at their sole cost and expense, shall defend, indemnify and hold harmless the City of McFarland (hereinafter referred to as "City") , its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of VestingTentative Tract Map 7393 (hereinafter referred to as VTTM-7393) or, at its election and in all alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City's reasonable approvals. Developer shall also reimburse the City, its agents legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such actions, claim, or proceeding. The City may at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the Developer of their obligations under this condition.

2) The following disclosure shall be given as part of transfer to properties: "If your real property is near property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on any 24 hours basis. Said discomforts may include, but not be limited to equipment noises, odors from manure or other chemicals, and dust or smoke: The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City and will not be considered a nuisance for those inconveniences or discomforts arising from agricultural operations, provided such operations are consistent with accepted customs, standards, and laws." Developer, or his successor, shall inform prospective homebuyers of the possible exposure to agricultural chemicals that may be used on adjacent agricultural lands.

3) Developer, or the general contractor shall submit a list of all contractors and/or subcontractors performing work on VTTM-7393 to the City Clerk and such contracts and subcontractors shall obtain valid business licenses to do business and/or work in the City.

4) Until all portions of VTTM-7393 have been completed, all vacant and undeveloped land within the boundaries of VTTM-7393 shall be maintained in a weed-free, clean or orderly manner by the Developer. Should said property not be maintained, the City shall notify property that the property is to be cleaned within thirty (30) days of receipt of said notice. If property owner does not comply within the required time frame, City may then clear the land and bill property owner for expenses incurred.

5) VTTM-7393 shall expire twenty (20) years from the date of final approval by the City Council consistent with the term of the Development Agreement approved for this Project, and in accordance with California Government Code, §66452.6. In the event the City enacts a moratorium on residential development for any reason whatsoever, VTTM 7393 shall be extended for the same period of time as said moratorium.

6) Developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.

7) Developer shall submit a copy of any proposed Covenants, Conditions and Restrictions (CC&R's) to the City's Community Development Director prior to - Certification of Occupancy and CCRs must also be approved by the city prior to a certificate of occupancy being issued. If the Community Development Director determines that said CC&R's result in any consistency with City Ordinance the City General Plan, or City Development standards, said CC&R's shall be amended to eliminate any such inconsistency. Once the CC&R's are accepted by the City, none of the portions thereof shall be amended, modified or changed without first obtaining written consent from the City.

8) Any and all applicable City fees adopted as of the effective date of the Development Agreement and for a period of twenty (20) years thereafter, including but not limited to Connection Fees, Impact Fees and Exactions, as those terms are defined in the Development Agreement, shall be paid to the City of McFarland prior to the issuance of a building permit.

9) Prior or concurrent with the recordation of the final map for the first phase of Tract 7393, the Developer shall convey to the City fee title tothe drainage basin and to the McFarland Recreation and Parks District fee title to the park as shown on the vesting tentative tract map and developed in accordance with the Development Agreement.

10) Within five working days after project approval, the applicant shall pay the mandatory Notice of Determination (NOD) filing fee of $50.00 along with the mandatory State Department of Fish and Wildlife CEQA review fee as amended or adjusted from time to time. (F&G code §713) for Kern County Clerk NOD processing. The check will be made to Kern County Recorder. If the required filing fee is not paid for the project, the project approval will not be operative, vested, or final and any local permits issued for the project will be invalid (§711.4 (c) (3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the vesting tentative tract map, it will extend the time frame for CEQA legal challenges.

PLANNING CONDITIONS:

11) All Street names shown on the final map are subject to approval of the Community Development Director after consultation with the subdivider or subdivider's representative and approved by the Planning Department. The approved street names shall be shown on the Final Map. The words "Avenue," "Boulevard," "Drive," "Place," "Way," "Street," "Road" or other designation of any such street or way shall be spelled out in full. City logo must be present on signage for all subdivision street signs.

12) ***Residential Subdivision Land Use Design Criteria***. It is the intent of the General Plan and the provisions of this Title to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the City. The following represents components of design requirements for all residential subdivisions:

a. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yard building setbacks. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.
b. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the City Building Official.
c. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one- story element into the two-story structure shall be required when feasible.
d. The minimum size for construction of a new house in the City shall be one thousand one hundred square feet.
e. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.
f. If custom homes are not proposed, the developer shall provide a minimum of five (5) floor plans and four (4) building elevations for each proposed floor plan. The required number of building elevations may be reduced by one for every two building footprints added to the required minimum number. Elevations, for the purpose of meeting this requirement, shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevations of any other house in the same subdivision as seen from the street upon which it faces. No two identical

elevations shall be placed side by side within a subdivision.

g. Color.

i. The use of monochromatic and complementary accent and trim colors is considered to meet the intent of this Chapter.

ii. The use of bright or garish colors (i.e., fluorescent "hot" or "day-glow" colors) shall not be permitted.

iii. Using building materials in their natural state, such as brick or stone, is strongly recommended.

iv. The use of colors to express individuality and identity within a cohesive and attractive framework is encouraged. Such colors should be in harmony with other colors used in the immediate area.

h. ***Landscaping of Model Homes***. Notwithstanding the provisions of Section 20.10.410, and as to this Section only, any new single-family project or development:

i. Consisting of eight or more lots;

ii. In which one or more model homes are built; and

iii. Which landscapes said model home(s), shall provide the following:

iv. All landscaped model home shall comply with the requirements of this Chapter; and

v. A four square foot sign shall be placed in the front yard of each said model home that contains such water efficient landscaping, such that it is clearly visible to pedestrian and vehicular traffic. Said sign shall state that the model features a water saving landscape and irrigation system; and

vi. Within said models, there shall be located a drawing, or combination of drawings, providing a schematic and description of the landscaping and irrigation system, including a key identifying the common names of all plantings which are part of said landscaping.

13) ***All Landscaping to comply with MWELO*** A landscaping and irrigation plan prepared by a licensed landscape architect shall be submitted to the City for approval by the Community Development Department. All landscaping plans shall comply with the requirements of the State Model Water Efficiency Landscape Ordinance (MWELO). Species, sizes, and number of proposed tree and shrub species shall be shown, labeled on the required plans, and consistent with the City's Adopted Urban Forestry Guidelines. The required plans shall show irrigation facilities, automatic controller locations, and points of connection as required by local and state laws. Lawn (turfed) areas and walkways shall be shown.

14) ***Front Yard Landscaping*** The developer shall provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final inspection for any house constructed in that subdivision, as follows: landscaping

and an irrigation system for both the front yard and the street side yard, provided the street side yard is not obscured from sight from an adjacent street by fencing, of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one tree from the approved City Plant List with a minimum listed canopy width of fifteen (15) foot tree canopy; (2) ten percent of said yard area shall consist of a landscaped planter; and (3) the remaining portion of said yard area not occupied by a driveway, shall be improved with sod including one, six-station clock and two, one-inch valves. All plant materials shall be selected from the City approved Urban Forestry Guidelines. The applicant shall provide two variations of landscaping plans for each model and shall not place the same landscaping configuration on two adjacent properties.

15) ***Side Yard Wall/Fence Requirement***: Properties with side yards abutting the public right of way may have wood fencing material but must include enhanced landscaping selected from the City Urban Forestry Guideline in order to screen the fencing material from the street. The plants shall be minimum of three feet in height and three feet wide when planted, as listed within the City Plant List. If enhanced landscaping is not installed, the fencing type along the side yards abutting the public right of way must be approved by the Community Development Department. The applicant shall notify property owners of that maintenance of these areas is their responsibility as property owner.

16) ***Maintenance of Landscaping***. All landscaping and structural features that are required pursuant to this Chapter shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating. For purposes of enforcement, the owner and the occupant of the property shall be responsible for such maintenance. In the case of a vacant building, the owner shall be responsible for such maintenance.

17) ***CEQA Compliance:*** The tract map shall comply with any adopted environmental mitigations for the project..

18) ***Development Agreement***. If a Development Agreement is adopted for the proposed project, the Development Agreement requirements as adopted by the City Council shall supersede or modify any requirements listed within the Conditions of Approval.

19) ***All Plant Materials.*** Said plans shall be in compliance with the Municipal Code and Subdivision Design Standards. All landscaping and irrigation system plans shall be submitted to the City of McFarland for review and subsequent approval by the Community Development Department, the City's Engineer Office prior to acceptance of the Final Map.

20) ***Screening Requirements*** Prior to occupancy approval for residential units within the tract map or applicable phase thereof, Developer shall construct the following: A six-foot

exterior masonry wall, or a combination of masonry and other compatible material with split block faces, columns, or other design features to provide visual relief along the wall face for the northerly boundary of Tract 7393 adjacent to Taylor Avenue; the easterly boundary of Tract 7393 adjacent to Garzoli Avenue; and the easterly and westerly boundaries of the proposed park. Said wall(s) shall meet the City's specifications and subdivision standards. The entire wall for each phase shall be completed and receive final inspection approval, prior to issuance of the first occupancy permit within the development. Exterior surrounding walls of the exterior of the Tract 7393 shall be constructed with decorative materials which include, but are not limited to split face block, slump stone, stucco block, brick, or other similar materials but specifically excluding precision cinder block construction or may be designed to match adjacent exterior walls of adjacent subdivisions. The exterior wall shall include a capstone of a minimum of one (1) inch, and pilasters at every 50'-0''. Both the capstone and pilasters shall vary in shade from the rest of the block wall. The wall shall be shown on any permits required for construction of the proposed use prior to issuance of said permits. Final screening design and materials shall be submitted Community Development Department for approval prior to construction.

BUILDING CONDITIONS:

21) Private driveways constructed of Portland concrete/cement shall be constructed at a minimum width of sixteen (16) feet from the edger of the public right-of-way to the garage of each house.

22) Prior to permitting occupancy of any lot, building addresses shall be permanently installed and clearly visible from the street, in accordance with the requirements of the McFarland Municipal Code.

23) Prior to a Certificate of Occupancy being issued for any structure all required off-site improvements shall be installed and inspected by the City of McFarland.

24) ***Building Permit Fees.*** The Developer shall be responsible for paying all applicable building permit fees as adopted in Resolution No. 2020-0027, which shall apply throughout the entire development of Tract 7393.

25) ***Development Impact Fees.*** The Developer shall be responsible for paying all development impact fees as adopted in Resolution No. 2020-0046, which shall apply throughout the entire development of Tract 7393. All fees associated with each lot shall be paid at time of building permit.

ENGINEERING CONDITIONS:

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

27) This map is being created from Tentative Parcel Map 12412. Final Tract Map 7393 shall not be recorded until the Parcel Map has recorded in accordance with the Subdivision Map Act.

28) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved vesting tentative map.

29) The applicant to reimburse the City of McFarland for expenses of consultants work for Vesting Tentative Tract Map No. 7393 and agrees to reimburse the City within thirty (30) days of receiving an invoice from the City of McFarland for these expenses.

30) ***Development Agreement (DA):*** A Development Agreement will outline more specifics related to scope and timing of required offsite and park improvements. A Subdivision Improvement Agreement for each phase of the project will be required, in which onsite and offsite public improvement security will be addressed, along with the required landscape and lighting maintenance districts.

31) ***Grading Permit Fee:*** This fee is set by the building code, where the cost depends on the cut/fill volume, and shall be paid prior to Final Map approval. All building finish floor elevations shall be a minimum of one foot above the front street curb elevation.

32) ***Engineering Inspection and Materials Testing***: 3.5% deposit of the engineer's estimate of the public improvements shall be paid prior to Final Map approval. Total Fee will consist of total time and material plus 15% administration fee.

33) ***Plan-check fees***: An engineering plan-check fee deposit of $3,000.00 of the engineer's estimate of the public improvements and grading plan shall be paid at time of plan submittal. Total Fee will consist of total time and material plus 15% administration fee.

34) ***Encroachment Permits***: Encroachment Permits must be paid and acquired prior to any street improvement or any new utility installation within the public right-of-way.

35) The project site is subject to all applicable City of McFarland ordinances, regulations, standards and policies.

36) The applicant shall obtain necessary permits and/or approvals from all agencies having jurisdiction with respect to this project.

37) Provide the City of McFarland with a copy of the current Title Report

38) Provide the City of McFarland with a Preliminary Soils Report that addresses all improvements.

39) Provide the City of McFarland with an estimate of the cost of improvements for bonding or securities of improvements.

40) All improvements to comply with American Disabilities Act standards and regulations (ADA) including drive approach ramp(s), walk around(s), etc.

41) Provide an on-site Drainage Study for the 10-year 5-day storm per Kern County standards.

42) Developer shall provide existing sump volume verification for additional runoff capacity.

43) Retention basins shall be fenced and provided with gated access when the design ponding depth exceeds 18 inches. All retention basins shall be enclosed by a six (6) foot high commercial grade chain link fence with privacy slat except the northern boundary of sump. Northern boundary shall be construct of a six (6') foot high cement block wall.

44) Project to satisfy National Pollution Discharge Elimination System (NPDES), State and Central Valley Regional Water Quality Control Board requirements.

45) The following road improvements are required:

    a. Install Curb, Sidewalk, gutter, and pavement adjacent to Tract 7393 along southside of Taylor Ave within the 45' right-of-way.
    b. Install curb, sidewalk, gutter, and pavement adjacent to Tract 7393 along the westside of Garzoli Ave within the 45' right-of-way.
    c. With dedication of right-of-way from property owner, Developer to install Curb, sidewalk, gutter, and pavement on the South/West corner property at the intersection of Garzoli Ave and Taylor Ave., conditioned on the following:
        i. The cost of these improvement will turn into credit towards traffic impact fees applicable to each lot in Tract 7393 and applied until completely exhausted.
        ii. City shall be responsible for acquiring any additional right-of-way necessary to complete this improvement.
        iii. If dedication is not given to City by property owner, section C shall be removed and not be completed.

46) All new and existing utilities to be installed underground.

47) Developer shall use Roadway hard surface design TI-7.

48) Lighting for all roads surrounding and within subdivision must follow city standard lighting improvement standards.

49) Improvement plans to include a Dust Control Plan as required by San Joaquin Valley Air Pollution Control District (SJVAPCD).

50) Provide verification from Division of Oil and Gas of no conflicts.

51) Provide Kern County Fire Department project approval prior to any plan approvals.

52) Developer shall comply with requirements of the Kern County Fire Department regarding fire hydrants, and hydrant maintenance.

53) Verify water service capacity prior to any plan approval.

54) Sewer and water service shall be provided for each parcel created.

55) Developer shall verify wastewater plant capacity prior to any plan approval.

56) Developer shall verify gravity service sewer system prior to any plan approval.

57) All streets, alleys, access rights, drainage and/or sewer easements and other easements and parcels of land shown on the final map as intended for public use shall be offered for dedication for public use pursuant to the Subdivision Map Act.

58) The final map shall show the location, width and side lines of all easements to which the lots are subject. If an existing easement is not definitely located of record, a statement as to the easement shall appear on the title sheet. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines. Distance and bearings on the side lines of the lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easement, the lengths of the bearings of the lines thereof, and sufficient ties to locate the easement shall be clearly labeled and identified, and, if already of record, proper reference to the records shall be given. Easements being dedicated shall be so indicated in the certificate of dedication.

59) Sufficient data shall be shown to determine readily the bearing and length of each line. Dimensions of lots shall be the net dimensions.

60) Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the city engineer. Such plans will be required before approval of the final map. All such plans and profiles shall be filed with the city engineer.

61) Developer shall provide copies of complete set of Civil on-site/offsite improvement plans signed by a California Registered Civil Engineer.

62) Developer shall provide complete Engineer's Cost Estimate per the project's improvement plans signed by a California Registered Civil Engineer. Use current Kern County Development Standards Division Seven Sec. 701-1 to Sec. 702-9. The estimate shall include a contingency factor to compensate for the effect of inflation and any changes in construction during the life of the project.

63) Improvement work shall not be commenced until the city engineer and the public works director have been notified in advance, and if work has been discontinued for any reason, it shall not be begun again until the city engineer and public works director have been notified.

64) All required improvements shall be constructed under the inspection of, and to the approval of, the city engineer and the city public works director.

65) All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when connections thereto are made.

66) All streets and highways shall be graded and surfaced to cross sections and grades approved by the city engineer.

67) Structures shall be installed as required for drainage, access and/or public safety. Such structure shall be placed to grades and shall be of a design approved by the city engineer.

68) Vertical curbs, gutters and sidewalks shall be installed to grades and at locations approved by the city engineer prior to the issuance of an occupancy permit on building construction on any site within the subdivision. Sidewalks shall be required on all street frontages.

69) Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, location and design and size approved by the city sewer engineer. No septic tanks or cesspools shall be permitted. Location of house sewer laterals shall be marked on curb or sidewalk with a letter "S."

70) Storm drains shall be installed as required by the city engineer.

71) Water mains and fire hydrants of design and layout and in locations approved by the city water engineer and public works director shall be installed by the subdivider. Location of water services shall be marked on the curb or sidewalk with a letter "W." The water system shall be installed and in operation and all required fire hydrants connected thereto prior to the commencement of building construction on any site

within the subdivision.

72) Permanent stainless-steel storm drain markers shall be installed at all storms drain inlets. Coordinate "No dumping" legend with City.

73) Street signs of a type approved by the city shall be installed by the subdivider, in locations approved by the city engineer. Two street name signs shall be installed at each four-way intersection within the subdivision and one street name sign shall be installed at each two-way or three-way intersection. Any required barricades to prevent traffic access to dead-end streets shall be provided by the subdivider.

74) Ornamental streetlights shall be installed by the subdivider, at locations approved by the city engineer, at each four- way intersection, at each three-way intersection, at each two-way intersection, at the end of each cul-de-sac and at such other locations as necessary to provide that no point along any street within the subdivision shall be more than two hundred fifty feet from a streetlight.

75) Permanent monuments in accord with the standard specifications shall be set at all angle and curve points on the exterior boundaries of the subdivision, at all street intersections, at all angle points of street lines, and at all curve points, both simple and compound, of street lines. Monuments in street lines shall be set on street centerlines unless otherwise directed by the city engineer; provided, however, such permanent monuments need not be set at angle and curve points on the exterior boundaries of the subdivision when such points on the exterior boundaries of the subdivision have been previously monumented and accepted by the city.

76) The engineer or surveyor shall set at all corners a marker not less substantial and enduring than one-half-inch iron pipe eighteen inches long with a noncorroding material with the registered engineer's or licensed land surveyor's marker on the head thereof.

77) Any monument or benchmark, as required by the provisions of this title, which is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider.

78) Monuments and benchmarks shall be set before acceptance of the improvements by the council.

79) All improvements necessary shall conform to the proposed subdivision to the standards and policies of the city existing at the time of filing the vesting tentative map shall be installed at the cost of the subdivider.

80) Prior to approval by the council of the final map, the subdivider shall execute and file a Subdivision Improvement Agreement between himself and the city specifying a period (not to exceed twelve months), within which he, or his agent or contractor, shall

complete all improvement work and providing that if he fails to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall provide for the inspection of all improvements by the public works department. Such agreement shall include such stipulations as may be required to assure completion of the subdivision in accord with the requirements of the city.

81) The subdivider shall file with the agreement required provisions to assure his full and faithful performance thereof, a bond or security for such sum as the City engineer deems sufficient to cover the cost of the improvements.

82) The security shall be in the manner, form and kind provided in the Subdivision Map Act. The security shall be in the amount of one hundred percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty percent of such sum securing the payment by the subdivider to his contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements.

83) The security provided shall guarantee maintenance and/or all defects in the required improvements for a period of one year following acceptance of the improvements by the City.

84) (Location) Please add the current property description to the title. (Being a Division of Parcel _ - of Parcel Map 12412)

85) Water Meters shall be installed to City Standard and a Master Smart Meter (Part # B16-A31-B15-0101A-1) shall be installed at each single-family dwelling.

86) Water conservation methods to be utilized to satisfy City & State recommendations and requirements.

87) Sewer service to be provided for each parcel created.

88) All dedications and improvements shall conform to the current City of McFarland Improvement Standards and the Americans with Disabilities Act.

89) All improvements shall be completed, approved by the city engineer, and accepted by the council before a certificate of occupancy for any structure can be issued and a One Year Guarantee Security shall be posted as required by City Ordinance or a Subdivision Improvement Agreement, Faithful Performance and Laborer and Materialmen Security, and Insurance Certificate shall be posted as required by the City Ordinance for Final Parcel Map recordation.

90) Provide note on Improvement Plans: "PRIOR TO ACCEPTANCE OF IMPROVEMENTS: PROVIDE INSPECTION APPROVAL BY CITY WATER

ENGINEER, CITY PUBLIC WORKS DEPARTMENT, CITY POLICE DEPARTMENT AND KERN COUNTY FIRE DEPARTMENT, AND PROVIDE RECORD DRAWINGS AND ONE YEAR GUARANTEE SECURITY.

91) DEVELOPER MUST ANNEX TO THE CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICTS (CFDS) FOR: LANDSCAPING AND STREET MAINTENANCE CFD 2017-2; POLICE SERVICES CFD 2017-1; AND FIRE PROTECTION CFD2019-1.

KERN COUNTY SUPERINTENDENT OF SCHOOLS:

92) The applicant shall be required to pay school impact fees in the amount of $4.08 per square foot of residential development and $0.66 per square foot for commercial development. All school fees shall be paid prior to issuance of a building permit.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT:

93) The applicant shall submit and Air Impact Assessment to the San Joaquin Valley Air Pollution Control District. The Air Impact Assessment shall be submitted and approved prior to the recordation of the Final Map.

94) Development of VTTM-7393 may be subject to additional Air District rules therefore the applicant shall contact the San Joaquin Valley Air Pollution Control District prior to construction commencing on any phase of the development.

MCFARLAND RECREATION AND PARKS DISTRICT:

95) The applicant shall dedicate land for park purposes and/or pay a fee in lieu thereof to the McFarland Recreation and Parks District, in accordance with the Quimby Act (Govt. Code, §66477).

EXHIBIT B CONTINUED
CITY OF MCFARLAND
PLANNING DEPARTMENT

Vesting Tentative Tract Map 7394
Conditions of Approval

PART A – PROJECT INFORMATION

Assessor's Parcel Number 060-090-29

Job Address: No address assigned yet

Existing General Plan: Single Family Residential

Existing Zoning: R-1 Single Family Residential

Tract #: Tract 7394

PROJECT DESCRIPTION:

The proposed project is a proposal to construct Tract 7394. The project will consist of 183 single-family homes with various lot sizes starting at a minimum of 5000 square feet with an average lot size of 6177 square feet. This tract will be conducted with 4 phases. A required drainage basin and neighborhood park will be constructed in connection with development of Tract 7393 and will satisfy the requirements for Tract 7394.

The existing parcel will be divided, and the Parcel Map will be recorded to create two parcels. One parcel consists of Tract 7393 and the other parcel comprises Tract 7394.

These residential units will follow all new California Building Code and require solar panels to be installed on new single-family residences. This will give homeowners the ability to conduct their own electricity.

Sanitary sewer and water will be provided by the City of McFarland, refuse services by Franchise Hauler, Police Services by the McFarland Police Department and Fire Services by Kern County Fire Department. All water run-offs will be conveyed to the City owned retention basin constructed as part of Tract 7393, located at the easterly property line on Taylor Ave.

PART B – CONDITIONS OF APPROVAL

The conditions of approval are based on adopted City plans and policies, determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the community, and recommended conditions will enhance the project and its relationship to the neighborhood and environment.

Conditions of approval may be appealed within fifteen (15) calendar days from the date of the approval. However, conditions based on the City of McFarland Municipal Code are mandatory and may be modified by variance, provided findings pursuant to the McFarland Municipal Code Section 17.148 can be made. Should an appeal of a mandatory condition of approval be received, an application for a variance and the associated fee must be submitted for consideration.

GENERAL CONDITIONS AND REQUIREMENTS

1) The applicant(s)/subdividers(s)/developer(s) (hereinafter referred-to as "Developer"), at their sole cost and expense, shall defend, indemnify and hold harmless the City of McFarland (hereinafter referred to as "City") , its agents, legislative body, officers and employees in any legal or administrative action, claim or proceeding concerning approval of VestingTentative Tract Map 7394 (hereinafter referred to as VTTM-7394) or, at its election and in all alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City's reasonable approvals. Developer shall also reimburse the City, its agents legislative body, officers and employees for any judgments, amounts paid in settlements, court costs and attorneys' fees which the City, its agents, legislative body, officers and employees may be required to pay at court as a result of such actions, claim, or proceeding. The City may at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the Developer of their obligations under this condition.

2) The following disclosure shall be given as part of transfer to properties: "If your real property is near property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on any 24 hours basis. Said discomforts may include, but not be limited to equipment noises, odors from manure or other chemicals, and dust or smoke: The City has determined that the use of real property for agricultural operations is a high priority and favored use to the City and will not be considered a nuisance for those inconveniences or discomforts arising from agricultural operations, provided such operations are consistent with accepted customs, standards, and laws." Developer, or his successor, shall inform prospective homebuyers of the possible exposure to agricultural chemicals that may be used on adjacent agricultural lands.

3) Developer, or the general contractor shall submit a list of all contractors and/or subcontractors performing work on VTTM-7394 to the City Clerk and such contracts and subcontractors shall obtain valid business licenses to do business and/or work in the City.

4) Until all portions of VTTM-7394 have been completed, all vacant and undeveloped land within the boundaries of VTTM-7394 shall be maintained in a weed-free, clean or orderly manner by the Developer. Should said property not be maintained, the City shall notify property that the property is to be cleaned within thirty (30) days of receipt of said notice. If property owner does not comply within the required time frame, City may then clear the land and bill property owner for expenses incurred.

5) VTTM-7394 shall expire twenty (20) years from the date of final approval by the City Council consistent with the term of the Development Agreement approved for this Project, and in accordance with California Government Code, §66452.6. In the event the City enacts a moratorium on residential development for any reason whatsoever, VTTM 7394 shall be extended for the same period of time as said moratorium.

6) Developer shall comply with the latest Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits.

7) Developer shall submit a copy of any proposed Covenants, Conditions and Restrictions (CC&R's) to the City's Community Development Director prior to - Certification of Occupancy and CCRs must also be approved by the city prior to a certificate of occupancy being issued. If the Community Development Director determines that said CC&R's result in any consistency with City Ordinance the City General Plan, or City Development standards, said CC&R's shall be amended to eliminate any such inconsistency. Once the CC&R's are accepted by the City, none of the portions thereof shall be amended, modified or changed without first obtaining written consent from the City.

8) Any and all applicable City fees adopted as of the effective date of the Development Agreement and for a period of twenty (20) years thereafter, including, but not limited to Connection Fees, Impact Fees and Exactions, as those terms are defined in the Development Agreement, shall be paid to the City of McFarland prior to the issuance of a building permit.

9) Within five working days after project approval, the applicant shall pay the mandatory Notice of Determination (NOD) filing fee of $50.00 along with the mandatory State Department of Fish and Wildlife CEQA review fee as amended or adjusted from time to time. (F&G code §713) for Kern County Clerk NOD processing. The check will be made to Kern County Recorder. If the required filing fee is not paid for the project, the project approval will not be operative, vested, or final and any local permits issued for the project will be invalid (§711.4 (c) (3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the vesting tentative tract map, it will extend the time frame for CEQA legal challenges.

PLANNING CONDITIONS:

10) All Street names shown on the final map are subject to approval of the Community Development Director after consultation with the subdivider or subdivider's representative and approved by the Planning Department. The approved street names shall be shown on the Final Map. The words "Avenue," "Boulevard," "Drive," "Place," "Way," "Street," "Road" or other designation of any such street or way shall be spelled out in full. City logo must be present on signage for all subdivision street signs.

11) ***Residential Subdivision Land Use Design Criteria***. It is the intent of the General Plan and the provisions of this Title to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the City. The following represents components of design requirements for all residential subdivisions:

a. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yard building setbacks. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.

b. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the City Building Official.

c. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one- story element into the two-story structure shall be required when feasible.

d. The minimum size for construction of a new house in the City shall be one thousand one hundred square feet.

e. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.

f. If custom homes are not proposed, the developer shall provide a minimum of five (5) floor plans and four (4) building elevations for each proposed floor plan. The required number of building elevations may be reduced by one for every two building footprints added to the required minimum number. Elevations, for the purpose of meeting this requirement, shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevations of any other house in the same subdivision as seen from the street upon which it faces. No two identical elevations shall be placed side by side within a subdivision.

g. Color.

i. The use of monochromatic and complementary accent and trim colors is considered to meet the intent of this Chapter.

ii. The use of bright or garish colors (i.e., fluorescent "hot" or "day-glow" colors) shall not be permitted.

iii. Using building materials in their natural state, such as brick or stone, is strongly recommended.

iv. The use of colors to express individuality and identity within a cohesive and attractive framework is encouraged. Such colors should be in harmony with other colors used in the immediate area.

h. ***Landscaping of Model Homes***. Notwithstanding the provisions of Section 20.10.410, and as to this Section only, any new single-family project or development:

i. Consisting of eight or more lots;

ii. In which one or more model homes are built; and

iii. Which landscapes said model home(s), shall provide the following:

iv. All landscaped model home shall comply with the requirements of this Chapter; and

v. A four square foot sign shall be placed in the front yard of each said model home that contains such water efficient landscaping, such that it is clearly visible to pedestrian and vehicular traffic. Said sign shall state that the model features a water saving landscape and irrigation system; and

vi. Within said models, there shall be located a drawing, or combination of drawings, providing a schematic and description of the landscaping and irrigation system, including a key identifying the common names of all plantings which are part of said landscaping.

12) ***All Landscaping to comply with MWELO*** A landscaping and irrigation plan prepared by a licensed landscape architect shall be submitted to the City for approval by the Community Development Department. All landscaping plans shall comply with the requirements of the State Model Water Efficiency Landscape Ordinance (MWELO). Species, sizes, and number of proposed tree and shrub species shall be shown, labeled on the required plans, and consistent with the City's Adopted Urban Forestry Guidelines. The required plans shall show irrigation facilities, automatic controller locations, and points of connection as required by local and state laws. Lawn (turfed) areas and walkways shall be shown.

13) ***Front Yard Landscaping*** The developer shall provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final inspection for any house constructed in that subdivision, as follows: landscaping and an irrigation system for both the front yard and the street side yard, provided the street side yard is not obscured from sight from an adjacent street by fencing, of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one tree from the approved City Plant List with a minimum listed canopy width of fifteen (15) foot tree canopy; (2) ten percent of said yard area shall consist of a landscaped planter; and (3) the remaining portion of said yard area not

occupied by a driveway, shall be improved with sod including one, six-station clock and two, one-inch valves. All plant materials shall be selected from the City approved Urban Forestry Guidelines. The applicant shall provide two variations of landscaping plans for each model and shall not place the same landscaping configuration on two adjacent properties.

14) ***Side Yard Wall/Fence Requirement***: Properties with side yards abutting the public right of way may have wood fencing material but must include enhanced landscaping selected from the City Urban Forestry Guideline in order to screen the fencing material from the street. The plants shall be minimum of three feet in height and three feet wide when planted, as listed within the City Plant List. If enhanced landscaping is not installed, the fencing type along the side yards abutting the public right of way must be approved by the Community Development Department. The applicant shall notify property owners of that maintenance of these areas is their responsibility as property owner.

15) ***Maintenance of Landscaping***. All landscaping and structural features that are required pursuant to this Chapter shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating. For purposes of enforcement, the owner and the occupant of the property shall be responsible for such maintenance. In the case of a vacant building, the owner shall be responsible for such maintenance.

16) ***CEQA Compliance:*** The tract map shall comply with any adopted environmental mitigations for the project..

17) ***Development Agreement***. If a Development Agreement is adopted for the proposed project, the Development Agreement requirements as adopted by the City Council shall supersede or modify any requirements listed within the Conditions of Approval.

18) ***All Plant Materials.*** Said plans shall be in compliance with the Municipal Code and Subdivision Design Standards. All landscaping and irrigation system plans shall be submitted to the City of McFarland for review and subsequent approval by the Community Development Department, the City's Engineer Office prior to acceptance of the Final Map.

19) ***Screening Requirements*** Prior to occupancy approval for residential units within the tract map or applicable phase thereof, Developer shall construct a six-foot exterior masonry wall, or a combination of masonry and other compatible material with split block faces, columns, or other design features to provide visual relief along the wall face for the northerly boundary of Tract 7394 adjacent to Taylor Avenue. Said wall(s) shall meet the City's specifications and subdivision standards. The entire wall fshall be completed and receive final inspection approval, prior to issuance of the first occupancy permit within the development. Exterior surrounding walls of the exterior of the Tract 7394 shall be

constructed with decorative materials which include, but are not limited to split face block, slump stone, stucco block, brick, or other similar materials but specifically excluding precision cinder block construction or may be designed to match adjacent exterior walls of adjacent subdivisions. The exterior wall shall include a capstone of a minimum of one (1) inch, and pilasters at every 50'-0''. Both the capstone and pilasters shall vary in shade from the rest of the block wall. The wall shall be shown on any permits required for construction of the proposed use prior to issuance of said permits. Final screening design and materials shall be submitted Community Development Department for approval prior to construction.

BUILDING CONDITIONS:

20) Private driveways constructed of Portland concrete/cement shall be constructed at a minimum width of sixteen (16) feet from the edger of the public right-of-way to the garage of each house.

21) Prior to permitting occupancy of any lot, building addresses shall be permanently installed and clearly visible from the street, in accordance with the requirements of the McFarland Municipal Code.

22) Prior to a Certificate of Occupancy being issued for any structure all required off-site improvements shall be installed and inspected by the City of McFarland.

23) ***Building Permit Fees.*** The Developer shall be responsible for paying all applicable building permit fees as adopted in Resolution No. 2020-0027, which shall apply throughout the entire development of Tract 7394.

24) ***Development Impact Fees.*** The Developer shall be responsible for paying all development impact fees as adopted in Resolution No. 2020-0046, which shall apply throughout the entire development of Tract 7394. All fees associated with each lot shall be paid at time of building permit.

ENGINEERING CONDITIONS:

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

26) *This map is being created from Tentative Parcel Map 12412.* Final Tract Map 7394 shall not be recorded until the Parcel Map has recorded in accordance with the Subdivision Map Act.

27) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved vesting tentative map.

28) The applicant to reimburse the City of McFarland for expenses of consultants work for Vesting Tentative Tract Map No. 7394 and agrees to reimburse the City within thirty (30) days of receiving an invoice from the City of McFarland for these expenses.

29) ***Development Agreement (DA):*** A Development Agreement will outline more specifics related to scope and timing of required offsite and park improvements. A Subdivision Improvement Agreement for each phase of the project will be required, in which onsite and offsite public improvement security will be addressed, along with the required landscape and lighting maintenance districts.

30) ***Grading Permit Fee:*** This fee is set by the building code, where the cost depends on the cut/fill volume, and shall be paid prior to Final Map approval. All building finish floor elevations shall be a minimum of one foot above the front street curb elevation.

31) ***Engineering Inspection and Materials Testing***: 3.5% deposit of the engineer's estimate of the public improvements shall be paid prior to Final Map approval. Total Fee will consist of total time and material plus 10% administration fee.

32) ***Plan-check fees***: An engineering plan-check fee deposit of $3,000.00 of the engineer's estimate of the public improvements and grading plan shall be paid at time of plan submittal. Total Fee will consist of total time and material plus 10% administration fee.

33) ***Encroachment Permits***: Encroachment Permits must be paid and acquired prior to any street improvement or any new utility installation within the public right-of-way.

34) The project site is subject to all applicable City of McFarland ordinances, regulations, standards and policies.

35) The applicant shall obtain necessary permits and/or approvals from all agencies having jurisdiction with respect to this project.

36) Provide the City of McFarland with a copy of the current Title Report

37) Provide the City of McFarland with a Preliminary Soils Report that addresses all improvements.

38) Provide the City of McFarland with an estimate of the cost of improvements for bonding or securities of improvements.

39) All improvements to comply with American Disabilities Act standards and regulations (ADA) including drive approach ramp(s), walk around(s), etc.

40) Developer shall not be required to construct a retention basin or park as a condition of

approval for Tract 7394 based on construction of said improvements in connection with development of VTTM 7393.

41) Project to satisfy National Pollution Discharge Elimination System (NPDES), State and Central Valley Regional Water Quality Control Board requirements.

42) The following road improvements are required:

    a. Install Curb, Sidewalk, gutter, and pavement adjacent to Tract 7394 along southside of Taylor Ave within the 45' right-of-way.
    b. Install new pavement on remaining 15' non-improvement street, north of centerline on Taylor Ave between east and west boundaries of Tract 7394.
        i. Cost of this improvement will turn into credit towards traffic impact fees applicable to each lot in Tract 7394 and applied until completely exhausted.

43) All new and existing utilities to be installed underground.

44) Developer shall use Roadway hard surface design TI-7.

45) Lighting for all roads surrounding and within subdivision must follow city standard lighting improvement standards.

46) Improvement plans to include a Dust Control Plan as required by San Joaquin Valley Air Pollution Control District (SJVAPCD).

47) Provide verification from Division of Oil and Gas of no conflicts.

48) Provide Kern County Fire Department project approval prior to any plan approvals.

49) Developer shall comply with requirements of the Kern County Fire Department regarding fire hydrants, and hydrant maintenance.

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55) The final map shall show the location, width and side lines of all easements to which the

lots are subject. If an existing easement is not definitely located of record, a statement as to the easement shall appear on the title sheet. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines. Distance and bearings on the side lines of the lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easement, the lengths of the bearings of the lines thereof, and sufficient ties to locate the easement shall be clearly labeled and identified, and, if already of record, proper reference to the records shall be given. Easements being dedicated shall be so indicated in the certificate of dedication.

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58) Developer shall provide copies of complete set of Civil on-site/offsite improvement plans signed by a California Registered Civil Engineer.

59) Developer shall provide complete Engineer's Cost Estimate per the project's improvement plans signed by a California Registered Civil Engineer. Use current Kern County Development Standards Division Seven Sec. 701-1 to Sec. 702-9. The estimate shall include a contingency factor to compensate for the effect of inflation and any changes in construction during the life of the project.

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61) All required improvements shall be constructed under the inspection of, and to the approval of, the city engineer and the city public works director.

62) All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when connections thereto are made.

63) All streets and highways shall be graded and surfaced to cross sections and grades approved by the city engineer.

64) Structures shall be installed as required for drainage, access and/or public safety. Such structure shall be placed to grades and shall be of a design approved by the city

engineer.

65) Vertical curbs, gutters and sidewalks shall be installed to grades and at locations approved by the city engineer prior to the issuance of an occupancy permit on building construction on any site within the subdivision. Sidewalks shall be required on all street frontages.

66) Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, location and design and size approved by the city sewer engineer. No septic tanks or cesspools shall be permitted. Location of house sewer laterals shall be marked on curb or sidewalk with a letter "S."

67) Storm drains shall be installed as required by the city engineer.

68) Water mains and fire hydrants of design and layout and in locations approved by the city water engineer and public works director shall be installed by the subdivider. Location of water services shall be marked on the curb or sidewalk with a letter "W." The water system shall be installed and in operation and all required fire hydrants connected thereto prior to the commencement of building construction on any site within the subdivision.

69) Permanent stainless-steel storm drain markers shall be installed at all storms drain inlets. Coordinate "No dumping" legend with City.

70) Street signs of a type approved by the city shall be installed by the subdivider, in locations approved by the city engineer. Two street name signs shall be installed at each four-way intersection within the subdivision and one street name sign shall be installed at each two-way or three-way intersection. Any required barricades to prevent traffic access to dead-end streets shall be provided by the subdivider.

71) Ornamental streetlights shall be installed by the subdivider, at locations approved by the city engineer, at each four- way intersection, at each three-way intersection, at each two-way intersection, at the end of each cul-de-sac and at such other locations as necessary to provide that no point along any street within the subdivision shall be more than two hundred fifty feet from a streetlight.

72) Permanent monuments in accord with the standard specifications shall be set at all angle and curve points on the exterior boundaries of the subdivision, at all street intersections, at all angle points of street lines, and at all curve points, both simple and compound, of street lines. Monuments in street lines shall be set on street centerlines unless otherwise directed by the city engineer; provided, however, such permanent monuments need not be set at angle and curve points on the exterior boundaries of the subdivision when such points on the exterior boundaries of the subdivision have been previously monumented and accepted by the city.

73) The engineer or surveyor shall set at all corners a marker not less substantial and enduring than one-half-inch iron pipe eighteen inches long with a noncorroding material with the registered engineer's or licensed land surveyor's marker on the head thereof.

74) Any monument or benchmark, as required by the provisions of this title, which is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider.

75) Monuments and benchmarks shall be set before acceptance of the improvements by the council.

76) All improvements necessary shall conform to the proposed subdivision to the standards and policies of the city existing at the time of filing the vesting tentative map shall be installed at the cost of the subdivider.

77) Prior to approval by the council of the final map, the subdivider shall execute and file a Subdivision Improvement Agreement between himself and the city specifying a period (not to exceed twelve months), within which he, or his agent or contractor, shall complete all improvement work and providing that if he fails to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall provide for the inspection of all improvements by the public works department. Such agreement shall include such stipulations as may be required to assure completion of the subdivision in accord with the requirements of the city.

78) The subdivider shall file with the agreement required provisions to assure his full and faithful performance thereof, a bond or security for such sum as the City engineer deems sufficient to cover the cost of the improvements.

79) The security shall be in the manner, form and kind provided in the Subdivision Map Act. The security shall be in the amount of one hundred percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty percent of such sum securing the payment by the subdivider to his contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements.

80) The security provided shall guarantee maintenance and/or all defects in the required improvements for a period of one year following acceptance of the improvements by the City.

81) (Location) Please add the current property description to the title. (Being a Division of Parcel _ - of Parcel Map 12412)

82) Water Meters shall be installed to City Standard and a Master Smart Meter (Part # B16-A31-B15-0101A-1) shall be installed at each single-family dwelling.

83) Water conservation methods to be utilized to satisfy City & State recommendations and requirements.

84) Sewer service to be provided for each parcel created.

85) All dedications and improvements shall conform to the current City of McFarland Improvement Standards and the Americans with Disabilities Act.

86) All improvements shall be completed, approved by the city engineer, and accepted by the council before a certificate of occupancy for any structure can be issued and a One Year Guarantee Security shall be posted as required by City Ordinance or a Subdivision Improvement Agreement, Faithful Performance and Laborer and Materialmen Security, and Insurance Certificate shall be posted as required by the City Ordinance for Final Parcel Map recordation.

87) Provide note on Improvement Plans: "PRIOR TO ACCEPTANCE OF IMPROVEMENTS: PROVIDE INSPECTION APPROVAL BY CITY WATER ENGINEER, CITY PUBLIC WORKS DEPARTMENT, CITY POLICE DEPARTMENT AND KERN COUNTY FIRE DEPARTMENT, AND PROVIDE RECORD DRAWINGS AND ONE YEAR GUARANTEE SECURITY.

88) DEVELOPER MUST ANNEX TO THE CITY OF MCFARLAND COMMUNITY FACILITIES DISTRICTS (CFDS) FOR: LANDSCAPING AND STREET MAINTENANCE CFD2017-2; POLICE SERVICES CFD 2017-1; AND FIRE PROTECTION CFD 2019-1.

KERN COUNTY SUPERINTENDENT OF SCHOOLS:

89) The applicant shall be required to pay school impact fees in the amount of $4.08 per square foot of residential development and $0.66 per square foot for commercial development. All school fees shall be paid prior to issuance of a building permit.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT:

90) The applicant shall submit and Air Impact Assessment to the San Joaquin Valley Air Pollution Control District. The Air Impact Assessment shall be submitted and approved prior to the recordation of the Final Map.

91) Development of TTM-7394 may be subject to additional Air District rules therefore the applicant shall contact the San Joaquin Valley Air Pollution Control District prior to construction commencing on any phase of the development.

MCFARLAND RECREATION AND PARKS DISTRICT:

92) The applicant shall dedicate land for park purposes and/or pay a fee in lieu thereof to the McFarland Recreation and Parks District, in accordance with the Quimby Act (Govt. Code, §66477).

RESOLUTION NO. 2021-0047
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ADOPTING THE INITIAL STUDY AND NEGATIVE DECLARATION FOR THE HOUSING TRACTS 7393 AND 7394

WHEREAS, LeOra LLC, as the owner of Assessor's Parcels 060-090-29 is proposing to subdivide a parcel into two vesting tracts ("Project"); and

WHEREAS, on June 15, 2021, the project application was deemed complete per Government Code Section 65920 et. seq; and

WHEREAS, the City prepared an Initial Study/Negative Declaration, dated May 1, 2021, of environmental impacts for the Project in accordance with the California Environmental Quality Act and City and County Guidelines.

WHEREAS, the Initial Study and the Negative Declaration was duly noticed and circulated for public review for a period of 20 days, from July 12, 2021 through August 1, 2021; and

WHEREAS, public comment received on the Initial Study and Negative Declaration were received during the public review period from McFarland Recreation and Park District (MRPD) and San Joaquin Valley Air Pollution Control District (SJVAPCD); and concerns identified, conditions to mitigate those impacts, where addressed in vesting tentative tract map 7393 and 7394 Conditions of Approval; and

WHEREAS, on August 10, 2021, following notice duly and regularly given as required by law, the Planning Commission of the City of McFarland held a public hearing to consider the Initial Study and Negative Declaration. At that meeting, the Planning Commission adopted Resolutions 2021-0006-PC and 2021-0007-PC, recommending the City Council adopt the Initial Study/Negative Declaration; and

WHEREAS, on August 12, 2021, following notice duly and regularly given as required by Law, the City Council of the City of McFarland held a public hearing to consider the Project, the Initial Study, the Negative Declaration, and the recommendations of the Planning Commission. The City Council received a report from City Staff, oral and written testimony from the public, and deliberated on the project.

WHEREAS, all legal prerequisites to adoption of this resolution have occurred.

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

Section 1. That the foregoing Recitals are true and correct and constitute a substantive part of this Resolution.

Section 2. Adoption of the Initial Study/Negative Declaration

a. The City Council finds that the Initial Study/Negative Declaration was presented to the City Council, that the City Council has reviewed the Initial Study/Negative Declaration prepared for the Project, all staff reports pertaining to the Project, and all other pertinent documents relating to the preparation of the Initial Study/Negative Declaration and all comments received thereon, and that the initial Study/Negative Declaration has been prepared and completed in compliance with CEQA;

b. The City Council finds that on the basis of the Initial Study/Negative Declaration, comments received, and the whole record that there is no substantial evidence that the Project will have a significant adverse impact on the environment;

c. The City Council finds that the Initial Study/Negative Declaration reflects the City's independent judgment and analysis;

d. The City Council hereby Adopts the Initial Study/Negative Declaration, attached hereto as Exhibit A and incorporated herein by reference, and directs that a Notice of Determination be posted with the Kern County Clerk, in compliance with the California Environmental Quality Act.

Section 3. The custodian of records for the Initial Study/Negative Declaration for the Project, and all other materials which constitute the record of proceedings upon which the City Council's decision is based is the City Clerk of the City of McFarland. Those documents are available for public review in the Office of the City Clerk, which can be reached at 661-792-3091, and is located at 401 W. Kern Avenue, McFarland, CA 93250

Section 4. This Resolution shall take effect immediately upon its adoption.

Section 5. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on the ____ day of August, 2021 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Sarah Drake, Interim City Clerk

Maria Lara, City Manager

CITY OF MCFARLAND:

Sally Gonzalez, Mayor

Attachments: Initial Study and Negative Declaration

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

Sarah Drake, Interim City Clerk

Maria Lara, City Manager

RESOLUTION 2020-0046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA ADOPTING THE CITY OF MCFARLAND DEVELOPMENT IMPACT FEE UPDATE STUDY; MAKING CERTAIN FINDINGS; AND APPROVING NEW DEVELOPMENT IMPACT FEES FOR THE CITY OF MCFARLAND, EFFECTIVE ON December 10, 2020

WHEREAS, the City has a development impact fee (DIF) schedule that is charged to developers to mitigate the impacts of development upon public facilities, and

WHEREAS, present and future development within the City shall cause adverse financial impact upon the City to provide adequate public facilities; and

WHEREAS, unless an impact fee program to fund new or expanded facilities to serve new development is imposed upon parcels at the time of development in order to mitigate the increased burden placed by such development on general welfare, the City will be adversely affected; and

WHEREAS, by reason of new and expanded development of parcels within the City, a new and cumulatively overwhelming burden on city facilities will be created, and therefore such developers should offset the additional responsibilities required and imposed upon the City by the payment of fees to mitigate the adverse financial impact upon the City so as to provide for construction of expanded capital facilities to properly handle such new and increased development; and

WHEREAS, construction within the City continues and it is deemed necessary and desirable to impose such fee prior to issuance of a building permit or permits to developers in order to establish funding at the earliest possible time and to apprise developers of the fee imposition upon respective parcels prior to issuance of building permits; and

WHEREAS, all parcels within the City and its sphere of influence will be benefited by the imposition of a fee to construct needed facilities and acquire equipment as recommended; and

WHEREAS, the City conducted a comprehensive update of the DIF schedule, selecting Willdan Financial Services (Willdan) to complete the DIF update through a competitive Request for Proposals process, and Willdan worked with City staff to gather data about the city and determine various methods to update the DIF schedule; and

WHEREAS, the City Council held a Public Hearing on December 10, 2020 to receive input on the proposed Study (hereinafter described) and DIF schedule attached hereto as Exhibit A and incorporated herein by this reference (the "DIF Schedule").

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of McFarland hereby finds and resolves that:

1. Findings.
A. The purpose of the proposed DIFs is to raise capital revenues necessary to mitigate the cost of various City infrastructure and facilities required because of additional demands from continued development.

B. The DIFs will be used only to pay for the portion of the various City infrastructure that supports new development within those land-uses and infrastructure categories.

C. There is a reasonable relationship between the use of the DIFs, and the developments on which the fee is imposed as identified in the study (the "Study") attached hereto as Exhibit B and the staff report attached hereto as Exhibit C (the "Staff Report"). The fees will be used only to pay for the portion of the various City facilities that support new development within the City of McFarland.

D. There is a reasonable relationship between the need for the development identified in the Study and Staff Report for which the impact fee schedule is calculated, and the types of development on which these fees are imposed. The relationships between various types of development and the demand for additional facilities from new development are specified in the Study and Staff Report.

E. There is a reasonable relationship between the amounts of the fees, and the facility costs needed to support the development projects on which the fee is imposed.

F. After review and consideration of the Study and Staff Report and the testimony received at the Public Hearing, the City Council hereby approves the Study, and incorporates the same into this resolution.

2. Service Areas. The service areas for the DIF Schedule based on the Study and Staff Report are uniform throughout the City and any potential annexation areas within its sphere of influence.

3. Amount of the Impact Fees. The amounts of the new DIFs are set forth in the DIF Schedule. The number and type of units of development to be used as a basis for charging impact fees to a development project will be determined by the Director of Community Development or the Public Works Director/City Engineer as needed.

4. Annual Adjustments. The City Council will consider the adjustment of the DIF Schedule to keep pace with inflation on or after January 1 of each year (the "DIF Adjustment Date") (starting with January 1, 2021) by the percent change over 12 months in the California Department of General Services California Construction Cost Index (CCCI), for the twelve months immediately preceding the DIF Adjustment Date.

5. Changes in Estimated Costs. If the actual or estimated costs of the needed facility change substantially from the proposed project, the Public Works Director shall review the impact fee to determine whether the changes in costs have a meaningful effect on the amounts of the impact fees needed. If so, the Public Works Director shall promptly recommend to the City Council a revised impact fee.

6. Separate Accounts. The Public Works Director shall deposit fees collected pursuant to this resolution in separate accounts for the facility types for which these impact fees are collected. Within 180 days of the close of each fiscal year, the Public Works Director shall make available to the public an accounting of the funds as provided for in Section 66006(b) of the Government Code, and the City Council shall review that information at its next regular public meeting.

7. Effective Date. This resolution shall become effective upon adoption. The fees imposed by this resolution shall be effective on February 10, 2021 in compliance with the Government Code Section 66017 requirement that the new fee become effective not less than 60 days after its adoption.

8. Savings and Interpretation Clause. This resolution shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Constitution of the State of California. If any section, subsection or clause of this resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this resolution, or any section, subsection or clause of this resolution shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this resolution and its sections, subsections and clauses in regards to other contracts shall not be affected.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland held on December 10th, 2020 by the following vote:

AYES: Perez, Ayon, Rodriguez, Cano, Gonzalez (Mayor)

NOES: None

ABSENT: None

ABSTAIN: None

SALLY GONZALEZ, Mayor
of the City of McFarland

ATTEST:

FRANCISCA ALVARADO, City Clerk
of the City of McFarland

CITY OF McFARLAND
INCORPORATED
JULY 18, 1957
CALIFORNIA

EXHIBIT A

Proposed Development Impact Fee Schedule

Land Use	General Government	Law Enforcement	Parks	Fire Protection	Water	Sewer	Storm Drain	Traffic	Total
Residential - per Dwelling Unit									
Single Family	$ 1,957	$ 1,163	$2,300	$ 289	$4,101	$1,499	$ 648	$ 5,700	$17,657
Multifamily	1,747	1,037	2,053	258	3,651	1,334	395	3,800	14,275
Nonresidential - per 1,000 Square Feet									
Commercial	$ 346	$ 205		$ 100	$ 984	$ 210	$ 661	$ 7,149	$ 9,655
Office	440	260		128	1,189	210	642	9,099	11,968
Industrial	171	102		50	1,477	180	939	5,399	8,318

Source: City of McFarland Development Impact Fee Update, 11-16-20

EXHIBIT "B"
[Study]

EXHIBIT "C"
[Staff Report]

ORDINANCE NO. 0006-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, ADOPTING AN UNCODIFIED ORDINANCE, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCFARLAND AND LEORA LLC FOR THE DEVELOPMENT OF TRACT 7393 AND 7394 LOCATED AT APN(060-090-29) SOUTHWEST OF INTERSECTION TAYLOR AVE/GARZOLI AVE

WHEREAS, Sections 65864-65869.5 of the California Government Code authorize the City of McFarland ("City") to enter into development agreements and requires the planning agency of the City to find the proposed development agreement to be consistent with the policies and programs of the General Plan and any applicable specific plan, which the Planning Commission has done; and

WHEREAS, Government Code section 65865 authorizes the City to enter into development agreements with any person having a legal or equitable interest in real property; and

WHEREAS, LeOra LLC ("Developer") has filed a development agreement application with the City for development of Tract 7393 and 7394, in McFarland, CA, APN: 060-090-29, which is generally located Southwest of intersection Taylor Ave/Garzoli Ave. (the "Project Area" or "Property") for the development of 350 single family homes, to be completed in 8 phases (the "Project"). The various entitlements are collectively referred to as "Project Approvals;" and

WHEREAS, on August 24th, 2021, the Planning Commission held a duly and properly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed development agreement and associated entitlements. In this meeting the Planning Commission recommended to the City Council of the City of McFarland to adopt this Ordinance related to the Development Agreement between the City of McFarland and LeOra LLC for the development of Tract 7393 and 7394; and

WHEREAS, the City Council conducted a duly noticed public hearing on August 26, 2021, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed development agreement and associated project entitlements, and after which this Ordinance was introduced by the City Council; and

WHEREAS, the City Council considered this matter on September 9, 2021, at which time all interested parties were given another opportunity to be heard and present evidence regarding the proposed development agreement; and

WHEREAS, the City Council now desires to approve the proposed Development Agreement by adoption of this uncodified ordinance.

NOW, THEREFORE, the City Council of the City of McFarland does ordain as follows:

Section 1. The above recitals are true, correct and hereby incorporated by reference.

Section 2. The City Council determines that this project has already been environmentally assessed pursuant to the California Environmental Quality Act (CEQA) along with the approval of Tentative Parcel Map No. 12412. The city has adopted a Negative Declaration for the vesting tentative tract maps 7393 and 7394 along with finding the Tentative Parcel Map No. 12412 categorically exempt under CEQA Guidelines Sections 15315. As such, no further assessment is required.

Section 2. Pursuant to Government Code Sections 65864 through 65869.5 and in light of the record before it, including the staff report (and all attachments), and all evidence and testimony heard at the public hearing for this item, and in light of all evidence and testimony provided in connection with the CEQA hearings, and consistent with the findings and recommendations of the Planning Commission, the City Council makes the following findings regarding Development Agreement No. 2021-0001 (the "Development Agreement"):

a. Finding 1: The proposed Development Agreement is consistent with the goals and policies of the General Plan, its purposes and applicable Specific Plan(s).

   Evidence: The Council has reviewed the analysis and determined that the proposed Development Agreement is consistent with the planned land use for the General Plan. The proposed land use and the density are also compliant per this requirement. Additionally, the Development Agreement represents a productive use of site that is compatible with surrounding uses, and offers McFarland residents new residential opportunities. As such, the Development Agreement is therefore consistent with the General Plan.

b. Finding 2: A water supply assessment is not required, and the Development Agreement does not include a subdivision as defined in Section 66473.7 of the Government Code.

   Evidence: Government Code section 66473.7 requires a water supply assessment for subdivisions with more than 500 dwelling units, etc. Not only is this project not a "subdivision" for the purposes of the section, but an adequate water supply is available for the project.

c. Finding 3: The project has adequate flood protection.

   Evidence: The City has imposed conditions on development that will protect the property to the urban level of flood protection. As such, the site has adequate flood protection.

Section 3. The City Council finds the Development Agreement establishes mutual beneficial obligations and benefits for LeOra LLC, and the City.

Section 4. The City Council finds the Development Agreement complies with the requirements of California Government Code Sections 65865 through 65869.5.

Section 5. The City Council finds the Development Agreement will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the Project will be developed in accordance with the City's ordinances, laws, regulations, and entitlements for the Project.

Section 6. For the foregoing reasons, and based on the information contained in any staff report, supporting documentation, minutes and other records of the proceedings, including any and all public comments received related to the Development Agreement, all of which are incorporated herein by this reference, the City Council hereby adopts this Ordinance and approves the proposed Development Agreement By And Between The City Of McFarland, A Municipal Corporation, And LeOra LLC, which is attached hereto as Exhibit "A" and incorporated herein by this reference. The Development Agreement will not become effective or recorded until Final Map for Tentative Parcel Map (TPM) 12412 is approved by the City Council and recorded with the Kern County Recorder.

Section 7. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 8. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

Section 9. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council of the City of McFarland after waiving reading, except by Title, at a regular meeting thereof held on the 26 day of August 2021, and adopted the Ordinance after the second reading at a regular meeting held on the 9 day of September, 2021, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

_____
Sarah Drake, Interim City Clerk

CITY OF MCFARLAND:

_____
Sally Gonzalez, Mayor

Attachments: Development Agreement by and Between the City of McFarland, a Municipal Corporation, and LeOra LLC.

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

MEMORANDUM
CITY OF MCFARLAND

TO: Honorable Mayor and City Council

FROM: Maria Lara, Community Development Director

DATE: August 26, 2021

SUBJECT: Report, discussion, and Possible Adoption of a Resolution No. 2021-0050 to approve General Plan Update 2040.

BACKGROUND:

The City of McFarland was awarded funding from multiple planning grants to conduct a General Plan Update. The City has consulted with Cornelius Nuworsoo, from De Lapide & Associates which works directly with a university of graduate students. Over the past two year, the City has been conducting meeting and outreaches to gather information to be used in the City's General Plan Update. The General Plan serves the city as a template or path for the growth of the City for the next twenty (20) years. All Cities are required to have a general plan and update every ten (10) years to make sure all plans are current with the plans for the City. This update will create a lot of opportunities for the City to grow in all areas.

The grants department was able to achieve this update by applying to grants such as the Sustainable Agricultural Lands Conservation grant and SB2 Planning Grant. With the funding of both grants, no cost to the City was needed.

The General Plan proposed for approval, will set forth the master plan for McFarland's growth economically. It consist of Land Uses, Annexation Lands, Future Sphere of Influences, and all possible growth for the City.

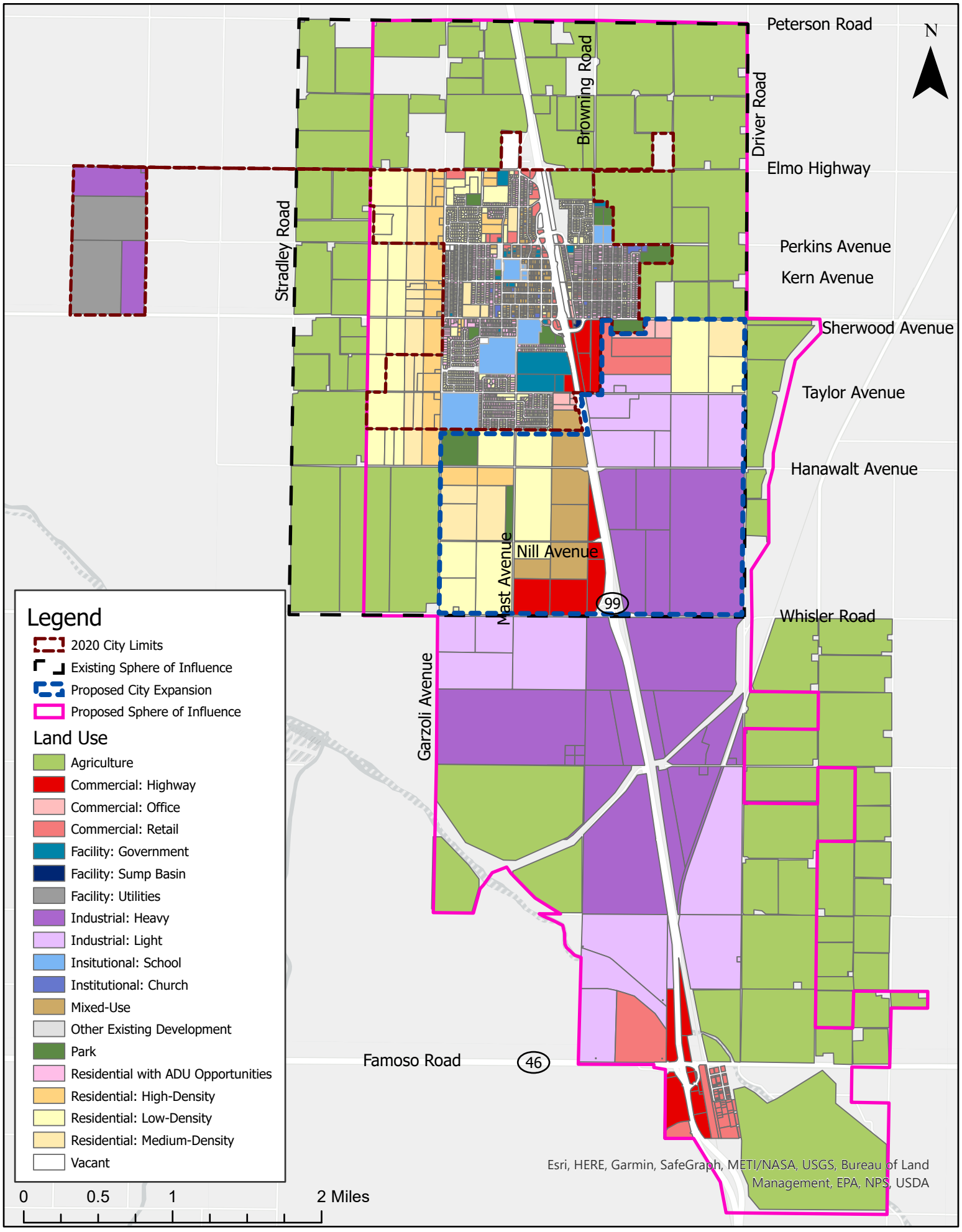
RECOMMENDATION:

Staff recommends the approval of a resolution **APPROVING** the General Plan Update 2040.

ATTACHMENTS

Resolution No. 2021-0050

General Plan Land Use Map



RESOLUTION NO. 2021-0050

A RESOLUTION OF THE CITY COUNCIL OF MCFARLAND, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) ADOPTING ENVIRONMENTAL FINDINGS, MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPTING THE COMPREHENSIVE GENERAL PLAN UPDATE THAT ENCOMPASSES THE CITY AND ITS SPHERE OF INFLUENCE.

WHEREAS, the State of California Government Code requires the City to adopt and maintain a General Plan that contains certain elements, describes its long-term goals, and develop policies and programs to achieve those goals; and

WHEREAS, the City Council of the City of McFarland initiated a comprehensive update to the City's General Plan in October, 2019; and

WHEREAS, the City has proactively engaged the public, Planning Commission, and other stakeholders in the comprehensive update to the General Plan, including community outreach workshops and meetings in person and online; and

WHEREAS, the City Council has reviewed and considered information from a variety of sources, including, but not limited to, City staff, outside agencies, the Final Environmental Impact Report (SCH#2021040288) for McFarland 2040 Comprehensive General Plan Update, and members of the public; and

WHEREAS, public notice was provided as required by law and a ***Planning Commission public hear August 24, 2021***, when the Commission voted to recommend that the City Council adopt the General Plan Update; and

WHEREAS, public notice was provided as required by law and a **City Council public hearing** was held on August 26, 2021, to consider action on the General Plan Update; and

WHEREAS, the City Council, based upon evidence in the record hereby makes the following findings in support of the General Plan Update:

1. California State law requires that each city adopt a general plan to describe its long-term goals and its policies and programs to achieve those goals. The general plan is intended to serve as a "blueprint" for future growth and development, in that land use decisions, zoning regulations, subdivision approvals, and other policies by the City are required to be consistent with the General Plan.

2. The City's current General Plan, adopted in 1991, reflects the environmental conditions, demographics, growth projections, and community goals of that time. There is a need, and it is in the interest of public health, safety, and welfare to update the City's General Plan to incorporate current conditions, community goals, and revised growth projections that extend the planning horizon to the year 2040.

3. The General Plan Update was initiated by the City Council on October 1, 2019, and is a comprehensive update of the 1991 General Plan. The General Plan is separated into thematic elements. All elements must be consistent with each other including the seven elements that are required for all General Plans in California, with two further elements required for communities meeting particular criteria. Five optional elements are also included and do carry the same legal force and status as the required elements. The **fourteen elements** include:
   - *Required***:** Land Use, Circulation, Housing, Safety, Conservation, Open Space, and Noise
   - *Required in San Joaquin Valley Air Pollution Control District***:** Air Quality
   - *Required in Disadvantaged Communities***:** Environmental Justice
   - *Optional***:** Economic Development, Health, Community Design, Public Facilities, and Sustainable Agriculture,

4. The General Plan Update encapsulates the themes resulting from the community outreach and visioning process. This information, as well as public testimony, information from the Program Environmental Impact Report, data provided by City staff and outside agencies, and applicable State and federal law, has been reviewed and considered by the Commission in making this recommendation.

5. A Program Environmental Impact Report has been prepared for the project that provides a description of potential environmental impacts of the proposed General Plan and recommends mitigation measures to reduce potentially significant impacts to a less than significant level, where feasible. This Program EIR was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq.

6. In accordance with Section 15090 of the State CEQA Guidelines, this Planning Commission has reviewed and considered the information contained in the Final Program Environmental Impact Report prepared for the General Plan Update prior to making a recommendation to the City Council, and that the information contained in the Final Program Environmental Impact Report reflects the City's independent judgment and analysis.

7. The Planning Commission participated in five (5) meetings from October 24 2019 through June 22 2021 to receive public comments, and to study the draft documents in formulating a recommendation to the City Council on the General Plan Update.

8. The General Plan update will promote the public health, safety, and welfare by establishing goals, objectives, policies, and programs to guide development and maintenance of an efficient and attractive built environment, protection and management of natural environmental resources, and provision of adequate infrastructure and services to meet the expected population demand.

NOW, THEREFORE, BE IT RESOLVED:

1. This City Council certifies the Final Environmental Impact Report as stated in this Resolution.

2. This City Council adopts all environmental findings documented in the Final Environmental Impact Report attached to this Resolution as Exhibit "A".

3. This City Council adopts the Mitigation Monitoring Program as contained in the Final Environmental Impact Report attached to this Resolution as Exhibit "A".

4. This City Council adopts the General Plan Update, specifically the General Plan Policy Document, and General Plan land use map attached to this Resolution as Exhibits "B" and "C", respectively.

PASSED, APPROVED and ADOPTED this 26th day of August, 2021, by the following vote:

Votes:

Ayes:

Nays:

Absent:

Abstain:

_____

Sally Gonzalez, Mayor
City of McFarland, California

ATTEST: _____

Sara Drake, Interim City Clerk

I, Sara Drake, Interim City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.

_____

Sara Drake, Interim City Clerk

City of McFarland
General Plan Update
Draft 2040 General Plan
July 2021

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by the 2019-2020 Community and Regional Planning Studio class
of the Master of City & Regional Planning Program at California Polytechnic State University
in San Luis Obispo, California.

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Executive Summary

Introduction

This document is a comprehensive update of the General Plan for the City of McFarland, California. State law requires cities and counties to prepare and adopt a General Plan to serve as a guiding document for land use and development decisions. The General Plan is developed with public input as well as demographic and planning research. It is typically prepared looking over a 15- to 20-year timeline, and must be periodically updated according to State law, with the Housing Element requiring more frequent updates.

The General Plan is separated into thematic elements. All elements must be consistent with each other. Seven elements are required for all General Plans in California, with two further elements required for communities meeting certain criteria that exist in McFarland. Optional elements may also be included and they carry the same legal force and status as the required elements. This General Plan includes five optional elements. The fourteen elements include:

- **Required:** Land Use, Circulation, Housing, Safety, Conservation, Open Space, and Noise
- **Required in San Joaquin Valley Air Pollution Control District:** Air Quality
- **Required in Disadvantaged Communities:** Environmental Justice
- **Optional:** Economic Development, Health, Community Design, Public Facilities, and Sustainable Agriculture

Planning Process

This General Plan was produced with significant input from residents and stakeholders in the City of McFarland, including many members of the public, the Planning Commission, and City staff. The planning team consisted of second year graduate students pursuing master's degrees in City & Regional Planning under the guidance of Dr. Cornelius Nuworsoo, all from California Polytechnic State University (Cal Poly) in San Luis Obispo, California. The planning team worked closely with the City of McFarland on this update of the City's General Plan, which had last been updated in 1991.

In the fall of 2019, the planning team gathered input, including likes, dislikes, and wishes from the citizens of McFarland and City leadership and staff through two public meetings and an online survey as well as a complete land use inventory to generate a Background Report that describes the existing conditions in the City. The Background Report provides supplemental information for the General Plan and was used to inform goal development and land use and circulation decisions. The Background Report provides an overview of the existing conditions taking into consideration existing policies, plans, regulations, infrastructure, resources, and services within the City and the surrounding area. The Background Report further guided the formulation of development alternatives in this subsequent General Plan document.

Using additional community input received in a third community meeting in February 2020, the planning team developed the Preferred Growth Alternative in February and March 2020. Three different methods were utilized to gather information to inform the planning process on existing conditions and to identify emerging directions, which in turn guided the development of goals, objectives, policies, and programs and the Preferred Growth Alternative of the General Plan. These methods include:

- Primary data collection in the form of four public meetings and an online survey on preferences for future development in McFarland.
- Field work in the form of a land use inventory, which provided an up-to-date map of the land uses, intensities, and conditions on all parcels within the City boundaries in October 2019.
- Secondary research to identify existing plans, policies, and contextual information related to each element.

Demographics

McFarland's 2015 population was 13,020. The median age in the City in 2015 was 26 years old. The median household income of $35,069 was 69% of Kern County's median and 52% of California's median. 89% of the population of McFarland identify as white, and 96% identify as Hispanic or Latino. 36% of residents fall below the poverty level. The 2017 unemployment rate in McFarland was 14.2%.

2040 Population and Housing Projections

McFarland's population is projected to grow from 13,020 in 2015 to 23,690 by 2040 under baseline conditions. However, the Preferred Growth attempts to accommodate the most aggressive plausible growth to 33,220 people. The age distribution is projected to change, as birth rates decline, and the average age of the population increases.

McFarland's 2017 housing stock consisted of 3,080 housing units, 3% of which were vacant. To accommodate future population growth, the City would need 4,500 more housing units under baseline conditions as population increases and as more young people start their own households. Nearly half of the new housing units should be affordable to specific income groups based on the percentage of households overburdened by housing costs in 2017. The Preferred Growth accommodates a target of 10,630 total housing units instead of a baseline total of 7,580. The increase is due to additional housing need to be generated by an aggressive jobs target of 17,195 jobs by 2040.

Plan Elements and Existing Conditions

Land Use

The Land Use Element is required and provides a guide for future development and growth for planners, developers, decision-makers, and the public. In doing so, the Land Use Element designates the location, distribution, and intensity of housing, commercial, industrial, open space, and educational uses, public facilities and buildings, recreational facilities, and waste

management facilities. In correlating all land use issues into one set of clear development policies, the Land Use Element is the most representative of the General Plan and establishes the framework for all other elements.

The 2019 land use inventory of McFarland identified 6% of the acreage within the City (76.98 acres) as vacant, offering potential for a variety of development opportunities. The distribution of uses on the remaining acreage in the City was as follows:

- 36% residential
- 29% institutional
- 24% agriculture
- 3% parks
- 2% commercial
- 1% industrial

Community feedback collected during the drafting stages of the General Plan indicated a desire for a well-balanced and diverse mix of residential, open space, commercial, and industrial uses while maintaining McFarland's small-town feel. The Land Use Element sets goals and objectives that reflect these values.

Circulation

The Circulation Element is required and focuses on the movement of people and goods. To fulfill this, the element focuses on transportation and is related to the Land Use, Housing, Open Space, Noise, and Safety Elements. McFarland contains numerous commercial corridors with automobile traffic and is bisected by Highway 99, where travelers pass through McFarland's city limits destined for other locales in the State. The downtown is largely walkable with wide sidewalks, but in the residential neighborhoods there are some parcels and blocks with limited sidewalk facilities. Bicycle facilities are limited to two bicycle lanes located on the southern boundary of the City. Residents primarily use personal automobiles to make trips outside of McFarland for work and shopping purposes. Access to regional transportation terminals, including airports and train stations, requires travel to neighboring cities including Wasco, Delano, and Bakersfield. During community meetings, residents expressed the desire for expanded public transportation options, raised crosswalks, and bicycle facilities to connect to various City parks.

The Circulation Element addresses SB 743 requirements with proposals to further help reduce vehicle miles traveled and related impacts of driving. The Goals of Circulation relate to safety, efficiency, sustainability, and equity in transportation options and network to maintain a small-town feel while preparing for the future.

Housing

The Housing Element is mandatory according to State law. This Element analyzes the housing stock and conditions based on information gathered from the 2019 land use inventory and the

U.S. Census. The housing stock in the City of McFarland consisted of 3,080 total housing units in 2017. 86% of these units were single-family homes. The vacancy rate was 2%. Like the rest of the State of California, the City of McFarland has continued to grapple with high housing costs. In 2016, 48% of residents were burdened with overpayment for housing. Renters are disproportionally more financially burdened with housing costs than owners. This burden impacts future housing development within the City.

The Housing Element includes goals, objectives, policies, and programs which address state legislative housing requirements and reflect the housing needs and desires of McFarland residents. Community feedback collected during the planning process showed community interest in maintaining affordability within the City's housing stock, increasing mixed-use residential development downtown, and developing more of a variety of housing options for residents. The goals and objectives within the Housing Element prioritize these factors.

Economic Development

The Economic Development Element is optional. Economic development is the process by which the economic well-being and quality of life of a local community is improved. The Economic Development Element guides the community in expanding, attracting, and retaining businesses to support diverse and vibrant commercial areas.

In 2015, McFarland's median household income was $35,069, which was 70% of Kern County's and 52% of California's median household incomes. McFarland's unemployment rate was 14.2%, much higher than Kern County's 10.7% and California's 7.7%. Jobs in McFarland largely depended on workers from outside the City while McFarland's resident workforce was primarily employed outside the City. McFarland's industrial makeup is predominantly agriculturally based.

The land use plan uses infill and mixed-use redevelopment to revitalize the downtown area, bringing commercial activity and jobs. The land allocated for highway commercial use along Famoso Road is to capture revenue from pass-through traffic and events at the Famoso Raceway. The large amounts of land dedicated to industrial and commercial use can make McFarland an inviting destination for economic development.

The policies and programs delineated in the Economic Development Element are designed to leverage the land use plan and develop McFarland's economic resources by expanding and diversifying area businesses, expanding the tax base, and providing services to assist jobseekers, entrepreneurs, and regional businesses.

Safety

The Safety Element is required in a General Plan. The Safety Element addresses the protection of life and property from natural and man-made hazards. Under California Government Code 65302(g) the following hazards must be addressed: seismic, geologic, fire, flood, and climate change. The Safety Element for McFarland goes beyond minimum requirements to address hazardous materials, drought, and emergency preparedness.

The greatest risk to McFarland is extreme weather which can lead to flooding issues, particularly in areas within the 100-year flood plain. The Safety Element provides goals, objectives, policies, and programs to help prevent loss of life or damage to property. This is done throughout the element by focusing on emergency preparation and hazard evaluation to establish mitigation measures to reduce impact on property, health, and safety of the community.

The Safety Element requires safe building practices which can greatly reduce the community's vulnerability to natural and man-made hazards. Among other measures, new residential development is to be located outside the 100-year floodplain or must be appropriately mitigated. The Safety Element also specifies emergency preparedness measures to respond to and recover from hazards.

Conservation

The Conservation Element is required and addresses the management and conservation of an area's natural resources while allowing for economic growth. The goal of this element is to minimize negative impacts on natural resources while allowing the City to grow. Additionally, this element addresses federal and state mandates for environmental regulation, soil and mineral resources, biological resources, water resources, air quality, and wildlife. Given the strong agricultural base of McFarland, soil and water conservation are high priorities in the community.

The Conservation Element identifies goals, objectives, policies, and programs to guide the City into the future while minimizing impacts on natural resources. Under the Preferred Growth Alternative, the City is to concentrate future residential and economic growth. Future growth is likely to increase water demand, but also can provide opportunities to improve on water and energy conservation and reduce the per-user cost of necessary infrastructure projects for residents and businesses. The Conservation Element includes policies on energy, water, and habitat that correspond with regional planning goals.

Open Space

The Open Space Element is required to address agricultural lands, parks, and recreational space. McFarland is host to many agricultural fields and Williamson Act parcels with high quality soils both within City limits and in the surrounding area. Since Agriculture is a mainstay of the local economy, a separate optional Sustainable Agriculture Element is added to this General Plan update.

Within City limits, recreational parks include McFarland Park, Ritchey Park, Arturo J. Munoz Park, Blanco Park, and Browning Road Park. Other outdoor recreational spaces include Kaboom Playground, the grass field by the local public library, and Villa Del Caribe Park, which was under development at the time of this report. The distribution of these parks favors the southwestern neighborhoods in McFarland.

The goals, objectives, policies, and programs of the Open Space Element seek to preserve existing open spaces and agriculturally productive land while allowing for responsible conversion of land for physical development. The Preferred Growth Alternative seeks to provide specific control at the planning level to both add needed open space as the community growths while also preventing unwarranted conversion of green fields.

Air Quality

McFarland is located within the San Joaquin Valley Air Basin, which is not in attainment with Federal regulatory standards including the Clean Air Act and National Ambient Air Quality Standards, and State regulations including the California Clean Air Act and the California Ambient Air Quality Standards. As a result, residents in McFarland are disproportionately pollution-burdened and suffer negative health effects. This situation makes the Air Quality Element mandatory for McFarland.

Most air pollution in the San Joaquin Valley stems from locally generated pollutants, primarily from agricultural activities; other contributors include vehicular emissions, construction emissions, and fugitive dust and odors. The San Joaquin Valley is also disproportionately affected by greenhouse gas emissions which contribute to local air pollution and endanger human health. Per Kern County's Greenhouse Gas Inventory, emissions of greenhouse gases in the region are mostly attributed to industry and energy consumption. The goals, objectives, policies, and programs of the Air Quality Element include strategy to keep air pollutants and emissions low to protect the health and safety of residents.

Health

The Health Element is optional in this General Plan update. It promotes a healthy lifestyle by introducing land uses that facilitate active transportation. In addition, this element aims to increase access to adequate health services, expand education about preventative and primary care, and to establish policies that increase access to affordable local, fresh, and healthy foods.

McFarland residents are at a higher risk for asthma, heart disease, obesity, various cancers, teen pregnancy, and sexually transmitted infections when compared to other regions in California. There are two clinics in the City, which compels residents to seek much medical attention outside, mostly in neighboring cities.

The goals, objectives, policies, and programs of the Health Element address the health issues and challenges of the City. To provide a comprehensive attention to health, the Health Element incorporates aspects of such other related elements as Circulation, Open Space and Environmental Justice.

Environmental Justice

The City of McFarland is required by law to have an Environmental Justice Element due to its status as a disadvantaged community. The purpose of the Environmental Justice Element is to identify objectives and policies to reduce compounded health risks including pollution exposure, food insecurity, and insufficient physical activity. The element also requires

jurisdictions to promote public participation in the decision-making process and prioritize the needs of disadvantaged groups.

The California Environmental Protection Agency's standards for environmental justice indicate that the City is impacted by pollution burdens. As early as 1984, a cluster of childhood cancers was identified in McFarland linked to pesticide use.

The goals, objectives, policies, and programs of the Environmental Justice Element focus on making McFarland sustainable, inclusive, and resilient. The policy framework requires that transportation facilitates safe, efficient, pollution-free mobility for all its residents with future expansions to McFarland's bikeway network as described further in the Circulation Element. This is to attain a more multimodal city marked by healthy, affordable, and integrated mobility. Sidewalk improvements would also promote physical activity through active transportation.

Noise

The Noise Element is mandatory in the General Plan. This element identifies noise sources, quantifies noise levels, maps noisy areas, and outlines policies and methods to mitigate excessive noise generation and exposure. The Noise Element influences land use decisions, as excessive noise exposure is detrimental to human health in various ways and some land uses are particularly sensitive to noise.

The primary sources of noise in McFarland are Highway 99 and the railroad. The Noise Element includes goals, objectives, policies, and programs intended to protect sensitive receptors from noisy areas, minimize noise generation within the City, and plan noisy land uses for appropriate areas such as the Highway 99 corridor. It also seeks to explore the potential for sound barriers or sound walls to be built to reduce noise exposure for existing sensitive receptors near Highway 99 and the railroad.

Community Design

Community design and sense of place refer to the unique character and features of the built environment and natural landscape of a community. The Community Design Element of the General Plan is optional. Its roles are to identify existing conditions of McFarland's built environment and to suggest ways to preserve or enhance desirable community attributes through a set of goals, policies, and actions. The Community Design Element also provides the basis for aesthetic regulation of all development and offers specific guidelines to enhance the sense of place and quality of life for McFarland residents. These guidelines bring together the principles of other elements in an overall set of policies to guide the form and appearance of McFarland's neighborhoods, streetscapes, and buildings.

Hitherto, McFarland has had limited ability to attract visitors and travelers. The downtown corridor has the potential to serve visitors and residents but is mostly underdeveloped and the absence of area design guidelines has led to non-pedestrian scale streets and building facades with little cohesion. This element provides additional direction for the prescriptions ascribed to uses in the Land Use, Circulation, and Housing Elements as determined by the Preferred Growth

Alternative. This additional direction includes not only the identification of McFarland's development pattern, form, and structure, but also the unique characteristics of the City that together form its sense of place. The Preferred Growth Alternative emphasizes infill development, complete streets, and safety enhancements throughout the City. Implementation of community design policies can help the City attain future goals and create an inviting and attractive atmosphere with a distinguished identity. The goals, objectives, policies, and programs outlined in this element aim to entice people to actively participate in community events and feel a sense of pride in being part of the City.

Public Facilities

The Public Facilities Element is optional. It describes the facilities and services provided by the City of McFarland to residents and businesses and identifies areas that may need improvement to accommodate growth. It does this by providing a policy basis to enable the City to meet infrastructure, service, and resource needs. Topics examined in this chapter include water supply, stormwater, wastewater, recycling and solid waste, police and fire services, school facilities, and library facilities.

The goals, objectives, policies, and programs in the Public Facilities Element seek additional development where there is existing capacity to support it. Development east of Highway 99 is limited due to the sewage capacity and flooding risk, and this is not anticipated to change. Stormwater projects are anticipated in the west to reduce flooding issues. Anticipated population growth would require expanded school facilities to accommodate more students, especially at the high school level. There is also an identified need for senior and medical care facilities. Police services for the City lack desired levels of staffing and as a result the desired level of service is not currently met. Water quality should continue to be monitored and reported as groundwater levels lower and contaminants become higher.

Sustainable Agriculture

The Sustainable Agriculture Element is optional and addresses managed production and conservation of agricultural lands to sustain the role of Agriculture as a mainstay of the local economy while it contributes to the State economy. McFarland is host to many agricultural fields and Williamson Act parcels with high quality soils both within City limits and in the surrounding area. Since Agriculture is by far the largest industrial sector in the area, a separate optional Sustainable Agriculture Element is added to this General Plan update.

The abundant productive agricultural lands can hamper outward expansion via annexation. As McFarland continues to expand, the conversion of agricultural lands into residential and commercial uses and complimentary park space will become a large part of accommodating the City's projected growth. The Preferred Growth Alternative seeks to provide specific control at the planning level to both allow needed housing and commercial growth while also preventing "leap-frog" or unnecessary greenfield development. The goals, objectives, policies, and programs of the Sustainable Agriculture Element seek to preserve existing open spaces and

agriculturally productive land while allowing for responsible conversion of land for needed housing and commercial development.

Future Development Alternatives

Business as Usual

The Business as Usual Alternative is based on historic growth patterns and land use trends. The Business as Usual Alternative includes the expansion of the City and its Sphere of Influence (SOI) to the south including unrestricted conversion of agricultural land to various types of development. This alternative envisions primarily commercial and industrial development along Highway 99. Residential, institutional, and other development continues to the west and to the east of the Highway 99 corridor. Transportation systems remain automobile-oriented with some improvements for pedestrian connectivity and comfort. Extensive development, including residential development, occurs in 100-year and 500-year floodplains, presenting risks to life and property. Utilities must expand and improve to provide adequate capacity, especially wastewater and stormwater on the east side of the City.

Redevelopment and Moderate Growth

The Moderate Growth and Redevelopment Alternative advocates focusing growth on underutilized and vacant parcels to concentrate growth within walkable, bikeable, or bus-ride distances to retail and services. This alternative identifies 5 areas of proposed growth:

- Downtown Core
    - Mixed-use commercial and residential development close to shops, amenities, and public spaces.
- North and West Neighborhoods
    - Commercial infill, high density housing, and improved connectivity to activity hubs in the City.
- Southern Highway Commercial
    - New commercial area south of the City along Highway 99 to create opportunities for such businesses as grocery stores and retail centers that require large space.
- East Neighborhood
    - Mixed-use office buildings along the highway corridor, ADUs throughout the neighborhood, and improved connectivity to the west side of the City.

The Moderate Growth and Redevelopment Alternative prioritizes mixed-use designations and infill development to create growth within the City while reducing sprawl and improving residential transport connectivity. This alternative also offers diverse transportation options that address walkability and bike-ability between regions of the City and the expansion of existing bus transit service.

Smart Growth

The Smart Growth Alternative accounts for the most aggressive population growth for the City of McFarland, maximizing infill within the City and new development outside of the existing

City boundary to accommodate the maximum projected population, housing, and job growth. This alternative identifies three key areas for growth of housing and jobs across the City:

- Downtown Infill
    - The entire downtown core is to be designated for mixed-use development which would allow buildings to host commercial or office on the first floor and residential units on the upper floors. This increase in density has the potential to offer density bonus opportunities for affordable housing developers.
- Westside Expansion
    - A range of low-to-high density residential developments to accommodate projected population growth. High-density residential development is proposed along the westside's main arterial roadway, Garzoli Avenue, while medium and low-density housing is proposed on slower moving residential streets.
- Highway 99 Improvements
    - This area promotes highway-serving commercial uses such as gas stations and hotels, as well as industrial uses such as manufacturing along Highway 99.

The Smart Growth Alternative focuses its aggressive growth in three key areas to serve the needs of neighborhoods, the region, and travelers on Highway 99. To avoid locating new residential development in hazard areas, the Smart Growth Alternative increases the density of housing typologies, particularly in the Downtown Infill and Westside expansion key growth areas. Additionally, new mixed-use and commercial development are prioritized in the Downtown Infill to support a vibrant downtown core and at key intersections within the Westside Expansion key growth area (Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues). Commercial development is also prioritized along Highway 99 to encourage highway travelers to stop for services in McFarland.

Preferred Growth Alternative

The Preferred Growth Alternative is the vision for development changes in McFarland by the year 2040. This Alternative includes a combination of the community's preferred concepts, derived from the previous three alternatives. The Preferred Growth Alternative influences future land use designations, housing allocation, and circulation improvements needed to meet the population growth projections and targets for job growth.

The main features of this alternative include medium and high density mixed-use downtown and along major arterials west of downtown as well as the establishment of neighborhood retail centers. This provides the opportunity to integrate housing and commercial uses, making services readily accessible to large segments of the population. In addition to mixed use commercial, this alternative includes commercial uses along Highway 99 to cater for pass-through traffic and industrial uses to the south to boost the availability of jobs. The Preferred Alternative therefore includes the following variety of changes to land use:

- Infill development for housing and commercial growth on the west side of the City.

- A neighborhood commercial corridor along Kern Avenue to serve the east side of the City.
- Downtown mixed-use redevelopment to create a vibrant atmosphere in the center of the City.
- Commercial and industrial development along Highway 99.
- Additional Accessory Dwelling Units in the Central McFarland neighborhoods.

Circulation for this alternative, includes a network of complete streets, a pedestrian and bike network, new transit stops for internal transit service and at major commercial centers along Highway 99, and safer pedestrian crossings between the east and west sides of the City. These new circulation connections are to expand multi-modal transportation throughout the City.

The alternative concentrates development in key growth areas to target McFarland's most optimal locations for development: Downtown, Western McFarland, and the Highway 99 Corridor. Growth areas are designed to accommodate maximum growth while aligning with McFarland's desires to remain an agriculture-based City. Even with the many changes, McFarland's small-town community character is envisioned to remain. The full description of the Preferred Growth Alternative (Chapter 5) includes the identification of further implications for each of the General Plan elements.

Element Goals

Land Use

Goal LU 1. A well-balanced mix of uses.
Goal LU 2. Compact urban form.
Goal LU 3. Compatible land uses.

Circulation

Goal CIR 1. A safe, comfortable, and aesthetically pleasing transportation system.
Goal CIR 2. An integrated, multimodal transportation system.
Goal CIR 3. A sustainable transportation system.
Goal CIR 4. An equitable transportation system.

Housing

Goal HO 1. High quality residential neighborhoods.
Goal HO 2. Equal housing opportunities for all community members.
Goal HO 3. Enough housing opportunities for all income groups.

Economic Development

Goal ED 1. A resilient local economy.
Goal ED 2. An appealing place to live and work.
Goal ED 3. A supportive, business friendly, and business ready environment.

Safety

Goal SAF 1. A safe and steadfast community.

Goal SAF 2. A community resilient against natural hazards.

Goal SAF 3. A community protected from human-made hazards.

Goal SAF 4. A community responsive to and resilient against emergencies.

Conservation

Goal CON 1. Resilience to flooding.

Goal CON 2. Efficient use of water and energy.

Goal CON 3. Protecting and respecting rare and endangered wildlife.

Open Space

Goal OS 1. Attractive, accessible, and comprehensive open spaces.

Goal OS 2. An engaged, active, and proud community.

Air Quality

Goal AQ 1. Clean air for McFarland.

Goal AQ 2. A climate-adapting community.

Goal AQ 3. A well-informed community.

Health

Goal HTH 1. Equitable access to healthcare.

Goal HTH 2. A physically active community with decreased rates of obesity.

Goal HTH 3. A variety of affordable healthy food options.

Environmental Justice

Goal EJ 1. A clean community.

Goal EJ 2. A quiet community.

Goal EJ 3. Accessible community programs and facilities for all residents.

Goal EJ 4. A healthy community.

Goal EJ 5. An active and involved citizenry in decision-making processes.

Noise

Goal NOI 1. Quiet residential streets, schools, churches, and healthcare facilities.

Goal NOI 2. Protection of existing noise-sensitive receptors.

Goal NOI 3. A built environment that minimizes noise generation.

Goal NOI 4. New economic and commercial activity in noise-appropriate areas.

Community Design

Goal CD 1. An attractive and uniform city.

Goal CD 2. A thriving central town core.

Goal CD 3. An accessible and safe community.

Public Facilities

Goal PF 1. A city with high-quality and efficient public utilities.

Goal PF 2. A city that addresses solid waste efficiently.

Goal PF 3. A safe and peaceful community.

Goal PF 4. A high-quality education system.

Goal PF 5. A community with a healthy youth and political environment.
Goal PF 6. Safe and accessible facilities citywide.

Sustainable Agriculture

Goal AG 1. Protected agricultural resources.
Goal AG 2. Sustainable development practices.
Goal AG 3. A robust agricultural economy that coexists with urban development.
Goal AG 4. Authentic, healthy, and sustainable food production for healthy people and planet.
Goal AG 5: A healthy and competitive agricultural industry
Goal AG 6: Stable agricultural uses at the edges and beyond McFarland's urban service area
Goal AG 7: Freedom to manage agricultural operations in an efficient, economic manner with minimal conflict with non-agricultural uses
Goal AG 8: Convenient and accessible co-location of agriculture-related support uses in agricultural production areas
Goal AG 9: Adequate supply of farm worker and farm family housing
Goal AG 10: Available alternative resources for agricultural production
Goal AG 11: Rapid and efficient agricultural permit processing procedures

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1. INTRODUCTION

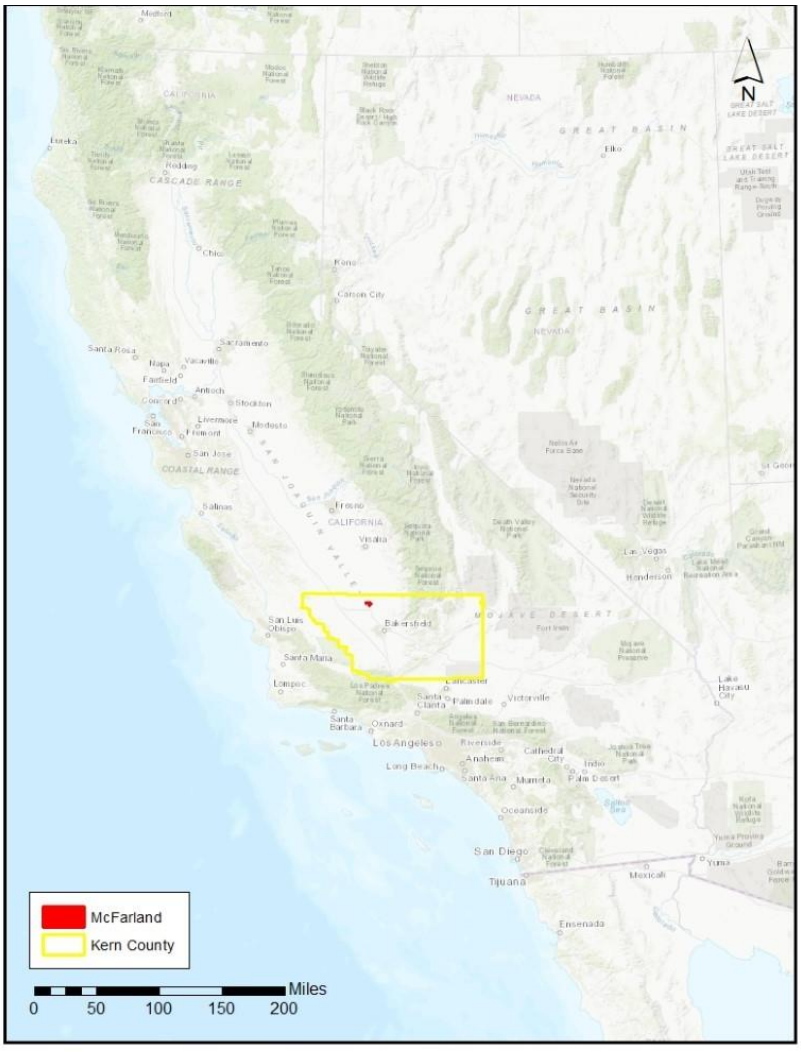
1.1 The Community and Planning Area

1.1.1 Setting

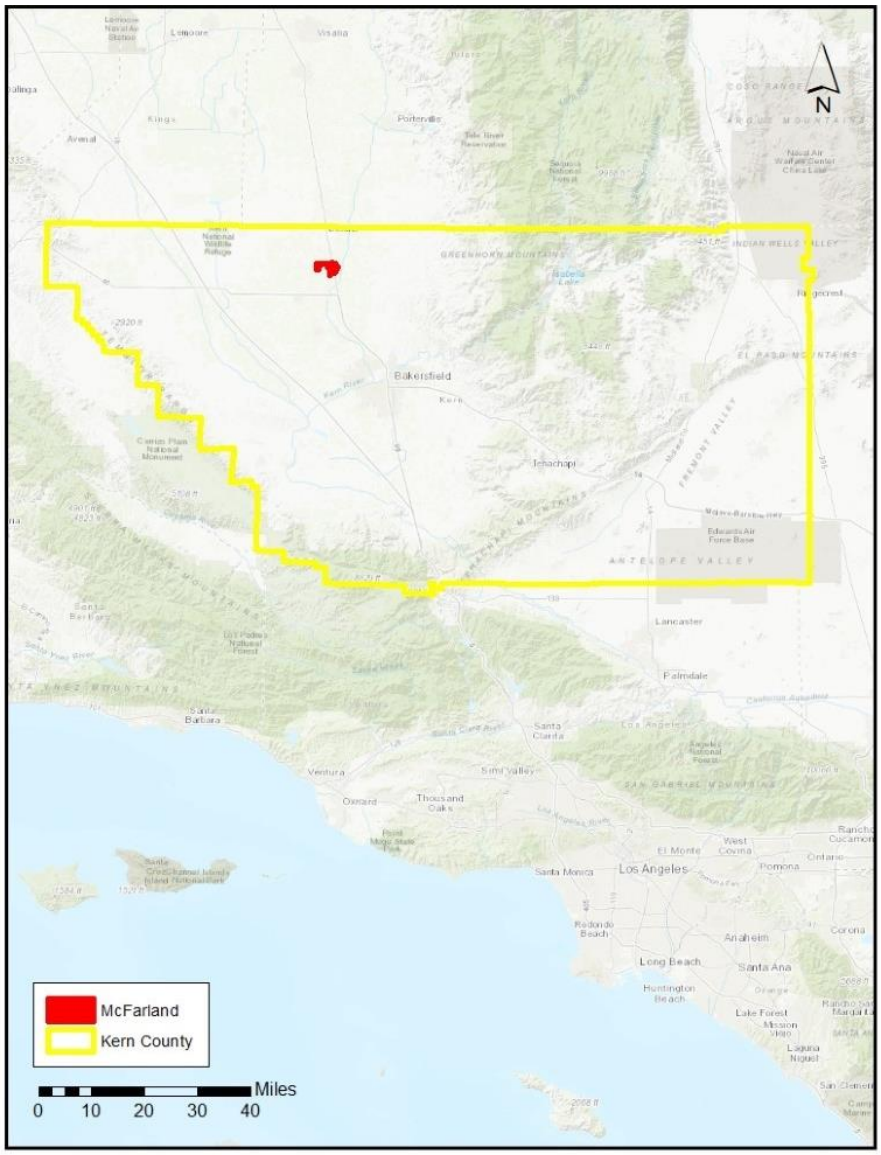
The City of McFarland sits in the northern section of Kern County within California's Central Valley. Map 1-1 displays the location of McFarland in relation to the State of California. Map 1-2 displays the location of McFarland within Kern County. The City is located along Highway 99, approximately 25 miles north of Bakersfield and approximately seven miles south of Delano. McFarland's boundaries encompass approximately three-square miles of land consisting of mostly residential, institutional, and agricultural uses. McFarland's Sphere of Influence and the surrounding area are primarily agricultural.

McFarland's climate consists of hot and dry summers and cool winters. Annual rainfall averages seven inches and average snowfall is zero inches. McFarland experiences sunny days for 274 days per year on average.

Map 1-1: Location of McFarland within the State of California.



Map 1-2: Location of McFarland within Kern County



1.1.2 Demographics

McFarland's population as of 2017 was 13,930. The distribution depicts a high concentration of younger individuals as shown in Figure 1-1. The median age in McFarland was 26 years old. McFarland had higher percentages of young children and teenagers and lower percentages of older working adults and seniors than Kern County and California as shown in Table 1-1. McFarland's population was predominantly white alone as shown in Table 1-2. It was also 96% Hispanic or Latino as shown in Table 1-3. Most of McFarland's residents identified as white in terms of race and Hispanic or Latino in terms of ethnicity, as categorized by the US Census.

McFarland's median household income was $35,069, or 69% of Kern County's and 52% of California's as shown in Table 1-4. The poverty rate in 2017 was 36%, much higher than in Kern County or California as shown in Table 1-5. The unemployment rate in McFarland was also higher than the surrounding area at 14.2% as shown in Table 1-6.

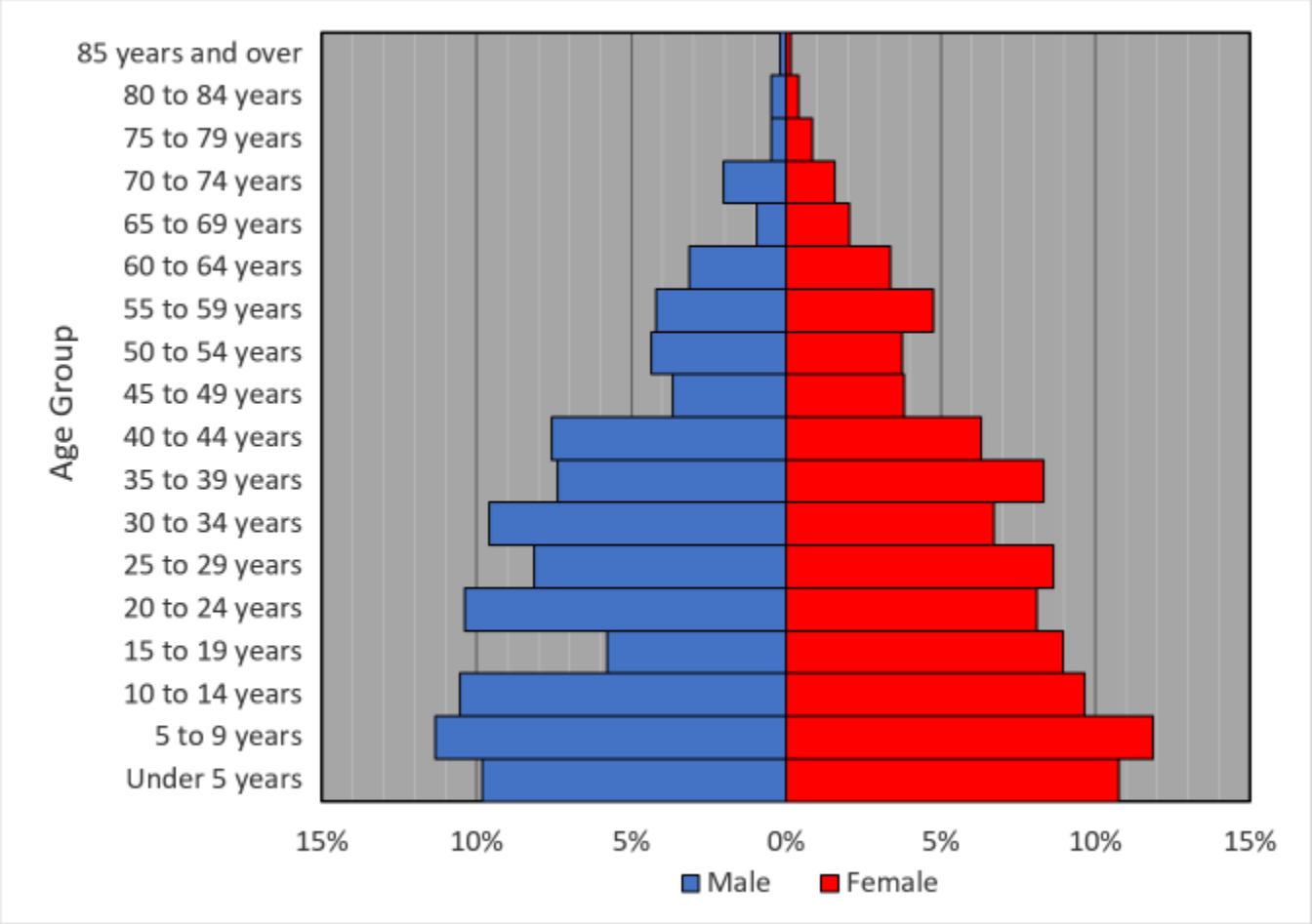


Figure 1-1: Population pyramid for McFarland in 2017.

Table 1-1: Age Distribution, 2017

Age	McFarland		Kern County		California	
	Population	Percent	Population	Percent	Population	Percent
Under 5	1,425	10	71,850	8	2,493,545	6
5-17	3,662	26	185,802	21	6,621,175	17
18-24	1,669	12	94,806	11	3,917,309	10
25-44	4,383	31	243,625	28	11,002,942	28
45-64	2,162	16	193,434	22	9,799428	25
65+	629	5	89,227	10	5,148,448	13

Source: U.S. Census Bureau; 2017 American Community Survey Table S0101 5-Year Estimates

Table 1-2: Racial Composition as a Percentage of Total Population, 2017			
	McFarland	Kern County	California
White alone	88.5	75.1	60.6
Black / African American alone	0.9	5.5	5.8
American Indian / Alaska Native alone	0.2	1.1	0.7
Asian or Pacific Islander alone	0.2	4.9	14.5
Some Other Race alone	8.8	10.1	13.7
Two or More Races	1.4	3.4	4.7
Source: U.S. Census Bureau; 2017 American Community Survey Table B02001 5-Year Estimates			

Table 1-3: Hispanic or Latino Ethnicity as a Percentage of Total Population, 2017			
	McFarland	Kern County	California
Hispanic or Latino (of any race)	95.6	52.2	38.8
Not Hispanic or Latino (of any race)	4.4	47.8	61.2
Source: U.S. Census Bureau; 2017 American Community Survey Table B03001 5-Year Estimates			

Table 1-4: Median Income, 2017			
Age	McFarland	Kern County	California
Median Family Income	$34,840	$55,176	$76,965
Median Household Income	$35,069	$50,826	$67,169
Source: U.S. Census Bureau; 2017 American Community Survey Table S1901 5-Year Estimates			

Table 1-5: Percent of Residents Below Poverty Level, 2017			
	McFarland	Kern County	California
Percent of residents below poverty level	35.9%	22.6%	15.1%
Source: U.S. Census Bureau; 2017 American Community Survey Table S1701 5-Year Estimates			

Table 1-6: Unemployment Rate, 2017			
	McFarland	Kern County	California
Unemployment rate	14.2%	10.7%	7.0%
Source: U.S. Census Bureau; 2017 American Community Survey Table S2301 5-Year Estimates			

1.1.3 History

The City of McFarland was founded in 1909 by an educator named James Boyd McFarland, who moved to California from Ohio and purchased 50 acres of land in what is now McFarland. His purchase was based on his observations that the land had the potential to become prime agricultural land in the pristine San Joaquin Valley. As the burgeoning agricultural industry expanded in the valley, the City of McFarland grew.

McFarland experienced significant growth in the 1930s during the Great Depression as people moved westward from the drought-impacted mid-western states. Growth in the City was in part spurred by the City's location with freight rail lines operated by the Union Pacific Railroad bisecting the City in the north-south direction.

In 1950, Highway 99 was constructed and served as a major corridor connecting many Central Valley cities. Highway 99 connected McFarland to the wider region causing the area to experience population growth throughout the 1950s, leading to its incorporation in the summer of 1957. The highway construction also separated the City into two distinct sides that characterize McFarland's form today.

For the remainder of the 20th century, McFarland continued to experience various periods of growth as the farming community became a full-service city within Kern County. In the 1980s, McFarland High School's cross-country team, with guidance from their coach, Jim White, won nine state titles. The events that brought McFarland great amounts of positive press were dramatized in the 2015 Disney-produced film "McFarland, USA" which centers on the award-winning cross-country team and their impact on the City of McFarland.

1.1.4 Planning Area and Sphere of Influence

Prior to 2020, the planning area for the City of McFarland encompassed approximately 12.12 square miles (7,760 acres), located south of the City of Delano and north of the City of Bakersfield. The area included both the east side and west side developments situated around the north-south Highway 99 and Union Pacific railroad rights-of-way. The Sphere of Influence (SOI) created by the Local Area Formation Commission (LAFCO) is defined as the planning boundary outside of the City's legal boundary that designates McFarland's probable future boundary and service area. The planning area is defined as the area to which this document refers, which is compiled from the boundaries of existing and potential future extents of the City and its sphere of influence. This document details the future development of the City. The City's SOI is slated to be expanded in 2020 with inclusion of the land along Highway 99 south toward the intersection with Highway 46. This proposed expanded Sphere of Influence is to encompass approximately 18.37 square miles (11,760 acres) and stretches south toward State Route 46 and the Famoso interchange. Since a Sustainable Agriculture Element is included in this General Plan update and agricultural lands surround the City and its SOI, the "study area" extends slightly beyond the proposed SOI to cover an area of approximately 23 square miles or 14,760 acres.

1.2 Purpose, Intent, & Legal Authority

1.2.1 Long Range Planning

California State law requires all cities and counties to prepare a comprehensive General Plan. The General Plan is to guide future development in the jurisdiction and is the foundation upon which all land use decisions are based. It includes goals for the future of the jurisdiction and outlines policies and programs to achieve those goals.

This General Plan update became necessary as McFarland's existing General Plan approached 30 years of age. The update was a collaborative effort between the City of McFarland and a class of 16 second year graduate students in the Master of City & Regional Planning program at California Polytechnic State University (Cal Poly) at San Luis Obispo under faculty supervision.

1.2.2 Regional Coordination

The City of McFarland is located within Kern County in the Central Valley of California. McFarland, Kern County, and ten other cities make up the Kern Council of Governments (Kern COG or KCOG), a Metropolitan Planning Organization (MPO), which aids in regional planning and coordination efforts and focuses primarily on transportation, though it is also involved with air quality, housing, and other issues.

1.3 General Plan Overview

1.3.1 Elements of the General Plan

Seven elements are required for all General Plans in California, with two further elements required for communities meeting criteria. Optional elements may also be included, and they carry the same legal force and status as the rest of the Plan. In this General Plan update, five optional elements are included.

- **Required:** Land Use, Circulation, Housing, Safety, Conservation, Open Space, and Noise
- **Required in San Joaquin Valley Air Pollution Control District:** Air Quality
- **Required in Disadvantaged Communities:** Environmental Justice
- **Optional:** Economic Development, Health, Community Design, Public Facilities, and Sustainable Agriculture

Land Use

The Land Use Element is required and designates the location, type, and concentration of land use in a city and ensures that neighboring land uses complement one another. The main land use categories include residential, institutional, commercial, industrial, and open space.

Circulation

The Circulation Element is required in a General Plana and it focuses on the movement of people and goods. To fulfill this, the Circulation Element centers on transportation circulation. It is closely related to the Land Use, Housing, Open Space, Noise, and Safety elements.

Housing

The Housing Element is required and it must meet legal requirements from the State Housing Element Law. The Housing Element examines housing and household characteristics, such as housing for vulnerable populations, affordability, and long-term housing needs that provide access to people from all economic backgrounds.

Economic Development

Economic development refers to the process by which the economic well-being and quality of life of a local community is improved. The optional Economic Development Element is to guide the community in expanding, attracting, and retaining businesses to support vibrant and diverse economic activities.

Safety

The Safety Element is required in the General Plan. It describes and coordinates the municipal and civilian response to natural and man-made hazards including flood, fire, drought, seismic, geologic, and climate hazards. The Safety Element coordinates existing information on hazardous conditions in combination with the predicted change in natural conditions.

Conservation

The Conservation Element is required in the General Plan and addresses the conservation, development, and utilization of natural resources including water, forests, soils, wildlife, and minerals. The Conservation Element sets goals and policies for the preservation and development of land and agriculture.

Open Space

The Open Space Element is required in the General Plan and defines comprehensive, long-range goals and objectives involving preservation of open space and recreational space. In particular, the element is to present information on three uses for open space within a city: agricultural production, natural resource management, and reasonable access to open spaces for public health and safety. As a mainstay of the City's economic base, the subject of agriculture is covered in a separate Sustainable Agriculture Element.

Air Quality

The Air Quality Element addresses the quality of air in the community and establishes methods of improving air quality. The Governor's Office of Planning and Research (OPR) mandates that communities develop an Air Quality Element if they are within the jurisdiction of the San Joaquin Valley Air Pollution Control District.

Health

The optional Health Element categorizes, labels, and articulates different health needs impacting the mental and physical well-being of citizens. A health-oriented community has access to healthcare, healthy food options, recreational opportunities, active and mass transportation modes, and a clean environment.

Environmental Justice

The City of McFarland is required by law to have an Environmental Justice Element due to its designation as a disadvantaged community. The purpose of the Environmental Justice Element

is to identify objectives and policies to reduce compounded health risks including pollution exposure, food insecurity, and insufficient physical activity. The element also requires jurisdictions to promote public participation in the decision-making process and prioritize the needs of disadvantaged communities.

Noise

The Noise Element is required in the General Plan and identifies noise sources and noise sensitive land uses and contains goals, policies, and programs to mitigate noise impacts. The Noise Element helps guide the Land Use Element and land use decisions to minimize excessive exposure to noise.

Community Design

Community design refers to the unique character and features of a city's built and natural environment. The purpose of this optional element is to help establish a sense of place by highlighting the positive aesthetic and functional qualities of a city. These qualities can be classified under a wide variety of features including streetscapes, parking lots, architecture, landscaping, signage, commercial development, and residential development. Formalizing these characteristics into a Community Design Element helps define a location and improves quality of life for residents and visitors.

Public Facilities

The Public Facilities Element is optional and details the existing conditions and standards of the services, infrastructure, and utilities that are provided by the City. The element covers such infrastructure as water systems, utilities, waste management, safety services, schools, parks, and public buildings. These systems are important to maintain a high quality of life in the community.

Sustainable Agriculture

The Sustainable Agriculture Element is optional and addresses managed production and conservation of agricultural lands to sustain the role of Agriculture as a mainstay of the local economy while it contributes to the State economy. The policies under the Sustainable Agriculture Element seek to preserve existing open spaces and agriculturally productive land while allowing for responsible conversion of land for needed housing and commercial development.

1.3.2 Contents of Elements

During this General Plan update, the planning team researched the existing conditions in the City of McFarland. This information was collected from community members during public meetings and community outreach, as well as through field research, reviews of planning documents and development patterns, and other relevant sources. Goals, objectives, policies, and programs were developed based on the information found by the planning team,

combined with input from the community. The format for these goals, objectives, policies, and programs are as follows:

Goal
A goal is a general direction-setter. It is an idealized vision of the future with respect to public health, safety, or general welfare. A goal is a general expression of community values that may be abstract. Thus, a goal is generally not quantifiable or time dependent.

Objective
An objective is a specified end, condition, or state that is an intermediate step toward attaining a goal. It is often specific, measurable, achievable, realistic, and time dependent. An objective may relate to one specific aspect of a goal, or it may be one of several successive steps towards achieving a goal. Thus, there may be more than one objective for each goal.

Policy
A policy is a specific statement that guides decision-making. It indicates a commitment of a local legislative body to a particular course of action. A policy is based on, and helps implement, the objectives and goals of the General Plan.

Program
A program implements a General Plan policy. Jurisdictions draft programs to be specific to implement policies, meet objectives, and ultimately work towards goals.

1.4 References

U.S. Census Bureau; 2017 Census of Population and Housing, *Age and Sex*; McFarland, Kern County, and California; American Community Survey 5 Year Estimates, Table S0101; Retrieved October 11, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

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U.S. Census Bureau; 2017 Census of Population and Housing, *Poverty Status in the Past 12 Months*; McFarland & Kern County, California; American Community Survey 5 Year Estimates, Table S1701; Retrieved November 4, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

U.S. Census Bureau; 2017 Census of Population and Housing, *Race*; McFarland, Kern County, and California; American Community Survey 5 Year Estimates, Table B02001; Retrieved October 11, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

2. PLANNING PROCESS

2.1 The Planning Team

The Planning Team for the McFarland General Plan update consisted of sixteen second year graduate students from California Polytechnic State University, San Luis Obispo in the Master of City and Regional Planning Program under the supervision of faculty. The team worked closely with the City of McFarland and dedicated stakeholders over the course of six months to complete an initial, comprehensive update to the City's General Plan. First a Background Report was produced as a culmination of background research and community input, developed to serve as the foundation for the development of goals, objectives, and policies in the General Plan update. This report includes the regulatory setting, overview of existing conditions, community feedback, and emerging directions related to each Element of the General Plan.

2.2 Community Planning Process

The planning process refers to the path taken to research, analyze, and integrate community input in the development of the written plan document. Figure 2-1 outlines the timeline of the three essential phases of the General Plan Process, which included the collection of information, analyzing of that information, and comparing growth alternatives.

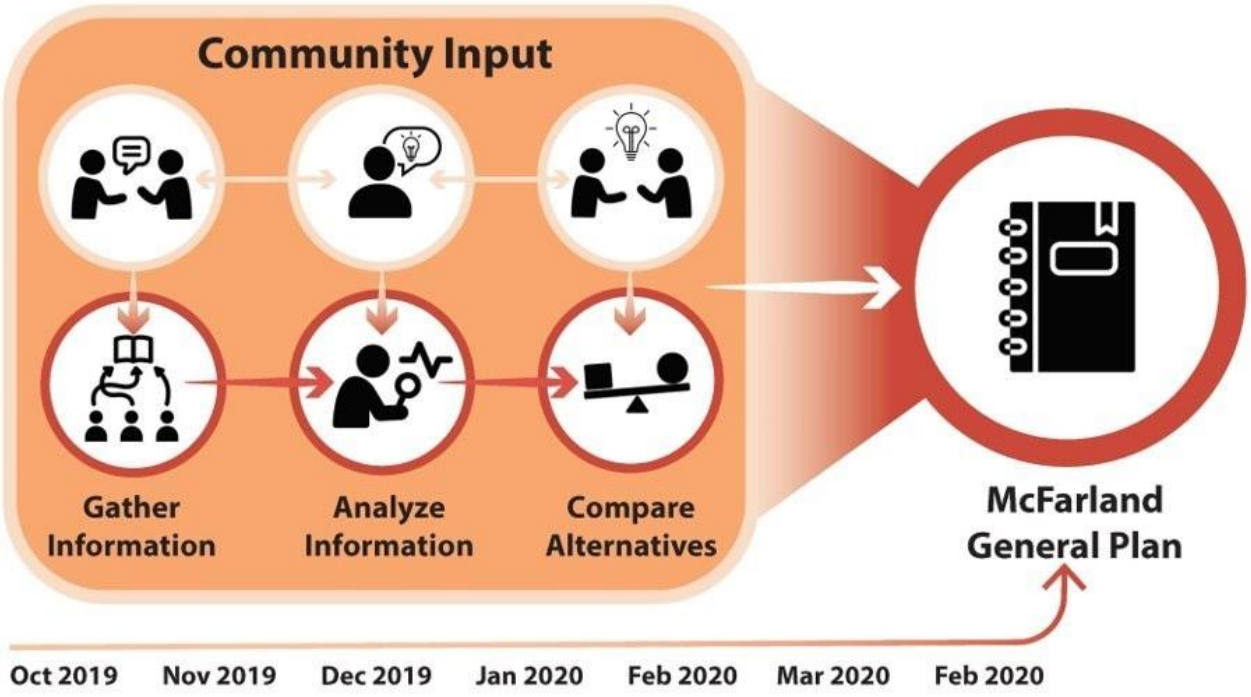


Figure 2-1: General Plan process diagram.

The planning process began in September 2019. The planning team began reviewing local and regional planning documents containing relevant codes and regulations in the region, while attaining an understanding of the demographics and history of McFarland. On October 24,

2019, the planning team hosted a community focus group meeting and requested input on the strengths, barriers, and wishes of McFarland residents. Following that meeting, the planning team analyzed community feedback and used it to guide the creation of questions for the community visioning meeting, which occurred on November 14, 2019. The second public meeting provided an opportunity for community members to communicate their preferences regarding specific components of the General Plan elements.

During the community visioning meeting, the planning team established a platform for community preferences to be identified through an interactive exercise affiliated with each of the General Plan elements. Information from both community meetings was analyzed and compiled into the Background report.

Community feedback is an important component of the planning process, and two more community meetings took place in February and March of 2020. These meetings nurtured a space for residents to share their perspectives on alternative growth approaches. The planning team then used this information to identify which growth development plan was right for McFarland and most desired by its residents. Once completed, the draft General Plan was submitted to the City of McFarland for further review.

The General Plan has information regarding all the elements and identifies needs for future growth and development in McFarland. Following review of the draft Plan, the revised document was submitted to the City of McFarland for further action toward potential adoption.

2.2.1 Phase 1 Gathering Information

Initiated in September 2019, phase one was concerned with the collection of primary and secondary information. The planning team reviewed secondary data sources for the General Plan, including federal, state, county, and local documents. The planning team reviewed existing demographic data and historical information on McFarland. The team collected primary data through the community feedback meetings and from a comprehensive land use inventory. During the public meetings, primary data was collected about existing strengths, weaknesses, and desires of the residents, along with an identification of the priorities for the future of McFarland. The land use inventory involved data collection by members of the planning team on existing land uses, sidewalk conditions, and building conditions in McFarland.

2.2.2 Phase 2 Analyzing Information

Phase two began in November 2019 and consisted of an analysis of the information collected during Phase 1. The planning team used information related to community-defined strengths, barriers, and wishes to identify themes affiliated with each of the General Plan elements. This analysis remained in progress, as the planning team continued to collect community input and attain community knowledge from citizens, community leaders, and local government staff.

2.2.3 Phase 3 Comparing Alternatives

The third phase of the planning process was the formation and comparison of alternative growth strategies. Questions answered by the community during preference exercises contributed to the development of alternative growth strategies, which commenced in January 2020.

The review of existing documents and collection of community input from residents, officials and stakeholders enabled the creation of a General Plan document that frames the future development of McFarland. The planning team continued to collect community input throughout the duration of the process to create a comprehensive document that reflects the aspirations of the community.

2.2.4 The McFarland General Plan

This is a comprehensive update and expansion of McFarland's General Plan based on extensive research and analysis of existing information sources. The previous General Plan was prepared in 1988 with sporadic updates to certain sections in 2011 and later years. The planning team worked with the people of McFarland to develop an updated General Plan that represents the needs identified by the community in late 2019 and early 2020. This plan is developed to be vertically consistent with State regulations and reflective of McFarland's community needs. The Plan includes two essential volumes of planning documents for McFarland: The Background Report and the Draft General Plan.

2.3 Research Methods

Information for the background report was collected from September through November of 2019. Three main research methods were used during this process:

1. Two public meetings were held to connect with residents and engage them in the planning process to gain feedback on community aspirations.
2. Field work was conducted to develop a land use inventory of existing conditions within McFarland.
3. Secondary research was done to identify appropriate standards, policies, and programs related to each General Plan element.

2.3.1 Primary Research

Primary research is defined as original research, conducted to find answers to specific issues or questions. The process can involve questionnaires, surveys, or interviews with small groups or individuals. As part of the primary research methods, the planning team organized two community meetings. The initial meeting identified community views related to strengths, barriers, and wishes for McFarland. The second meeting centered on the community's preferences for the future of McFarland. The other main primary method used was the land use inventory.

2.3.1.1 Focus Group Community Meeting

Meeting 1, the Focus Group Community Meeting, was held on October 24, 2019 from 5 PM to 7 PM at the McFarland Community Center. The meeting included a presentation about requirements and elements of the General Plan and goals for the project. Then followed group discussion with community members about the strengths, barriers, and wishes for McFarland.

Meeting 1 provided a brief explanation of what a General Plan is, its purpose, information and elements included, and what it works towards. Then community members formed smaller focus groups to partake in discussions. The focus groups were asked the following three questions:

- What are the strengths of your community?
- What does your community lack?
- What would make your community better?

The meeting participants were provided with a few minutes to answer questions on colored sheets provided to them by the planning team. This was followed by short discussions with other participants to share ideas and voice thoughts. Planning team members acted as facilitators to guide the conversation and recorded all ideas shared at each table. Once all the questions had been answered, each focus group nominated a community member to share their thoughts with all meeting participants.

The information and discussion from the meeting were provided in both English and Spanish. Approximately 25 community members were in attendance. Following the meeting, planning team members went to a community cook-off event on November 3, 2019 to share similar information about the General Plan update.

2.3.1.2 Community Preferences Meeting

The second meeting, the Community Preferences Meeting, was held on November 24, 2019 from 5 PM to 7 PM at the McFarland Community Center. The meeting included a presentation and three breakout sessions with 15-minute interactive preference activities.

The meeting provided a brief definition of each element in the General Plan, the status of each element in McFarland, the community strengths, barriers, and wishes as they relate to each element, and emerging directions that were compiled from the information collected from the first community meeting and other research activities. The elements were presented in groups of four, followed by breakout sessions led by the planning team. The three 15-minute breakout sessions looked for community preferences related to each element presented. The members of the community in attendance were given stickers to answer question boards based on their individual preferences. The participants were also given the opportunity to place more than one sticker in response if they had strong feelings about certain options on the board. The results of the preferences were collected and summarized for the community members.

The information and discussion from the meeting were provided in both English and Spanish. Around 20 people were in attendance. Following this meeting, additional information was collected using an online survey to collect more data on the community preferences.

2.3.1.3 Land Use Inventory

The land use inventory was a primary data collection effort composed of data collected about the community. The planning team completed a site visit to McFarland and walked throughout the planning area. The community was divided into seven neighborhoods for observation. The planning team worked in two-person teams to collect the data for the inventory to attain an understanding of the existing land uses, building conditions, and sidewalk availability and conditions per parcel. The assessed information was obtained from the site visit conducted on October 14 to capture these criteria:

- Active land use(s)
- Number of structures on parcel
- Number of stories for each structure on parcel
- Mixture of uses on each parcel
- Number of units per structure
- Condition of the structures
- Presence of sidewalks
- Vacancy in structures

The planning team entered characteristics for each parcel into iPads installed with HanDBase database software. This software allowed the planning team to organize, export, and merge data from the fieldwork onto the computer for further analysis using Excel and GIS software. The data from the land use inventory is compiled into GIS and an existing land use map in the Background Report.

2.3.2 Secondary Research

Secondary research methods included the summary, collation, and merger of existing research documents. This research method is used to understand the background of McFarland and regulations that apply to the City, along with all existing documents concerned with the City. The planning team had used government documents, US Census data, historical documents, planning documents, and other related documents to develop a comprehensive understanding of McFarland. The information compiled was used to compile the Background Report.

2.3.3 Themes in Community Feedback

Themes from the community feedback collected from the meetings can be found in this section. In multiple instances, themes are repeated within the summary to capture shared themes across the different elements.

2.3.3.1 Community Meeting 1: Focus Groups

Date: Thursday, October 24, 2019

Land Use

In the initial community meeting, residents shared their strengths, barriers, and wishes for the City as it relates to land use. Strengths for land use largely pertain to the location of parks within the City and the new residential development that is located on the western edge of the City. In addition, residents stated that sidewalk improvements in downtown enhanced the atmosphere within the City. Community barriers related to land use were limited housing options, a lack of medical care facilities, and minimal development on the east side of the City. Community wishes included more industrial development, affordable housing options, and expanded retail options, including restaurants and car dealerships.

Circulation

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to circulation. Strengths were related to the presence of Highway 99 and numerous resurfaced roads within the City. Also, the downtown beautification was praised for improving the sidewalks. The listed barriers included limited connections between the east and west sides of the City; lack of regional connections between Delano, Wasco, and Bakersfield when using public transportation; and outdated crossing infrastructure.

Housing

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to housing. Their strengths included the newer residential developments in the City. Barriers included limited housing options and affordable housing choices. Wishes for McFarland included better housing stock on the east side, affordable housing options, and an incentive program for public employees to become homeowners.

Economic Development

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to economic development. The strengths included mobile vendors, the proximity to the highway that allows for retail opportunities, and the centralized downtown that has opportunities to expand into a robust commercial center. Community-identified barriers included a low number of businesses on the east side of the City, a distinct lack of local businesses, and a lack of career training opportunities for residents. Other barriers were related to the lack of big-box retailers and other related commercial establishments. Wishes collected from the community input were to expand revenue-generating commercial uses in the City, organize summer events to generate income for local commerce, and expand hotel lodging options.

Safety

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to safety. The results from the initial meeting showed pronounced interest in safety as it related to natural hazards. No strengths that related to safety were mentioned in the meeting. Barriers included a lack of evacuation plan, missing drainage and flood control infrastructure, and a lack of emergency drills to train residents how to respond to emergencies. No community wishes as they related to safety were identified in the meeting.

Conservation

In the first community meeting, no information on barriers or wishes were collected from the community members. The strength was related to the City's ability to utilize resources with efficiency.

Open Space

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to open space. Strengths include the good quality of the parks, well organized youth sport organizations, and a youth population interested in sport-related activities.

Air Quality

In the first community meeting, residents shared their concerns pertaining to the surrounding local air quality. Strengths and barriers related to air quality were not shared in the meeting, but a single wish was shared that asked for better air quality. The single comment also noted that air quality was affected by the presence of agriculture in the region surrounding the City.

Health

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to health. Comments included lack of access to medical care facilities, rehabilitation centers, and activities for the City's senior community members. Information was not forthcoming about strengths. Barriers included a lack of healthcare facilities for physical and mental health, along with a lack of activities for senior citizens. Wishes for the community were gathered and related to a need for medical facilities in the City. In addition, a distinct wish for mental health care facilities was noted. Another wish of note was a comment on expanded daycare options for parents with younger children.

Environmental Justice

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to environmental justice. Strengths included the presence of sidewalks on many City blocks, with a note for more sidewalks in sections of the City lacking in sidewalks. Barriers included missing connections between the two sides of McFarland and contrasting quality of infrastructure between the east and west side, with lower-quality infrastructure on the east side. Wishes included expanded public service programs related to the City's senior

center and for improved air quality, as the agricultural industry impacts McFarland's air conditions.

Noise

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to noise. The information collected revealed that residents found noise produced by the railroad as a barrier and an issue they wished to be fixed. A comment tangentially related to noise was a desire expressed by community members to have some nightlife and clubs or bars within downtown McFarland.

Community Design

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to community design. Strengths included the City's tight-knit neighborhoods that create a unique community spirit. This spirit is emulated by local building styles with multiple churches providing community centers. Some residents considered the small-town character and atmosphere as a barrier. Wishes included an incentive program to provide beautification for buildings within the City and improved crossings over Highway 99.

Public Facilities

In the first community meeting, residents shared their strengths, barriers, and wishes as they related to public facilities. Residents in attendance expressed their satisfaction with the quality of the parks within the City, the school programming that provided activities for youth, and clean facilities located throughout the City. Barriers included a lack of lighting in some areas of the City and a distinct lack of sidewalks, lighting, and infrastructure on the east side of the City.

Sustainable Agriculture

In the first community meeting, residents shared comments related to agriculture. They considered the scenic setting that agriculture fields provide as a strength, but the air quality impacts of agricultural operations a barrier. Residents wish for a farmer's market where they can purchase fresh foods.

2.3.3.2 Community Meeting 1: Strengths

In summary, residents identified the following strengths in the City of McFarland:

- Strong sense of community, identity, and pride.
- Great churches and faith services.
- Strong support for veterans.
- Sense of safety, peace, and stability in McFarland.
- Family-friendly community.
- Beautification has begun through recent infrastructural improvements.
- Many clubs, organizations, and recreational opportunities are available to residents.
- Schools always have many activities going on.

- Good communication between the City and the community.

2.3.3.3 Community Meeting 1: Barriers

In summary, residents identified the following as barriers challenging the City of McFarland:

- Limited pet-friendly areas
- Lack of equality in businesses, services, and beautification efforts across the City
- Limited lighting in public areas
- Much infrastructure is outdated
- Limited athletic events
- Speed limits were not enforced
- Highway did not draw people into McFarland
- Poor connections between the east and west sides of the City
- Lack of regional connections to surrounding communities
- There was no emergency evacuation plan
- Lack of gas stations
- Lack of major businesses
- Limited health care opportunities
- Unemployment was high in the winter
- Missing recreational facilities
- Limited affordable housing opportunities
- Lack of local businesses
- Lack of safety and police services

2.3.3.4 Community Meeting 1: Wishes

In summary, residents wished for the following:

- Incentives for City beautification
- Crossing improvements for Highway 99
- Increase in local businesses and economic development
- Improved highway entrances and traffic control
- Integration of trade programs within educational opportunities.
- Further engagement with new technologies
- More opportunities for restaurants, retail, and entertainment
- Opportunities for daycare and senior services
- More variety and affordability in housing stock
- Programs for art and recreation for youth
- New City Hall or government centers
- Implementation of mental health services and education
- Increase in community and cultural events
- Better interaction between government and citizens

- Tertiary water treatment for more usable water

2.3.3.5 Community Meeting 2: Preferences

Date: Thursday, November 14, 2020

Land Use

In the second community meeting, the resident's preferences on land use decisions were the central focus. The community members were asked to select from a set of options for questions and to indicate their top choices by placing sticker on posters. The questions were created from feedback analyzed from the first meeting. When residents were asked where they would like to see development concentrated, most community members wanted eastern McFarland and the potential southern annexation area south of the 2019 City limits.

Circulation

In the second community meeting, community members were given a set of questions to encourage them to share their preferences on various improvements to McFarland as they related to circulation. Residents noted a preference for public transportation options and raised crosswalks. Respondents stated a preference for travelling to Bakersfield using public transit. Residents also noted that they would prefer to visit parks in McFarland using bicycles and to visit commercial businesses within the using public transit City.

Housing

In the second community meeting, residents were given a set of questions that focused on housing preferences. Residents were given a series of questions related to the future of housing development and improvements that they would prefer. Most residents preferred to maintain the single-family residential style developments that were abundant in the City. There were some responses that showed an interest in mixed-use residential development. Apartments were the most preferred type of affordable housing choice with a focus on low-income residents. In addition, community members noted that building maintenance was the most pressing issue in their neighborhoods.

Economic Development

The second community meeting allowed community members to answer a set of questions and asked for their preferences on each option presented to them. When McFarland residents were asked what types of industry there would want in their city, they noted a preference for distribution centers and manufacturing facilities. Residents also noted that they would like to see food service commercial in the City, and strip mall-oriented commercial development. Respondents also noted a desire for post-secondary education in mechanical, electrical, and healthcare fields.

Safety

In the second community meeting, residents were given a series of questions that related to safety concerns and potential improvements. Most residents in attendance noted that flood and drought were their most pressing concerns. Climate change was also noted as a potential threat to the community. Most residents stated that flooding occurred on the east side of McFarland.

Conservation

The second community meeting gave residents the space to choose their preferences related to conservation within McFarland. Most residents noted that they were concerned with water efficiency, with some votes indicating concern with energy efficiency. Residents also stated that they would prefer to see enhanced habitat space in vacant space within the City, in addition some votes indicated a preference for habitat space to be allocated in the streetscape and City parks. Residents in attendance also preferred renewable energy as an energy-saving option. The question about which water-saving strategy appealed to them indicated a preference for drought-tolerant plants to be implemented within the City.

Open Space

At the second community meeting, residents were given a set of questions related to open space concerns and improvements for the City. Residents in attendance noted their preference for water-wise landscaping in City parks. Residents also noted a preference for new sports facilities, dog parks, and upgraded facilities were also noted as preferred choices. Residents stated their preference for Mediterranean style landscaping for their yards, and that they preferred to walk or use their car to travel to parks. In addition, residents noted that the park they use the most was Jim White “Blanco” Park with McFarland Park also noted as a close second preferred recreational space.

Air Quality

At the second community meeting, community members responses solidified their concern with air quality within the City. Residents noted that they preferred both to limit industrial air pollutants and promote alternatives to driving to reduce air pollution within McFarland. Residents also noted a strong preference to plant more trees within the City as a strategy to reduce air pollution.

Health

At the second community meeting, residents had the chance to indicate their preferred methods to improve health within McFarland. Residents in attendance noted that they would like to see farmers’ markets in the City to increase access to fresh produce. Residents also noted that sporting events would be beneficial to improving social interactions within McFarland. In addition, community members noted their preference for primary care facilities,

clinics, and family planning medical facilities in the City. Residents also indicated a preference for mental health clinics as a medical service for the City.

Environmental Justice

In the second community meeting, residents indicated a preference for more community activities to encourage physical activity amongst community members. Residents also noted that they were most concerned with air pollution caused by dust generated by agricultural uses. In addition, transportation-generated air pollution was a major cause of air pollution. Community members indicated a preference for access to farmer's markets and more grocery stores that stock fresh produce to promote healthy food choices for residents. Residents noted a preference for youth sports and recreation programs to promote a sense of community within McFarland.

Noise

In the second community meeting, residents were asked to give their opinions in relation to noise concerns within the City. Community members noted that Highway 99 and the railroad were sources of noise-related annoyance that bothered residents. A few community members stated that noise bothered them daily, but there was a wide range of responses including multiple community members who said noise never or almost never bothered them. When residents were asked what sections of McFarland were most affected by noise, residents noted that the areas closer to Highway 99 and the railroad were locations where noise annoyed them.

Community Design

The second community meeting gave those in attendance a set of questions so they could share their preferences on various community design related preferences to improve McFarland. Questions covered topics that included streetscape improvements, architectural styles that appealed to residents, and improvements to downtown. Residents noted a preference for improved pedestrian access on streets. A preference for modern or contemporary architecture for building construction was also noted. Community members in attendance also stated that trash cans, lighting, and increased landscaping were desired improvements for commercial areas within the City. For improvements to downtown, residents indicated that public spaces, plazas, pocket parks, and complete streets would be ideal to enhance community design.

Public Facilities

In the second community meeting, community members were given a set of questions so they could share their preferences and issues related to public facilities within McFarland. When residents were asked which public services or facilities they wanted to see improved, community members noted that they wanted police services to see improvement. After-school programs for kids and senior centers and activities were noted as the preferred choice for improvements to community services within the City. Infrastructure needs noted more streetlights, better maintained streets, and improved sidewalks within the City. When residents

were asked questions related to personal safety, community members noted they felt safest in the southwestern section of McFarland. In contrast, residents felt the least safe in the eastern section of McFarland.

Sustainable Agriculture

During the second community meeting, residents noted that they were most concerned with air pollution caused by dust generated by agricultural uses. Community members also indicated a preference for access to farmer's markets.

2.3.3.6 Community Meeting 3: Future Alternatives

Date: Thursday, February 19, 2020

At the third community meeting, the planning team presented three growth alternatives. These alternatives were designed with contrasting visions of the future to facilitate discussion with stakeholders. The three alternatives included Business as Usual, Moderate Growth and Redevelopment, and Smart Growth.

Each alternative provided a conceptual land use map, proposed circulation options, representative photos, and three-dimensional building massing models. This information was presented in a before/after format to showcase the potential physical impacts of each growth alternative.

The alternatives were presented with the following growth assumptions:

Business as Usual

- Auto-oriented development
- Low-density residential as the dominant housing type
- Commercial along Highway 99
- Light and heavy industrial uses

Moderate Growth and Redevelopment

- Residential infill development
- Accessory dwelling units as a residential option
- Expanded bus services
- Complete streets
- Increased commercial and full-service grocery stores
- 3-story height limit to maintain McFarland's small-town character

Smart Growth

- Maximizing housing, retail, mixed use, and industrial growth to match the highest jobs to labor force ratio recorded for McFarland
- Residential development focused in Downtown and on the Westside

- Land use distribution that provides mixed-use commercial for service jobs, light industrial to accommodate office and studio uses, heavy industrial to provide high paying manufacturing jobs, and highway commercial to create sales tax-generating services along Highway 99
- Expanding public transit with a new internal circulatory transit network to link with the existing regional transit system; developing bicycle and pedestrian infrastructure to link homes, schools, and parks; improving non-motorized crossings to provide better transition and connection between East and West sides of the City.

The following section outlines the results from the survey completed by community member at the February 19th meeting:

For the Business as Usual Alternative, community feedback indicated that:

- 95.8% of participants liked low-density residential uses in McFarland
- 65.2% of participants liked auto-oriented uses
- 100.0% of participants liked commercial development along Highway 99
- 54.2% of participants liked light and heavy industry uses in the City
- 54.2% of participants liked loss of open space and agriculture
- 83.3% of participants disliked development in the floodplains
- 57.7% of participants liked residential development near industrial uses
- 88.0% of participants disliked limited walkability and connectivity

For the Moderate Growth and Redevelopment Alternative, community feedback indicated that:

- 83.3% of participants liked mixed density housing
- 87.5% of participants liked mixed-use development for commercial and housing
- 72.0% of participants liked accessory dwelling units for residential infill
- 95.8% of participants liked highway commercial development
- 100.0% of participants liked improved sidewalk and bicycle connections
- 95.7 of participants liked expanded bus connections within the City
- 83.3% of participants liked infill development on vacant and underutilized land
- 87.0% of participants liked increased density
- 95.2% of participants liked downtown redevelopment
- 72.7% of participants liked more affordable housing options
- 94.7% of participants liked improved connectivity
- 90.0% of participants liked more public transportation options

For the Smart Growth Alternative, community feedback indicated that:

- 93.1% of participants liked downtown infill development
- 90.0% of participants liked westside residential expansion

- 96.7% of participants liked development along Highway 99
- 86.2% of participants liked gateways to the City using signs
- 100.0% of participants liked walkable corridors with widened sidewalks, benches, and landscaping
- 82.8% of participants liked separated bike lanes
- 89.7% of participants liked extended pedestrian and bike barriers along highway crossings
- 82.1% of participants liked intra-city bus service
- 92.9% of participants liked additional bus stops for Kern Transit route
- 70.4% of participants liked increased housing density
- 100.0% of participants liked increased job opportunities along Highway 99
- 92.9% of participants liked a vibrant downtown
- 70.4% of participants liked mixed-use in downtown
- 77.8% of participants liked identified gateways
- 96.4% of participants liked safe streets for all road users

In summary, attendees at the third meeting expressed a desire for McFarland to continue evolving with more active transportation infrastructure, more housing, and more commercial development along Highway 99. Residents were accepting of infill development on vacant land, and accessory dwelling units were welcomed as an opportunity to build more affordable housing. Residents accepted mixed-use structures in downtown but little desire for continuation of auto-oriented development.

2.3.3.7 Community Meeting 4: Presentation of Preferred Growth Alternative

Date: Wednesday, March 11, 2020

On March 11, 2020, the fourth community meeting was held to review and verify that the Preferred Growth Alternative captured the preferences of the community. The meeting consisted of a presentation on the Preferred Growth Alternative, a plan for future development created through the combination of feedback from the previous three community meetings and the most preferred features of the three development alternatives presented in Meeting 3. The presentation was followed by a feedback session and activity to check whether the Preferred Alternative adequately captured the vision and aspirations of McFarland residents. Participants viewed posters that gave them information about the concepts presented while they engaged in the verification process.

Feedback

The community provided feedback by filling out worksheets to confirm whether the planning team correctly captured their likes and dislikes regarding City-wide, Land Use, and Circulation features of the Preferred Growth Alternative. Results were largely positive, confirming that the Preferred Growth Alternative largely captured the community aspirations and preferences for the future.

For the community-wide features of the Preferred Growth Alternative, community feedback indicated that:

- 100.0% of participants liked concentrating development to the west to avoid flood areas
- 85.7% of participants liked to preserve open space and agricultural land
- 100.0% of participants liked City gateways with signs, landscaping, and iconic features
- 92.9% of participants liked to prioritize infill development for housing
- 92.9% of participants liked to redevelop downtown
- 92.9% of participants liked a vibrant downtown
- 100.0% of participants liked mixed-use in downtown and commercial corridors
- 100.0% of participants liked increased job opportunities along Highway 99

For the Land Use features of the Preferred Alternative, community feedback indicated that:

- 100.0% of participants liked a revitalized downtown with mixed-use on vacant and underutilized land
- 100.0% of participants liked North & West Expansion for clustered low, medium, & high-density housing
- 92.3% of participants liked Whisler Road Expansion for mixed-density residential development with connection to commercial uses
- 100.0% of participants liked Southern Commercial Corridor with widened sidewalks, crosswalks & commercial uses
- 92.3% of participants liked Famoso industrial & Commercial Center for the creation of light and heavy industrial & highway commercial centers
- 100.0% of participants liked Southern Neighborhood Commercial for the creation of retail center for the Eastern Neighborhood

For the Circulation features of the Preferred Alternative, community feedback indicated that:

- 100.0% of participants liked inner city bus service
- 100.0% of participants liked new bus stops for Kern Transit at major centers along Highway 99
- 100.0% of participants liked expanded sidewalks along major pedestrian corridors
- 100.0% of participants liked marked bike lanes along major arterials for complete streets
- 100.0% of participants liked improved pedestrian & bike corridor connecting West
- 91.7% of participants liked extended pedestrian & bicyclist barriers for safety on Highway 99 crossings
- 100.0% of participants liked safe streets for all road users

3. CONDITIONS AND FACTORS FOR GROWTH

3.1 Introduction

This chapter addresses the conditions and factors that influence future growth in the City of McFarland. Background research for this chapter consisted of fieldwork, data analysis, and community input. This chapter also presents projections for population growth, job targets, and related housing needs. These projections inform the three development alternatives and the Preferred Growth Alternative.

3.2 Existing Strengths & Challenges

3.2.1 Community Strengths

History and Culture

McFarland residents possess great pride in their history and culture, as reflected in public art and murals. McFarland has a particularly robust youth sports culture, as the City is known for its high school cross-country team's state championships.

Connections

McFarland has multiple entry and exit ramps connecting to Highway 99, a major north-south route linking McFarland to other Central Valley cities, including Bakersfield, Fresno, and Sacramento. A major north-south railroad traverses McFarland, and Burlington Northern Santa Fe (BNSF) Railroad has made inquiries about constructing a new terminal in McFarland that would be an opportunity to enhance local economic growth.

Parks

There are 35 acres of parks available to McFarland residents within City limits. While the ratio of parks to residents could be improved, McFarland's ratio is higher than the national parks-to-residents average and higher than the ratios of some of the other San Joaquin Valley cities.

Small-Town Feel

The relatively small population, low-density housing, and agricultural context create a rural character for McFarland. Residents support each other and relish the small-town feel. McFarland’s downtown is small and walkable, and the area surrounding the City is almost entirely agricultural fields, adding to the City’s quiet, rural atmosphere.

Quantity of Land

McFarland’s recent annexation and proposed Sphere of Influence provide enough land to accommodate the City’s projected population growth and aspirations for economic expansion.

Farmland

Much of the land in McFarland’s Sphere of Influence is prime agricultural land.

3.2.2 Community Challenges

Jobs & Economic Diversity

McFarland's jobs are predominantly agricultural and predominantly low-paying, with a significant amount of local jobs being seasonal. McFarland's median household income is 70% that of Kern County and just 52% of California's. Additionally, McFarland's 2017 unemployment rate of 14.2% was significantly higher than Kern County's 10.7% and California's 7%.

Housing

Almost half of McFarland residents were overburdened by housing costs, spending more than 30% of their incomes on housing.

Goods and Services

McFarland possesses limited outlets for goods and services, such as grocery stores and convenience stores, particularly on the eastern side. As a result, residents often travel to Delano or Bakersfield to access needed supplies and services.

Medical Services

Feedback from the community identified a need for more comprehensive medical services within McFarland. McFarland's medical services are limited to two clinics operating in the City and no emergency room.

Police

The existing ratio of 11 police officers to 15,000 residents is below the recommended ratio for community policing. Feedback from community meetings has indicated difficulties in funding adequate police services.

Pollution

The San Joaquin Valley Air Basin, which McFarland is a part of, is one of the most polluted air basins in California and is not in attainment for both federal and state regulatory standards for particulate matter and ozone. As a result, asthma rates in McFarland are in the 67th percentile in California.

Flooding

Significant portions of McFarland, particularly eastern McFarland, are in a flood plain. Existing mitigation measures are insufficient to prevent roads and buildings from flooding, which is expected to intensify with climate change.

Climate Change

Ongoing climate change places McFarland at risk from drought and extreme heat. Climate change is expected to worsen the effects of these hazards and adversely impact agricultural production and McFarland's population health.

Transportation

Highway 99 creates a significant physical barrier between the east and west sides of McFarland, and the City has limited pedestrian and bicycle facilities. Furthermore, McFarland does not have an intra-city bus service, although there is one stop for the regional bus service at the McFarland Veterans Community Center.

3.3 Growth Projections for 2040

This section describes the population, employment, and housing projections that have informed the development of the McFarland General Plan update. These projections also serve as the basis for all growth alternatives.

3.3.1 Population Projections

McFarland's population is projected to grow 82% from 2015 to 2040. The 2040 population for the City of McFarland was projected using the cohort component method, which applied local birth, death, and migration rates to generate forecasts in five-year increments for each age and sex cohort. Based on these projections, McFarland's total population is estimated to increase to 23,690 people by 2040 under baseline conditions, as shown in Table 3-1.

Table 3-1: Population Projections for McFarland, 2015-2040

Year	Total Population
2015	13,020
2020	14,755
2025	16,661
2030	18,770
2035	21,121
2040	23,690

Source: Cal Poly Planning Team, 2020

In addition to a significant population increase, the 2040 projections also show significant changes to cohort characteristics, as depicted in the 2017 census and projected 2040 population pyramids in Figures 3-1 and 3-2 respectively.

The growth in the upper age cohorts illustrates the expected increase in the City of McFarland's senior population. The cohort data from the 2017 American Community Survey indicates a pyramid shape, with larger percentages of younger residents in McFarland and lower percentages of older residents. In comparison, projections for 2040 show a more cylindrical shape, indicating a more even distribution of age groups within the population in the future.

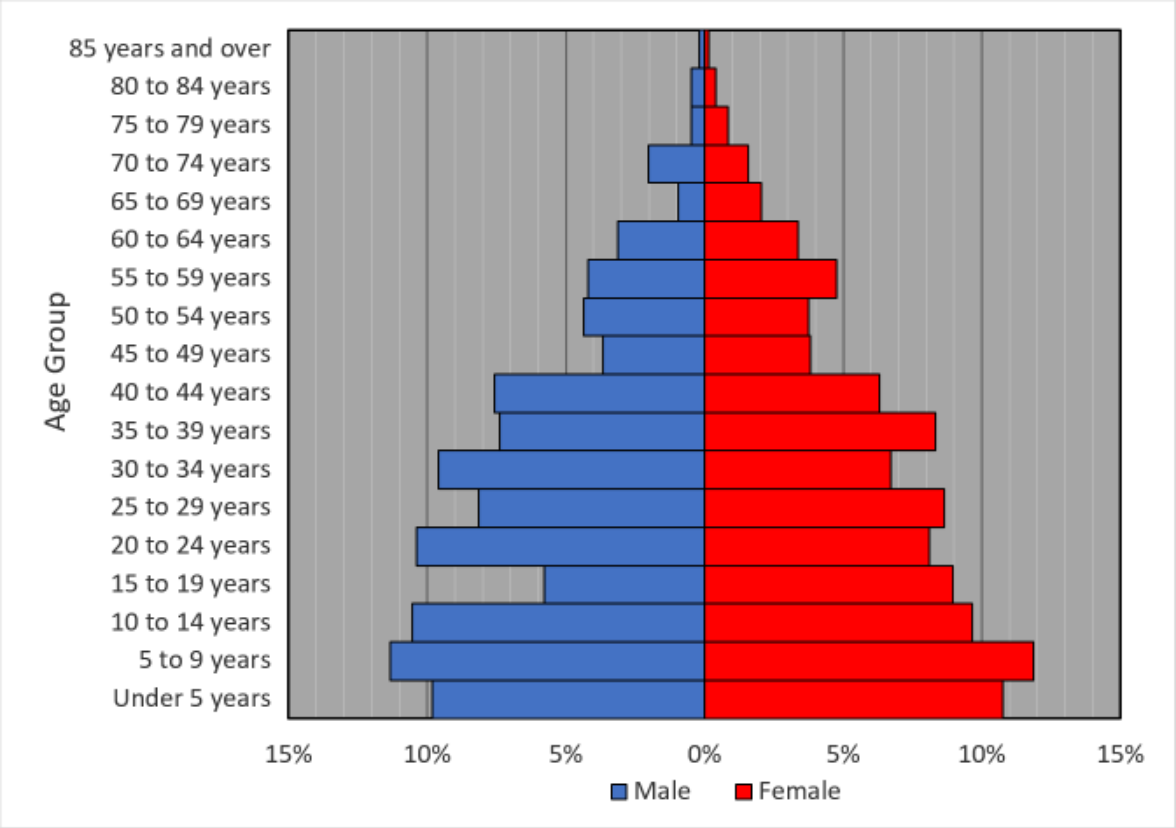


Figure 3-1: 2017 population pyramid for McFarland.

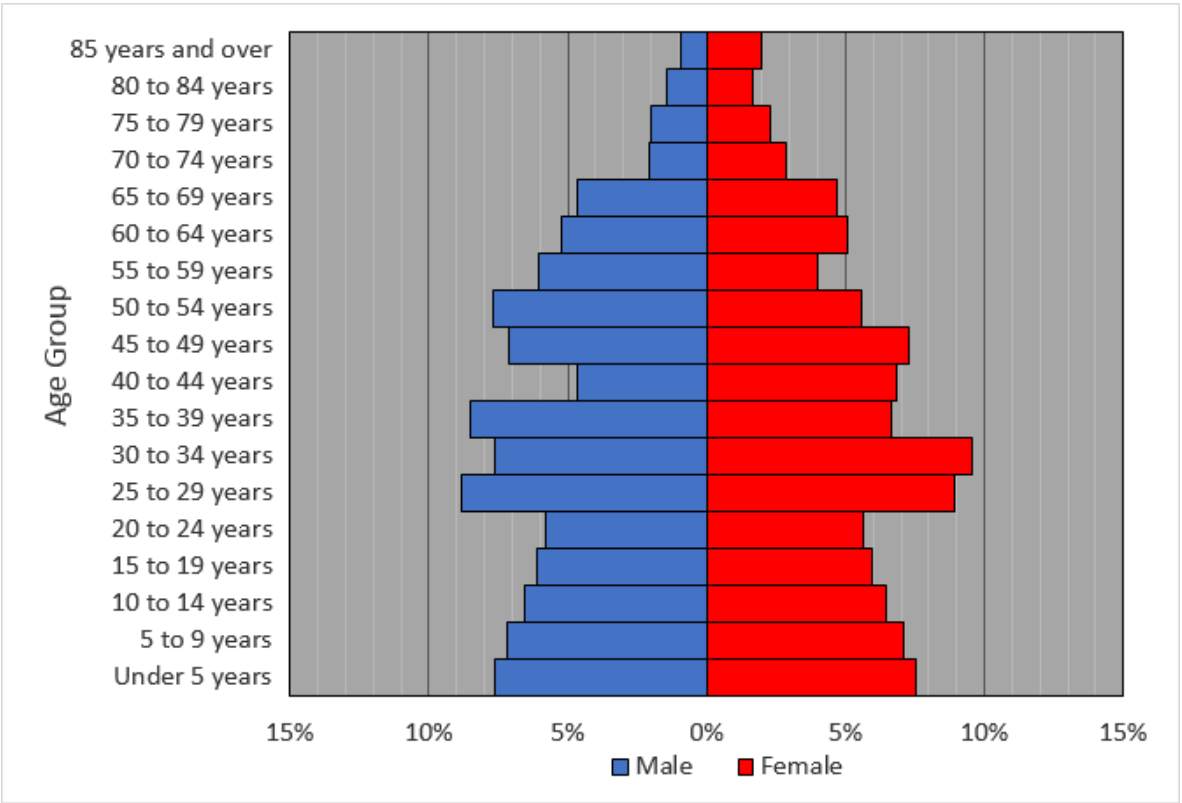


Figure 3-2: 2040 baseline population pyramid for McFarland.

3.3.2 Housing Projections

The City of McFarland's housing stock as of 2017 was 3,080 housing units. By 2040, the City will need an additional 4,500 housing units to accommodate projected population growth for a total housing stock of 7,580 housing units under baseline conditions. This housing need was calculated using the head of household formation method (or headship method). This method calculates the percentages of people who were heads of household within each age cohort in a base year. These percentages are then multiplied by the projected population for respective age cohorts to determine the total number of potential households which converts to number of housing units needed. Table 3-2 shows the distribution of households by age of head of householder and by tenure for the 2017 census data as well as projected households for 2040.

Table 3-2: McFarland Headship Projections for Housing Units Needed, 2017-2040

Age	2017					2040			
	Pop.	Owner Households		Renter Households		Projected Pop.	Households	Owner	Renter
		Number	Percent of Age Group	Number	Percent of Age Group				
15 - 24	2,306	16	1%	85	4%	2,787	122	19	103
25 - 34	2,320	346	15%	451	19%	4,108	1,411	613	799
35 - 44	2,062	296	14%	412	20%	3,150	1,081	452	629
45 - 54	1,090	404	37%	143	13%	3,302	1,657	1,224	433
55 - 64	1,072	343	32%	140	13%	2,430	1,095	778	317
65 - 74	454	246	54%	27	6%	1,677	1,008	909	100
75 - 84	152	75	49%	15	10%	872	516	430	86
85+	23	23	100%	0	0%	330	330	330	0
Total	9,480	1,749	18%	1,273	13%	18,656	7,220	4,755	2,465

Source: U.S. Census Bureau; 2017 American Community Survey Table B25007 5-Year Estimates

To accommodate vacancies, the housing projections assumed 5% of all housing units would remain vacant. About 3% of housing units in McFarland were vacant in 2019, a little lower than the 5% assumption. Factoring in the 5% vacancy rate to the projected 7,220 households, the projected baseline housing need in McFarland is 7,580 total housing units by 2040.

Housing Affordability

Housing is considered affordable when total housing costs are less than 30% of a household's monthly income, according to the U.S. Department of Housing and Urban Development (HUD). As part of the housing projection process, McFarland's affordable housing need for 2040 is projected based on 2017 household income data, which multiplied the projected number of householders in each age cohort (seen in Table 3-2) by the percentage of households paying greater than 30% of their income on housing. Based on these affordable housing projections, the City should plan to develop 2,450 new affordable housing units by 2040 to accommodate projected population growth under baseline conditions.

3.3.3 Economic Projections

In 2017, there were 6,745 jobs in the City of McFarland, the majority of which (about 80%) were agricultural jobs. Based on McFarland's jobs to labor force ratio data from 2013 to 2017, together with 2040 population projections, the City's target for job growth is 5,090 more jobs by 2040, increasing the City's total number of jobs to 11,835. This job growth is reflected in the projections of the Business as Usual Alternative. The jobs to labor force ratios are based on economic data from the United State Census and retrieved from the Longitudinal Employer Household Dynamics (LEHD) database.

The following are descriptions of the industries within each sector according to the Census:

- **Agriculture** - Agriculture, Forestry, Fishing, and Hunting
- **Service** - Administration & Support; Waste Management and Remediation; Educational Services; Health Care and Social Assistance; Arts, Entertainment, and Recreation; Accommodation and Food Services; Other Services (excluding Public Administration)
- **Retail** - Wholesale Trade; Retail Trade
- **Office** - Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services; Management of Companies and Enterprises; Public Administration
- **Industrial** - Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction; Manufacturing; Transportation and Warehousing

Job Targets for Growth Alternatives

The job targets for all growth alternatives were based on historic jobs to labor force ratios from 2013 to 2017 for McFarland. The City's labor force is defined as the population between the ages of 16 and 65. Those younger than 16 were assumed to be too young to work and those who were 65 and above were assumed to be retired. Table 3-3 shows the labor force population, jobs within the City, and associated jobs-to-labor force ratios. The City depicted a low ratio of 0.86, an average of 1.0, and a high of 1.25

Table 3-3: McFarland Jobs to Labor Force Ratios, 2013-2017

Year	Jobs	Labor Force	Ratio (Jobs/Labor Force)
2013	4,662	4,931	0.95
2014	4,441	5,167	0.86
2015	5,296	5,111	1.04
2016	5,514	5,210	1.06
2017	6,743	5,399	1.25
Average			1.03

Source: Cal Poly Planning Team, 2020

Table 3-4 compares the average jobs-to-labor force ratios of the City of McFarland, the neighboring City of Delano, Kern County, and the State of California. This provided context

within which to set realistic job targets for various alternatives. Over the period, MacFarland exhibited a higher average ratio compared to the other jurisdictions. For scenario planning therefore, the Business as Usual Alternative applied the low ratio of 0.9, the Moderate Growth Alternative applied the average of 1.0, and the Smart Growth Alternative applied the high ratio of 1.25.

Table 3-4: Average Job to Labor Force Ratio

Geographic Area	Average Jobs to Labor Force Ratio, 2013-2017
City of McFarland	1.03
City of Delano	0.79
Kern County	0.75
State of California	0.83

Source: Longitudinal Employer Household Dynamics (LEHD) OnTheMap 2013-2017

The Preferred Growth Alternative also used the aggressive jobs-to-labor force ratio of 1.25 for the City of McFarland matching the highest historic ratio that McFarland had in 2017, as shown in Table 3-3. This suggested a target of 17,195 total jobs by 2040.

Using economic base methods of analysis, higher numbers of jobs than those under baseline conditions were converted to additional population and housing needs. Appendix 5 shows comparative details on population, housing, and jobs with associated needs for development space for the various growth scenarios.

3.4 Development Opportunities and Constraints

3.4.1 Boundaries and Limits

The City of McFarland does not border any other cities, but borders agricultural lands on all sides, including Williamson Act lands. These natural obstructions and land use restrictions present barriers to outward growth. In addition, Highway 99 divides McFarland into western and eastern sides, which restricts active transportation movement across the highway. The City's Sphere of Influence (SOI) extends well beyond the City limits in most directions. The Local Agency Formation Commission (LAFCO) is responsible for approving a SOI and the City has been in discussions with LAFCO to expand its SOI. Map 3-1 shows boundaries of the incorporated area, previous SOI, and the proposed SOI to meet the City's aspirations for economic expansion.

3.4.2 Opportunities

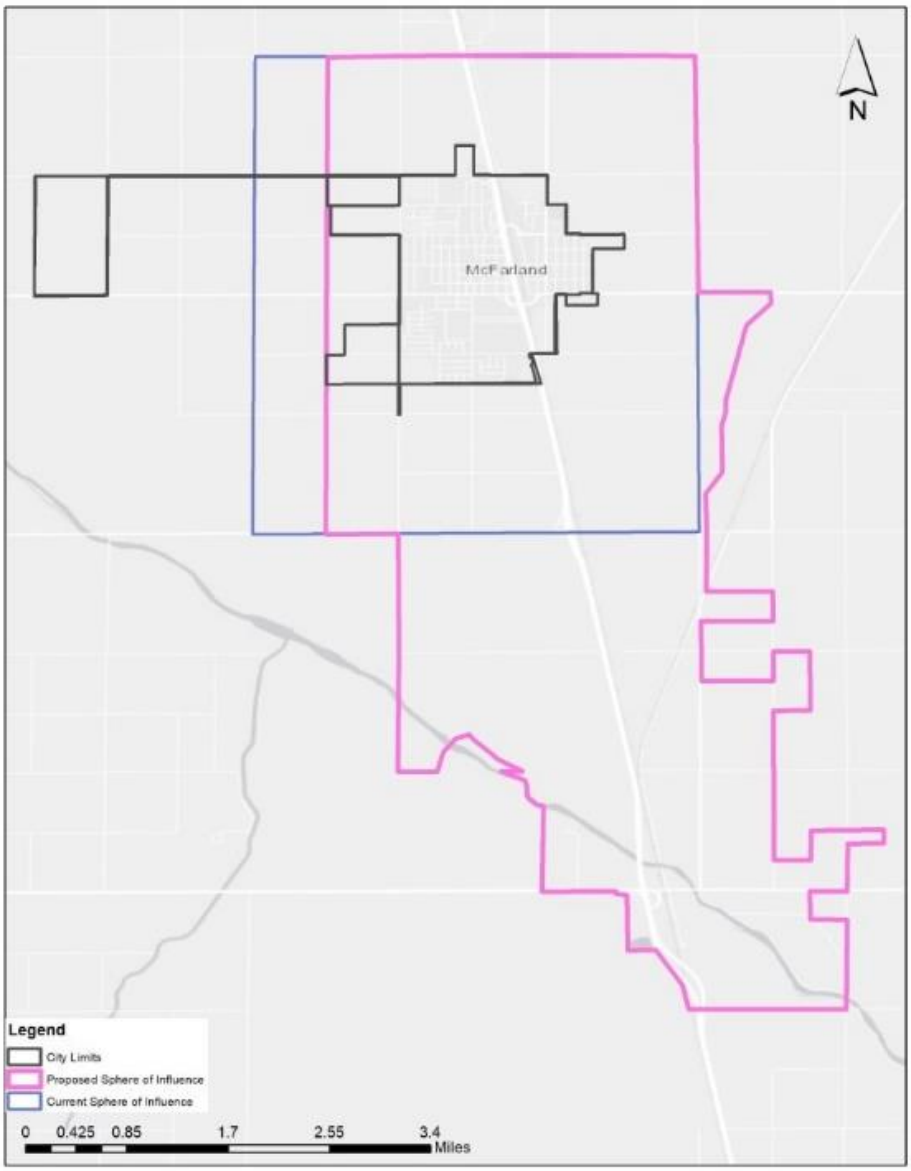
The planning team created an Opportunities map based on building coverage, vacant parcels, and potential for Accessory Dwelling Units (ADUs). This process identified key parcels and areas within the City of McFarland that could accommodate some of the future growth in housing.

The Opportunities map (Map 3-2) shows areas of opportunity within the existing City boundaries. Parcels with opportunity include vacant and underutilized parcels that could accommodate additional development. Vacant parcels are highlighted in bright pink and are concentrated largely in the North & Western part of the City and along the railroad on the east

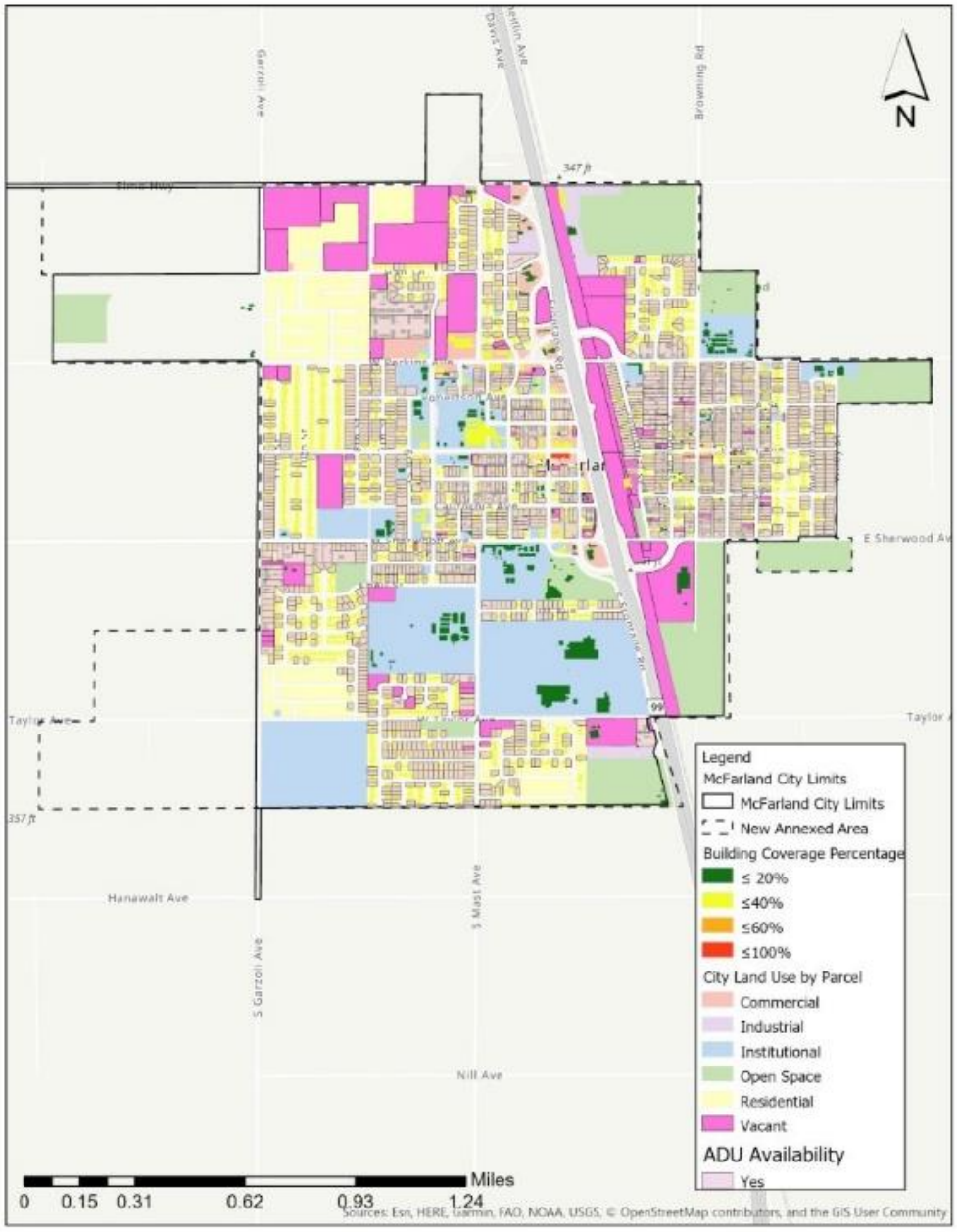
side. The 2019 land use inventory identified 77 vacant parcels within City limits, totaling approximately 77 acres.

This map also shows parcels where ADUs could be built to increase housing supply in the City and create smaller, more affordable units for single people or elderly family members. GIS data of building footprints and parcel sizes was used to calculate how much land was available on each parcel and whether an ADU could fit on the parcel. This analysis revealed the potential for approximately 1,300 ADUs. Much of this data was gathered in October 2019 during the land use inventory before City boundaries were expanded on the west in February 2020.

Map 3-1: McFarland's Sphere of Influence (SOI)



Map 3-2: Opportunities within McFarland

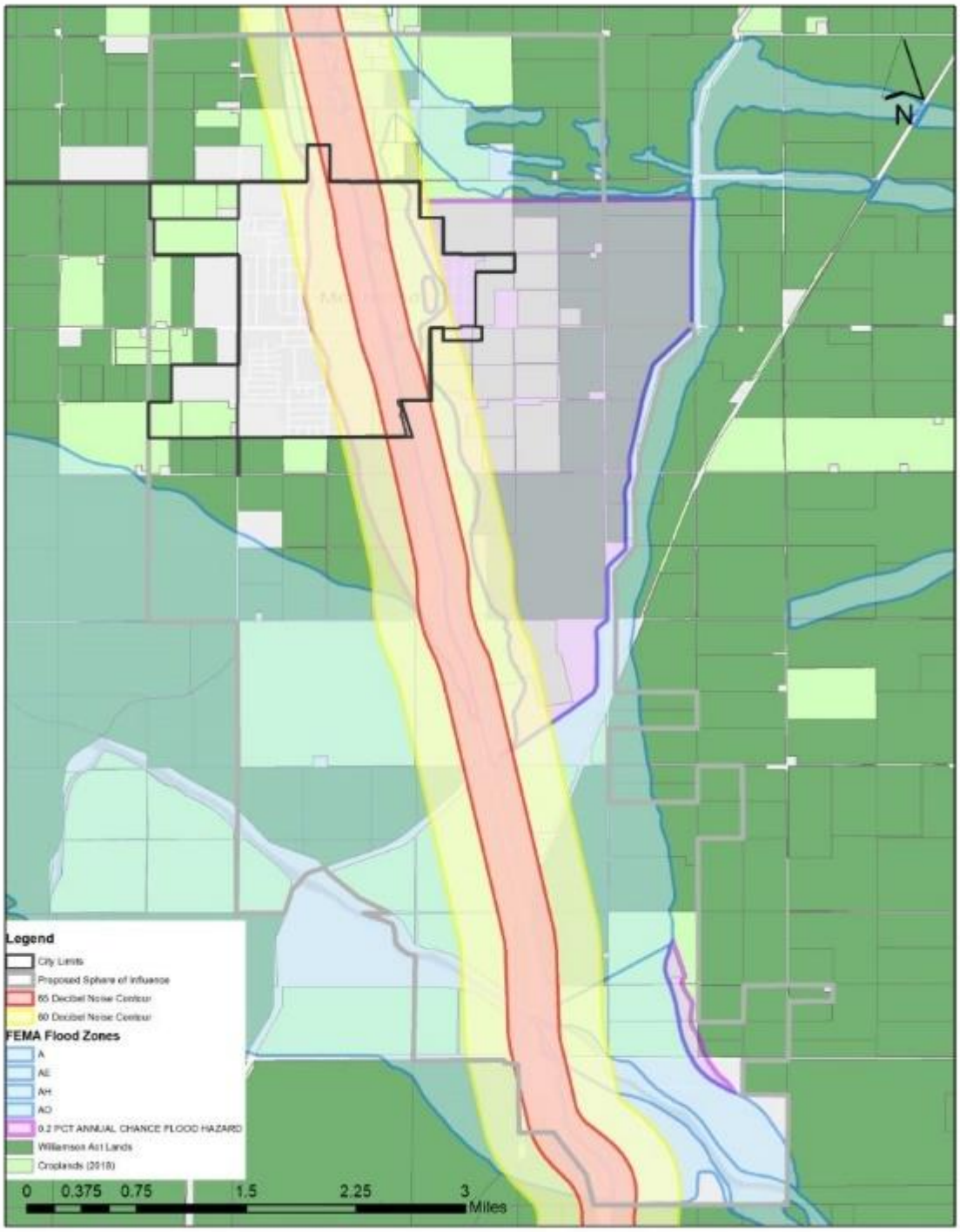


3.4.3 Constraints

Constraints to development include both natural hazards and man-made obstacles. These areas would not be prime candidates for development or redevelopment due to their sensitive environmental or historical nature. Nevertheless, some constraints can be mitigated during development through best management practices.

The planning team created Constraints maps based on environmental resources, natural and manmade hazards, and restricted land uses to identify where future growth could be accommodated. Map 3-3 depicts constraints to future development in McFarland.

Map 3-3: Constraints within and around McFarland



The primary producers of noise in McFarland include Highway 99 and the railroad that runs parallel to the freeway. The 65 dB noise contour along this corridor is unsuitable for sensitive

receptors, such as residential areas and schools, and the 60 dB contour requires mitigation measures to construct development that includes sensitive receptors.

McFarland also contains both 100-year flood plains and 500-year flood plains as designated by the Federal Emergency Management Agency (FEMA). Flood hazards present a risk to life and property and will need to be mitigated in future development.

Additionally, the City is nearly surrounded by croplands and Williamson Act lands, which limit development with the intention of preserving prime farmland. Otherwise, the regional geography poses low fire risk to McFarland, and lacks wetlands, forested areas, or other sensitive habitat that might hinder development.

3.5 References

U.S. Census Bureau; 2017 Census of Population and Housing, Age and Sex; McFarland, Kern County, and California; American Community Survey 5 Year Estimates, Table S0101; Retrieved October 11, 2019 fromhttps://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

U.S. Census Bureau; 2017 Census of Population and Housing, OnTheMap; McFarland, Delano, & Kern County, California; Retrieved October 11, 2019 from https://lehd.ces.census.gov/

U.S. Census Bureau, American Community Survey (ACS). (2017). Table B25007 Tenure by Age of Householder, 5-Year Estimates: McFarland, CA.

4. DEVELOPMENT ALTERNATIVES

4.1 Introduction

This chapter presents three alternatives for accommodating future population, housing, and employment needs in McFarland through 2040. Each alternative varies by development densities, intensities, types, and locations of growth throughout the City to meet three distinct visions and sets of growth assumptions.

The Business as Usual Alternative assumes future growth will continue based on historic trends in land use patterns, housing types and density, and employment opportunities and locations. It includes the expansion of the City and its Sphere of Influence (SOI) to the south. In this alternative, residential development remains primarily low-density with agricultural land converting to new commercial and industrial development along Highway 99. The transportation system remains automobile oriented.

The Moderate Growth and Redevelopment Alternative selects multiple areas to concentrate new growth within the existing City boundary with the option to expand through annexation as needed. The alternative's governing principles include infill development, densification, and repurposing, and it prioritizes improving circulation connections between the areas east and west of Highway 99 and developing complete streets to increase walkability, bike ability, and streetscape beautification. Pedestrian bridge improvements, bus network expansion, and the development of attractive gateways into McFarland are also key features of this alternative.

The Smart Growth Alternative accounts for the most aggressive population growth for the City of McFarland, maximizing infill within the City and new development outside of the existing City boundary to accommodate the maximum projected population, housing, and job growth. This alternative identifies three key areas for growth of housing and jobs across the City:

- Downtown Infill
- Westside Expansion
- Highway 99 Improvements

Future growth of housing is concentrated in the Downtown Infill and Westside Expansion key growth areas. Future growth of jobs is focused along Highway 99, where land is designated for light and heavy industrial uses, as well as highway commercial retail and services to support job growth.

4.2. Business as Usual

4.2.1 Introduction

The Business as Usual Alternative continues the existing development patterns of McFarland, based on historic growth patterns and current land use trends. The Business as Usual Alternative involves the expansion of the City and its Sphere of Influence on the south, converting agricultural land to various types of commercial and industrial developments along

Highway 99. Residential, institutional, and other land uses continue to the west and to the east of the Highway 99 corridor. Transportation systems remain automobile-oriented with some improvements for pedestrian connectivity and comfort. Extensive development, including residential development, occurs in 100 and 500-year floodplains, requiring utilities to expand and improve to provide adequate capacity.

Future population growth is projected using the cohort method, which estimates growth based on recent birth, death, and migration rates in the area. This baseline projection then adjusts to account for job growth targets for each alternative. According to the population projections shown in Table 4-1, the City of McFarland's population is expected to increase by 9,760 people from 2017 to 2040, reaching a total population of 23,690 in 2040 under the Business as Usual Alternative.

Table 4-1: Population for each Growth Alternative

	Business as Usual	Redevelopment	Smart Growth
2017 Population	**13,930**	13,930	13,930
2040 Population Projection	**23,690**	27,854	33,219
2017-2040 Projected Population Growth	**9,760**	13,924	19,289

Source: Cal Poly Planning Team, 2020

The population, employment, and housing projections for the Business as Usual Alternative are based on the job-to-labor force ratio of 0.9 taken from McFarland employment data from 2010 to 2017. As seen in Table 4-2, projections from this ratio show a target job increase of 5,090 jobs from 2017 to 2040, with a total of 11,833 jobs in 2040.

Table 4-2: Jobs for each Growth Alternative

	Business as Usual	Redevelopment	Smart Growth
2017 Jobs	**6,743**	6,743	6,743
2040 Job Targets	**11,833**	14,176	17,194
2017-2040 Job Target Growth	**5,090**	7,433	10,451

Source: Cal Poly Planning Team, 2020

To accommodate increased population and employment in the City of McFarland, new residential development is needed. As seen in Table 4-3, under the Business as Usual Alternative, 4,500 new housing units are needed by 2040, increasing the total housing stock to 7,580 housing units.

Table 4-3: Housing for each Growth Alternative

	Business as Usual	Redevelopment	Smart Growth
2017 Housing Stock	**3,080**	3,080	3,080
2040 Housing Projection	**7,580**	8,910	10,630
2017-2040 Projected Housing Growth	**4,500**	5,830	7,550

Source: Cal Poly Planning Team, 2020

4.2.2 Vision

The Business as Usual Alternative maintains McFarland's small-town feel with mostly low-density housing and neighborhood commercial, while also expanding City boundaries to include economically beneficial highway commercial and industrial development.

4.2.3 Growth Assumptions

The assumptions used in the development of this alternative reflect the current housing, commercial, and transportation patterns in existence, as well as the expansion of the City and its SOI to the south. The most predominant housing type in McFarland is low-density single-family homes; therefore, Business as Usual assumes new housing growth will continue a low-density housing pattern in the City's annexation. New industrial and highway commercial activities are centered along Highway 99 between Taylor Avenue and Highway 46.

Growth Assumptions:

- Expand the City and the SOI to the south
- Improve circulation (including for pedestrians), especially around the highway
- Pursue commercial development, especially around the highway
- Improve McFarland's aesthetics and imageability
- Allow for mixed-use development in appropriate areas
- Low-density housing
- Private automobile use remains the dominant mode of travel

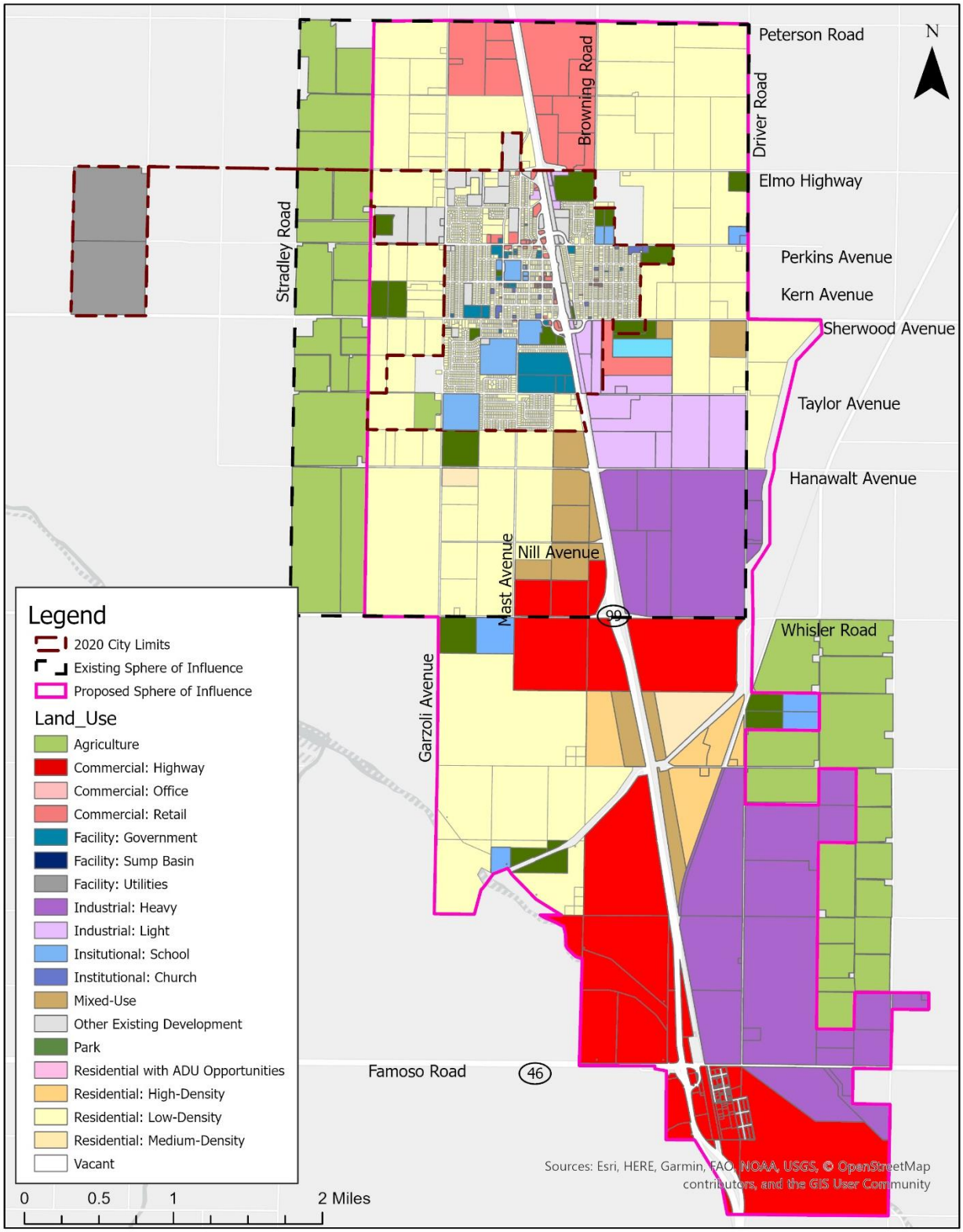
4.2.4 Conceptual Land Use

Under the Business as Usual Alternative, McFarland is projected to need 4,500 new housing units by 2040. Projecting historic growth rates indicates that 810 acres of new residential land and 200 acres of new commercial land are needed by 2040. With the annexation, the City has more land under its control than is needed, making McFarland well-positioned to accommodate future growth, if not overshooting its need just slightly. The spatial distribution of proposed land uses can be seen in Map 4-1.

4.2.5 Residential Land Use

Out of the 810 acres projected for new residential land use, the City is projected to need 770 acres of new single-family development, and 40 acres of new multifamily development. With the new proposed SOI, McFarland will be able to support its projected growth with over 88,000 acres of single family residential, 560 acres of medium density residential, and 9,000 acres of high density residential. Currently, low density makes up most of the housing development in McFarland at 85%, while high density makes up about 15% of residential development. Assuming future housing densities reflect existing density distributions in McFarland, low density will continue to make up the great majority of new housing development, with high density at about 9% and medium density at 1% of new development as Figure 4-1 shows.

Map 4-1: Conceptual Land Use Map for Business as Usual Alternative



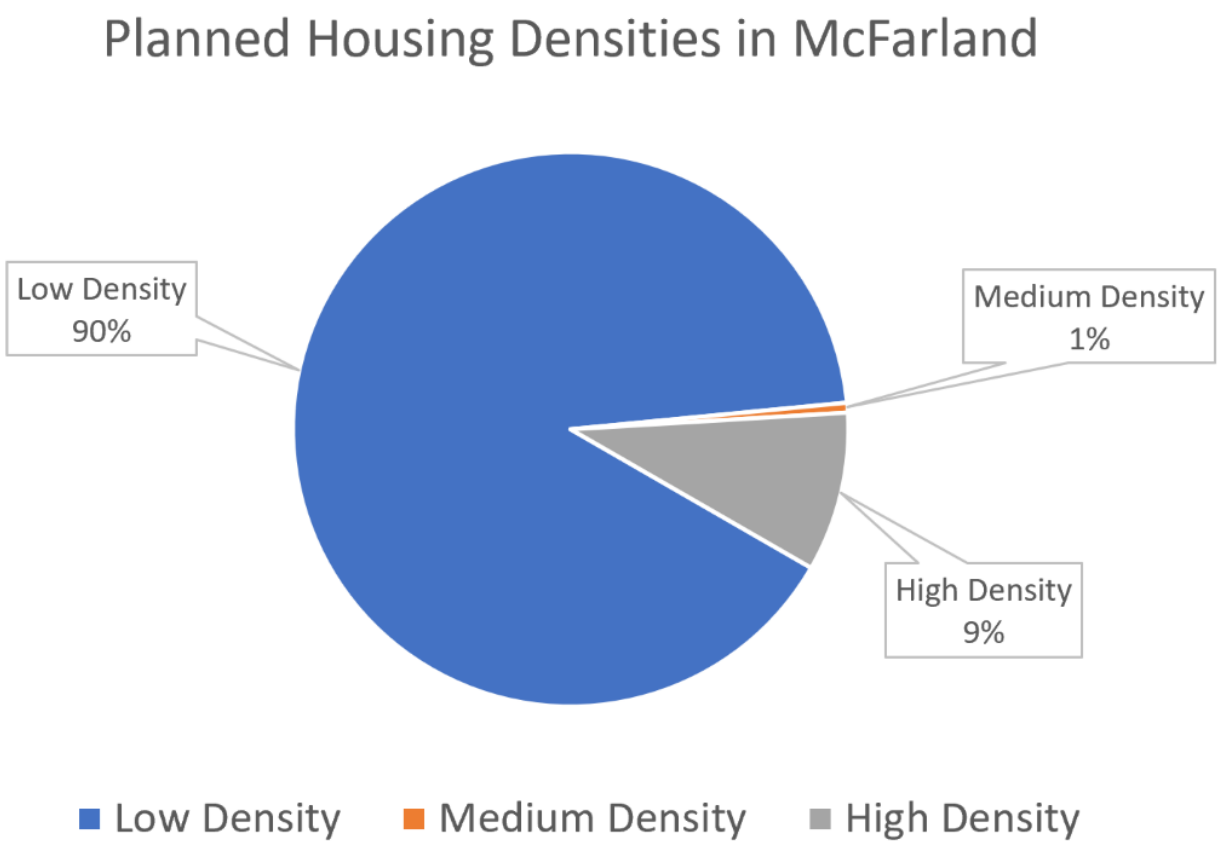


Figure 4-1: Proposed residential densities in Business as Usual Alternative.

4.2.6 Commercial Land Use

As shown in Table 4-4, the total area of commercial and industrial uses within McFarland was 41 acres in 2019, which accounted for the 1,374 jobs in the City. The Business as Usual Alternative projects a need for additional 133 acres for commercial and industrial uses to support 3,551 jobs by 2040.

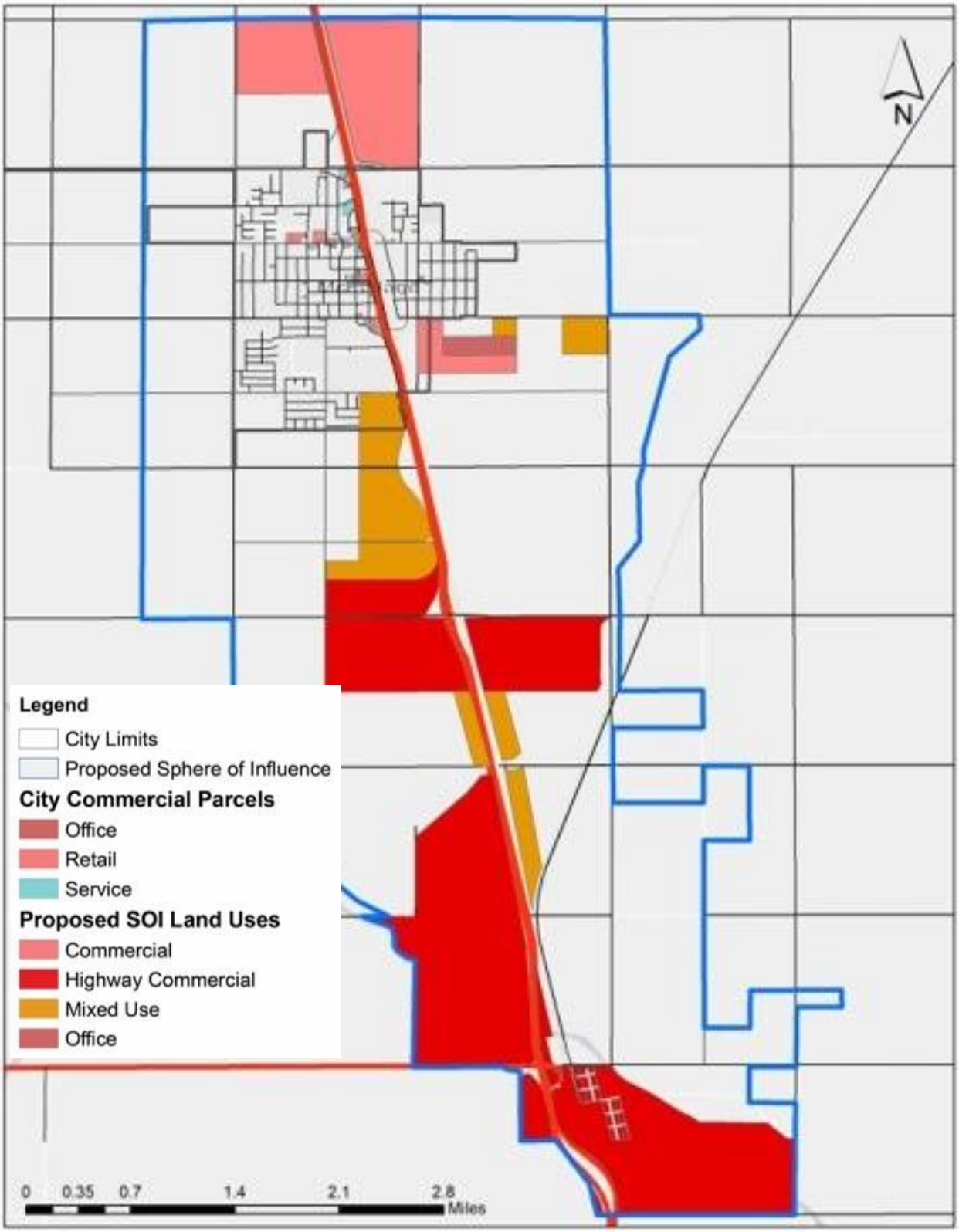
Table 4-4: Commercial Land Use

	2019 Acres	2040 Acres Needed	Available 2040 Acres
Commercial	26	57	2,310
Industrial	15	117	2,520
Total	41	174	4,830

Source: Cal Poly Planning Team, 2020

With McFarland's expansion of its City limits and its Sphere of Influence, the City was projected to have about 2,300 available acres of new commercial land to accommodate future commercial job growth including office, retail, and services. An additional 2,500 acres were designated for industrial uses. Map 4-2 shows the distribution of future commercial land use across the City and its SOI.

Map 4-2: Conceptual Commercial Land Use Map for Business as Usual Alternative



4.2.7 Key Growth Areas

There are four key growth areas in the Business as Usual Alternative:

- Downtown
- East McFarland Extension
- Whisler Road
- Famoso Road

Downtown is the business center of McFarland. East McFarland is primarily residential, and its extension to the south can bring new mixed-use and job opportunities. Whisler Road and Famoso Road transition from agriculture to new commercial and industrial land uses to support job growth and attract new business from Highway 99.

Downtown

Figure 4-2 shows the existing Downtown area, comprised mostly of one- to two-story commercial, institutional, and residential buildings.

Under the Business as Usual Alternative, there are no major changes to the Downtown area in terms of building size, density, or placement. As such, Figure 4-2 represents both the present and the future vision for Downtown. Recent sidewalk improvements, including the new sidewalk project along 2nd Street, and other façade improvements and awning replacements have helped to boost the aesthetics of downtown McFarland. However, additional pedestrian enhancements are still needed to improve safety, particularly around the pedestrian bridge crossing Highway 99.



Figure 4-2: SketchUp model of Downtown McFarland.

East McFarland Extension

Figure 4-3 shows the existing East McFarland Extension area, as viewed from the west. Blanco Park is visible in the center of the image, with Highway 99 and the railroad visible near the bottom. Most of the area is currently used for agriculture.

Figure 4-4 shows the proposed development in the East McFarland Extension area under the Business as Usual Alternative. Significant changes would occur, with agricultural land being converted for industrial use along the highway, new office and commercial to the south of Blanco Park, and mixed-use development to the east of Blanco Park. Additional single-family residential units are prioritized to the north and east of Blanco Park.



Figure 4-3: East McFarland Extension, existing.

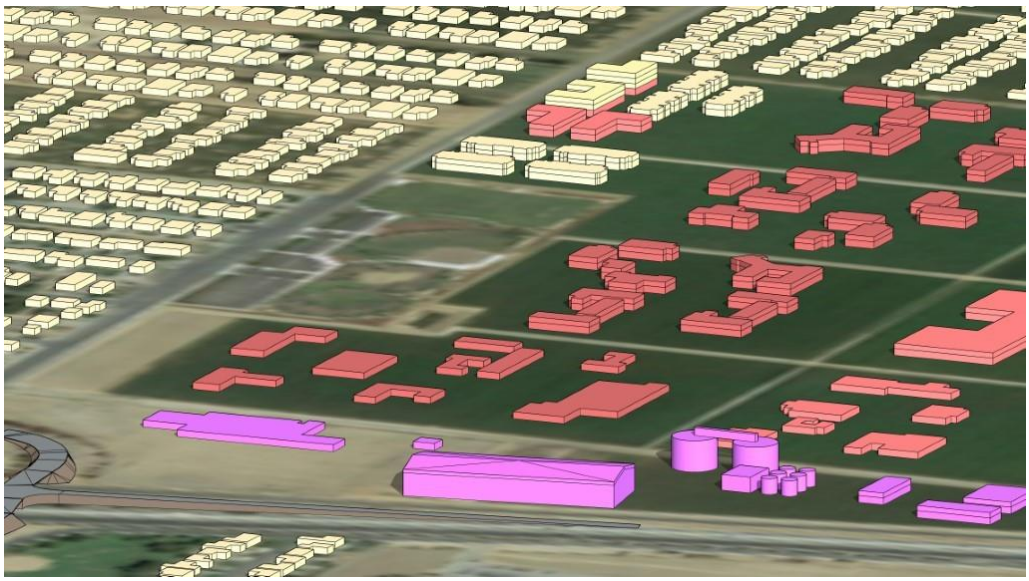


Figure 4-4: East McFarland Extension, proposed vision under Business as Usual.

Whisler Road

Whisler Road represents a new opportunity for McFarland to expand its income from highway commercial activities. Currently, the Wine Group, one of the largest exporters of wine in the country and maker of popular Franzia and Cupcake brands, is located along Whisler Road. The land around Whisler Road is primarily agricultural land. Figure 4-5 shows the existing conditions of the area, which is mostly undeveloped agricultural land.

The Business as Usual Alternative proposes new highway commercial, industrial, and mixed uses. Figure 4-6 depicts the future change in land use intended to draw visitors from Highway 99 into McFarland.



Figure 4-5: Whisler Road, existing.



Figure 4-6: Proposed future Whisler Road development.

Famoso Road

The Famoso Speedway is a prominent regional attraction at the intersection of Famoso Road and Highway 46. Although the new sphere of influence does not include the speedway itself, it is a popular regional destination that the Business as Usual Alternative considers in its future development opportunities.

New highway commercial, shown in Figure 4-8, is proposed to support Famoso Raceway and act as an economic driver for the City, building on the limited existing development shown in Figure 4-7. The proposed highway commercial is to include a hotel as another source of City revenue. Adjacent lands on the eastern side of Highway 99 are to serve new heavy industrial activities to support local job growth, as shown in purple.

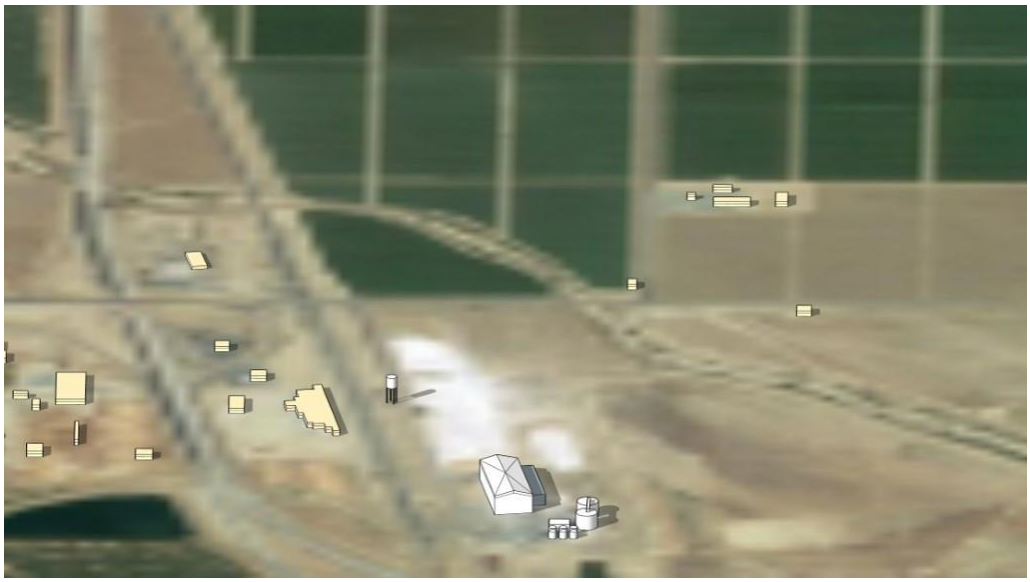


Figure 4-7: Famoso Road area, existing.

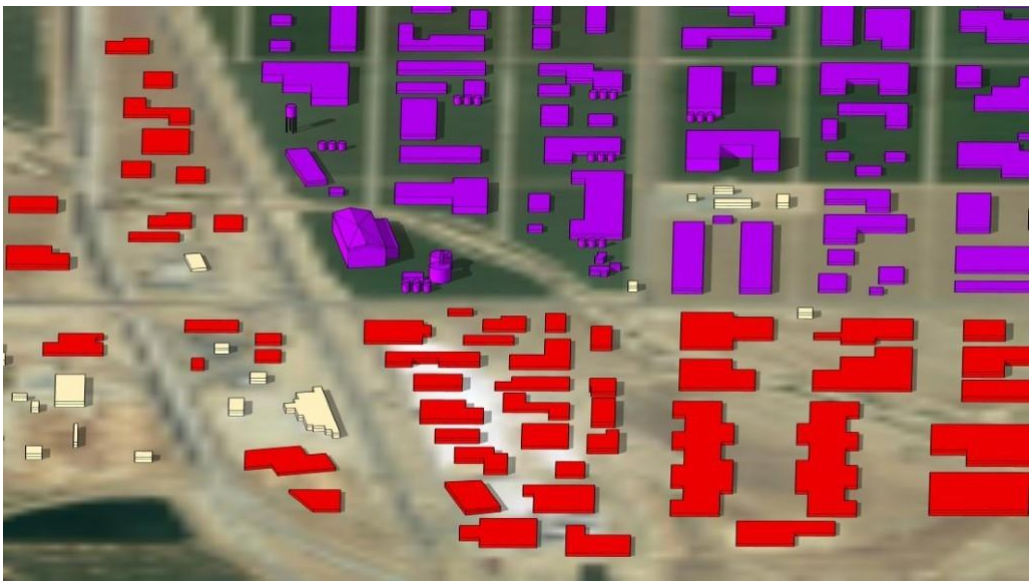


Figure 4-8: Famoso Road, proposed.

4.2.8 Circulation

Since the Business as Usual Alternative follows the present developmental trends of McFarland, there are minimal adjustments to the existing circulation patterns within the City and SOI. This alternative focuses on automobile-oriented transportation and forecasts circulation-related development, accordingly, maintaining the current class of arterial and collector streets and further developing north-south arterial and collector streets including Garzoli Avenue and Mast Avenue. The alternative also proposes new or expanded east-west arterials, including Whisler Road, Philips Road, and McCombs Road to accommodate future development in the southern portion of the proposed SOI.

Map 4-3: Conceptual Circulation Map for Business as Usual Alternative



The Business as Usual Alternative also assumes that there are few changes to public transit or the bicycle and pedestrian network, aside from minor improvements to major corridors and providing safe routes to school. While this alternative does not propose any changes to the alignment of Kern Transit Route 110, it does recommend the addition of one new regional transit stop near the proposed highway commercial area at the intersection of Famoso Road and Highway 46.

4.2.9 Outcomes

Under Business as Usual, significant development would occur on lands that are under agricultural use, impacting open space preservation. Major development would also occur in Federal Emergency Management Agency (FEMA) designated 100- and 500-year flood plains, creating risks to life and property. Residential development would also occur near the highway and heavy industrial areas, presenting air quality and noise issues. Utilities would require major upgrades to provide adequate capacity to serve new development, especially on the east side of the City. Walkability and pedestrian connectivity would also be slightly improved, but still limited.

4.3 Moderate Growth and Redevelopment

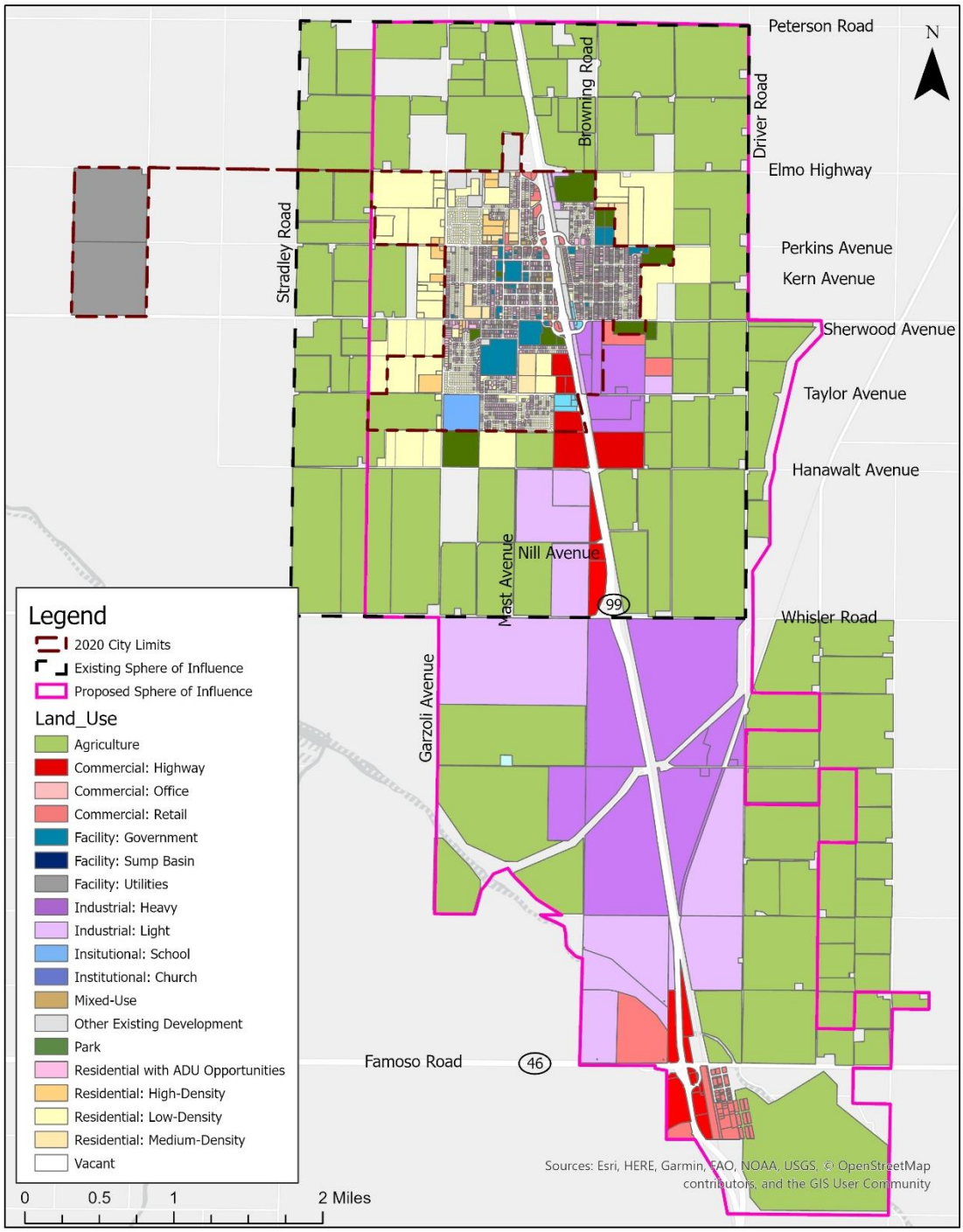
4.3.1 Introduction

The Moderate Growth and Redevelopment Alternative (Redevelopment Alternative) places new construction on sites with pre-existing uses using redevelopment principles such as infill development, densification, and repurposing of land. The Redevelopment Alternative focuses development primarily on underutilized and vacant parcels within the existing City boundary with the option to expand through annexation as needed. Map 4-4 shows the conceptual land use under this scenario.

The Moderate Growth and Redevelopment Alternative envisions maximizing the use of land within City limits and focuses on higher-density compact infill development. The Redevelopment Alternative would increase McFarland's housing and commercial options in four Focus Areas of key growth:

- Downtown along 2nd Street
- Highway 99 corridor
- East side of Highway 99
- Southern Highway Commercial

Map 4-4: Conceptual Land Use Map for Moderate Growth and Redevelopment Alternative



According to the population projections shown in Table 4-5, the City of McFarland's population could increase by 13,924 people from 2017 to 2040 under the Redevelopment Alternative to a total population of 27,854, approximately 4,000 more residents than the Business as Usual Alternative.

Table 4-5: Population for each Growth Alternative			
	Business as Usual	**Redevelopment**	**Smart Growth**
2017 Population	13,930	**13,930**	13,930
2040 Population Projection	23,690	**27,854**	33,219
2017-2040 Projected Population Growth	9,760	**13,924**	19,289
Source: Cal Poly Planning Team, 2020			

The population, employment, and housing projections for the Redevelopment Alternative were based on the average job-to-labor force ratio of 1.0 for the City of McFarland from 2010 to 2017. As seen in Table 4-6, projections based on this ratio show a target job increase of 7,433 jobs from 2017 to 2040, resulting in a total of 14,176 jobs.

Table 4-6: Jobs for each Growth Alternative			
	Business as Usual	**Redevelopment**	**Smart Growth**
2017 Jobs	6,743	**6,743**	6,743
2040 Job Targets	11,833	**14,176**	17,194
2017-2040 Job Target Growth	5,090	**7,433**	10,451
Source: Cal Poly Planning Team, 2020			

To accommodate increased population and employment in the City of McFarland, new residential development would be needed. As seen in Table 4-7, 5,830 new housing units would be needed by 2040 under the Redevelopment Alternative, increasing the housing stock to a total of 8,910 housing units.

Table 4-7: Housing for each Growth Alternative			
	Business as Usual	**Redevelopment**	**Smart Growth**
2017 Housing Stock	3,080	**3,080**	3,080
2040 Housing Projection	7,580	**8,910**	10,630
2017-2040 Projected Housing Growth	4,500	**5,830**	7,550
Source: Cal Poly Planning Team, 2020			

4.3.2 Vision

The Redevelopment Alternative envisions a compact community that maximizes the use of land within City limits. It focuses development primarily on underutilized and vacant parcels to promote access to jobs, retail, services, and recreation. This alternative distinguishes itself from the other two alternatives by focusing on compact development and opportunities for accessory dwelling unit (ADU) within a concentrated area.

4.3.3 Growth Assumptions

The growth assumptions of the Moderate Growth and Redevelopment Alternative involve increasing the housing stock through residential infill development in existing vacant lots and underdeveloped parcels to create low-, medium-, and high-density housing as well as ADUs where applicable. This alternative also recommends implementing circulation improvements

and multi-use paths to create a safe and connected network throughout the City that connects community members to schools, residential areas, and shopping opportunities, including a new full-service grocery store with healthy and affordable food options.

The assumptions for the Downtown, North, and West neighborhoods include the creation of complete streets and expanded bus service that would connect residents to goods and services in the downtown core and throughout McFarland. Another assumption limits new development in McFarland to a maximum building height of 3 stories to maintain the community's small-town character.

4.3.4 Guiding Principles

The Redevelopment Alternative utilizes redevelopment principles that place new construction on sites with pre-existing uses, such as infill, densification, and repurposing. The focus of this alternative is prioritizing development on under-utilized and vacant parcels.

Residential Development

- Capitalize on existing vacant lots and under-developed parcels for residential infill and accessory dwelling units (ADUs)
- Increase multi-family housing density and affordable housing

Mixed Use

- Redevelopment in under-developed parcels in the downtown areas for residential and retail or commercial uses
- Capitalize on existing vacant lots and under-developed parcels for residential infill and accessory dwelling units (ADUs)

Circulation

- Creation of complete streets and multi-use pathways that improve access to schools and neighborhoods
- Connect regions in the City through expanded bus service

Light Industrial

- Redevelopment concentrated in areas southeast along Highway 99
- Development of industrial space that improves economic development and provides diverse job opportunities

4.3.5 Conceptual Land Use

The Redevelopment Alternative proposes changes in land use to increase walkability and accessibility to retail, jobs, services, and recreation. To accomplish this, the alternative identifies opportunities in the follow key growth areas of McFarland:

Downtown Core

The downtown core provides opportunities for mixed-use commercial and residential development through infill. Proposed mixed-use development is focused on 2nd Street between Perkins Avenue and Sherwood Avenue, with the center of development focused on Kern Avenue.

North and West Neighborhoods

There are opportunities in the western and northern portions of McFarland for high density housing and improved connectivity. Most of the new housing development would occur along Garzoli Avenue and West Perkins Avenue.

Southern Highway Commercial

The southern portion of the City has room for larger highway commercial developments and a full-service grocery store. Additionally, there is space for additional industrial and commercial activities to support new job growth to the east of Highway 99 and south of Sherwood Avenue.

East Neighborhood

Based on community input, eastern McFarland would benefit from increased connectivity to the west side. Additionally, there is room for ADUs throughout the neighborhood to increase the availability of affordable housing, and this alternative also proposes mixed-use office buildings along the highway corridor to support job growth.

4.3.6 Residential Land Use

The community needs to accommodate 5,830 new housing units by 2040 to meet a total need of 8,910 housing units. Most of the new development is to comprise infill of vacant parcels for high-density housing and ADUs where appropriate. In the northern part of the City, there is potential for infill development in the form of high-density housing and ADUs within proximity to parks and the downtown core. In the southern area of McFarland, redevelopment opportunities for compact residential development could enable access to new commercial opportunities.

The Redevelopment Alternative promotes higher density residential development and opportunities for potential ADUs to grow the City of McFarland. The alternative's residential pie graph, shown in Figure 4-9, details the distribution of the conceptual residential land use densities in categories of mixed-use, ADU opportunities, and low and high density. Based on proposed development and existing residential growth, residential land uses in 2040 would comprise 69% low density residential, 10% high density residential, 20% ADU opportunities, and 1% mixed-use development.

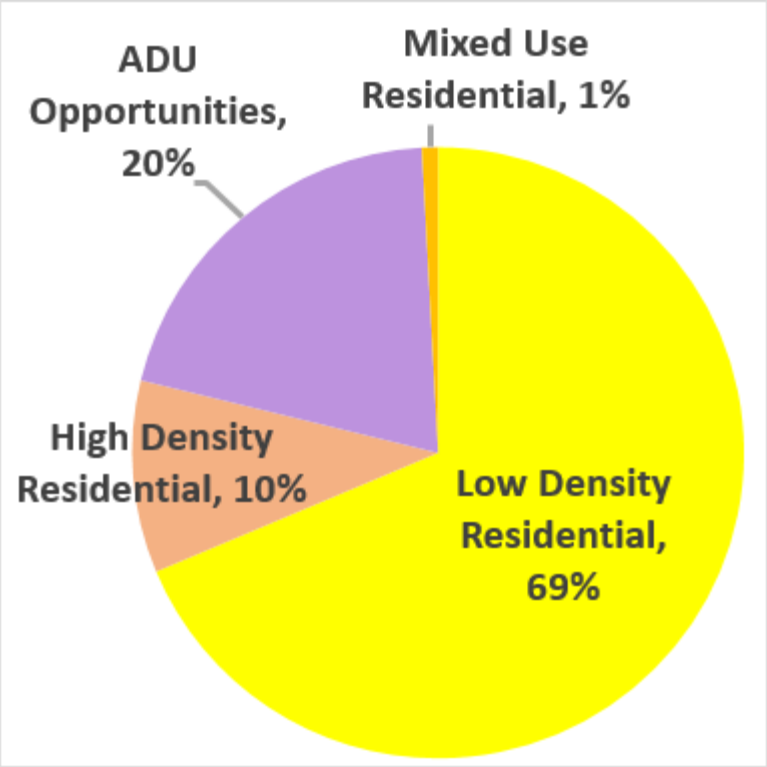


Figure 4-9: Residential densities for Moderate Growth and Redevelopment Alternative.

The low-density residential parcels are to be located on the edges of the City boundary, as well as the repurposed sites of the Central Valley and Golden State Correctional Facilities. The high-density residential parcels are to be located west of Highway 99 in the North, West, and South neighborhoods. ADUs are to be located throughout the City, and mixed-use parcels are to be located near the Downtown Core.

4.3.7 Commercial Land Use

For commercial growth, the Redevelopment Alternative recommends a variety of development types to provide space for businesses for the growing community. This concept has the following features:

- The Downtown Core has space for commercial development and mixed-use in the central core,
- The East Neighborhood can accommodate offices and compact business uses, as well as industrial and commercial uses in the southeast.
- The Southern Highway Commercial has room for a full-service grocery store or similar big-box retail.

Downtown Core

The Downtown Core embraces mixed-use development that offers a combination of commercial services and provides housing close to restaurants, shops, and public spaces.

North and West Neighborhoods

The North and West Neighborhoods integrate new commercial infill opportunities into underutilized areas along Highway 99 in the north and in available parcels west of Downtown.

Southern Highway Commercial

The Southern Highway Commercial area incorporates new commercial space south of the City along Highway 99 for businesses requiring more space, including a grocery store.

East Neighborhood

The East Neighborhood includes additional space for commercial uses near the center of the residential area as well as greater commercial development along Highway 99 in the south.

4.3.8 Key Growth Areas

The Moderate Growth and Redevelopment Alternative identifies four key growth areas of opportunity in McFarland that serve as anchor points of change and development. These opportunities are centered around redevelopment of existing vacant lots to meet the future community needs of McFarland.

Downtown Core

New mixed-use residential and commercial developments built along complete streets can create a distinct walkable downtown with multiple commercial options accessible to residents and visitors. The development of vacant lots with commercial and residential mixed-use can also create a cohesive streetscape along West Kern Avenue. In doing so, the Downtown Core key growth area would become distinct with a multitude of commercial options for residents and visitors by providing economic and housing growth in mixed-use spaces where residents can walk to nearby schools, stores, parks, and services. Figure 4-10 shows the existing downtown area, while Figure 4-11 shows what it might look like under the Redevelopment Alternative.



Figure 4-10: Downtown Core, existing.

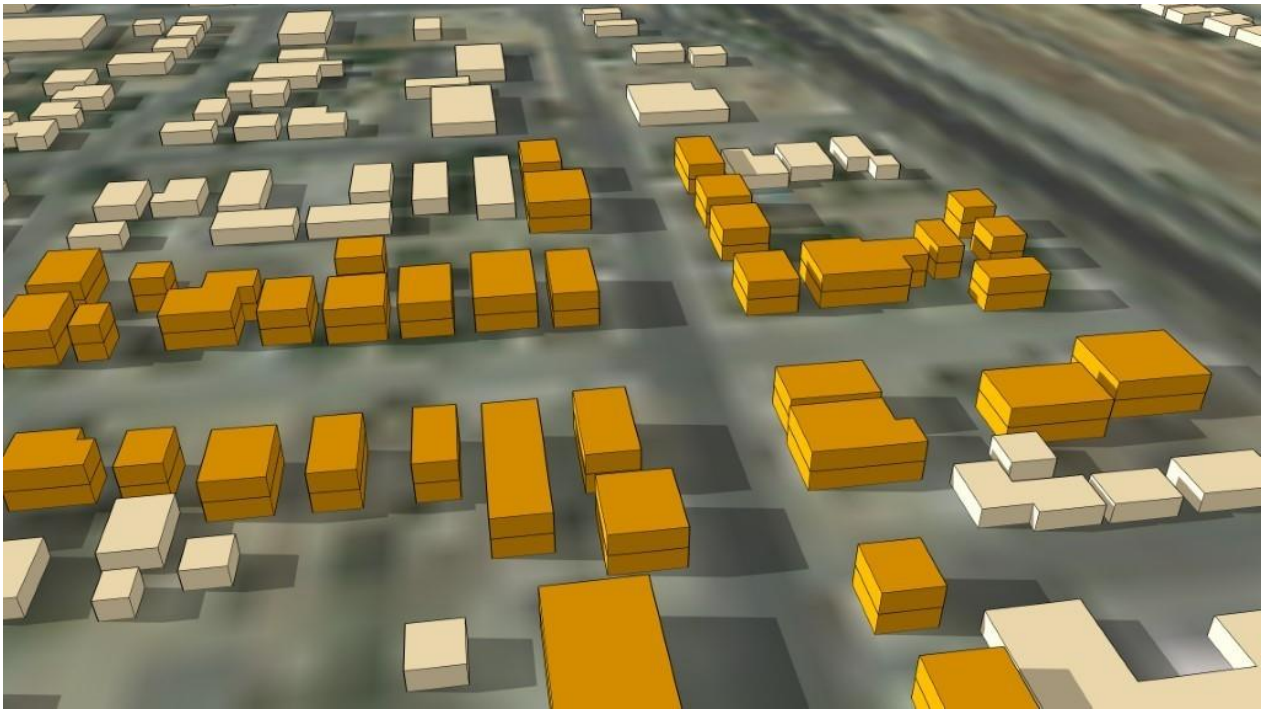


Figure 4-11: Downtown Core, proposed.

North and West Neighborhoods

McFarland's North and West Neighborhoods represent prime opportunities for new residential development. These key growth areas allow for the development of low and high-density housing on existing vacant lots, such as those shown in Figure 4-12, to build homes within walking or biking distance of Downtown. Underutilized parcels also offer space to develop new commercial uses along Highway 99, including high density residential and mixed-use near West Perkins Avenue. Figure 4-13 shows what the North Neighborhood might look like under the Redevelopment Alternative.



Figure 4-12: North Neighborhood, existing.

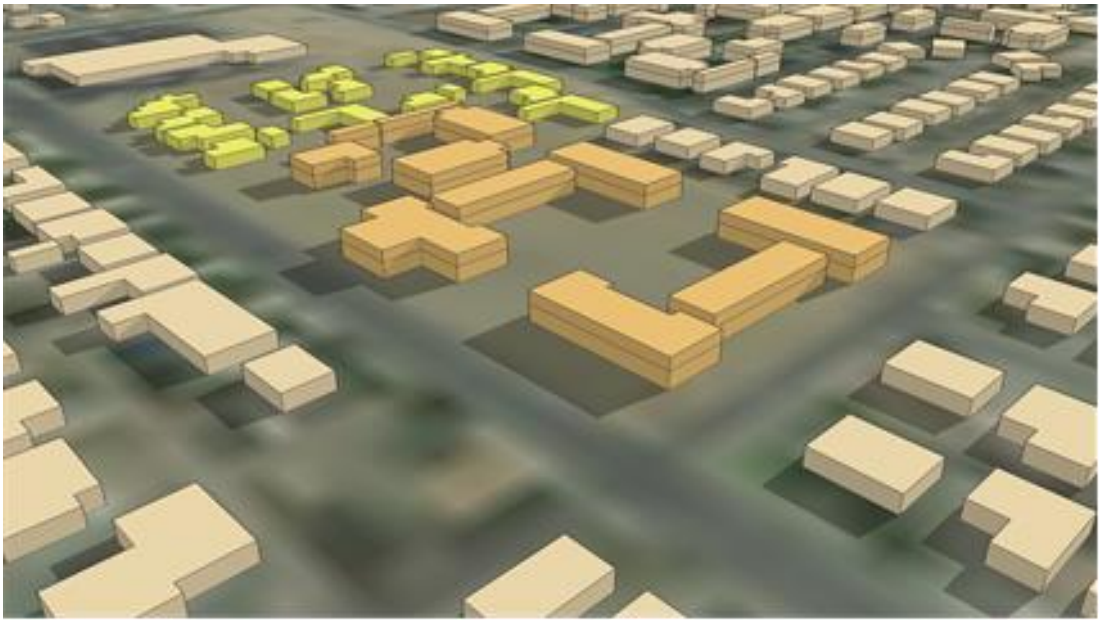


Figure 4-13: North Neighborhood, proposed.

Southern Highway Commercial

The sites of the Central Valley and Golden State Correctional Facilities between Taylor Avenue and Cliff Avenue, shown at the top of Figure 4-14, offer opportunity for new housing and retail development, as envisioned in Figure 4-15, and would be an optimal site for a full-service grocery store. The Southern neighborhood allocates space for low and high-density residential development near McFarland Junior High School and McFarland High School. Vacant lots along the south side of Taylor Avenue near Frontage Road also offer potential for office space to create additional jobs and centers of employment. The Highway 99 corridor south of Hanawalt Avenue is an additional area for commercial development to attract visitors on the highway and increase the City's economic development.



Figure 4-14: Southern Neighborhood, existing.



Figure 4-15: Southern Neighborhood, proposed.

East Neighborhood

The East neighborhood is to accommodate industrial and commercial space south of Taylor Avenue on the east side of Highway 99. Light industrial development can provide opportunities for diverse employment near commercial areas and within the boundaries of McFarland. The underutilized spaces near the Highway 99 overpasses, like those in Figure 4-16, provide opportunity for new infill office buildings to support new jobs and economic development, as represented in Figure 4-17. New low and medium density homes and ADUs also create new housing opportunities in this neighborhood.



Figure 4-16: East Neighborhood, existing.



Figure 4-17: East Neighborhood, proposed.

4.3.9 Circulation

The Redevelopment Alternative strives to improve circulation opportunities through:

- Increased multi-use and dedicated bicycle and pedestrian paths
- Traffic calming measures including crosswalks and signage
- Complete streets with additional bus stops in areas that currently have limited access

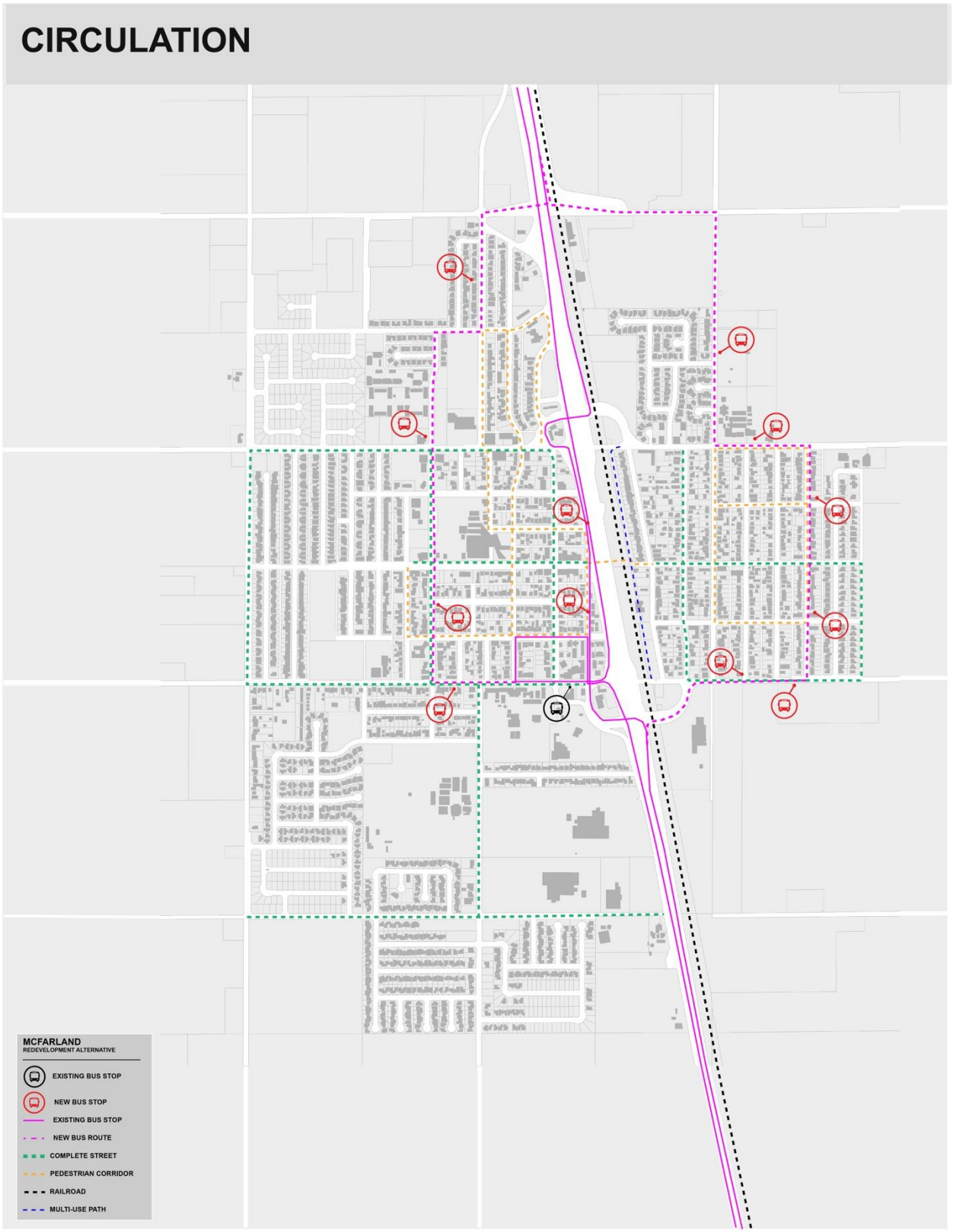
To accommodate additional growth, this alternative includes infrastructure upgrades for roads and increasing the variety of travel modes that can be accommodated by creating complete streets. Implementation of these circulation opportunities can increase connectivity for bicyclists, pedestrians, and vehicles.

Map 4-5 shows the conceptual circulation map for the Moderate Growth Alternative. This alternative proposes a network of complete streets, shown in green, that would connect major streets within the community. In Downtown and East McFarland, there is greater focus on pedestrian corridors (as shown by the dashed-orange lines) that would allow people to walk freely and comfortably. This alternative also incorporates a planned multi-use path (as shown by the dashed-blue line) east of the railroad that connects East Perkins Avenue and East Sherwood Avenue. This proposed trail can take advantage of underutilized space to create a walkable area. Finally, to connect areas of the community, an expanded network of new bus routes and stops is proposed around the East, North, and Downtown neighborhoods.

4.3.10 Outcomes

The Moderate Growth and Redevelopment Alternative focuses most of the new development in key growth areas in the North, Downtown, West, East, and South Neighborhoods. Development consists of new residential, commercial, and industrial expansion. New residential growth in City boundaries are to be largely high-density housing and ADUs on infill and redevelopment parcels. The integration of dense infill commercial and mixed-use redevelopment in the Downtown Core can create opportunities for people to work, live, shop, and interact. The highway commercial corridor can provide services for residents and attract visitors from Highway 99 into the City of McFarland. Although McFarland residents continue to rely on single-occupancy vehicles, improvements to pedestrian, bicycle, and public transportation infrastructure and connectivity can enhance the circulation system and reduce the need for individuals to drive within the community. An effort to develop complete streets with pedestrian safety crossings and traffic calming measures can promote a welcoming environment for pedestrians, bicyclists, and public transportation users in McFarland.

Map 4-5: Conceptual Circulation Map for Moderate Growth and Redevelopment Alternative



4.4 Smart Growth

4.4.1 Introduction

The Smart Growth Alternative accounts for the most aggressive population growth in the City of McFarland, maximizing infill within the City and new development outside of the existing City boundary to accommodate the maximum potential population, housing, and job growth. This alternative identifies three key areas for growth of housing and jobs across the City:

- Downtown Infill
- Westside Expansion
- Highway 99 Improvements

Future growth of housing is concentrated in the Downtown Infill and Westside Expansion key growth areas. Future growth of jobs is focused along Highway 99, where land is designated for light and heavy industrial uses, as well as highway commercial retail and services to support job growth.

According to the population projections shown in Table 4-8, the City of McFarland's population is to increase by 19,289 people from 2017 to 2040 under the Smart Growth Alternative resulting in a total population of 33,219 by 2040.

Table 4-8: Population for each Growth Alternative

	Business as Usual	Redevelopment	Smart Growth
2017 Population	13,930	13,930	**13,930**
2040 Population Projection	23,690	27,854	**33,219**
2017-2040 Projected Population Growth	9,760	13,924	**19,289**

Source: Cal Poly Planning Team, 2020

The population, employment, and housing projections for the Smart Growth Alternative were based on the job-to-labor force ratio of 1.2 taken from McFarland employment data from 2010 to 2017. As seen in Table 4-9, projections from this ratio show a target job increase by10,451 jobs from 2017 to 2040 to reach a total of 17,194 jobs in 2040.

Table 4-9: Jobs for each Growth Alternative

	Business as Usual	Redevelopment	Smart Growth
2017 Jobs	6,743	6,743	**6,743**
2040 Job Targets	11,833	14,176	**17,194**
2017-2040 Job Target Growth	5,090	7,433	**10,451**

Source: Cal Poly Planning Team, 2020

To accommodate increased population and employment in the City of McFarland, new residential development is needed. As seen in Table 4-10, under the Smart Growth Alternative,

7,550 new housing units would be needed by 2040, increasing the total housing stock to 10,630 housing units.

Table 4-10: Housing for each Growth Alternative

	Business as Usual	Redevelopment	Smart Growth
2017 Housing Stock	3,080	3,080	**3,080**
2040 Housing Projection	7,580	8,910	**10,630**
2017-2040 Projected Housing Growth	4,500	5,830	**7,550**

Source: Cal Poly Planning Team, 2020

4.4.2 Vision

As stated by a McFarland resident, the City is the historic "agricultural heartbeat of Kern County." Looking towards the future, McFarland has the potential to become an industrial hub and job-rich community while maintaining its vibrant agricultural industries. The Smart Growth Alternative uses McFarland's highest projections of population and jobs to develop its planning strategy for 2040 and beyond. The key growth areas target McFarland's most optimal locations for development: Downtown, Western McFarland, and the Highway 99 Corridor. Growth areas are designed to accommodate maximum growth while aligning with McFarland's desires to remain an agriculture-based City.

4.4.3 Growth Assumptions

McFarland's most aggressive growth target for 10,451 additional jobs could result in an increase in population by 19,289 people, which would require additional 7,550 housing units to support the projected growth. These forecasts fit well with McFarland's current goals of expanding the City's Sphere of Influence (SOI) and annexing additional land to increase access to resources and revenue. Still, residents desire to maintain McFarland's small-town feel and continue the City's long-standing history of active community members. Therefore, the proposed growth areas considered opportunities for community engagement and connections between growth areas, including providing adequate open space close to newly proposed housing, pedestrian-friendly commercial districts, and placemaking through community design.

4.4.4 Guiding Principles

In the Smart Growth Alternative, the guiding principles come from four main themes that encompass the needs under all 13 elements of a community plan: land management, connectivity, habitation, and public well-being. The following principles were also developed to meet the needs of the community:

- Develop strong commercial districts through mixed-use, highway commercial, and infill commercial development.
- Increase the ease and appeal of access within the City (primarily east to west) as well as into the City.
- Expand the variety of housing options to provide for households of varying income levels.

- Decrease McFarland's reliance on its neighbors by creating and expanding commercial and industrial uses.
- Develop McFarland's sense of place and frame the City as a regional destination.

4.4.5 Conceptual Land Use

The Smart Growth Alternative proposes changes in land use for residential development to take place outside of flood zones, expansion of commercial activities along Highway 99, and the creation of a vibrant downtown core as shown in Map 4-6. This alternative allocates 850 acres of land for residential use to prepare for future housing needs and 280 acres of land for commercial use (including mixed-use) to appropriately prepare for future job growth.

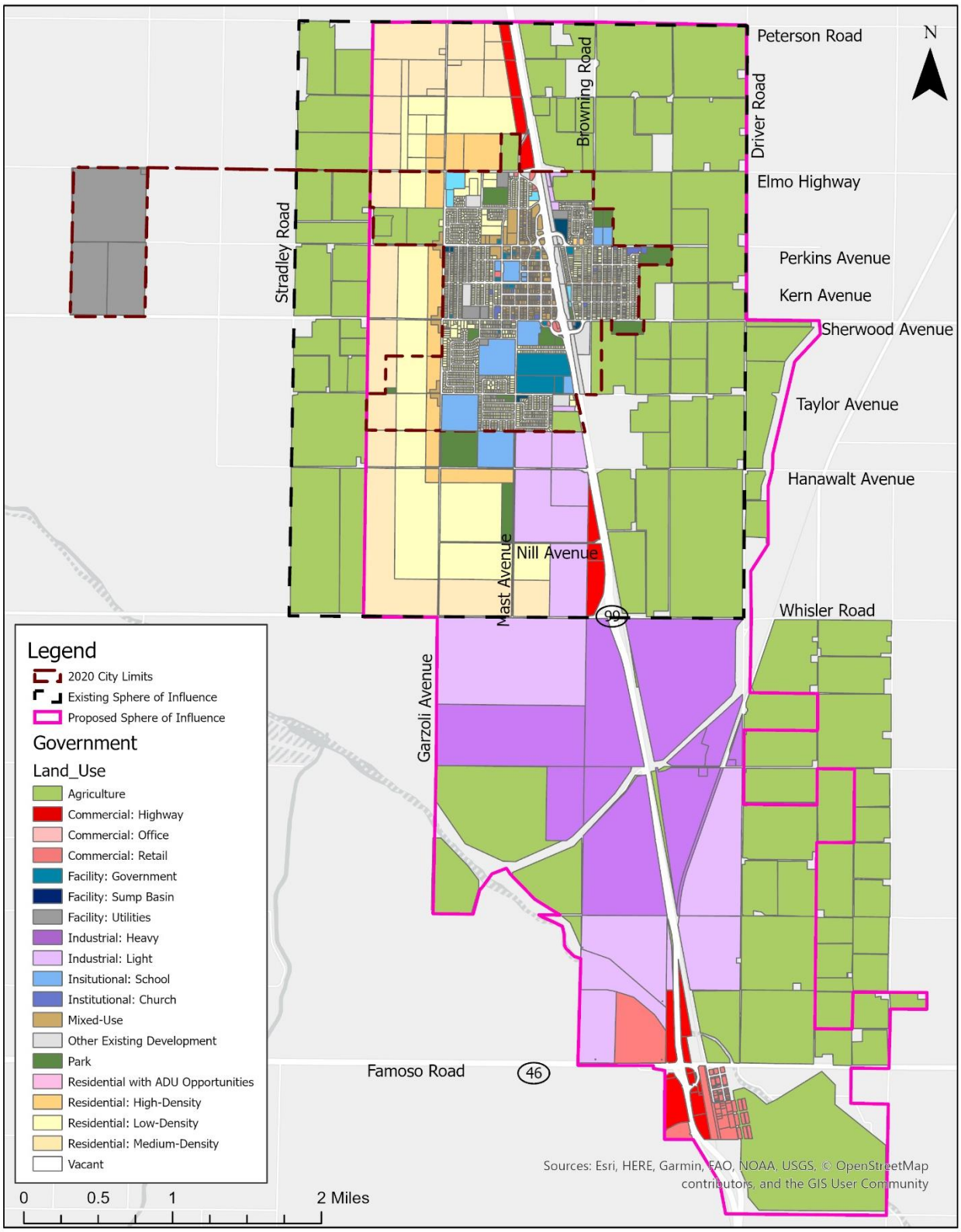
4.4.6 Residential Land Use

To appropriately provide for the anticipated population growth in this aggressive growth alternative, the City would need sufficient space to accommodate 7,550 new housing units by 2040. Proposed housing is limited to the northern and western areas of McFarland due to several factors including extensive Williamson Act lands to the east, flood hazards to the east and south, and limited capacity of municipal infrastructure serving east McFarland. In consideration of these factors, the additional 850 acres for residential use is proposed in the Westside Expansion key growth area within and beyond the current City boundaries, and internally within the proposed Downtown Infill key growth area. This combination of internal and external residential growth is necessary to providing the necessary variety of housing options to support low-, middle-, and high-income individuals and families in McFarland.

Additionally, the Smart Growth Alternative promotes a higher density residential development compared to the previous two alternatives to expand the housing capacity of the City of McFarland to serve the maximum potential population growth while avoiding low-density sprawl. Still, low- and medium-density residential are prominent in this alternative, maintaining McFarland's small-town feel. The pie graph, shown in Figure 4-18 details the distribution of residential densities by total acreage under the Smart Growth Alternative. The Alternative would result in the following allocations of residential acreage:

- 33% medium density residential use
- 32% low density residential use
- 20% mixed-use residential use
- 15% high density residential use.

Map 4-6: Conceptual Land Use Map for Smart Growth Alternative



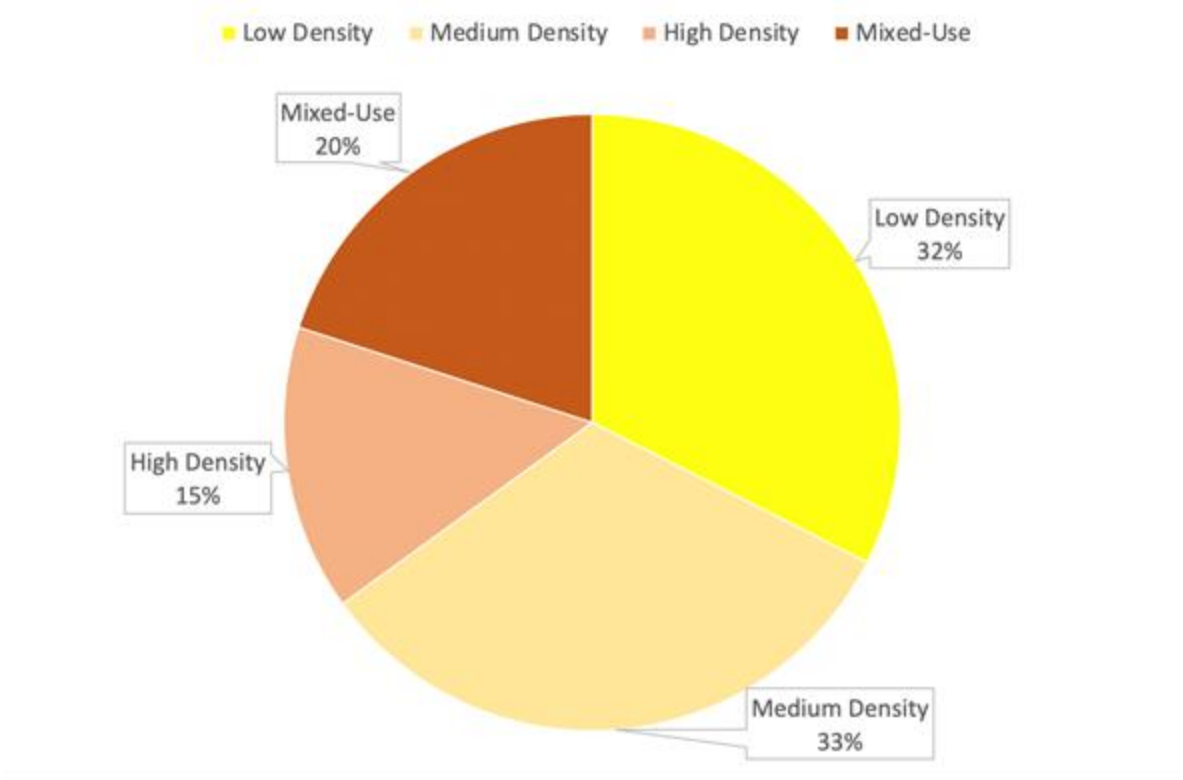


Figure 4-18: Distribution of housing densities under Smart Growth Alternative

4.4.7 Commercial Land Use

To account for continued commercial expansion, the Smart Growth Alternative proposes three specific commercial growth concepts:

- Downtown Infill
- Neighborhood Commercial Nodes
- Highway Commercial

Downtown Infill

Downtown commercial in this area is to serve the regional needs for dining and entertainment as well as local neighborhood commercial uses such as small grocery markets and services. Jobs in this area are to be primarily in the service sector, including hairstylists, accountants, and restaurant workers.

Neighborhood Commercial Nodes

Neighborhood Commercial nodes along Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues, as well as on East Kern Avenue from Browning Road to San Pedro Street, are to serve the residents in nearby communities.

Highway Commercial

Highway commercial is to focus on providing uses for traffic along Highway 99, including gas stations, hotels, and casual or fast-food dining options. The highway commercial corridor is also to serve workers in nearby light and heavy industrial areas.

The Smart Growth Alternative targets the highest level of job availability to grow the City of McFarland's economic base. The Smart Growth Alternative's commercial and industrial pie graph, shown in Figure 4-19, details the distribution of space allocations to commercial and industrial land uses in categories of commercial, highway commercial, light industrial, and heavy industrial uses by total acreage. The proposed development of commercial and industrial uses includes:

- 40% heavy industrial
- 40% light industrial
- 15% commercial
- 5% highway commercial

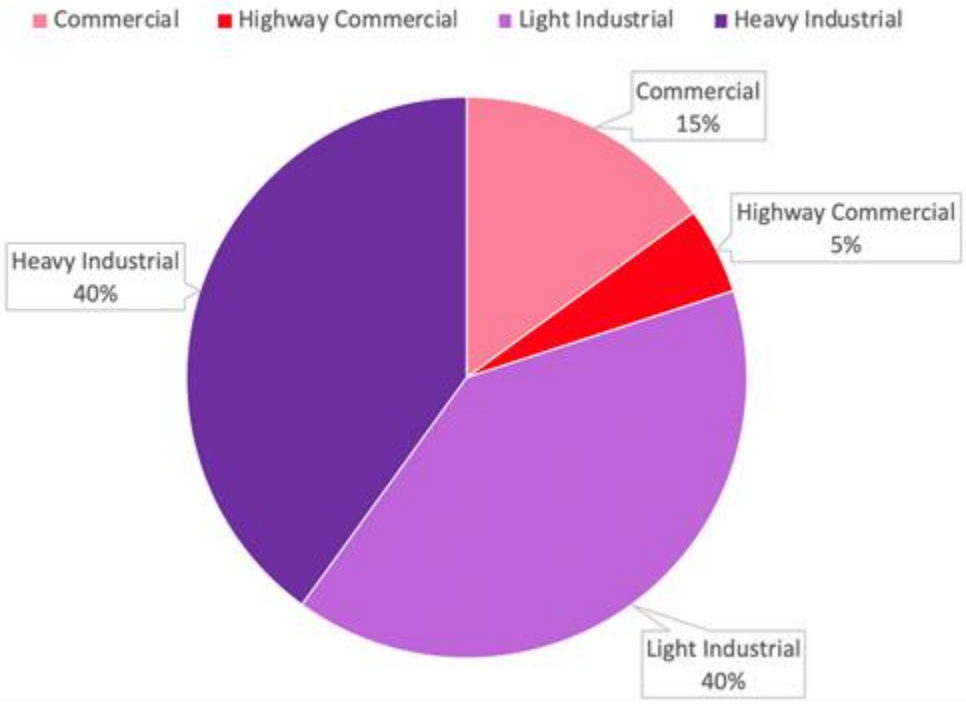


Figure 4-19: Smart Growth commercial & industrial uses by percent.

4.4.8 Key Growth Areas

The Smart Growth Alternative identifies three key growth areas that can serve McFarland as the City aggressively grows and develops. These areas are to accommodate the largest growth in development to meet the future needs of the community.

Downtown Infill

The Downtown Infill key growth area promotes a thriving town core with bandwidth to support additional residential, commercial, and office development. To facilitate this commercial, office, and residential mix, the entire downtown core is to be designated for mixed-use development. This designation is to allow buildings to host commercial or office on the first floor and residential units on the upper floors, and the increase in density would enable the offer of density bonus opportunities for affordable housing developers. The Downtown Infill growth area, seen in existing conditions in Figure 4-20 and in the future in Figure 4-21, can also provide key connections to Perkins, Kern, and Sherwood Avenues to serve as main commercial corridors, and to Garzoli Avenue which can act as a perpendicular commercial corridor.



Figure 4-20: Downtown Infill, existing.



Figure 4-21: Downtown Infill, proposed.

Westside Expansion

The Westside Expansion key growth area, seen in existing conditions in Figure 4-22, stands to promote a range of low-to-high density residential developments to accommodate potential population growth. High-density residential development is proposed along the westside's main arterial roadway at Garzoli Avenue while medium and low-density housing is proposed on slower moving residential streets, seen in Figure 4-23. West McFarland was identified as a key residential site due to its location outside of a flood zone and its distance from Highway 99, which would limit pollution and noise concerns.



Figure 4-22: Westside Expansion, existing.



Figure 4-23: Westside Expansion, proposed.

Highway 99 Improvement

The Highway 99 Improvement key growth area, seen in existing conditions in Figure 4-24, is to promote highway-serving commercial uses such as gas stations and hotels, as well as industrial uses such as manufacturing. Highway commercial uses could be most beneficial at Famoso and Highway 99 which has the greatest opportunity of capturing Famoso Raceway traffic. Light and heavy industrial development is to be focused on the intersection of Whisler Road and Highway 99 to support new job growth, as seen in Figure 4-25. Additionally, signage improvements for highway off-ramps can further help to draw visitors from Highway 99 into the City's commercial areas.

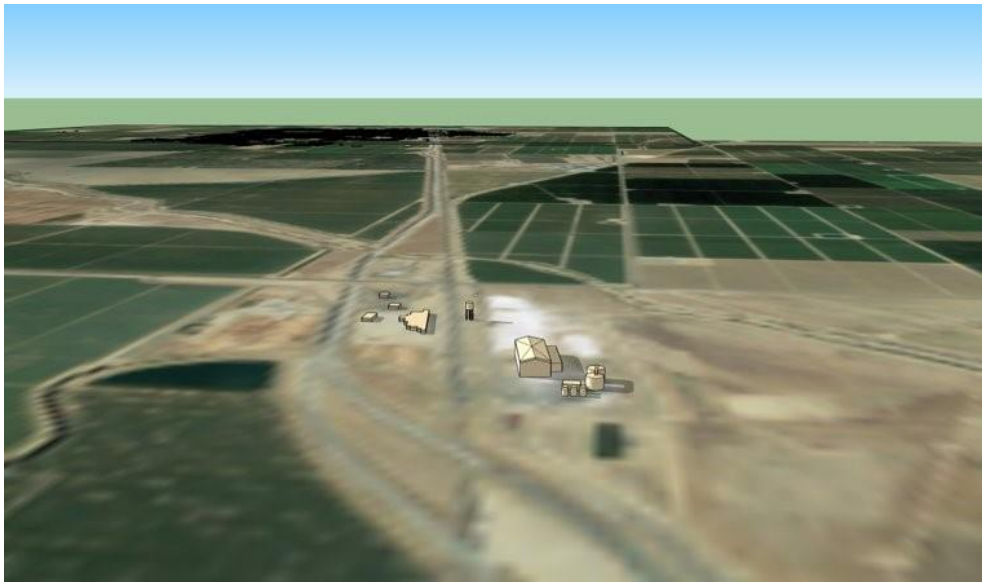


Figure 4-24: Highway 99, existing.



Figure 4-25: Highway 99, proposed.

4.4.9 Circulation

The Smart Growth Alternative proposes to improve circulation in the City through:

- Expanding public transit to integrate a new internal City transit network with the existing regional transit system
- Developing bicycle and pedestrian infrastructure for increased connectivity between homes, schools, and parks
- Improving non-motorized crossings between East and West McFarland

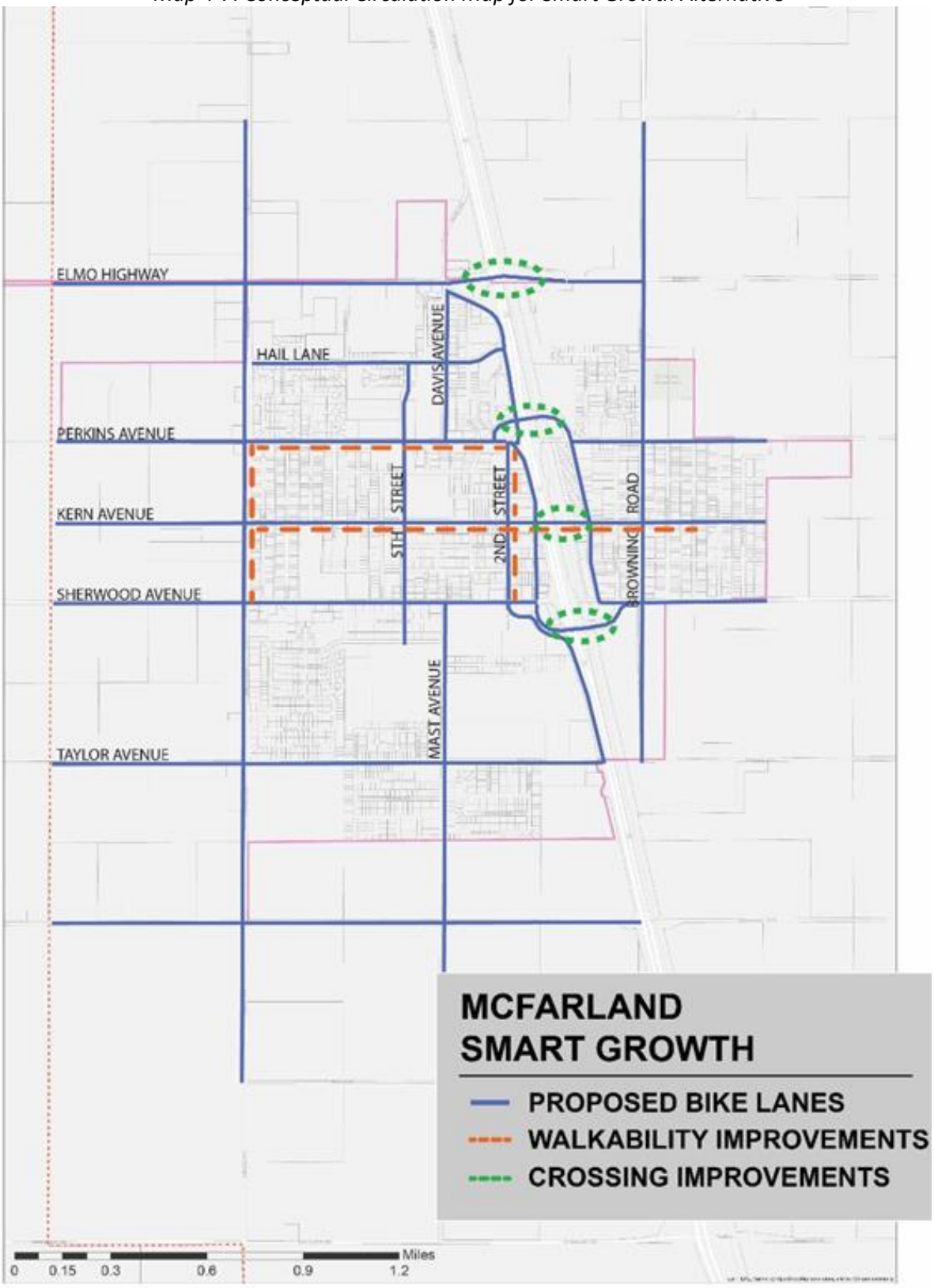
The proposed bicycle and pedestrian network for this alternative suggests improvements centered on improving non-motorized connectivity and safety. Map 4-7 shows the conceptual circulation map. The blue lines propose a separated bike network on major arterial roads which would connect activity centers and promote healthy lifestyles. The orange dashed line illustrates walkable pathways along the major commercial corridors. These pathways are to include widened sidewalks, added benches and other pedestrian amenities, and improved landscaping. The green dashed lines are highway crossings on Elmo Highway, Perkins Avenue, Kern Avenue, and Sherwood Avenue, which are proposed to mitigate barriers for pedestrian and bicyclist connectivity between East and West McFarland.

The proposed transit network in the Smart Growth Alternative can help to accommodate people without access to private vehicles. Map 4-8 depicts the Conceptual Transit map. The purple dashed line represents proposed intra-city transit to connect residential areas to commercial hubs and public facilities. Additionally, the pink line illustrates the existing Kern Transit route, including newly proposed bus stops to accommodate trips to the proposed developments in the south of the City.

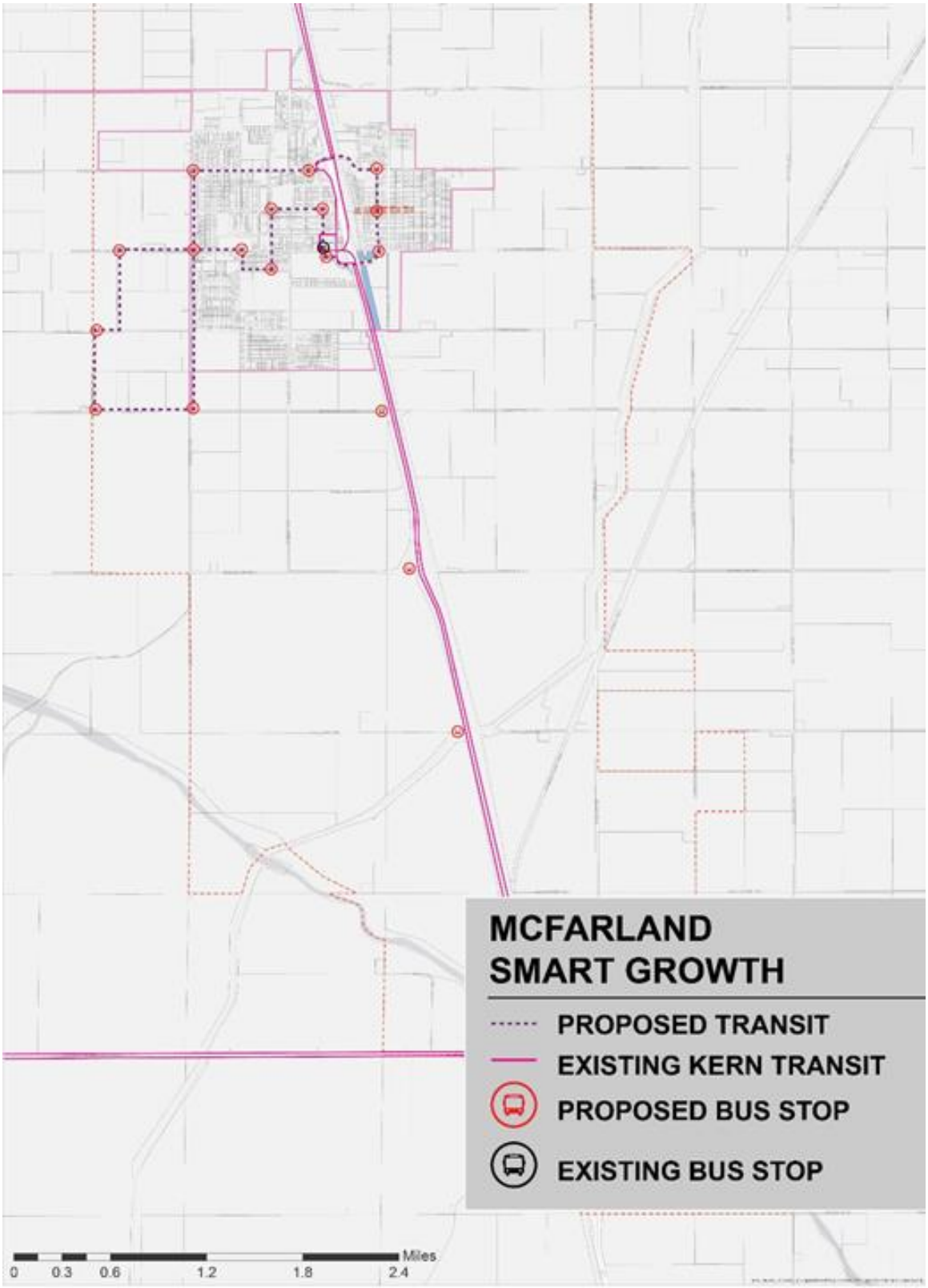
4.4.10 Outcomes

The Smart Growth Alternative focuses its aggressive growth in three key areas to serve the needs of neighborhoods, the region, and travelers on Highway 99. To avoid locating new residential development in hazard areas, the alternative increases the density of housing, particularly in the Downtown Infill and Westside Expansion key growth areas. Additionally, new mixed-use and commercial development are prioritized in the Downtown Infill area to support a vibrant downtown and at key intersections within the Westside Expansion key growth area (Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues). Commercial development is also prioritized along Highway 99 to encourage highway travelers to stop in McFarland. Furthermore, the Smart Growth Alternative identifies gateways, an internal transit system, and safe and complete streets for all road users as necessary points of efficient circulation and connectivity for the future of McFarland.

Map 4-7: Conceptual Circulation Map for Smart Growth Alternative



Map 4-8: Conceptual Transit Map for Smart Growth Alternative



5. PREFERRED GROWTH ALTERNATIVE

5.1 Introduction

The Preferred Growth Alternative is the vision for development changes in McFarland by the year 2040. It was developed with the community's preferences of concepts in the three development alternatives detailed in Chapter 4: Development Alternatives. This chapter presents growth assumptions as well as community-wide features, land use, and circulation concepts within five key growth areas. The Preferred Growth Alternative reflects future land use designations, housing allocation, and circulation improvements needed to meet the population growth projections and targets for job growth. It therefore carries implications for each of the General Plan elements: Land Use, Circulation, Housing, Conservation, Open Space, Safety, Noise, Public Facilities, Economic Development, Community Design, Health, Environmental Justice, Air Quality, and Sustainable Agriculture.

5.2 Concept & Proposal

The Preferred Growth Alternative is directly based on community feedback from community meetings, particularly Meeting 3 of February 20, 2020 during which three development alternatives were presented. The Preferred Growth Alternative focuses on creating a diverse local economy supported by a housing stock that accommodates a growing population and balances land development and open space. Major growth areas include: Revitalized Downtown, West Expansion, Whisler Road Neighborhood, Southern Commercial Corridor, and Famoso Industrial and Commercial Center. These growth areas introduce medium-density, high-density, and mixed-use development, as well as accessory dwelling units (ADUs) in residential neighborhoods that are eligible for the additional units using vacant and underutilized parcels. In addition, the Preferred Growth Alternative promotes sustainable design and improvements to the City's circulation network. Circulation improvements focus on creating a network of complete streets, which provide space for automobiles, pedestrians, and bicycles, along with an expanded public transportation system to serve internal circulation needs while it connects McFarland residents to neighboring communities.

5.3 Vision

Under the Preferred Growth Alternative, McFarland would transform into a connected community that can accommodate growth in population and economic activity. Residents can travel from home to work and shopping by multiple modes, while visitors are drawn to the City's vibrant commercial opportunities. The vision includes multiple areas of residential development infrastructure for active transportation and pedestrian safety, and the creation of a comprehensive transportation network. Combined, these transformations can help McFarland become a magnet for residential and commercial activity.

5.4 Growth Assumptions

The Preferred Growth Alternative aims to allocate sufficient space to accommodate population, housing, and jobs through the year 2040 for the most aggressive growth scenario. Based on

community feedback and demographic projections, land uses are allocated to balance housing and jobs, expand housing options, and increase job opportunities for a growing population. Therefore, land uses in the growth areas are proposed to include uses such as mixed-density housing, mixed-uses, neighborhood and highway commercial, and offices.

5.4.1 Population, Housing, and Jobs

Based on the population projection using local birth, death, and migration rates, baseline population is estimated to be 23,690 in 2040, which is an 82% increase from 13,020 in 2015. However, the Preferred Growth can accommodate the most aggressive plausible growth to 33,220 people. Population growth translates to households which indicates the need for up to 10,640 housing units in the City. In addition, the projection shows increase in number of people in the 25 to 39-year-old age group, which suggests increasing the quantity and variety of job opportunities to a total of 17,195 jobs by 2040.

5.4.2 Economic Development

The Preferred Growth Alternative focuses on diversifying and increasing employment opportunities for the growing population. Agriculture, the City's predominant employment sector, offers low-paying jobs. To help increase incomes and expand job opportunities, the mixture of compatible residential, commercial, and office land uses are proposed in the Revitalized Downtown while low-polluting industrial and highway commercial uses such as gas stations and fast food restaurants are proposed for major job centers at Highway 99 interchange areas.

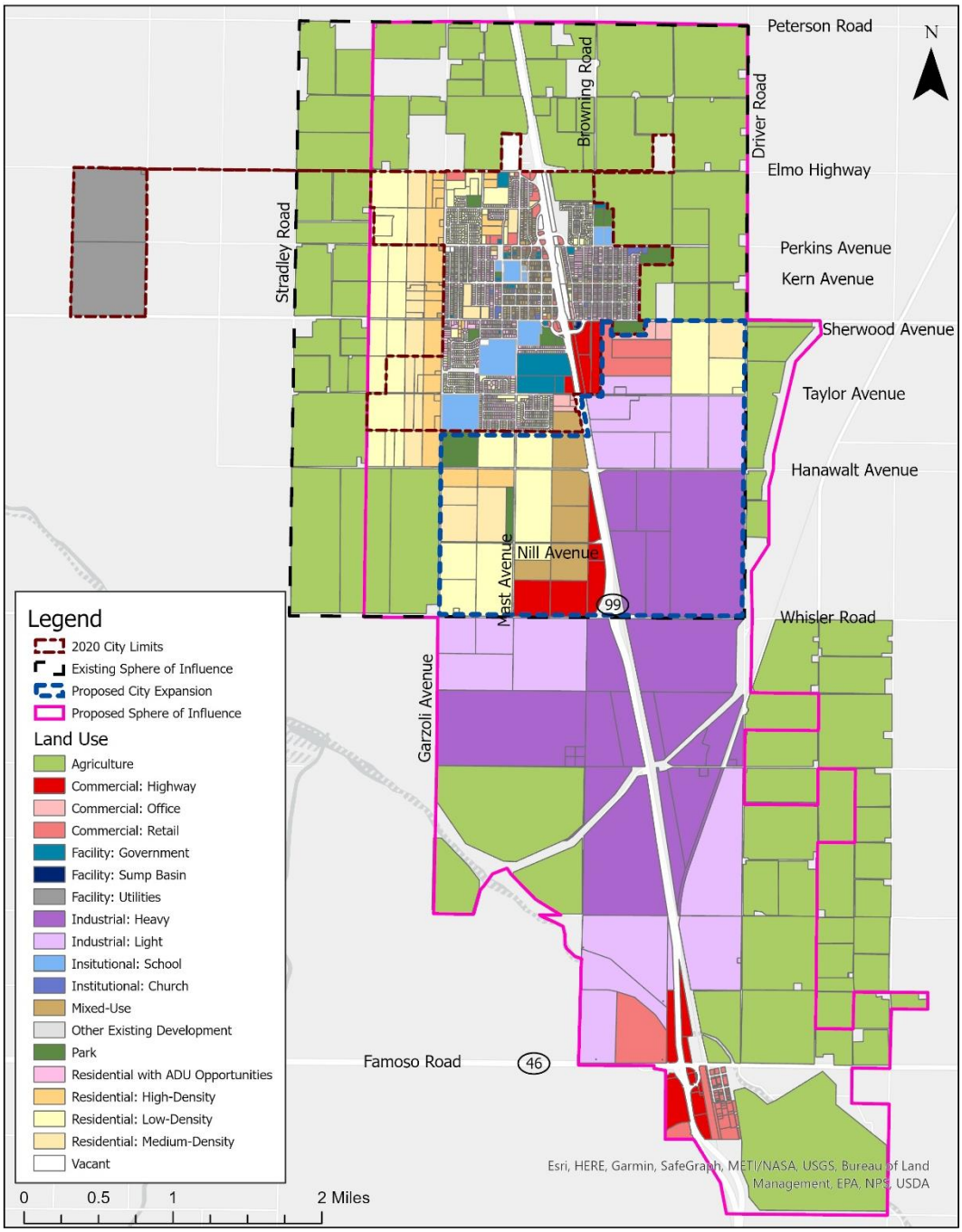
5.4.3 Housing Distribution

The Preferred Growth Alternative is to accommodate the need for shelter according to multiple dimensions in terms of size, cost, and location. Mixed-density housing is to accommodate various household sizes and income levels. High, medium, and low-density housing are proposed in areas on the north, south, east, and west boundaries of the City whereas accessory dwelling units (ADUs) and residential/commercial mixed uses are envisioned within central areas of the City. The following section describes the key growth areas and development characteristics.

5.5 Conceptual Land Use

Map 5-1 illustrates the concepts for future land use envisioned for the City of McFarland. It represents the de facto Land Use Map for the updated McFarland General Plan. The following subsections offer brief descriptions of the five key growth area that dominate the make-up of the new General Plan.

Map 5-1: Conceptual Land Use Map



5.5.1 Revitalized Downtown

The Plan proposes changing McFarland's residential-dominant downtown neighborhood into a mixed-use residential and commercial environment. The mixed-use designation would define McFarland's downtown core by providing a vibrant commercial district and source of activity for residents as well as visitors passing through McFarland on Highway 99. This designation can

reduce the need for residents to travel out of town while increasing McFarland's ability to attract visitors.

Connection to the east side of McFarland is a critical component to this alternative because internal circulation within the City is to improve access for all residents. Since new development is limited on the east side due to flood hazards, developing mixed use on East Kern Avenue and improving walkability via the Highway 99 pedestrian overpass is vital in the development of a vibrant downtown commercial hub. The extension of the downtown core toward the east side would reinforce the concept of a continuous downtown with commercial opportunities for all McFarland residents. The extension is to provide commercial and residential opportunities on the east side as part of the downtown core of the Revitalized Downtown area.

5.5.2 West Expansion

The West expansion area is primarily to consist of low-density, medium-density and high-density residential units in areas that are contiguous with the central built-up core of the City. As the City grows outwards, recreational open space is to be dispersed throughout this zone to accommodate the need for community gathering. This expansion is to accommodate McFarland's most ambitious population growth of 33,220 by 2040. Commercial areas in the neighborhoods are to screen residential areas from roadway noise, provide services to the community, and reduce the need to travel out of town or downtown to find resources. Mixed-use designation is proposed for the intersections of Garzoli Avenue at Perkins Avenue, West Kern Avenue, and Sherwood Avenue.

5.5.3 Whisler Road Neighborhood

Like the West Expansion area, this growth area is to add low-density, medium-density, and high-density housing options to an area under agricultural and low-density residential use. In addition, new recreational park space is to be added along the adjacent commercial corridor to meet open space needs for McFarland community members.

5.5.4 Southern Commercial Corridor

This area is adjacent to the Whisler Road Neighborhood. It would screen the community from exposure to the highway while providing the entire City with a major commercial core. Unlike the Downtown Infill area, this area is not to provide housing of any sort. It is to provide space for big-box retail and other commercial stores that the City needs to accommodate its major shopping needs and yet be readily accessible to motorists on Highway 99. Developing this area can reduce the need for residents to travel to other cities such as Wasco and Delano for shopping.

5.5.5 Famoso Industrial and Commercial Center

This area occupies most of the proposed expansion of McFarland's Sphere of Influence (SOI) to the south. Most of this growth area is for heavy and light industrial as well as office use to accommodate the need for jobs and industry within McFarland and increase its sources of revenue. The east portion of this area is prone to 500-year flooding events and thus would

require adequate mitigation to avoid damage to new developments. The area is to establish highway commercial and other commercial spaces at highway interchange areas further south in the SOI. The highway commercial districts, in addition to the new mixed-use downtown infill, can attract revenue from travelers on Highway 99.

5.6 Residential Land Use

The Preferred Growth Alternative includes a mix of low-density, medium-density, and high-density housing. In response to State mandates to reduce vehicle miles travelled and emissions, McFarland needs to accommodate growth with higher density residential uses than has been the case historically. The housing stock in McFarland is concentrated on the west side of the City and features low-density, single-family homes as the dominant form of housing. While this may have met the needs of the community, this is no longer the case considering new State mandates. Future population growth would need to be housed within medium and high-density mixed-use parcels located in the Downtown, North, and West neighborhoods to accommodate residents of all incomes, household types, and persons with special needs. Future residential development would be concentrated in the following key growth areas:

5.6.1 Downtown Infill

Downtown Infill aims to grow a vibrant town center. Residential development in this area focuses on mixed-use commercial and high-density housing options. This is meant to enable residents within the City's core reduce the need for motorized transportation while supporting economic development. The approval of accessory dwelling units in this neighborhood is to contribute to a compact development density which together with adjacent commercial uses can help reduce vehicle miles of travel.

5.6.2 West Expansion

This growth area aims to introduce a variety of housing densities to accommodate future growth in population. High-density is to be focused along major arterial roads and near commercial nodes. Medium density is to be focused along the outer arterial corridors. In areas outside the medium and high-density residential zones is low-density development. Residential allocations are intended to prevent urban sprawl during future growth of the City.

5.6.3 Whisler Road Neighborhood

This neighborhood is to add low-density, medium-density, and high-density housing options to an area that is contiguous to the southern City limits. The aim is to introduce a variety of housing densities to accommodate future growth in population and reduce vehicle miles as new State mandates require.

5.7 Commercial Land Use

Commercial land use in the Preferred Growth Alternative is characterized by two distinct types: general commercial and highway commercial. General commercial refers to neighborhood-serving stores and big-box stores that are suited for residents and visitors while highway commercial is primarily to provide service and shopping needs of customers travelling on

Highways 99 and Highway 46. The Preferred Growth Alternative allocates 465 acres to general commercial and 380 acres to highway commercial, totaling 845 acres. Future commercial development is to be concentrated in the key growth areas described in the subsections that follow.

5.7.1 West Expansion

While this area is mainly devoted to housing, there are provisions for neighborhood commercial centers at major intersections along major arterials. This is to serve residents in the area and preclude travel to distant locations for minor retail and restaurant items.

5.7.2 Whisler Road Neighborhood and Southern Commercial Corridor

These two neighborhoods include a mix of general commercial and highway commercial space with office space interspersed. There is general commercial in the northeast portion of the Southern Commercial growth area to serve the residents located in adjacent residential developments as well as in the proposed Sphere of Influence. There are highway commercial centers in the northern and southern sections of the Southern Commercial Corridor (directly adjacent to Highway 99 and the Whisler Road neighborhood).

5.7.3 Famoso Industrial and Commercial Center

The Preferred Growth Alternative proposes a new highway commercial and general commercial center at the Highway 46 and Famoso Road interchange to capture motorists along both Highway 46 and Highway 99. Proposed uses may include regional shopping centers, service stations, and hotels. This commercial area is also to serve the Famoso Raceway and establish this area as a commercial node along Highway 99. Most of this growth area is devoted to light and heavy industrial land uses to boost job creation and availability.

5.8 Mixed Land Use

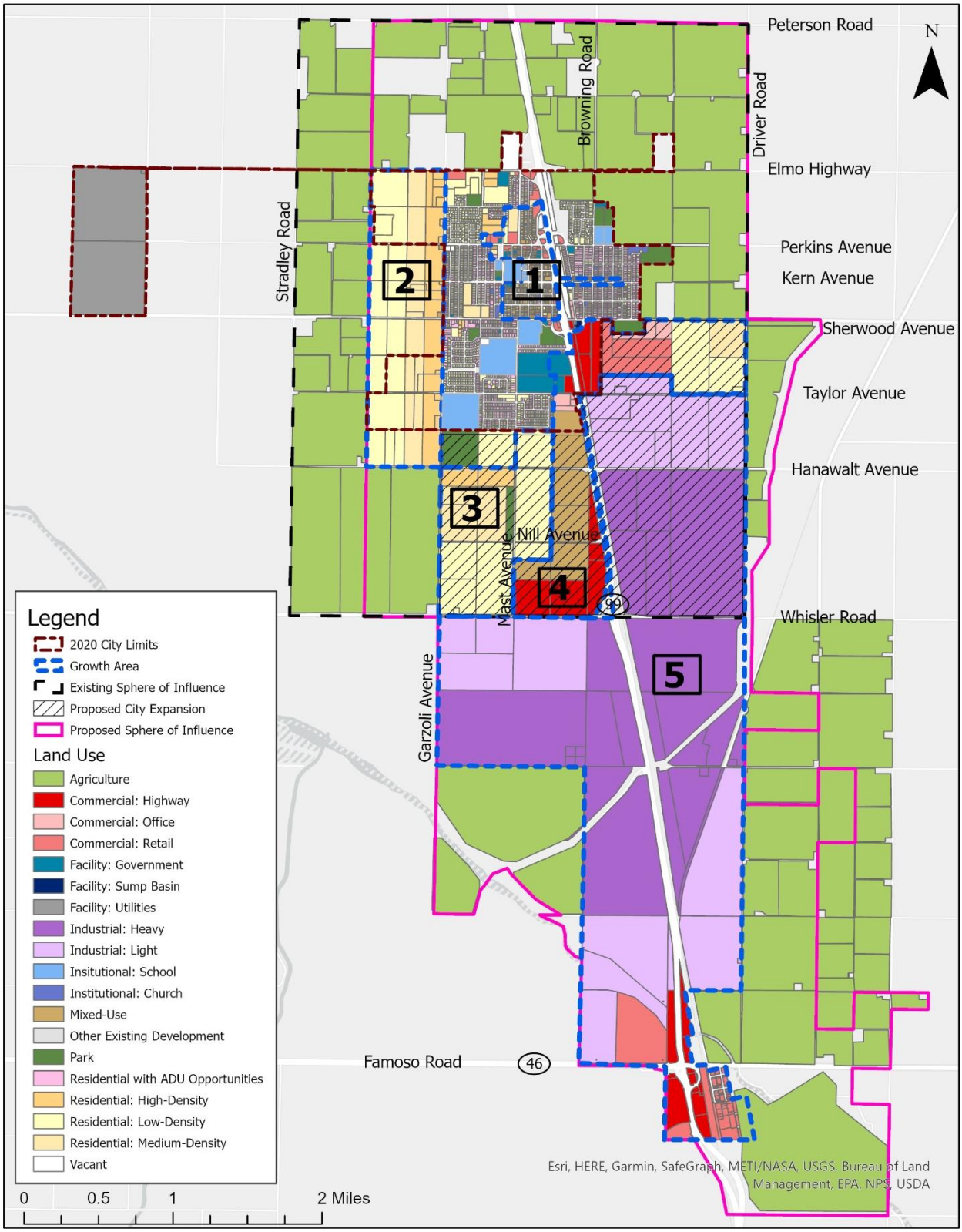
Mixed-use is a new land use designation in McFarland. Mixed-use is to provide opportunities within the City for horizontal and vertical placement of compatible residential and commercial uses within the same parcel. This typically would be in the form of commercial retail space on the bottom floor with residential or office units above.

The Preferred Growth Alternative proposes mixed-use development primarily in the Downtown Infill area with small developments along Garzoli Avenue in the western part of the City and in the central portion of the SOI west of Highway 99 and north of Nill Avenue.

5.9 Key Growth Areas

Map 5-2 demarcates the five key growth areas under the Preferred Growth Alternative. Subsequent subsections provide summary descriptions of the growth areas.

Map 5-2: Preferred Growth Alternative Key Growth Areas



5.9.1 Downtown Infill

Downtown is the economic and cultural center of the City of McFarland. In the Preferred Growth Alternative, vacant and underutilized lots on both sides of Kern Avenue and Highway 99 offer opportunities for mixed-use development as seen on Map 5-3 and for accessory dwelling units. In addition, pedestrian crossings on Kern Avenue and the addition of complete streets are to create vibrant, safe corridors in downtown. Traffic calming measures such as raised crosswalks and flashing signage and added street trees and landscaping are to help improve walkability. This is needed to improve resident and visitor experience as well as safety for pedestrians and bicyclists traveling in the downtown area. Map 5-3 displays the conceptual land use map for the Downtown Infill section of McFarland.

Map 5-3: Preferred Growth Alternative Key Growth Area #1: Downtown Infill

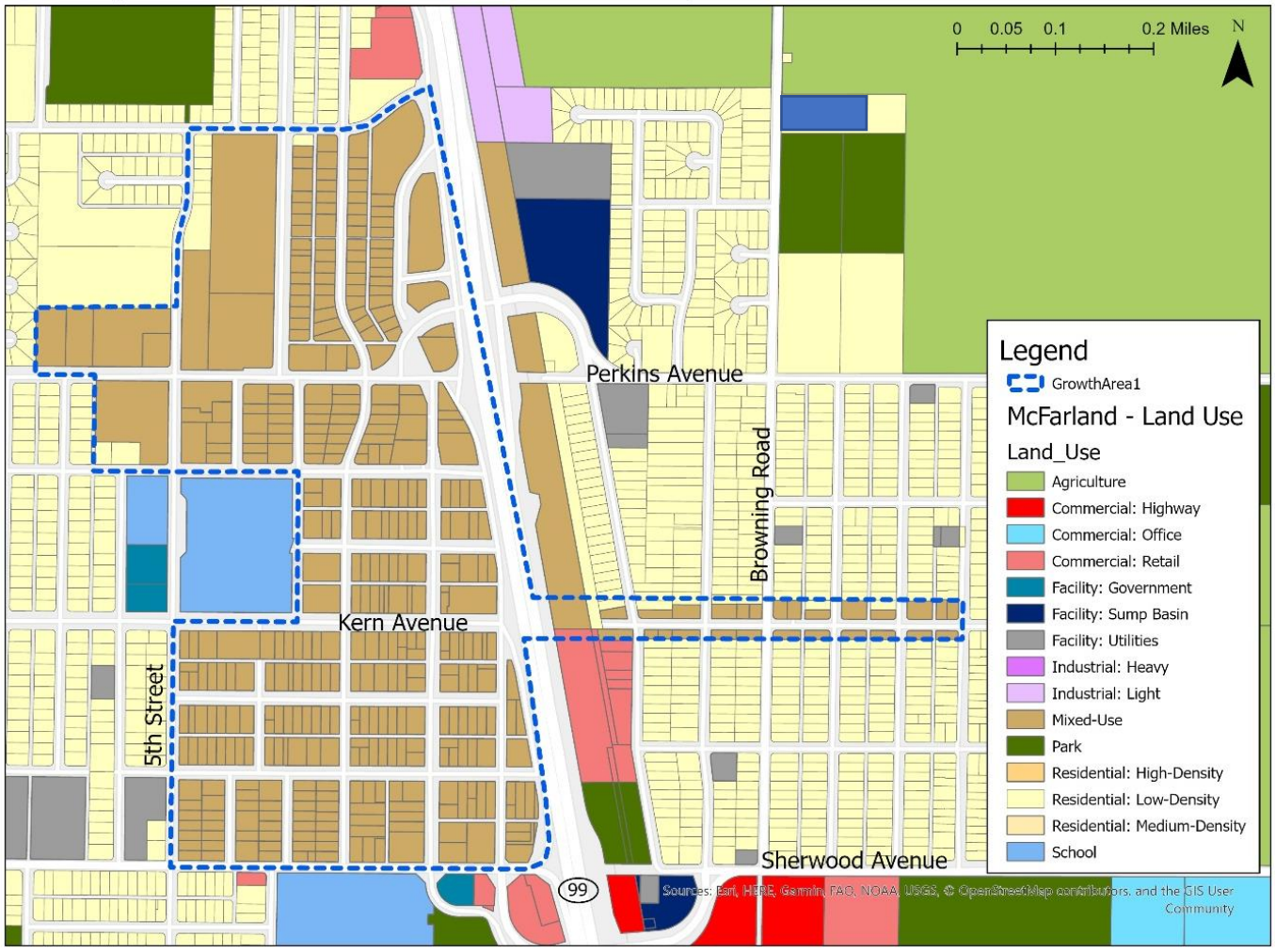


Figure 5-1 shows the existing downtown neighborhood. Figure 5-2 depicts what the area could look like with infill development on vacant parcels on Kern Avenue and surrounding cross streets.



Figure 5-1: Existing downtown.



Figure 5-2: Proposed downtown infill development.

Figure 5-3 shows the existing street view on Kern Avenue downtown. Figure 5-4 depicts what the area could look like in the future with mixed use.



Figure 5-3: Existing street view of downtown.



Figure 5-4: Proposed view of downtown.

Figure 5-5 displays current conditions on the east side of McFarland near the existing Highway 99 and railroad right-of-way. Figure 5-6 envisions improving the vacant space to provide a multi-use pathway for pedestrians and bicyclists to use for recreational and mobility purposes.



Figure 5-5: Existing street view of Kern Avenue, near Highway 99 crossing.



Figure 5-6: Proposed street view of Kern Avenue near Highway 99 crossing.

Figure 5-7 shows the existing conditions on the Sherwood Avenue overpass that spans Highway 99 and the railroad right-of-way with a vantage point towards the east side of McFarland. Figure 5-8 depicts the overpass with improved safety measures for pedestrians as the focal point for street improvements.



Figure 5-7: Existing Highway 99 crossing.



Figure 5-8: Proposed Highway 99 crossing with extended pedestrian and bicyclist barriers.

5.9.2 West Expansion

The West Expansion area is for predominantly residential land use with mixed densities ranging from low-to-high density. In the Preferred Growth Alternative, accommodation for growth can be fulfilled by developing housing opportunities on City land under temporary agricultural use. These lands offer opportunity to provide multiple different housing options for residents of all needs within the City. Map 5-4 displays the West Expansion area of McFarland.

Map 5-4: Preferred Growth Alternative Key Growth Area #2: West Expansion Area

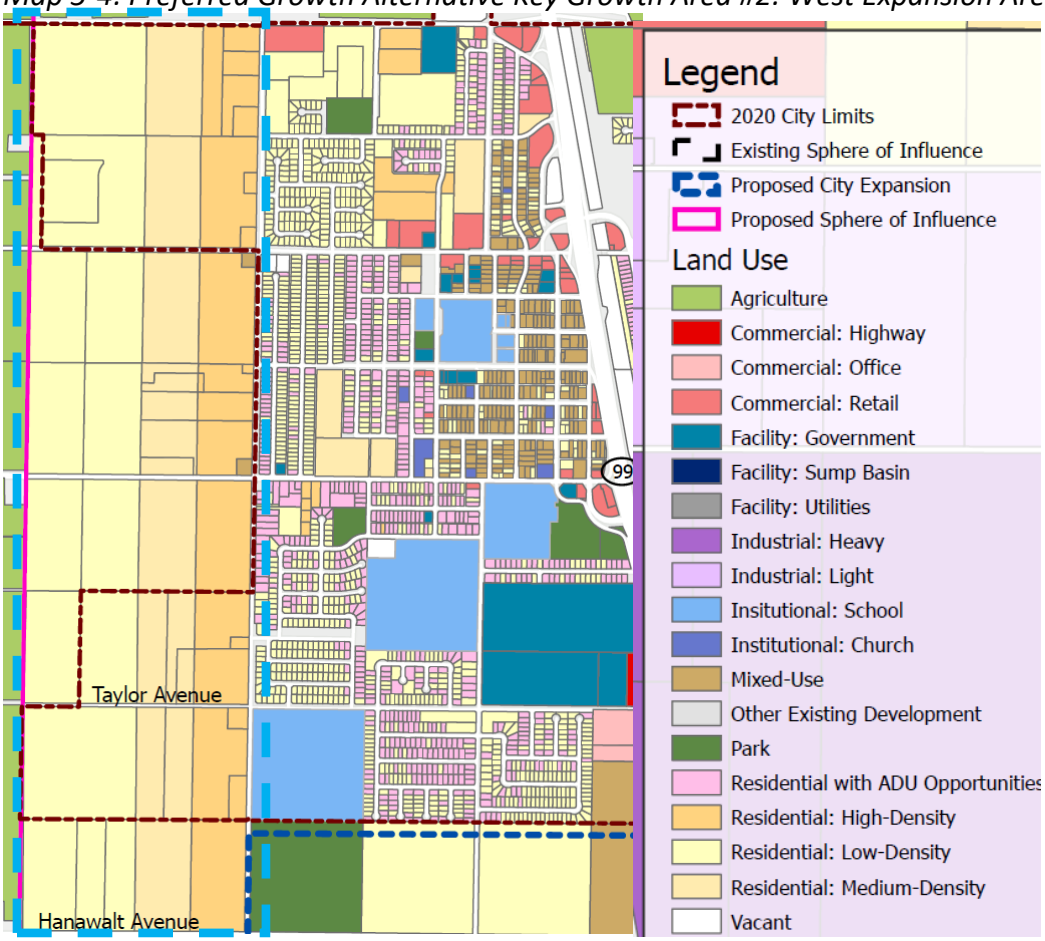


Figure 5-9 displays the existing conditions where expansion is envisioned. At the time of preparing this Plan, this section of the City was under predominantly agricultural use with recent residential developments on the periphery. Figure 5-10 depicts the mixed density neighborhoods envisioned for this section of the City.

Figure 5-11 shows conditions showcasing minimal development with opportunities to expand development on vacant parcels. Figure 5-12 envisions medium-and high-density development with sidewalks to promote pedestrian mobility in the West Expansion Area.



Figure 5-9: Existing West Expansion area.



Figure 5-10: Proposed West Expansion area.



Figure 5-11: Existing Street View of West Expansion area.



Figure 5-12: Proposed Street View of West Expansion area.

5.9.3 Whisler Road Neighborhood

The Whisler Road Neighborhood focuses on developing residential and commercial land uses south of the existing City limits. The area includes housing composed of mixed-density development with low-to-medium and high-density housing options. In addition, commercial uses are to expand convenience in shopping opportunities for residents in its adjoining mixed-use area. To complement the new land uses, open space opportunities are included to provide recreational uses for people within this section of the City. Map 5-5 shows the Whisler Road Neighborhood.

Map 5-5: Preferred Growth Alternative Key Growth Area #3: Whisler Road Neighborhood

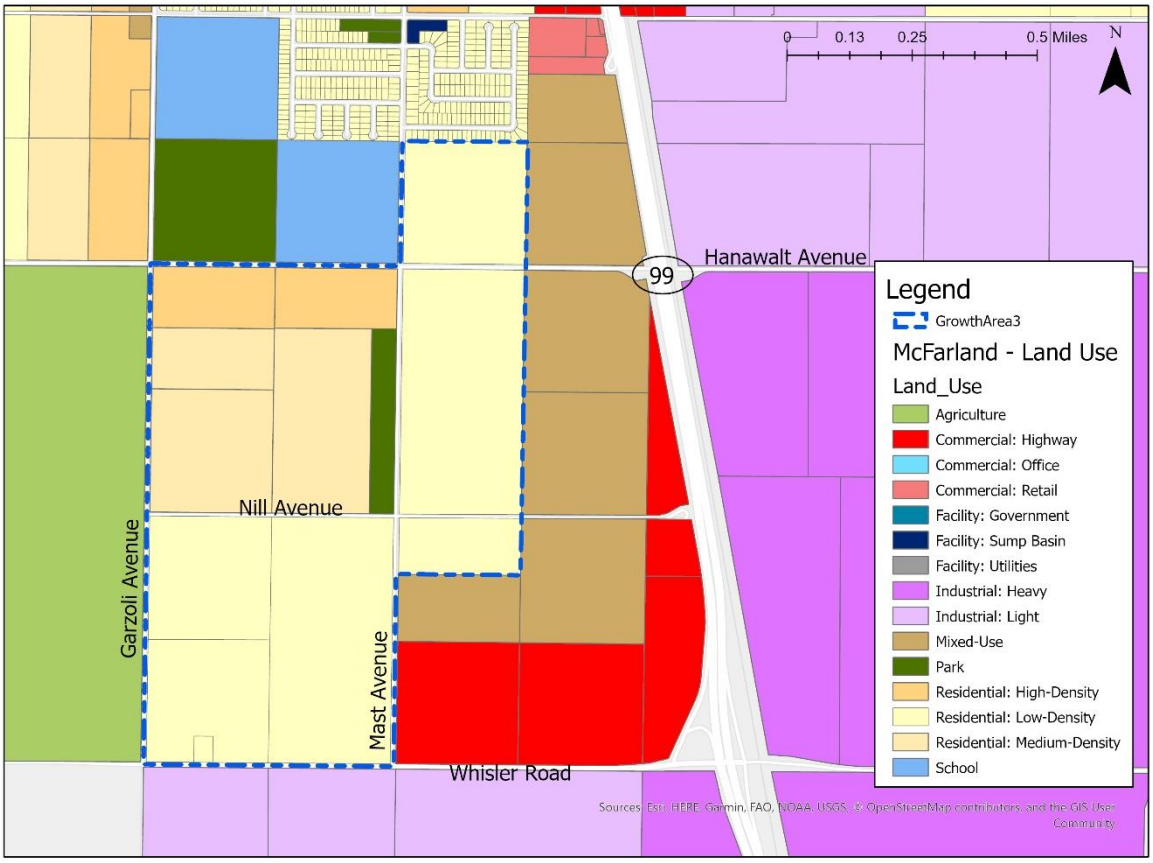


Figure 5-13 displays conditions in the planned Whisler Road Neighborhood. Figure 5-14 displays the commercial and residential uses planned for the development area.

Figure 5-15 provides a view of conditions on Whisler Road which depict low-density residential uses along the road. Figure 5-16 displays complete streets with bike lanes and landscaped sidewalks to accommodate all road users.



Figure 5-13: Existing Whisler Road Neighborhood area.



Figure 5-14: Proposed Whisler Road Neighborhood area.



Figure 5-15: Existing street view of Whisler Road Neighborhood.



Figure 5-16: Proposed street view of Whisler Neighborhood.

Figure 5-17 provides a view of the existing conditions on Mast Avenue. Agricultural land uses are dominant on the edges of the City with newer low-density development bordering the existing City limits. Figure 5-18 shows the Preferred Growth Alternative's proposed land uses and street improvements that can transform the Whisler Road Neighborhood into an active residential-dominant neighborhood.



Figure 5-17: Street view of existing conditions on Mast Avenue in the Whisler Road Neighborhood.



Figure 5-18: Proposed street view of Mast Avenue within Whisler Road Neighborhood.

5.9.4 Southern Commercial Corridor

The Southern Commercial Corridor focuses on developing commercial and office uses along Highway 99. The highway serves as a common connector for commercial use areas thereby easing their accessibility for all road users. In addition, expanding available office space in McFarland can further expand commercial opportunities. The commercial and office uses provide new economic opportunities. Map 5-6 shows the Southern Commercial Corridor.

Map 5-6: Preferred Growth Alternative Key Growth Area #4: Southern Commercial Corridor

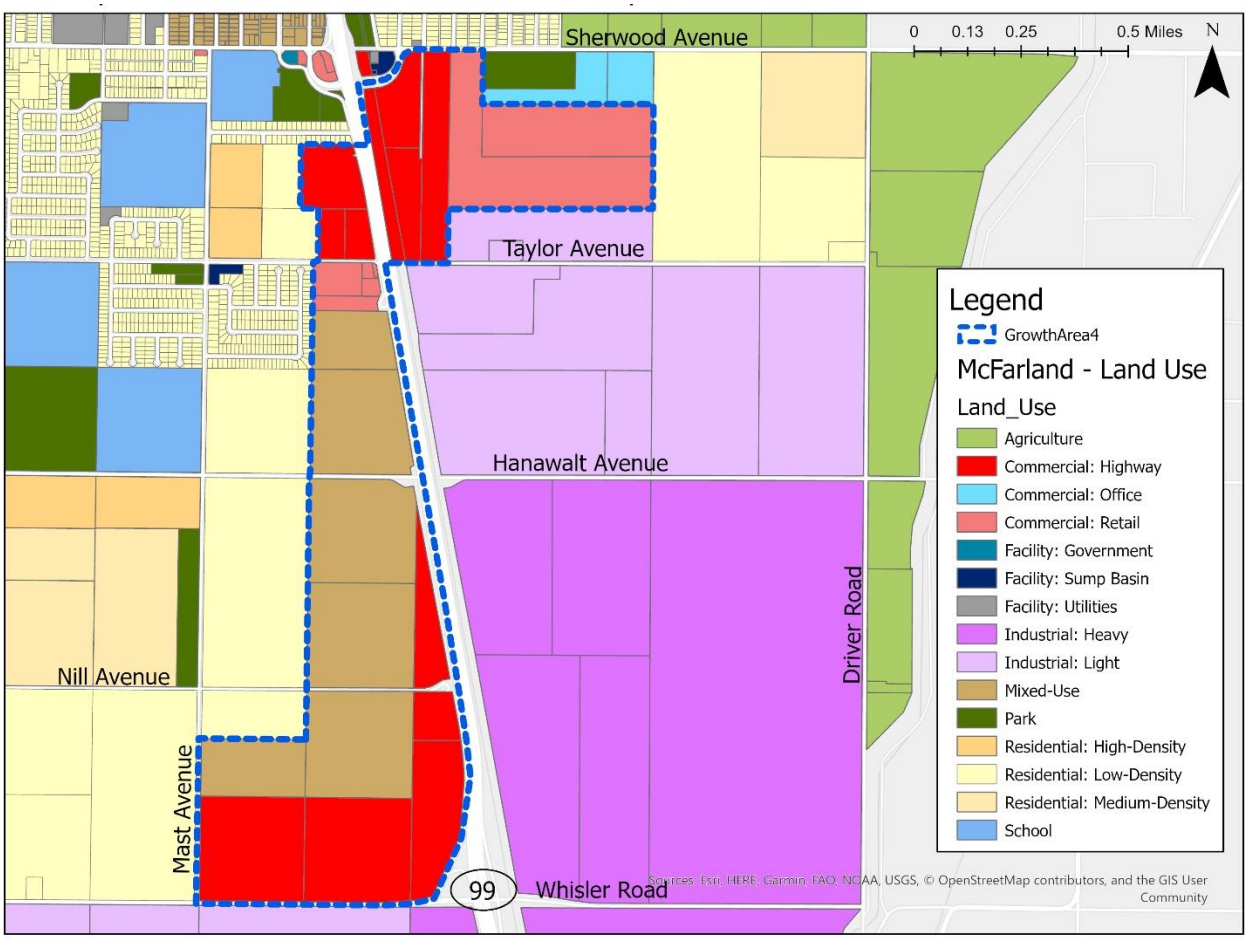


Figure 5-19 shows conditions in this growth area. Low-density homes are prevalent in adjoining neighborhoods. Figure 5-20 displays proposed commercial uses for this section of McFarland which could become an active freeway-adjacent commercial cluster that can expand economic opportunities for the City.



Figure 5-19: Existing Southern Commercial Corridor.



Figure 5-20: Proposed Southern Commercial Corridor.

Figure 5-21 shows conditions within the Southern Commercial Corridor. Figure-5-22 displays the Preferred Growth Alternative's proposed improvements to conditions with commercial uses lining the street and widened sidewalks featuring landscaping and street trees that can improve the quality of the street environment.



Figure 5-21: Existing street view of Southern Commercial Corridor.



Figure 5-22: Proposed street view of Southern Commercial Corridor.

5.9.5 Famoso Industrial and Commercial Center

South of the existing City limits along Highway 99, the Famoso Industrial and Commercial Center offers expansive space for industrial uses in the City. Industrial uses are envisioned to be primarily warehouse-type industries serving freight vehicles. In addition, some commercial uses are to include a variety of establishments to complement the existing highway asset. Map 5-7 shows the Famoso Industrial and Commercial Center.

Map 5-7: Preferred Growth Alternative Key Growth Area #5: Famoso Industrial and Commercial Center

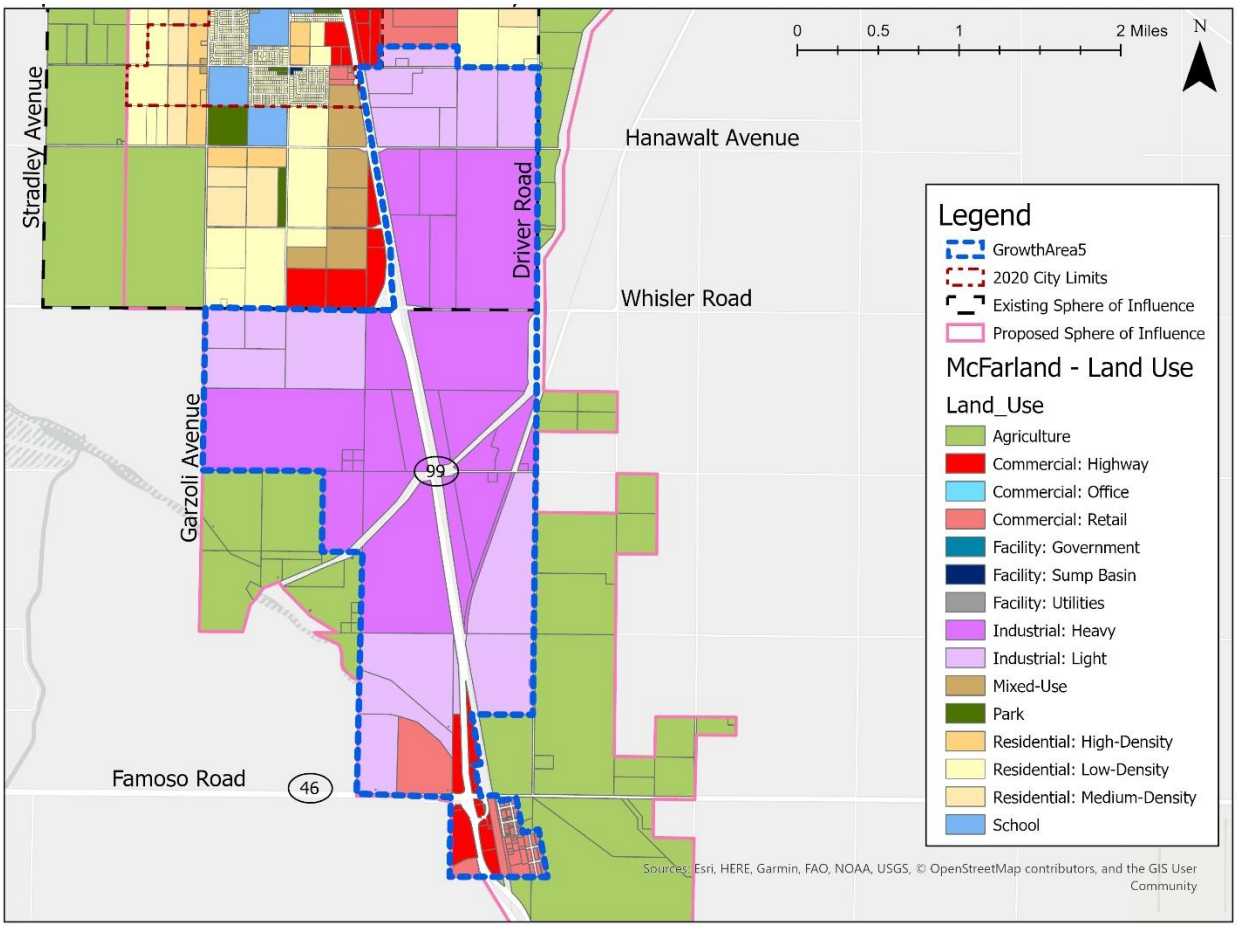


Figure 5-23 shows conditions along Highway 99 where agricultural uses dominate the corridor. Figure 5-24 displays the Preferred Growth Alternative's proposed industrial land uses that have the potential to change the southern-most section of the City's sphere of influence into an economic hub oriented to warehouse industrial uses.



Figure 5-23: Existing development in Famoso Industrial and Commercial Center.

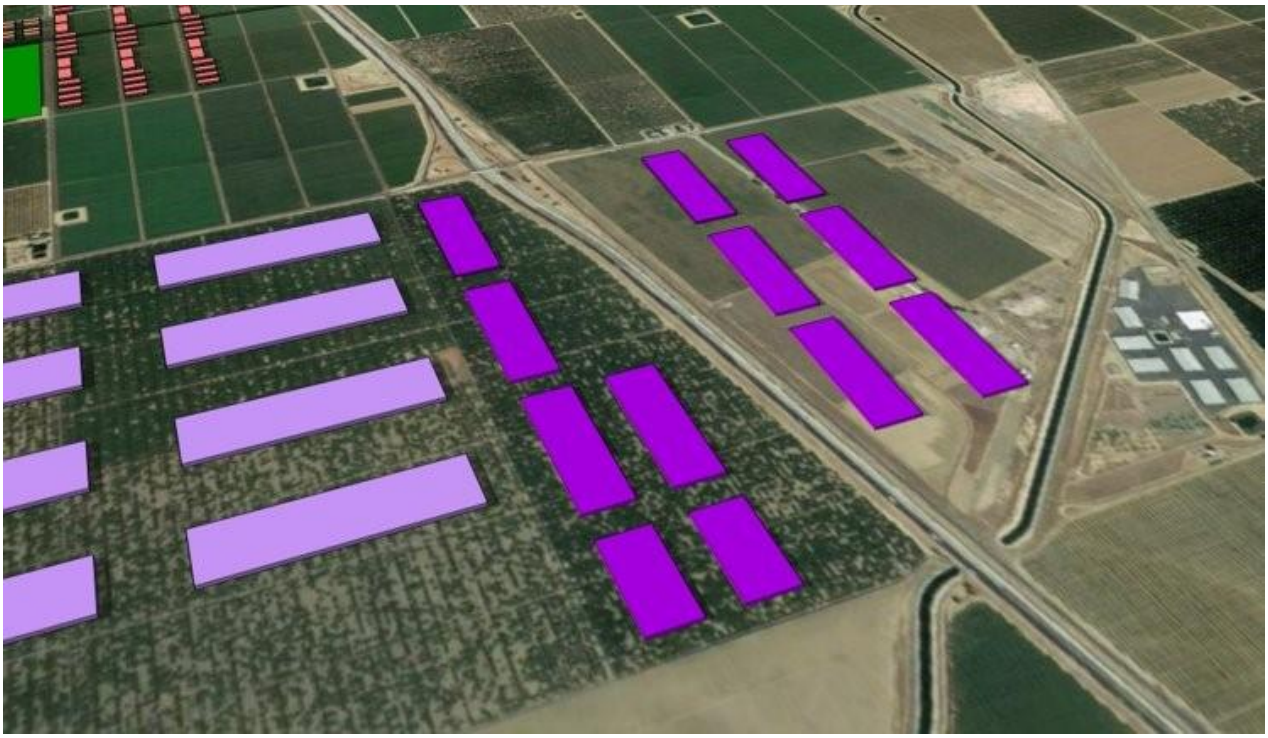


Figure 5-24: Proposed development in Famoso Industrial and Commercial Center.

Figure 5-25 provides a view from street level of the agricultural land uses adjacent to Highway 99. Figure 5-26 provides a view of the Preferred Growth Alternative's proposed industrial warehouse uses that could be developed near Highway 99.



Figure 5-25: Existing street view of Famoso Industrial and Commercial Center.



Figure 5-26: Proposed street view of Famoso Industrial and Commercial Center.

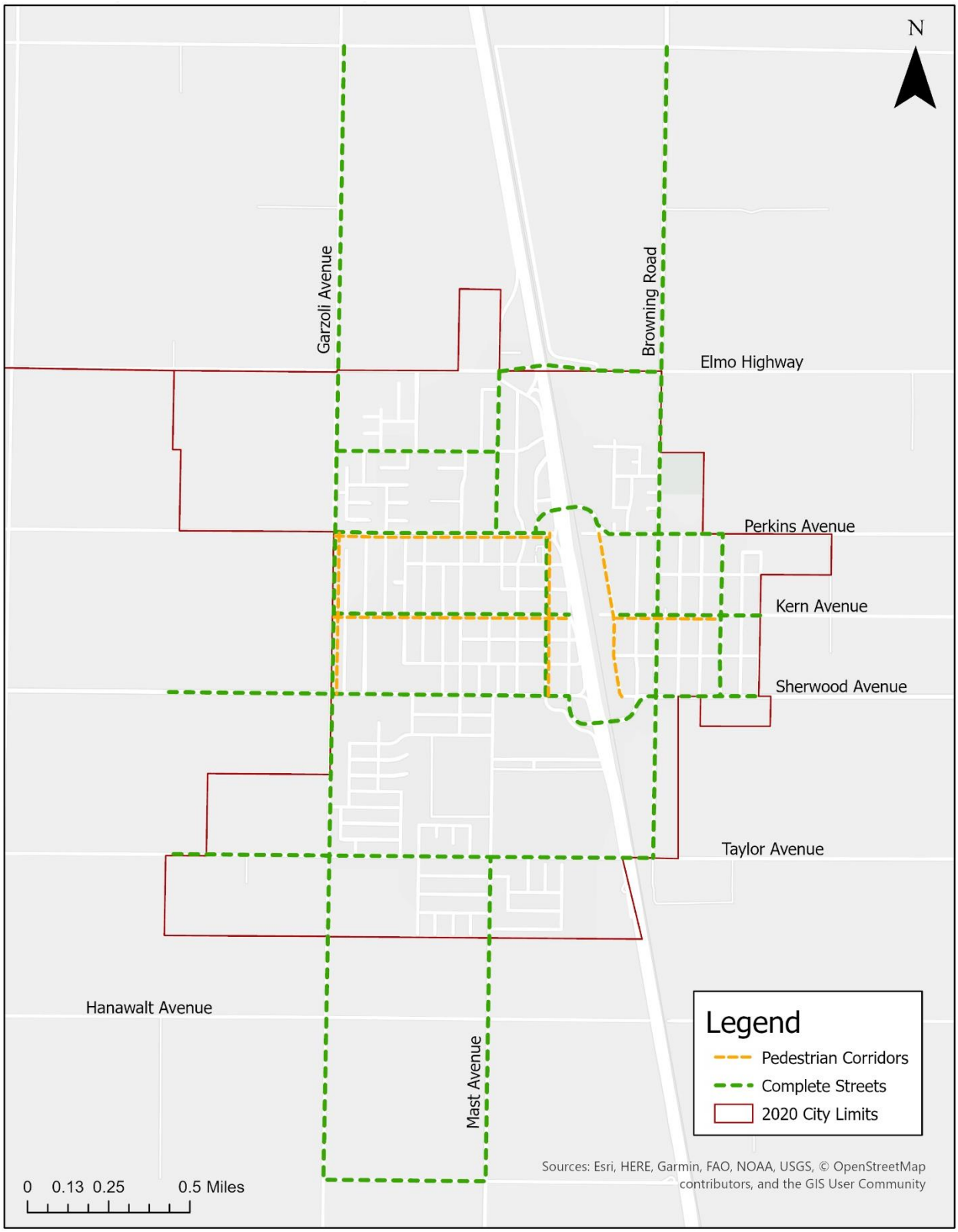
5.10 Circulation

The Preferred Growth Alternative envisions a safe, sustainable, and well-connected transportation network intended for all modes of travel. Improving connections across the community for pedestrians, transit riders, cyclists, and vehicle drivers is the priority. Map 5-8 displays the circulation network under the Preferred Growth Alternative. The alternative is to establish a network of complete streets on major roads with an emphasis on improved pedestrian and bicycle infrastructure. Along Perkins Avenue, clearly delineated Class II bicycle lanes can connect cyclists from downtown to adjacent neighborhoods. East-west connections are created by implementing complete streets, which include bike lanes and widened sidewalks on Elmo Highway, Kern Avenue, and Sherwood Avenue (see examples in Figures 5-15 and 5-16). Some elements of the complete streets can cross over Highway 99 to ensure the complete street corridors provide comprehensive mobility throughout McFarland. In addition, north-south corridors with complete streets include Davis Street, 2nd Avenue, and Mast Avenue on the west side of the City. On the east side of McFarland, complete streets are located on Browning Road and Sherwood Avenue to the south and Peterson Road to the north where new residential communities can be developed. Ensuring all transportation modes can safely use this overpass is to create a connected community.

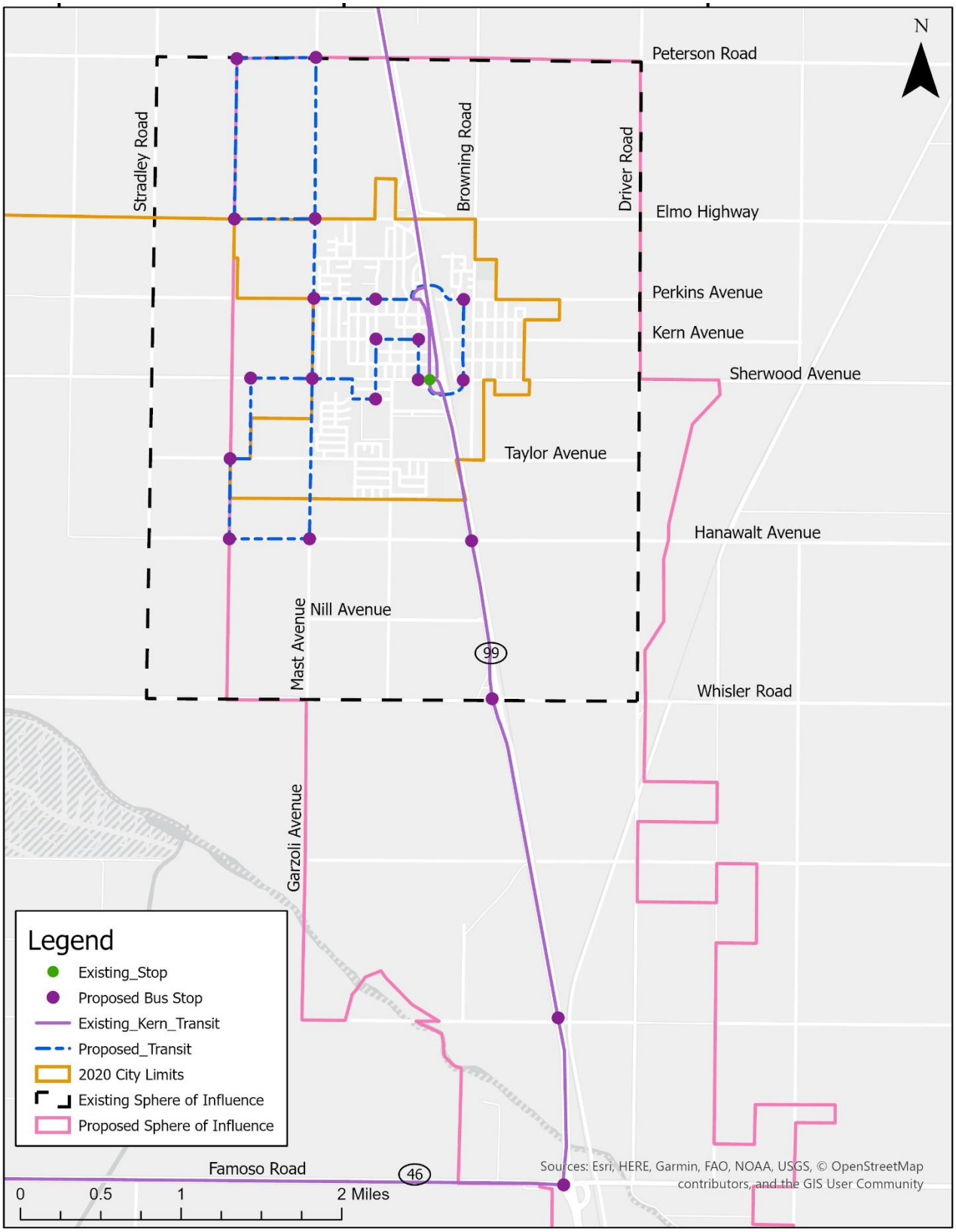
Complete streets are proposed to provide better mobility for pedestrians and cyclists. The expansion of pedestrian corridors is also envisioned to provide clear, articulated pathways for people who walk within the City. Kern Avenue is proposed to be an east-west pedestrian corridor utilizing the pedestrian bridge to connect both sides of McFarland (See Figure 5-5 and 5-6). Connections are also proposed to be improved by extending pedestrian and bicycle barriers on Perkins Avenue, Kern Avenue, and Sherwood Avenue (See Figure 5-7 and 5-8). A multi-use path for both pedestrians and cyclists is planned along the railroad corridor on the east side of McFarland between Perkins Avenue and Sherwood Avenue. Pedestrian corridors include signage for wayfinding purposes and widened sidewalks for ease of access to meet the needs of all sidewalk users.

Map 5-9 displays the transit map under the Preferred Growth Alternative. Two new bus routes (the broken purple line) are to loop through residential neighborhoods, providing extended transit service with increased access to the entire community. Additional bus stops for the Kern Transit regional bus route (the pink line with red bus stop icons) are to complement proposed service increases for Kern Transit bus routes that connect McFarland to neighboring cities. The extended routes wind through the entire community, including the Downtown Infill, West Expansion, and the Whisler Road Neighborhood. A bus route is also extended to the existing neighborhood east of Highway 99.

Map 5-8: Active transportation circulation map for McFarland



Map 5-9: Public transportation circulation map for McFarland



5.11 Outcomes

5.11.1 Residential Potential

The Preferred Growth Alternative prioritizes expanding housing options for various household sizes under the population target for 2040. Besides growth in population, it is estimated that approximately half of all new housing units would need to be affordable by 2040. These new housing units are proposed in the form of high, medium, and low-density; mixed-use; and accessory dwelling units (ADUs) throughout the City and outside of the City limit within the SOI. As shown in the Conceptual Land Use Map 5-1, residential growth is focused on the central city as well as near the western and southern boundaries of City limits. In the West Expansion, high-density residential and mixed-use developments are proposed along Garzoli Avenue to accommodate low-income or small size households. Outside of the City limits, medium-density residential, such as townhouses, and low-density residential, such as single-family houses, are proposed for medium-income to high-income households and larger households that prefer the serene neighborhoods. In the downtown, infill development of underutilized and vacant parcels is proposed to densify the City and create a vibrant downtown. Finally, accessory dwelling units (ADUs) are proposed throughout the City to create more affordable units for small households or elderly family members. Data analysis using building footprints and parcel sizes revealed the potential for approximately 1,300 ADUs within the City. The Plan overall can accommodate more than 33,000 dwelling units.

5.11.2 Economic Potential

The Preferred Growth Alternative is based on an aggressive growth target of 17,195 jobs by 2040. To achieve this job target, the Plan allocates total space more than 1,030 acres to commercial land. The Conceptual Land Use Map, Map 5-1, shows the distribution of the required commercial land through mixed-uses within the City, larger general and highway commercial areas in the south of the City, industrial acreage to the south, and highway commercial activities near Highway 99 interchanges at Whisler Road and Famoso Road. Achievement of this level of new commercial development can shift the employment base from predominantly agriculture to include retail, industrial, office, and visitor-focused or traveler-oriented service jobs and ultimately increase revenue for the City.

5.12 Anticipated Effects

5.12.1 Land Use

The Preferred Growth Alternative proposes changes to the Land Use Element to meet community growth targets and City needs in a way that would maintain McFarland's small-town character. This is achieved by concentrating commercial and residential infill development within the downtown, adding commercial and industrial development along the City's boundaries, and utilizing accessory dwelling units throughout. It provides for a balanced mix of land uses with a full range of housing types, mixed-use development downtown and at critical nodes along major corridors, and vibrant commercial and industrial development along Highway 99 to support job growth. New, strategic infrastructure upgrades are to discourage

leapfrog development and promote a compact urban form while promoting proper transitions and buffering between incompatible land uses.

5.12.2 Circulation

The circulation network for the Preferred Growth Alternative is aimed at creating a safe, efficient, sustainable, and equitable transportation environment in McFarland. This includes improving pedestrian and bicycle infrastructure with multi-use trails and pedestrian corridors, creating complete streets, adding intracity transit routes and service, and adding more regional transit stops to improve access to bus services with neighboring cities. These features are anticipated to give reliable alternative transportation options for people without access to private vehicles including the youth, elderly, and disabled. For convenience, alternative transportation modes, bicycle lanes, and pedestrian pathways are to connect with public transit. The transportation network can turn the City into walkable, bikeable, and transit-friendly place.

5.12.3 Housing

Housing in the Preferred Growth Alternative focuses on maintaining affordability within the City's housing stock, increasing mixed-use residential development downtown, and developing more variety of housing options for residents. These efforts focus within the downtown, west and south areas of the City.

5.12.4 Conservation

In order to help mitigate increased demand for natural resources during expansion, the Preferred Growth Alternative recommends decreasing water and energy demand within existing systems, substituting turf and water reliant vegetation with drought tolerant vegetation and equipping areas with high sun exposure with solar panels. Additionally, educating the public on water and energy reduction strategies can help offset the increasing demand for resources as McFarland expands.

Since there are several threatened and endangered species within Kern County, steps should be taken not to disturb their presence. A trained specialist should check for the San Joaquin Kit Fox, Tricolored Black Bird, Swainson's Hawk and Burrowing Owl before development occurs.

5.12.5 Open Space

The Preferred Growth Alternative is to distribute additional recreational open space so that neighborhoods are generally within a 1.5-mile reach of a park. The additions of recreational space are to go to the West Expansion area and the Whisler Road Neighborhood. The selection of these areas of McFarland for growth is in part due to the significantly fewer parcels of Williamson Act lands to the west of the City. Additionally, the Circulation Element includes pedestrians and cycling improvements to connect homes with recreational facilities. These additions are to help McFarland maintain its strong community core.

5.12.6 Safety

The Preferred Growth Alternative takes into consideration flooding and other natural disasters. It moves new residential development outside of the 100-year floodplain. Floodplain areas slated for industrial and highway commercial development are to be appropriately mitigated. Implementation of the Storm Drain Master Plan can assist this mitigation. New development is to conform to uniform state and national codes for fire and seismic hazards.

5.12.7 Noise

The Preferred Growth Alternative aims to reduce the main sources of noise: Highway 99 and the railroad. Development of sensitive receptors within the 65-decibel contour around these sources is to be restricted, and those within the 60-decibel contour are to have mitigation measures to limit noise levels. The potential for a sound barrier or sound wall is to be explored, which would help reduce noise levels in existing sensitive areas near Highway 99 and the railroad. Future industrial and commercial uses are to be located so that they do not cause excessive noise for existing sensitive receptors.

5.12.8 Public Facilities

Full build-out under the Preferred Growth Alternative may require additional staffing for police and fire services to maintain proper public safety response times and level of service. Population increase could increase student enrollment requiring new schools and park space. Major development is concentrated on the west side of McFarland which has the utility capacity to support it. Continuing to monitor water quality is important as the community continues to grow. Although McFarland's potable water resources are sound, it may be difficult to expand facilities requiring increased conservation. The sewer treatment plant is undergoing expansion in its processing capacity making room for expansion on the west side of the City.

5.12.9 Economic Development

The Preferred Growth Alternative uses infill and mixed-use redevelopment to revitalize the downtown, bringing commercial activity and jobs. The mixed-use development allows residents to live within walking distance of stores, eateries, and other services. The land allocated for highway commercial use along Famoso Road is situated to capture revenue from pass-through traffic and events at the Famoso Raceway. The large amounts of land dedicated to industrial and commercial use can make McFarland an inviting destination for economic development. Through these changes, McFarland can become a regional destination, providing mechanisms for increased revenue streams into the community.

5.12.10 Community Design

Community Design aims to improve the overall vibrancy, identity, and cohesion of McFarland. In the Preferred Growth Alternative, Community Design focuses on the creation of a City that is both attractive and functional. Development focuses on the downtown neighborhood and features complete streets accessible to all road users. Improved signage, crossings, and lighting are to contribute to improved safety and comfort within the City. Landscaping and entryways

are to promote methods of wayfinding and improve the aesthetic appearance of McFarland. Design standards can work towards the creation of a uniform image for McFarland to attract visitors and please residents.

5.12.11 Health

The Preferred Growth Alternative prioritizes Health in McFarland by increasing accessibility to healthy foods and grocery options and implementing new recreational opportunities in the form of open and green spaces, as well as encouraging provision of additional medical services within the City; e.g., a community health center along Browning Road adjacent to the park. These features can improve the quality of life for residents. With the implementation of health-related programs would foster healthy lifestyle choices, such as walking, bicycling, choosing healthy food options, and outdoor activities in open and green spaces.

5.12.12 Environmental Justice

The anticipated effects of the Environmental Justice Element include the fostering of a community where residents and visitors are protected from environmental hazards and risks, with an emphasis on the impact of agricultural and noise pollution. McFarland's transportation network can provide alternatives to travel by car through the incorporation of walking, biking, and transit infrastructure. The needs and voices of minority and low-income community members are to be directly engaged in the planning process, especially regarding environmental decision-making.

5.12.13 Air Quality

The Preferred Growth Alternative may result in an increase in air pollution and greenhouse gas (GHG) emissions as the population grows and development increases. However, the alternative presents many strategies that can reduce per capita pollutants and GHG emissions, such as increasing accessibility and connectivity for pedestrians and bicyclists, investing in renewable energy, and improving public transit. Keeping the main form of McFarland compact with infill development, building mixed-use commercial, and neighborhood commercial areas can increase opportunities to walk or bike and thereby reduce greenhouse gas emissions and help combat climate change. In addition, the Preferred Growth Alternative seeks to educate the community about air quality conditions and actions residents may take to address the issue. Outreach efforts include making public data on air quality monitoring and hosting regular community meetings to discuss air quality conditions and mitigation measures.

5.12.14 Sustainable Agriculture

McFarland's primary resource is the vast agricultural lands that surround the City. Under the Preferred Growth Alternative, some urban lands under temporary agricultural use are to be returned to development to accommodate the growth of residential, commercial, industrial, highway commercial, and recreational open space. To the south of the City, some agricultural lands are to be converted to commercial use to boost the City’s aspirations for job growth but narrowing the SOI on the upper west side compensates with conservation of prime farmland.

6. LAND USE

6.1 Introduction

The Land Use Element provides a guide for future development and growth for planners, developers, decision-makers, and the public. To so, the Land Use Element designates the location, distribution, and intensity of housing, industry, agriculture, public facilities and buildings, recreational facilities, educational facilities, and waste management facilities. In correlating all land use issues into one set of clear development policies, the Land Use Element is the most representative of the General Plan and establishes the land use conditions for all other elements.

In McFarland, the 2019 land use inventory identified 6% of the acreage within the City (76.98 acres) as vacant, which allows for a variety of development opportunities. The remaining acreage in the City was distributed according to the following shares:

- 36% residential
- 29% institutional
- 24% agriculture
- 3% parks
- 2% commercial
- 1% industrial

The City of McFarland has also annexed additional 74.4 acres to the west and 135.33 acres south to Whisler Road. These annexations offer additional opportunities for development.

Community feedback collected during the drafting stages of the General Plan indicated a desire for a well-balanced and diverse mix of residential, open space, commercial, and industrial uses while maintaining McFarland's small-town atmosphere. The following goals, objectives, policies, and programs reflect McFarland's community needs and desires in relation to land use.

6.2 Goals, Objectives, Policies, and Programs

Goal LU 1: A well-balanced mix of uses.

Objective LU 1.1: Provide a full range of housing types, densities, and locations.

Policy LU 1.1.1: Expand the range of allowable housing types and areas in which they may be built.

Program LU 1.1.1.1: Allow increased density near the downtown core and commercial centers.

Program LU 1.1.1.2: Create inclusionary zoning for new construction to include a portion of affordable units.

Program LU 1.1.1.3: Remove regulatory obstacles that have the effect of rendering various housing types uneconomical, such as unnecessary onerous parking per residential unit.

Program LU 1.1.1.4: Allow and facilitate accessory dwelling units (ADUs).

Objective LU 1.2: Focus mixed-use development.

Policy LU 1.2.1: Pursue regulatory and investment strategies that promote a healthy mix of uses (e.g. retail, residential, office, and public facilities) in the downtown core.

Program LU 1.2.1.1: Establish residential-commercial mixed uses downtown.

Program LU 1.2.1.2: Provide standards for mixed-use development in the downtown core.

Program LU 1.2.1.3: Reduce parking requirements for new mixed-use commercial and residential development in the downtown core.

Policy LU 1.2.2: Pursue regulatory and investment strategies that change the mix of uses over time in areas identified as future development sites.

Program LU 1.2.2.1: Establish strategic mixed-use nodes of commercial and office uses to serve nearby neighborhoods along Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues and along East Kern Avenue.

Objective LU 1.3: Provide vibrant commercial and industrial development along Highway 99.

Policy LU 1.3.1: Develop compatible industrial, commercial, and other uses along Highway 99.

Program LU 1.3.1.1: Work with landowners to assemble parcels near the highway for new development.

Program LU 1.3.1.2: Extend infrastructure.

Program LU 1.3.1.3: Create and implement a specific plan for the job expansion area along Highway 99.

Policy LU 1.3.2: Promote new industrial development along Highway 99.

Program LU 1.3.2.1: Establish a list of administerial approved Industrial uses along the Highway 99 corridor.

Objective LU 1.4: Protect open space.

Policy LU 1.4.1: Preserve open space in new residential developments.

Program LU 1.4.1.1: Use Transfer of Development Rights (TDR) to promote the protection of open space and sensitive natural areas.

Program LU 1.4.1.2: Prioritize development in areas that can accommodate infill development.

Objective LU 1.5: Upgrade infrastructure to support convenient circulation between land uses.

Policy LU 1.5.1: Devise and deliver service and infrastructure tactics which reflect local priorities.

Program LU 1.5.1.1: Provide necessary sidewalk maintenance and improvements.

Program LU 1.5.1.2: Design infrastructure that meets local priorities and enables improved and additional services and activities.

Program LU 1.5.1.3: Improve street or pathway connections to resources, services, activities, and each other.

Program LU 1.5.1.4: Market land that is "project ready" for industrial growth for areas with appropriate infrastructure, access, and attributes.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Program LU 1.6.1.1: Create in-lieu fees for development to pay for additional public facility needs brought on by the development.

Goal LU 2: Compact urban form.

Objective LU 2.1: Restrict land use patterns that promote urban sprawl.

Policy LU 2.1.1: Increase the amount of infill development in the City.

Program LU 2.1.1.1: Allocate investments in infrastructure to support private investment and development.

Program LU 2.1.1.2: Streamline the permitting process for infill development.

Policy LU 2.1.2: Prohibit leapfrog development.

Program LU 2.1.2.1: Encourage new development and annexation projects to be contiguous to City limits.

Program LU 2.1.2.2: Develop urban growth boundaries.

Policy LU 2.1.3: Focus future commercial development in existing commercial corridors.

Program LU 2.1.3.1: Develop streamlined permitting process for designated commercial uses along Kern Avenue, Perkins Avenue, Garzoli Avenue, and Sherwood Avenue.

Objective LU 2.2: Develop walkable and pedestrian-friendly streets.

Policy LU 2.2.1: Accommodate automotive and non-motorized vehicle users safely.

Program LU 2.2.1.1: Adopt guidelines for mixed-use, high intensity nodes.

Program LU 2.2.1.2: Increase density around transit stops.

Program LU 2.2.1.3: Situate parking to enhance the pedestrian environment and facilitate access between destinations.

Program LU 2.2.1.4: Use trees and other green infrastructure to provide shelter, beauty, urban heat reduction, and separation from automobile traffic.

Goal LU 3: Compatible land uses.

Objective LU 3.1: Establish proper transitions and buffering between different land uses.

Policy LU 3.1.1: Reduce conflicts between incompatible land uses.

Program LU 3.1.1.1: Establish mandatory distances between land uses to conform with the standards for complementary uses, such as parks, active commercial areas, public facilities, and housing.

Program LU 3.1.1.2: Introduce transitional uses or spaces between conflicting uses (e.g. multifamily between single family and commercial, park/open space areas).
Program LU 3.1.1.3: Establish requirements for landscaping, buffering, screening, air quality, noise, odor, light, and traffic.

7. CIRCULATION

7.1 Introduction

The Circulation Element plans for a balanced multimodal transportation network that accommodates all users and modes on McFarland's streets and highways. State law defines road users as including bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors. A multimodal network has a critical impact on efficient traffic flow, public health, safety, economic activity, and development patterns within a city. Additionally, the Circulation Element must provide the basis for planning, designing, and building complete streets per the California Complete Streets Act of 2008. Lastly, the Circulation Element addresses major roads, transportation routes, terminals, and other public facilities, services, and utilities in McFarland. Due to circulation's relative impacts on physical development patterns, State law also requires that the Circulation Element correlate directly with the Land Use Element. This chapter presents the goals, objectives, policies, and programs to develop an effective circulation system that addresses the needs of McFarland community members.

7.2 Goals, Objectives, Policies, and Programs

Goal CIR 1: A safe, comfortable, and aesthetically pleasing transportation system.

Objective CIR 1.1: Improve pedestrian infrastructure.

Policy CIR 1.1.1: Connect sidewalks and other pedestrian infrastructure.

Program CIR 1.1.1.1: Identify and prioritize gaps in the pedestrian network for infrastructure improvements.

Policy CIR 1.1.2: Prioritize funding to improve and maintain pedestrian infrastructure for users.

Program CIR 1.1.2.1: Adapt Complete Streets Guidebook for local use.

Program CIR 1.1.2.2: Comply with the Americans With Disabilities Act of 1990 standards for sidewalk widths, grades, curbs, and corner ramps.

Program CIR 1.1.2.3: Seek funding from federal and state sources.

Program CIR 1.1.2.4: Prioritize funding on Highway 99 pedestrian crossings.

Objective CIR 1.2: Improve bicycle infrastructure.

Policy CIR 1.2.1: Connect all bicycle infrastructure.

Program CIR 1.2.1.1. Establish separated bike lanes on Garzoli Avenue, Mast Avenue, Sherwood Avenue, Kern Avenue, and Browning Road to connect McFarland's southern neighborhoods with its downtown, eastern, and northern neighborhoods.

Policy CIR 1.2.2: Encourage inclusion of bicycle parking facilities in new development.

Program CIR 1.2.2.1: Amend development code to include bicycle parking requirements.

Objective CIR 1.3: Provide traffic calming in selected areas of the community.

Policy CIR 1.3.1: Develop traffic calming strategies in accordance with accepted traffic standards.

Program CIR 1.3.1.1: Implement traffic calming strategies deemed as necessary from traffic studies at select locations to include raised crosswalks, speed tables, or pedestrian flashing beacons.

Objective CIR 1.4: Improve road infrastructure.

Policy CIR 1.4.1: Develop a "Safe Routes to School" initiative.

Program CIR 1.4.1.1: Map safe pedestrian and bicycle routes to schools in McFarland.

Objective CIR 1.5: Provide a supportive environment for active transportation users.

Policy CIR 1.5.1: Improve safety for pedestrian and bicyclists at all intersections and/or corridors with a history of collisions.

Program CIR 1.5.1.1: Develop and implement traffic strategies that reduce accidents.

Program CIR 1.5.1.2: Increase enforcement of traffic laws in areas with high conflict between transportation modes.

Goal CIR 2: An integrated, multimodal transportation system.

Objective CIR 2.1: Improve the local and regional transit network.

Policy CIR 2.1.1: Improve connections between local and regional transit routes.

Program CIR 2.1.1.1: Work with Kern Transit to develop a program to increase accessibility and ridership.

Program CIR 2.1.1.2: Promote Dial-a-Ride service as a convenient alternative to the private vehicle.

Program CIR 2.1.1.3: Extend operation hours for Dial-a-Ride service into evening and weekend hours.

Objective CIR 2.2: Improve connections and accessibility for all modes of transportation including walking, bicycling, and public transit.

Policy CIR 2.2.1: Implement a balanced, multi-modal transportation network in accordance with Complete Street requirements.

Program CIR 2.2.1.1: Update the City's street and subdivision standards to include Complete Streets strategies.

Policy CIR 2.2.2: Improve accessibility for all ages and needs.

Program CIR 2.2.2.1: Work with transit providers to provide curb-to-curb service for all users, including mobility-impaired populations.

Program CIR 2.2.2.2: Coordinate with transit providers to lower fares for low-income, student-aged youth, elderly, and disabled people.

Goal CIR 3: A sustainable transportation system.

Objective CIR 3.1: Reduce Vehicle Miles Traveled (VMT).

Policy CIR 3.1.1: Implement vehicle miles travel reduction strategies.

Program CIR 3.1.1.1: Develop and adopt VMT reduction strategies to meet state standards.

Program CIR 3.1.1.2: Place jobs and services close to housing to reduce vehicle usage and community wide VMT.

Objective CIR 3.2: Increase pedestrian and bicycle mode share.

Policy CIR 3.2.1: Expand access to non-motorized transportation.

Program CIR 3.2.1.1: Seek and prioritize funds for pedestrian and bicycle-friendly streets projects.

Objective CIR 3.3: Develop infrastructure to support zero-emission transportation.

Policy CIR 3.3.1: Support adoption of zero-emission and low-emission vehicles.

Program CIR 3.3.1.1: Standardize infrastructure regulations for public electric vehicle charging stations.

Program CIR 3.3.1.2: Streamline the permit process for private electric vehicle charging stations (including home charging stations).

Program CIR 3.3.1.3: Provide facilities such as advanced fueling stations (e.g., electric and hydrogen) for emerging technologies.

Goal CIR 4: An equitable transportation system.

Objective CIR 4.1: Provide access to jobs and services.

Policy CIR 4.1.1: Expand the bus pass program.

Program CIR 4.1.1.1: Work with Kern Transit to target transit-dependent residents with discounted bus passes.

Policy CIR 4.1.2: Increase existing service area coverage.

Program CIR 4.1.2.1: Establish new transit stops in residential and commercial neighborhoods to provide transit access within a ¼ mile radius.

Objective CIR 4.3: Improve connectivity between the east and west side of the City.

Policy CIR 4.3.1: Install pedestrian and bicycle safety measures across Highway 99 crossings.

Program CIR 4.3.1.1: Install bright lighting on Highway 99 crossings on Kern Avenue, Perkins Avenue, and Sherwood Avenue.

Program CIR 4.3.1.2: Extend pedestrian and bicycle barriers on highway crossings on Perkins Avenue, Kern Avenue, and Sherwood Avenue.

8. HOUSING

8.1 Introduction

The Housing Element describes the socio-economic profile of the population and identifies opportunities for safe and affordable housing to meet the needs of all income groups. The policy framework in this Housing Element addresses state legislative housing requirements and reflect the housing needs and desires of McFarland residents.

The most aggressive target for population growth in McFarland is 33,220 by the year 2040. Based on this projection, the City would need additional 7,550 housing units by 2040 to accommodate the growth in population. Half of the new housing needs to be affordable. During the planning process, community feedback indicated an interest in maintaining affordability within the City's housing stock, increasing mixed-use residential development downtown, and developing an increased variety of housing options for residents. The following goals, objectives, policies, and programs reflect these desires and outline a strategy for increased housing development.

8.2 Goals, Objectives, Policies, and Programs

Goal HO 1: High-quality residential neighborhoods.

Objective HO 1.1: Maintain McFarland's existing housing stock.

Policy HO 1.1.1: Preserve existing housing stock, including affordable housing stock, through City regulations and other forms of assistance.

Program HO 1.1.1.1: Continue the Housing Code Enforcement Program.

Program HO 1.1.1.2: Adopt Sustainable Design Guidelines, which give guidance on sustainable design principles such as sustainable energy usage, water conservation, and utilization of reusable building materials.

Program HO 1.1.1.3: Develop brochures for community residents with information about home maintenance.

Objective HO 1.2: Beautify and maintain neighborhoods.

Policy HO 1.2.1: Expand financial assistance for residents in-need to be used for home rehabilitation.

Program HO 1.2.1.1: Continue the City's Home Rehabilitation Program by providing loans to low-income homeowners funded by grants such as the Community Development Block Grant (CDBG).

Program HO 1.2.1.2: Seek additional funding sources for the City's Home Rehabilitation Program.

Policy HO 1.2.2: Maintain quality and sanitation of neighborhoods.

Program HO 1.2.2.1: Conduct community clean-up days several times a year to maintain the quality and sanitation of neighborhoods.

Objective HO 1.3: Develop housing units to meet regional housing need allocation targets with at least 4,500 units through 2040.

Policy HO 1.3.1: Accommodate the City's housing need over the life of the General Plan.

Program HO 1.3.1.1: Expand housing to the west of the City away from floodable areas.

Program HO 1.3.1.2: Establish mixed-use development options in the downtown, along Kern Avenue on the east side, and south of the City, off Highway 99.

Policy HO 1.3.2: Establish modified procedures to streamline permit processing.

Program HO 1.3.2.1: Develop brochures for community residents that give information about various permit processes.

Policy HO 1.3.3: Locate new residential developments near amenities such as grocery stores, public parks, and schools.

Program HO 1.3.3.1: Increase residential density downtown, in the residential expansion west of Garzoli Avenue from Elmo Highway to Taylor Avenue.

Goal HO 2: Equal housing opportunities for all community members.

Objective HO 2.1: Develop special needs housing for large families, the elderly, disabled persons, and farmworkers.

Policy HO 2.1.1: Integrate special needs housing into developments or neighborhoods of conventional housing.

Program HO 2.1.1.1: Provide regulatory and/or financial incentives to interested developers to facilitate the construction of special needs housing.

Policy HO 2.1.2: Provide housing opportunities for disabled persons in compliance with Title 24 of the California Health and Safety Code.

Program HO 2.1.2.1: Revise the building codes to include "universal design" requirements, such as lever door handles and wider doors and hallways.

Policy HO 2.1.3: Enforce fair housing laws.

Program HO 2.1.3.1: Provide community residents with information about housing opportunities and fair housing laws and programs that allow for equal housing access.

Program HO 2.3.3.2: Develop bilingual brochures in English and Spanish for City residents to give information about housing opportunities and fair housing laws.

Program HO 2.1.3.3: Continue the City's Fair Housing Program.

Program HO 2.1.3.4: Distribute the booklet "Fair Housing: It's Your Right" to community residents, which provides information on fair housing.

Objective HO 2.2: Provide a variety of housing types to meet diverse community needs.

Policy HO 2.2.1: Facilitate non-traditional housing types and options, including co-housing, assisted living facilities, and live-work spaces.

Program HO 2.2.1.1: Create development standards for non-traditional types of housing development, such as assisted living for seniors.

Policy HO 2.2.2: Provide housing alternatives to community residents.

Program HO 2.2.2.1: Develop housing of a variety of sizes and densities.

Program HO 2.2.2.2: Encourage multi-family developments to provide a variety of dwelling sizes.

Objective HO 2.3: Provide housing financial assistance to community members in need.

Policy HO 2.3.1: Assist community residents who are interested in homeownership.

Program HO 2.3.1.1: Continue the First-Time Home Buyer (FTHB) program to assist low-income families who are first-time home buyers or displaced homeowners.

Policy HO 2.3.2: Provide rental assistance to low income households in collaboration with the Housing Authority of the County of Kern (HACK) and other non-profit housing providers.

Program HO 2.3.2.1: Continue the Section 8 Rental Assistance program to provide rental subsidies to low-income households and special needs housing groups.

Program HO 2.3.2.2: Continue to develop other forms of financial support for vulnerable community residents.

Goal HO 3: Enough housing opportunities for all income groups.

Objective HO 3.1: Develop affordable housing units to fulfill the Regional Housing Needs Assessment (RHNA) allocation as required by the California Department of Housing and Community Development (HCD).

Policy HO 3.1.1: Increase affordable housing production.

Program HO 3.1.1.1: Create and maintain an up-to-date inventory of vacant and underutilized parcels.

Program HO 3.1.1.2: Provide information to interested developers on affordable housing opportunities.

Program HO 3.1.1.2: Partner with affordable housing developers to assist in development on infill sites of housing for lower and moderate-income households.

Policy HO 3.1.2: Reduce governmental constraints to housing production.

Program HO 3.1.2.1: Provide regulatory or financial incentives to interested developers to facilitate the construction of affordable housing.

Program HO 3.1.2.2: Update the Zoning Ordinance to facilitate development of low- and moderate-income housing and other special needs housing.

Program HO 3.1.2.3: Refine the Inclusionary Housing Ordinance to be more feasible to developers and more effective in producing affordable housing.

Policy HO 3.1.3: Comply with the most current state legislative requirements.

Program HO 3.1.3.1: Monitor the City's progress in meeting its housing needs.

Program HO 3.1.3.2: Submit Annual Progress Reports (APRs) to the California Department of Housing and Community Development (HCD) in compliance with State law.

Objective HO 3.2: Develop at least 2,450 affordable housing units by 2040.

Policy HO 3.2.1: Accommodate affordable housing need over the life of the General Plan.

Program HO 3.2.1.1: Establish multi-family housing along major arterials in the downtown area and in the vicinity of activity centers.

Program HO 3.2.1.2: Facilitate the provision of Accessory Dwelling Units (ADUs) as a means of providing affordable rental housing in existing neighborhoods.

Program HO 3.2.1.3: Adopt a new Accessory Dwelling Unit (ADU) ordinance in compliance with State law.

Program HO 3.2.1.4: Revise the Zoning Ordinance to change all references to "Secondary Units" to "Accessory Dwelling Units" (ADUs) in compliance with State law.

9. ECONOMIC DEVELOPMENT

9.1 Introduction

The Economic Development Element establishes guidelines to support the growth of McFarland's economic base through key strategies to expand economic opportunities. McFarland's economic potential relates closely to its physical development as described by the Land Use and Circulation Elements, since economic opportunities are highly influenced by neighboring uses and activities as well as local connectivity. A resilient economy involves promoting businesses, increasing property values, planning transportation access to centers of employment, and providing education and other public services, while also considering how to promote equitable development, minimize displacement, and provide access to self-sufficient wages. The following goals, objectives, policies, and programs outline a strategy for achieving a diversified local economy that can provide employment opportunities for residents, adequate community programs and services, and foster an environment for a thriving tax base to support local government expenditures.

9.2 Goals, Objectives, Policies, and Programs

Goal ED 1: A resilient local economy.

Objective ED 1.1: Develop and maintain a diversity of businesses.

Policy ED 1.1.1: Balance industrial, commercial, agricultural, and residential needs.

Program ED 1.1.1.1: Survey downtown businesses regarding their needs, assets, and aspirations to better understand the needs of current and future businesses.

Program ED 1.1.1.2: Expedite plan review and permitting processes to facilitate commercial development along Highway 99.

Program ED 1.1.1.3: Provide a licensing process for construction of temporary worker housing and migrant farmworker housing in suitable areas.

Policy ED 1.1.2: Prepare workers for skilled employment opportunities.

Program ED 1.1.2.1: Partner with local high schools to fund classes that provide job-ready career skills, especially in technology, vocational training, and skilled labor fields.

Program ED 1.1.2.2: Partner with local educational institutions to establish a job training and retraining program.

Program ED 1.1.2.3: Develop adult vocational programs for relevant industries.

Program ED 1.1.2.4: Provide affordable English language adult education programs for residents.

Program ED 1.1.2.5: Pilot a jobs-matching program that ensures residents are aware of job opportunities.

Objective ED 1.3: Develop highway-oriented commercial use and large-scale retail uses to serve McFarland and surrounding areas.

Policy ED 1.3.1: Capture revenue from pass-through traffic.

Program ED 1.3.1.1: Demarcate land for commercial development along Highway 99.

Program ED 1.3.1.2: Create a specific plan for new highway commercial along Highway 99.

Program ED 1.3.1.3: Build charging stations for electric and other alternative energy vehicles along Highway 99.

Objective ED 1.4: Leverage historic and cultural tourism opportunities.

Policy ED 1.4.1: Promote McFarland's history.

Program ED 1.4.1.1: Provide legible and noticeable wayfinding signs signifying culturally significant sites for pedestrians and motorists.

Program ED 1.4.1.2: Showcase McFarland's legacy as cross-country champions.

Program ED 1.4.1.3: Advertise historic resources regionally.

Policy ED 1.4.2: Attract travel accommodations to retain tourists.

Program ED 1.4.2.1: Streamline permitting for motels, hotels, inns, RV parks, and campgrounds, particularly near Famoso Raceway.

Objective ED 1.5: Update local infrastructure and regional connectivity to serve industrial and commercial interests.

Policy ED 1.5.1: Increase access to job centers.

Program ED 1.5.1.1: Work in conjunction with Kern Transit to provide community-serving transportation options.

Program ED 1.5.1.2: Develop a park and ride program or vanpool to provide access to job centers.

Policy ED 1.5.2: Generate revenue and obtain funding for community services and infrastructure projects.

Program ED 1.5.2.1: Explore options to raise tax revenue, including but not limited to sales tax and parcel tax.

Program ED 1.5.2.2: Pursue federal and state grants for transit and pedestrian infrastructure development.

Objective ED 1.6: Provide resources for the development of businesses that promote sustainable practices.

Policy ED 1.6.1: Promote incentives for sustainable business practices.

Program ED 1.6.1.1: Offer reduced development fees for Leadership in Energy and Environmental Design (LEED) Certified buildings.

Program ED 1.6.1.2: Provide a green building incentive program for priority building permit review at no additional fee.

Policy ED 1.6.2: Remove barriers for businesses that provide locally needed goods and services.

Program ED 1.6.2.1: Develop a "buy local" program that encourages shopping at local businesses.

Goal ED 2: An appealing place to live and work.

Objective ED 2.1: Establish a vibrant downtown core.

Policy ED 2.1.1: Use the 2nd Street corridor as catalyst for downtown improvement.

Program ED 2.1.1.1: Create a business improvement district along 2nd Street.

Program ED 2.1.1.2: Upgrade storefronts along streets in the business district.

Program ED 2.1.1.3: Add a 1 cent sales tax to improve businesses in the district.

Policy ED 2.1.2: Promote use of public space and community interaction.

Program ED 2.1.2.1: Create walkable human-scale infrastructure.

Program ED 2.1.2.2: Create spaces for public gatherings, festivals, and farmers markets.

Objective ED 2.2: Improve quality of life.

Policy ED 2.2.1: Promote affordable housing.

Program ED 2.2.1.1: Establish inclusionary zones to incentivize private developers to build below-market-rate housing.

Policy ED 2.2.2: Improve public safety and perception of public safety.

Program ED 2.2.2.1: Build relationships between police and businesses.

Program ED 2.2.2.2: Build relationships between police and neighborhood residents.

Objective ED 2.3: Provide access to public goods and services to residents and organizations.

Policy ED 2.3.1: Regularly obtain community feedback to make decisions based upon community needs.

Program ED 2.3.1.1: Conduct yearly business and customer surveys.

Policy ED 2.3.2: Meet requirements of the Americans with Disabilities Act (ADA).

Program ED 2.3.2.1: Encourage evaluation of ADA compliance at business establishments.

Program ED 2.3.2.2: Encourage update of public infrastructure for ADA compliance.

Program ED 2.3.2.3: Facilitate ADA retrofits for private establishments.

Goal ED 3: A business-friendly and business-ready environment.

Objective ED 3.1: Maintain a strong working relationship with the business community.

Policy ED 3.1.1: Leverage incentives for business retention and expansion.

Program ED 3.1.1.1: Host quarterly workshops for business owners to attend and learn about opportunities available for small businesses.

Program ED 3.1.1.2: Review City ordinances for impacts on businesses.

Program ED 3.1.1.3: Streamline municipal fee structures to promote renovations and development of existing businesses.

Program ED 3.1.1.4: Lobby for expansion of state Opportunity Zones to encourage investment within McFarland's Sphere of Influence.

Program ED 3.1.1.5: Develop a Business Improvement District for high opportunity areas.

Objective ED 3.2: Attract new businesses and offer incentives for economic development.

Policy ED 3.2.1: Reduce barriers to establishing new businesses.

Program ED 3.2.1.1: Streamline permitting and maintain flexible zoning for commercial and industrial uses.

Program ED 3.2.1.2: Provide a guide to streamline the business permitting process.

Program ED 3.2.1.3: Develop an entrepreneur guide that provides information on opportunities within McFarland.

Policy ED 3.2.2: Facilitate strategic placement of businesses.

Program ED 3.2.2.1: Establish a list of infill opportunities and vacant lots that, in consultation with property owners, can aid investors in the decision-making process.

Program ED 3.2.2.2: Establish a list of "shovel-ready" sites in consultation with property owners and provide the list to interested developers and businesses in the City.

Program ED 3.2.2.3: Develop a specific plan in the southern expansion area for a business park with flexibility for light industrial uses.

Program ED 3.2.2.4: Explore and research opportunities to utilize railways for a distribution center.

10. SAFETY

10.1 Introduction

The Safety Element addresses natural and man-made hazards that pose potential risk to life or property. Hazards include flood, fire, seismic and geologic risk, hazardous materials, climate change, aircraft safety, drought, and emergency preparedness. Identifying and addressing these hazards can help inform the community, ensure effective implementation of policies, and guide future development.

Extreme weather and flooding pose the most significant threat to McFarland, particularly with the effects of climate change which are likely to result in more irregular weather patterns. This chapter provides goals, objectives, policies, and programs developed to reduce and mitigate major safety concerns for the City. General evacuation routes and shelter preparedness is also addressed in this chapter to ensure resources are available to the community.

The vision is for McFarland to continue to grow safely, avoid known hazards, and following safe building practices. Addressing hazards individually would allow the community to examine each risk against corresponding goals, objectives, policies, and programs created to address it.

10.2 Goals, Objectives, Policies, and Programs

Goal SAF 1: A safe and steadfast community.

Objective SAF 1.1: Maintain a long-term comprehensive safety outlook.

Policy SAF 1.1.1: Maintain eligibility for grant funding opportunities for community preparedness.

Program SAF 1.1.1.1: Continually update the Local Hazard Mitigation Plan to secure funding opportunities for community preparedness.

Policy SAF 1.1.2: Harden critical and high occupancy structures.

Program SAF 1.1.2.1: Encourage assessment of facility conditions for critical and high occupancy structures, including bridges.

Program SAF 1.1.2.2: Prioritize high risk structures for improvement.

Program SAF 1.1.2.3: Identify and secure funding to implement remedies.

Goal SAF 2: A community resilient against natural hazards.

Objective SAF 2.1: Maintain preparedness for geologic and seismic hazards.

Policy SAF 2.1.1: Encourage reduction in the risk of loss of life, personal injury and damage to property resulting from geologic and seismic hazards.

Program SAF 2.1.1.1: Coordinate with McFarland Public Works Department to organize and publicize educational events.

Program SAF 2.1.1.2: Educate residents on ways to mitigate injury and damage associated with earthquakes in their homes.

Program SAF 2.1.1.3: Using the latest building codes adopted by the State of California, incorporate geotechnical hazard data in land use decision making, site design, and construction.

Program SAF 2.1.1.4: Encourage site-specific soils and geologic reports for development in areas of serious geologic risk.

Program SAF 2.1.1.5: In areas of serious geologic risk, prohibit development unless seismic and geologic hazards can be reduced to reasonable levels.

Program SAF 2.1.1.6: Monitor and enforce structural safety standards to reduce risks for seismic and geologic hazards.

Objective SAF 2.2: Prepare for flooding events.

Policy SAF 2.2.1: Implement projects to strengthen flood control measures to reduce risk to life and property.

Program SAF 2.2.1.1: Identify flood control projects in hazard mitigation documents.

Program SAF 2.2.1.2: Prioritize flood control projects identified in the LHMP and Storm Drain Master Plan.

Program SAF 2.2.1.3: Identify possible funding sources and work with City grant writers to apply for state and federal funds to implement projects.

Program SAF 2.2.1.4: Continue to support efforts of the Bureau of Reclamation to ensure that proper maintenance and repairs of the Friant-Kern Canal are accomplished, along with other applicable agencies for flood control.

Policy SAF 2.2.2: Reduce flood risk for new development and critical infrastructure.

Program SAF 2.2.2.1: Prior to development, encourage flood risk assessment and possible mitigation measures to reduce risks to life and property.

Program SAF 2.2.2.2: Prohibit development in the 100-year flood plain unless mitigation measures meeting Federal Flood Insurance Administration criteria are provided.

Policy SAF 2.2.3: Protect essential facilities from flooding by implementing flood control measures and relocating facilities when needed.

Program SAF 2.2.3.1: Create an inventory of essential facilities which are at risk of flood damage within the 100- and 500-year flood plains.

Program SAF 2.2.3.2: Locate the construction of essential facilities outside the 500-year flood plain or ensure facilities are equipped to mitigate flooding to ensure long term operation.

Objective SAF 2.3: Prepare for urban and wildland fire hazards.

Policy SAF 2.3.1: Evaluate and respond to urban and wildland fire hazards affecting McFarland where present.

Program SAF 2.3.1.2: Update urban and wildland fire threat as data sources become available and seek guidance and data from Cal Fire.

Policy SAF 2.3.3: Evaluate fire threats in existing and proposed developments.

Program SAF 2.3.3.1: Coordinate fire threat evaluation with Kern County Fire, given Cal Fire threat assessments and federal data sources.

Program SAF 2.3.3.2: Enact measures for resident and employee safety in areas of recognized commercial and industrial fire threat.

Program SAF 2.3.3.3: Reduce vulnerability especially with vegetation management (e.g., fire resistant landscaping, fuel breaks, etc.) to prevent drought/extreme weather-related fire risk.

Program SAF 2.3.3.4: Encourage commercial and industrial properties to maintain fire safe standards and operate in a safe manner when handling flammable materials or byproducts.

Policy SAF 2.3.4: Create defensible space for McFarland through best management practices.

Program SAF 2.3.4.1: Encourage abatement of potentially flammable material through trimming, thinning, or reduction of potential fuel from habitable or occupied areas according to Cal Fire defensible space standards.

Program SAF 2.3.4.2: Check with state and federal hazard management agencies for updated areas of concern in wildland and urban fire scenarios on a 10-year cycle.

Policy SAF 2.3.5: Adopt uniform building and fire codes as they are updated by the State.

Policy SAF 2.3.6: Educate the public about fire safety.

Program SAF 2.3.6.1: Promote public fire safety education programs to reduce accidents, injuries, and fires in coordination with McFarland School District and community agencies.

Program SAF 2.3.6.2: Promote public safety through Cal Fire programs, pamphlets, and education opportunities with school and community engagement in English and Spanish.

Objective SAF 2.4: Prepare to withstand the effects of drought.

Policy SAF 2.4.1: Conserve water in all sectors.

Program SAF 2.4.1.1: Educate the community on water conservation practices.

Program SAF 2.4.1.2: Measure the success of current water conservation programs, prioritizing development of successful programs, and continually revise programs to meet water reduction goals.

Program SAF 2.4.1.3: Create new programs to promote efficient and responsible water use.

Program SAF 2.4.1.4: Enact new measures as needed according to protocols established by the Kern Groundwater Authority.

Policy SAF 2.4.2: Invest in waterwise infrastructure.

Program SAF 2.4.2.1: Adapt existing green spaces in public areas to retain rainwater on site.

Policy SAF 2.4.3: Identify groundwater recharge locations where soil and geography allow for infiltration.

Program SAF 2.4.3.1: Pursue grants to aid long term groundwater recharge projects.

Program SAF 2.4.3.2: Examine proposed public infrastructure projects for potential water recharge opportunities.

Program SAF 2.4.3.3: Identify and evaluate potential land holdings to be purchased and used as spreading ponds.

Objective SAF 2.5: Prepare for extreme weather conditions.

Policy SAF 2.5.1: Use McFarland's extreme weather history to prepare for future hazards.

Program SAF 2.5.1.1: Create and maintain a database of localized Extreme Weather Events based on National Oceanic and Air Administration data.

Program SAF 2.5.1.2: Use Extreme Weather Events databases to provide a constraints map for future growth based on historic trends and frequent or notable disaster areas, including land use and circulation areas affected in past events.

Policy SAF 2.5.2: Develop feasible adaptation measures for McFarland's extreme weather conditions in coordination with state and federal agencies.

Program SAF 2.5.2.1: Provide shelter and services during conditions of prolonged extreme heat, particularly concerning for the elderly, children, and farmworkers.

Program SAF 2.5.2.1: Study effects of past extreme heat events on McFarland's sensitive populations, particularly those who work outdoors.

Program SAF 2.5.2.3: Based on the studied effects, implement a reasonable and feasible system of shelters, water and cooling stations, and other resources such as resilient power generation for shelters to reduce the negative impact of extreme heat.

Policy SAF 2.5.3: Mitigate the damage associated with extreme weather events while traveling.

Program SAF 2.5.3.1: Prioritize safety upgrades to circulation for fog and winter storm conditions as well as other identified hazards of concern.

Objective SAF 2.6: Prepare for and continually adapt to a changing climate.

Policy SAF 2.6.1: Recognize the evolving threats of climate change.

Program SAF 2.6.1.1: In the next revision of the Local Hazard Mitigation Plan (LHMP), conduct a vulnerability assessment for the effects of the changing climate by:

- Assembling a diverse local and regional team to represent agencies, organizations, and communities.
- Identifying the climate change effects McFarland can experience.
- Identifying what aspects of the community might be affected and what those potential impacts could be and efforts to address them.
- Identifying how likely the impacts could be and how quickly they could occur.

Program SAF 2.6.1.2: Update the vulnerability assessment with each revision of the LHMP.

Policy SAF 2.6.2: Adapt to the effects of climate change relevant to McFarland.

Program SAF 2.6.2.1: In revisions of the LHMP, create, prioritize, and implement climate change adaptation strategies by:

- Identifying which impacts of climate change require actions to address them and prioritizing those adaptation needs.
- Identifying strategies to address adaptation needs.
- Evaluating and prioritizing strategies.
- Phasing and implementing strategies by creating trigger points for phased actions.

Program SAF 2.6.2.2: Update adaptation strategies with each revision of the LHMP.

Goal SAF 3: A community protected from human-made hazards.

Objective SAF 3.1: Reduce exposure to hazardous materials.

Policy SAF 3.1.1: Map and remediate contaminated sites.

Program SAF 3.1.1.1: Locate unidentified contamination sites and remediate with property owners and applicable agencies.

Program SAF 3.1.1.2: Work with Federal, State, regional, and local agencies to identify contaminated sites and work with property owners and applicable agencies to remediate them. When working with agencies, use the Hazardous Waste and Substances Sites List (Cortese List) and Environmental Restoration Program EnviroStor database.

Policy SAF 3.1.2: Coordinate with County departments to monitor the operations of businesses and individuals that handle hazardous materials.

Program SAF 3.1.2.1: Mitigate the potential for harmful effects of hazardous materials through the permitting process.

Program SAF 3.1.2.2: When approving new development, encourage the preparation of a report certifying that the site has been surveyed for hazardous contaminants and has been appropriately remediated for the future proposed use.

Policy SAF 3.1.3: Reduce dependency on hazardous materials and products.

Program SAF 3.1.3.1: Educate residents and businesses on the reduction or elimination of the use of hazardous materials and products, and encourage the use of safer, nontoxic, environmentally friendly equivalents.

Policy SAF 3.1.4: Enact proper disposal of household hazardous waste.

Program SAF 3.1.4.1: Educate residents on appropriate disposal of household hazardous waste and publicize collection events and locations.

Policy SAF 3.1.5: Minimize exposure to pesticides.

Program SAF 3.1.5.1: Reduce pesticide application during times of high wind affecting sensitive receptors.

Program SAF 3.1.5.2: Provide separation between sensitive receptors and pesticide application areas following Kern County Agriculture and Measurement Standards.

Program SAF 3.1.5.3: Coordinate with County departments to monitor pesticide storage, application, and exposure.

Program SAF 3.1.5.4: Coordinate training and procedures of the Kern County Fire Department and the Kern County Health Department.

Policy SAF 3.1.6: Safe transport of hazardous materials.

Program SAF 3.1.6.1: Restrict the transport of hazardous materials within McFarland to designated routes.

Program SAF 3.1.6.2: Encourage new pipelines or other channels carrying hazardous materials to avoid residential areas to the greatest extent possible.

Program SAF 3.1.6.3: Support Caltrans and California Highway Patrol efforts to ensure safe transportation of hazardous materials on Highway 99.

Program SAF 3.1.6.4: Encourage developers to investigate development sites to identify hazardous materials.

Program SAF 3.1.6.5: Encourage developers to safely transport and dispose of hazardous materials.

Policy SAF 3.1.7: Control pollution from hazardous materials.

Program SAF 3.1.7.1: Institute permitting system for demolition activities.

Program SAF 3.1.7.2: Establish a site inspection process to oversee safe demolition of existing structures.

Program SAF 3.1.7.3: Evaluate imported soils to ensure that they are free of contamination by hazard materials.

Objective SAF 3.2: Protect the community from aircraft hazards.

Policy SAF 3.2.1: Reduce exposure to aircraft hazards through the permitting process.

Program SAF 3.2.1.1: Monitor development within the Airport Zone to ensure compliance with restrictions designed to increase flight safety, such as reflective or volatile materials, in connection with the Federal Aviation Administration.

Program SAF 3.2.1.2: As future military development or training program areas arise, enact reasonable land use controls to promote military readiness and increase civilian safety.

Goal SAF 4: A community responsive to and resilient against emergencies.

Objective SAF 4.1: Develop and prepare resources for emergency response and recovery.

Policy SAF 4.1.1: Prepare emergency centers and critical infrastructure for hazards.

Program SAF 4.1.1.1: Conduct a vulnerability analysis of critical infrastructure with regards to seismic events.

Program SAF 4.1.1.2: Prioritize and implement repairs or retrofits for at-risk critical infrastructure by 2030.

Program SAF 4.1.1.3: Identify hazards and vulnerable populations needing emergency shelters for all hazards including flooding and extreme heat events.

Program SAF 4.1.1.4: Coordinate with county, state, and federal agencies on emergency preparedness.

Program SAF 4.1.1.5: Situate emergency centers to withstand 500-year floods.

Program SAF 4.1.1.6: Equip emergency centers with enough water, power, and cooling resources to support at-risk residents during extreme heat events.

Policy SAF 4.1.2: Expedite recovery after an emergency.

Program SAF 4.1.2.1: Streamline the permitting process for affected parties after earthquake, fire, or flood causes property damage or loss.

Objective SAF 4.2: Improve community-wide awareness and preparedness.

Policy SAF 4.2.1: Coordinate emergency preparedness and response measures with Kern County's Emergency Operations Plan.

Program SAF 4.2.1.1: Plan emergency event evacuation in coordination with county, state, and federal agencies.

Program SAF 4.2.1.2: Establish procedures for safe, prompt, and orderly evacuation, locations of safe meeting areas, emergency supplies including food, water, and medical supplies, and general emergency protocols.

Program SAF 4.2.1.3: Conduct periodic trainings for staff on emergency operations procedures and response.

Program SAF 4.2.1.4: Craft and publicize emergency procedures and define responsibilities for government and non-government entities during a crisis.

Policy SA4.2.2: Educate the public about emergency response procedures.

Program 4.2.2.1: Provide residents and businesses with information about local safety hazards and emergency plans, including evacuation plans and procedures to accommodate special needs populations and efficient post-disaster recovery.

Program 4.2.2.2: Educate special needs populations and disadvantaged residents about available emergency resources through existing county resources and McFarland school district programs.

Program 4.2.2.3: Educate residents about wildfire preparedness, flood preparedness, extreme heat preparedness, and climate change adaptation needs.

Objective 4.3. Improve emergency access and circulation.

Policy 4.3.1. Reduce danger to life.

Program 4.3.1.1: Map all emergency response facilities and accessways.

Program 4.3.1.2. Assess risk from evacuation and emergency response bottlenecks for hazards, particularly fire, flood, and hazardous materials.

Program 3. Develop, prioritize, and implement improvement measures for all bottlenecks considered high risk.

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11. CONSERVATION

11.1 Introduction

The Conservation Element addresses the management and conservation of an area's natural resources while allowing for economic growth. This element addresses federal and state standards of environmental regulation, soil and mineral resources, biological resources, water resources, air quality, and wildlife. Given McFarland's strong agricultural base, soil and water conservation are high priorities in the community.

The Conservation Element identifies goals, objectives, policies, and programs to guide future development in McFarland while minimizing negative impacts on natural resources. Future growth could increase water demand, but there are opportunities to improve on water and energy conservation and reduce the per-user cost of necessary infrastructure projects for residents and businesses. The Conservation Element includes policies on energy, water, and habitat that correspond with regional planning goals.

11.2 Goals, Objectives, Policies, and Programs

Goal CON 1: Resilience to flooding.

Objective CON 1.1: Strengthen flood control measures.

Policy CON 1.1.1: Prioritize flood control projects identified in the Storm Drain Master Plan.

Program CON 1.1.1.1: Complete and implement the McFarland Storm Drain Master Plan by 2035, prioritizing improvement near East Perkins Avenue within the 100-year flood plain.

Program CON 1.1.1.2: Implement new or expand existing sump basins for any new development within 100 and 500-year flood plains.

Program CON 1.1.1.3: Create an evacuation plan for vulnerable residential areas east of Highway 99.

Program CON 1.1.1.4: Apply for the Urban Flood Protection Program to help offset the costs of upgrading current infrastructure.

Goal CON 2: Efficient use of water and energy.

Objective CON 2.1: Conserve water usage for all sectors.

Policy CON 2.1.1: Educate the community on water conservation.

Program CON 2.1.1.1: Invite organizations that can educate the public on water efficient practices and climate change to public events and schools.

Policy CON 2.1.2: Decrease water use in new and existing developments.

Program CON 2.1.2.1: Investigate the use of gray water irrigation systems in new developments.

Program CON 2.1.2.2: Use drip irrigation systems and drought tolerant or native vegetation in newly developed areas.

Program CON 2.1.2.3: Prepare an urban water management plan (UWMP) as population grows and the City's service area expands to comply with SB 7X-7 (Water Conservation Act of 2009). Develop the plan to decrease water use in public landscapes by 25% of 2018 levels by 2035. Convert existing landscapes to drip systems and replace landscapes requiring significant irrigation with drought tolerant vegetation.

Program CON 2.1.2.4: Apply for funding from The Institutional Turf Replacement Program (ITRP) to help offset the costs of conversion.

Program CON 2.1.2.5: Measure the success of current water conservation programs and utilize data in future programs and ordinances.

Objective CON 2.2: Increase the use of solar panels.

Policy CON 2.2.1: Conduct a sun and shade study to locate the most optimal locations for solar panel installation.

Program CON 2.2.1.1: Install solar panels on public facilities, specifically City Hall, public parking lots, and vacant land.

Program CON 2.2.1.2: Apply for Green Roof Retrofit Grants, REAP Grants, and other programs to help fund installation and capital costs for homeowners and local businesses.

Objective CON 2.3: Conserve energy usage in all sectors.

Policy CON 2.3.1: Educate the public on the importance of energy-saving techniques.

Program CON 2.3.1.1: Work with Public Works Department and invite organizations that can educate the public on energy efficient home goods and climate change to public events and schools.

Policy CON 2.3.2: Seek opportunities to improve energy efficiency within City facilities.

Program CON 2.3.2.1: Conduct energy efficiency and water use audits on all City facilities and create a schedule to prioritize implementation of the most cost-effective efficiency measures.

Program CON 2.3.2.2: Seek grants, low interest loans, and other funding sources for energy efficiency projects at schools and any critical or emergency response facilities.

Goal CON 3: Protection and respect for rare and endangered wildlife.

Objective CON 3.1: Increase public awareness of wildlife of McFarland.

Policy CON 3.1.1: Host educational events for the public and students.

Program CON 3.1.1.1: Coordinate with the U.S. Fish and Wildlife Services to host workshops about the geographic and ecologic context of McFarland at community events and school.

Objective CON 3.2: Reduce risks to wildlife and plant health.

Policy CON 3.2.3: Update current public maintenance plans to pesticide free maintenance strategies where feasible.

Program CON 3.2.3.1: Eliminate the use of neonicotinoid insecticides and other highly toxic systemic insecticides.

Program CON 3.2.3.2: Restrict the purchase and use of products that contain neonicotinoids and seeds or plants that have been treated with neonicotinoids.

Program CON 3.2.3.3: Eliminate cosmetic pesticide applications.

Objective CON 3.3: Investigate the potential suitability for and existing presence of wildlife in McFarland.

Policy CON 3.3.1: Coordinate with the US Fish and Wildlife services.

Program CON 3.3.1.1: Utilize a trained expert before and during construction projects to evaluate the site-specific presence of endangered or threatened species.

Program CON 3.3.1.2: Contact US Fish and Wildlife Services to find financial incentives and opportunities for providing endangered species habitat.

Policy CON 3.3.2: Increase suitability for wildlife in McFarland.

Program CON 3.3.2.1: Adapt existing green spaces in public areas to become attractive to threatened and endangered species in the region. Provide plant material that is attractive to the Tricolored Blackbird, Burrowing Owls, and Swainson's Hawk for nesting and foraging.

Policy CON 3.3.3: Protect the wellbeing of the San Joaquin kit fox (SJKF), Swainson's hawk (SWHA), and tricolored blackbirds (TRBL).

Program CON 3.3.3.1: If a qualified biologist determines that there is suitable SJKF habitat at or adjacent to an individual Project site, assess presence or absence of SJKF by conducting surveys following the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011) in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground disturbing activities.

Program CON 3.3.3.2: If SJKF is detected, consult with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

Program CON 3.3.3.3: If a qualified biologist determines that an individual Project site has suitable SWHA foraging habitat on-site or suitable SWHA nest trees are within 0.5 mile of the site, a qualified wildlife biologist should conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to Project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Program CON 3.3.3.4: If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), a qualified biologist should conduct additional pre-activity surveys for active nests no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5 mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Program CON 3.3.3.5: If an active SWHA nest is detected and a 0.5-mile buffer is not feasible, consult with CDFW to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

Program CON 3.3.3.6: Compensate for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

CDFW recommends the following based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

Program CON 3.3.3.7: Replace the removal of known raptor nest trees, even outside of the nesting season, with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.

Program CON 3.3.3.8: If suitable habitat occurs on or immediately adjacent to an individual Project site or its vicinity, time Project activities to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, a qualified wildlife biologist should conduct surveys for TRBL, within a

minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence or absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Program CON 3.3.3.9: If an active TRBL nesting colony is found during pre-activity surveys, implement a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW advises that this buffer remains in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.

Program CON 3.3.3.10: In the event that a TRBL nesting colony is detected during surveys, consult with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 subdivision (b), prior to any ground-disturbing activities.

Policy CON 3.3.4: Adhere to protocols and requirements of CDFW and Pub. Resources Code, § 21003, subd. (e)

Program CON 3.3.4.1: Report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB) using the field survey form found at the link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data.

Program CON 3.3.4.2: Upon filing of the Notice of Determination, the Lead Agency should pay filing fees due to CDFW's assessment of impact on fish or wildlife to help defray the cost of environmental review by CDFW and as required, for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

12. OPEN SPACE

12.1 Introduction

The Open Space Element addresses the future of McFarland's recreation and parks spaces. Within City limits, recreational parks include McFarland Park, Ritchey Park, Arturo J. Munoz Park, Blanco Park, and Browning Road Park. Other outdoor recreational spaces include Kaboom Playground, the grass field by the local public library, and Villa Del Caribe Park which is still under development. Parks development formerly concentrated in the southwest of McFarland.

Open spaces provide vital support for the wellbeing of McFarland's residents and overall economic prosperity. This element assesses the current and future condition of McFarland's open space assets and provides suggestions for future expansion of places and services for residents. Goals, objectives, policies, and programs in this plan address these open space topics as they relate to the City of McFarland.

12.2 Goals, Objectives, Policies, and Programs

Goal OS 1: Attractive, accessible, and comprehensive open spaces.

- **Objective OS 1.1:** Provide adequate park space for residents.
  - **Policy OS 1.1.1:** Provide park spaces within a quarter mile of residential neighborhoods.
    - **Program OS 1.1.1.1:** Condition new residential development on the creation of park space through in lieu fees, direct dedication, or similar measures.
- **Objective OS 2.2:** Improve access to park spaces
  - **Policy OS 1.2.1:** Enhance pedestrian and vehicular access to open space.
    - **Program OS 1.2.1.1:** Establish bus stops at new and existing park spaces
    - **Program OS 1.2.1.2:** Provide Americans with Disabilities Act (ADA) compliant parking spaces at parks.
- **Objective OS 1.3:** Increase visual appeal of open space.
  - **Policy OS 1.3.1:** Work with the McFarland Recreation and Parks District to maintain or upgrade park amenities.
    - **Program OS 1.3.1.1:** Add sitting structures, trash cans, lighting, street trees, and widened sidewalks to 5th street, W Sherwood Street, Woodruff Avenue, W Kern Avenue, E Kern Avenue, Browning Road and E Sherwood Avenue.
    - **Program OS 1.3.1.2:** Install new motion-detecting lights in areas where residents feel unsafe, ensuring that new installations do not disturb surrounding residential areas.
    - **Program OS 1.3.1.3:** Provide attractive, water-wise trees and shrubs within parking areas to reduce the heat island effect and increase ground permeability.
    - **Program OS 1.3.1.4:** Include bike racks in open spaces to encourage biking.

Program OS 1.3.1.4: Provide multi-age playground and park equipment.

Goal OS 2: An engaged, active, and proud community.

Objective OS 2.1: Utilize McFarland's history to strengthen the community.

Policy OS 2.1.1: Protect and maintain the City's historic cultural resources.

Program OS 2.1.1.1: Include Native American Tribal Authorities in environmental review processes.

Program OS 2.1.1.2: Provide confidential review and protection for cultural heritage resources if present or found during development.

Policy OS 2.1.2: Promote the use of open space for cultural and community enrichment.

Program OS 2.1.2.1: Use public open spaces for events such as celebrations, festivals, farmers' markets, and concerts.

Policy OS 2.1.3: Foster an appreciation of diverse cultural identities through geographic and historical context.

Program OS 2.1.3.1: Establish a system of signage that promotes and provides historical context for open space resources.

Program OS 2.1.3.2: Promote the McFarland historical society.

Objective OS 2.2: Increase community fitness.

Policy OS 2.2.1: Increase functionality of outdoor open spaces and facilities.

Program OS 2.2.1.1: Expand programming of City parks and recreation facilities.

Program OS 2.2.1.2: Add outdoor exercise equipment, playgrounds, and other recreation opportunities to public open space where practical.

Program OS 2.2.1.3: Collaborate with schools and local agencies to provide fitness education.

Objective OS 2.3: Preserve and enhance natural resources by engaging people of all ages and ability levels.

Policy OS 2.3.1: Provide youth outdoor educational opportunities to promote community engagement.

Program OS 2.3.1.1: Partner with youth opportunity agencies to promote outdoor enrichment, engaging youth with the community and their natural environment.

Program OS 2.3.1.2: Partner with the McFarland Tri-Agency to develop volunteer opportunities at public parks, Lake Woollomes, and other outdoor facilities.

Policy OS 2.3.2: Enhance recreational programs suitable for all ages and ability levels.

Program OS 2.3.2.1: Monitor how existing park space satisfies the needs of residents and users with community surveys and address needs based on responses.

13. AIR QUALITY

13.1 Introduction

The Air Quality Element is a required component of McFarland's General Plan since McFarland falls under the State of California's definition of a disadvantaged community per SB 1000 in terms of median income. Secondly, McFarland is located within the San Joaquin Valley Air Basin, which suffers from notably poor air quality. The air basin is not in attainment with federal regulatory standards including the Clean Air Act and National Ambient Air Quality Standards, and state regulations including the California Clean Air Act and the California Ambient Air Quality Standards. The asthma rates within the City are in the 67th percentile in the State of California overall, meaning that asthma rates in McFarland are higher than 67% of the other communities in the State.

Most air pollution in the San Joaquin Valley stems from locally generated pollutants, primarily from agricultural activities. Other contributors include vehicular emissions, construction emissions, and fugitive dust and odors. The San Joaquin Valley is also disproportionately affected by greenhouse gas emissions which not only contribute to the warming of the planet but also contribute to local air pollution and endanger human health. Per Kern County's Greenhouse Gas Inventory, the fossil fuels industry in Kern County makes up a majority of the greenhouse gas emissions for Kern County at approximately 40% of the 2005 baseline. Emissions of greenhouse gases in Kern County are mostly attributed to industry and energy consumption. Construction and agricultural activities also exacerbate emissions.

Good air quality is important for public health, especially for sensitive populations, including the youth, elderly, and individuals with heart disease or respiratory problems. The following goals, objectives, policies, and programs outline McFarland's strategy to keep air pollutants and emissions low to protect the health and safety of residents.

13.2 Goals, Objectives, Policies, and Programs

Goal AQ 1: Improved air quality in McFarland.

- **Objective AQ 1.1:** Continue monitoring and reporting significant air pollution sources.
  - **Policy AQ 1.1.1:** Coordinate with the San Joaquin Valley Air Pollution Control District ("Air District") to identify air pollution reduction progress and key contributors to air pollution.
    - **Program AQ 1.1.1.1:** Work with the Air District to build an air monitoring station in McFarland.
    - **Program AQ 1.1.1.2:** Collaborate with the Air District to develop a website to report live air quality monitoring data.
    - **Program AQ 1.1.1.3:** Pursue funding under Assembly Bill 617.
- **Objective AQ 1.2:** Reduce air pollutants.
  - **Policy AQ 1.2.1:** Meet attainment status for criteria pollutants according to National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality standards (SAAQS).

Program AQ 1.2.1.1: Mandate the use of cover crops to reduce particulates from agricultural operations.

Program AQ 1.2.1.2: Mandate the use of scrubbers to capture pollutants in industrial operations.

Program AQ 1.2.1.3: Comply with state diesel exhaust standards to reduce pollutants for mobile and agricultural sources.

Program AQ 1.2.1.4: Mandate dust mitigation tactics in all construction operations.

Objective AQ 1.4: Integrate land use planning, transportation planning, and air quality planning.

Policy AQ 1.4.1: Make the most efficient use of public resources to create a healthier environment.

Program AQ 1.4.1.1: Develop coordinated land use and transportation plans to help meet federal, state, and local air quality requirements.

Program AQ 1.4.1.2: Work with Caltrans and the Regional Transportation Planning Agency to minimize the air quality impacts of large-scale transportation projects.

Program AQ 1.4.1.3: Encourage submission of development projects to the Air District for CEQA comments and review of air quality analysis.

Program AQ 1.4.1.4: Determine project air quality impacts using analysis methods and significance thresholds recommended by the Air District.

Policy AQ 1.4.2: Establish an urban forestry program to improve air quality by requiring new development and street resurfacing plans to include street and shade trees.

Program AQ 1.4.2.1: Coordinate with local non-profits and seek grants from state and national organizations to fund tree planting for air quality and other benefits.

Policy AQ 1.4.3: Minimize health risks from industrial toxic or hazardous air pollutant emissions.

Program AQ 1.4.3.1: Establish buffers between heavy industrial development projects and residential land uses.

Goal AQ 2: A climate-adapting community.

Objective AQ 2.1: Reduce greenhouse gas emissions to 40% below 1990 emission levels by 2030 and 80% below 1990 emission levels by 2050.

Policy AQ 2.1.1: Conserve and reduce energy use.

Program AQ 2.1.1.1: Develop energy conservation opportunities.

Program AQ 2.1.1.2: Establish energy conservation requirements for development (e.g. energy efficient light bulbs).

Program AQ 2.1.1.3: Apply neighborhood conservation strategies such as code enforcement and building rehabilitation.

Policy AQ 2.1.2: Develop renewable energy.

Program AQ 2.1.2.1: Invest in sources of renewable energy.

Program AQ 2.1.2.2: Join a Community Choice Aggregation (CCA) program to create investment opportunities in local renewable power production.

Program AQ 2.1.2.3: Promote biogas from agricultural biproducts.

Policy AQ 2.1.3: Establish a baseline of current emissions levels and project emissions estimates for future years.

Program AQ 2.1.3.1: Conduct a greenhouse gas inventory.

Program AQ 2.1.3.2: Adopt emissions reduction strategies through a Climate Action Plan.

Policy AQ 2.1.4: Reduce vehicle emissions.

Program AQ 2.1.4.1: Establish City transit options in collaboration with Kern County Transit.

Program AQ 2.1.4.2: Work with Kern County Transit to increase regional bus services for McFarland.

Program AQ 2.1.4.3: Improve existing and develop new pedestrian and bicycle infrastructure.

Program AQ 2.1.4.4: Develop guidelines to implement alternative fuel and electrical charging stations for commercial and industrial developments

Policy AQ 2.1.5: Prioritize mixed-use and walkable neighborhoods in future developments.

Program AQ 2.1.5.1: Streamline permitting processes for mixed-use and walkable development projects.

Goal AQ 3: A well-informed community.

Objective AQ 3.1: Educate the public on the impact of individual transportation and land use decisions on air quality.

Policy AQ 3.1.1: Improve the public's understanding of the relationship between land use, transportation, and air quality.

Program AQ 3.1.1.1: Conduct public meetings, workshops, seminars, and provide consultation opportunities for developers.

Program AQ 3.1.1.2: Work with California Air Resources Board, the Air District, and the local school district to develop educational materials regarding air quality, the impact of air quality on people, plants, and animals, and measures that can help to improve air quality.

Program AQ 3.1.1.3: Host meetings to inform and educate residents on air pollution sources, the associated health consequences, and methods to avoid or reduce air pollution impacts on public health.

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14. HEALTH

14.1 Introduction

The Health Element identifies measures of physical, mental, and social wellness. The element addresses adequate access to healthcare, decreasing rates of obesity and other diseases, and creating a variety of affordable healthy food options. The residents of Kern County, which includes McFarland, suffer from high rates of obesity, obesity related diseases, and sexually transmitted diseases. These are all areas of special focus on health in Kern County which is, for example, ranked 58th out of 58 counties in deaths from diabetes. Vulnerable populations that are more at risk for these diseases include low-income individuals and families, medically underserved populations, minority groups, and the youth and elderly.

The purpose of the Health Element's goals, objectives, policies and programs are to address the health issues and challenges of the City. To provide a comprehensive health plan, the Health Element incorporates aspects of other elements, but especially Circulation and Environmental Justice.

14.2 Goals, Objectives, Policies, and Programs

Goal HTH 1: Equitable access to healthcare.

Objective HTH 1.1: Teach the public about primary, preventative, and specialized healthcare services.

Policy HTH 1.1.1: Promote preventive health awareness and education.

Program HTH 1.1.1.1: Create educational activities that are offered in multiple languages, covering a variety of health topics (including STD and obesity prevention and treatment), and make them available at health centers, community centers, schools, and libraries.

Policy HTH 1.1.2: Create educational programs to promote healthy behaviors.

Program HTH 1.1.2.1: Coordinate with community centers and schools to provide education on healthy eating and behaviors.

Objective HTH 1.2: Promote access to healthcare services.

Policy HTH 1.2.1: Promote accessible sexual health examination services.

Program HTH 1.2.1.1: Coordinate with healthcare facilities to provide STD testing within the City.

Policy HTH 1.2.2: Expand access to early detection of high-risk diseases.

Program HTH 1.2.2.1: Provide early screening for high risk populations.

Objective HTH 1.3: Seek funding to address specialized healthcare for specific needs-based populations.

Policy HTH 1.3.1: Support local clinics such as McFarland Singh Medical Clinic and Clinica Sierra Vista that provide health-related care for special needs populations.

Program HTH 1.3.1.1: Apply to specific grants and funding opportunities such as Healthy People 2020.

Program HTH 1.3.1.2: Collect donations from local businesses and organizations to apply toward health initiatives.

Objective HTH 1.4: Expand transportation options for special needs populations.

Policy HTH 1.4.1: Improve connections and transportation options for all.

Program HTH 1.4.1.1: Sponsor low cost means of transportation such as subsidized taxi and volunteer ride services to health clinics.

Program HTH 1.4.1.2: Expand Dial-A-Ride service to include healthcare facilities outside of the City.

Goal HTH 2: A physically active community with decreased rates of obesity.

Objective HTH 2.1: Promote healthy lifestyles and behaviors.

Policy HTH 2.1.1: Promote using alternative modes of transportation for short distance trips.

Program HTH 2.1.1.1: Install bicycle infrastructure on main corridors and activity centers.

Program HTH 2.1.1.2: Create educational programs to promote healthy behaviors.

Program HTH 2.1.1.3: Improve landscape along sidewalks to increase walkability.

Objective HTH 2.2: Create opportunities for physical activities.

Policy HTH 2.2.1: Promote free and low-cost fitness programs.

Program HTH 2.2.1.1: Collaborate with nonprofit organizations to organize fitness events.

Goal HTH 3: A variety of affordable healthy food options.

Objective HTH 3.1: Increase access to affordable healthy food providers.

Policy HTH 3.1.1: Promote the prevalence of affordable fresh produce, including fruits and vegetables.

Program HTH 3.1.1.1: Establish neighborhood-serving retail centers within walking distance (one-quarter mile) of all residential areas.

Program HTH 3.1.1.2: Collaborate with local agricultural providers to offer affordable, fresh, local, healthy produce in existing grocery stores.

Objective HTH 3.2: Increase access to food assistance programs.

Policy HTH 3.2.1: Connect the community with programs and providers.

Program HTH 3.2.1.1: Create informational pamphlets that summarize available food assistance programs to be distributed at schools, non-profit agencies, and public places.

Program HTH 3.2.1.2: Connect low-income households and people experiencing homelessness to food-assistance programs such as WIC, SNAP, and local food banks.

Program HTH 3.2.1.3: Collaborate with local food banks to expand distribution to accommodate the community.

15. ENVIRONMENTAL JUSTICE

15.1 Introduction

The Environmental Justice Element is required in some jurisdictions by the California Governor's Office of Planning and Research (OPR). Following the adoption of Senate Bill 1000 in 2016, the OPR requires both cities and counties that have disadvantaged communities to incorporate environmental justice (EJ) policies into their General Plans, either in a separate EJ Element or by integrating related goals, policies, and objectives throughout the other elements.

According to the CalEnviroScreen program, the City of McFarland is classified as a disadvantaged community. Both census tract 6029004702, which covers the eastern portion of the City, and tract 6029004701, which covers the western portion of the City, score in the 75th to 80th percentile range of all CalEnviroScreen scores. Although the pollution burden scores fall in the 57th and 56th percentiles respectively, the population characteristics scores are in the 86th and 85th percentiles, respectively. Census tract 6029004604, which surrounds the City, falls in the 95th to 100th percentile of all CalEnviroScreen scores. This is important to recognize, as the City is planning to annex land south to Whisler Road, and to subsequently extend the Sphere of Influence further south along Highway 99.

The requirements of the EJ Element are statutory according to California Government Code Section 65302-(h), which indicates that an EJ Element must identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities. This is achieved through the reduction of pollution exposure, the improvement of air quality, the promotion of public facilities, food access, safe and sanitary homes, and increased physical activity. The Environmental Justice Element must also identify objectives and policies to promote civil engagement in the public decision-making process, and those that prioritize improvements and programs that address the needs of disadvantaged communities.

For McFarland to be sustainable, inclusive, and resilient, it requires transportation that facilitates safe, efficient, pollution-free mobility for its residents. Expansions to McFarland's bikeway network, sidewalks, and public transit can help McFarland transition to a more multimodal city marked by healthy, affordable, and integrated mobility and promote physical activity through active transportation.

15.2 Goals, Objectives, Policies, and Programs

Goal EJ 1: A clean community.

Objective EJ 1.1: Develop equitable strategies for the effects of air pollution from agriculture and transportation on vulnerable populations.

Policy EJ 1.1.1: Address air pollution and its sources.

Program EJ 1.1.1.1: Work with the Air Pollution Control District to install an air quality monitoring station within McFarland.

Policy EJ 1.1.2: Focus mitigation efforts on vulnerable residents.

Program EJ 1.1.2.1: Coordinate efforts with special focus on low-income residents, seniors, and the youth.

Objective EJ 1.2: Maintain physical cleanliness within the City.

Policy EJ 1.2.1: Prioritize areas with the greatest need for clean-up efforts.

Program EJ 1.2.1.1: Sponsor community clean-up events in coordination with relevant public and private organizations.

Goal EJ 2: A quiet community.

Objective EJ 2.1: Reduce or eliminate intrusive noise, especially relative to noise-sensitive uses and residents.

Policy EJ 2.1.1: Mitigate proposed noise-producing activities.

Program EJ 2.1.1.1: Enforce applicable City, state and federal regulations that reduce intrusive noise and alleviate noise that is deemed a public nuisance.

Policy EJ 2.1.2: Reduce or mitigate noise impacts associated with land development.

Program EJ 2.1.2.1: Update noise contours to conform to land use updates.

Program EJ 2.1.2.2: Encourage mitigation for projects near noise-sensitive populations.

Goal EJ 3: Accessible community programs and facilities for all residents.

Objective EJ 3.1: Develop adequate healthcare facilities for residents.

Policy EJ 3.1.1: Address and mitigate the most prevalent health risks and diseases.

Program EJ 3.1.1.1: Develop strategies to address health risks.

Objective 3.2: Link parks, schools, and other public facilities citywide.

Policy EJ 3.2.1: Improve access to City facilities.

Program EJ 3.3.1.1: Install ramps and infrastructure where necessary according to the Americans with Disabilities Act.

Program EJ 3.3.1.2: Establish safe bicycle and pedestrian paths among public facilities.

Goal EJ 4: A healthy community.

Objective EJ 4.1: Improve public health for residents.

Policy EJ 4.1.1: Promote physically active lifestyles.

Program EJ 4.1.1.1: Develop promotional material to encourage healthy lifestyle choices and practices.

Program EJ 4.1.1.2: Collaborate with McFarland Public Works to construct street facilities that promote physical activity.

Program EJ 4.1.1.3: Coordinate with other public agencies and private advocacy groups to promote public and private programs to foster active and healthy lifestyles.

Policy EJ 4.1.2: Promote healthy food access.

Program EJ 4.1.2.1: Develop promotional material to encourage healthy food choices.

Program EJ 4.1.2.2: Identify local organizations to establish farmers' markets for local produce.

Program EJ 4.1.2.3: Encourage neighborhood retail centers to carry fresh produce.

Goal EJ 5: An active and involved citizenry in decision-making processes.

Objective EJ 5.1: Keep residents informed about governmental meetings and actions.

Policy EJ 5.1.1: Involve residents in City government activities.

Program EJ 5.1.1.1: Create an online bulletin board for disseminating information.

Policy EJ 5.1.2: Target historically non-participatory populations.

Program EJ 5.1.2.1: Promote citizen participation using Spanish and English.

Objective EJ 5.2: Integrate students into local government processes and decisions.

Policy EJ 5.2.1: Promote civic activities and citizen action among the youth.

Program EJ 5.2.1.1: Implement a program for students to shadow professionals to experience governmental processes and decisions.

Program EJ 5.2.1.2: Target student input on governmental decisions that Encourage community input.

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16. NOISE

16.1 Introduction

The Noise Element is required in the General Plan. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels, especially in noise-sensitive areas and at noise-sensitive times. Excessive noise exposure can be harmful to health, interrupt sleep, and cause stress and other issues. Noise can go unnoticed consciously and still have impacts, and it can cause annoyance or even hearing damage at close distances and high intensities.

The Noise Element outlines policies and programs designed to minimize excessive noise exposure by guiding land use planning and coordinating with the Land Use, Circulation, and Housing Elements. The Noise Element is required to identify major sources of noise, quantify noise in the community using the Community Noise Equivalent Level (CNEL) or day-night average level (L_{dn}) scales, map noise in the community with noise contour maps, and outline ways to reduce and mitigate excessive noise exposure.

In 2020, main sources of noise in McFarland were Highway 99 and the railroad. Development of sensitive receptors within the 65 decibel L_{dn} contours around these sources is to be restricted. Development of sensitive receptors within the 60 decibel L_{dn} contours is to have mitigation measures to limit noise levels. The potential for a sound barrier or sound wall may be explored, which could help reduce noise levels in existing sensitive areas near Highway 99 and the railroad. Future industrial and commercial uses are to be located so that they would not cause excessive noise for existing sensitive receptors.

16.2 Goals, Objectives, Policies, and Programs

Goal NOI 1: Quiet residential streets, schools, churches, and healthcare facilities.

Objective NOI 1.1: Avoid siting of new residential, school, church, or healthcare facility development in noise-impacted areas.

Policy NOI 1.1.1: All new residential, school, church, or healthcare facility development within the 60 dBA L_{dn} contours must include a noise analysis and noise mitigation measures to minimize exposure.

Program NOI 1.1.1.1: Develop an example noise analysis emphasizing the required contents for use by developers, as well as a list of recommended mitigation measures.

Policy NOI 1.2.1: Avoid permitting of new residential, school, church, or healthcare facility development within the 65 dBA L_{dn} contours.

Goal NOI 2: Protection of existing noise-sensitive receptors.

Objective NOI 2.1: Avoid new noise-generating development where it could cause existing sensitive receptors to become noise-impacted.

Policy NOI 2.1.1: New noise-generating development that could cause an existing noise-sensitive receptor(s) to be exposed to a noise level of 60 dBA L_{dn} or greater must include mitigation measures specifically designed to minimize noise exposure to the sensitive receptor(s).

Program NOI 2.1.1.1: Develop a list of recommended mitigation measures that are most efficient for reducing noise exposure towards specific sensitive receptors. Examples include sound barriers, earth berms, careful building and site orientation, screening by noise-tolerant buildings, and others.

POLICY NOI 2.1.2: Adopt regulations to limit construction-related noise.

PROGRAM NOI 2.1.2.1: Require restrictions on construction activity during nighttime when issuing construction permits.

Objective NOI 2.2: Reduce noise exposure of existing sensitive receptors from Highway 99 and the railroad.

Policy NOI 2.2.1: Actively seek funding sources, including grants, subsidies, donations, and other sources, for the planning, design, and construction of noise barriers along Highway 99 and the railroad.

Program NOI 2.2.1.1: Prepare a study to determine the best location(s) for noise barriers along Highway 99 and the railroad.

Program NOI 2.2.1.2: Research and implement an impact fee program for new noise-generating development to create a fund for the development of noise barriers along Highway 99 and the railroad.

Goal NOI 3: A built environment that minimizes noise generation.

Objective NOI 3.1: Maintain and upgrade public equipment regularly to minimize noise generation.

Policy NOI 3.1.1: New equipment and vehicles purchased, rented, or otherwise used by the City of McFarland must use the best available technology to minimize noise generation.

Program NOI 3.1.1.1: When replacing or doing major repairs to existing City equipment or vehicles, the equipment or vehicle must also be outfitted with the best available noise mitigating technology, such as improved mufflers and tires.

Objective NOI 3.2: Design all new development to minimize noise generation.

Policy NOI 3.2.1: All new development in the 60 dBA L_{dn} contours must include a noise analysis and explain architectural, construction, and building massing techniques used to mitigate noise generation.

Program NOI 3.2.1.1: Prepare a list of recommended architectural, construction, and building massing techniques to mitigate noise generation for use by developers.

Goal NOI 4: New economic and commercial activity in noise-appropriate areas.

Objective NOI 4.1: Favor proposed new commercial and industrial development in noise-appropriate areas, especially along Highway 99.

Policy NOI 4.1.1: Reserve undeveloped noise-impacted areas primarily for compatible commercial and industrial development.

Program NOI 4.1.1.1: Demarcate areas along Highway 99 for commercial and industrial activities with the highest noise tolerance and generation.

17. COMMUNITY DESIGN

17.1 Introduction

The Community Design Element provides the basis for aesthetic regulation of new development and offers specific guidelines to enhance the City's sense of place and quality of life for its residents. The following goals, objectives, policies, and programs align with the goals of the other elements in the General Plan to guide public and private development, with a vision for a city that is functional, aesthetically appealing, and oriented to McFarland's residents and visitors by retaining the City's small-town atmosphere. Implementing the following goals, objectives, policies, and programs can help to promote community safety and create an inviting and attractive atmosphere for McFarland with a cohesive image, enticing residents to actively participate in community events and instilling a sense of community pride.

17.2 Goals, Objectives, Policies, and Programs

Goal CD 1: An attractive and uniform city.

Objective CD 1.1: Define a pleasant image for McFarland.

Policy CD 1.1.1: Adopt a form-based code to regulate design and aesthetic qualities.

Program CD 1.1.1.1: Encourage formation of volunteer Design Review Committee of community members, planners, and designers.

Program CD 1.1.1.2: Adopt a theme that can be referenced when establishing McFarland's community aesthetic for developments.

Program CD 1.1.1.3: Develop community design guidelines to include visual descriptions of desired architectural and landscape aesthetics.

Program CD 1.1.1.4: Identify materials to use in defining McFarland including recommendations for roof tiling, building exteriors, building colors, hardscape materials and planting.

Program CD 1.1.1.5: Define design standards for commercial areas, sidewalks, recreational open space, and residential zones to align with the specific needs of these areas.

Policy CD 1.1.2: Update development and infrastructure to retain a consistent image of McFarland's identity.

Program CD 1.1.2.1: Maintain design standards for aesthetic consistency of architecture and public spaces.

Program CD 1.1.2.2: Seek uniform aesthetics when replacing existing public lights, trashcans, and benches.

Policy CD 1.1.3: Make the City attractive to outsiders.

Program CD 1.1.3.1: Highlight and protect existing landmarks in McFarland.

Program CD 1.1.3.2: Install plaques to describe the relevance of existing landmarks and their histories.

Program CD 1.1.3.3: Use vegetation and signage to mark entrances to create inviting gateways into McFarland.

Policy CD 1.1.4: Maintain and improve City cleanliness.

Program CD 1.1.4.1: Implement a volunteer trash collecting program to keep key circulation routes trash-free and clean.

Goal CD 2: A thriving central town core.

Objective CD 2.1: Define the uses of the town core.

Policy CD 2.1.1: Incentivize mixed use and high-density development in the town core.

Program CD 2.1.1.1: Raise funds at community events to help ease the costs of development.

Program CD 2.1.1.2: Provide tax incentives on new mixed use and high-density developments.

Objective CD 2.2: Promote cultural activities and events.

Policy CD 2.2.1: Increase the frequency of scheduled events.

Program CD 2.2.1.1: Focus the promotion of cultural activities and events in the downtown core and in centralized public parks.

Program CD 2.2.1.2: Streamline the process for reserving public park space for events.

Program CD 2.2.1.3: Encourage events organized by community organizations.

Goal CD 3: An accessible and safe community.

Objective CD 3.1: Increase safety and comfort in commercial and recreational areas.

Policy CD 3.1.1: Enforce design which promotes safety of the community.

Program CD 3.1.1.1: Add lighting and improved accessibility in public areas and along public thoroughfares.

Program CD 3.1.1.2: Re-align the east side of the Highway 99 crossing entrance to be more inviting and attractive.

Objective CD 3.2: Encourage the building of sidewalks and bike lanes on key roadways for “complete streets”.

Policy CD 3.2.1: Promote the use of non-motorized modes of transportation.

Program CD 3.2.1.1: Add painted bike lanes to streets which connect to commercial and recreational areas.

Program CD 3.2.1.2: Use planting buffers to separate bike paths from vehicle traffic.

Program CD 3.2.1.3: Widen sidewalks for pedestrian comfort and safety.

Policy CD 3.2.2: Improve roadway surfaces.

Program CD 3.2.2.1: Encourage the identification and mitigation of road hazards as part of traffic impact studies.

18. PUBLIC FACILITIES

18.1 Introduction

The Public Facilities Element provides a comprehensive framework for development of public facilities and services within the City. Public facilities and services are the backbone of a city and essential to its continued operation and future development. Quality of life in McFarland is related to the quality of schools, police protection, and continued functioning of essential services and infrastructure. While the State does not mandate that a General Plan contain a separate Public Facilities Element, the topics covered within this distinct element are essential in planning for McFarland's future. The Public Facilities Element has overlaps with other elements in the General Plan, including Conservation, Health, Open Space, and Safety. However, Public Facilities is set apart by its introspective look at publicly owned facilities within the City with an eye on capacities and potential to keep up with future growth.

The goals, objectives, policies, and programs outlined in the Public Facilities Element are in accordance with federal, state, and local standards and reflect the community input gathered from multiple community meetings. Topics examined in this chapter include water supply, stormwater, wastewater, recycling and solid waste, police and fire services, school facilities, and library facilities. This element addresses the need for adequate community services and utilities to accommodate population growth and ensure a high quality of life for residents of McFarland.

18.2 Goals, Objectives, Policies, and Programs

Goal PF 1: A city with high-quality and efficient public utilities.

Objective PF 1.1: Improve the water quality for residents and maintain sound and well-maintained water infrastructure.

Policy PF 1.1.1: Protect water quality.

Program PF 1.1.1.1: Continue monitoring water quality in accordance with SSJMUD monitoring standards and publish results as available.

Program PF 1.1.1.2: Continue to monitor the condition of pipes and general infrastructure for water distribution

Objective PF 1.2: Maintain and expand utility infrastructure for the City, prioritizing projects where capacity has been reached.

Policy PF 1.2.1: Avoid disproportionately burdening certain neighborhoods with construction or maintenance costs.

Program PF 1.2.1.1: Create a master plan for infrastructure improvements into the future.

Program PF 1.2.1.2: Distribute costs of large infrastructure improvement projects and services equitably.

Policy PF 1.2.2: Accommodate future need for sewage infrastructure.

Program PF 1.2.2.1: Examine existing sewage capacity and project increases in use.

Program PF 1.2.2.2: Expand sewer facilities in Eastern McFarland, including the construction of a new wastewater treatment plant.
Program PF 1.2.2.3: Designate uncultivated or fallowed land into temporary and permanent areas for groundwater recharge.
Program PF 1.2.2.4: Direct treated wastewater from expanded sewer facilities to designated areas for groundwater recharge.

Policy PF 1.2.3: Accommodate future need for stormwater infrastructure.
Program PF 1.2.3.1: Examine existing stormwater capacity and project increases in runoff.
Program PF 1.2.3.2: Pursue the creation of new stormwater basins and facilities to match increases in population and area.

Goal PF 2: A city that addresses solid waste efficiently.

Objective PF 2.1: Maintain adequate solid waste facilities.
Policy PF 2.1.1: Provide enough solid waste disposal services for residents and businesses.
Program PF 2.1.1.1: Examine the current waste trends and the capacity of R & F Disposal facilities.
Program PF 2.1.1.2: Continue providing efficient and cost-effective service to residents and businesses in collaboration with R & F Disposal Services or similar provider.
Objective PF 2.2: Reduce the City's waste stream.
Policy PF 2.2.1: Expand recycling and composting citywide.
Program PF 2.2.1.1: Develop and implement a citywide composting program in collaboration with R & F Disposal Services or other entity.
Program PF 2.2.1.2: Establish targets for expansion of recycling and composting within McFarland.
Policy PF 2.2.2: Reduce total waste generation by residents and businesses within the City.
Program PF 2.2.2.1: Develop outreach materials for residents and businesses to decrease the amount of disposed materials.

Goal PF 3: A safe and peaceful community.

Objective PF 3.1: Provide exemplary police service to residents and businesses.
Policy PF 3.1.1: Maintain adequate police staffing levels and equipment.
Program PF 3.1.1.1: Continue to fund and hire police personnel toward the goal of one officer per 1,000 population.
Objective PF 3.2: Provide enough fire services for residents and businesses.
Policy PF 3.2.1: Maintain adequate staff and equipment in collaboration with Kern County.
Program PF 3.2.1.1: Continue to fund, budget, and maintain the contracted fire services from Kern County.

Goal PF 4: A high-quality education system.

Objective PF 4.1: Increase the capacity of school facilities which have reached or are near enrollment capacity.

Policy PF 4.1.1: Coordinate rehabilitation and maintenance of existing facilities with the McFarland School District.

Program PF 4.1.1.1: Expand according to the McFarland School District's growth plan.

Program PF 4.1.1.2: Identify where additional school capacity is needed based on proposed future development utilizing the most recent McFarland School District *School Enrollment Projections* report.

Objective PF 4.2: Expand alternative educational opportunities, such as vocational training and trade schools, for residents.

Policy PF 4.2.1: Develop alternative educational opportunities within McFarland.

Program PF 4.2.1.1: Identify sectors where job and vocational training are in high demand.

Program PF 4.2.1.2: Develop vocational training in collaboration with the local school and community college districts.

Goal PF 5: A community with a healthy youth and political environment.

Objective PF 5.1: Expand youth programs citywide.

Policy PF 5.1.1: Promote the mental and physical well-being of students.

Program PF 5.1.1.1: Create supportive services for youth in the community in collaboration with public and private partners.

Objective PF 5.2: Increase interaction and participation of community members in decision-making processes.

Policy PF 5.2.1: Increase engagement and outreach efforts.

Program PF 5.2.1.1: Organize multiple social and cultural events within the City.

Program PF 5.2.1.2: Advertise community meetings with social media posts and school announcements.

Program PF 5.2.1.3: Promote civic engagement and interest among students in collaboration with the local school district.

Program PF 5.2.1.4: Gather input with surveys and other methods of gathering student input in collaboration with school administrators.

Program PF 5.2.1.5: Regularly update internet resources, such as the City website and other means, to maintain up to date information on City government processes.

Goal PF 6: Safe and accessible facilities citywide.

Objective PF 6.1: Construct and maintain lighting in critical areas within McFarland.

Policy PF 6.1.1: Improve safety near parks, schools, and other pedestrian corridors.

Program PF 6.1.1.1: Conduct a lighting audit to determine where lighting is most needed in collaboration with the Tri-Agency.

Program PF 6.1.1.2: Pursue funding opportunities for construction and maintenance of lighting facilities.

Program PF 6.1.1.3: Meet lighting operating costs with special assessment fee on businesses.

Objective PF 6.2: Construct and repair sidewalks throughout McFarland.

Policy PF 6.2.1: Follow priorities outlined in the Circulation Element of the General Plan.

Program PF 6.2.1.1: Determine where the greatest need for improved sidewalks exists in collaboration with the Tri-Agency Committee.

Program PF 6.2.1.2: Improve safe student access to schools with Safe Routes to School grants.

19. SUSTAINABLE AGRICULTURE

19.1 Introduction

The Sustainable Agriculture Element is to assure protection for existing open and agriculturally productive lands, while allowing for responsible conversion of open space land for needed housing and commercial development during the future development of McFarland. The Sustainable Agriculture Element recognizes agriculture as an industry which produces and processes food, fiber, plant materials, and livestock. The purpose of the element is to establish policies to ensure the stability and productivity of the agricultural lands and industries in and around McFarland. The intent of the Element is to provide guidance, policies, and programs for decisions on agricultural lands, to promote and protect the future needs of the agricultural industry, and to encourage the maintenance of a healthy agricultural sector within the area's economy.

McFarland hosts agricultural fields and Williamson Act parcels with high quality soils on the edges of City limits and in the surrounding area. When it becomes necessary to convert any land under agricultural use into residential and complimentary park space to accommodate the City's growth careful steps are to be taken to continue to give priority to agriculture.

The Sustainable Agriculture Element has overlaps and remains consistent with other elements of the General Plan. It interacts primarily with agriculture-related policies of the Land Use, Conservation, Open Space, and Housing Elements.

The goals, objectives, policies, and programs of the Sustainable Agriculture Element seek to preserve passive open spaces and agriculturally productive lands consistent with the State of California vision to preserve production of authentic rather than manufactured food and to guarantee healthy and sustainable food supply to assure a healthy population and planet.

19.2 Goals, Objectives, Policies, and Programs

Goal AG 1: Protected agricultural resources

Objective AG 1.1: Protect prime farmland from non-agricultural development

Policy AG 1.1.1: Give priority to agricultural uses in agricultural areas.

Program AG 1.1.1.1: Maintain up to date mapping of lands within the City's Sphere of Influence under Williamson Act Contracts.

Program AG 1.1.1.2: In the agricultural zone district, allow agriculture to continue if properties under Williamson Act contracts are annexed into the City.

Program AG 1.1.1.3: Adopt a Right-to-Farm ordinance.

Program AG 1.1.1.4: Promote education of new homebuyers and other residents identifying the potential issues of living next to active agricultural operations

Objective AG 1.2: Protect passive open space resources.

Policy AG 1.2.1: Encourage economically sound development of natural resources.

Program AG 1.2.1.1: Protect open space through Williamson Act and conservation easements, prioritizing areas for continued production by 2025, and committing to easements by 2030.

Program AG 1.2.1.2: Work with the McFarland Park and Recreation District to conduct a facilities condition assessment to help prioritize the needs for passive open space.

Program AG 1.2.1.3: Encourage prioritization in completion of the most cost-effective improvements.

Policy AG 1.2.2: Use sustainable open space management practices.

Program AG 1.2.2.1: Encourage practices that reduce the strain on the hydrological infrastructure.

Program AG 1.2.2.2: Encourage practices that reduce wastewater demand on the flow-limiting wastewater pipe under Highway 99.

Program AG 1.2.2.3: Enact open-space zoning, such as exclusive agriculture zones, large-lot zones, and overlay zones for hazard areas, to be consistent with this plan.

Goal AG 2: Sustainable agricultural development practices

Objective AG 2.1: Balance physical development with agriculture preservation and production

Policy AG 2.1.1: Assess potential impacts of development on agricultural lands.

Program AG 2.1.1.1: Evaluate project impacts on neighboring agricultural lands when approving new developments

Program AG 2.1.1.2: Evaluate Williamson Act contracts within and near City limits and evaluate alternative soil conservation land uses on Prime Farmlands.

Program AG 2.1.1.3: Prioritize the procurement of non-Williamson Act agricultural lands for annexation.

Objective AG 2.2: Grow McFarland's economy through strategic use of soils.

Policy AG 2.2.1: Maintain healthy and productive soils

Program AG 2.2.1.1: Disseminate educational information to farmers on best management practices related to crop rotation to ensure long term yield and soil quality.

Program AG 2.2.1.2: Adopt a community composting program to help support healthy soils.

Program AG 2.2.1.3: Evaluate the prospects of reducing monocultures to reduce soil degradation.

Objective AG 2.3: Assess carbon sequestration opportunities

Policy AG 2.3.1: Research the acquisition of land for carbon sequestration

Program AG 2.3.1.1: Work with subject-matter experts to analyze carbon sequestration potential and seek funding for a pilot program.

Program AG 2.3.1.2: Assist farmers with procuring anaerobic digesters using state cap-and-trade funding to develop new sources of compost for carbon sequestration efforts.

Objective AG 2.4: Achieve groundwater sustainability by 2040

Policy AG 2.4.1: Collaborate and maintain consistency with SSJMUD Management Area Plan

Program AG 2.4.1.1: Encourage participation in SSJMUD In-Lieu Recharge Incentive Program.

Program AG 2.4.1.2: Encourage improvements to individual farming operations that address water use efficiency through SSJMUD On-Farm Efficiency Incentive Program

Program AG 2.4.1.3: Encourage improvements to individual farming operations that address groundwater protection and recharge through SSJMUD On-Farm Recharge Activities Incentive Program.

Program AG 2.4.1.4: Prioritize conversion of lands with lower agricultural potential and non-Williamson Act contract lands from agricultural use to urban use as necessary to accommodate growth.

Program AG 2.4.1.5: Encourage participation in SSJMUD in-District Allocation Structure, which would allow for the transfer of groundwater pumping credits within the District.

Program AG 2.4.1.6: Support SSJMUD to develop and implement a voluntary land fallowing program during droughts when the District may not be able to meet in-District demand from increases in the volume of imported water.

Program AG 2.4.1.7: Support SSJMUD in imposing restrictions that limit groundwater pumping when the District or the entire Subbasin are nearing a condition where they are unable to meet sustainable management criteria even with the implementation of the projects and management actions in the SSJMUD Management Area Plan.

Goal AG 3: A robust agricultural economy that coexists with urban development.

Objective AG 3.1: Coordinate agricultural education and assistance for farmers and farmworkers.

Policy AG 3.1.1: Use agricultural resources efficiently.

Program AG 3.1.1.1: Encourage water-saving measures in farming through user education in McFarland and its sphere of influence to reduce water use and maintain groundwater levels.

Program AG 3.1.1.2: Encourage development in vacant and under-utilized areas within the built environment before expansion into green fields.

Program AG 3.1.1.3: Dedicate open spaces as part of the sustainable development process.

Program AG 3.1.1.4: Cooperate with regional, state, and federal agencies to advance crop rotation education.

Policy AG 3.1.2: Prepare for McFarland's water needs.

Program AG 3.1.2.1: Cooperate with regional, state, and federal agencies such as Drought.gov and the National Integrated Drought Information System (NIDIS) to accurately understand the water demand.

Program AG 3.1.2.2: Cooperate with agricultural industry stakeholders in the City and its Sphere of Influence to promote drought readiness measures.

Program AG 3.1.2.3: Adopt water-wise landscaping at public facilities and parks to reduce demand.

Program AG 3.1.2.4: Showcase drought tolerant landscapes, for instance, with model water-efficient landscapes in public parks, that private citizens could emulate to help encourage broad adoption.

Policy AG 3.1.3: Pursue programs that value agriculture as both a resource and identity.

Program AG 3.1.3.1: Encourage dissemination of educational materials to residents on local agricultural resources.

Program AG 3.1.3.2: Encourage provision of literature and programs in English and Spanish for resident education.

Program AG 3.1.3.3: Encourage assessment of the impact of proposed developments on agricultural production and natural resources in annexation zones.

Policy AG 3.1.4: Protect open space wherever possible.

Program AG 3.1.4.1: Preserve open space in agricultural production and conservation easements where possible.

Program AG 3.1.4.2: Encourage preservation of open space through Williamson Act or other tax-based incentive programs designed to reduce property tax burden on productive farmers.

Program AG 3.1.4.3: Encourage adoption of open space easements to reduce risk and provide a public benefit where safety concerns such as floodable area and pipeline and transmission lines are present.

Policy AG 3.1.5: Designate passive open space of agricultural lands through direct dedication, in lieu fees, or similar measures during the development process.

Program AG 3.1.5.1: Encourage open space dedication commensurate with the number of units proposed either through direct dedication or in lieu fees for major subdivisions of 4 or more parcels.

Program AG 3.1.5.2: Encourage access easement dedication or in lieu fees for minor subdivisions of 3 parcels or fewer.

Program AG 3.1.5.3: Develop a capital improvement process for funding new passive open spaces.

Goal AG 4: Authentic, healthy, and sustainable food production for healthy people and planet

Objective AG 4.1: Maintain and improve authentic and healthy food production

Policy AG 4.1.1: Promote limited use of pesticides

Program AG 4.1.1.1: Encourage adoption of tolerance levels for pesticide residues in foods

Policy AG 4.1.2: Increase nutrition quality of crops

Program AG 4.1.2.1: Encourage creation of educational programs that teach farmers on increasing nutritional quality of crops

Program AG 4.1.2.2: Encourage funding of agricultural related research to increase quality of crops

Objective AG 4.2: Advocate distribution of healthy foods

Policy AG 4.2.2: Make healthy farming products accessible to the community

Program AG 4.2.2.1: Encourage farm-to-school programs to provide healthy food to students

Program AG 4.2.2.2: Promote establishment of farmers' markets for residents to easily access locally grown crops

Objective AG 4.3: Promote sustainable agricultural practices

Policy AG 4.3.1: Reduce air, water, and climate pollution

Program AG 4.3.1.1: Coordinate with Kern County Air Pollution District to limit practices that produce air pollutants

Program AG 4.3.1.2: Encourage dissemination of information to farmers on irrigation methods and best management practices

Program AG 4.3.1.3: Promote city-wide adoption of alternative energy

Program AG 4.3.1.4: Encourage the education of farmers on integrated pest management to keep pests under control while minimizing use of chemical pesticides

Policy AG 4.3.2: Build and maintain healthy soils

Program AG 4.3.2.1: Support and provide incentives to rotate crops for soil improvement.

Program AG 4.3.2.2: Encourage farmers to monitor soils for organochlorinated pesticides in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

Goal AG 5: A healthy and competitive agricultural industry

Objective AG 5.1: Encourage promotion and marketing of agricultural products grown or processed in the McFarland area.

Policy AG 5.1.1: Promote a wide variety of promotional and marketing activities of McFarland-grown and processed products.

Program AG 5.1.1.1: Permit marketing of products grown or processed in the McFarland area within agricultural use areas.

Program AG 5.1.1.2: Avoid permitting of facilities which generate or handle significant amounts of hazardous material on agricultural lands.

Objective AG 5.2: Bolster the local food economy.

Policy AG 5.2.1: Encourage and support farms and ranches, both large and small, that are seeking to implement programs that increase the sustainability of resources, conserve energy, and protect water and soil in order to increase the viability of diverse farm sizes and types.

Program AG 5.2.1.1: Support expansion in opportunities for farm workers.

Objective AG 5.3: Support agricultural businesses seeking to use organic practices

Policy AG 5.3.1: Recognize the benefits that a flourishing organic sector can provide.

Program AG 5.3.1.1: Support the activities that promote sustainable and organic agricultural production.

Program AG 5.3.1.2: Encourage the exploration of possibilities for production of diverse agricultural products.

Goal AG 6: Stable agricultural uses at the edges and beyond McFarland's urban service area

Objective AG 6.1: Limit intrusion of urban development into agricultural areas.

Policy AG 6.1.1: incentivize long term agricultural use

Program AG 6.1.1.1: Maintain the urban service boundaries to protect agricultural lands at the urban fringe for continued agricultural production.

Program AG 6.1.1.2: Limit extension of urban services such as sewer beyond the urban service boundaries until deemed necessary.

Objective AG 6.2: Reduce economic pressure for conversion of agricultural land to non-agricultural use.

Policy AG 6.2.1: Minimize the influence of speculative land transactions on the price of farmland

Program AG 6.2.1.1: Use voluntary purchase or voluntary transfer of development rights programs to limit intrusion of residential development into agricultural lands.

Program AG 6.2.1.2: Support maintaining the maximum amount of land in parcel sizes that farmers are willing to lease or buy for agricultural purposes.

Policy AG 6.2.2: Minimize the impact of residential parcels on adjacent agricultural operations

Program AG 6.2.2.1: Cluster development parcels to locate lots close to existing residences

Program AG 6.2.2.2: Use natural features such as ridge tops, creeks, and groves of trees to separate parcels from the farming areas wherever practical in areas where clustered subdivision is permitted.

Program AG 6.2.2.3: Place agricultural easements on residual farming parcels at the time that subdivisions are developed where clustered subdivision is permitted to the extent allowed by law.

Program AG 6.2.2.4: Add regulations to the development code to restrict the size and extent of non-agricultural development on agricultural lands.

Goal AG 7: Freedom to manage agricultural operations in an efficient, economic manner with minimal conflict with non-agricultural uses

Objective AG 7.1: Apply agricultural land use categories mainly to areas or parcels capable of the commercial production of food, fiber, and plant materials, or livestock.

Policy AG 7.1.1: Assure that the primary use of any parcel within the agricultural land use category is agricultural production and related processing, support services, and visitor-serving uses.

Program AG 7.1.1.1: Encourage the establishment of agricultural production as the highest priority use on agricultural parcels.

Objective AG 7.2: Protect agricultural operations

Policy AG 7.2.1: Favor protection of the maximum amount of farmable land with buffers

Program AG 7.2.1.1: Encourage the establishment of physical separation of 100 feet to 200 feet at the interfaces of agricultural and residential land uses using topographic features, groves of trees, water courses, landscaped berms, or similar features in creating buffers.

Objective AG 7.3: Apply the provisions of the Right to Farm Ordinance to agricultural lands.

Policy AG 7.3.1: Recognize provisions of existing State nuisance law (Government Code Section 3482.5) in administration of guidelines for agriculture

Program AG 7.3.1.1: Encourage newer uses or applications to mitigate anticipated conflicts with existing agricultural activities.

Goal AG 8: Convenient and accessible co-location of agriculture-related support uses in agricultural production areas

Objective AG 8.1: Facilitate agricultural production by allowing uses, such as processing, storage, bottling, canning, and packaging, and agricultural support services related to the primary agricultural production in the area.

Policy AG 8.1.1: Ensure that agriculture-related support uses on agricultural lands are only allowed when demonstrated to be necessary for and proportional to agricultural production on site or in the local area.

Program AG 8.1.1.1: Encourage the addition of facilities that process agricultural products on agricultural lands.

Program AG 8.1.1.2: Define "agricultural support services" as processing services, maintenance and repair of farm machinery and equipment, veterinary clinics, custom farming services, agricultural waste handling and disposal services, and other similar related services.

Program AG 8.1.1.3: Approve support uses that are subordinate to on-site agricultural production and would not adversely affect agricultural production in the area.

Program AG 8.1.1.4: Determine “subordinate” status from the portion of the site, extent of structures, and relative number of employees devoted to the service in comparison to agricultural production on the site.

Program AG 8.1.1.5: Apply criteria in determining sustainability of related uses to include potential traffic impacts of uses, amount of water uses

would draw from the same aquifer of area wells, and potential detrimental effect of uses on the rural character of the area.

Goal AG 9: Adequate supply of farm worker and farm family housing

Objective AG 9.1: Permit farm family housing units in addition to the number of dwellings allowed on farmlands.

Policy AG 9.1.1: Permit permanent employee housing in addition to permitted housing density according to the needs of sectors in the agricultural industry.

Program AG 9.1.1.1: Encourage farm operators to provide sufficient housing in addition to housing permitted by applicable density for permanent and seasonal agricultural employees and for family members to maintain agricultural production activities.

Program AG 9.1.1.2: Locate agricultural employee housing where it promotes efficiency of the farming operation and has minimal impact on productive farmland.

Program AG 9.1.1.3: Assist nonprofit organizations or agencies in their efforts to establish programs to provide safe and adequate housing for farm workers.

Program AG 9.1.1.4: Allow clustering of agricultural employee housing on a portion of a parcel or a noncontiguous parcel under the same ownership to assure units are close to the primary use.

Program AG 9.1.1.5: Work with lending institutions to develop ways to finance housing construction without encumbering the entire farm and without requiring subdivisions.

Program AG 9.1.1.6: Permit housing for seasonal workers as needed to serve the agricultural industries of the area.

Goal AG 10: Available alternative resources for agricultural production

Objective AG 10.1: Continue participation in the Williamson Act and Farmland Security Zone programs.

Objective AG 10.2: Establish voluntary programs for purchase and transfer of development rights.

Objective AG 10.3: Encourage the use of recycled water

Policy AG 10.3.1: Assure that the quantity and quality of recycled water is appropriate for the intended use.

Program AG 10.3.1.1: Promote the agricultural reuse of recycled water in a manner which would be economically beneficial to agriculture

Program AG 10.3.1.2: Establish wastewater irrigation districts

Objective AG 10.4: Encourage formulation of programs and evaluate alternative funding sources which offer financial incentives to the farm owner to reduce reliance on subdivision and sale of land to raise operating capital.

Goal AG 11: Rapid and efficient agricultural permit processing procedures

Objective AG 11.1: Simplify and shorten the decision-making process on permits for operations on agricultural lands.

Policy AG 11.1.1: Establish procedures and standards in the Development Code to distinguish those agricultural uses and activities which may be approved by administrative action and to expedite the processing of permits for agricultural and agriculture-related uses.

Program AG 11.1.1.1: Allow concurrent processing of multiple permits for agricultural facilities.

Program AG 11.1.1.2: Provide and expedite permitting assistance to the agricultural industry.

Program AG 11.1.1.3: Streamline permitting for temporary use permits for farmworker housing if the requirements of all appropriate agencies are met.

Program AG 11.1.1.4: Maintain provisions for agriculture exempt structures, subject to limitations on the size, occupancy and use of such structures.

Program AG 11.1.1.5: Work with the County to revise City and County codes and design guidelines for parking, impermeable surfaces, lot coverage, etc. for discretionary agricultural support uses on agricultural lands to reduce or minimize urban style improvements and requirements for agricultural lands.

20. APPENDICES

20.1 Appendix 1 – First Community Meeting Feedback

Residents identified the following strengths in the City of McFarland:

- Strong sense of community, identity, and pride.
- Great churches and faith services.
- Strong support for veterans.
- Sense of safety, peace, and stability in McFarland.
- Family, friendly community.
- Beautification has begun through recent infrastructural improvements.
- Many clubs, organizations, and recreational opportunities are available to residents.
- Schools always have many activities going on.
- Good communication between the City and the community.

Residents identified the following as barriers challenging the City of McFarland:

- Limited pet-friendly areas
- Lack of equality in businesses, services, and beautification efforts across the City
- Limited lighting in public areas
- Much infrastructure is outdated
- Limited athletic events
- Speed limits are not enforced
- Highway does not draw people into McFarland
- Poor connections between the east and west sides of the City
- Lack of regional connections to surrounding communities
- There is no circulation, emergency, and evacuation plan
- Lack of gas stations
- Lack of major businesses
- Limited health care opportunities
- Unemployment is high in the winter
- Missing recreational facilities
- Limited affordable housing opportunities
- Lack of local businesses
- Lack of safety and police services

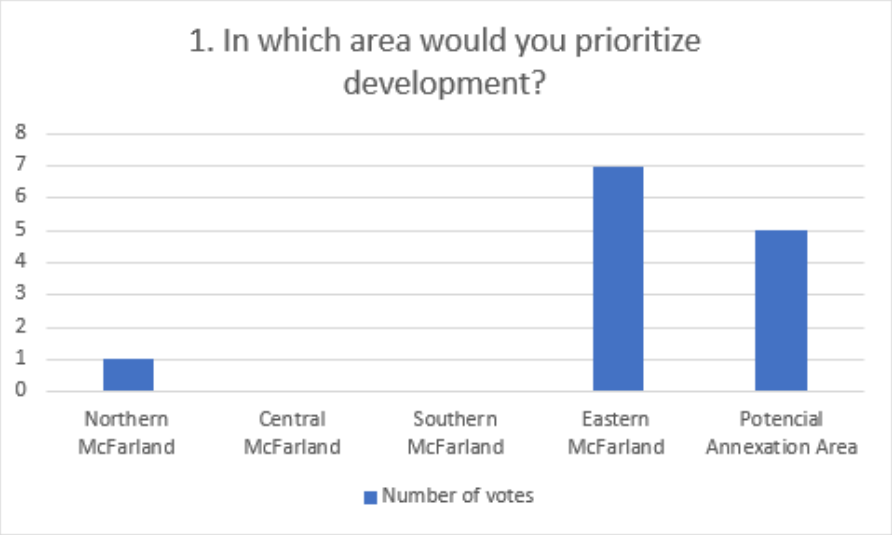
Residents wished for the following:

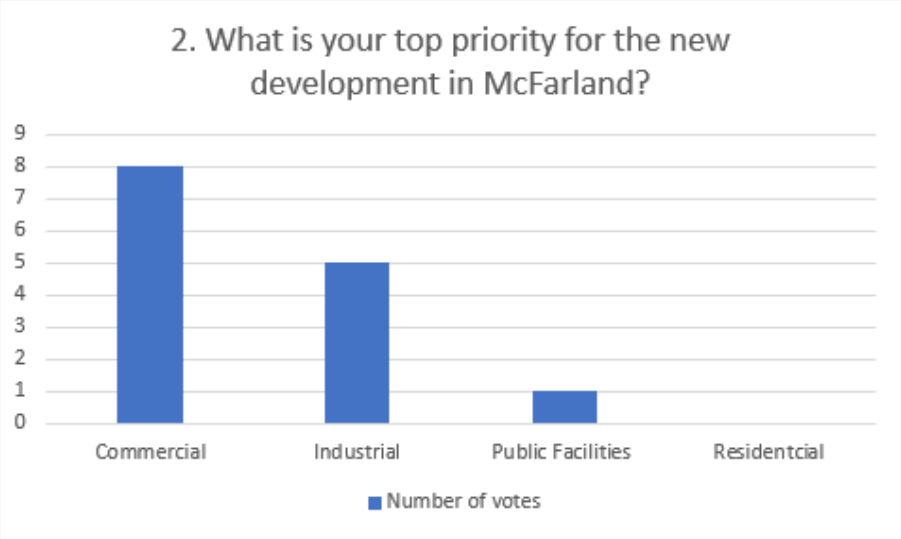
- Incentives for City beautification
- Crossing improvements for Highway 99
- Increase in local businesses and economic development
- Improved highway entrances and traffic control

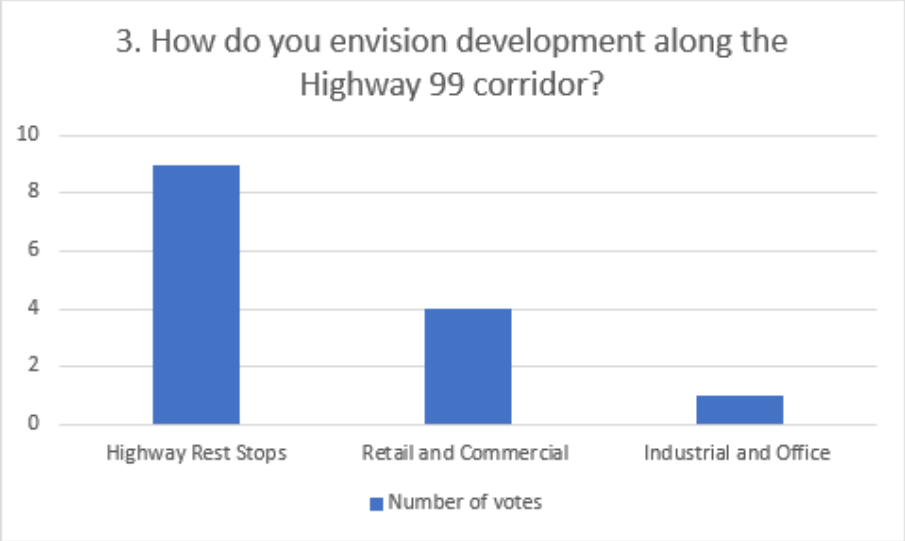
- Integration of trade programs within educational opportunities.
- Further engagement with new technologies
- More opportunities for restaurants, retail, and entertainment
- Opportunities for daycare and senior services
- More variety and affordability in housing stock
- Programs for art and recreation for youth
- New City Hall or government centers
- Implementation of mental health services and education
- Increase in community and cultural events
- Better interaction between government and citizens
- Tertiary water treatment for more usable water

20.2 Appendix 2 – Second Community Meeting Feedback by Element

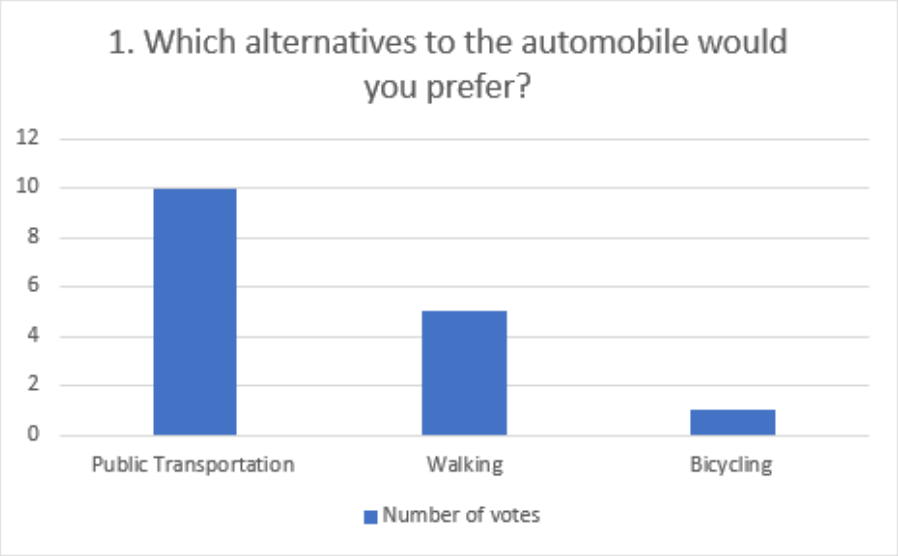
Land Use

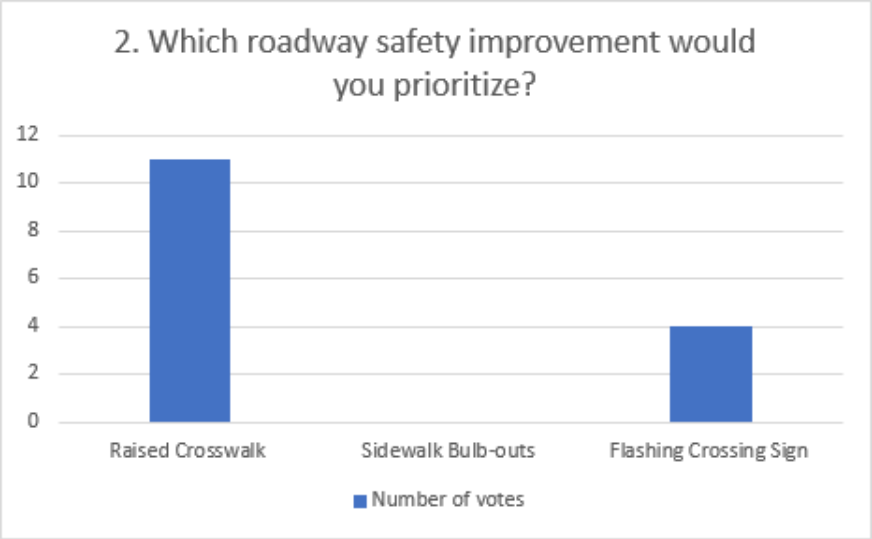


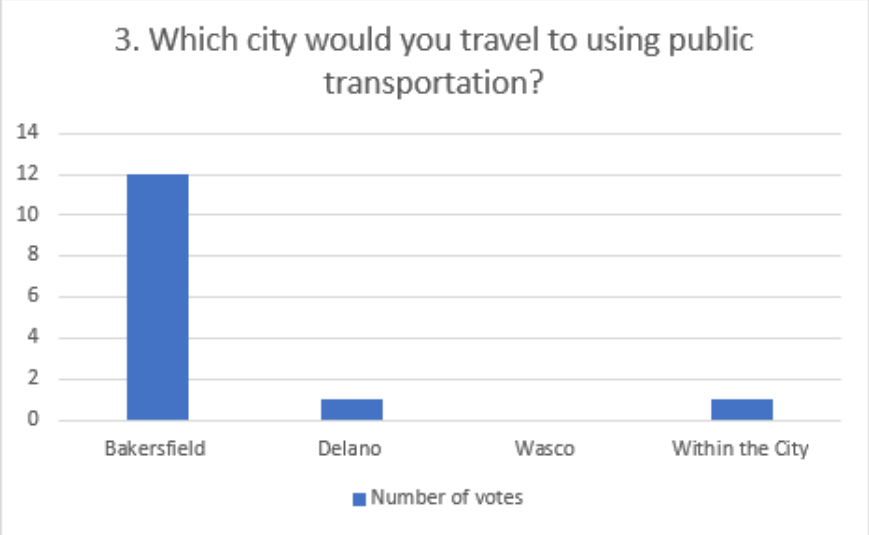


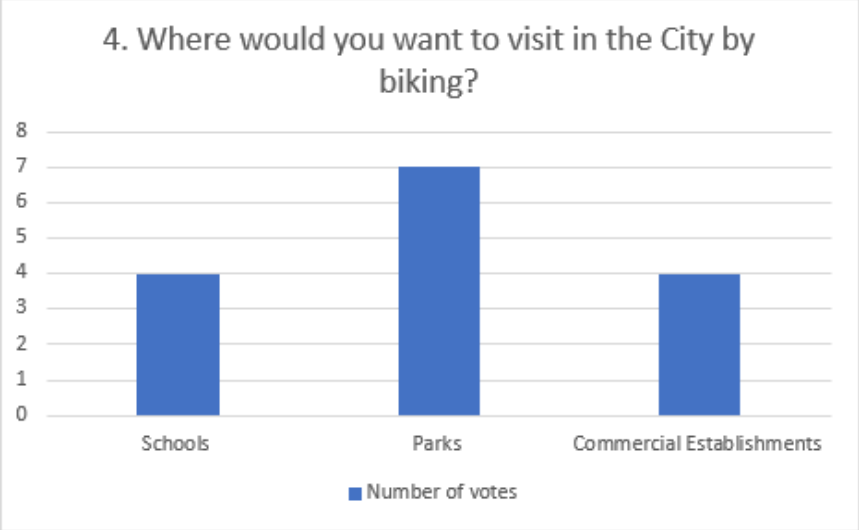


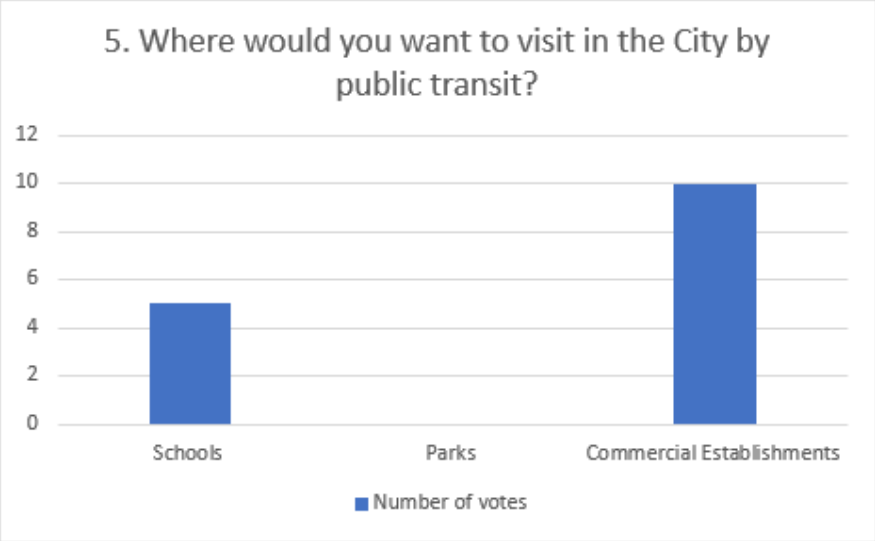
Circulation



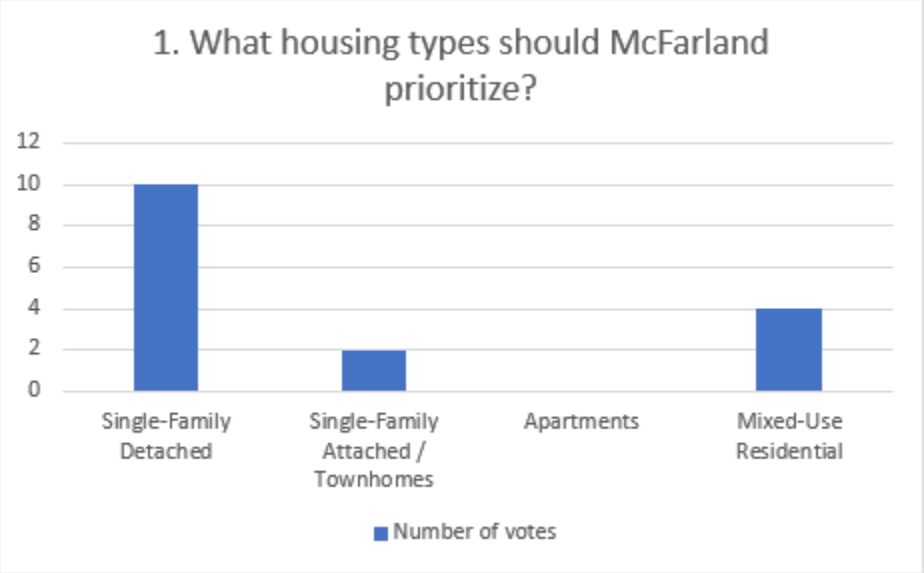

2. Which roadway safety improvement would you prioritize?
12
10
8
6
4
2
0
Raised Crosswalk
Sidewalk Bulb-outs
Flashing Crossing Sign
Number of votes

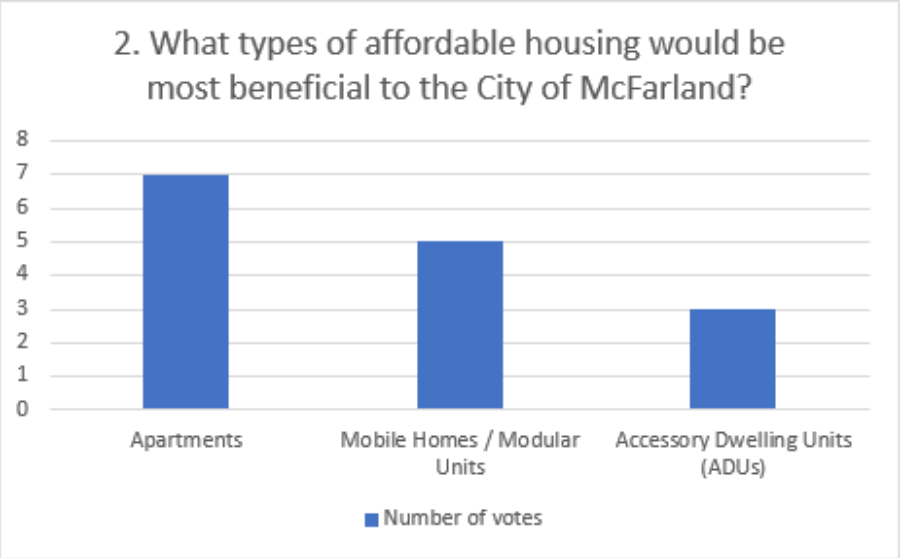

3. Which city would you travel to using public transportation?
14
12
10
8
6
4
2
0
Bakersfield
Delano
Wasco
Within the City
Number of votes

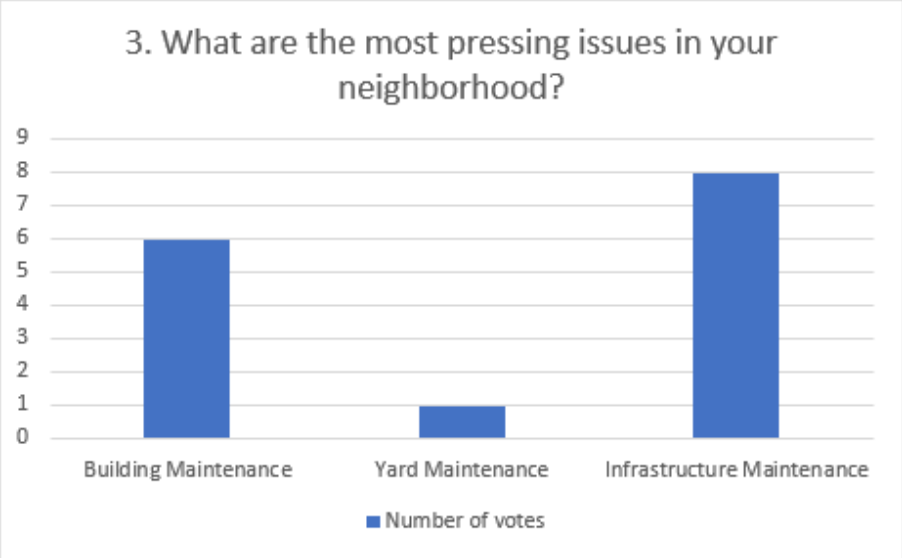

4. Where would you want to visit in the City by biking?
8
7
6
5
4
3
2
1
0
Schools
Parks
Commercial Establishments
Number of votes

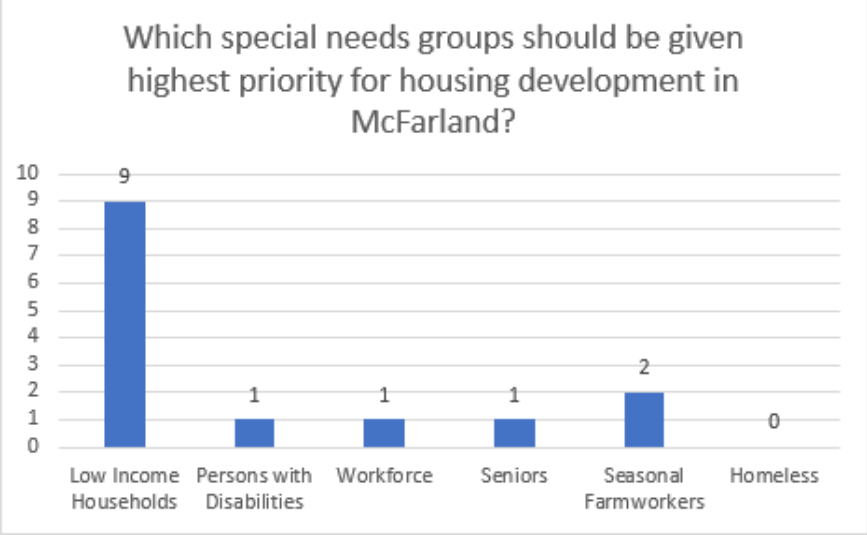

5. Where would you want to visit in the City by public transit?
12
10
8
6
4
2
0
Schools
Parks
Commercial Establishments
Number of votes

Housing

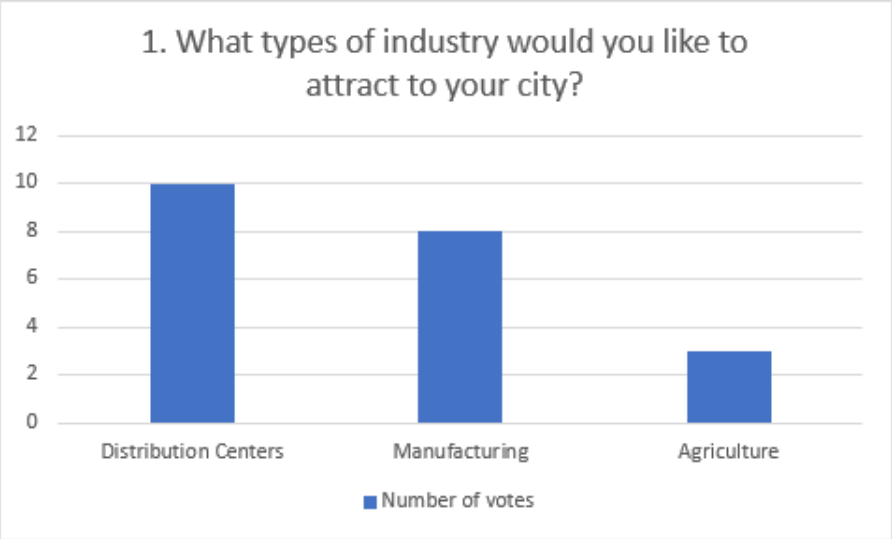

1. What housing types should McFarland prioritize?
12
10
8
6
4
2
0
Single-Family Detached
Single-Family Attached / Townhomes
Apartments
Mixed-Use Residential
Number of votes

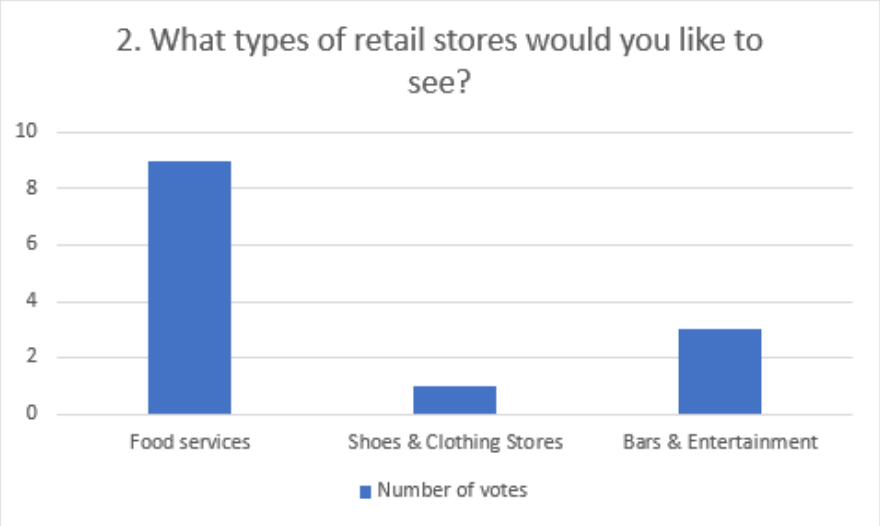

2. What types of affordable housing would be most beneficial to the City of McFarland?
8
7
6
5
4
3
2
1
0
Apartments
Mobile Homes / Modular Units
Accessory Dwelling Units (ADUs)
Number of votes

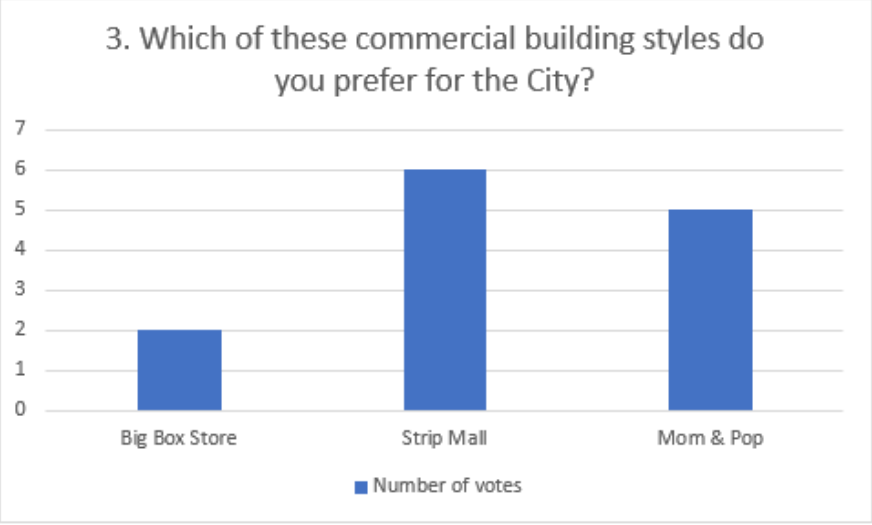

3. What are the most pressing issues in your neighborhood?
9
8
7
6
5
4
3
2
1
0
Building Maintenance
Yard Maintenance
Infrastructure Maintenance
Number of votes

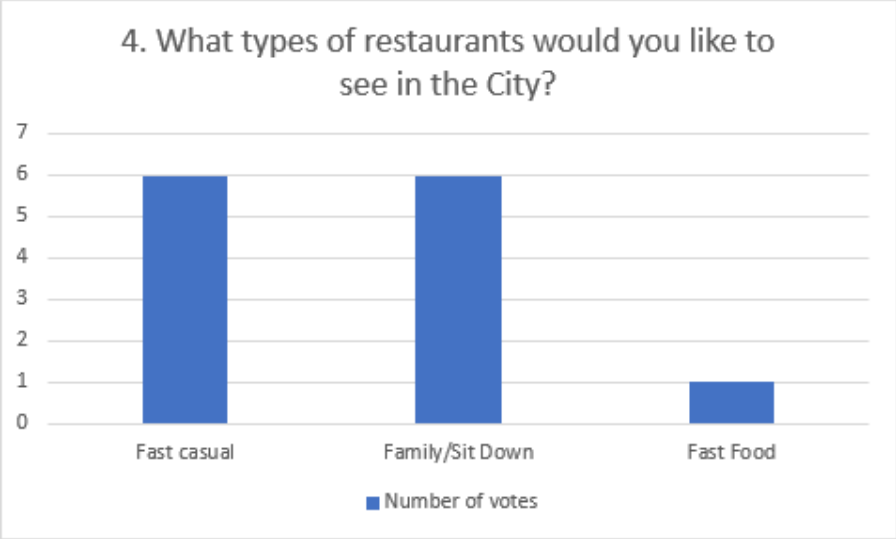

Which special needs groups should be given highest priority for housing development in McFarland?
10
9
8
7
6
5
4
3
2
1
0
9
1
1
1
2
0
Low Income Households
Persons with Disabilities
Workforce
Seniors
Seasonal Farmworkers
Homeless

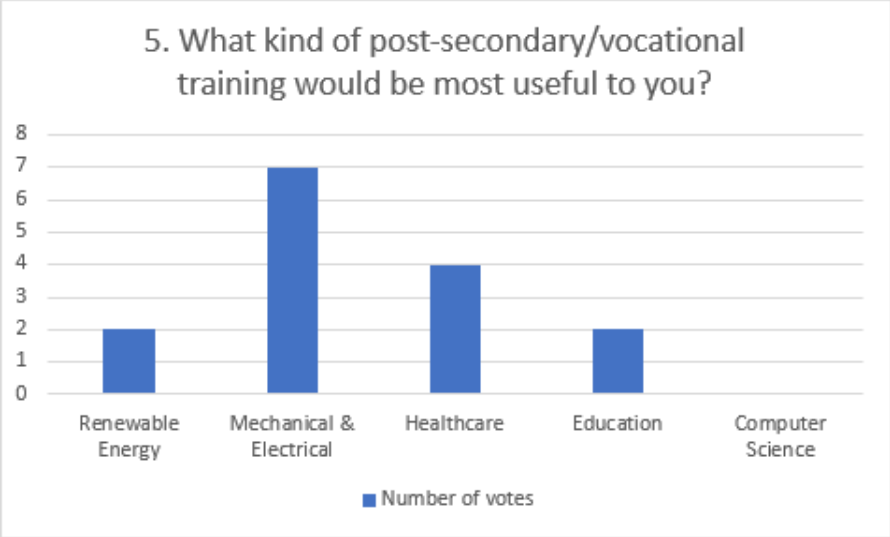
Economic Development



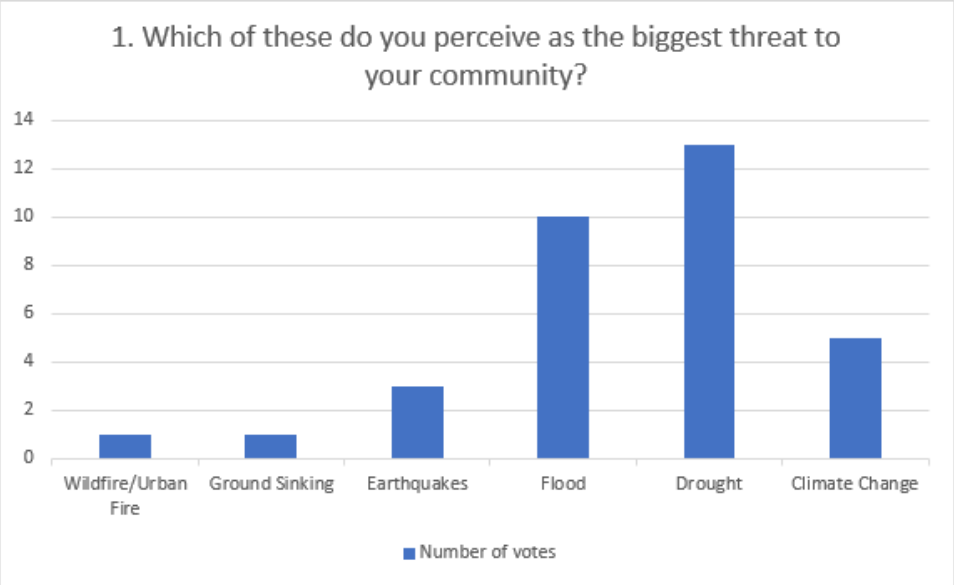


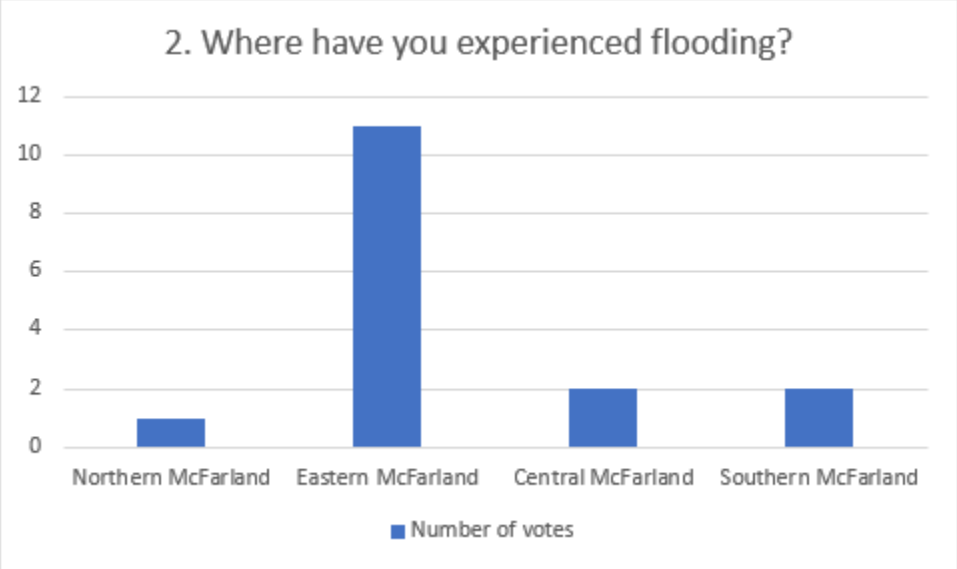



4. What types of restaurants would you like to see in the City?
7
6
5
4
3
2
1
0
Fast casual
Family/Sit Down
Fast Food
Number of votes

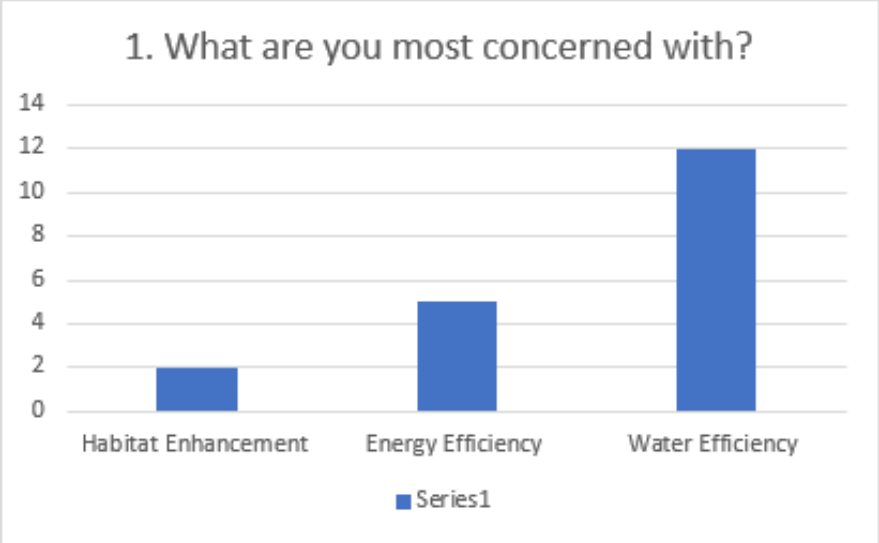

5. What kind of post-secondary/vocational training would be most useful to you?
8
7
6
5
4
3
2
1
0
Renewable Energy
Mechanical & Electrical
Healthcare
Education
Computer Science
Number of votes

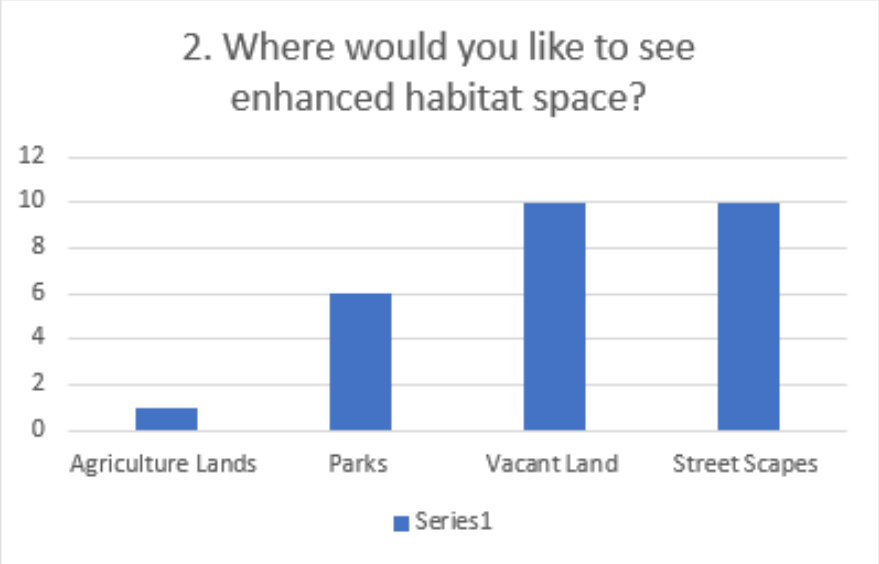
Safety

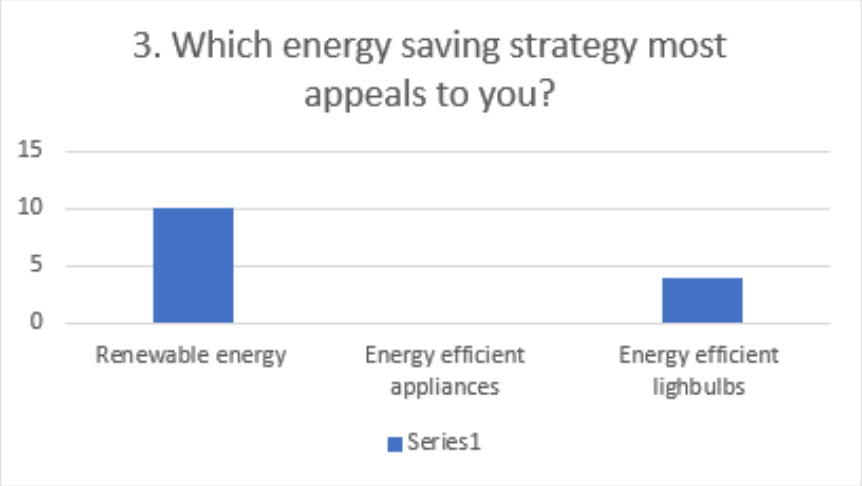


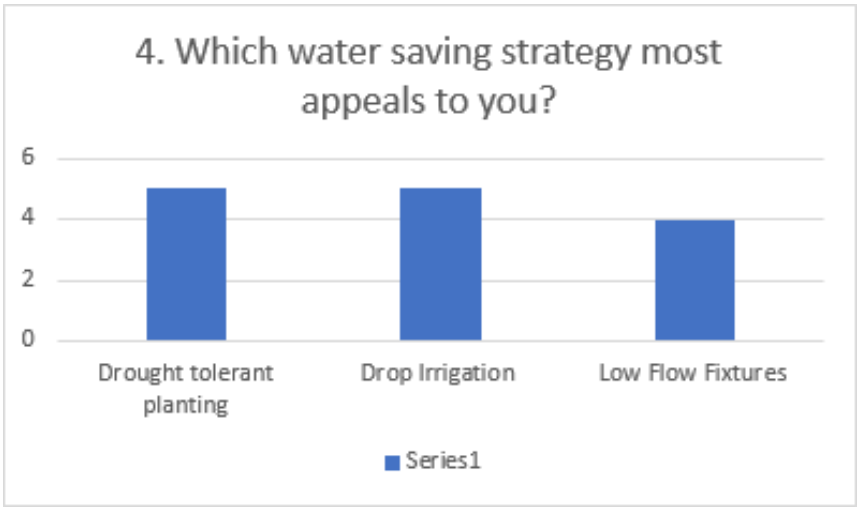


Conservation

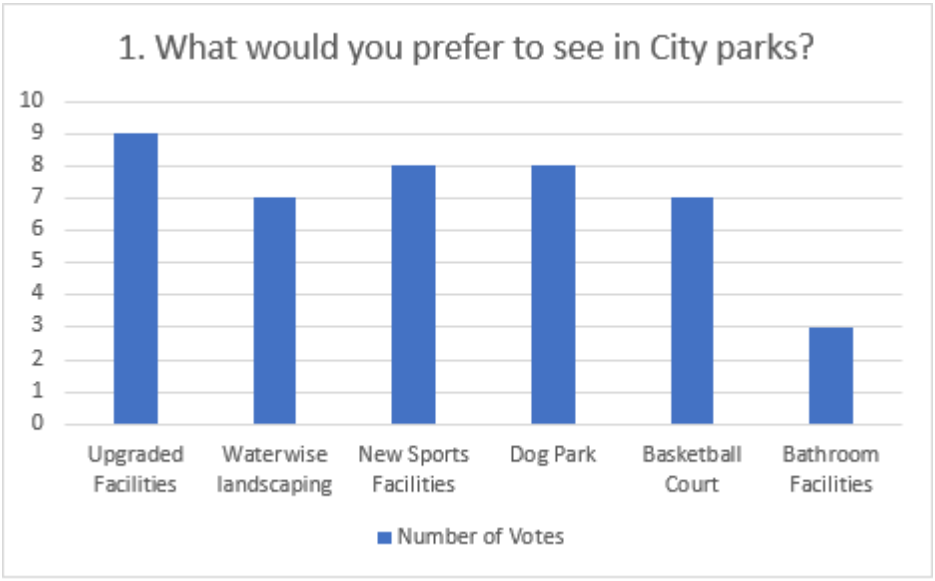

1. What are you most concerned with?
14
12
10
8
6
4
2
0
Habitat Enhancement
Energy Efficiency
Water Efficiency
Series1

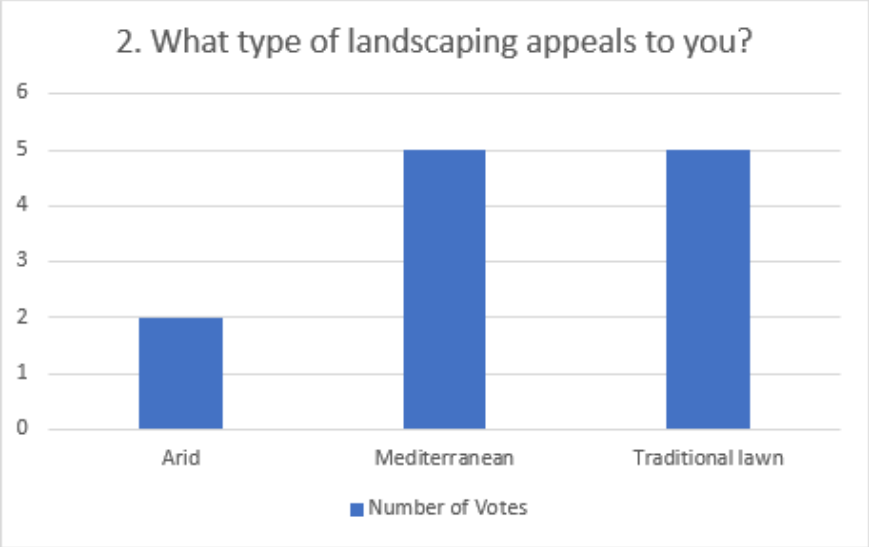

2. Where would you like to see enhanced habitat space?
12
10
8
6
4
2
0
Agriculture Lands
Parks
Vacant Land
Street Scapes
Series1

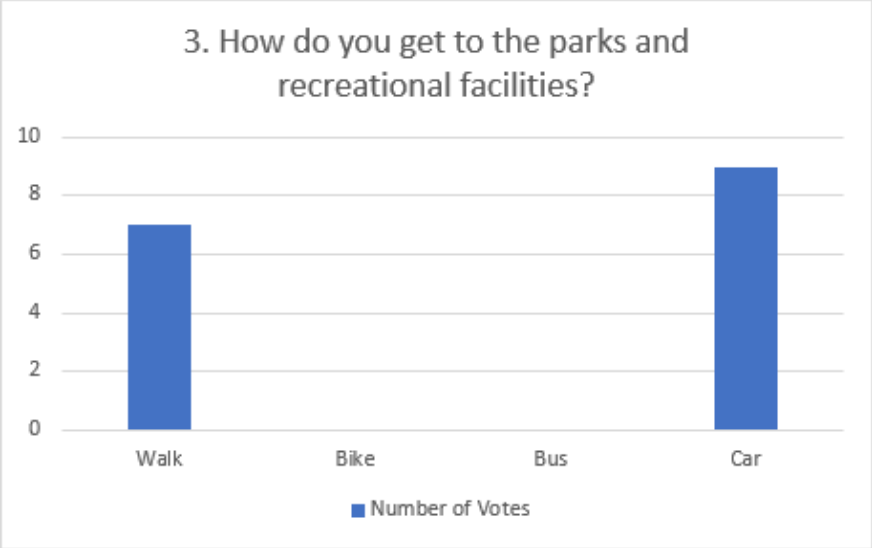

3. Which energy saving strategy most appeals to you?
15
10
5
0
Renewable energy
Energy efficient appliances
Energy efficient lighbulbs
Series1

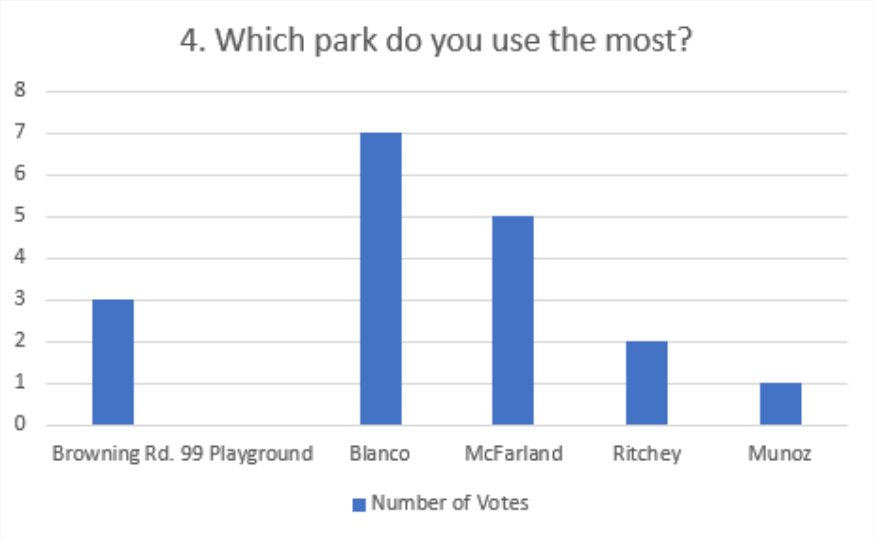

4. Which water saving strategy most appeals to you?
6
4
2
0
Drought tolerant planting
Drop Irrigation
Low Flow Fixtures
Series1

Open Space

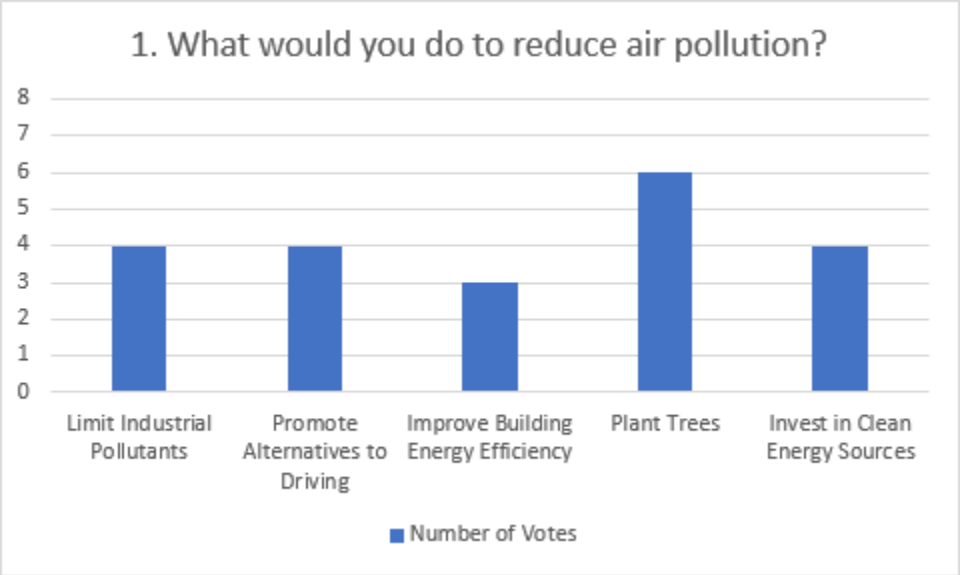

1. What would you prefer to see in City parks?
10
9
8
7
6
5
4
3
2
1
0
Upgraded Facilities
Waterwise landscaping
New Sports Facilities
Dog Park
Basketball Court
Bathroom Facilities
Number of Votes


2. What type of landscaping appeals to you?
6
5
4
3
2
1
0
Arid
Mediterranean
Traditional lawn
Number of Votes

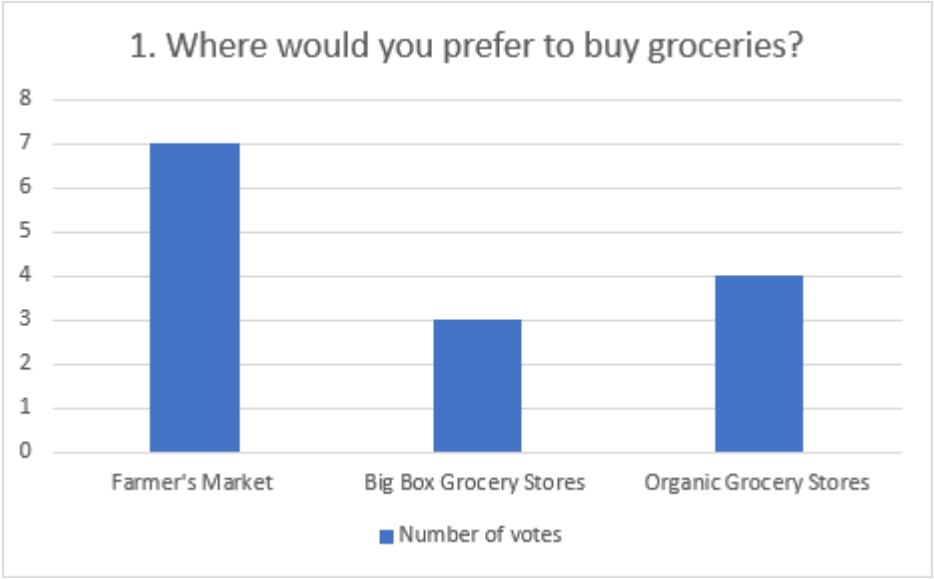

3. How do you get to the parks and recreational facilities?
10
8
6
4
2
0
Walk
Bike
Bus
Car
Number of Votes

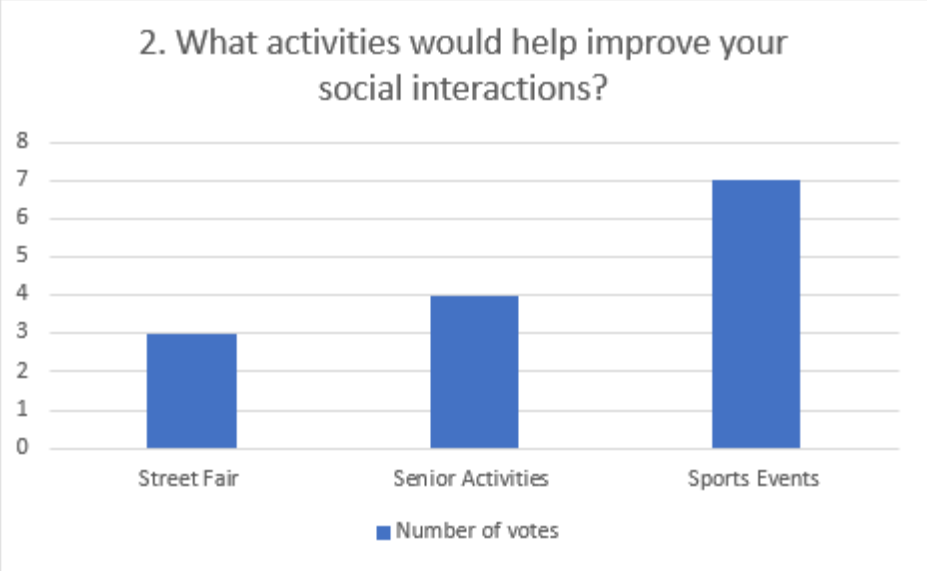

4. Which park do you use the most?
8
7
6
5
4
3
2
1
0
Browning Rd. 99 Playground
Blanco
McFarland
Ritchey
Munoz
Number of Votes

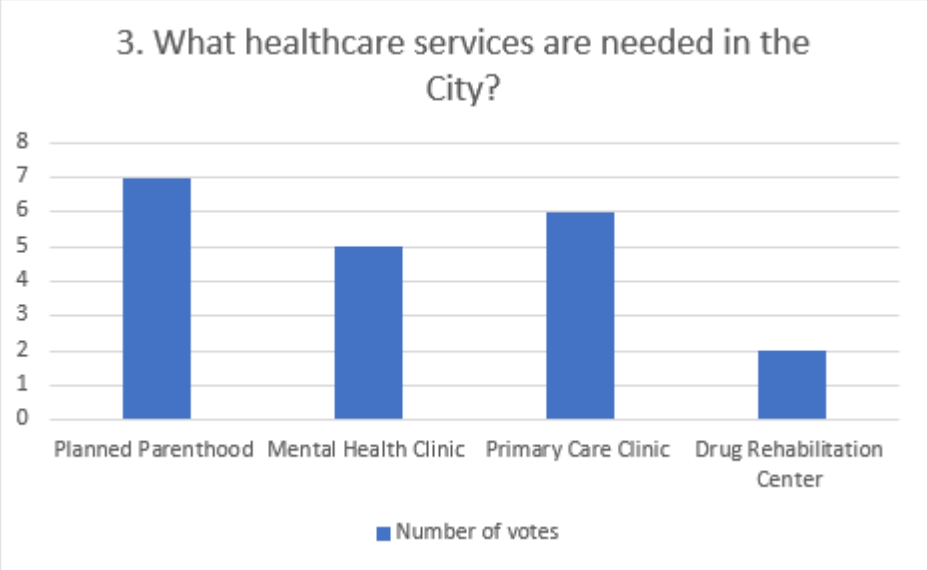
Air Quality



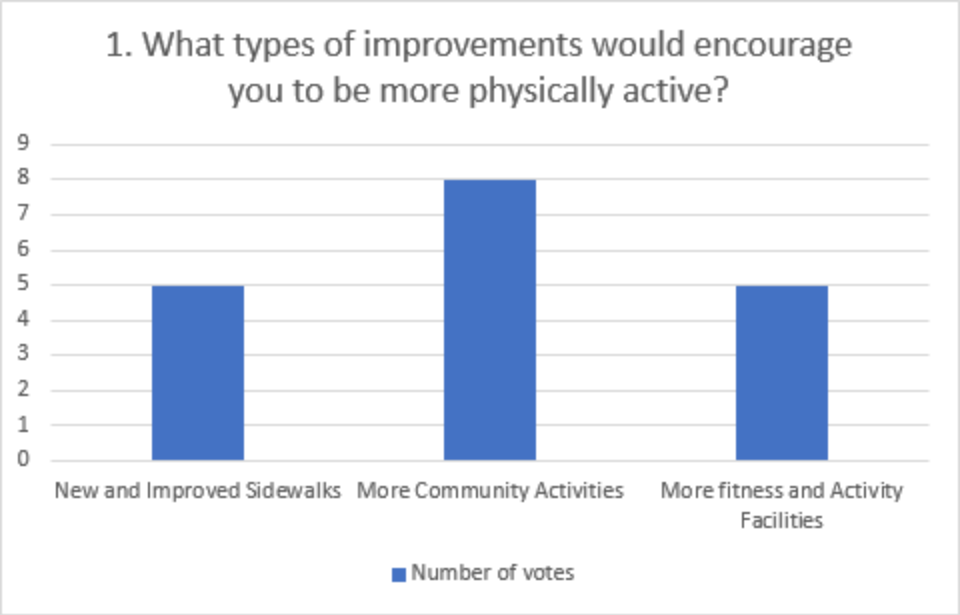
Health

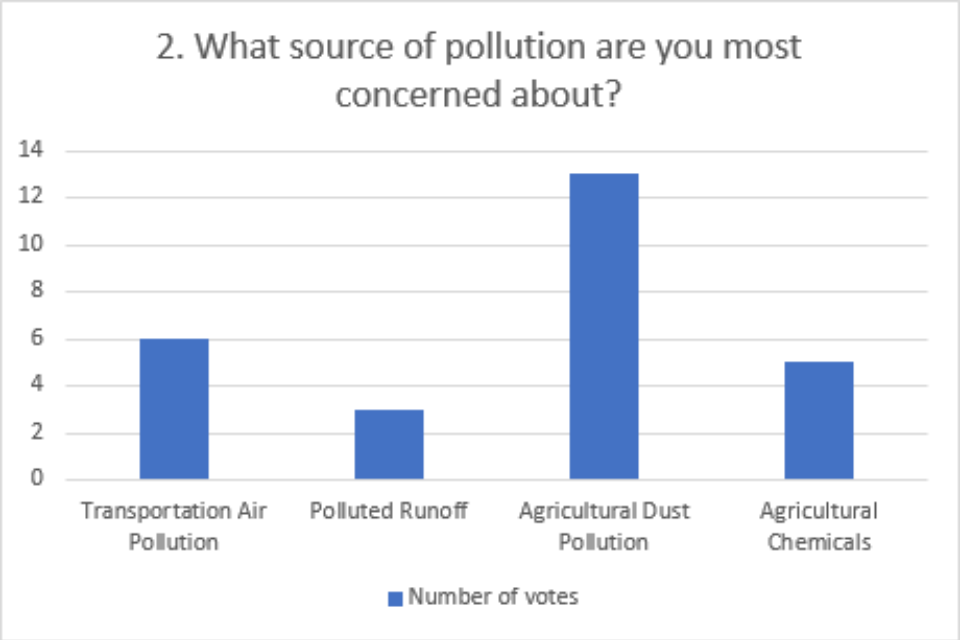


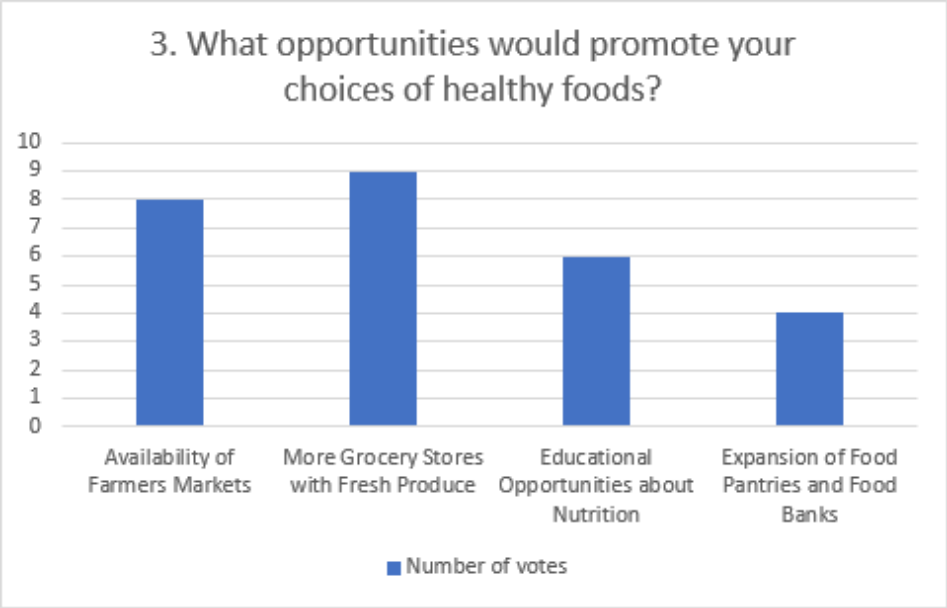


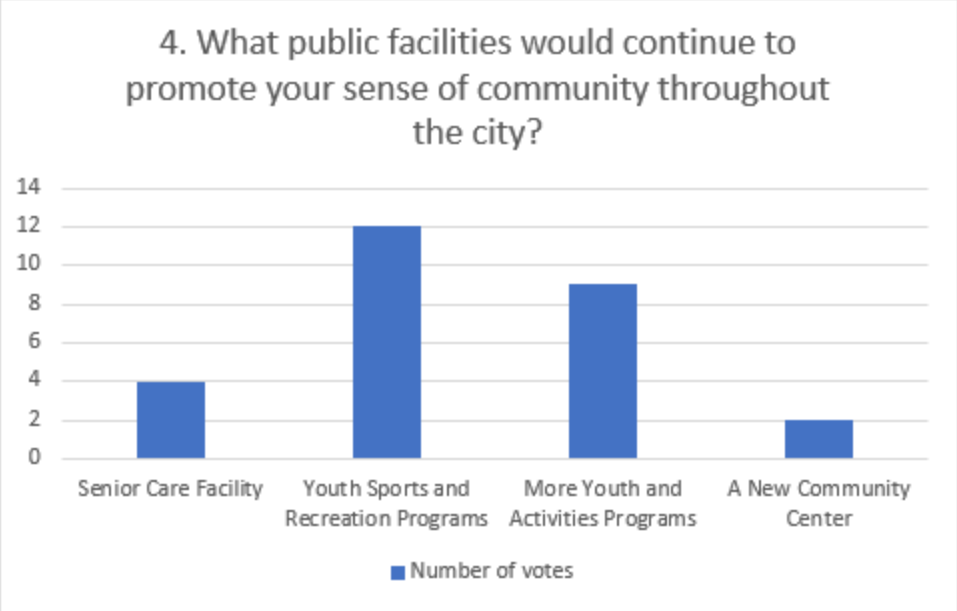


Environmental Justice

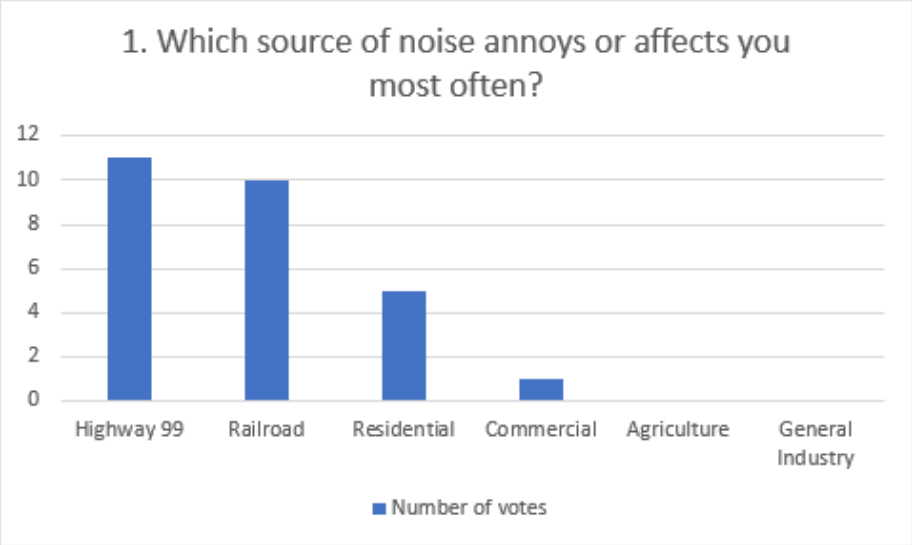

1. What types of improvements would encourage you to be more physically active?
9
8
7
6
5
4
3
2
1
0
New and Improved Sidewalks
More Community Activities
More fitness and Activity Facilities
Number of votes

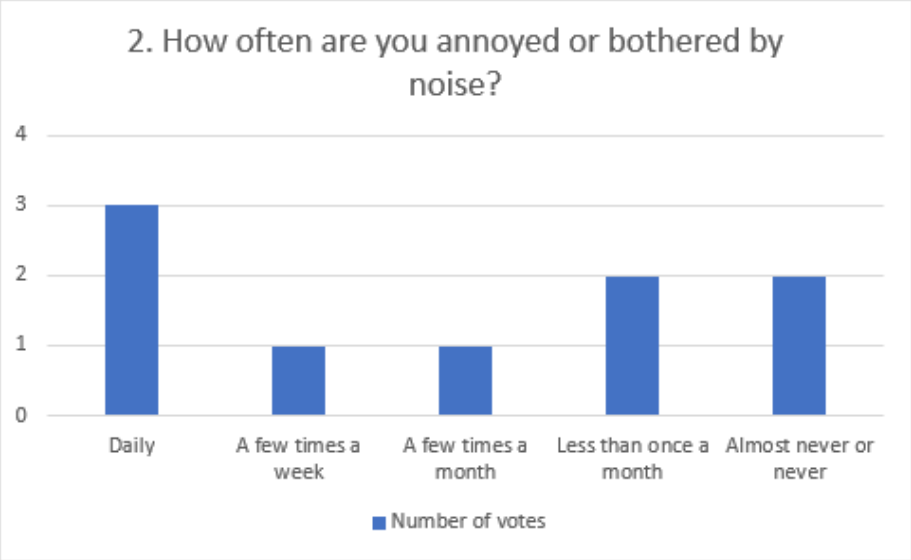

2. What source of pollution are you most concerned about?
14
12
10
8
6
4
2
0
Transportation Air Pollution
Polluted Runoff
Agricultural Dust Pollution
Agricultural Chemicals
Number of votes

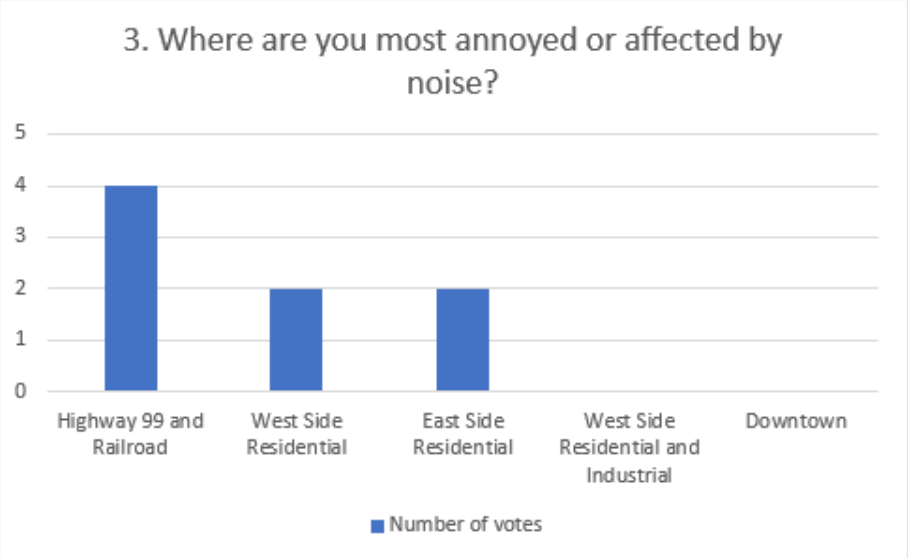

3. What opportunities would promote your choices of healthy foods?
10
9
8
7
6
5
4
3
2
1
0
Availability of Farmers Markets
More Grocery Stores with Fresh Produce
Educational Opportunities about Nutrition
Expansion of Food Pantries and Food Banks
Number of votes


4. What public facilities would continue to promote your sense of community throughout the city?
14
12
10
8
6
4
2
0
Senior Care Facility
Youth Sports and Recreation Programs
More Youth and Activities Programs
A New Community Center
Number of votes

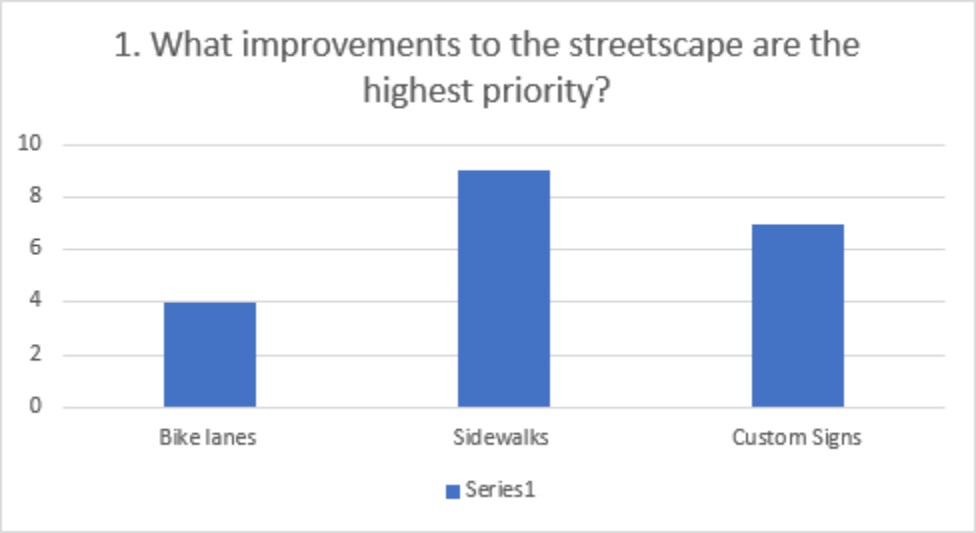
Noise

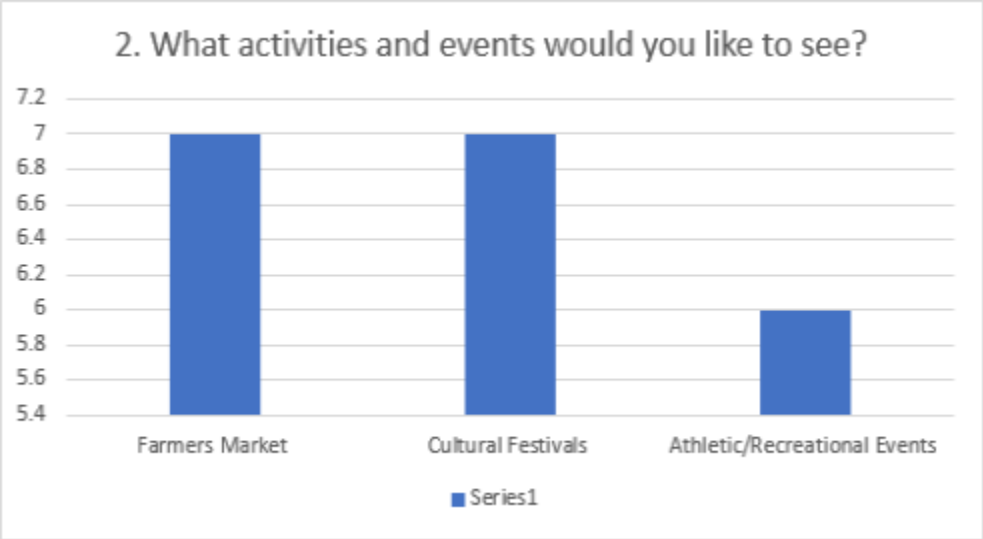

1. Which source of noise annoys or affects you most often?
12
10
8
6
4
2
0
Highway 99
Railroad
Residential
Commercial
Agriculture
General Industry
Number of votes

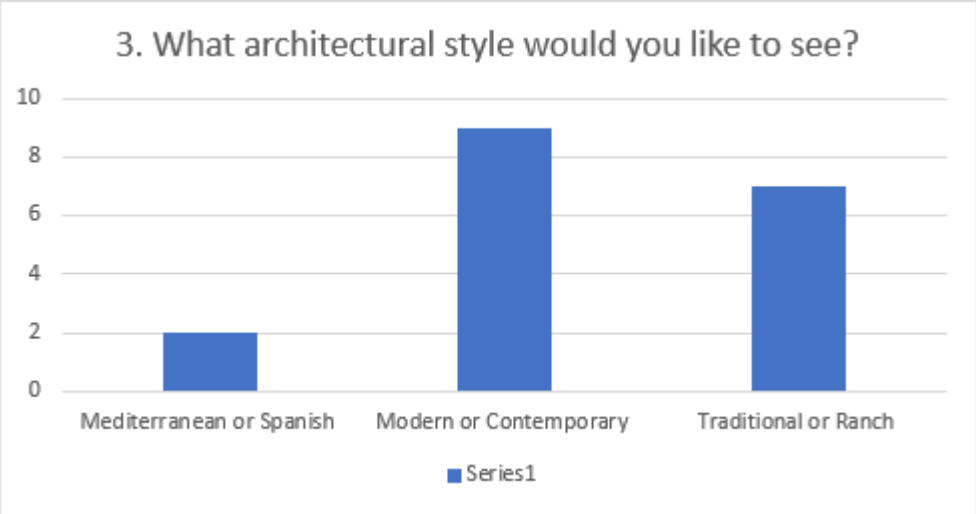

2. How often are you annoyed or bothered by noise?
4
3
2
1
0
Daily
A few times a week
A few times a month
Less than once a month
Almost never or never
Number of votes

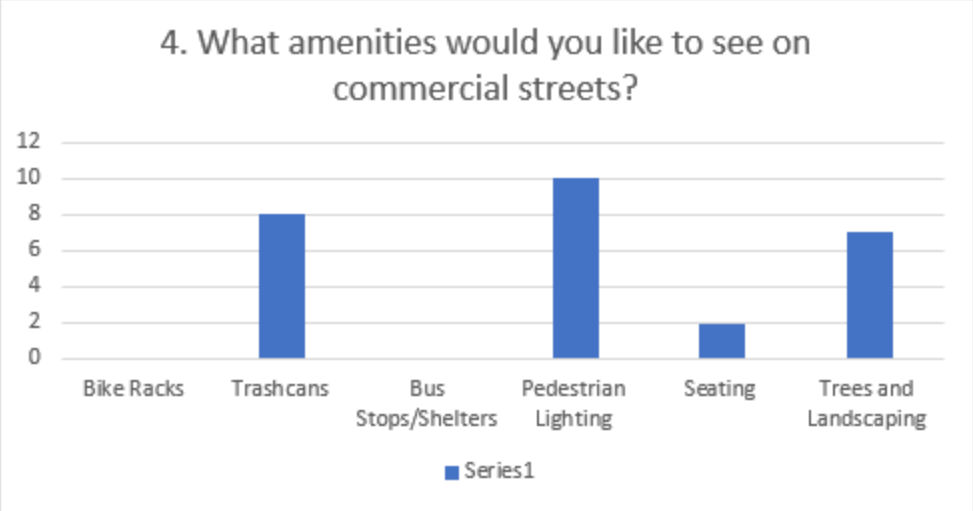

3. Where are you most annoyed or affected by noise?
5
4
3
2
1
0
Highway 99 and Railroad
West Side Residential
East Side Residential
West Side Residential and Industrial
Downtown
Number of votes

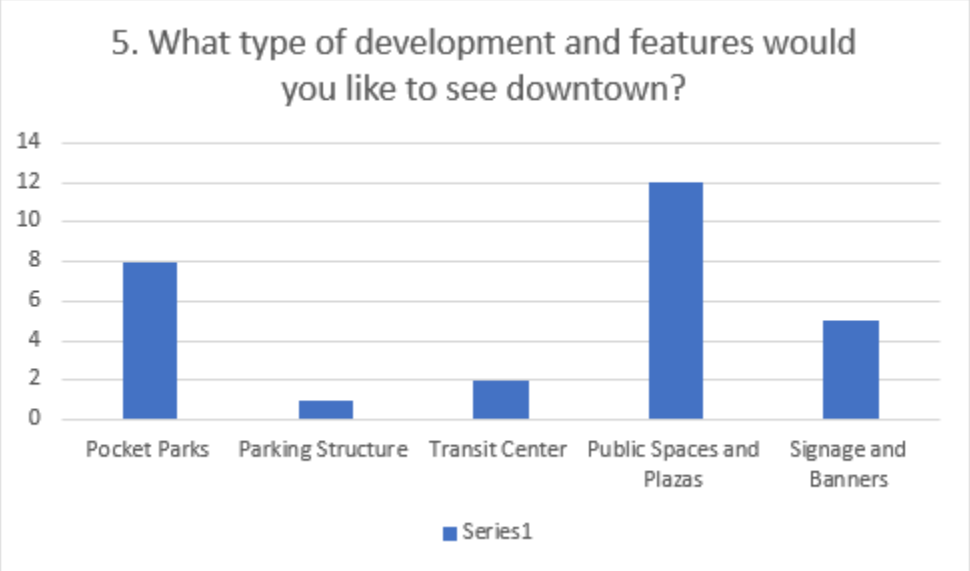
Community Design

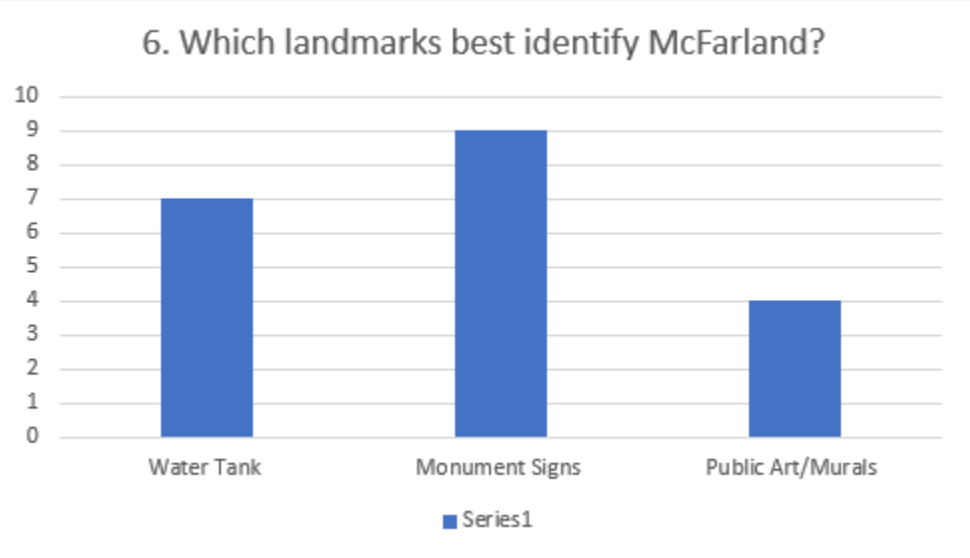




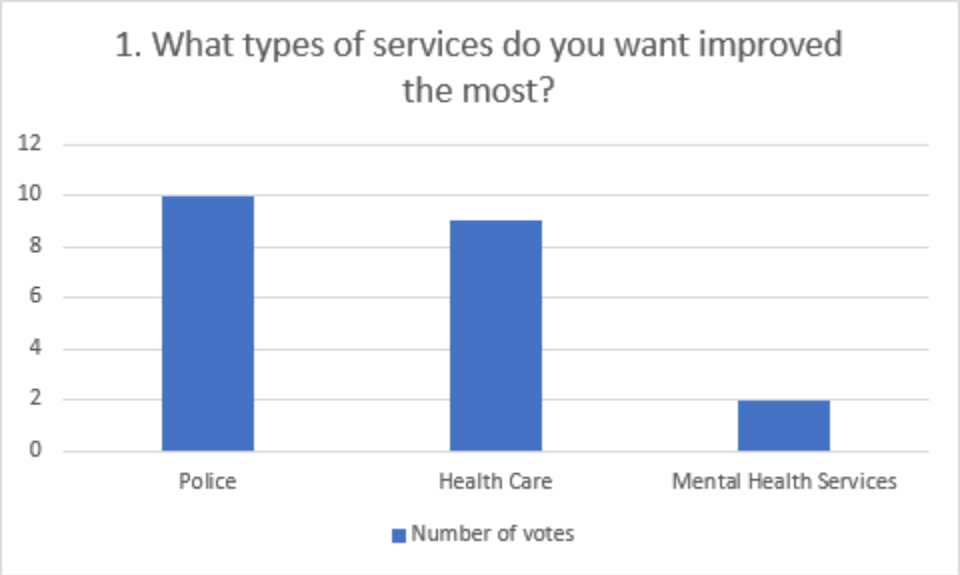


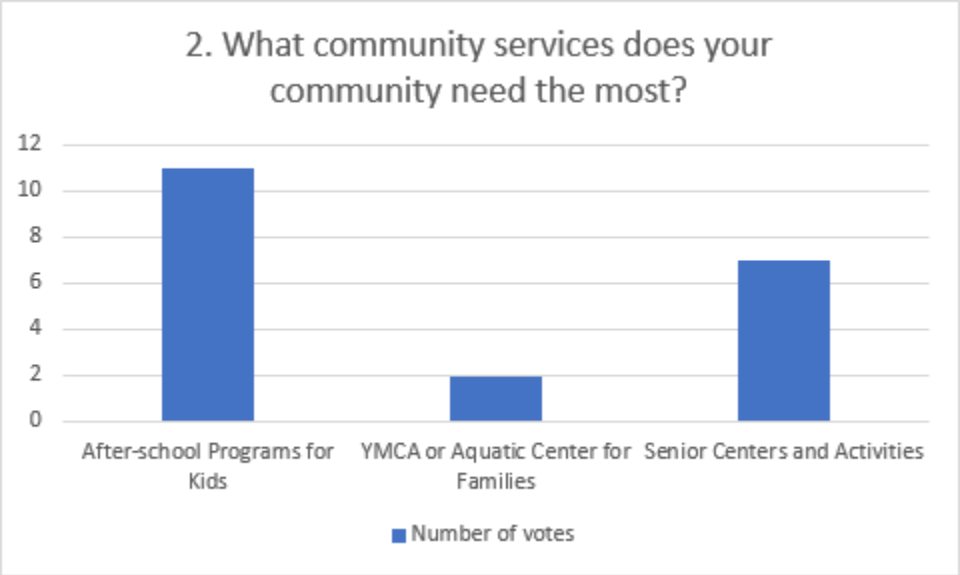

4. What amenities would you like to see on commercial streets?
12
10
8
6
4
2
0
Bike Racks
Trashcans
Bus Stops/Shelters
Pedestrian Lighting
Seating
Trees and Landscaping
Series1

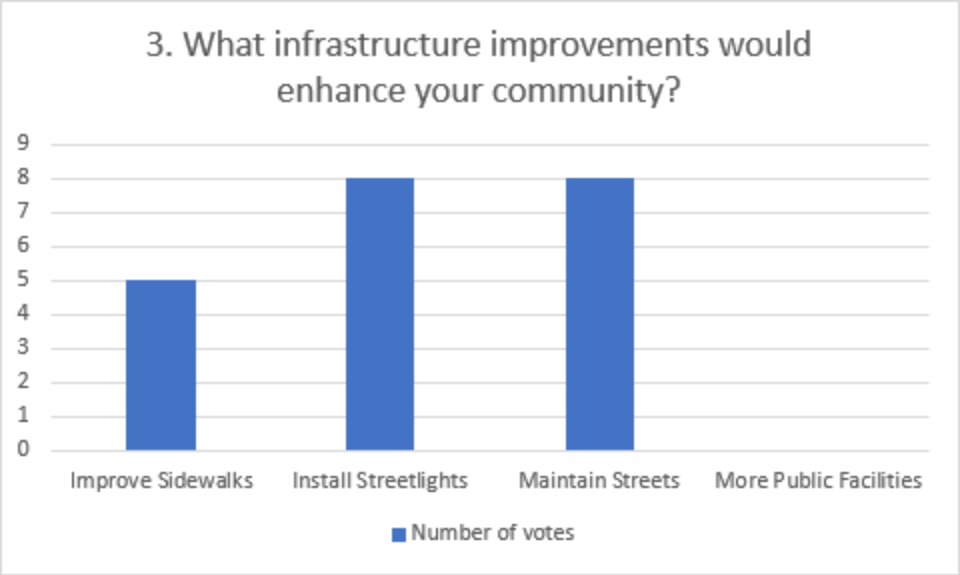

5. What type of development and features would you like to see downtown?
14
12
10
8
6
4
2
0
Pocket Parks
Parking Structure
Transit Center
Public Spaces and Plazas
Signage and Banners
Series1

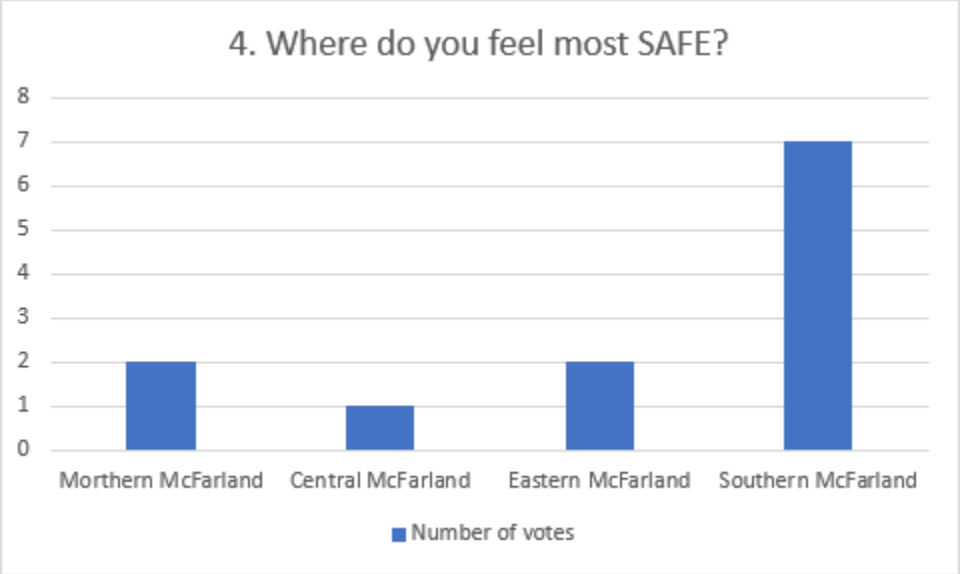

6. Which landmarks best identify McFarland?
10
9
8
7
6
5
4
3
2
1
0
Water Tank
Monument Signs
Public Art/Murals
Series1

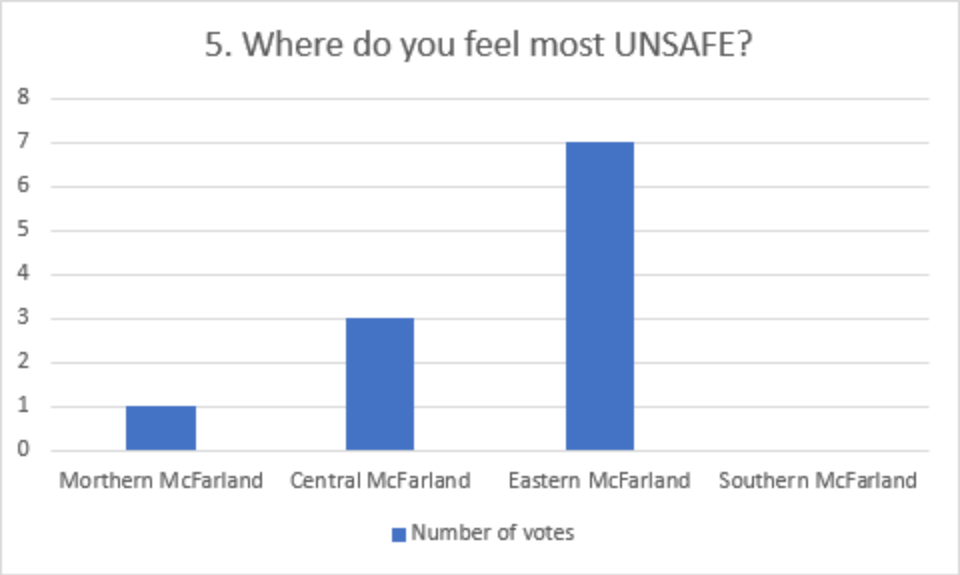
Public Facilities






3. What infrastructure improvements would enhance your community?
9
8
7
6
5
4
3
2
1
0
Improve Sidewalks
Install Streetlights
Maintain Streets
More Public Facilities
Number of votes


4. Where do you feel most SAFE?
8
7
6
5
4
3
2
1
0
Morthern McFarland
Central McFarland
Eastern McFarland
Southern McFarland
Number of votes


5. Where do you feel most UNSAFE?
8
7
6
5
4
3
2
1
0
Morthern McFarland
Central McFarland
Eastern McFarland
Southern McFarland
Number of votes

20.3 Appendix 3 – Third Community Meeting Feedback

At the third community meeting on February 20th, 2020, the community was presented with three alternatives for McFarland's future development: Business as Usual, Redevelopment, and Smart Growth. After the presentation, community members were asked for their preferences regarding the key features and key outcomes for each. This section contains that feedback.

Business as Usual: Outcomes

(5) Loss of Open Space and Agricultural Land



LIKE 13

DISLIKE 11

(6) Extensive Development in Floodplains



LIKE 4

DISLIKE 20

(7) Residential Near Highway, Railroad, and Heavy Industry



LIKE 15

DISLIKE 11

(8) Limited Walkability and Connectivity



LIKE 3

DISLIKE 22

Business as Usual: Key Features

(1) Low-density Residential



LIKE 23

DISLIKE 1

(2) Automobile-oriented



LIKE 15

DISLIKE 8

(3) Highway Commercial Along Highway 99



LIKE 25

DISLIKE 0

(4) Light and Heavy Industry



LIKE 13

DISLIKE 11

Redevelopment: Key Features

(1) Mixed Density Housing (Low, Medium, High)



LIKE 20

DISLIKE 4

(2) Mixed-Use with Commercial



LIKE 21

DISLIKE 3

(3) Accessory Dwelling Unit (ADU) Infill



LIKE 18

DISLIKE 7

(4) Highway Commercial

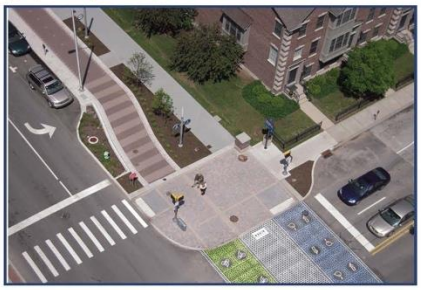


LIKE 23

DISLIKE 1

Redevelopment: Key Features

(5) Improved Sidewalks & Bicycle Connections



LIKE 22

DISLIKE 0

(6) Expanded Kern Transit within City



LIKE 22

DISLIKE 1

Redevelopment: Outcomes

(7) Infill Development for Housing



LIKE 20

DISLIKE 4

(8) Increased Density



LIKE 20

DISLIKE 3

(9) Downtown Redevelopment



LIKE 20

DISLIKE 1

(10) Additional ADUs



LIKE 16

DISLIKE 6

Redevelopment: Outcomes

(11) Improved Connectivity



LIKE 18

DISLIKE 1

(12) Expanded Bus Connections



LIKE 18

DISLIKE 2

Smart Growth: Key Feature

(1) Downtown Infill



LIKE	27
DISLIKE	2

(2) Westside Residential Expansion



LIKE	27
DISLIKE	3

(3) Development Along Highway 99



LIKE	29
DISLIKE	0

(4) City Gateways with Signs, Landscaping, and Iconic Features



LIKE	25
DISLIKE	4

Smart Growth: Key Features

(5) Walkable Corridors with Widened Sidewalk, Benches, and Landscaping



LIKE 29

DISLIKE 0

(6) Separated Bike Lanes



LIKE 24

DISLIKE 5

(7) Extended Pedestrian & Bicyclist Barriers on Highway Crossings



LIKE 26

DISLIKE 3

(8) Inner City Bus Service



LIKE 23

DISLIKE 5

(9) Additional Bus Stops for Kern Transit



LIKE 26

DISLIKE 2

CAL POLY

Smart Growth: Outcomes

(10) Increased Housing Density



LIKE 19

DISLIKE 8

(11) Increased Job Opportunities Along HWY 99



LIKE 27

DISLIKE 0

(12) Vibrant Downtown



LIKE 26

DISLIKE 2

(13) Mixed-Use in Downtown



LIKE 19

DISLIKE 8

CAL POLY

Smart Growth: Outcomes

(14) Identified Gateways



LIKE	21
DISLIKE	6

(15) Safe Streets for All Road Users



LIKE	27
DISLIKE	1

20.4 Appendix 4 – Fourth Community Meeting Feedback

Citywide Features

(1) Concentrate Development to the West away from Floodable Areas
    a. Like 14 Dislike 0
(2) Preserve Open Space & Agricultural Land
    a. Like 12 Dislike 2
(3) City Gateways with Signs, Landscaping, and Iconic Features
    a. Like 14 Dislike 0
(4) Prioritize Infill Development for Housing
    a. Like 13 Dislike 1
(5) Redevelop Downtown
    a. Like 13 Dislike 1
(6) Vibrant Downtown
    a. Like 13 Dislike 1
(7) Mixed-Use in Downtown
    a. Like 14 Dislike 0
(8) Increased Job Opportunities along Highway 99
    a. Like 14 Dislike 0

Land Use/Key Growth Areas

(1) Revitalized Downtown: Infill Vacant & Underutilized Space with Mixed-Use
    a. Like 13 Dislike 0
(2) West Expansion: Clustered Low, Medium, & High-Density Housing
    a. Like 12 Dislike 0
(3) Whisler Road Expansion: Mixed-Density Residential with Connection to Commercial
    a. Like 12 Dislike 1
(4) Southern Commercial Corridor: Widened Sidewalks, Crosswalks, & Commercial
    a. Like 13 Dislike 0
(5) Famoso Industrial & Commercial Center: Creation of Light and Heavy Industrial & Highway Commercial Centers
    a. Like 12 Dislike 1
(6) Kern Neighborhood Commercial: Retail Center for Eastern Neighborhood
    a. Like 13 Dislike 0

Circulation Features

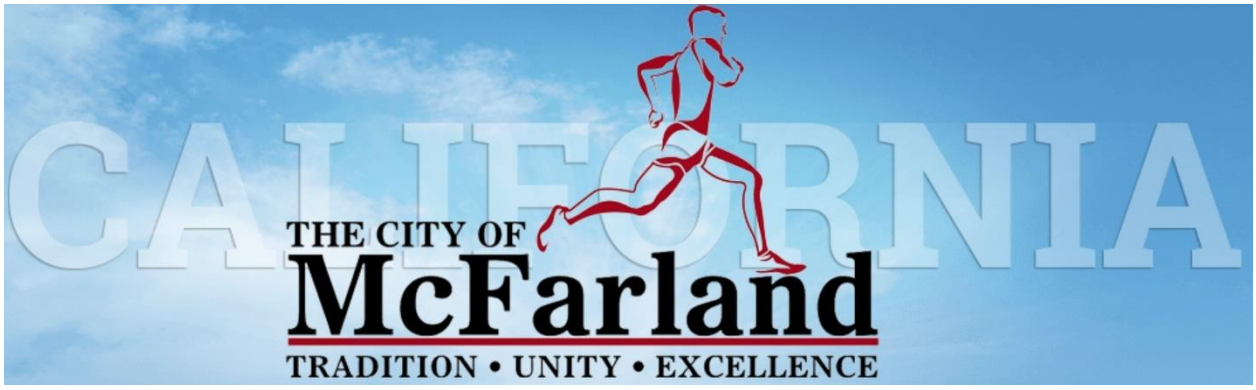
(1) Inner City Bus Services
    a. Like 12 Dislike 0
(2) New Bus Stops for Kern Transit at Major Centers along Highway 99
    a. Like 12 Dislike 0
(3) Expanded Sidewalks along Major Pedestrian Corridors

a. Like 12 Dislike 0

(4) Marked Bike Lanes along Major Arterials for Complete Streets
    a. Like 12 Dislike 0
(5) Improved Pedestrian and Bike Corridor Connecting West
    a. Like 12 Dislike 0
(6) Extended Pedestrian & Bicyclist Barriers for Safety on Highway 99 Crossings
    a. Like 11 Dislike 1
(7) Safe Streets for All Road Users
    a. Like 12 Dislike 0

20.5 Appendix 5 – McFarland 2040 Projections and Targets with Space Requirements

	Baseline	Alternative-Specific Targets		
	Business as Usual	**Moderate**	**Aggressive**	**Preferred**
Population				
2017 Population	13,930	13,930	13,930	13,930
2040 Population Projection	23,690	27,855	33,220	33,220
2017-2040 Projected Population Growth	9,760	13,925	19,290	19,290
Housing				
2017 Housing Units	3,080	3,080	3,080	3,080
2040 Housing Need Projection	7,580	8,910	10,630	10,630
2017-2040 Projected Housing Growth	***4,500***	***5,830***	***7,550***	7,550
Jobs				
2017 Jobs	6,745	6,745	6,745	6,745
2040 Jobs Projection	11,835	14,175	17,195	17,195
2017-2040 Projected Job Growth	***5,090***	***7,430***	***10,450***	10,450
Residential Acreage				
2020 Residential Acreage (LU Inventory)	480	480	480	480
2020 Single Family Acreage (LU Inventory)	455	455	455	455
2020 Multi-Family Acreage (LU Inventory)	25	25	25	25
2040 Residential Acreage (need)	1,290	1,140	1,330	1,330
2020-2040 Residential Acreage (need)	***810***	***660***	***850***	850
Commercial Acreage				
2020 Commercial Acreage (LU Inventory)	380	380	380	380
2040 Commercial Acreage (need)	700	840	1,030	1,030
2020-2040 Commercial Acreage (need)	***320***	***460***	***650***	650
Total Acreage				
2040 Residential & Commercial Acreage (need)	1,990	1,980	2,360	2,360
2020-2040 Residential & Commercial Acreage (need)	1,130	1,120	1,500	1,500
Acreage with Reserves				
2020-2040 Residential & Commercial + 30% Reserves	1,470	1,460	1,950	1,950
2020-2040 Residential & Commercial + 50% Reserves	1,700	1,680	2,250	2,250



FINAL ENVIRONMENTAL IMPACT REPORT
SCH # 2021040288

McFarland 2040 General Plan

Final | July 20, 2021

De Lapide & Associates, Inc.
delapide@outlook.com

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Final Environmental Impact Report

For

City of McFarland 2040 General Plan

State Clearinghouse Number: 2021040288

DATE:
July 20, 2021

Lead Agency:
City of McFarland

Consultants:
De Lapide & Associates, Inc.
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ACKNOWLEDGEMENTS

The project team would like to acknowledge the people, leadership, and staff of the City of McFarland for the many varied ways they have contributed to the completion of this project. We would like to specially recognize the following:

City Council Members

Sally Gonzalez, *Mayor*

Maria T. Perez, *Mayor Pro-Tem*

Eric Rodriguez, *Councilmember*

Saul Ayon, *Councilmember*

Ricardo Cano, *Councilmember*

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Jose Hernandez, *Chairman*

Rudy Nuñez, *Vice Chairman*

Marco Martinez, *Commissioner*

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Brianahi De Leon, *City Planner*

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1. Executive Summary

This section provides an overview of the project, the City of McFarland 2040 General Plan (Plan), and the environmental analysis involved with the project. For detailed discussions of Plan impacts and listed mitigation measures related to the Plan, please refer to the specific environmental analysis sections contained in Chapter 4, sections 4.1 through 4.20 of this Environmental Impact Report (EIR).

1.1. Environmental Procedures

This document is a Program EIR which analyzes potential environmental impacts of the adoption of the proposed McFarland 2040 General Plan. The Program EIR is non-specific and does not evaluate the impacts of specific projects that may be used to implement the Plan. Specific projects will require separate assessment to determine any environmental impacts and to secure necessary development permits. While subsequent environmental review can be tiered off this EIR, the City of McFarland 2040 General Plan EIR does not intend to address impacts of individual projects. The scope of the EIR was established by the City of McFarland through the EIR scoping process.

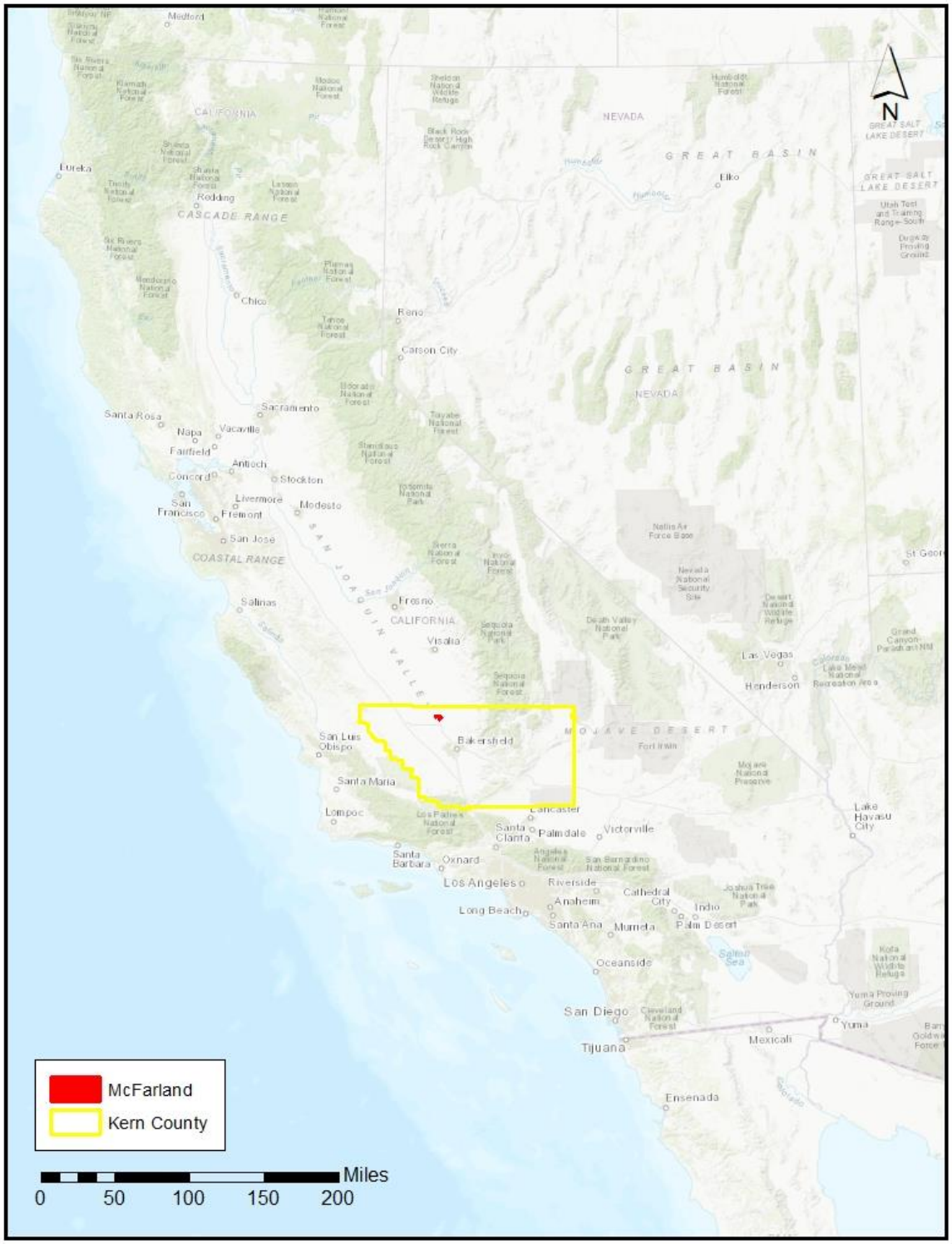
1.2. Location and Boundaries of the Plan Area

1.2.1. Plan Area Location

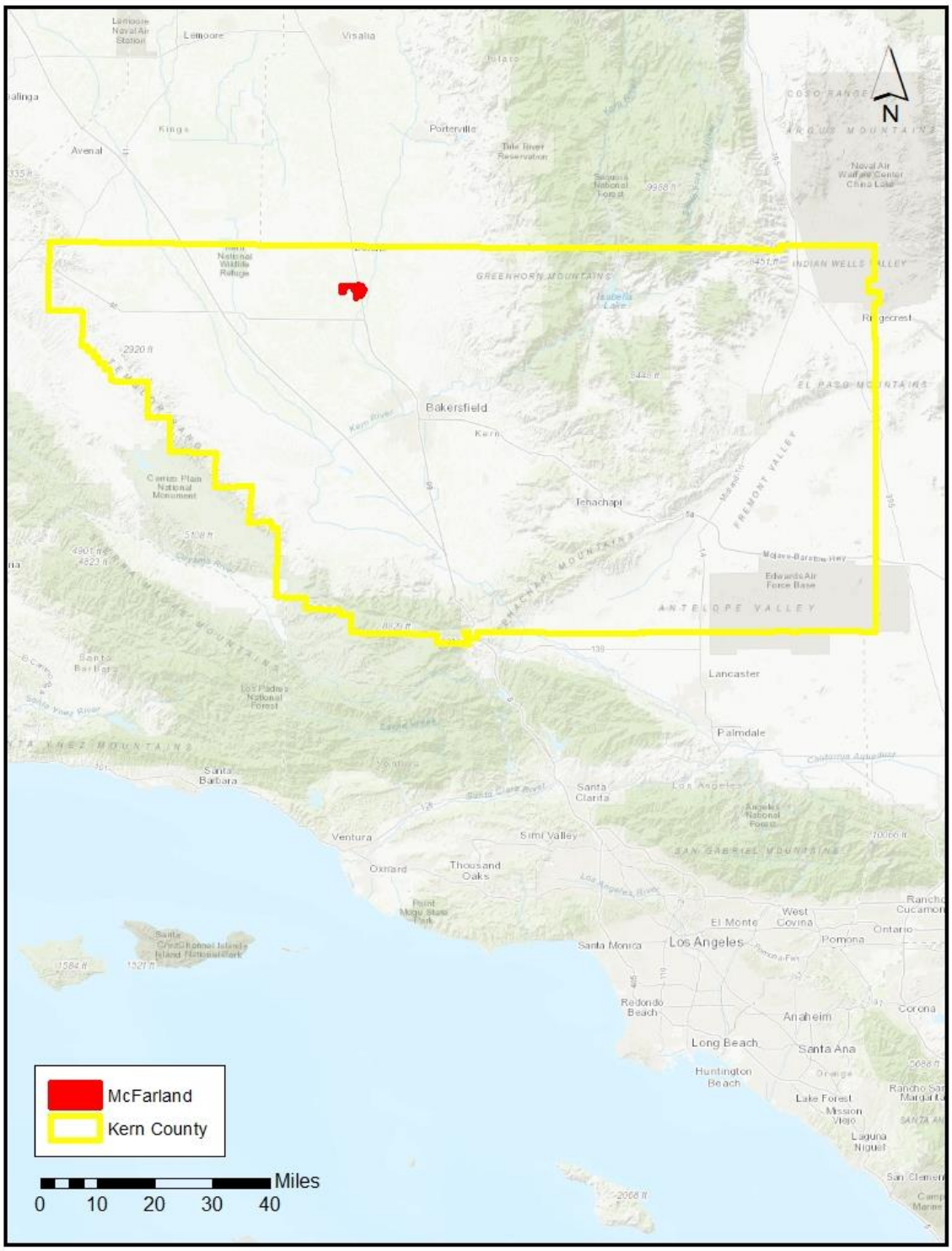
The City of McFarland sits in the northern section of Kern County within California's Central Valley. Map 1-1 displays the location of McFarland in relation to the State of California. Map 1-2 displays the location of McFarland within Kern County. The City is located along Highway 99, approximately 25 miles north of Bakersfield and approximately seven miles south of Delano. McFarland's boundaries encompass approximately three-square miles of land consisting of mostly residential, institutional, and agricultural uses. McFarland's Sphere of Influence and the surrounding area are primarily agricultural.

McFarland's climate consists of hot and dry summers and cool winters. Annual rainfall averages seven inches and average snowfall is zero inches. McFarland experiences sunny days for 274 days per year on average.

MAP 1-1: LOCATION OF MCFARLAND WITHIN THE STATE OF CALIFORNIA



MAP 1-2: LOCATION OF MCFARLAND WITHIN KERN COUNTY



1.2.2. Plan Area Boundaries

Prior to 2020, the planning area for the City of McFarland encompassed approximately 12.12 square miles (7,760 acres) south of the City of Delano and north of the City of Bakersfield. The area includes "east side" and "west side" neighborhoods on the two sides of the north-south Highway 99 and Union Pacific railroad rights-of-way. The Sphere of Influence (SOI) approved by the Local Area Formation Commission (LAFCO) is defined as the planning boundary outside of the City's legal boundary; the SOI designates McFarland's probable future boundary and service area. The planning area, to which this document refers, is a compilation from the boundaries of existing and potential future extents of the City and its SOI. The Plan details the future development of the City. The City's SOI is slated to be expanded after 2020 with inclusion of the land along Highway 99 south toward State Route 46 and the Famoso interchange. This proposed expanded Sphere of Influence is to encompass approximately 18.37 square miles (11,760 acres). Since a Sustainable Agriculture Element is included in this General Plan update and agricultural lands surround the City and its SOI, the "study area" extends slightly beyond the proposed SOI to cover an area of approximately 23 square miles or 14,760 acres.

1.3. Plan Summary

This project is a comprehensive update of the General Plan for the City of McFarland, California. State law requires cities and counties to prepare and adopt a General Plan to serve as a guiding document for land use and development decisions. The General Plan is developed with public input as well as demographic and planning research. It is typically prepared looking over a 15 to 20-year timeline, and must be periodically updated according to State law, with the Housing Element requiring more frequent updates.

The General Plan is separated into thematic elements. All elements must be consistent with each other. Seven elements are required for all General Plans in California, with two further elements required for communities meeting certain criteria that exist in McFarland. Optional elements may also be included; and they carry the same legal force and status as the required elements. This General Plan includes five optional elements. The fourteen elements include:

Required: Land Use, Circulation, Housing, Safety, Conservation, Open Space, and Noise

Required in San Joaquin Valley Air Pollution Control District: Air Quality

Required in Disadvantaged Communities: Environmental Justice

Optional: Economic Development, Health, Community Design, Public Facilities, and Sustainable Agriculture

1.4. Summary of Alternatives to the Proposed Plan

The Business-As-Usual Alternative is based on historic growth patterns and land use trends. The Business-As-Usual Alternative includes the expansion of the City and its Sphere of Influence (SOI) to the south with unrestricted conversion of agricultural land to various types of development. This alternative envisions primarily commercial and industrial development along Highway 99. Residential, institutional, and other development continues to the west and to the east of the Highway 99 corridor. Transportation systems remain automobile-oriented with some improvements for pedestrian connectivity and comfort. Extensive development, including residential development, would occur in 100-year and 500-year floodplains, presenting risks to life and property. Utilities must expand and improve to provide adequate capacity, especially wastewater and stormwater on the east side of the City.

The Moderate Growth and Redevelopment Alternative advocates focusing growth on underutilized and vacant parcels to concentrate growth within walkable, bikeable, or bus-ride distances to retail and services. This alternative identifies 5 areas of proposed growth:

Downtown Core
Mixed-use commercial and residential development close to shops, amenities, and public spaces.

North and West Neighborhoods
Commercial infill, high density housing, and improved connectivity to activity hubs in the City.

Southern Highway Commercial
New commercial area south of the City along Highway 99 to create opportunities for such businesses as grocery stores and retail centers that require large space.

East Neighborhood
Mixed-use office buildings along the highway corridor, accessory dwelling units (ADUs) throughout the neighborhood, and improved connectivity to the west side of the City.

The Moderate Growth and Redevelopment Alternative prioritizes mixed-use designations and infill development to create growth within the City while reducing sprawl and improving residential transport connectivity. This alternative also offers diverse transportation options that address walkability and bike-ability between neighborhoods of the City and the expansion of existing bus transit service.

The Smart Growth Alternative accounts for the most aggressive population growth for the City of McFarland, maximizing infill within the City and new development outside of the existing City boundary to accommodate the maximum population, housing, and job targets. This alternative identifies three key areas for growth of housing and jobs across the City:

Downtown Infill
The entire downtown core is to be designated for mixed-use development which would allow buildings to host commercial or office on the first floor and residential units on the upper floors. This increase in density has the potential to offer density bonus opportunities for affordable housing developers.

Westside Expansion
A range of low-to-high density residential developments to accommodate projected population growth. High-density residential development is proposed along Garzoli Avenue, the west end's main arterial roadway, while medium and low-density housing is proposed on slower moving residential streets.

Highway 99 Improvements
This area promotes highway-serving commercial uses such as gas stations and hotels, as well as industrial uses such as manufacturing along Highway 99.

The Smart Growth Alternative focuses its aggressive growth in three key areas to serve the needs of neighborhoods, the region, and travelers on Highway 99. To avoid locating new residential development in hazard areas, the Smart Growth Alternative increases the density of housing typologies, particularly in the Downtown Infill and Westside expansion key growth areas. Additionally, new mixed-use and commercial development are prioritized in the Downtown Infill to support a vibrant downtown core and at key intersections within the Westside Expansion key growth area (Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues). It also prioritizes commercial development along Highway 99 to encourage highway travelers to stop for services in McFarland.

The Preferred Growth Alternative is the vision for development changes in McFarland by the year 2040. This alternative includes a combination of the community's preferred concepts, derived from the previous three alternatives. The Preferred Growth Alternative influences future land use designations, housing allocation, and circulation improvements needed to meet the population growth projections and targets for job growth.

The main features of this alternative include medium and high-density mixed-use downtown and along major arterials west of downtown as well as the establishment of neighborhood retail centers. This provides the opportunity to integrate housing and commercial uses, making services readily accessible to large segments of the population. In addition to mixed use commercial, this alternative includes commercial uses along Highway 99 to cater for pass-through traffic and industrial uses to the south to boost the availability of jobs. The Preferred Alternative therefore includes the following variety of changes to land use:

- Infill development for housing and commercial growth on the west side of the City.
- A neighborhood commercial corridor along Kern Avenue to serve the east side of the City.
- Downtown mixed-use redevelopment to create a vibrant atmosphere in the center of the City.
- Commercial and industrial development along Highway 99.
- Additional Accessory Dwelling Units in the Central McFarland neighborhoods.

Circulation for this alternative, includes a network of complete streets, a pedestrian and bike network, new transit stops for internal transit service and at major commercial centers along Highway 99, and safer pedestrian crossings between the east and west sides of the City. These new circulation connections are to expand multi-modal transportation throughout the City.

The Plan concentrates development in key growth areas to target McFarland's most optimal locations for development: Downtown, Western McFarland, and the Highway 99 Corridor. Growth areas are designed to accommodate maximum growth while aligning with McFarland's desires to remain an agriculture-based City. Even with the many changes, McFarland's small-town community character is envisioned to remain. The full description of the Preferred Growth Alternative (Chapter 5 of the General Plan) includes the identification of further implications for each of the General Plan elements.

1.5. Issues to be Resolved

Section §15123(b) (3) of the 2016 CEQA Guidelines requires that an EIR identify issues to be resolved. This includes the choice among alternatives and whether or how to mitigate significant effects. Regarding the proposed Plan, major issues to be resolved are outlined below and include decisions by the City of McFarland, as lead agency, on this EIR. Issues relate to the following:

- Whether this EIR adequately describes the environmental impacts of the proposed McFarland 2040 General Plan.
- Whether the benefits of the Plan override those environmental impacts that cannot be feasibly avoided or mitigated to a level of insignificance
- Whether the proposed land use changes are compatible with the character of the existing area
- Whether the identified goals, policies or mitigation measures should be adopted or modified
- Whether there are other mitigation measures that should be applied to the Plan besides those Mitigation Measures identified in the EIR
- Whether there are any alternatives to the Plan that would substantially lessen any of the significant impacts of the proposed Plan and achieve most of the basic objectives.

1.6. Areas of Controversy

The City of McFarland issued a Notice of Preparation (NOP) of an EIR on November 16, 2020 and again on March 4, 2021 (*due to uncertainty with transmissions of communications during a pandemic, lockdowns, and remote work conditions*). The State Clearinghouse posted the NOP officially at the CEQA.net site on April 12, 2021 to conform with its transition to electronic noticing. The scoping period ran from November 16, 2020 until May 12, 2021, during which members of the public and responsible agencies were invited to submit comments related to the content and scope of the EIR for the McFarland 2040 General Plan. Additional comments were received during the General Plan outreach phase. These NOP comments are summarized below, followed by input from the General Plan community meetings as main areas of controversy and concern for the project.

1.6.1. Notice of Preparation Comments:

1.6.1.1. Native American Heritage Commission

During the NOP period, the project team received comments from the Native American Heritage Commission (NAHC). Appendix to Section 1.6 contains the full letter. The following subsections identify the key issues and remedies.

1. [NAHC pg. 1, paragraph 3 to pg. 2, paragraph 1] The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. This invitation for consultation is mandatory under Assembly Bill 52 (AB 52) and is required to be sent out 14 days before completion of an application. The tribes should be provided a 30-day window to respond.

   The City of McFarland sent out an invitation for consultation letter to 19 tribes historically or culturally associated with the geographic area on December 14, 2020. The letter can be found in the Appendix to section 1.6 of the EIR. Those tribes that responded indicated the project area was outside ancestral lands and thus needed no consultation.

2. [NAHC pg. 2, paragraph 2] The Native American Heritage Commission (the Commission) also advises that under AB 52, a lead agency should begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.

   There were no requests for consultation for the McFarland 2040 General Plan update as indicated in response to NAHC 1.

3. [NAHC pg. 2, paragraphs 3 & 4] The Commission provides the following required topics of consultation if a tribe requests to discuss them including: alternatives to the project, recommended mitigation measures, and significant effects. Additionally, the Commission also encloses the following discretionary topics for consultation: type of environmental review necessary, significance of the tribal cultural resources, significance of the project's impacts on tribal cultural resources, and if necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.

   There were no requests for consultation for the McFarland 2040 General Plan update as indicated in response to NAHC 1.

4. [NAHC pg. 2, paragraph 5] Government Codes §6254 (r) and §6254.10 dictate that with some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process cannot be included in the EIR. Instead, information submitted by a California

Native American tribe during the consultation or environmental review process shall be published in a confidential appendix unless otherwise stated.

No information from any California Native American Tribe has been submitted to the City during this environmental review process.

5. [NAHC pg. 2, paragraph 6] The NAHC advises that per AB 52, if a project has a significant impact on a tribal cultural resource, the City's EIR should include discussion of the impacts.

   No tribes requested consultation in regard to this project nor did any tribe expose any possible impacts that this Plan may have on a tribal cultural resource.

6. [NAHC pg. 3, paragraph 1] The Commission lays out how to determine the conclusion of a consultation following AB 52.

   However, no tribes requested consultation for the McFarland 2040 General Plan update.

7. [NAHC pg. 3, paragraph 2] Pursuant to Public Resources Code §21080.3.2, any mitigation measures agreed upon in the consultation should be recommended for inclusion in the EIR.

   No tribes requested consultation for the McFarland 2040 General Plan update, nevertheless, the Plan (and Section 4.5.3 of the EIR) include the following mitigation policies:

   Policy OS 2.1.1: Protect and maintain the City's historic cultural resources.

   Program OS 2.1.1.1: Include Native American Tribal Authorities in environmental review processes.

   Program OS 2.1.1.2: Provide confidential review and protection for cultural heritage resources if present or found during development.

   Policy OS 2.1.3: Foster an appreciation of diverse cultural identities through geographic and historical context.

   Program OS 2.1.3.1: Establish a system of signage that promotes and provides historical context for open space resources.

   Program OS 2.1.3.2: Promote the McFarland historical society.

   Furthermore, the EIR on the 2040 McFarland General Plan has the following mitigations:

   MITIGATION CULT-2A

   The City of McFarland shall implement the following policy:

   In the event that archeological or paleontological resource is unearthed or otherwise discovered during construction related activities associated with the proposed Plan, all work must be suspended until a qualified archeologist is consulted.

MITIGATION CULT 4A:

The City of McFarland will implement the following policy in accordance with California Public Resources Code Chapter 1.75 Section 5097.9 – 5097.991 and Section 7050 of the Health and Safety Code:

In the event human remains are discovered during the build-out of the Plan's proposed developments, construction must be stopped, and a qualified coroner must be contacted to determine if the remains are of Native American origin. If the coroner makes this determination, the coroner should contact the Native American Heritage Commission within 24 hours.

8. [NAHC pg. 3, paragraphs 3 & 4] The Commission recommends that if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, even if no consultations occur, the City shall consider feasible mitigation.

   No evidence has been found to demonstrate that the Plan will cause a significant effect to a tribal resource, nevertheless, the Plan (and Section 4.5.3 of the EIR) include mitigation policies and measures identified in the response to NAHC 7.

9. [NAHC pg. 3, paragraph 5] The Commission explains that EIR reports cannot be certified and a negative declaration or mitigated negative declaration cannot be adopted unless one of the following occurred:
   a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
   b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
   c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

   By April 14, 2021, 120 days after the invitation for consultation was sent out, no tribes had requested consultation, therefore the EIR meets the requirements under this section.

10. [NAHC pg. 4, paragraph 2] The Commission advises that under Senate Bill 18 (SB 18) when adopting or updating a General Plan, the City of McFarland is required to contact the appropriate tribes identified by the NAHC. The tribes have 90 days to respond and, if a tribe, once contacted, requests consultation the City must consult with the tribe on the plan proposal.

    The City requested a “Tribal Consultation List” and sent out an invitation for consultation to all 19 tribes on the list. The invitation and consultation list are included in the Appendix to section 1.6 of the EIR.

11. [NAHC pg. 4, paragraphs 3, 4, & 5] The Commission recommends that per SB 18, the City shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places during a consultation. There is no statutory time limit on SB 18 tribal consultation. Additionally, the NAHC includes the condition under which a consultation is considered concluded.

    There were no requests for consultation for the McFarland 2040 General Plan update.

12. [NAHC pg. 4, paragraph 6] The NAHC urges the City to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC.

    The Native American Heritage Commission (NAHC) provided a "Tribal Consultation List" in December 2020. Appendix to section 1.6 of the EIR includes the consultation list.

    The Native American Heritage Commission (NAHC) conducted a "Sacred Lands File" search in December 2020 for archaeological resources and concluded as follows:

    > "The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.".

13. [NAHC pg. 4, paragraph 8] The Commission recommends that the City contact the appropriate regional California Historical Research Information System (CHRIS) Center for an archaeological records search.

    A recent CHRIS search conducted for the City of McFarland 2016 General Plan EIR found the following:

    > It "identified 14 previously conducted studies and 14 cultural resources within the project site and 200-foot buffer. All of the cultural resources are built environment and were constructed during the 20th century. One resource, the Friant-Kern Canal is determined as eligible for the California Register of Historical Resources (CRHR) and National Register of Historic Places NRHP." (City of McFarland. 2016. General Plan Amendment Environmental Impact Report)

14. [NAHC pg. 4, paragraph 9] The NAHC recommends the City to prepare a professional report detailing the findings and recommendations of the records search and field survey should an archaeological inventory survey be required.

    No such survey was required for this Plan and no report was prepared.

15. [NAHC pg. 5, paragraph 1] The Commission recommends that the City of McFarland contact the NAHC for a Sacred Lands File search and a Native American Tribal Consultation List of appropriate tribes for consultation.

    The NAHC conducted a Sacred Lands File search and provided a Native American Tribal Consultation List in early December 2020. Response to NAHC 12 includes additional details.

16. [NAHC pg. 5, paragraph 2] The Commission explains that lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence. Therefore, the EIR should include provisions for the identification and evaluation of inadvertently discovered archaeological resources, provision for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans, and provisions for the treatment and disposition of inadvertently discovered Native American human remains.

    Policies in the Plan (and Section 4.5.3 of the EIR) include mitigation policies and measures identified in the response to NAHC 7 that address these recommendations.

1.6.1.2. California Department of Conservation (DCON)

During the NOP period, the project team received comments from the Division of Land Resource Protection of the California Department of Conservation (DCON). Appendix to Section 1.6 contains the full letter. The following subsections identify the key issues and remedies.

1. [DCON pg. 1, paragraph 3] The Department recognizes the Plan's guidance in balancing the trade-off between housing choices, economic growth, and protection of the natural environment. The following are some of the General Plan policies the Department acknowledges:

    Policy LU 1.1.1: Expand the range of allowable housing types and areas in which they may be built.
    Policy LU 1.3.1: Develop compatible industrial, commercial, and other uses along Highway 99.
    Policy LU 1.4.1: Preserve open space in new residential developments.
    Policy LU 2.1.3: Focus future commercial development in existing commercial corridors.
    Policy LU 3.1.1: Reduce conflicts between incompatible land uses.
    Policy ED 1.1.1: Balance industrial, commercial, agricultural, and residential needs.
    Policy ED 2.1.1: Use the 2nd Street corridor as catalyst for downtown improvement.
    Policy ED 3.2.2: Facilitate strategic placement of businesses.
    Policy OS 2.1.2: Promote the use of open space for cultural and community enrichment.
    Policy AG 1.2.1: Encourage economically sound development of natural resources.
    Policy AG 2.1.1: Assess potential impacts of development on agricultural lands.
    Policy AG 3.1.4: Protect open space wherever possible.

2. [DCON pg. 2, paragraph 1] The Plan acknowledges the fact that the loss of agriculture land as a result of urban development represents a major loss in the State's agriculture resources and *encourages the protection and preservation of agricultural lands* through its goals, objectives, and policies. The Department also urges the City to implement an Agricultural Mitigation Program to *show commitment to the protection of agricultural lands*. The following are some of the General Plan policies that encourage the protection and preservation of agricultural lands as well as show commitment to the protection of agricultural lands:

    Objective AG 1.1: Protect prime farmland from non-agricultural development

Policy AG 1.1.1: Give priority to agricultural uses in agricultural areas.

Program AG 1.1.1.1: Maintain up to date mapping of lands within the City's Sphere of Influence under Williamson Act Contracts.

Program AG 1.1.1.2: Prohibit annexation of properties under Williamson Act contracts unless a Notice of Non-renewal has been filed.

Program AG 1.1.1.3: Adopt a Right-to-Farm ordinance.

Policy AG 1.2.1: Encourage economically sound development of natural resources.

Program AG 1.2.1.1: Protect open space through Williamson Act and conservation easements, prioritizing areas for continued production by 2025, and committing to easements by 2030.

Policy AG 2.1.1: Assess potential impacts of development on agricultural lands.

Program AG 2.1.1.1: Evaluate project impacts on neighboring agricultural lands when approving new developments

Program AG 2.1.1.2: Evaluate Williamson Act contracts within and near City limits and evaluate alternative soil conservation land uses on Prime Farmlands.

Program AG 2.1.1.3: Prioritize the procurement of non-Williamson Act agricultural lands for annexation.

Policy AG 3.1.4: Protect open space wherever possible.

Program AG 3.1.4.1: Preserve open space in agricultural production and conservation easements where possible.

Program AG 3.1.4.2: Encourage preservation of open space through Williamson Act or other tax-based incentive programs designed to reduce property tax burden on productive farmers.

Program AG 3.1.4.3: Encourage adoption of open space easements to reduce risk and provide a public benefit where safety concerns such as floodable area and pipeline and transmission lines are present.

Policy AG 6.2.1: Minimize the influence of speculative land transactions on the price of farmland

Program AG 6.2.1.1: Use voluntary purchase or voluntary transfer of development rights programs to limit intrusion of residential development into agricultural lands.

Program AG 6.2.1.2: Support maintaining the maximum amount of land in parcel sizes that farmers are willing to lease or buy for agricultural purposes.

Policy AG 6.2.2: Minimize the impact of residential parcels on adjacent agricultural operations

Program AG 6.2.2.1: Cluster development parcels to locate lots close to existing residences

Program AG 6.2.2.2: Use natural features such as ridge tops, creeks, and groves of trees to separate parcels from the farming areas wherever practical in areas where clustered subdivision is permitted.

Program AG 6.2.2.3: Place agricultural easements on residual farming parcels at the time that subdivisions are developed where clustered subdivision is permitted to the extent allowed by law.

Program AG 6.2.2.4: Add regulations to the development code to restrict the size and extent of non-agricultural development on agricultural lands.

Policy AG 7.1.1: Assure that the primary use of any parcel within the agricultural land use category is agricultural production and related processing, support services, and visitor-serving uses.

1.6.1.3. Southern San Joaquin Municipal Utility District (SSJMUD)

During the NOP period, the project team received comments from Southern San Joaquin Municipal Utility District (SSJMUD). Appendix to Section 1.6 contains the full letter. The following subsections identify the key issues and remedies.

SSJMUD Comments on the Draft General Plan:

1. [SSJMUD pg. 1, paragraph 3] SSJMUD acknowledges that the City has added Program SAF 2.4.1.4 to "enact new measures as needed according to protocols established by the Kern Water Authority. SSJMUD further asserts that KGA's member agencies (which include SSJMUD) are responsible for SGMA implementation within their respective Management Areas. SSJMUD contends that the General Plan Update has not made specific mention of the SSJMUD Management Area Plan or the KGA GSP.

   Volume 1 of the General Plan entitled "Background Report", documents existing settings, regulatory framework, and recommendations from appropriate references. Volume 1 has several references to the KGA GSP. The policy document (or General Plan) only has one specific reference to the KGA GSP as follows:

   > **Program SAF 2.4.1.4:** Enact new measures as needed according to protocols established by the Kern Groundwater Authority. (pg. 126)

   Consequent to this comment from SSJMUD, Volume 1 now has additional references to the SSJMUD Management Area Plan as section 17.2.6, which states the following:

   17.2.6 Southern San Joaquin Municipal Utility District (SSJMUD) Management Area Plan

   The Management Area Plan outlines the SSJMUD's (the District) efforts to comply with California state regulated Sustainable Groundwater Management Act (SGMA) of 2014 which requires groundwater basins to achieve a balanced average inflow and outflow of water. Groundwater is used in this region to support agricultural production and industrial practices that support the economic viability of local communities. The District's goal to balance in and outflows, as outlined in this plan, is expected to prevent the lowering of average groundwater levels beyond 2040 as well as avoid water quality degradation and land subsidence. The management area plan includes a detailed overview of the Districts' historical, current, and projected groundwater conditions, including groundwater storage, water quality, and land subsidence.

   Similarly, policies are modified or new policies are added to Volume 2 as follows:

   > **Policy SAF 2.4.3:** Identify groundwater recharge locations where soil and geography allow for infiltration.
   >
   > **Program SAF 2.4.3.3:** Identify and evaluate potential land holdings to be purchased and used as spreading ponds

Program CON 2.1.2.3: Prepare an urban water management plan (UWMP) as population grows and the City's service area expands to comply with SB 7X-7 (Water Conservation Act of 2009). Develop the plan to decrease water use in public landscapes by 25% of 2018 levels by 2035. Convert existing landscapes to drip systems and replace landscapes requiring significant irrigation with drought tolerant vegetation.

Program PF 1.1.1.1: Continue monitoring water quality in accordance with SSJMUD monitoring standards and publish results as available.

Objective AG 2.4: Achieve groundwater sustainability by 2040

Policy AG 2.4.1: Collaborate and maintain consistency with SSJMUD Management Area Plan

Program AG 2.4.1.1: Encourage participation in SSJMUD In-Lieu Recharge Incentive Program.

Program AG 2.4.1.2: Encourage improvements to individual farming operations that address water use efficiency through SSJMUD On-Farm Efficiency Incentive Program

Program AG 2.4.1.3: Encourage improvements to individual farming operations that address groundwater protection and recharge through SSJMUD On-Farm Recharge Activities Incentive Program.

Program AG 2.4.1.4: Prioritize conversion of lands with lower agricultural potential and non-Williamson Act contract lands from agricultural use to urban use as necessary to accommodate growth.

Program AG 2.4.1.5: Encourage participation in SSJMUD in-District Allocation Structure, which would allow for the transfer of groundwater pumping credits within the District.

Program AG 2.4.1.6: Support SSJMUD to develop and implement a voluntary land fallowing program during droughts when the District may not be able to meet in-District demand from increases in the volume of imported water.

Program AG 2.4.1.7: Support SSJMUD in imposing restrictions that limit groundwater pumping when the District or the entire Subbasin are nearing a condition where they are unable to meet sustainable management criteria even with the implementation of the projects and management actions in the SSJMUD Management Area Plan.

Program AG 3.1.1.1: Encourage water-saving measures in farming through user education in McFarland and its sphere of influence to reduce water use and maintain groundwater levels.

2. [SSJMUD pg. 2, paragraph 1] SSJMUD encourages participation in monitoring localized impacts as outlined in the KGA GSP and the SSJMUD Management Area Plan to avoid violating SGMA. The following are some of the General Plan policies that encourage participation in monitoring localized impacts:

Policy PF 1.1.1: Protect water quality.

Program PF 1.1.1.1: Continue monitoring water quality and publish results as available.

Program PF 1.1.1.2: Continue to monitor the condition of pipes and general infrastructure for water distribution (pg. 151)

3. [SSJMUD pg. 2, paragraph 2] SSJMUD acknowledges that the General Plan has also included Policy SAF 2.4.3 which states that the City will "identify groundwater recharge locations where soil and

geography allow for infiltration" (Policy SAF 2.4.3) but notes that the policy raises the question of where the City will obtain supplies for its proposed recharge activities and how the City plans to deliver water to these proposed facilities. Policy SAF 2.4.3 states the following:

> **Policy SAF 2.4.3:** Identify groundwater recharge locations where soil and geography allow for infiltration. (pg. 126)

Additional policy is added to address SSJMUD concern as follows:

> **Program PF 1.2.2.4:** Direct treated wastewater from expanded sewer facilities to designated areas for groundwater recharge. (pg. 153)

4. [SSJMUD pg. 2, paragraph 3] The District supports Program PF 1.2.2.2 (expand sewer facilities in eastern McFarland) as it would result in protection of groundwater quality and provide a source of beneficially reusable water, which says the following:

> **Program PF 1.2.2.2:** Expand sewer facilities in Eastern McFarland, including the construction of a new wastewater treatment plant. (pg. 152)

Additional policy language is added as follows:

> **Program PF 1.2.2.4:** Direct treated wastewater from expanded sewer facilities to designated areas for groundwater recharge. (pg. 153)

SSJMUD Comments on the Sustainable Agriculture Element:

5. [SSJMUD pg. 2, paragraph 6] SSJMUD notes that the Sustainable Agriculture element of the Plan does not consider the conversion of uncultivated or fallowed land into permanent groundwater recharge which would assist in reducing water demand and in providing locations for permanent groundwater recharge activities to augment groundwater supply.

   Additional policy is added as follows:

> **Program PF 1.2.2.3:** Designate uncultivated or fallowed land into temporary and permanent areas for groundwater recharge. (pg. 153)

6. [SSJMUD pg. 3, paragraph 3] The District recommends the use of the SSJMUD Management Area Plan and KGA GSP as a starting point for discussing and developing the drought readiness measures promoted in Program AG 3.1.2.2, which states the following:

> **Program AG 3.1.2.2:** Cooperate with agricultural industry stakeholders in the City and its Sphere of Influence to promote drought readiness measures. (pg. 157)

Additional policy is added to address SSJMUD recommendations as Program AG 2.4.1.6 which states:

> **Program AG 2.4.1.6:** Support SSJMUD to develop and implement a voluntary land fallowing program during droughts when the District may not be able to meet in-District demand from increases in the volume of imported water.

7. [SSJMUD pg. 3, paragraph 4] The District is supportive of the continued beneficial reuse of treated water from the wastewater treatment plant (WWTP) for irrigation and encourages the expansion of the use of recycled water as additional WWTP effluent becomes available as outlined in Objective AG 10.3, which states the following:

   Objective AG 10.3: Encourage the use of recycled water (pg. 163)

1.6.1.4. Department of Toxic Substances Control (DTSC)

During the NOP period, the project team received comments from Department of Toxic Substances Control (DTSC). Appendix to Section 1.6 contains the full letter. The following subsections identify the key issues and remedies.

17. [DTSC pg. 1, paragraph 3] The Department of Toxic Substances Control (the Department) recommends that the EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. The EIR should identify the responsible agencies and mechanisms to instigate an investigation into the nature and extent of any contamination occurrences, and the potential threat to public health and/or the environment. The EIR addresses this recommendation in Section 4.8.3 as follows:

    > *HAZ – 2: Build-out of the proposed Plan will create a less-than-significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.*
    >
    > Proposed industrial and commercial land uses in the Plan have the potential to create a significant hazard in upset or accident conditions if they involve the use, production, or transport of hazardous materials; however, all subsequent projects of the proposed Plan will require CEQA review and mitigation of impacts associated with hazardous materials. Furthermore, in the case that the release of hazardous materials occurs, the City should collaborate with the County, following protocol from the County's Hazardous Materials Area Plan to carry out a study to evaluate the nature and extent of the contamination, and the potential threat to public health and/or the environment. The proposed Plan also includes additional policies and programs addressing hazardous materials sites that this draft EIR notes in Section 4.8.3.

18. [DTSC pg. 2, paragraph 1] The Department warns of the potential for aerially deposited lead (ADL) contamination of soils along major roadways as a result of the historical practice of adding lead compounds to gasoline. The following programs are included in the General Plan which address this concern:

Program SAF 3.1.2.2: When approving new development, encourage the preparation of a report certifying that the site has been surveyed for hazardous contaminants and has been appropriately remediated for the future proposed use.
Program SAF 3.1.6.4: Encourage developers to investigate development sites to identify hazardous materials.

In addition, section 4.8.3 of this draft EIR include such explanations as the following:

HAZ – 4: Build-out of the proposed plan will create a less-than-significant hazard to the public or the environment as a result of development on a site which is included on a list of hazardous materials sites compiled pursuant to government code section 65962.5.

According to an EnviroStor search conducted in 2019, there were three DTSC cleanup sites within City limits and one cleanup site within the planned annexation south of McFarland. The proposed Plan will not change the existing land uses on the contamination sites without mitigation. Additionally, there is a potential for aerially deposited lead (ADL) soil contamination along highway 99. Projects associated with development along highway 99 should include soil sampling to test for ADL. All subsequent projects of the proposed Plan will require CEQA review and mitigation of impacts associated with hazardous materials. The proposed Plan also includes additional policies and programs addressing hazardous materials sites that this draft EIR notes in Section 4.8.3.

19. [DTSC pg. 2, paragraph 2] DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine-waste. The City has restrictions in its municipal code that do not allow mining operations within McFarland and is not aware of any former mining sites within the project site.

20. [DTSC pg. 2, paragraph 3] The Department cautions that demolitions could risk exposure to hazardous materials including lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. DTSC advises the City to survey sites for the presence of such materials prior to demolition and to practice proper removal, demolition, and disposal of the above-mentioned chemicals.

Additional policies are added to the Plan to address <u>demolition of existing structures</u> as follows:

Policy SAF 3.1.7: Control pollution from hazardous materials.

Program SAF 3.1.7.1: Institute permitting system for demolition activities.
Program SAF 3.1.7.2: Establish a site inspection process to oversee safe demolition of existing structures.

Additionally, the General Plan includes the following programs that address the <u>surveying and disposal of hazardous materials</u>:

Program SAF 3.1.2.2: When approving new development, encourage the preparation of a report certifying that the site has been surveyed for hazardous contaminants and has been appropriately remediated for the future proposed use.

Program SAF 3.1.6.4: Encourage developers to investigate development sites to identify hazardous materials.
Program SAF 3.1.6.5: Encourage developers to safely transport and dispose of hazardous materials.

21. [DTSC pg. 1, paragraph 4] The Department suggests that any projects under the Plan which require the importation of soil to backfill any excavated areas should undergo proper sampling to ensure that the imported soil is free of contamination. All projects under the proposed Plan will require CEQA review and mitigation of impacts including soil backfill. To further address this concern, the following additional policy is added to the Plan:

    Program SAF 3.1.7.3: Evaluate imported soils to ensure that they are free of contamination by hazard materials.

22. [DTSC pg. 2, paragraph 5] The Department advises that the EIR discuss the proper evaluation of sites used for agricultural, weed abatement, or related activities for organochlorinated pesticides. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

    The following are related policies and programs in the Plan that mitigate the exposure to pesticides:

    CON 3.2.3: Update current public maintenance plans to pesticide free maintenance strategies where feasible.

    Program CON 3.2.3.1: Eliminate the use of neonicotinoid insecticides and other highly toxic systemic insecticides.

    Program CON 3.2.3.2: Restrict the purchase and use of products that contain neonicotinoids and seeds or plants that have been treated with neonicotinoids.

    Program CON 3.2.3.3: Eliminate cosmetic pesticide applications

    Policy SAF 3.1.5: Minimize exposure to pesticides.

    Program SAF 3.1.5.3: Coordinate with County departments to monitor pesticide storage, application, and exposure.

    Policy AG 4.1.1: Limit and manage use of pesticides

    Program AG 4.3.1.4: Encourage the education of farmers on integrated pest management to keep pests under control while minimizing use of chemical pesticides

    Additional policy is added as follows:

    Policy AG 4.3.2: Build and maintain healthy soils

Program AG 4.3.2.2: Encourage farmers to monitor soils for organochlorinated pesticides in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

1.6.2. Concerns Raised in Community Meeting:

In community meetings held as part of the General Plan development process, residents and stakeholders identified the following concerns:

- *Land Use* – A paucity of medical care facilities, and imbalance in the spread of development to the east side of the City
- *Circulation* – Limited connections between the east and west sides of the City; lack of regional connections between Delano, Wasco, and Bakersfield when using public transportation; and outdated crossing infrastructure.
- *Housing* – Limited housing options especially of affordable housing options
- *Economic Development* – A distinct lack of local businesses, career training opportunities, big-box retailers, and other related commercial establishments.
- *Safety* – Inadequate drainage and flood control infrastructure
- *Public Facilities & Environmental Justice* – Inadequate sidewalks, lighting, and infrastructure on the east side of the City

1.6.3. Native American Tribal Consultation:

Consistent regulations of the State of California (e.g., SB 18, AB 52, et al), the project team initiated consultation with Native American Tribes likely to be traditionally and culturally affiliated with the project area. With assistance from the Native American Heritage Commission, the project team identified nineteen Native American Tribes and contacted each via a letter. The appendix includes copies of the letters.

In accordance with the State of California Tribal Consultation Guidelines and Government Code §65352.3, the letters officially invited each Tribe to participate in consultation regarding the City of McFarland 2040 General Plan update. Consultation is intended to ensure that California Native American Tribes are given an opportunity to participate in local land use decisions at an early planning stage for the purpose of protecting or mitigating impacts to cultural places and resources and also allows for consideration of cultural resources in the context of broad local land use policy before individual, site-specific, project-level land use decisions are made.

If available, technical reports, such as cultural resource and archaeological reports, would be shared with respective Tribes later in the Environmental Impact Report process. Meanwhile, searches of archeological and cultural resources revealed the following:

- The Native American Heritage Commission (NAHC) has conducted its search in December 2020 for archaeological resources and concluded as follows:

"The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative."

- The California Historical Resources Information System (CHRIS) search on a recent General Plan EIR for the City of McFarland to identify all previous cultural resources work and previously recorded cultural resources within a 200-foot radius of the project site "identified 14 previously conducted studies and 14 cultural resources within the project site and 200-foot buffer. All of the cultural resources are built environment and were constructed during the 20th century. One resource, the Friant-Kern Canal, is determined as eligible for the California Register of Historical Resources (CRHR) and National Register of Historic Places NRHP." (City of McFarland. 2016. General Plan Amendment Environmental Impact Report).

The Appendix to section 1.6 includes a list of Tribes contacted and responses received, if any. Overall, responses indicate the project area is outside ancestral homes for which the Tribes did not request consultation.

1.7. Significant Impacts and Mitigation Measures

Table 1.1 summarizes the conclusions of the environmental analysis contained in this EIR and presents a summary of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Chapter 4, Section 4.1 to 4.17. The table is arranged in four columns: 1) environmental impacts; 2) significance prior to mitigation; 3) mitigation measures; and 4) significance after mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapter 4, Section 4.1 through 4.17.

Table 1-1 summarizes the environmental analysis and categorizes impacts as either "less-than-significant," "potentially significant," "significant," or "no impact." These terms are defined as follows:

No impact: The project does not create an impact in that category.

Less than significant: A less than significant impact is one that would not reach or exceed the standard or threshold of significant as determined in this analysis. Therefore, no substantial environmental change would occur or necessitate the need for mitigation measures.

Potentially significant: The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project.

Significant: A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project.

TABLE 1-1: SUMMARY OF POTENTIALLY SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
1. AESTHETICS			
AE-1: Have a substantial adverse effect on a scenic vista?	NI	N/A	NI
AE-2: Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	NI	N/A	NI
AE-3: In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	LTS	N/A	LTS
AE-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	LTS	N/A	LTS

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2. 3. AGRICULTURE			
AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	PS	**AG-1A:** Prohibit annexation of properties under Williamson Act contracts unless a notice of Nonrenewal has been filed. **AG-1B:** Continue to implement a Right-to-Farm ordinance.	LTS
AG-2: Conflict with existing zoning for agricultural use, or a Williamson Act contract?	LTS	N/A	LTS
AG-3: Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	NI	N/A	NI
AG-4: Result in the loss of forest land or conversion of forest land to non-forest use?	NI	N/A	NI

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DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
AG-5: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	PS	**Mitigation Measure AG-5a:** Implement Mitigation Measure AG-1a: Prohibit Annexation of properties under Williamson Act contracts unless a notice of Non-renewal has been filed	PSU
4. AIR QUALITY			
AQ-1: Conflict or obstruct implementation of the applicable air quality?	LTS	N/A	LTS
AQ-2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	LTS	N/A	LTS
AQ-3: Expose sensitive receptors to substantial pollutant concentrations?	PS	**Mitigation AQ-3a:** Avoid siting of new substantial emission sources within CARB recommended screening distances of sensitive receptors.	LTS
AQ-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	PS	**Mitigation AQ-4a:** Update zoning to meet screening distance	LTS

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5. BIOLOGOCAL RESOURCES			
BIO-1: 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 or U.S. Fish and Wildlife Service?	PS	**Mitigation BIO-1a:** Projects that result from the Plan are to utilize a qualified biologist to conduct habitat assessments, well in advance of Project implementation at individual sites, to determine if individual project areas or their immediate vicinity contain habitat suitable to support special-status plant or animal species. **Mitigation BIO-1b:** If suitable habitat is present, assess presence or absence of special-status species by conducting surveys following recommended protocols or protocol-equivalent surveys.	LTS

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DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
BIO-1 (continued)	PS	**Mitigation BIO-1c:** If State-listed species are detected at a Project site, consultation with CDFW is warranted to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) prior to initiating any ground-disturbing activities.	LTS
BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	NI	N/A	NI
BIO-3: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	LTS	N/A	LTS

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DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
BIO-4: 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 native wildlife nursery sites?	LTS	N/A	LTS
BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	LTS	N/A	LTS
BIO-6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	LTS	N/A	LTS
6. CULTURAL: ARCHEOLOGICAL AND HISTORICAL RESOURCES			
CULT-1: Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	NI	N/A	NI
CULT-2: Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5?	PS	**CULT-2A:** In the event that archeological or paleontological resource is unearthed or otherwise discovered during construction related activities associated with the proposed Plan, all work must be suspended until a qualified archeologist is consulted.	LTS

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CULT-3: Disturb any human remains, including those interred outside of formal cemeteries?	PSU	**CULT-3A:** In the event human remains are discovered during the build-out of the Plan's proposed developments, construction must be stopped, and a qualified coroner must be contacted to determine if the remains are of Native American origin. If the coroner makes this determination, the coroner should contact the Native American Heritage Commission within 24 hours.	LTS
ENERGY			
*Refer to **Section 18** on Energy*			
7. GEOLOGY AND SOILS			
GEO-1 (1-i): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	LTS	N/A	LTS

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GEO-2 (1-ii): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	LTS	N/A	LTS
GEO-3 (1-iii): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction?	LTS	N/A	LTS
GEO-4 (1-iv): Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?	LTS	N/A	LTS
GEO-5: Result in substantial soil erosion or the loss of topsoil?	LTS	N/A	LTS
GEO-6: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	LTS	N/A	LTS
GEO-7: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	LTS	N/A	LTS

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GEO-8: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	LTS	N/A	LTS
GEO-9: Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	LTS	N/A	LTS
8. GREENHOUSE GAS EMISSIONS			
GHG-1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?	LTS	N/A	LTS
GHG-2: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs?	LTS	N/A	LTS
9. HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	PS	**Mitigation HAZ-1:** All hazardous material production and transportation should comply with state and local regulations and Hazardous Waste Management Plans	LTS
HAZ-2: 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?	LTS	N/A	LTS

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HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	LTS	N/A	LTS
HAZ-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	LTS	N/A	LTS
HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	NI	N/A	NI
HAZ-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	LTS	N/A	LTS
HAZ-7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	NI	N/A	NI

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10. HYDROLOGY AND WATER QUALITY			
HY-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	LTS	N/A	LTS
HY-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	PS	**Mitigation HY-2a:** Expand wastewater treatment allowing for additional wastewater to be recycled for agricultural irrigation to reduce consumption of fresh groundwater and recharge the supply. **Mitigation HY-2b:** Develop a water management plan to use recycled water in excess of agricultural demand for other purposes. **Mitigation HY-2c:** Adopt a water efficient landscape ordinance to reduce the amount of potable water used for landscape irrigation. **Mitigation HY-2d:** Comply with all State of California Water Conservation measures and the Sustainable Groundwater Management Act.	LTS

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HY-3(3-i): Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?	LTS	N/A	LTS
HY-4(3-ii): Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	LTS	N/A	LTS
HY-5(3-iii): Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	LTS	N/A	LTS

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HY-6(3-iv): Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?	LTS	N/A	LTS
HY-7: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	LTS	N/A	LTS
HY-8: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	PS	**Mitigation HY-8a:** Develop a water management plan to use recycled water in excess of agricultural demand for other purposes. **Mitigation HY-8b:** Comply with all State of California Water Conservation measures and the Sustainable Groundwater Management Act.	LTS
11. LAND USE AND PLANNING			
LU-1: Physically divide an established community?	LTS	N/A	LTS

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LU-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	LTS	N/A	LTS
12. MINERAL RESOURCES			
MR-1: Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	LTS	N/A	LTS
MR-2: Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	LTS	N/A	LTS
13. NOISE			
NOISE-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	LTS	N/A	LTS
NOISE-2: Result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	LTS	N/A	LTS

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NOISE-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	NI	N/A	NI
14. POPULATION AND HOUSING			
POP-1: Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	LTS	N/A	LTS
POP-2: Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	LTS	N/A	LTS

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15. PUBLIC SERVICES			
PS-1: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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?	LTS	N/A	LTS
PS-2: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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?	LTS	N/A	LTS

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PS-3: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Schools?	PS	**Mitigation PS-3a:** Work with school district to identify population growth thresholds that require new school facilities to maintain adequate level of service for the growing youth population.	LTS
PS-4: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Parks?	LTS	N/A	LTS

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PS-5: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Other public facilities?	PS	**Mitigation PS-5a:** Coordinate with Kern County Library to address the specific needs of the community and funding sources required to build library services to meet those needs.	LTS
16. RECREATION			
REC-1: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	LTS	N/A	LTS
REC-2: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	LTS	N/A	LTS
17. TRANSPORTATION			
TRANS-1: Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	LTS	N/A	LTS

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
TRANS-2: Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? . . . . i.*e., Is VMT exceeding an applicable threshold of significance?*	LTS	N/A	LTS
TRANS-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	NI	N/A	NI
TRANS-4: Result in inadequate emergency access?	LTS	N/A	LTS
TRIBAL CULTURAL RESOURCES			
*Refer to **Section 19** on Tribal Cultural Resources*			

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
18. UTILITIES AND SERVICE SYSTEMS			
UTIL-1: Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	PS	**UTIL-1a:** Adhere to construction, enhancement, and expansion outlined in the Storm Drain Master Plan to ensure adequate capacity for projected demand as a result of future growth. **UTIL-1b:** In addition to ensuring orderly and efficient expansion of the storm drainage system, require on-site storm water retention for future development to minimize environmental impacts. **UTIL-1c:** Develop and implement Low Impact Development policies for implementation during construction or expansion of storm water drainage facilities to minimize environmental effects and runoff.	LTS

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
UTIL-2: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	PS	**UTIL-2a:** Prepare an urban water management plan (UWMP) as population grows and the City's service area expands to comply with SB 7X-7 (Water Conservation Act of 2009). **UTIL-2b:** Convert landscapes to drip systems and replace those requiring significant irrigation with drought tolerant vegetation. **UTIL-2c:** Collaborate and maintain consistency with SSJMUD Management Area Plan to foster decreased water use in public landscapes by 2035 by 25% of 2018 level and to achieve groundwater sustainability by 2040.	LTS
UTIL-3: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has (in)adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	PS	**UTIL-3:** Develop and adopt a Sewer Master Plan to guide replenishment of water supply and service delivery to meet future demand.	LTS

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
UTIL-4: Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	LTS	N/A	LTS
UTIL-5: Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	LTS	N/A	LTS
19. ENERGY			
ENE-1: Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	LTS	N/A	LTS
ENE-2: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	LTS	N/A	LTS
20. TRIBAL CULTURAL RESOURCES			
TRIBE-1(1-i): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	NI	N/A	NI

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
TRIBE-2(1-ii): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?	NI	N/A	NI
20 WILDFIRE			
FIRE-1: Substantially impair an adopted emergency response plan or emergency evacuation plan?	LTS	N/A	LTS
FIRE-2: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	LTS	N/A	LTS

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
FIRE-3: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	LTS	N/A	LTS
FIRE-4 Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	LTS	N/A	LTS
21. MANDATORY FINDINGS OF SIGNIFICANCE			
MFS-1: Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	LTS	N/A	LTS

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.			
MFS-2: Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	LTS	N/A	LTS
MFS-3: Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	LTS	N/A	LTS

2. Introduction

The Environmental Impact Report (EIR) provides an analysis of the potential environmental impacts of the adoption and implementation of the proposed McFarland 2040 General Plan (Plan). This analysis is intended to inform decision-makers, responsible agencies, and the public of the nature of the 2040 General Plan and potential effects on the environment. The EIR is prepared in accordance with, and in fulfillment of, the requirements of the California Environmental Quality Act (CEQA). The City of McFarland is the Lead Agency under CEQA.

2.1. Proposed Action

The Preferred Growth Alternative is the vision for development changes in McFarland by the year 2040. It was developed with the community's preferences of concepts in the three development alternatives detailed in General Plan Chapter 4: Development Alternatives. This section presents community-wide features, land use, and circulation concepts within five key growth areas. The Preferred Growth Alternative reflects future land use designations, housing allocation, and circulation improvements needed to meet the population growth projections and targets for job growth. It therefore carries implications for each of the General Plan elements: Land Use, Circulation, Housing, Conservation, Open Space, Safety, Noise, Public Facilities, Economic Development, Community Design, Health, Environmental Justice, Air Quality, and Sustainable Agriculture.

The Preferred Growth Alternative is directly based on community feedback from community meetings, particularly Meeting 3 of February 20, 2020 during which three development alternatives were presented. The Preferred Growth Alternative focuses on creating a diverse local economy supported by a housing stock that accommodates a growing population and balances land development and open space. Major growth areas include: Revitalized Downtown, West Expansion, Whisler Road Neighborhood, Southern Commercial Corridor, and Famoso Industrial and Commercial Center. These growth areas introduce medium-density, high-density, and mixed-use development, as well as accessory dwelling units (ADUs) in residential neighborhoods that are eligible for the additional units using vacant and underutilized parcels. In addition, the Preferred Growth Alternative promotes sustainable design and improvements to the City's circulation network. Circulation improvements focus on creating a network of complete streets, which provide space for automobiles, pedestrians, and bicycles, along with an expanded public transportation system to serve internal circulation needs while it connects McFarland residents to neighboring communities.

Under the Preferred Growth Alternative, McFarland would transform into a connected community that can accommodate growth in population and economic activity. Residents can travel from home to work and shopping by multiple modes, while visitors are drawn to the City's vibrant commercial opportunities. The vision includes multiple areas of residential development infrastructure for active transportation and

pedestrian safety, and the creation of a comprehensive transportation network. Combined, these transformations can help McFarland become a magnet for residential and commercial activity.

2.2. EIR Procedures and Scope

This program EIR was prepared in accordance with CEQA guidelines and regulation to assess environmental effects associated with implementation of the proposed Plan, as well as anticipate future discretionary actions and approvals. As established in Article 1 of CEQA, the basic purposes of CEQA and of this document are to:

1. Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
2. Identify the ways that environmental damage can be avoided or significantly reduced.
3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

As stated in the CEQA Guidelines, an Environmental Impact Report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid possible environmental damage. An EIR is the most comprehensive and common documentation identified in the statute and CEQA Guidelines. CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information through various methods that can include changing or altering the proposed project or program, imposing conditions on project approval or choosing an alternative way of meeting the same need. EIRs intend to provide an objective, factually supported and full-disclosure analysis of the environmental consequences associated with a proposed project or program that has the potential to result in environmental effects.

Additionally, an EIR is a tool that is used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to project approval, a lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and CEQA Guidelines, determine whether it reflects the independent judgement of the lead agency, and adopt findings concerning the project's potentially significant environmental effects, impacts and alternatives. In the event a proposed project would result in significant impacts that cannot be avoided, the lead agency must adopt a Statement of Overriding Considerations. When an agency decided to approve a project and adopt a Statement of Overriding Considerations, it must reflect the ultimate balancing of competing public objectives (including environmental, legal, technical, social, and economic factors).

2.2.1. Potentially Significant Effects

Pursuant to CEQA Sections 15126.2 and 15126.4, the environmental issues addressed in this EIR include the following:

1. Aesthetics
2. Agricultural Resources
3. Air Quality
4. Biological Resources
5. Cultural: Archeological and Historical Resources
6. Geology and Soils
7. Greenhouse Gas Emissions
8. Hazards
9. Hydrology and Water Quality
10. Land Use
11. Mineral Resources
12. Noise
13. Population and Housing
14. Public Facilities
15. Recreation
16. Transportation
17. Utility
18. Energy
19. Tribal Cultural Resources
20. Wildfire

2.2.2. Incorporation by Reference

The Following documents were incorporated by reference in this EIR, Consistent with Section 15150 of the State CEQA Guidelines, and are available for review at the City of McFarland City Hall:

- City of McFarland 2040 General Plan (as amended), 2021
- City of McFarland Background Report (as amended), 2021
- City of McFarland Municipal Code (as amended)
- City of McFarland 2015-2023 Housing Element
- Kern County General Plan (Online at: https://psbweb.co.kern.ca.us/planning/pdfs/kcgp/KCGP_Complete.pdf)
- Southern San Joaquin Municipal Utility District (SSJMUD) Management Area Plan, 2014 (Online at: http://www.kerngwa.com/assets/southern-san-joaquin-municipal-utility-district-management-area-plan.pdf)

The EIR Uses Previously adopted regional and statewide plans and programs, agency standards, and background studies in its analysis. Whenever existing environmental documentation or previously

prepared documents and studies were utilized for the preparation of the EIR, the information was summarized and incorporated by reference for the reader. Chapter 4.0, sections 4.1 through 4.20 of the EIR provide references used for preparation of the EIR.

2.3. Report Organization

This EIR is organized into the following chapters:

Chapter 1. Executive Summary: Summarizes the Background description of the McFarland 2040 General Plan, the format of the EIR, alternatives, critical issues remaining to be resolved, potential environmental impacts, and mitigation measures identified for the Plan. The Executive Summary also includes a summary table describing recommended mitigation measures and indicating the level of significance of environmental impacts before and after mitigation.

Chapter 2. Introduction: Provides an overview of the purpose and use of an EIR, the EIR scope, report organization, and environmental review process.

Chapter 3. Project Description: Describes the Draft McFarland 2040 General Plan in detail. The description includes the location and boundaries of the Plan area, Plan characteristics, and the intended uses of the EIR.

Chapter 4. Environmental Assessment: Provides a summary of the baseline environmental conditions in the project area, including the existing physical setting and regulatory framework for each resource topic required under CEQA. A description and a brief statement of the rational for addressing the topics precede details on individual environmental topics. Chapter 4 also includes the preliminary methodology for determining the level of impact, a discussion of impacts of the project, any proposed mitigation measures, and a discussion of the significance after mitigation. Each topic area is organized as follows:

1. **Regulatory Framework:** A discussion of the regulatory environment that may be applicable to the proposed Plan including Federal, State, and local laws and regulations.
2. **Environmental Setting**: A description of the existing environment in and around the Plan area, as relevant for each topic area impact analysis.
3. **Methodology:** The methodology determining if the project exceeds the thresholds of significance. As a Program level EIR without project specifics, the methodology for determining significance of impact is often qualitative.
4. **Standards of Significance:** The thresholds of significance are the standards, or thresholds, by which impacts are measured, with the objective being the determination of whether an impact will be significant or less than significant.
5. **Impact Discussion:** Each impact associated with an environmental topic is discussed and listed by a number, for reference, that corresponds with the threshold with the threshold of significance for which the impact is being analyzed.
6. **Summary of Significant Impacts and Mitigation Measures:** A statement of qualification of impact, post mitigation, if mitigation measures are required.

Chapter 5. Significant Unavailable Adverse Impacts: Describes the significant, unavoidable, adverse impacts of the proposed Plan.

Chapter 6. Alternatives to the Proposed Plan: Considers the three alternatives to the Proposed Plan, including the CEQA required "No Project Alternative," known as the Business-As-Usual Scenario, Moderate Growth Scenario, Progressive Growth Scenario, and Preferred Growth Scenario.

Chapter 7. CEQA-Mandated Sections: Discusses growth inducement, cumulative impacts, unavoidable significant effects, and significant, irreversible changes as a result of the proposed Plan. This section identifies environmental issues scoped out pursuant to CEQA Guidelines Section 15128.

Chapter 8. Organizations and Persons Consulted: Lists the people and organizations who were contacted during the preparation of the EIR for the proposed Plan.

Chapter 9. Appendix: Consolidates additional details related to: (A) Technical details of greenhouse gas emissions, traffic, and energy analyses; (B) Response to comments on the Notice of Preparation; (C) Response to comments on the Draft EIR (in Final EIR); (D) Documentation of public outreach; and (E) Mitigation Monitoring Program.

2.4 Environmental Review Process

2.4.1 Draft EIR

As required by California law, the Draft EIR was made available for review by the public, interested parties, agencies, and organizations for a period of 45 days. Written comments on the Draft EIR were encouraged for incorporation in the Final EIR. Comments were addressed to:

Maria Lara
City Manager
City of McFarland
401 W. Kern Avenue
McFarland, CA 93250

An electronic copy of the **Draft 2040 General Plan** is available at:
https://www.mcfarlandcity.org/DocumentCenter/View/2301/Vol2_McFarland-Draft-General-Plan_May-2021

Electronic copies of other **related planning documents** are available at:
https://www.mcfarlandcity.org/199/Planning-Department

The **Draft EIR** is posted online on the website of the City of McFarland for public review and is accessible via:
https://www.mcfarlandcity.org/DocumentCenter/View/2302/Vol3_DEIR_05-16-2021

2.4.2 Final EIR

The City of McFarland reviewed all written comments and prepared written responses for each one after the 45-day public review period. The Final EIR (FEIR) incorporates the comments received, responses to the comments received, and any changes made to the Draft EIR as a result of the comments received. The FEIR is presented to the City of McFarland for certification as the environmental review document for the proposed Plan. All persons or organizations that commented on the Draft EIR are notified of the FEIR and its availability.

The **Final EIR** is also posted online on the website of the City of McFarland for public review and is accessible via:
https://www.mcfarlandcity.org/DocumentCenter/View/2302/Vol3F_FEIR_July-2021

2.4.3 Mitigation Monitoring

California Public Resource Code Section 21081.6 requires that a lead agency adopt a monitoring program or reporting program for any project for which it has made findings pursuant to Public Resource Code 21081 or adopt a Negative Declaration pursuant to Public Resources Code Section 21080 (c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration. The Mitigation Monitoring Program for the proposed Plan is completed as part of the FEIR prior to consideration of the Plan by the City Council of McFarland.

3 Project Description

3.1 Location and Boundaries of the Plan

The Environmental Impact Report (EIR) for the City of McFarland 2040 General Plan provides an assessment of the environmental impacts associated with implementation of the proposed McFarland 2040 General Plan (proposed Plan), released in Draft form for public review on November 1, 2020. The proposed Plan replaces the existing General Plan, and is intended to guide investment, development, and conservation in McFarland through 2040. In compliance with the California Environmental Quality Act (CEQA), this chapter provides a detailed description of the proposed Plan, including the location and boundaries of the Plan Area, the primary objectives and the principal characteristics of the proposed Plan, and the intended uses of the EIR.

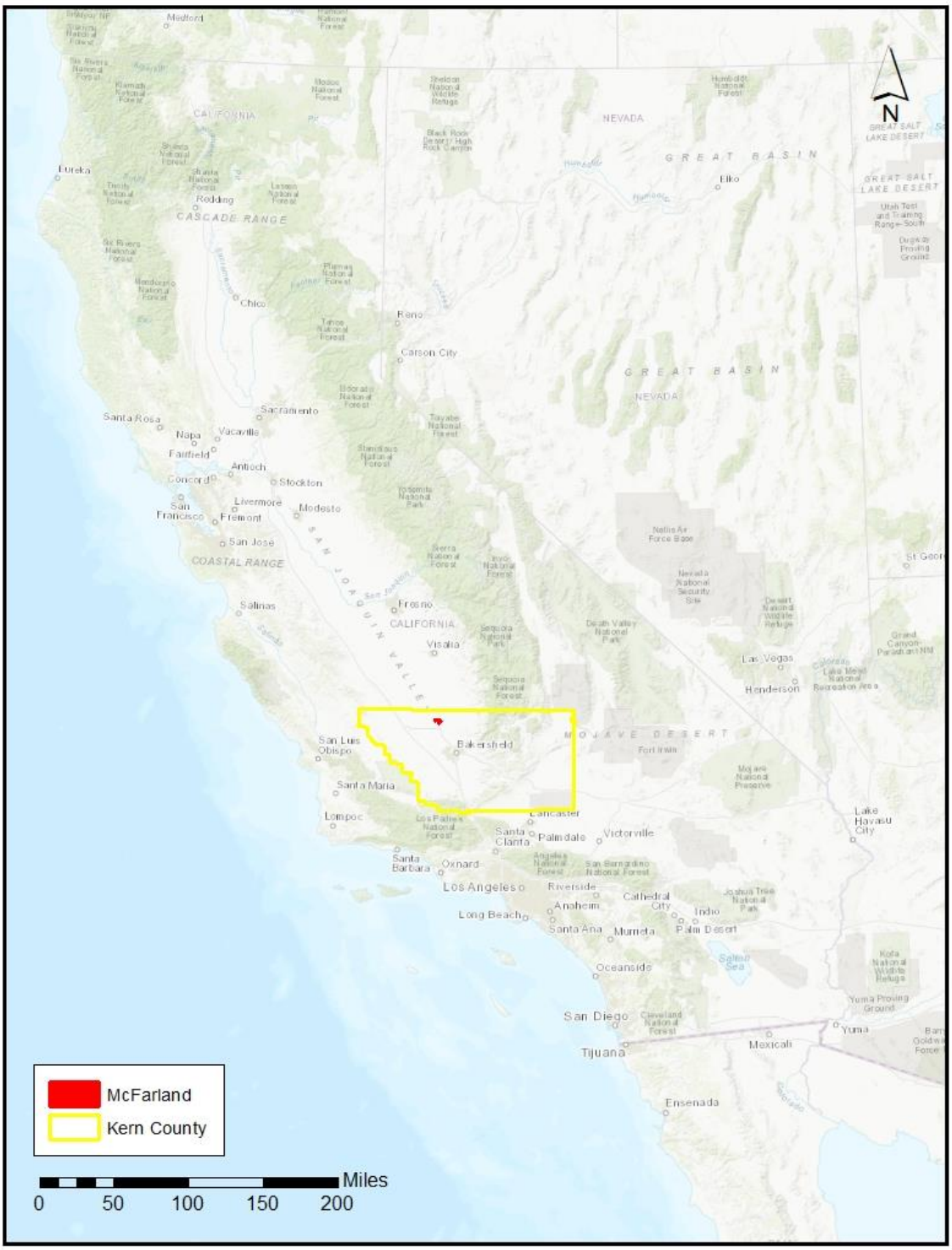
3.1.1 Project Setting

The City of McFarland sits in the northern section of Kern County within California's Central Valley. Map 3-1 displays the location of McFarland in relation to the State of California. Map 3-2 displays the location of McFarland within Kern County. The City is located along Highway 99, approximately 25 miles north of Bakersfield and approximately seven miles south of Delano. McFarland's boundaries encompass approximately three-square miles of land consisting of mostly residential, institutional, and agricultural uses. McFarland's Sphere of Influence and the surrounding area are primarily agricultural.

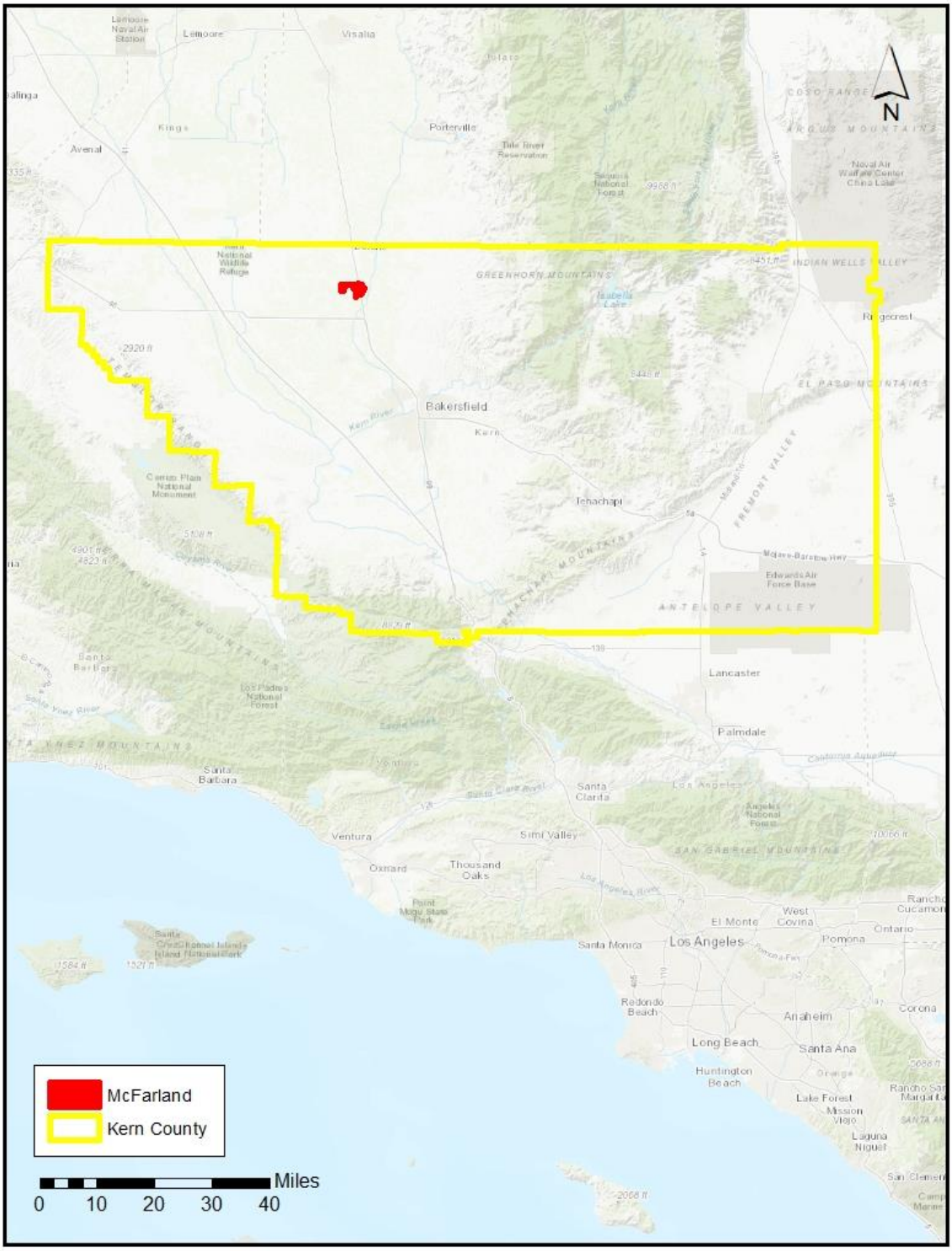
3.1.1Project Boundaries

Prior to 2020, the planning area for the City of McFarland encompassed approximately 12.12 square miles (7,760 acres), located south of the City of Delano and north of the City of Bakersfield. The area included both the east side and west side developments situated around the north-south Highway 99 and Union Pacific railroad rights-of-way. The Sphere of Influence (SOI) created by the Local Area Formation Commission (LAFCO) is defined as the planning boundary outside of the City's legal boundary that designates McFarland's probable future boundary and service area. The planning area is defined as the area to which this document refers, which is compiled from the boundaries of existing and potential future extents of the City and its sphere of influence. This document details the future development of the City. The City's SOI is slated to be expanded in 2020 with inclusion of the land along Highway 99 south toward the intersection with Highway 46. This proposed expanded Sphere of Influence is to encompass approximately 18.37 square miles (11,760 acres) and stretches south toward State Route 46 and the Famoso interchange. Since a Sustainable Agriculture Element is included in this General Plan update and agricultural lands surround the City and its SOI, the "study area" extends slightly beyond the proposed SOI to cover an area of approximately 23 square miles or 14,760 acres.

MAP 3-1: LOCATION OF MCFARLAND WITHIN THE STATE OF CALIFORNIA



MAP 3-2: MAP OF MCFARLAND WITHIN KERN COUNTY



3.2 Statement of Objectives

The McFarland 2040 General Plan is intended to represent the general expectations and wishes of its residents and decision-makers concerning future land use patterns and resource management. Longstanding community values reflected in the plan include resource conservation and maintenance of the City's heritage. These values are perpetuated by the General Plan. The Plan continues to direct new housing and commercial enterprises to areas that are suitable for development or are already developed. The 2040 General Plan ensures that important land use decisions are scrutinized for their potential to affect the quality of life and the environment. The primary purpose of the proposed Plan is to update the policy framework and land use designations in order to guide future development in McFarland, incorporate recent planning efforts undertaken by the City, and satisfy new State and regional regulations that have come into force since the General Plan was last adopted.

3.3 Plan Characteristics

The McFarland 2040 General Plan is intended to represent the general expectations and wishes of its residents and decision-makers concerning future land use patterns and resource management. Longstanding community values reflected in the plan include maintenance of the City's small-town character with a sense of place. These values are perpetuated by the General Plan. The 2040 General Plan ensures that important land use decisions are scrutinized for their potential to affect the quality of life and the environment.

3.3.1 Plan Background

To assure that the development of the Environmental Impact Report reflects best practices, other General Plan EIRs were reviewed for document content and organization. The General Plan is intended to address existing conditions and future environmental conditions for the City of McFarland.

3.3.2 Description of the Proposed Plan

3.3.2.1 PROPOSED PLAN ORGANIZATION AND CONTENT

The proposed Plan includes the state mandated general plan elements of land use, circulation, housing, open space, conservation, safety, and noise. In addition, the plan includes seven optional elements

addressing topics of particular importance to the McFarland community: Air Quality, Economic Development, Public Facilities, Sustainable Agriculture, Environmental Justice, Health, and Community Design. Table 3-1 summarizes the contents of the proposed Plan. Each element begins with a discussion of baseline and projected conditions in McFarland. Elements are organized under topical headings, followed by a series of numbered goals, policies, and actions, organized by topical subheadings matching the preceding narrative discussion. Goals describe a broad overall end state toward which the City directs its efforts. Objectives describe specific targets that are intended to be achieved. Policies are specific statements that guide decision-making as the City works to achieve a goal. Programs are actions carried out to implement policies and may be ongoing operating procedures or one-time measures. The Plan documents a summary of research methods, a land use inventory, community meetings, and public outreach. It describes development alternatives: slow growth, moderate growth, and aggressive growth; it adds McFarland's existing strengths and challenges, growth projections, and development opportunities and constraints. And finally, it describes the preferred growth scenario, including a discussion of key growth areas, circulation, and land use outcomes.

TABLE 3-1: GENERAL PLAN SUMMARY

Elements	Description
1. Land use	The Land Use Element is a guide for McFarland's future development. It designates the distribution and general location of land uses, such as residential, commercial, industrial, or public facilities. It also addresses the permitted density and intensity of development within the various land use designations.
2. Circulation	This element describes the City's transportation system and circulation network and provides an Inventory of existing roadway and infrastructure conditions. In addition, this Element addresses future directions for transportation in the City.
3. Housing	The purpose of the housing element is to guide long-term, comprehensive housing needs for residents of each income level within the City by providing a variety of housing types. The Housing Element covers topics of amount, type, location, condition, and affordability.
4. Conservation	The Conservation Element addresses Federal and State standards of environmental regulation, soil and mineral resources, biological resources, water resources, energy, and greenhouse gas (GHG) emissions as well as direction related to the conservation, development, and utilization of natural resources. The Element identifies goals, objectives, policies, and programs to guide the City into the future while minimizing impacts on the natural environment.
5. Open Space	The main goals of the Open Space Element are to focus on enhanced park safety and recreational programs, accessibility and connectivity, and aesthetically pleasing parks and open spaces within the City.

Elements	Description
6. Safety	The Safety Element addresses the protection of humans and property from natural and man-made hazards. Seismic, geologic, fire, and flood hazards are addressed as required under California Government Code 65302(g). The Element also includes safety concerns of crime and hazardous materials.
7. Noise	The element's purpose is to identify noise sources and sensitive receptors within the City. The element includes goals, objectives, policies, and programs to alleviate unwanted sound produced in McFarland.
8. Public Facilities	Public services and facilities are fundamental components of urbanized areas that support daily functions and quality of life in the community. The Public Facilities element covers topics of water infrastructure, water supply, storm water management, wastewater treatment, solid waste disposal services, police services, fire services, school facilities, and library facilities.
9. Economic Development	The Economic Development element is an optional element of the General Plan. The goals, objectives, policies, and programs in this Element aim to expand and diversify the City's economy. By aligning and analyzing key factors that drive McFarland's local economy, as well as the City's role within the Kern County region, this element can help guide economic development through the appropriate allocation of land uses.
10. Community Development	The Community Design Element identifies existing conditions of McFarland's built environment and provides ways to preserve and enhance desirable community attributes. The element also aims to enhance the physical character of the City and to guide the form and appearance of neighborhoods, streets, parks, and public facilities as well as new development.
11. Health	The Health Element addresses adequate access to recreation and open space, healthy foods, medical services, active transportation, quality housing, economic opportunities, safe public spaces, and environmental quality. This element uses various indicators and standards to measure health and wellness conditions established by federal, state, and local agencies.
12. Environmental Justice	The City of McFarland is required by law to have an Environmental Justice Element due to its designation as a disadvantaged community. The purpose of the Environmental Justice Element is to identify objectives and policies to reduce compounded health risks including pollution exposure, food insecurity, and insufficient physical activity. The element also requires jurisdictions to promote public participation in the decision-making process and prioritize the needs of disadvantaged communities.
13. Air Quality	This element discusses the status of the City in meeting federal, state, and local air quality standards and provides an overview of the ambient air quality conditions, a description of the local setting including air quality conditions, and major pollutant sources and air quality issues pertinent to the City's future.

Elements	Description
14. Sustainable Agriculture	The Sustainable Agriculture Element addresses managed production and conservation of agricultural lands to sustain the role of Agriculture as a mainstay of the local economy while it contributes to the State economy. The policies under the Sustainable Agriculture Element seek to preserve existing open spaces and agriculturally productive land while allowing for responsible conversion of land for needed housing and commercial development.

3.3.2.2 PROPOSED LAND USE

PLAN DESCRIPTION

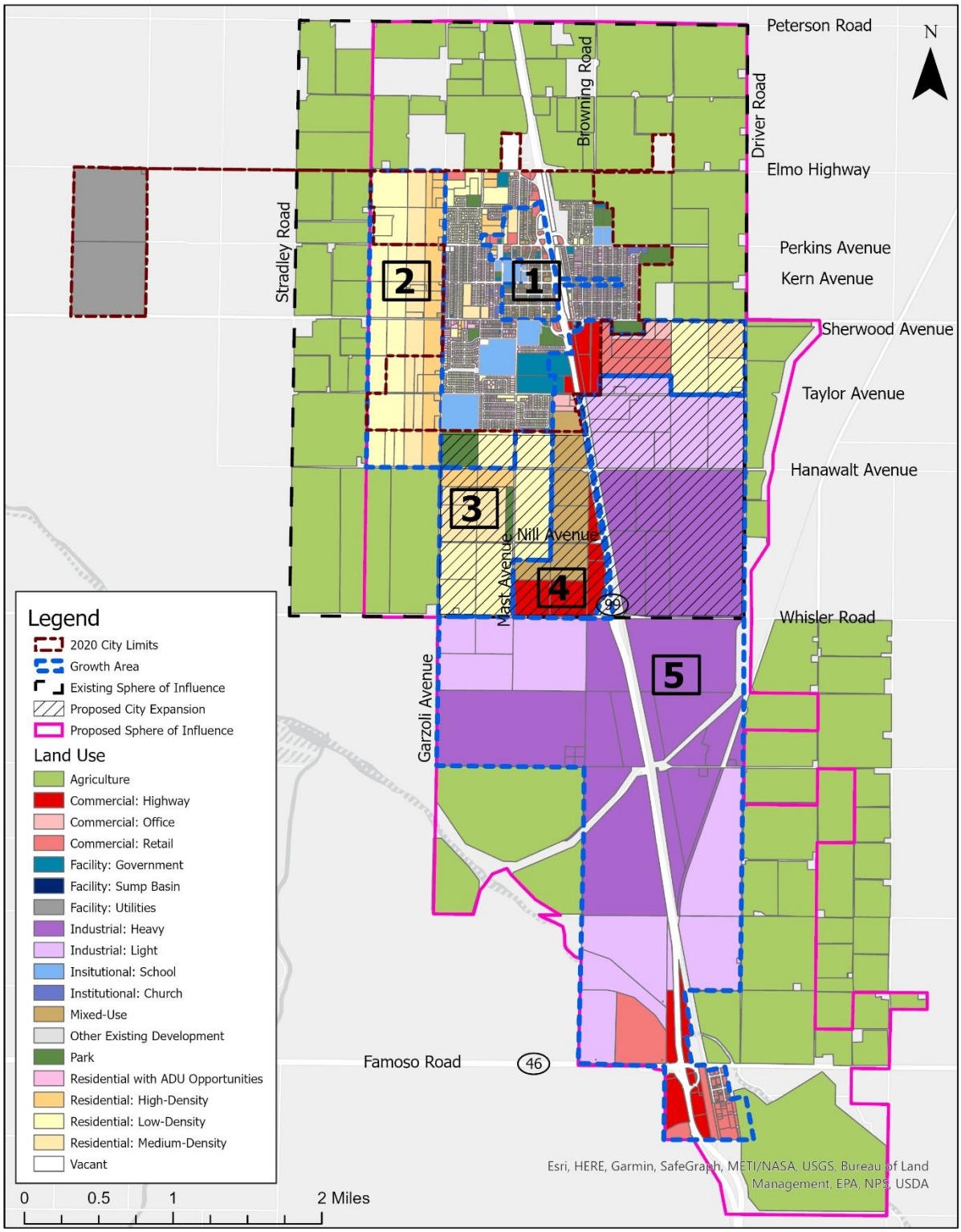
The Proposed Plan is to transform McFarland into a connected community that can accommodate growth in population and economic activity. Residents can travel from home to work and shopping by multiple modes, while visitors are drawn to the City's vibrant commercial opportunities. The vision includes multiple areas of residential development, infrastructure for active transportation and pedestrian safety, and the creation of a comprehensive transportation network. Combined, these transformations can help McFarland become a magnet for residential and commercial activity.

The Plan allocates sufficient space to accommodate population, housing, and jobs through the year 2040 for the most aggressive growth scenario. Based on community feedback and demographic projections, land uses are allocated to balance housing and jobs, expand housing options, and increase job opportunities for a growing population. Therefore, growth areas are to include such land uses as mixed-density housing, mixed-uses, neighborhood and highway commercial, and offices as well as industries.

The Plan demarcates five key growth areas. Development within each key growth area aims to serve the daily needs of nearby residents and businesses in order to create a more walkable, less auto-dependent city.

Map 3-3 shows the overall General Plan land use map with the five key growth areas. They include: 1. Revitalized Downtown; 2. West Expansion; 3. Whisler Road Neighborhood; 4. Southern Commercial Corridor; and 5. Famoso Industrial and Commercial Center.

MAP 3-3: GENERAL PLAN LAND USE MAP WITH KEY GROWTH AREAS



1. Downtown Infill

Downtown is the economic and cultural center of the City of McFarland. In the Plan, vacant and underutilized lots on both sides of Kern Avenue and Highway 99 offer opportunities for mixed-use development and for accessory dwelling units. In addition, pedestrian crossings on Kern Avenue and the addition of complete streets are to create vibrant, safe corridors in downtown. Traffic calming measures such as raised crosswalks and flashing signage and added street trees and landscaping are to help improve walkability. This is needed to improve resident and visitor experience as well as safety for pedestrians and bicyclists traveling in the downtown area.

2. West Expansion

The West Expansion area is for predominantly residential land use with mixed densities ranging from low-to-high density. In the Plan, accommodation for growth is to be fulfilled by developing housing opportunities on City land under temporary agricultural use. These lands offer opportunity to provide multiple different housing options for residents of all needs within the City.

3. Whisler Road Neighborhood

The Whisler Road Neighborhood focuses on developing residential and commercial land uses south of the existing City limits. The area includes housing composed of mixed-density development with low-to-medium and high-density housing options. In addition, commercial uses are to expand convenience in shopping opportunities for residents in its adjoining mixed-use area. To complement the new land uses, open space opportunities are included to provide recreational uses for people within this section of the City.

4. Southern Commercial Corridor

The Southern Commercial Corridor focuses on developing commercial and office uses along Highway 99. The highway serves as a common connector for commercial use areas thereby easing their accessibility for all road users. In addition, expanding available office space in McFarland can further expand commercial opportunities. The commercial and office uses provide new economic opportunities.

5. Famoso Industrial and Commercial Center

South of the existing City limits along Highway 99, the Famoso Industrial and Commercial Center offers expansive space for industrial uses in the City. Industrial uses are envisioned to be primarily warehouse-type industries serving freight vehicles. In addition, some commercial uses are to include a variety of establishments to complement the existing highway asset.

ANTICIPATED EFFECTS AND OUTCOMES

1. Land Use

The Plan proposes changes to the Land Use Element to meet community growth targets and City needs in a way that would maintain McFarland's small-town character. This is achieved by concentrating commercial and residential infill development within the downtown, adding commercial and industrial development along the City's boundaries, and utilizing accessory dwelling units throughout. It provides

for a balanced mix of land uses with a full range of housing types, mixed-use development downtown and at critical nodes along major corridors, and vibrant commercial and industrial development along Highway 99 to support job growth. New, strategic infrastructure upgrades are to discourage leapfrog development and promote a compact urban form while promoting proper transitions and buffering between incompatible land uses.

2. Circulation

The circulation network for the Plan is aimed at creating a safe, efficient, sustainable, and equitable transportation environment in McFarland. This includes improving pedestrian and bicycle infrastructure with multi-use trails and pedestrian corridors, creating complete streets, adding intracity transit routes and service, and adding more regional transit stops to improve access to bus services with neighboring cities. These features are anticipated to give reliable alternative transportation options for people without access to private vehicles including the youth, elderly, and disabled. For convenience, alternative transportation modes, bicycle lanes, and pedestrian pathways are to connect with public transit. The transportation network can turn the City into walkable, bikeable, and transit-friendly place.

3. Housing

Housing in the Plan focuses on maintaining affordability within the City's housing stock, increasing mixed-use residential development downtown, and developing more variety of housing options for residents. These efforts focus within the downtown, west and south areas of the City.

4. Conservation

In order to help mitigate increased demand for natural resources during expansion, the Plan recommends decreasing water and energy demand within existing systems, substituting turf and water reliant vegetation with drought tolerant vegetation and equipping areas with high sun exposure with solar panels. Additionally, educating the public on water and energy reduction strategies can help offset the increasing demand for resources as McFarland expands.

Since there are several threatened and endangered species within Kern County, steps should be taken not to disturb their presence. A trained specialist should check for the San Joaquin Kit Fox, Tricolored Black Bird, Swainson's Hawk and Burrowing Owl before development occurs.

5. Open Space

The Plan is to distribute additional recreational open space so that neighborhoods are generally within a 1.5-mile reach of a park. The additions of recreational space are to go to the West Expansion area and the Whisler Road Neighborhood. The selection of these areas of McFarland for growth is in part due to the significantly fewer parcels of Williamson Act lands to the west of the City. Additionally, the Circulation Element includes pedestrians and cycling improvements to connect homes with recreational facilities. These additions are to help McFarland maintain its strong community core.

6. Safety

The Plan takes into consideration flooding and other natural disasters. It moves new residential development outside of the 100-year floodplain. Floodplain areas slated for industrial and highway commercial development are to be appropriately mitigated. Implementation of the Storm Drain Master Plan can assist this mitigation. New development is to conform to uniform state and national codes for fire and seismic hazards.

7. Noise

The Plan aims to reduce the main sources of noise: Highway 99 and the railroad. Development of sensitive receptors within the 65-decibel contour around these sources is to be restricted, and those within the 60-decibel contour are to have mitigation measures to limit noise levels. The potential for a sound barrier or sound wall is to be explored, which would help reduce noise levels in existing sensitive areas near Highway 99 and the railroad. Future industrial and commercial uses are to be located so that they do not cause excessive noise for existing sensitive receptors.

8. Public Facilities

Full build-out under the Plan may require additional staffing for police and fire services to maintain proper public safety response times and level of service. Population increase could increase student enrollment requiring new schools and park space. Major development is concentrated on the west side of McFarland which has the utility capacity to support it. Continuing to monitor water quality is important as the community continues to grow. Although McFarland's potable water resources are sound, it may be difficult to expand facilities requiring increased conservation. The sewer treatment plant is undergoing expansion in its processing capacity making room for expansion on the west side of the City.

9. Economic Development

The Plan uses infill and mixed-use redevelopment to revitalize the downtown, bringing commercial activity and jobs. The mixed-use development allows residents to live within walking distance of stores, eateries, and other services. The land allocated for highway commercial use along Famoso Road is situated to capture revenue from pass-through traffic and events at the Famoso Raceway. The large amounts of land dedicated to industrial and commercial use can make McFarland an inviting destination for economic development. Through these changes, McFarland can become a regional destination, providing mechanisms for increased revenue streams into the community.

10. Community Design

Community Design aims to improve the overall vibrancy, identity, and cohesion of McFarland. In the Plan, Community Design focuses on the creation of a City that is both attractive and functional. Development focuses on the downtown neighborhood and features complete streets accessible to all road users. Improved signage, crossings, and lighting are to contribute to improved safety and comfort within the City. Landscaping and entryways are to promote methods of wayfinding and improve the aesthetic appearance of McFarland. Design standards can work towards the creation of a uniform image for McFarland to attract visitors and please residents.

11. Health

The Plan prioritizes Health in McFarland by increasing accessibility to healthy foods and grocery options and implementing new recreational opportunities in the form of open and green spaces, as well as encouraging provision of additional medical services within the City. These features can improve the quality of life for residents, especially those suffering from health conditions. With the implementation of health-related programs, healthy lifestyle choices, such as walking, bicycling, choosing healthy food options, and outdoor activities in open and green spaces, are anticipated.

12. Environmental Justice

The anticipated effects of the Environmental Justice Element include the fostering of a community where residents and visitors are protected from environmental hazards and risks, with an emphasis on the impact of agricultural and noise pollution. McFarland's transportation network can provide alternatives to travel by car through the incorporation of walking, biking, and transit infrastructure. The needs and voices of minority and low-income community members are to be directly engaged in the planning process, especially regarding environmental decision-making.

13. Air Quality

The Plan may result in an increase in air pollution and greenhouse gas (GHG) emissions as the population grows and development increases. However, the alternative presents many strategies that can reduce per capita pollutants and GHG emissions, such as increasing accessibility and connectivity for pedestrians and bicyclists, investing in renewable energy, and improving public transit. Keeping the main form of McFarland compact with infill development, building mixed-use commercial, and neighborhood commercial areas can increase opportunities to walk or bike and thereby reduce greenhouse gas emissions and help combat climate change. In addition, the Plan seeks to educate the community about air quality conditions and actions residents may take to address the issue. Outreach efforts include making public data on air quality monitoring and hosting regular community meetings to discuss air quality conditions and mitigation measures.

14. Sustainable Agriculture

McFarland's primary resource is the vast agricultural lands that surround the City. Under the Plan, some urban lands under temporary agricultural use are to be returned to development to accommodate the growth of residential, commercial, industrial, highway commercial, and recreational open space. To the south of the City, some agricultural lands are to be converted to commercial use to boost the City’s aspirations for job growth but narrowing the SOI on the upper west side compensates with conservation of prime farmland.

3.4 Intended Uses of the EIR

This Program EIR serves as an environmental review for the adoption and implementation of the McFarland 2040 General Plan. As such, it provides an in-depth analysis of the environmental effects of the proposed McFarland 2040 General Plan. Section 15152 of the CEQA Chapter 3 Guidelines indicates that tiering "is appropriate when the sequence of analysis is from an EIR prepared for a general plan policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site specific EIR or negative declaration." Subsequent activities under the General Plan may utilize this EIR as the basis for determining whether the later activity may have any significant effects. The conclusions of this EIR can be incorporated where factors apply to the program as a whole. Subsequent projects under the Program EIR may include but are not limited to the following implementation activities:

- Rezoning of properties for consistency with the General Plan
- Amendments to the Zoning Code to achieve consistency with the General Plan (i.e., adoption of new development standards for residential zones)
- Approval of Specific Plans
- Approval of development plans including tentative maps, variances, conditional use permits, and other land use permits
- Approval of development agreements
- Approval and funding of public improvement projects
- Approval of resource management plans
- Issuance of permits and other approvals necessary for implementation of the General Plan
- Issuance of permits and other approvals necessary for public and private development projects

If a subsequent project or later activity would have effects that were not examined in this Program EIR or were not examined at an appropriate level of detail to be used for the later activity, an initial study and negative declaration, mitigated negative declaration, or EIR would need to be prepared. If the City finds that, pursuant to Section 15152 of the CEQA Guidelines, no new effects could occur or that new mitigation measures could be required on a subsequent project to address new effects, the City can approve the activity as being within the scope of the project covered by this Program EIR, and no new environmental documentation would be required. This EIR serves as an informational document for use by public agencies, the general public, and decision-makers. This EIR is not a City policy document; however, it does discuss the impacts of development pursuant to the proposed General Plan and related components and analyzes project alternatives. This Program EIR will be used by the City's Planning Commission and City Council to assess impacts prior to adoption of the General Plan. No other agency must approve the City's actions as described above, as no permits will be issued from any resource, regulatory, or planning agencies as part of project approval. In the interest of disclosure, this Program EIR has been sent to the following agencies for review and comment:

State Agencies
CA Dept. of Conservation
CA Dept. of Fish and Wildlife

CA Dept. of Food & Agriculture
CA Dept. of Forestry and Fire Protection
CA Dept. of Housing and Community Development
CA Dept. of Parks and Recreation
CA Dept. of Resources Recycling and Recovery
CA Dept. of Toxic Substances Control
CA Dept. of Water Resources
California Air Resources Board
California Emergency Management Agency
California Native American Heritage Commission
California Natural Resources Agency
California Office of Historic Preservation
California Office of Planning and Research State Clearinghouse
California Public Utilities Commission
CALTRANS District 5
CALTRANS District 6
CALTRANS Planning
Central Valley Regional Water Quality Control Board

Local Agencies
City of Delano
City of McFarland
City of Wasco
Delano Mosquito Abatement District
Kern Community College District
Kern Council of Governments
Kern County Area LAFCO
Kern County Dept. of Agriculture and Dept. of Weights & Measures
Kern County Dept. of Fish & Game
Kern County Dept. of Planning and Natural Resources
Kern County Dept. of Public Health Services
Kern County Dept. of Public Works
Kern County Historical Society
Kern County Transit
Kings County
McFarland Recreation and Park District
McFarland Unified School District
San Joaquin Valley Air Pollution Control District
Southern San Joaquin Municipal Utility District
Tulare County Administrative Office
Tulare County Board of Supervisors

Other Agencies

AT&T

PG&E

Southern California Edison

Spectrum

Union Pacific Railroad

The proposed Plan would require the following approvals and discretionary and ministerial actions by the following:

- McFarland Planning Commission
    - Recommendation to adopt the proposed Plan
    - Recommendation to certify the General Plan EIR pursuant to CEQA
- McFarland City Council
    - Adoption of the proposed Plan
    - Certification of the General Plan EIR pursuant to CEQA
    - Adoption of ordinances, guidelines, programs, and other mechanisms for implementation of the proposed Plan
- Other City Boards and Commissions:
    - Adoption of programs or other actions that implement the proposed Plan

4 Environmental Analysis

This chapter presents analyses of the programmatic and cumulative environmental impacts that would possibly result from the adoption of the City of McFarland 2040 General Plan (proposed Plan). This introduction explains the general environmental conditions under which the impact analysis is made, as described in Section 15125 of the CEQA Guidelines. Specific environmental conditions as they relate to individual topic areas, and detailed discussion of impacts can be found in section 4.1 through 4.20 of this chapter.

In addition to the general overview of the environmental setting of the City, this chapter addresses the impacts of the proposed Plan for the following topics in individual sections:

1. Aesthetics
2. Agricultural Resources
3. Air Quality
4. Biological Resources
5. Cultural: Archeological and Historical Resources
6. Geology and Soils
7. Greenhouse Gas Emissions
8. Hazards and Hazardous Materials
9. Hydrology and Water Quality
10. Land Use and Planning
11. Mineral Resources
12. Noise
13. Population and Housing
14. Public Facilities
15. Recreation
16. Transportation
17. Utilities

Three other "newer" topics are discussed after the seventeen listed above as follows:

18. **Energy,** which has a slight overlap with *Utilities and Service Systems.*
19. **Tribal Cultural Resources,** which has a slight overlap with *Cultural: Archeological and Historical Resources.*
20. **Wildfire** which has a slight overlap with *Hazards & Hazardous Materials.*

To determine the potential impacts of the proposed Plan, each section of this chapter presents information on one of these 20 topics. Each section includes: a discussion of existing conditions and related regulations at the federal, state, and local levels; standards of significance and methodology by which to determine the level of potential impacts, if any; analysis of impacts based on the significance criteria put forth by the legislation; potential mitigation measures; and a conclusion with determination of potential significance after mitigation.

4.1 Aesthetics

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista?				x
2. Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				x
3. In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			x	
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			x	

4.1.1 Environmental Setting

This section discusses the environmental setting regarding the aesthetics of the City of McFarland.

4.1.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to aesthetics in the proposed Plan.

Federal Regulations

National Register of Historic Places

The National Register of Historic Places was authorized under the National Historic Preservation Act of 1966. This act contains the official list of buildings, objects, sites, and districts designated for preservation due to their significance and contribution to US architecture, history, engineering, or archeology. The National Register recognizes structural resources of local, state, and national significance. At this time, no structures in McFarland have been recognized at the national level.

State Regulations

The California Scenic Highway Program, 1998

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), protects California State highway corridors from changes that would diminish the aesthetic value of lands adjacent to the highways, and works to enhance their natural scenic beauty. Nominated highways are evaluated on how much of the natural landscape passing motorists see, and the extent to which visual intrusions can affect the "scenic corridor." The benefits of the scenic highway designation are as follows:

1. Protection of the scenic corridor from encroachment of incompatible land uses.
2. Mitigation of activities within the corridor that detract from its scenic quality.
3. Modification of development to make it more compatible with the environment and in harmony with the surroundings.
4. Preservation of views of hillsides by minimizing development on steep slopes and along ridgelines.

California Register of Historic Resources

The California Register of Historic Resources program supports public recognition and protection of California resources of architectural, historical, engineering, archeological, and cultural significance. This program labels historic resources for state and local planning purposes, along with methods to determine eligibility for historic preservation grant funding. In addition, historic assets listed on the State register are granted certain protections under the California Environmental Quality Act. At this time, no properties in McFarland have been designated historic at the state level.

Mills Act

The Mills Act permits local government to participate in a historic preservation program to preserve community assets. The Mills Act is an economic incentive program created to provide property owners the opportunity to participate in the restoration of historic structures while receiving tax relief that is up to 50% in aid. The act requires a ten-year contract at minimum, in which property owners agree to preserve and maintain the property in compliance with historic preservation standards and conditions identified in property owner's contracts.

Local Regulations

McFarland Municipal Code

Chapter 17.134.070 of The McFarland Municipal Code requires that drawings and sketches of site development plans be reviewed by the McFarland Planning Commission to validate that plans are in accordance with procedures and development standards.

4.1.1.2 Existing And Baseline Conditions

Scenic Highways

The City of McFarland's Sphere of Influence (SOI) contains one highway (State Route 99). Highway 99 is not designated or eligible to be a California Scenic Highway. Therefore, any proposed plans would not be subject to the California Scenic Highway Program regulations.

Vistas

McFarland is located in a valley with the Sierra Nevada Foothills to the east and Temblor Mountain Range to the west of the City. These very distant mountains are not officially designated vistas; and their visibility will likely not be affected by any development.

Landmarks And Public Art

Landmarks are easily recognizable physical components within an area that provide a point of reference, serve as identity markers, and contribute to a sense of place. A landmark can be a structure, space, or natural feature. Some of the existing landmarks within McFarland include the "Home of the State Cross Country Champions" Water Tank (shown in Figure 4.1-1), the "Welcome to the City of McFarland" Monument Sign, and the Silhouette Runners on the Highway 99 Bridge.

There are a few pieces of public art distributed throughout the City in parks and on the sides of buildings. On the east side of McFarland is a mural depicting the history of McFarland in the vicinity of "Blanco Park." On the west side of McFarland, a long mural can be seen by the grass field next to the public library depicting an assortment of artwork with no recognizable narrative. Other than those two sightings, religious art murals can be spotted on market facades. Features such as this add unique character quality to McFarland and help define a place.

FIGURE 4.1-1: PICTURE OF "HOME OF THE STATE CROSS-COUNTRY CHAMPIONS" WATER TANK



Historical Resources

According to the existing General Plan, there are no National Historical Landmarks (NLM) or no California Historical Landmarks (CHL) in McFarland. The closest eligible place is the Friant-Kern Canal, which is eligible for National Register of Historic Places (NRPH). Aside from this singular off-site example, no historic sites or buildings in the City are listed on the National Register of Historic Places, the California Landmark Series, or List of State Points of Historical Interest. As the threshold for historical significance is fifty years old, certain buildings may be historically significant in the future, though no historic places were identified as significant upon site analysis and inventory, nor through community outreach. There are a few historic resources in other locations within Kern County.

Lighting

McFarland has relatively low light pollution. Although McFarland wishes to maintain the “small town” feel, community members have identified lack of adequate lighting on some public streets as a concern. However, the City has no policies or code regarding light pollution or glare. New developments in key growth areas may have a minor impact on the night sky, but any impacts must be balanced with providing safety to pedestrians and citizens.

Street Design

many of the poor sidewalk conditions were also located in the same areas where sidewalk conditions were labeled as “good.” Most poor-quality infrastructure conditions are found in northeastern McFarland. However, poor conditions also exist in the commercial areas located in the central areas of McFarland. Most of the good street conditions exist near or around where parks exist. This makes traveling to these locations by foot attractive to residents. On these sidewalks the conditions are comfortable, allowing for fair accessibility throughout the community. Trash and a lack of adequate public seating areas were noticed within most spaces where there appeared to be heavier pedestrian traffic. An increase in trash containers as well as recycling bins would be ideal in these spaces.

FIGURE 4.1-2: PICTURE OF MCFARLAND STREET



4.1.2 STANDARDS OF SIGNIFICANCE

4.1.2.1 CEQA THRESHOLDS

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed plan would have a significant effect on the environment with respect to aesthetics if it would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
3. In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings;
   If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality;
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.1.2.2 METHODOLOGY

The aesthetic impact assessment was based on a review of the relevant documents, including the City of McFarland Municipal Code and the California Scenic Highway Program. The discussion follows and is organized by the impact criteria laid out in the CEQA Appendix G Guidelines.

4.1.3 IMPACT DISCUSSION

This section discusses the potential impacts to aesthetics resulting from buildout of the proposed Plan.

AE – 1 THE PROPOSED PLAN WOULD HAVE **NO IMPACT** ON SCENIC VISTAS.

There are no officially designated scenic vistas or viewsheds in the City of McFarland. As a result, the proposed Plan will have no effect on scenic vistas.

Applicable Regulations: None

Significance Before Mitigation: No impact

AE – 2 THE PROPOSED PLAN WOULD HAVE **NO IMPACT** ON SCENIC RESOURCES INCLUDING, BUT NOT LIMITED TO TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS, WITHIN A STATE SCENIC HIGHWAY.

There are no officially designated State scenic highways in the City of McFarland nor are there any National or California Historic Landmarks in the City. The closest eligible place is the Friant-Kern Canal, which is eligible for National Register of Historic Places (NRPH). The proposed plan will have no effect on any scenic highways or historic landmarks.

Applicable Regulations: California Scenic Highway Program

Significance Before Mitigation: No impact

AE – 3 THE PROPOSED PLAN WOULD RESULT IN A **LESS-THAN-SIGNIFICANT** POTENTIAL TO: SUBSTANTIALLY DEGRADE EXISTING VISUAL CHARACTER OR QUALITY OF PUBLIC VIEWS IN NON-URBANIZED AREAS; OR CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY IN URBANIZED AREAS OF THE CITY.

The proposed developments in the Preferred Growth Scenario are centered around key growth areas, which intend to preserve the visual character of the City.

Downtown

Downtown is the economic and cultural center of the City of McFarland. In the Preferred Growth Alternative, vacant and underutilized lots on both sides of Kern Avenue and Highway 99 offer opportunities for mixed-use development and for accessory dwelling units. In addition, complete streets create vibrant, safe corridors in downtown to improve resident and visitor experience and safety.

West Expansion

The West Expansion area is for predominantly residential land use with mixed densities ranging from low-to-high density. In the Preferred Growth Alternative, accommodation for growth can be fulfilled by developing housing opportunities on City land under temporary agricultural use. These lands offer opportunity to provide multiple different housing options for residents of all needs within the City.

Whisler Road Neighborhood

The Whisler Road Neighborhood focuses on developing residential and commercial land uses south of the existing City limits. The area includes housing, commercial uses, and open space opportunities.

Southern Commercial Corridor

The Southern Commercial Corridor focuses on developing commercial and office uses along Highway 99. The highway serves as a common connector for commercial use areas thereby easing their accessibility for all road users. The expanded commercial and office uses provide new economic opportunities.

Famoso Industrial and Commercial Center

South of the existing City limits along Highway 99, the Famoso Industrial and Commercial Center offers expansive space for industrial uses in the City. Industrial uses are envisioned to be primarily warehouse-type industries serving freight vehicles. In addition, some commercial uses are to include a variety of establishments to complement the existing highway asset.

Policies proposed in the Plan include developing a well-balanced and diverse mix of residential, open space, commercial, and industrial uses while maintaining McFarland's small-town atmosphere. The plan focuses on connecting the community by ensuring safe and accessible paths of travel to commercial areas. In addition, the Plan contains the following policy proposals to reduce any impact to visual quality of the City:

Policy LU 1.4.1: Preserve open space in new residential developments.

Policy HO 1.1.1: Preserve existing housing stock, including affordable housing stock, through City regulations and other forms of assistance.

Policy ED 1.4.1: Promote McFarland's history.

Program ED 1.4.1.1: Provide legible and noticeable wayfinding signs signifying culturally significant sites for pedestrians and motorists.

Program ED 1.4.1.2: Showcase McFarland's legacy as cross-country champions.

Program ED 1.4.1.3: Advertise historic resources regionally.

Policy CD 1.1.1: Adopt a form-based code to regulate design and aesthetic qualities.

Program CD 1.1.1.1: Encourage formation of volunteer Design Review Committee of community members, planners, and designers.

Program CD 1.1.1.2: Adopt a theme that can be referenced when establishing McFarland's community aesthetic for developments.

Program CD 1.1.1.3: Develop community design guidelines to include visual descriptions of desired architectural and landscape aesthetics.

Program CD 1.1.1.4: Identify materials to use in defining McFarland including recommendations for roof tiling, building exteriors, building colors, hardscape materials and planting.

Program CD 1.1.1.5: Define design standards for commercial areas, sidewalks, recreational open space, and residential zones to align with the specific needs of these areas.

Policy CD 1.1.2: Update development and infrastructure to retain a consistent image of McFarland’s identity.

Program CD 1.1.2.1: Maintain design standards for aesthetic consistency of architecture and public spaces.

Program CD 1.1.2.2: Seek uniform aesthetics when replacing existing public lights, trashcans, and benches.

Policy CD 1.1.3: Make the City attractive to outsiders.

Program CD 1.1.3.1: Highlight and protect existing landmarks in McFarland.

Program CD 1.1.3.2: Install plaques to describe the relevance of existing landmarks and their histories.

Program CD 1.1.3.3: Use vegetation and signage to mark entrances to create inviting gateways into McFarland.

Policy CD 2.2.1: Increase the frequency of scheduled events.

Program CD 2.2.1.1: Focus the promotion of cultural activities and events in the downtown core and in centralized public parks.

Program CD 2.2.1.2: Streamline the process for reserving public park space for events.

Program CD 2.2.1.3: Encourage events organized by community organizations.

Policy CD 3.1.1: Enforce design which promotes safety of the community.

Program CD 3.1.1.1: Add lighting and improved accessibility in public areas and along public thoroughfares.

Applicable Regulations: Draft City of McFarland 2040 General Plan

Significance Before Mitigation: Less than significant

AE – 4 THE PROPOSED PLAN'S POTENTIAL TO CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE, WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS OF THE AREA IS LESS-THAN-SIGNIFICANT.

Build-out of developments from the proposed Plan would create new, but minor sources of glare and light. Any new lighting installed under the proposed developments would increase safety and security for residents and visitors. In addition, the Plan proposes the following policies to reduce any light and glare impacts:

Policy PF 6.1.1: Improve safety near parks, schools, and other pedestrian corridors.

Program PF 6.1.1.1: Conduct a lighting audit to determine where lighting is most needed in collaboration with the Tri-Agency.

Program PF 6.1.1.2: Pursue funding opportunities for construction and maintenance of lighting facilities.

Program PF 6.1.1.3: Meet lighting operating costs with special assessment fee on businesses.

Applicable Regulations: Draft City of McFarland 2040 General Plan

Significance Before Mitigation: Less than significant

4.1.4 Summary Of Potential Impacts And Mitigation Measures

The proposed Plan does not pose any potentially significant impacts to aesthetics and no mitigation measures are required as a result.

4.1.5 References

City of McFarland, CA. (2011). City of McFarland Consolidated General Plan. McFarland, CA. Retrieved October 25, 2020 from: http://ca- mcfarland.civicplus.com/DocumentCenter/View/1832/McFarland-2011-Consolidated-General-Plan?bidId=

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4.2 Agricultural Resources

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?		X		
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?			**X**	
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				**X**
4. Result in the loss of forest land or conversion of forest land to non-forest use?				**X**
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?		X		

4.2.1 Environmental Setting

The City of McFarland is located in a region dominated by agriculture production. The City contains primarily three significant land use types with respect to agricultural resources: Urban and Built-Up Land, Farmland of Local Importance, and Grazing Land (California Department of Conservation, 2016B).

4.2.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the Agricultural Resources element and potential impacts of the proposed Plan.

Federal Regulations

U.S. Department Of Agriculture (USDA), Natural Resources Conservation Service (NRCS)

The U.S. Department of Agriculture's (USDA's) Natural Resources Conservation Service (NRCS) administers multiple soil and farmland conservation programs in partnership with state, tribal, or local governments. The NRCS also maps soils and farmland uses to provide a comprehensive understanding of the state of agricultural land use across the country. (Natural Resources Conservation Service, 2016A).

Farmland Protection Policy Act (FPPA)

The Natural Resources Conservation Service (NRCS) is responsible for enforcing the Farmland Protection Policy Act (FPPA), which strives to minimize the conversion of agricultural land to non-agricultural uses through other federal programs. This is achieved by ensuring that other state, local, and private programs are compatible with the administered federal programs aimed at protecting farmland. Included in the definition of "farmland" is land that is prime, unique, or of statewide or local importance. Land subject to FPPA is not required to be in current use, and may include land for forests, pastures, or other uses. Federal agencies, state and local governments, tribes, or nonprofit entities can obtain technical assistance from NRCS if they wish to develop farmland protection programs or policies. The Land Evaluation and Site Assessment (LESA) program was also developed in conjunction with the FPPA (Natural Resources Conservation Service, 2016B).

State Regulations

California Farmland Conservancy Program

The California Farmland Conservancy Program (Public Resources Code Section 10200 et seq.) supports California Department of Conservation grant programs to provide funding for qualified nonprofit

organizations, such as land trusts, or local governments to purchase agricultural conservation easements or fee title from farmland owners on voluntary basis. (California Department of Conservation, 2016A).

Farmland Mapping And Monitoring Program (FMMP)

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) categorizes farmlands based on soil ratings and land use information. Farmland classifications, named "Important Farmlands" include seven categories:

- **Prime Farmland** is land ideal for the growth of high-yield crops, with the best combination of chemical and physical characteristics. This is based on its soil quality, growing season, and moisture level. Land that has been fallow for more than two mapping cycles and public non-agricultural lands are exempt from this category.
- **Farmland of Statewide Importance** is non-prime farmland that also has good physical and chemical conditions. Public and fallow land is excluded from this category.
- **Unique Farmland** is land that may not have good physical and chemical characteristics but is suitable for the production of other high-economic value crops. Public and fallow land is again excluded from this category.
- **Farmland of Local Importance** is land that meets none of the aforementioned standards but produces crops that have value in the local economy.
- **Grazing Land** is land that is suitable for livestock grazing or browsing, with a minimum mapping unit of 40 units.
- **Urban and Built-up Land** is land that contains primarily man-made structures and landscapes. It has minimum building density requirements of at least 1 unit to 1.5 acres.
- **Other Land** is land that does not conform to any of the aforementioned categories, but may include low-density development, confined livestock facilities, or areas with geologic features rendering them unsuitable for grazing (California Department of Conservation, 2016B)

Williamson Act

The California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), known as the Williamson Act, is a preservation program that aims to protect open space and agricultural lands and promote efficient urban growth patterns. Through the Williamson Act, landowners can restrict property to open space or agricultural uses in exchange for reduced property taxes through 10-year contracts that self-renew annually with local or regional governments. The property tax reduction comes from assessing property based on the agricultural value of the land rather than the full market value. Landowners must petition a County Board of Supervisors or City Council for cancellation of a Williamson Act contract. (California Department of Conservation, 2016C.)

Local and Regional Regulations

Kern County Municipal Code and McFarland Local Policies

Kern County holds valuable land in preservation for agricultural use. The Kern County Municipal Code and the County General Plan detail these protections. Goals relate to agriculture including Goal 5 of McFarland's General Plan, which provides direction to "conserve prime agriculture lands from premature conversion", keep agricultural uses on lands suitable for production, and thereby ensure economic stability. Planned annexation and rezoning indicate the placement of heavy industry and residential uses on certain agricultural lands. However, potential exists to reserve alternate areas for preservation of agricultural production. Prime agricultural soils and lands represent a limited and diminishing natural resource. In addition, the loss of green space in the form of managed agricultural production means increased fire danger susceptibility, making productive farmland a mutually beneficial construct for all residents and workers in McFarland.

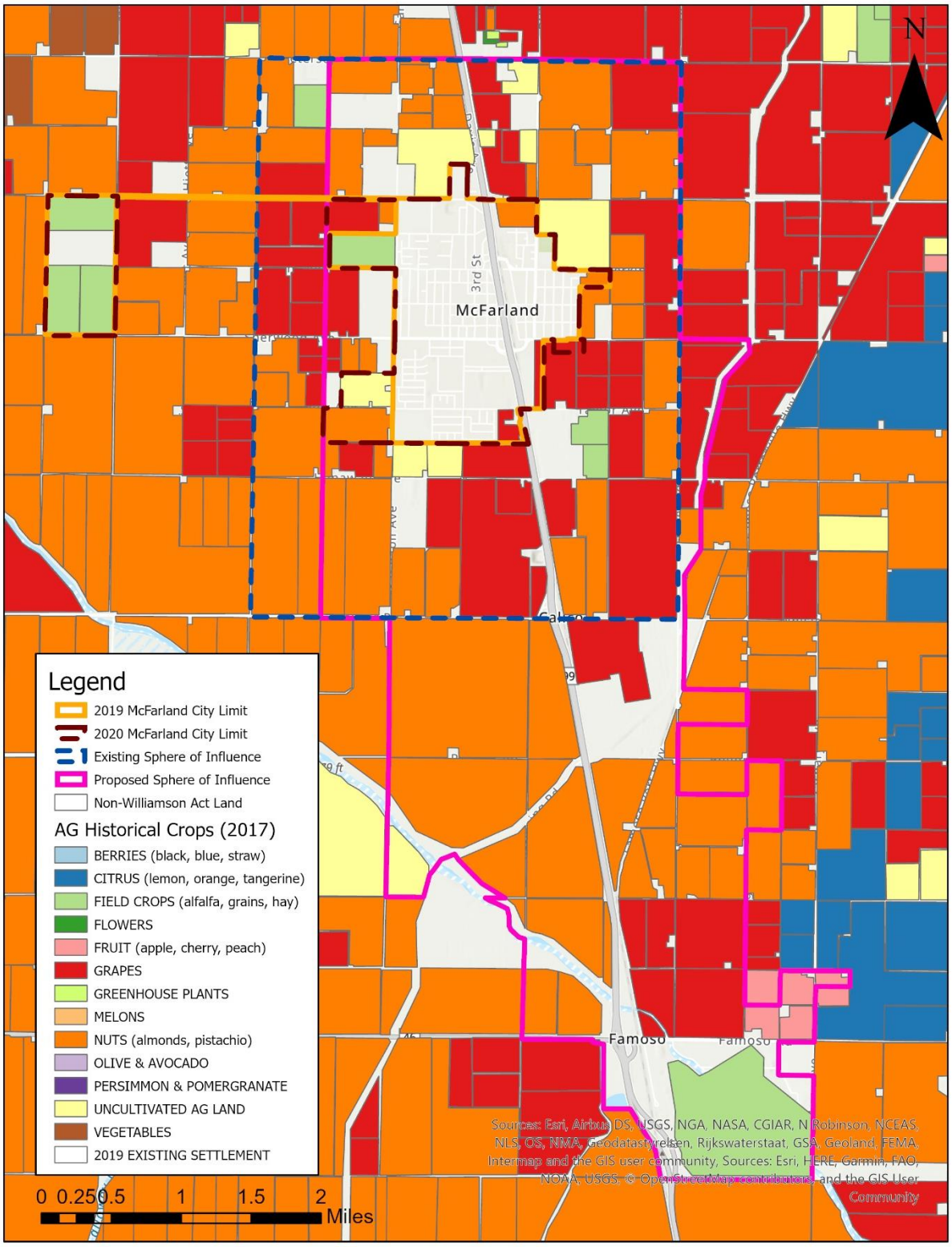
4.2.1.2 Existing and baseline Conditions

McFarland's economy is largely based on agriculture. In the past 16 years, between 50 percent and 80 percent of all jobs were in agriculture. Agriculture land is the third most common land use by acreage (24 percent) and makes up 89 percent of open space in McFarland. While any City growth is likely to encroach on agriculture lands, local regulations attempt to prevent this by prioritizing agricultural land preservation and promoting anti-sprawl land use policies.

The majority of the agriculture land in McFarland and the surrounding area is designated as "Prime Farmland" by the California Department of Conservation. This includes 55 out of 62 Williamson Act parcels within the proposed SOI. The remaining seven parcels are classified as unknown because the soil conditions in these areas remained untested or unclear as of December 2019.

Important crops in McFarland are grapes, nuts, and field crops (such as alfalfa, grains, and hay) shown in Map 4.2-1. These contribute to Kern county's $7.2 billion in crop value according to the 2018 Kern County Agricultural Crop Report. The report shows that grapes and nuts are two of the top grossing crops. The agricultural industry's importance to McFarland's economy underscores the value of preserving agricultural land.

MAP 4.2-1: 2019 MAJOR CROP TYPES



Farmland Preservation

Farmland preservation is prioritized in Kern County, advocated for by the Kern County Farm Bureau - "Promoting, protecting and strengthening Kern County's agricultural interest," (Kern County Farm Bureau, 215).

McFarland Municipal Code Chapter 17.96 And 17.98 – A-1 And A-2 Zones

The McFarland Municipal Code designates two agriculture zoning districts (A-1 and A-2) to prioritize agricultural uses above non-agricultural uses, preventing development on agricultural land and preserving adequate space for agricultural uses.

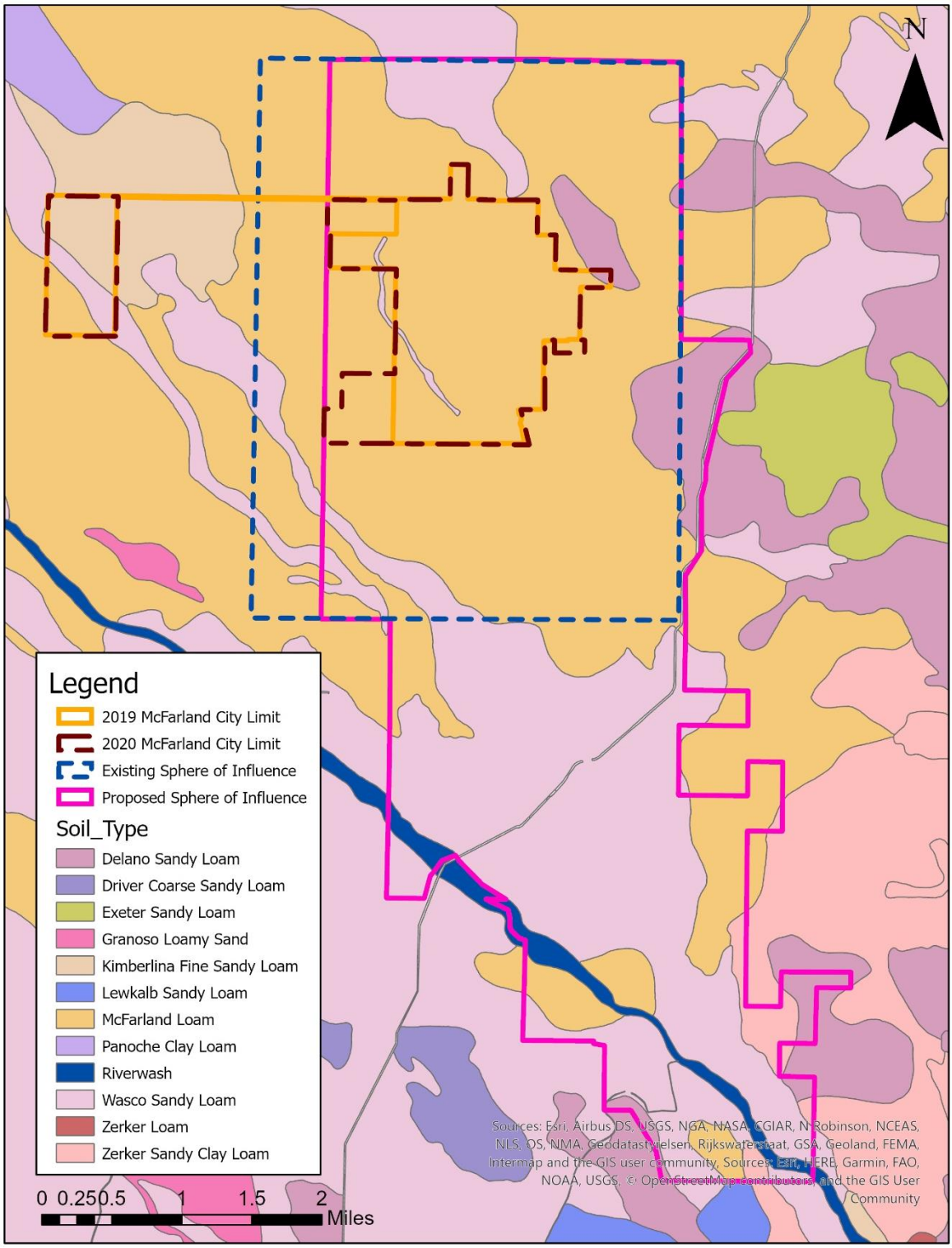
Soil Type

There are several high-quality natural soil types within McFarland's SOI that are ideal for farming. Map 4.2-2 shows the locations of the four soil types in the McFarland area, which include Wasco Sandy Loam, McFarland Loam, Delano Sandy Loam, and Kimberlina Fine Sandy Loam. Table 4.2-1 describes the characteristics of these four soil types. Out of these soil types, McFarland Loam is the most abundant soil type present in and around the City. Its nutrients increase crop strength and harvest totals. The USDA subscribes the following characteristics to McFarland Loam: moderate permeability, slightly acidic to moderately alkaline pH levels, clay content ranging from 18% to 35%, and a gravel content ranging from 0% to 5%. All these indicators benefit crop growth in the region, further supporting the need for preservation of prime agricultural lands in the City and its sphere of influence.

TABLE 4.2-1: SOIL TYPES FOUND IN MCFARLAND, CA

SOIL	DRAINAGE	RUN OFF	USES
McFarland loam	Well drained	Negligible to medium run off	Growing irrigated field, forage, and row crops
Wasco sandy loam	Well drained	Negligible to very low run off	Growing field, forage, and row crops
Kimberlina fine sandy loam	Well drained	Negligible to medium run off	Growing irrigated field, forage, and row crops
Delano sandy loam	Well drained	Medium run off	Growing irrigated field, forage, and row crops

MAP 4.2-2: USGS SOIL TYPES IN MCFARLAND



Source: Department of Agriculture

4.2.2 Standards of Significance

4.2.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), build-out of the Plan would have significant impact on the environment with respect to agricultural resources if it would:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract;
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
4. Result in the loss of forest land or conversion of forest land to non-forest use;
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

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4.2.2.2 Methodology

The City *of McFarland Background Report* (2020) and California Department of Conservation's Farmland Mapping and Monitoring Program were used to assess the potential impacts of the 2040 General Plan buildout on McFarland's agricultural resources. Specifically, this included an analysis of the potential conversion of agricultural resources due to the impacts of implementation of the proposed Plan policies and programs.

4.2.3Impact Discussion

This section discusses environmental impacts with respect to agricultural resources.

AG – 1 following mitigation, the proposed Plan would result in **less-than-significant** impacts by converting prime farmland, unique farmland, or farmland of statewide importance (farmland), to non-agricultural use.

Agricultural lands in McFarland are important in that they provide commodities that generate local jobs and income, contribute to the local character of the City, and create habitat for wildlife. While some designated urban land under temporary agricultural use will be converted to urban land uses under the Plan, overall agricultural land consumption is to be minimized. Furthermore, McFarland is committed to farmland preservation and the proposed General Plan contains goals and policy demonstrating commitment to the unnecessary consumption of farmland and support for the preservation of agricultural resources in McFarland.

Policy AG 1.1.1: Give priority to agricultural uses in agricultural areas.

Program AG 1.1.1.1: Maintain up to date mapping of lands within the City's Sphere of Influence under Williamson Act Contracts.

Program AG 1.1.1.2: Prohibit annexation of properties under Williamson Act contracts unless a Notice of Non-renewal has been filed.

Program AG 1.1.1.3: Adopt a Right-to-Farm ordinance.

Program AG 1.1.1.4: Promote education of new homebuyers and other residents identifying the potential issues of living next to active agricultural operations

Policy AG 2.1.1: Assess potential impacts of development on agricultural lands.

Program AG 2.1.1.1: Evaluate project impacts on neighboring agricultural lands when approving new developments

Program AG 2.1.1.2: Evaluate Williamson Act contracts within and near City limits and evaluate alternative soil conservation land uses on Prime Farmlands.

Program AG 2.1.1.3: Prioritize the procurement of non-Williamson Act agricultural lands for annexation.

Policy AG 6.1.1: incentivize long term agricultural use

Program AG 6.1.1.1: Maintain the urban service boundaries to protect agricultural lands at the urban fringe for continued agricultural production.

Program AG 6.1.1.2: Limit extension of urban services such as sewer beyond the urban service boundaries until deemed necessary.

Policy AG 6.2.2: Minimize the impact of residential parcels on adjacent agricultural operations

Program AG 6.2.2.1: Cluster development parcels to locate lots close to existing residences

Program AG 6.2.2.2: Use natural features such as ridge tops, creeks, and groves of trees to separate parcels from the farming areas wherever practical in areas where clustered subdivision is permitted.

Program AG 6.2.2.3: Place agricultural easements on residual farming parcels at the time that subdivisions are developed where clustered subdivision is permitted to the extent allowed by law.

Program AG 6.2.2.4: Add regulations to the development code to restrict the size and extent of non-agricultural development on agricultural lands.

Policy AG 11.1.1: Establish procedures and standards in the Development Code to distinguish those agricultural uses and activities which may be approved by administrative action and to expedite the processing of permits for agricultural and agriculture-related uses.

Applicable Regulations: Farmland Mapping And Monitoring Program (FMMP)

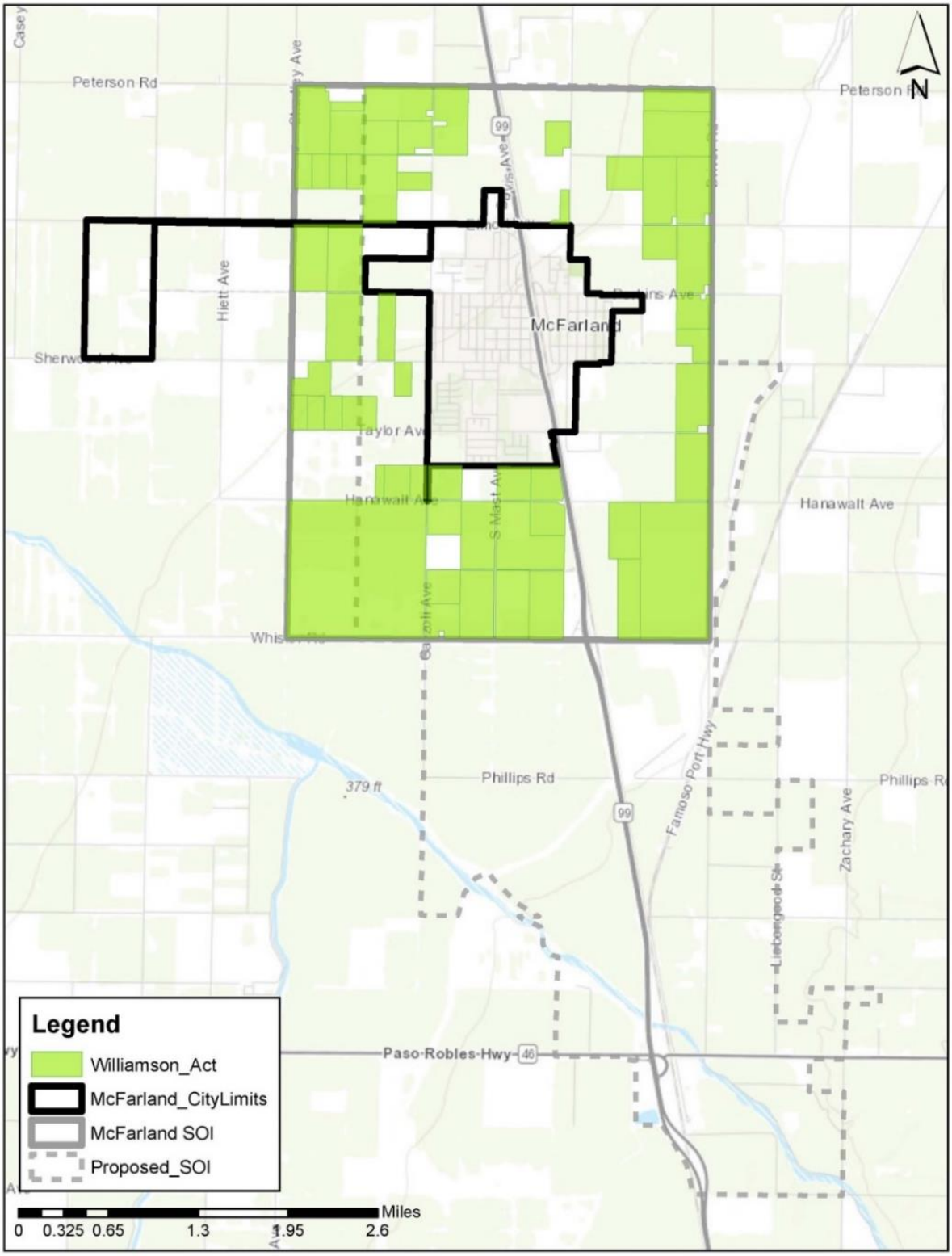
Significance Before Mitigation: Potentially Significant

Significance After Mitigation: Less than Significant

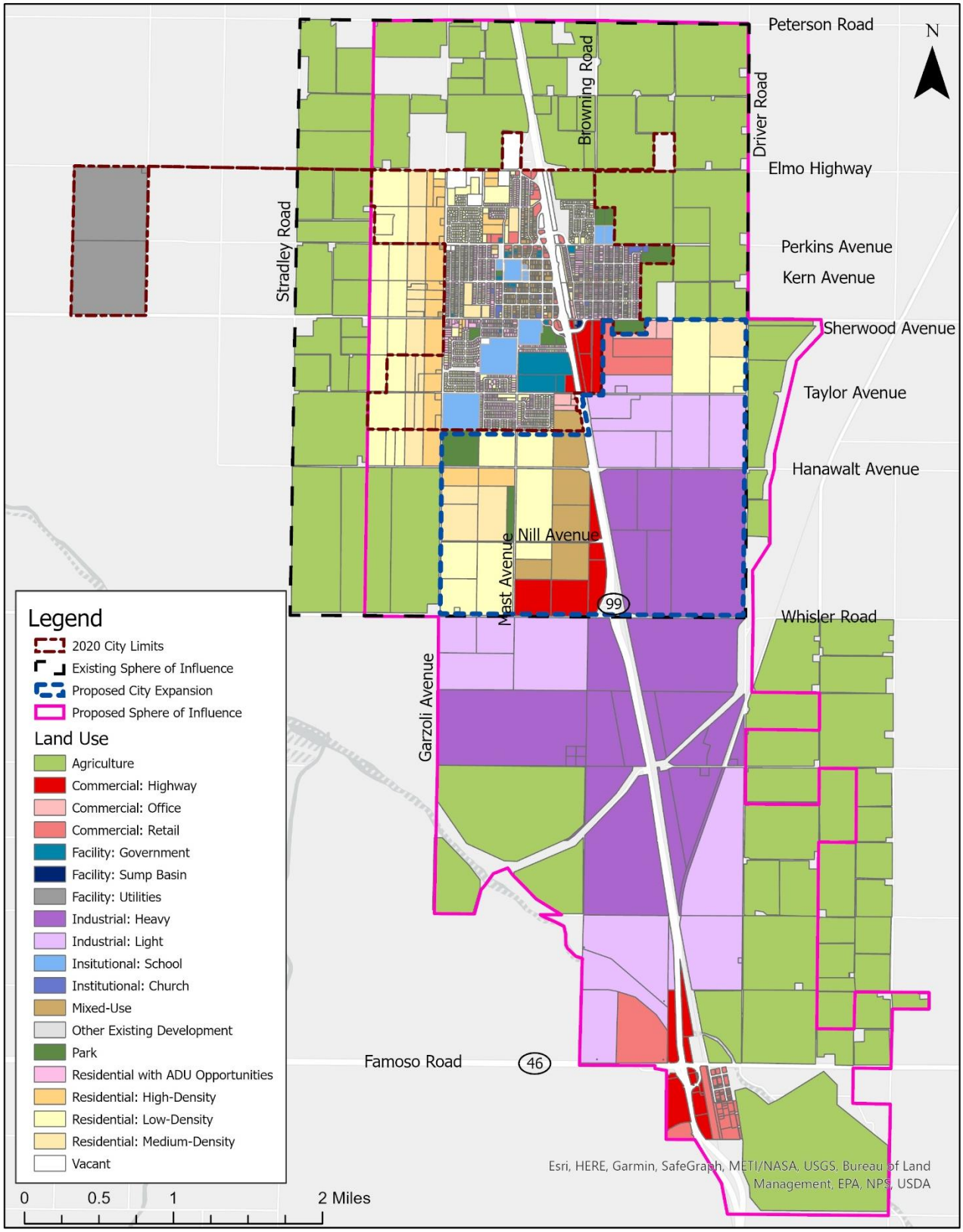
AG – 2 THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR WILLIAMSON ACT CONTRACT.

McFarland recognizes the economic and cultural importance of agriculture for the community and continues to actively preserve and protect farmland, particularly, Williamson Act Parcels. Nevertheless, some Williamson parcels will inevitably be lost to housing in order to accommodate the growing population. These changes are illustrated by comparing Maps 4.2-3 and 4.2-4. Several policies are aimed at mitigating the loss of agricultural land.

MAP 4.2-3: WILLIAMSON ACT LAND IN THE MCFARLAND SPERE OF INFLUENCE



MAP 4.2-4: CONCEPTUAL LAND USE MAP



Policy AG 1.1.1: Give priority to agricultural uses in agricultural areas.

Program AG 1.1.1.1: Maintain up to date mapping of lands within the City's Sphere of Influence under Williamson Act Contracts.

Program AG 1.1.1.2: Prohibit annexation of properties under Williamson Act contracts unless a Notice of Non-renewal has been filed.

Program AG 1.1.1.3: Adopt a Right-to-Farm ordinance.

Program AG 1.1.1.4: Promote education of new homebuyers and other residents identifying the potential issues of living next to active agricultural operations

Policy AG 2.1.1: Assess potential impacts of development on agricultural lands.

Program AG 2.1.1.1: Evaluate project impacts on neighboring agricultural lands when approving new developments

Program AG 2.1.1.2: Evaluate Williamson Act contracts within and near City limits and evaluate alternative soil conservation land uses on Prime Farmlands.

Program AG 2.1.1.3: Prioritize the procurement of non-Williamson Act agricultural lands for annexation

Policy AG 6.2.2: Minimize the impact of residential parcels on adjacent agricultural operations

Program AG 6.2.2.1: Cluster development parcels to locate lots close to existing residences

Program AG 6.2.2.2: Use natural features such as ridge tops, creeks, and groves of trees to separate parcels from the farming areas wherever practical in areas where clustered subdivision is permitted.

Program AG 6.2.2.3: Place agricultural easements on residual farming parcels at the time that subdivisions are developed where clustered subdivision is permitted to the extent allowed by law.

Program AG 6.2.2.4: Add regulations to the development code to restrict the size and extent of non-agricultural development on agricultural lands.

Applicable Regulations: Williamson Act

Significance Before Mitigation: Less than significant.

AG – 3 THE PROPOSED PLAN WOULD **NOT CONFLICT** WITH EXISTING ZONING FOR, OR CAUSE OF REZONING OF, FOREST LAND (AS DEFINED IN PUBLIC RESOURCES CODE SECTION 12220(G)), TIMBERLAND (AS DEFINED BY PUBLIC RESOURCES CODE SECTION 4526), OR TIMBERLAND ZONED FOR TIMBERLAND PRODUCTION (AS DEFINED BY GOVERNMENT CODE SECTION 51104(A)).

There is no forest land, timberland, or timberland zoned for Timberland production within the City of McFarland.

Applicable Regulations: None

Significance Before Mitigation: No Impact

AG – 4 THE PROPOSED PLAN WOULD HAVE **NO IMPACT** ON THE LOSS OF FOREST LAND TO NON-FOREST USE.

There is no forest land within the City of McFarland.

Applicable Regulations: None

Significance Before Mitigation: No impact

AG – 5 FOLLOWING MITIGATION, THE PROPOSED PLAN WOULD RESULT IN **LESS-THAN-SIGNIFICANT** IMPACTS THAT INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND TO NON-AGRICULTURAL USE OR CONVERSION OF FOREST LAND TO NON-FOREST USE.

Agricultural resources are directly threatened by urban development as well as urban growth. McFarland is committed to preserving its agricultural resources; however, buildout of the proposed Plan may impact the agricultural environment by changing the activities occurring on adjacent properties. With the proposed change in the City's sphere of influence (SOI), land for potential future growth in the old SOI would return to agricultural use west of the City as the City seeks to expand its SOI toward the south along the Highway 99 corridor to foster economic growth. This would cause the overall impact to be less than significant. The proposed Plan has outlined a number of objectives, policies, and programs that will help guide land use development and minimize these cumulative impacts. Applicable General Plan policies and actions in support the preservation of agricultural resources in McFarland are listed below.

Policy AG 1.1.1: Give priority to agricultural uses in agricultural areas.

Program AG 1.1.1.1: Maintain up to date mapping of lands within the City's Sphere of Influence under Williamson Act Contracts.

Program AG 1.1.1.2: Prohibit annexation of properties under Williamson Act contracts unless a Notice of Non-renewal has been filed.

Program AG 1.1.1.3: Adopt a Right-to-Farm ordinance.

Program AG 1.1.1.4: Promote education of new homebuyers and other residents identifying the potential issues of living next to active agricultural operations

Policy AG 1.2.1: Encourage economically sound development of natural resources.

Program AG 1.2.1.1: Protect open space through Williamson Act and conservation easements, prioritizing areas for continued production by 2025, and committing to easements by 2030.

Program AG 1.2.1.2: Conduct a facilities condition assessment to help prioritize the needs for passive open space.

Program AG 1.2.1.3: Encourage prioritization in completion of the most cost-effective improvements.

Policy AG 2.1.1: Assess potential impacts of development on agricultural lands.

Program AG 2.1.1.1: Evaluate project impacts on neighboring agricultural lands when approving new developments

Program AG 2.1.1.2: Evaluate Williamson Act contracts within and near City limits and evaluate alternative soil conservation land uses on Prime Farmlands.

Program AG 2.1.1.3: Prioritize the procurement of non-Williamson Act agricultural lands for annexation.

Policy AG 3.1.4: Protect open space wherever possible.

Program AG 3.1.4.1: Preserve open space in agricultural production and conservation easements where possible.

Program AG 3.1.4.2: Encourage preservation of open space through Williamson Act or other tax-based incentive programs designed to reduce property tax burden on productive farmers.

Program AG 3.1.4.3: Encourage adoption of open space easements to reduce risk and provide a public benefit where safety concerns such as floodable area and pipeline and transmission lines are present.

Policy AG 3.1.5: Designate passive open space of agricultural lands through direct dedication, in lieu fees, or similar measures during the development process.

Program AG 3.1.5.1: Encourage open space dedication commensurate with the number of units proposed either through direct dedication or in lieu fees for major subdivisions of 4 or more parcels.

Program AG 3.1.5.2: Encourage access easement dedication or in lieu fees for minor subdivisions of 3 parcels or fewer.

Program AG 3.1.5.3: Develop a capital improvement process for funding new passive open spaces.

Policy AG 6.2.2: Minimize the impact of residential parcels on adjacent agricultural operations

Program AG 6.2.2.1: Cluster development parcels to locate lots close to existing residences

Program AG 6.2.2.2: Use natural features such as ridge tops, creeks, and groves of trees to separate parcels from the farming areas wherever practical in areas where clustered subdivision is permitted.

Program AG 6.2.2.3: Place agricultural easements on residual farming parcels at the time that subdivisions are developed where clustered subdivision is permitted to the extent allowed by law.

Program AG 6.2.2.4: Add regulations to the development code to restrict the size and extent of non-agricultural development on agricultural lands.

Policy AG 7.2.1: Favor protection of the maximum amount of farmable land with buffers

Program AG 7.2.1.1: Encourage the establishment of physical separation of 100 feet to 200 feet at the interfaces of agricultural and residential land uses using topographic features, groves of trees, water courses, landscaped berms, or similar features in creating buffers.

Applicable Regulations: None

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

4.2.4 Summary of Potential Impacts and Mitigation Measures

The amount of growth to be achieved through the implementation of the General Plan in the City of McFarland will necessitate the conversion of agricultural lands to urban use. However, with the proposed change in the City's sphere of influence (SOI), land for potential future growth in the old SOI would return to agricultural use west of the City as the City seeks to expand its SOI toward the south along the Highway 99 corridor to foster economic growth. The land swap would make the effect less than significant.

AG – 1 The proposed Plan would result in potentially significant conflict with Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use

MITIGATION MEASURE AG-1A:

Prohibit annexation of properties under Williamson Act contracts unless a notice of Nonrenewal

has been filed.

MITIGATION MEASURE AG-1B:

Continue to implement a Right-to-Farm ordinance.

Significance After Mitigation: Less than significant

AG – 5 The proposed Plan would result in potentially significant conflict Involving other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use

MITIGATION MEASURE AG-5A:

Implement Mitigation Measure AG-1a: Prohibit Annexation of properties under Williamson Act contracts unless a notice of Non-renewal has been filed.

Significance After Mitigation: Less than significant

4.2.5 REFERENCES

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4.3 Air Quality

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Conflict or obstruct implementation of the applicable air quality?			**X**	
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			**X**	
3. Expose sensitive receptors to substantial pollutant concentrations?		X		
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		X		

4.3.1 Environmental Setting

This section discusses the environmental setting regarding the air quality of the City of McFarland.

4.3.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the Air Quality element and potential impacts of the proposed Plan.

Federal Regulations

The Clean Air Act

The Clean Air Act (CAA) passed into legislation in 1963 and serves as the main federal legislation regulating air quality standards in the U.S. The legislation supports the establishment of National Ambient Air Quality Standards (NAAQS) under the guidance of the United States Environmental Protection Agency. The NAAQS regulates six "criteria pollutants" which are of great environmental and public health concern. The regulation protects "sensitive receptors" which are described as persons such as children, the elderly, or people weakened by disease or illness who are more susceptible to harm from these criteria pollutants. While still harmful, adults are often able to withstand occasional exposure to criteria pollution in concentrations higher than those set by the NAAQS. CAA allows states to adopt more stringent air quality standards that are pertinent in the state of California which established the California Clean Air Act.

Environmental Protection Agency

In 2005, the EPA established the Clean Air Ozone Rules of the CAA, creating a framework to reduce ground level ozone pollution. The rule also worked to replace the NAAQS one hour exposure standard with a longer eight-hour standard. This new ruling eliminated some key standards within the NAAQS including one-hour transportation conformity, one-hour minimum thresholds for general conformity, Section 185 fees associated with non-compliance of the 1-hour standard.

National Ambient Air Quality Standards

Displayed in Table 4.3-1 are the National Ambient Air Quality Standards for six pollutants that are harmful to public health and the environment. The EPA identifies two categories of standards. The primary standard provides public health protection, with an emphasis on protecting the health of vulnerable populations, such as children, the elderly, and asthmatics. The second standard provides protection against damage to crops, vegetation, animals, and buildings. Units of measure for the standards are recorded in parts per million (ppm) by volume, and micrograms per cubic meter of air (µg/m3).

TABLE 4.3-1: NATIONAL AMBIENT AIR QUALITY STANDARDS

POLLUTANT	PRIMARY/ SECONDARY	AVERAGING TIME	LEVEL	FORM
Carbon Monoxide (CO)	Primary	8 hours	9 ppm	Not to be exceeded more than once per year
Lead (Pb)	Primary and secondary	Rolling 3-month average	0.15 µg/m^3 (1)	Not to be exceeded
Nitrogen dioxide (NO_2)	Primary	1 hour	100 ppb	98th percentile of 1-hour daily maximum concentrations, averaged over 3 years
	Primary and secondary	1 year	53 ppb (2)	Annual mean
Ozone (O_3)	Primary and secondary	8 hours	0.070 ppm (3)	Annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years
Particle Pollution (PM) PM 2.5	Primary	1 year	12.0 µg/m^3	Annual mean, averaged over 3 years
	Secondary	1 year	15.0 µg/m^3	Annual mean, averaged over 3 years
	Primary and secondary	24 hours	35 µg/m^3	98th percentiles, averaged over 3 years
PM 10	Primary and secondary	24 hours	150 µg/m^3	Not to be exceeded more than once per year
Sulfur Dioxide (SO_2)	Primary	1 hour	75 ppm (4)	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years
	Secondary	3 hours		Not to be exceeded more than once per year

Source: Environmental Protection Agency, 2016

State Regulations

California Clean Air Act

The California legislature passed the California Clean Air (CCAA) in 1988, establishing the California Air Resources Board (CARB). The Air Resources Board has authority to set standards for and regulate ambient air quality standards including standards for four new air pollutants known as "hazardous air contaminants," as well as those established under the Federal CAA. The CCAA also establishes CARB with the authority to implement goals, policies and plans that support compliance with the California Ambient Air Quality Standards.

The Toxic Air Contaminant Identification and Control act (AB 1807, Tanner 1983) and The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connely 1987)

The Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) and the supplementing Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly 1987) passed into law in 1983 and 1987, respectively. The intention of these laws is to address air quality issues concerning industrial emissions of toxic air contaminants (TAC) within California. Under the legislation, qualifying facilities are required to report to the CARB on toxic air contaminants, potential health risk and take steps to notify nearby residents of potential risks when necessary. The information in these reports allows local officials to adequately plan and work towards air quality standards compliance, including the addition SB 1731 in 1992, which requires facilities posing a significant local health risk to establish and implement a risk management plan.

California Ambient Air Quality Standards

These standards exist to designate a length of time and maximum level of exposure to pollutants that are in congruence with public welfare and human health. Shown in Table 4.3-2 are the ambient air quality standards for the State of California.

TABLE 4.3-2: CALIFORNIA AMBIENT AIR QUALITY STANDARDS

POLLUTANT	AVERAGING TIME	CONCENTRATION	METHOD
Ozone (O_3)[8]	1-hour	0.09 ppm (180 µg/m^3)	Ultraviolet Photometry
	8-hour	0.07 ppm (137 µg/m^3)	Gravimetric or Beta Attenuation
Respirable Particulate Matter (PM 10)[9]	24-hour	50 µg/m^3	Gravimetric or Beta Attenuation

POLLUTANT	AVERAGING TIME	CONCENTRATION	METHOD
	Annual Arithmetic Mean	20 µg/m^3	
Fine Particulate Matter (PM 2.5)[9]	Annual Arithmetic Mean	12 µg/m^3	Gravimetric or Beta Attenuation
Carbon Monoxide (CO)	1-hour	20 ppm (23 mg/m^3)	Non-Dispersive Infrared Photometry
	8-hour	9.0 ppm (7 mg/m^3)	
Nitrogen Dioxide (NO_2)[10]	1-hour	0.18 ppm (339 µg/m^3)	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.03 ppm (57 µg/m^3)	
Sulfur Dioxide (SO_2)	1-hour	0.25 ppm (665 µg/m^3)	Ultraviolet Florescence
	24-hour	0.04 ppm (105 µg/m^3)	
Lead[12,13]	30-Day Average	1.5 µg/m^3	Atomic Absorption
Visibility Reducing Particles[14]	8-hour	-	Beta Attenuation and Transmittance through Filter Tape
Sulfates	24-hour	25 µg/m^3	Ion Chromatography
Hydrogen Sulfide	1-hour	0.03 ppm (42 µg/m^3)	Ultraviolet Florescence
Vinyl Chloride[12]	24-hour	0.01 ppm (26 µg/m^3)	Gas Chromatography

Source: California Air Resources Board, 2019

AB 118 Alternative Fuels and Vehicle Technologies: Funding Programs

This bill created the Clean Transportation Program through the California Energy Commission. The standard aims to develop and deploy renewable fuel alternatives and advanced transportation technologies as a strategy for reaching the State's climate goals.

SB 1275 Vehicle Retirement and Replacement: Charge Ahead California Initiative

SB 1275 requires an update to existing law regarding the enhanced fleet modernization program for the retirement of vehicles qualifying as high polluting. SB 1275 adds an update to the mobility option in this program that compensation for high polluting vehicles can be no less than $2,500 and it ensures low-income vehicle owners can participate in the program. Authorized by the state board, they can raise the amount of compensation as a strategy for maximizing the benefits of this air quality program.

SB 1204 California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program

Funding provided the State's cap and trade program will be used to create the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. Its intended purpose is to fund zero and near-zero emission trucks, buses, and off-road vehicles and specified equipment technologies. Priority will be given to projects in disadvantaged communities.

California Code of Regulations Sections 6690 to 6692 of Title 3

These codes act as guidelines for the use of pesticides in proximity to schools and distance restrictions for specific operations of applying pesticides. These restrictions apply to aircraft, air-blast sprayers, sprinklers, and fumigant applicators. There must be a ¼ mile distance restriction for these uses and there is a 25-foot distance restriction when using ground-rig sprayers, field soil injection equipment, and other application equipment that is not specified. Additionally, there are annual notification requirements that must be posted in advance of the use of pesticides following the above-mentioned standards in spaces where pesticides are being applied.

4.3.1.2 Existing and baseline Conditions

Air quality is the measure of air pollution against local climate and geographical factors. The City of McFarland is in the San Joaquin Valley Air Basin, which is defined by the Sierra Nevada mountains to the east, the coastal mountain ranges to the west, and the Tehachapi Mountains to the south. This topography forms a sort of bowl, and together with wind and weather patterns, stagnates pollutants in the southern half of the San Joaquin Valley. Kern County contains two air basins: San Joaquin Valley and Indian Wells Valley. Both air basins are in non-attainment for different sources of pollutants. McFarland lies in the San Joaquin Valley portion of Kern County, which is a highly pollution-burdened area.

Most air pollution in the San Joaquin Valley stems from locally generated pollutants. Agricultural activity is a major contributor to air pollution, and the Central Valley is known around the world for its agricultural production. Air pollution in the valley is also exacerbated by winds through the Altamont Pass, which transport pollutants into the region from the neighboring San Francisco Bay Area Air Basin. To make

matters worse, the valley regularly experiences inversion layers that hold pollutants in the region over periods of several days, creating stagnant, polluted air that has adverse effects on community members' quality of life.

Air Quality Monitoring

The City of McFarland falls within the SJVAPCD, which is the entity responsible for regulating and monitoring air quality valley wide. The SJVAPCD works to help the valley attain the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS).

Ozone pollution data for McFarland is from the Shafter air monitoring station, approximately 17 miles southwest of McFarland. The nearest particulate monitoring station is in Bakersfield (California Avenue), which is close to 26 miles southeast of McFarland. The San Joaquin Valley is in attainment with the federal PM 10 standard, but not with the federal PM 2.5 standard, and it is not in attainment with state PM 10 or PM 2.5 standards. Also, the Valley is not in attainment with federal nor with state ozone standards.

4.3.2 Standards of Significance

4.3.2.1 CEQA Thresholds

Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018) provides thresholds of significance for air quality impacts created by projects or programs. The proposed plan would have a significant effect on the environment with respect to air quality if it would:

1. Conflict or obstruct implementation of the applicable air quality;
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
3. Expose sensitive receptors to substantial pollutant concentrations;
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

4.3.2.2 Methodology

Air quality impacts should be analyzed using the current guidelines or procedures specified by the local air district or the Air Resources Board. The San Joaquin Valley Air Pollution Control District (SJVPCD) publishes CEQA Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The GAMAQI includes methodology and thresholds for criteria air pollutant impacts and community health risk for plan-level and project-level analyses.

Table 4.3-3 shows the attainment status of pollutants in the Valley highlighted in the GAMAQI and highlights those criteria pollutants of special concern and that are managed under State Implementation Programs (SIP) outlined in Section 4.3.1.1.

TABLE 4.3-3: SAN JOAQUIN VALLEY ATTAINMENT STATUS

POLLUTANT	DESIGNATION/CLASSIFICATION	
	Federal Standards	State Standards
Ozone - 1 hour	Revoked 2005	Nonattainment/Severe
Ozone - 8 hour	Nonattainment/Extreme	Nonattainment
PM 10	Attainment	Nonattainment
PM 2.5	Nonattainment/Moderate	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Monoxide	Attainment/Unclassified	Attainment
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

Source: SJVAPCD, 2015a

4.3.3IMPACT DISCUSSION

This section presents the impact analysis of the growth scenarios included in the proposed Plan and the Plan's potential effect on air quality standards within the Air Basin. The impacts discussed are based on the threshold categories for air quality impacts included in Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018).

AQ – 1 THE PROPOSED PLAN WILL IMPOSE A LESS-THAN-SIGNIFICANT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN.

Since McFarland, like the rest of the San Joaquin Valley area is in attainment with the federal PM 10 standard, but not with the federal PM 2.5 standard, the area is not in attainment with state PM 10 or PM 2.5 standards, and the area is not in attainment with federal nor with state ozone standards, the Plan has policies to address air quality. Besides, Plan features promote contiguous growth with intensification of development, the use of alternatives to the auto like walking, biking, and transit.

Policy AQ 1.1.1: Coordinate with the San Joaquin Valley Air Pollution Control District ("Air District") to identify air pollution reduction progress and key contributors to air pollution.

Program AQ 1.1.1.1: Work with the Air District to build an air monitoring station in McFarland.

Program AQ 1.1.1.2: Collaborate with the Air District to develop a website to report live air quality monitoring data.

Policy AQ 1.2.1: Meet attainment status for criteria pollutants according to National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality standards (SAAQS).

Program AQ 1.2.1.3: Comply with state diesel exhaust standards to reduce pollutants for mobile and agricultural sources.

Applicable Regulations:

California Clean Air Act

National Ambient Air Quality Standards

State Ambient Air Quality Standards

Significance Before Mitigation: Less than significant

AQ – 2 THE PROPOSED PLAN WILL HAVE A LESS-THAN-SIGNIFICANT IMPACT THAT WOULD RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD .

The SJVAPCD has published two state implementation plans (SIPs) which address ozone and particulate matter, for which the Basin fails to meet attainment standards.

General Plans are typically considered consistent with SIPs if they do not increase population or VMT above that projected in the Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS). The proposed Plan does not exceed these growth assumptions.

The SJVAPCD also published a CEQA assistance document, the "Guidance for Assessing and Mitigating Air Quality Impacts" which provides specific mitigation measures to be applied to projects in the Basin. Projects in the City, such as subdivisions or the construction of large, big-box stores will undergo project level CEQA review and are subject to the provisions of the QAMAQI. In addition, the proposed Plan contains the following policies and actions that relate to inter-agency coordination, particulate matter, and the production of ozone.

Policy AQ 1.4.2: Establish an urban forestry program to improve air quality by requiring new development and street resurfacing plans to include street and shade trees.

Policy AQ 1.4.3: Minimize health risks from industrial toxic or hazardous air pollutant emissions.

Policy AQ 2.1.1: Conserve and reduce energy use.

Program AQ 2.1.1.1: Develop energy conservation opportunities.
Program AQ 2.1.1.2: Establish energy conservation requirements for development (e.g., energy efficient light bulbs).
Program AQ 2.1.1.3: Apply neighborhood conservation strategies such as code enforcement and building rehabilitation.

Policy AQ 2.1.4: Reduce vehicle emissions.

Program AQ 2.1.4.1: Establish City transit options in collaboration with Kern County Transit.

Program AQ 2.1.4.2: Work with Kern County Transit to increase regional bus services for McFarland.
Program AQ 2.1.4.3: Improve existing and develop new pedestrian and bicycle infrastructure.
Program AQ 2.1.4.4: Develop guidelines to implement alternative fuel and electrical charging stations for commercial and industrial developments.

Applicable Regulations: California Clean Air Act

Significance Before Mitigation: Less than significant

AQ – 3 FOLLOWING MITIGATION, THE PROPOSED PLAN WILL HAVE A LESS-THAN-SIGNIFICANT IMPACT IN EXPOSING SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

The proposed Plan would contribute to the existing violation of several air quality standards or contribute to an existing or projected air quality violation; however, the air basin covers a large region and includes many large agricultural operations and major urban areas including the City of Fresno. The proposed Plan includes several policies and actions that will help to mitigate future air pollutant emissions and protect sensitive receptors such as schools, parks, nursing homes, or health facilities.

Policy AQ 1.2.1: Meet attainment status for criteria pollutants according to National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality standards (SAAQS).

Program AQ 1.2.1.1: Mandate the use of cover crops to reduce particulates from agricultural operations.

Program AQ 1.2.1.2: Mandate the use of scrubbers to capture pollutants in industrial operations.

Program AQ 1.2.1.3: Comply with state diesel exhaust standards to reduce pollutants for mobile and agricultural sources.

Program AQ 1.2.1.4: Mandate dust mitigation tactics in all construction operations.

Policy AQ 1.4.1: Make the most efficient use of public resources to create a healthier environment.

Program AQ 1.4.1.1: Develop coordinated land use and transportation plans to help meet federal, state, and local air quality requirements.
Program AQ 1.4.1.2: Work with Caltrans and the Regional Transportation Planning Agency to minimize the air quality impacts of large-scale transportation projects.
Program AQ 1.4.1.3: Encourage submission of development projects to the Air District for CEQA comments and review of air quality analysis.
Program AQ 1.4.1.4: Determine project air quality impacts using analysis methods and significance thresholds recommended by the Air District.

Policy AQ 1.4.2: Establish an urban forestry program to improve air quality by requiring new development and street resurfacing plans to include street and shade trees.

Program AQ 1.4.2.1: Coordinate with local non-profits and seek grants from state and national organizations to fund tree planting for air quality and other benefits.

Policy AQ 1.4.3: Minimize health risks from industrial toxic or hazardous air pollutant emissions.

Program AQ 1.4.3.1: Establish buffers between heavy industrial development

Policy AQ 2.1.1: Conserve and reduce energy use.

Program AQ 2.1.1.1: Develop energy conservation opportunities.

Program AQ 2.1.1.2: Establish energy conservation requirements for development (e.g., energy efficient light bulbs).

Program AQ 2.1.1.3: Apply neighborhood conservation strategies such as code enforcement and building rehabilitation.

Policy AQ 2.1.2: Develop renewable energy.

Program AQ 2.1.2.1: Invest in sources of renewable energy

Program AQ 2.1.2.2: Join a Community Choice Aggregation (CCA) program to create investment opportunities in local renewable power production.

Program AQ 2.1.2.3: Promote biogas from agricultural biproducts.

Policy AQ 2.1.4: Reduce vehicle emissions.

Program AQ 2.1.4.1: Establish City transit options in collaboration with Kern County Transit.

Program AQ 2.1.4.2: Work with Kern County Transit to increase regional bus services for McFarland.

Program AQ 2.1.4.3: Improve existing and develop new pedestrian and bicycle infrastructure.

Program AQ 2.1.4.4: Develop guidelines to implement alternative fuel and electrical charging stations for commercial and industrial developments

Policy AQ 2.1.5: Prioritize mixed-use and walkable neighborhoods in future developments.

Program AQ 2.1.5.1: Streamline permitting processes for mixed-use and walkable development projects.

Applicable Regulations:

California Clean Air Act

National Ambient Air Quality Standards

State Ambient Air Quality Standards

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

AQ – 4 FOLLOWING MITIGATION, THE PROPOSED PLAN WILL HAVE A LESS-THAN-SIGNIFICANT IMPACT IN OTHER EMISSIONS (SUCH AS THOSE LEADING TO ODORS) ADVERSELY AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE

Considering the small size and rural location of the City of McFarland and the separation of incompatible uses, the proposed Plan will not have a significant impact on the exposure of substantial numbers of people to emissions. The following policies and programs illustrate the proposed Plan's mitigation of pollutant air impacts on populations.

Policy AQ 1.4.3: Minimize health risks from industrial toxic or hazardous air pollutant emissions.

Program AQ 1.4.3.1: Establish buffers between heavy industrial development projects and residential land uses.

Policy AQ 2.1.4: Reduce vehicle emissions.

Policy AG 2.3.1: Research the acquisition of land for carbon sequestration

Program AG 2.3.1.1: Work with subject-matter experts to analyze carbon sequestration potential and seek funding for a pilot program.

Program AG 2.3.1.2: Assist farmers with procuring anaerobic digesters using state cap-and-trade funding to develop new sources of compost for carbon sequestration efforts.

Applicable Regulations: California Clean Air Act

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

4.3.4 Summary of Potential Impacts and Mitigation Measures

Given condition of air quality in and around the City of McFarland as well as attainment status for air quality in the San Joaquin Valley Air Basin, the proposed goals, policies, and programs in the City of McFarland 2040 General Plan will have a less than significant impact on local air quality and in the City. The goals, policies and programs included in the Plan related air quality, specifically those included in the Air Quality elements, can mitigate potentially significant air quality impacts during the implementation of the General Plan.

AQ – 3 The proposed Plan would result in potentially significant impact in exposing sensitive receptors to substantial pollutant concentrations

MITIGATION MEASURE AQ-3A:

Avoid siting of new substantial emission sources within CARB recommended screening distances of sensitive receptors.

Significance After Mitigation: Less than significant

AQ – 4 The proposed Plan would result in potentially significant impact in other emissions (such as those leading to odors) adversely affecting a substantial number of people

MITIGATION MEASURE AQ-4A:

Update zoning to meet screening distances.

Significance After Mitigation: Less than significant

4.3.5 References

Association of Environmental Planners, 2016 California Environmental Quality Act (CEQA) Statute and Guidelines

California Air Resources Board, Northeast Plateau Air Basin Report (2013)

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California Environmental Protection Agency (CalEPA). (2003). California Clean Air Act Streamlining AB 3048 (Olberg). Retrieved from: http://www.calepa.ca.gov/Legislation/1996/ab3048.htm

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4.4 Biological Resources

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. 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 or U.S. Fish and Wildlife Service?		X		
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident			X	

	or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	
5.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	x
6.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	x

4.4.1 Environmental Setting

This section discusses the environmental setting regarding biological resources in the City of McFarland.

4.4.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the biological resources' potential impacts of the proposed Plan.

Federal Regulation

Clean Water Act

The Clean Water Act establishes the permit program to regulate the discharge of fill material into navigable waters of the United States. Section 401 (Certification) allows the Regional Water Quality Control Board to regulate any proposed federally permitted activity that may affect water quality.

Environmental Protection Agency

Federal Clean Water Act (FCWA) establishes a structure for regulating the discharge of pollutants into waters of the United States, which is monitored by the EPA, U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife, and the National Marine Fisheries Service. Section 404 of the Clean Water Act regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, which is the location of many threatened and endangered species. The USACE is responsible for enforcing Section 404 and approving permits and has a policy of "no net loss" of wetlands. Activities that are regulated under

section 404 must show that steps have been taken to avoid impacts to wetlands, streams, and other aquatic resources. States are also able to approve or deny federal water permits or attach conditions to them under Section 401 of the CWA.

Federal Endangered Species Act (ESA)

The Act was passed to protect and recover imperiled species and the ecosystems they depend on. The USFWS has primary responsibility for terrestrial and freshwater species and the National Marine Fisheries Service (NMFS) has responsibility for marine wildlife. Section 4 of the act requires species to be listed as "endangered," meaning in danger of extinction through most of its range, or "threatened," meaning likely to become endangered. Section 7 requires Federal Agencies to consult with USFWS and NMFS if a project will affect a listed species.

Section 9 and 10 of the ESA regulate the take of a listed species. Under section 9, it is unlawful for any person, private or public, to take endangered species (take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct). Harm also includes altering habitat necessary for the species survival. Section 10 authorizes FWS, National Oceanic and Atmospheric Administration, and NMFS to authorize a permit allowing the take a species. A Habitat Conservation plan (HCP) must be prepared to show that the effects of the listed species will be minimized and mitigated for a take permit to be issued.

Migratory Bird Treaty Act, 1918

This act makes it illegal for anyone to, "take, possess, import, export, transport, sell, purchase, or barter any migratory bird or the parts, nests, eggs of such as bird except under the terms of a valid permit" (U.S. Fish and Wildlife Service, 1918). Migrating birds are common throughout California in the fall and spring.

Bald And Golden Eagle Protection Act

Prohibits anyone without a permit issued by the Secretary of the Interior from "taking" these eagles, including their parts, eggs, or nests. The definition of take is standard throughout dealing with sensitive species, meaning an action that agitates or bothers an eagle, whether directly or indirectly, is unlawful.

State Standards

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act seeks to protect water quality and beneficial uses in the State of California. The Act transfers authority of water quality to regional water boards to adopt water quality control plans within their region.

California Endangered Species Act (CESA)

CESA states that, "native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved."

CESA prohibits the taking of any species determined to be threatened or endangered (Code 2080). CDFW Code 2080(b) details criteria to be met to obtain a take permit, and 2080.1 describes consistency determinations for applicants that fall under FESA and CESA. CDFW recommends that CESA takes precedence over the Federal regulation since California regulations are stricter. All threatened or endangered species in McFarland are protected by this act.

Native Plan Protection Act of 1977

California Fish and Game Code 1900 states that the purpose of the act is to, "preserve, protect, and enhance endangered or rare native plants of this state." The act prohibits the taking, possessing, or selling any threatened, native plants as defined by the code. The act is described in Codes 1900-1913.

California Fish and Game code 3503

This code makes is unlawful to take or injure any birds the fall into the category of birds of prey (hawks, falcons, raptors), or destroy the nest or eggs of any such birds except as otherwise provided in the code.

California Environmental Quality Act (CEQA)

CEQA is the state version of the National Environmental Policy Act and applies to all discretionary projects approved by a public agency. CEQA makes all the environmental impacts of a potential projects available for public review. Also, it has the projects minimize environmental impacts through project alternatives and mitigation measures. All of the projects within the City of McFarland are required to comply with CEQA.

Local Standards

Central California Regional Water Quality Board (CCRWQB)

The Central California Regional Water Quality Board (CCRWQB) monitors all water sources and systems within its boundaries. The CCRWQB is responsible for creating a basin plan, which is the master water quality control planning document. The plan was adopted by the State Water Resources Control Board as well as the EPA. The CCRWQB also regulates agricultural land and other pollution sources.

4.4.1.2 Existing and baseline Conditions

Forests

No naturally occurring vegetation communities, timber resources, or forest resources exist within McFarland or its planned annexation area. McFarland is largely surrounded by farmland. However, trees

in the City's boundaries can provide habitat for wildlife, sequester carbon from the atmosphere, reduce building heating and cooling loads by providing shade, and moderating temperatures and humidity levels.

Rivers and Other Waters

There are no bodies of water in McFarland that would qualify as "water of the United States". McFarland lies in a very flat portion of Tulare-Buena Vista, with a gradual south to north elevation gradient. Water quality in and around the City is regulated by the Central Valley Regional Water Quality Control Board. However, there are no "waters of the Sates" within McFarland. Agricultural stock ponds may qualify as a "water of the State" and fall under the jurisdiction of the Regional Water Quality Control Board and California Department of Fish and Wildlife if they support emergent and/or riparian vegetation, or if they are being used for water quality purposes.

The nearest body of water to McFarland is Lake Woollomes, located approximately 3.5 miles to the northeast of the City. The lake is owned by the Bureau of Reclamation and leased by the Kern County Parks Division. It is used as an equalizing reservoir for the Friant-Kern Canal. The lake and its 4 miles of shoreline cover approximately 300 acres.

Harbors and Fisheries

There are no harbors or fisheries within McFarland or its planned annexation area. The nearest body of water used for fishing is Lake Woollomes located outside of City limits. Lake uses include non-motorized boating opportunities and year-round recreational fishing for bass, catfish, and crappie.

Wildlife

In the City of McFarland 1991 General Plan, the community expressed interest in wildlife conservation related to species within the region. Since 1991, four species have been on-and-off the U.S. Fish and Wildlife Service (USFWS) list of threatened or endangered species. These species include the Swainson's hawk (*Buteo swainsoni),* Burrowing owl (*Athene cunicularia),* Tricolored Blackbird (*Agelaius tricolor)* and the San Joaquin Kit Fox (*Vulpes macrotis mutica*). The endangered title as formally declared by the USFWS indicates that this species is in danger throughout all of significant portions of its range. The USFWS's two primary goals are to:

1. Protect threatened and endangered species, and then pursue their recovery and,
2. Preserve candidate species and species-at-risk so that listing under the Endangered Species Act (ESA) is not necessary.

In 1971, the Environmental Protection Agency designated the San Joaquin Kit Fox as an endangered species. Because Kit Fox movement within and around McFarland is possible, it is in the best interest of the species if well-suited areas are accommodating for Kit Fox habitats. According to the USFWS, there are numerous locations in and around McFarland that are potential candidates for Kit Fox habitat

accommodation. The highlighted areas in brown on Map 4.4-2 indicate medium habitat suitability, where areas have a fair capacity to provide breeding, foraging, and cover for Kit Foxes. High-quality locations for habitat development do not exist in McFarland, nor do low-level locations. If habitats were to be developed on-site, it would be ideal to develop them on the exterior perimeter of McFarland as opposed to the interior denser urban areas. There is likely a greater risk for Kit Fox in these areas.

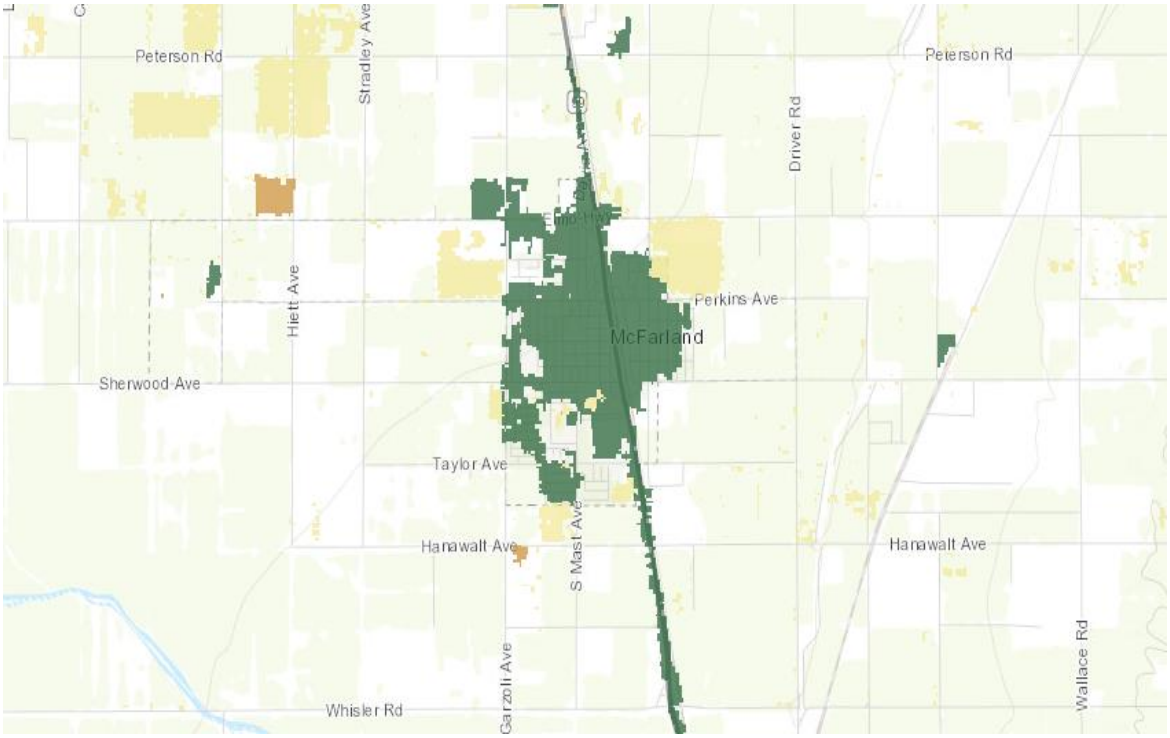
MAP 4.4-1: SAN JOAQUIN KIT FOX HABITAT SUITABILITY IN MCFARLAND



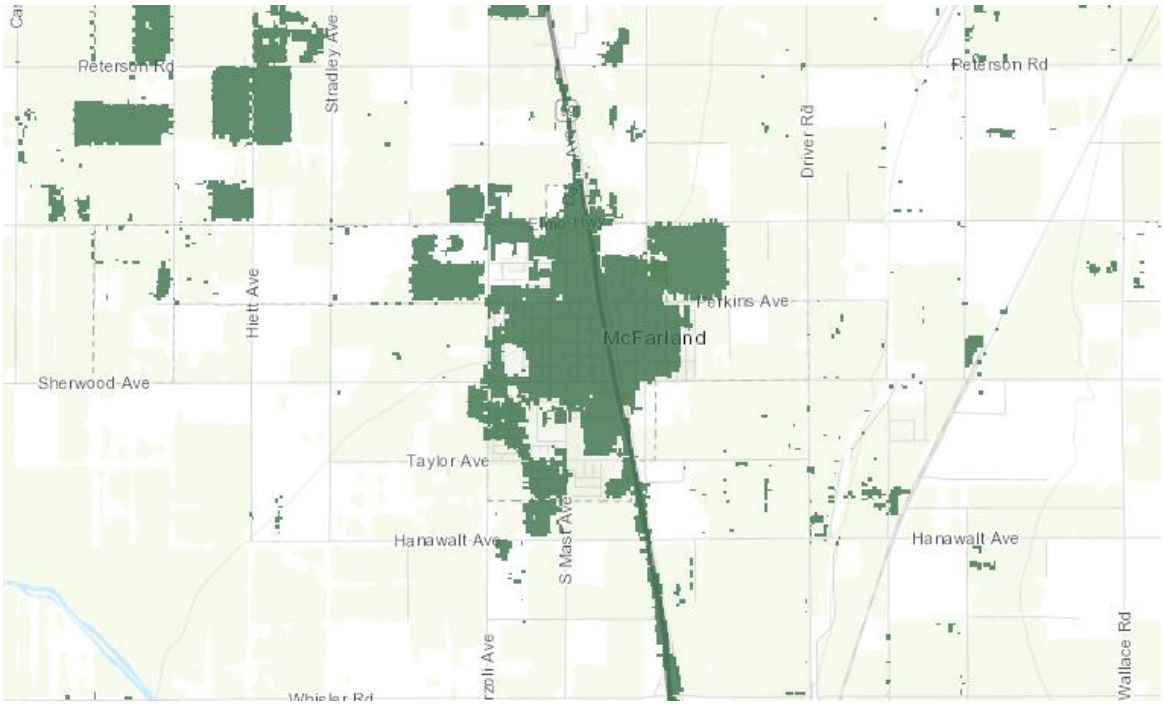
In addition, according to the 2016 5-year status review, the Swainson's Hawk is designated as threatened and its populations are limited in California but are stable in other parts of the country. According to the USFWS, the Burrowing Owl and Tricolored Black Bird are not listed as Threatened or Endangered. However, the Swainson's Hawk is a California Threatened species. This makes it a priority species to conserve habitat for in the State of California unlike the Burrowing Owl and Tricolored Black bird.

There is high habitat suitability for the Swainson's Hawk and the Burrowing Owl, as indicated in green in Map 4.4-3 and 4.4-4. The Tricolored Blackbird has low habitat suitability in McFarland as indicated in Map 4.4-5. If landscape development were to occur within these locations, consideration for vegetation that expands the foraging, breeding, and nesting capabilities of these species should be encouraged.

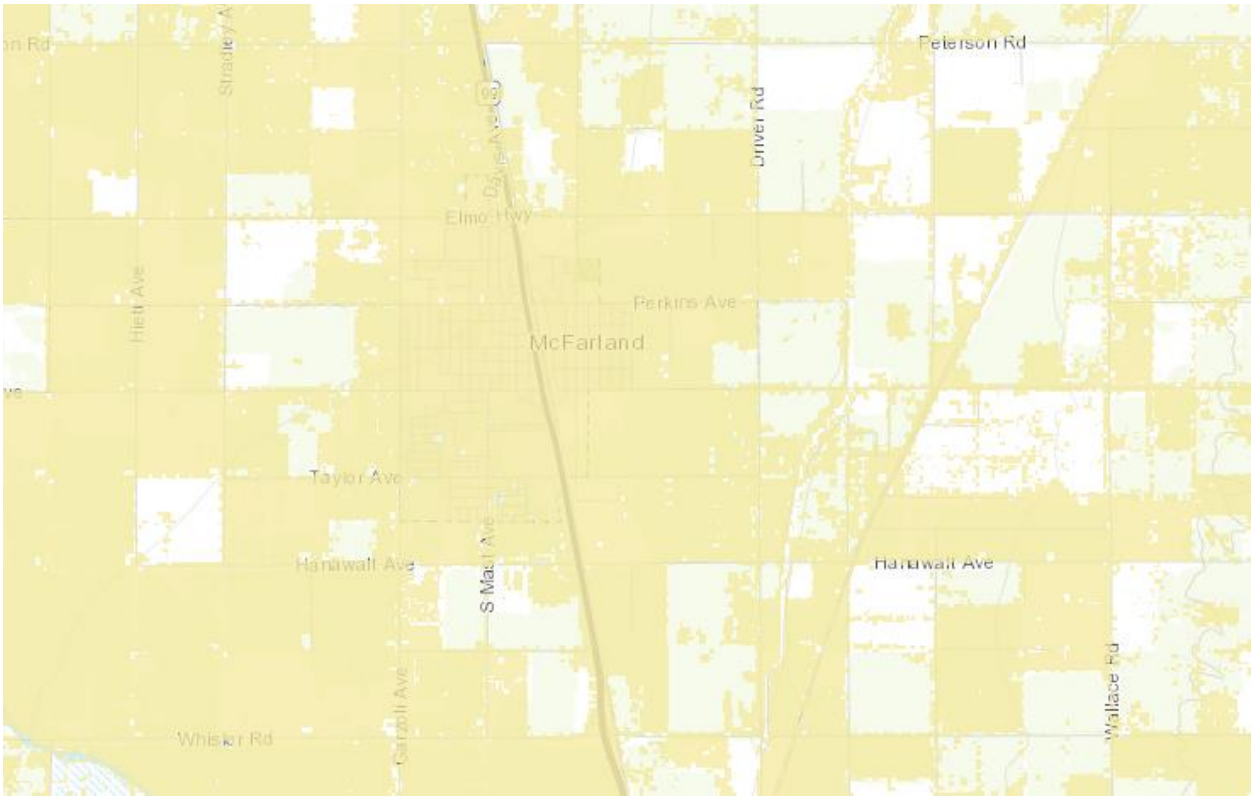
MAP 4.4-2: SWAINSON'S HAWK HABITAT SUITABILITY IN MCFARLAND



MAP 4.4-3: BURROWING OWL HABITAT SUITABILITY IN MCFARLAND



MAP 4.4-4: TRICOLORED BLACKBIRD HABITAT SUITABILITY IN MCFARLAND



4.4.2 STANDARDS OF SIGNIFICANCE

4.4.2.1 CEQA THRESHOLDS

According to Appendix G of the CEQA Guidelines, the proposed Plan could have a significant effect on the environment with respect to Biological Resources if it would:

1. 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 or U.S. Fish and Wildlife Service;
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service;
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. 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 native wildlife nursery sites;
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.4.2.2 METHODOLOGY

This review of potential cumulative impacts on biological resources that could result from adoption of the proposed Plan was based on review of:

- The proposed Plan; General Plan Background Report;
- FWS resources
- FWS's Environmental Conservation Online System (ECOS)
- CDFW resources
- CDFW's Areas of Conservation Emphasis (ACE-II) Viewer;
- California Native Plan Society's resources and;
- The Center for Biological Diversity resources

The baseline existing conditions were then compared to the proposed Plan to determine the potential impacts on biological resources. The McFarland 2040 General Plan does not contain a biological resources management plan, but existing state and local regulations and policies related to biological resources were accounted for during the analysis.

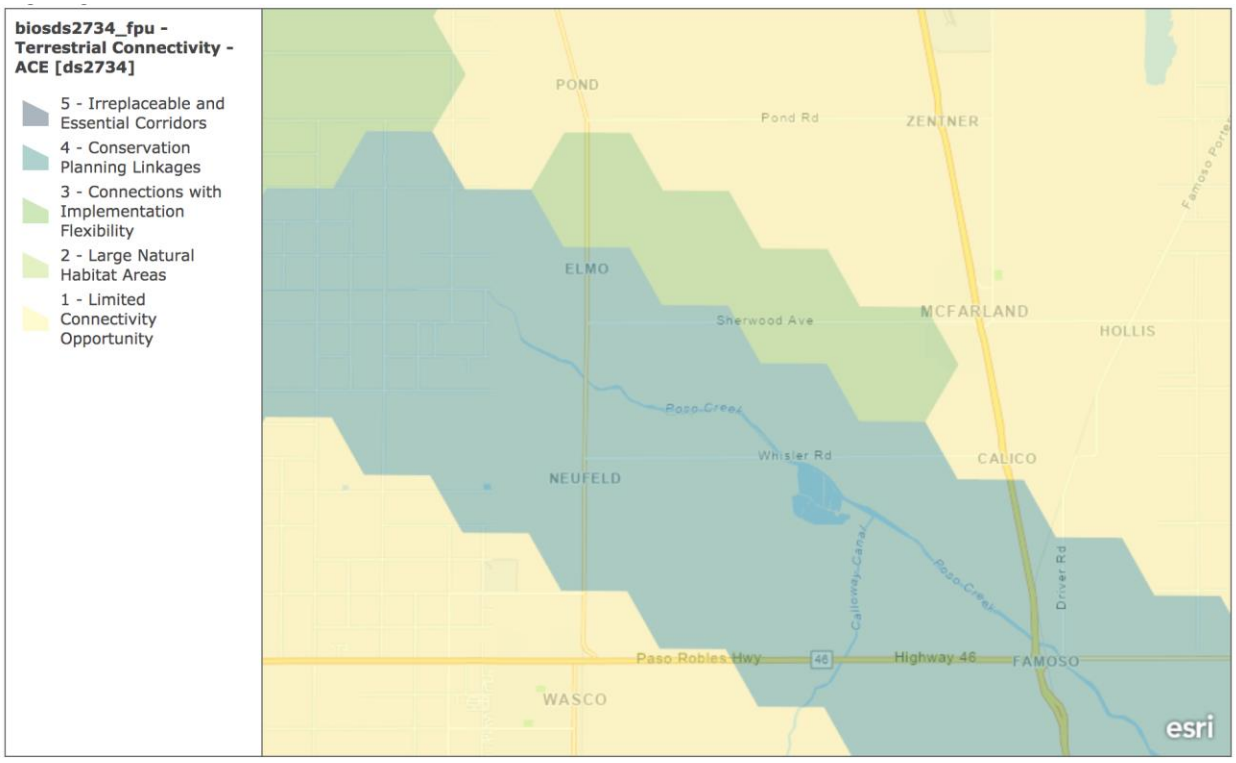
Each of the six CEQA standards of significance for biological resource from the CEQA Guidelines was found to be applicable to the City of McFarland.

4.4.3IMPACT DISCUSSION

BIO – 1 FOLLOWING MITIGATION, THE PROPOSED PLAN WILL HAVE A **LESS-THAN-SIGNIFICANT** 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 OR U.S. FISH AND WILDLIFE SERVICE.

McFarland is home to a few species that have been historically protected under the federal and state regulation. These four species have been on and off the endangered and threatened species lists over the past years: the Swainson's hawk (*Buteo swainsoni),* Burrowing owl (*Athene cunicularia),* Tricolored Blackbird (*Agelaius tricolor)* and the San Joaquin Kit Fox (*Vulpes macrotis mutica*). Impacts to special status species from the Plan would occur from loss of important habitat areas, population isolation due to habitat fragmentation from development, direct loss of individual species, decreased reproductive success, impeded migration routes, increased noise pollution, and a variety of other indirect impacts. Map 4.4-6 shows areas with essential corridors for connectivity and important habitats for wildlife.

MAP 4.4-6: CALIFORNIA TERRESTRIAL HABITAT CONNECTIVITY



Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA

Many of these impacts will be mitigated from the federal and state regulations listed in Section 4.4.1.1. Furthermore, the proposed Plan does not propose development in existing wildlife or natural habitat areas. While, infill development is prioritized in the preferred growth scenario, new development will avoid sensitive areas, and areas of the City that are environmentally sensitive are intended to be preserved. The Plan also includes a policies and programs to support state and federal regulations in the process of species preservation and minimize the impact of development.

Policy CON 3.2.3: Update current public maintenance plans to pesticide free maintenance strategies where feasible.

Program CON 3.2.3.1: Eliminate the use of neonicotinoid insecticides and other highly toxic systemic insecticides.

Program CON 3.2.3.2: Restrict the purchase and use of products that contain neonicotinoids and seeds or plants that have been treated with neonicotinoids.

Program CON 3.2.3.3: Eliminate cosmetic pesticide applications.

Policy CON 3.3.1: Coordinate with the US Fish and Wildlife services.

Program CON 3.3.1.1: Utilize a trained expert before and during construction projects to evaluate the site-specific presence of endangered or threatened species.

Program CON 3.3.1.2: Contact US Fish and Wildlife Services to find financial incentives and opportunities for providing endangered species habitat.

Policy CON 3.3.2: Increase suitability for wildlife in McFarland.

Program CON 3.3.2.1: Adapt existing green spaces in public areas to become attractive to threatened and endangered species in the region. Provide plant material that is attractive to the Tricolored Blackbird, Burrowing Owls, and Swainson's Hawk for nesting and foraging.

Policy LU 1.4.1: Preserve open space in new residential developments.

Program LU 1.4.1.1: Use Transfer of Development Rights (TDR) to promote the protection of open space and sensitive natural areas.

Program LU 1.4.1.2: Prioritize development in areas that can accommodate infill development.

Following specific recommendations from the California Department of Fish and Wildlife (CDFW) on the draft EIR, additional policies and programs are added to the Conservation Element of the General Plan. They are as follows:

Policy CON 3.3.3: Protect the wellbeing of the San Joaquin kit fox (SJKF), Swainson's hawk (SWHA), and tricolored blackbirds (TRBL).

Program CON 3.3.3.1: If a qualified biologist determines that there is suitable SJKF habitat at or adjacent to an individual Project site, assess presence or absence of SJKF by conducting surveys following the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011) in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground disturbing activities.

Program CON 3.3.3.2: If SJKF is detected, consult with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

Program CON 3.3.3.3: If a qualified biologist determines that an individual Project site has suitable SWHA foraging habitat on-site or suitable SWHA nest trees are within 0.5 mile of the site, a qualified wildlife biologist should conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to Project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Program CON 3.3.3.4: If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), a qualified biologist should conduct additional pre-activity surveys for active nests no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5 mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Program CON 3.3.3.5: If an active SWHA nest is detected and a 0.5-mile buffer is not feasible, consult with CDFW to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

Program CON 3.3.3.6: Compensate for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

CDFW recommends the following based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

Program CON 3.3.3.7: Replace the removal of known raptor nest trees, even outside of the nesting season, with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.

Program CON 3.3.3.8: If suitable habitat occurs on or immediately adjacent to an individual Project site or its vicinity, time Project activities to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, a qualified wildlife biologist should conduct surveys for TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to

the start of implementation to evaluate presence or absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Program CON 3.3.3.9: If an active TRBL nesting colony is found during pre-activity surveys, implement a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW advises that this buffer remains in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.

Program CON 3.3.3.10: In the event that a TRBL nesting colony is detected during surveys, consult with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 subdivision (b), prior to any ground-disturbing activities.

These policies and programs of the proposed 2040 General Plan along with the applicable federal, state, and local regulations would reduce the potential impacts of the plan to special status species. Projects that would potentially occur in areas with special-status species will be subject to project-level environmental review in order to mitigate the impacts to the special-status species. Therefore, impacts from the proposed plan would be less-than significant.

Applicable Regulations:

Federal Endangered Species Act

Migratory Bird Treaty Act

California Endangered Species Act

California Fish and Game Code

California Native Plant Protection Act

The Porter-Cologne Water Quality Control Act of 1960

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

BIO – 2 THE PROPOSED PLAN WILL HAVE A NO IMPACT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR US FISH AND WILDLIFE SERVICE.

There are no wetlands or riparian habitats or other sensitive natural communities in McFarland.

Applicable Regulations:

Federal Endangered Species Act

Migratory Bird Treaty Act

California Endangered Species Act

California Fish and Game Code

California Native Plant Protection Act

The Porter-Cologne Water Quality Control Act of 1960

Significance Before Mitigation: No impact

BIO – 3 THE PROPOSED PLAN WOULD HAVE A LESS-THAN-SIGNIFICANT IMPACT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS.

The City is nearly surrounded by croplands and Williamson Act lands with the intention of preserving prime farmland, which controls the development envelope. Otherwise, the regional geography poses low fire risk to McFarland, and lacks wetlands, forested areas, or other sensitive habitat that might hinder development. Yet there is a slight potential for interruption of the hydrological cycle with impervious surfaces that come with urban development. Policies and programs in the Plan address this potential.

> **Program CD 1.1.1.4:** Identify materials to use in defining McFarland including recommendations for roof tiling, building exteriors, building colors, hardscape materials and planting.

Policy PF 1.2.3: Accommodate future need for stormwater infrastructure.

> **Program PF 1.2.3.1:** Examine existing stormwater capacity and project increases in runoff.
>
> **Program PF 1.2.3.2:** Pursue the creation of new stormwater basins and facilities to match increases in population and area.

Applicable Regulations:

Federal Endangered Species Act

Migratory Bird Treaty Act

California Endangered Species Act

California Fish and Game Code

California Native Plant Protection Act

The Porter-Cologne Water Quality Control Act of 1960

Significance Before Mitigation: Potentially significant

Significance Before Mitigation: Less than significant

BIO – 4 THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT INTERFERENCE WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH STABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES.

The proposed Plan could result in some impact if new development would interfere with movement of species through corridors, migration patterns, or affect their ability to reach breeding locations. Certain policies in the Plan address the situation.

Policy CON 3.3.1: Coordinate with the US Fish and Wildlife services.

Program CON 3.3.1.1: Utilize a trained expert before and during construction projects to evaluate the site-specific presence of endangered or threatened species.

Program CON 3.3.1.2: Contact US Fish and Wildlife Services to find financial incentives and opportunities for providing endangered species habitat.

Policy CON 3.3.2: Increase suitability for wildlife in McFarland.

Program CON 3.3.2.1: Adapt existing green spaces in public areas to become attractive to threatened and endangered species in the region. Provide plant material that is attractive to the Tricolored Blackbird, Burrowing Owls, and Swainson's Hawk for nesting and foraging.

With these policies and programs of the proposed General Plan as well as with applicable federal and state regulations, the potential impacts to wildlife movement will be greatly reduced.

Applicable Regulations:

Federal Endangered Species Act

Migratory Bird Treaty Act

California Endangered Species Act

California Fish and Game Code

California Native Plant Protection Act

The Porter-Cologne Water Quality Control Act of 1960

Significance Before Mitigation: Less than significant

BIO – 5 THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCE PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE.

The proposed Plan will not conflict with any local policies or ordinances protecting biological resources. Rather, the proposed General Plan update is to support the adoption of policies and ordinances that can protect biological resources in the City. The policies and programs within the Plan further reduce any potential and unforeseen impacts to a less than significant level.

Policy CON 3.3.1: Coordinate with the US Fish and Wildlife services.

Program CON 3.3.1.1: Utilize a trained expert before and during construction projects to evaluate the site-specific presence of endangered or threatened species.

Program CON 3.3.1.2: Contact US Fish and Wildlife Services to find financial incentives and opportunities for providing endangered species habitat.

Policy CON 3.3.2: Increase suitability for wildlife in McFarland.

Program CON 3.3.2.1: Adapt existing green spaces in public areas to become attractive to threatened and endangered species in the region. Provide plant material that is attractive to the Tricolored Blackbird, Burrowing Owls, and Swainson's Hawk for nesting and foraging.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

BIO – 6 THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONVERSATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN.

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that are relevant in this context. Even unforeseen possibilities are adjudged less than significant.

Applicable Regulations:

Federal Endangered Species Act

California Endangered Species Act

California Department of Fish and Game Code

California Native Plant Society

Significance Before Mitigation: Less than significant.

4.4.4 SUMMARY OF POTENTIAL IMPACTS AND MITIGATION MEASURES

McFarland is home to Swainson's hawk, Burrowing owl, Tricolored Blackbird, and the San Joaquin Kit Fox which have been historically protected under federal and state regulations. These four species have been on and off the endangered and threatened species lists over the years. Impacts to special status species from the Plan could occur from loss of important habitat areas, population isolation due to habitat fragmentation from development, direct loss of individual species, decreased reproductive success, impeded migration routes, increased noise pollution, and a variety of other indirect impacts.

BIO – 1 THE PROPOSED PLAN COULD HAVE A POTENTIALLY SIGNIFICANT 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 OR U.S. FISH AND WILDLIFE SERVICE.

MITIGATION MEASURE BIO-1A:

Projects that result from the Plan are to utilize a qualified biologist to conduct habitat assessments, well in advance of Project implementation at individual sites, to determine if individual project areas or their immediate vicinity contain habitat suitable to support special-status plant or animal species.

Significance After Mitigation: Less than significant

MITIGATION MEASURE BIO-1B:

If suitable habitat is present, assess presence or absence of special-status species by conducting surveys following recommended protocols or protocol-equivalent surveys.

Significance After Mitigation: Less than significant

MITIGATION MEASURE BIO-1C:

If State-listed species are detected at a Project site, consultation with CDFW is warranted to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) prior to initiating any ground-disturbing activities.

Significance After Mitigation: Less than significant

4.4.5 REFERENCES

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4.5 Cultural: Archeological and Historical Resources

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?				x
2. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5?		x		
3. Disturb any human remains, including those interred outside of formal cemeteries?		x		

4.5.1 Environmental Setting

This section discusses the environmental setting regarding archaeological and historical resources in the City of McFarland.

4.5.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the archeological and cultural potential impacts of the proposed Plan.

Federal Regulations

Archaeological Resources Protection Act of 1979

This act preserves and protects archaeological, historic, and paleontological resources and requires the issuance of permits in order to excavate or remove any archaeological or paleontological resources from federal lands and tribal lands. Unauthorized activities are punishable by fine, imprisonment, or both.

Historic Sites Act of 1935

This act authorized the Historic American Buildings Survey and the Historic American

Engineering Record and the National Survey of Historic Sites; authorized the establishment of national historic sites and designation of national historic landmarks; and authorized interagency, intergovernmental, and interdisciplinary efforts for the preservation of cultural resources.

National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966 created a National Register of Historic Places (National Register) for the official designation of historic resources including districts, sites, buildings, structures, and objects of significance in American history, architecture, archaeology, engineering, and culture. To qualify for significance in the National Register, resources must possess integrity of location, design, setting, materials, workmanship, feeling and association, in addition to any of the following:

1. Be associated with events that made a significant contribution to the broad patterns of American history; or
2. Be associated with lives of significant persons in or past; or
3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity; or
4. Have yielded or may yield, information important in history and prehistory.

Resources less than 50 years old are not considered eligible except for those resources that have achieved significance of exceptional importance. The California Environmental Quality Act (CEQA) requires the evaluation of projects that affect properties that are listed in the National Register.

Native American Graves Protection And Repatriation Act of 1990

Provides a process for museums and Federal agencies to return certain Native American, cultural items, human remains, funerary objects, sacred objects, or objects of cultural patrimony to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on Federal and tribal lands, and penalties for noncompliance and illegal trafficking. In addition, NAGPRA authorizes Federal grants to Indian tribes, Native Hawaiian organizations, and museums to assist with the documentation and repatriation of Native American cultural items and establishes the Native American Graves Protection and Repatriation Review Committee to monitor the NAGPRA process and facilitate the resolution of disputes that may arise concerning repatriation under NAGPRA.

The principal steps of the NAGPRA repatriation process include:

1. Federal agencies and museums must identify cultural items in their collections that are subject to NAGPRA and prepare inventories and summaries of the items.

2. Federal agencies and museums must consult with lineal descendants, Indian tribes, and Native Hawaiian organizations regarding the identification and cultural affiliation of the cultural items listed in their NAGPRA inventories and summaries.
3. Federal agencies and museums must send notices to lineal descendants, Indian tribes, and Native Hawaiian organizations describing cultural items and lineal descendancy or cultural affiliation and stating that the cultural items may be repatriated. The law requires the Secretary of the Interior to publish these notices in the Federal Register.

State Regulations

The California Environmental Quality Act (CEQA)

CEQA Guidelines (2014) section 15064.5 requires local agencies to determine if a project may cause substantial adverse change in the significance of a historical resource. CEQA considers impacts to historical resources as impacts to the environment. This is to protect historical resources from substantial adverse change though physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

Adverse change to these resources could potentially impair the material significance. CEQA defines historical resources as meeting one of four requirements:

- If a resource is listed, or determined eligible for listing, in the California Register of Historical Resources.
- The resource is included in a local register of historical resources, as defined in section 5020.1 (k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, unless a preponderance of evidence demonstrates it is not historically or culturally significant.
- The lead agency has determined that the resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, and may be considered a historical resource so long as the lead agency's determination is supported by substantial evidence in light of the whole record.
- If the lead agency determines the resource may be a historical resource as defined in Public Resources Code Sections 5020.1 (j) or 5024.1 and the resource is not listed or eligible for listing in the California Register of Historical Resources, not included in a local register (pursuant to section 5020.1 (k) of the Public Resources Code) or identified in a historical resources survey (meeting the criteria of section 5024.1 (g) of the Public Resources Code).

In addition, Public Resources Code Section 21083.2; and Section 15126.4 of the CEQA Guidelines (2014), state that the lead agency shall determine whether a project may have a significant impact on archaeological resources. If a project is determined to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all resources to be preserved in place or left in an undisturbed state. Preservation in place is preferred to mitigation measures. Preservation in place maintains the relationship between artifacts and the archaeological context. The Public Resources Code provides required mitigation if unique archaeological resources are not preserved in place or not left in an undisturbed state.

Section 15064.5 of the CEQA Guidelines (2014) specifies procedures in the event of an accidental discovery of Native American human remains on non-federal land. These provisions protect such remains from disturbance, disinterment, and inadvertent destruction, outline procedures to be implemented if Native American remains are discovered and establish the Native American Heritage Commission (NAHC) as the authority to identify the most likely descendant and mediate any disputes regarding disposition of such remains.

2013 California Historical Building Code, California Code Of Regulations, Title 24, Part 8

The California Historical Building Code (CHBC), as stated in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code, and subject to the rules and regulations in 24 CCR Part 8, supplies regulations and standards for the rehabilitation, preservation, restoration, qualified historical building or structure is any structure or collection of structures, and their associated sites deemed of importance to the history, architecture or culture of an area by an appropriate local or State governmental jurisdiction. This includes any structures in existing or future national, state, or local historical registers or official inventories, such as the National Register of Historic Places (NRHP), State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historic or architecturally significant sites, places, historic districts, or landmarks.

Health And Safety Code, Section 7052, Section 7050.5

Sections 7052 and 7050.5 of the Health and Safety Code outlines penalties associated with the intentional disturbance, mutilation, or removal of interred human remains. Health and Safety Code 7050.5 provides procedural guidelines for the discovery of human remains outside of a dedicated cemetery. The disinterment of remains known to be human and without the authority of law is a felony and intentional disturbance of remains is a misdemeanor.

California State Senate Bill 18

Senate Bill (SB) 18 requires local governments (cities and counties) to consult with Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. SB 18 provides California Native American tribes an opportunity to participate in local land use decisions of planning. The purpose of the bill is to protect or mitigate impacts to cultural places with the intent of involving the tribes at early planning stages. This allows for consideration of cultural places in the context of broad local land use policy prior to an individual site-specific project where land use designations are made by the local government. This bill is meant to protect land with special religious or social significance to California Native American tribes.

Public Resources Code Section 5097

Public Resources Code Section 5097 identifies the procedures to be followed in the event of the unexpected discovery of human remains on non-federal public lands. The character of Native American burials falls within the jurisdiction of the Native American Heritage Commission (NAHC). The NAHC prohibits willfully damaging any historical, archaeological, or vertebrate paleontological site or feature on public lands.

Local Regulations

The City of McFarland does not have any local regulations specifically regarding cultural resources.

4.5.1.2 Existing and baseline Conditions

According to the existing General Plan, there are no National Historical Landmarks (NLM) or no California Historical Landmarks (CHL) in McFarland. The closest eligible place is the Friant-Kern Canal, which is eligible for National Register of Historic Places (NRPH). Aside from this singular off-site example, no historic sites or buildings in the City are listed on the National Register of Historic Places, the California Landmark Series, or List of State Points of Historical Interest. As the threshold for historical significance is fifty years old, certain buildings may be historically significant in the future, though no historic places were identified as significant upon site analysis and inventory, nor through community outreach. There are a few historic resources in other locations within Kern County.

There are a total of 19 identified tribes with traditional lands or cultural places located within the SOI as identified by the Native American Heritage Commission (NAHC, 2020). The NAHC conducted a Sacred Land's File check which was found to be negative. Appendix 9.1.5 has details.

In 2015, the City of McFarland initiated a records search of California Historical Resource Information System (CHRIS). The CHRIS search included a review of the NRHP, the CRHR, the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, the California State Historic Resources Inventory list, and the Office of Historic Preservation (OHP) Historic Property Directory. The records search identified 14 previously conducted studies and 14 cultural resources within the project site and 200-foot buffer. All of the cultural resources are built environment and were constructed during the 20th century. One resource, the Friant-Kern Canal has been previously determined eligible for the CRHR and NRHP (City of McFarland, 2016).

History

The City of McFarland was founded in 1909 by an educator named James Boyd McFarland, who moved to California from Ohio and purchased 50 acres of land in what is now McFarland. His purchase was based on his observations that the land had the potential to become prime agricultural land in the pristine San Joaquin Valley. As the burgeoning agricultural industry expanded in the valley, the City of McFarland grew as the region matured.

The addition of Highway 99 in 1950 helped McFarland grow by connecting the City to wider region. For the remainder of the 20th century, McFarland continued to experience various periods of growth as the farming community became a full-service city within Kern County. In the 1980s, McFarland High School's cross-country team, with guidance from their coach Jim White, won 9 state titles. The events that brought McFarland great amounts of positive press was dramatized in the 2015 Disney-

produced film “McFarland, USA” which centers on the award-winning cross-country team and their impact on the City of McFarland.

4.5.2 Standards of Significance

4.5.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on the environment with respect to aesthetics if it would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5;
2. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5;
3. Disturb any human remains, including those interred outside of formal cemeteries.

4.5.2.2 Methodology

The cultural resources impact assessment was based on a review of the National, State, and Local Register of Historic Buildings, and other relevant documentation. The discussion follows; and it is organized by the impact criteria laid out in the CEQA Appendix G Guidelines.

4.5.3Impact Discussion

This section discusses Plan-specific impacts related to cultural resources.

CULT – 1 The proposed Plan would **NOT** cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5

Implementation of the proposed Plan could have a significant environmental impact if it would cause substantial adverse change in the significance of a historical resource, which is any building, structure, feature object, or site of historic or cultural importance, as listed on National Register, California Register, or designated a historic resource by the City of McFarland. While the act of adopting the Plan would not directly result in impacts, implementation of the Plan could allow development and redevelopment that could potentially impact historic resources through direct alteration, damage, or demolition of listed or registered historic structures or historic sites.

McFarland does not have any officially designated historic resources leading to a conclusion of no impact. However, the proposed Plan still seeks to preserve non-designated historic resources by confining growth to key growth areas. In addition, the Plan proposes the following policies to reduce any potential impacts to hitherto unknown historic resources:

Policy OS 2.1.1: Protect and maintain the City's historic cultural resources.

Program OS 2.1.1.1: Include Native American Tribal Authorities in environmental review processes.

Program OS 2.1.1.2: Provide confidential review and protection for cultural heritage resources if present or found during development.

Policy OS 2.1.2: Promote the use of open space for cultural and community enrichment.

Program OS 2.1.2.1: Use public open spaces for events such as celebrations, festivals, farmers' markets, and concerts.

Policy OS 2.1.3: Foster an appreciation of diverse cultural identities through geographic and historical context.

Program OS 2.1.3.1: Establish a system of signage that promotes and provides historical context for open space resources.

Program OS 2.1.3.2: Promote the McFarland historical society.

Applicable Regulations: None

Significance Before Mitigation: No impact

CULT – 2 FOLLOWING MITIGATION, THE PROPOSED PLAN WOULD CAUSE A LESS-THAN-SIGNIFICANT SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHEOLOGICAL RESOURCE PURSUANT TO 15064.5.

Construction activities associated with buildout of the proposed Plan could cause a significant impact to archaeological resources in the plan area by potentially damaging or disturbing as yet undiscovered archaeological deposits through the placement of fill and soil compression. As such, the potential for encountering archeological resources could exist in some sections of the plan area. The Conservation and

Open Space Elements of the proposed Plan provide many policies and actions to reduce the damage to archaeological resources:

Policy OS 1.1.1: Provide park spaces within a quarter mile of residential neighborhoods.

Program OS 1.1.1.1: Condition new residential development on the creation of park space through in lieu fees, direct dedication, or similar measures.

Policy OS 2.1.1: Protect and maintain the City's historic cultural resources.

Program OS 2.1.1.1: Include Native American Tribal Authorities in environmental review processes.

Program OS 2.1.1.2: Provide confidential review and protection for cultural heritage resources if present or found during development.

Policy OS 2.1.2: Promote the use of open space for cultural and community enrichment.

Program OS 2.1.2.1: Use public open spaces for events such as celebrations, festivals, farmers' markets, and concerts.

Policy OS 2.1.3: Foster an appreciation of diverse cultural identities through geographic and historical context.

Program OS 2.1.3.1: Establish a system of signage that promotes and provides historical context for open space resources.

Program OS 2.1.3.2: Promote the McFarland historical society.

Applicable Regulations: Government Code section 15064.5

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

CULT – 3 FOLLOWING MITIGATION, THE PROPOSED PLAN WOULD RESULT IN A LESS-THAN-SIGNIFICANT AND UNAVOIDABLE IMPACTS BY DISTURBING ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.

Historically, Native Americans inhabited the region, and historically significant sites within the region have been discovered. There exists the potential of significant impacts if there were unknown sites of human remains discovered during the build-out of the Plan's development areas. There are no known such sites in the Plan's key growth areas. If any were to be discovered, impacts would both be significant and unavoidable. In the event human remains are discovered during the build-out of the Plan's proposed developments, construction must be stopped, and a qualified coroner must be contacted to determine if the remains are of Native American origin. If the coroner makes this determination, the coroner should contact the Native American Heritage Commission within 24 hours. Additionally, the plan proposes the following policies to reduce the likelihood of impacts:

Policy OS 1.1.1: Provide park spaces within a quarter mile of residential neighborhoods.

Program OS 1.1.1.1: Condition new residential development on the creation of park space through in lieu fees, direct dedication, or similar measures.

Policy LU 1.4.1: Preserve open space in new residential developments.

Program LU 1.4.1.1: Use Transfer of Development Rights (TDR) to promote the protection of open space and sensitive natural areas.

Program LU 1.4.1.2: Prioritize development in areas that can accommodate infill development.

Applicable Regulations:

AB 52

SB 18

California Health and Safety Code Section 7052 and 7050.5

California Public Resources Code Section 5097 and 15064.

California Public Resources Code §21080.3.2

Significance Before Mitigation: Potentially significant and unavoidable

Significance After Mitigation: Less than significant

4.5.4 Summary of Potential Impacts and Mitigation Measures

The following mitigation measures are intended to mitigate potentially significant impacts regarding cultural resources. Impacts may be both significant and unavoidable.

CULT – 2 The proposed Plan would cause potentially significant substantial adverse change in the significance of an archeological resource pursuant to 15064.5.

Construction activities associated with buildout of the proposed Plan could cause a significant impact to archaeological resources in the plan area by potentially damaging or disturbing as yet undiscovered archaeological deposits through the placement of fill and soil compression. Therefore, the potential for encountering archeological resources could exist in some sections of the plan area.

MITIGATION CULT - 2A

In anticipation of this eventuality, the City of McFarland shall implement the policy:

In the event that archeological or paleontological resource is unearthed or otherwise discovered during construction related activities associated with the proposed Plan, all work must be suspended until a qualified archeologist is consulted.

Significance After Mitigation: Less than significant

CULT – 3 The proposed Plan would result in a potentially significant and unavoidable impacts by disturbing any human remains, including those interred outside of formal cemeteries.

Historically, Native Americans inhabited the region, and historically significant sites within the region have been discovered. There exists the potential of significant impacts if there were unknown sites of human remains discovered during the build-out of the Plan's development areas. There are no known such sites in the Plan's key growth areas. If any were to be discovered, impacts would both be significant and unavoidable.

MITIGATION CULT - 3A

In the event human remains are discovered during the build-out of the Plan's proposed developments, construction must be stopped, and a qualified coroner must be contacted to determine if the remains are

of Native American origin. If the coroner makes this determination, the coroner should contact the Native American Heritage Commission within 24 hours.

Significance After Mitigation: Less than significant

4.5.5 References

City of McFarland, CA. (2021). City of McFarland General Plan Update Background Report. McFarland, CA.

City of McFarland, CA. (2021). City of McFarland 2040 General Plan. McFarland, CA.

California Historical Resources. (2013). Retrieved October 27, 2016, from http://ohp.parks.ca.gov/listedresources/

United States. National Park Service. (2013). National Register of Historic Places, U.S. Department of the Interior. Retrieved October 27, 2016, from https://www.nps.gov/nr/

4.6 Geology and Soils

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?			X	
2. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?			X	
3. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction?			X	
4. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?			X	
5. Result in substantial soil erosion or the loss of topsoil?			X	

6.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	X
7.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	X
8.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	X
9.	Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	X

4.6.1 Environmental Setting

This section discusses the environmental setting regarding geology and soils in the City of McFarland.

4.6.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the potential impacts related to geology and soils of the proposed Plan.

Federal Regulations

Soil and Water Resources Conservation Act

The purpose of the Soil and Water Resources Conservation Act (RCA) of 1977 is to protect or restore the functions of the soil on a permanent sustainable basis. The RCA gives the Department of Agriculture the

strategic assessment and planning authority to ensure that soil and water resource conservation programs are adequately managing current and future demands. The RCA also calls for a National Conservation Program to guide landowners and evaluate problems with current handling of national resources, examine alternatives, and cost benefit analysis of conservation practices.

State Regulations

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (California Public Resources Code §2621 et seq.) passed into law in 1972 as the result of the devastation from the 1971 San Fernando earthquake. The law is designed to prevent construction of buildings for human occupancy on the surface of active faults. The law requires state geologists to establish regulatory zones (Earthquake Fault Zones) around the surface trace of active faults, with maps distributed to all affected cities, counties, and state agencies for the use of planning new and renewed construction. Before a project can be permitted, cities must require a geologic investigation to demonstrate the proposed construction is not built across an active fault. If active faults are found, a structure cannot be built over the trace of the fault and must be set back from the fault between 50 feet and . mile in most cases.

California Building Standards Code

The California Building Standards Code serves as the basis for design and construction of all new buildings in California. It requires that all new buildings be constructed in accordance with minimum standards. The Code includes measures of seismic survivability and safety requirements.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) directs the Department of Conservation and

Geological Survey to identify areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. Data collected from these agencies are analyzed and integrated to produce Zones of Required Investigation (ZORI). SHMA requires cities to use the Seismic Zone Maps in their land use planning and building process.

Local Regulation

The Kern County Multi-Hazard Mitigation Plan

The Kern County Multi-Hazard Mitigation Plan (MHMP) provides a risk assessment profile for seismic hazards in Section 4.2. The profile includes specific locations of risk, history of events, vulnerability assessments, and the mitigation capabilities of the County. The MHMP includes a Mitigation Action Plan, which identifies actions, and assigns responsibilities to agencies to reduce damage and loss to existing and future development in the event of a flooding event. All incorporated cities and incorporated lands in Kern County are party to the MHMP.

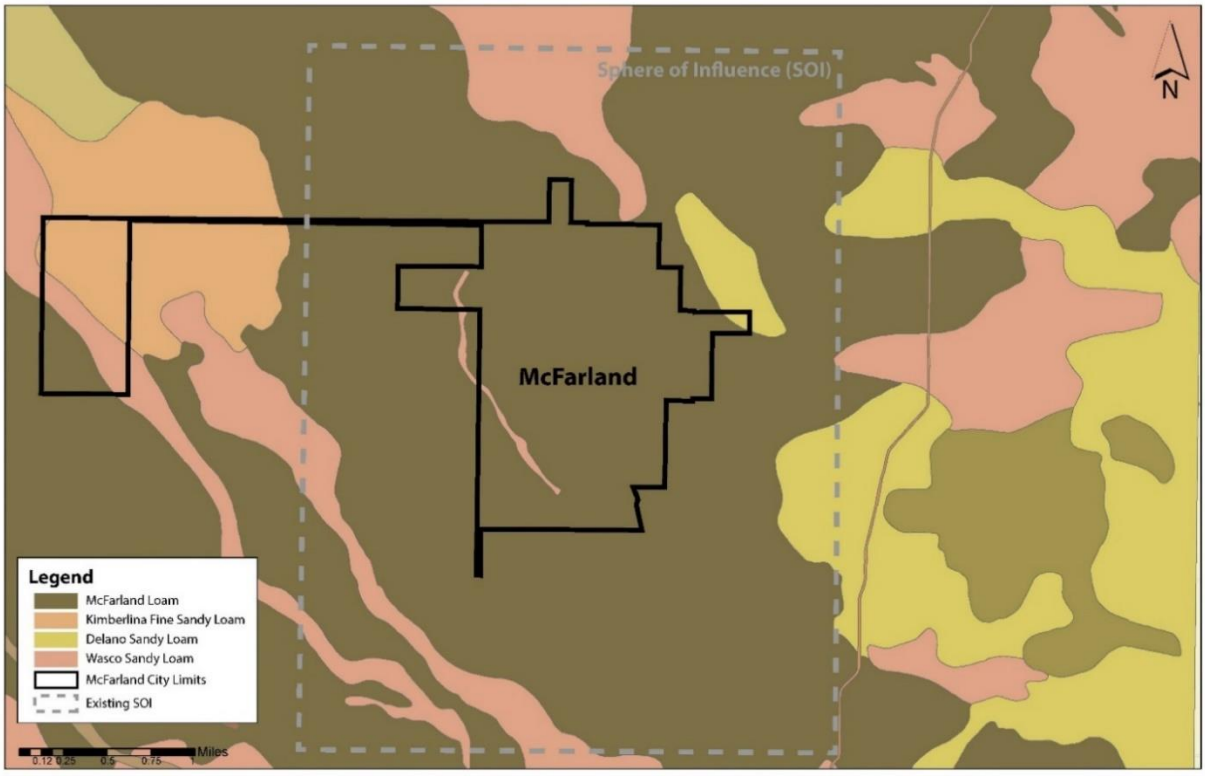
4.6.1.2 EXISTING AND BASELINE CONDITIONS

Soils and Minerals

According to the California Department of Conservation, there are six farmland designations regarding soil health: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, and Urban and Built-up land. The "Prime Farmland" designation is used for the highest quality soil, and this designation applies to most soils in McFarland.

Mineral extraction operations do not exist in the City of McFarland, but there are operations within Kern County. The City has restrictions in its municipal code that do not allow mining operations within McFarland.

MAP 4.6-1: USGS SOILS



The City of McFarland has four dominant soil types within its City boundaries and Sphere of Influence (SOI). The four soil types include:

- Wasco Sandy Loam
- McFarland Loam
- Delano Sandy Loam

- Kimberlina Fine Sandy Loam

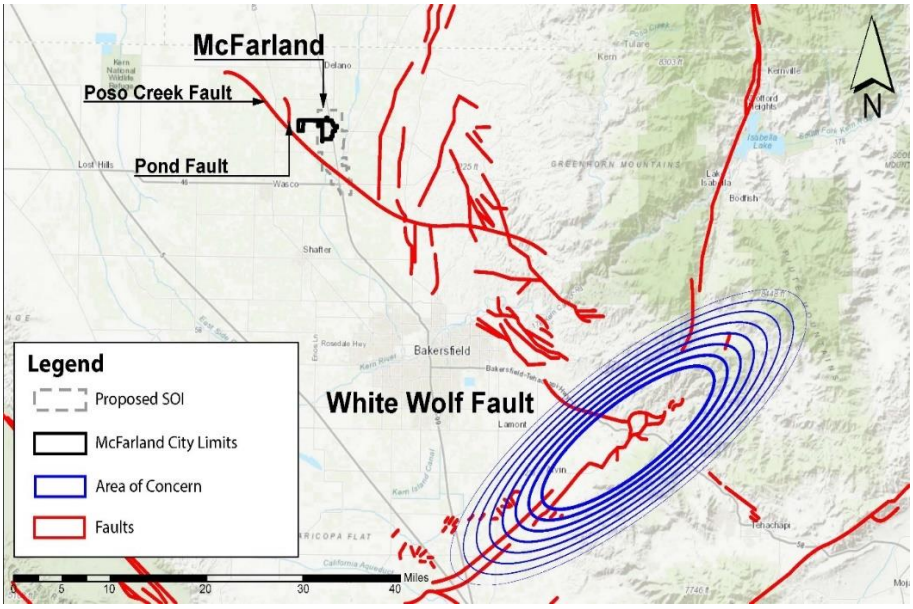
Additionally, there are numerous parcels of farmland surrounding McFarland that are covered by the Williamson Act, preserving the land from being developed into other uses. McFarland Loam is the most prominent soil within and adjacent to McFarland's City limits.

Earthquakes, Faults, and Ground shaking

A fault is a geologic fracture in which blocks of the Earth's crust on either side have moved relative to one another, parallel to the fracture. An earthquake is the vibration of the Earth's surface caused by movement along a fault. Ground shaking is the random motion in an up-and-down and back-and-forth direction due to an earthquake and the effects are determined by the distance to its epicenter and soil conditions.

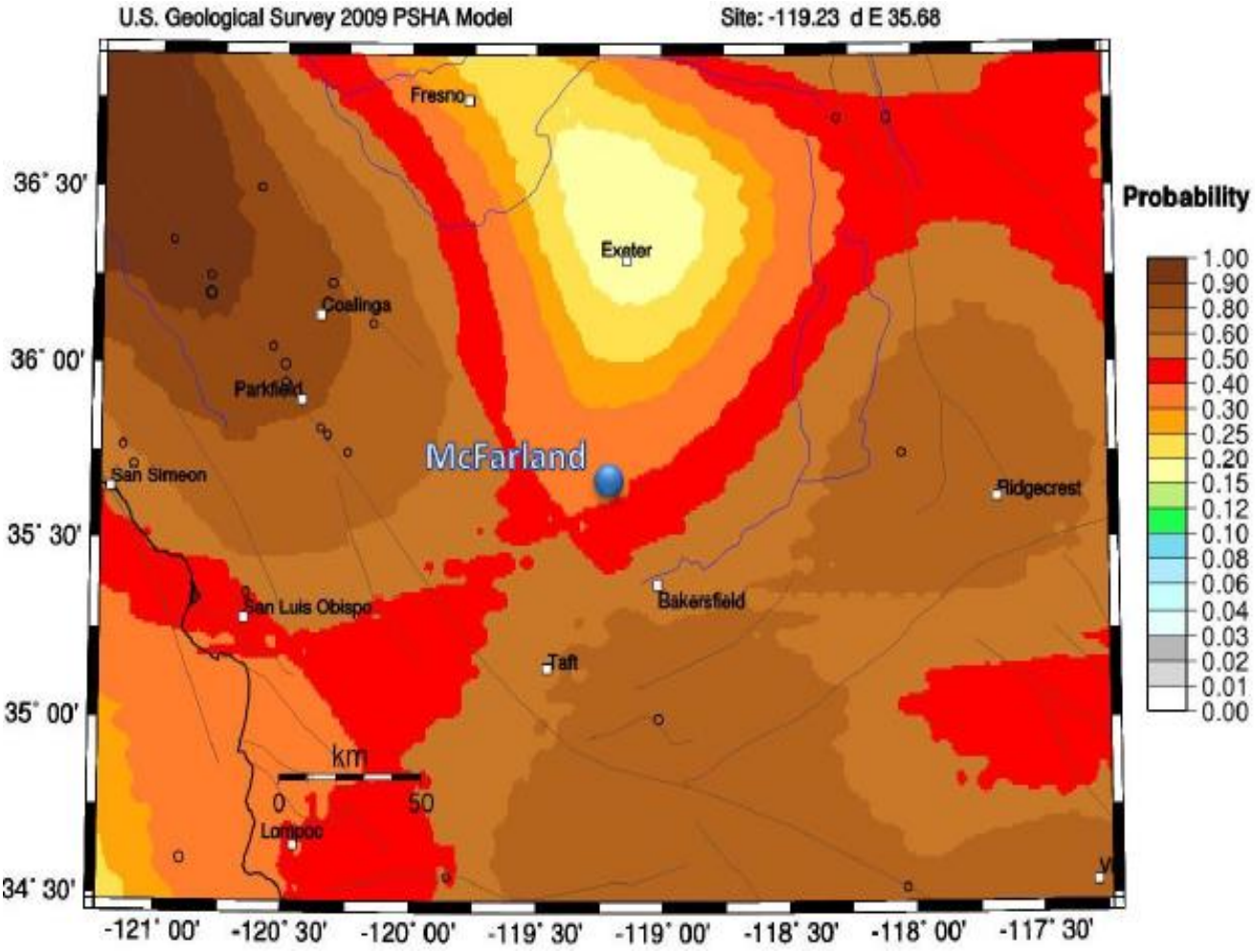
Like much of California, McFarland is located within a seismically active region and will inevitably experience some seismic-related events. No faults run directly through McFarland; the closest fault is the Poso Creek Fault approximately 1.5 miles from the City, although it is considered inactive, as shown in Map 4.6-2.The closest active fault is the Pond Fault Zone located six miles to the west. An active fault is a fault that has ruptured within the last 11,000 years. According to the 2016 Local Hazard Mitigation Plan, the Pond Fault was considered sufficiently active to be classified as an Alquist-Priolo fault zone by the State Geologist in 1983. The closest active and potentially hazardous fault zone is the White Wolf Fault Zone, located 55 miles south of McFarland. On July 21st, 1952, McFarland experienced the Kern County Earthquake on the White Wolf Fault, with a magnitude 7.5 at its epicenter approximately 48 miles away. The White Wolf Fault is traceable for 34 miles, a shorter length than generally thought necessary to produce a major earthquake. For comparison, the San Andreas Fault is approximately 250 miles long.

MAP 4.6-2: FAULTS NEAR MCFARLAND

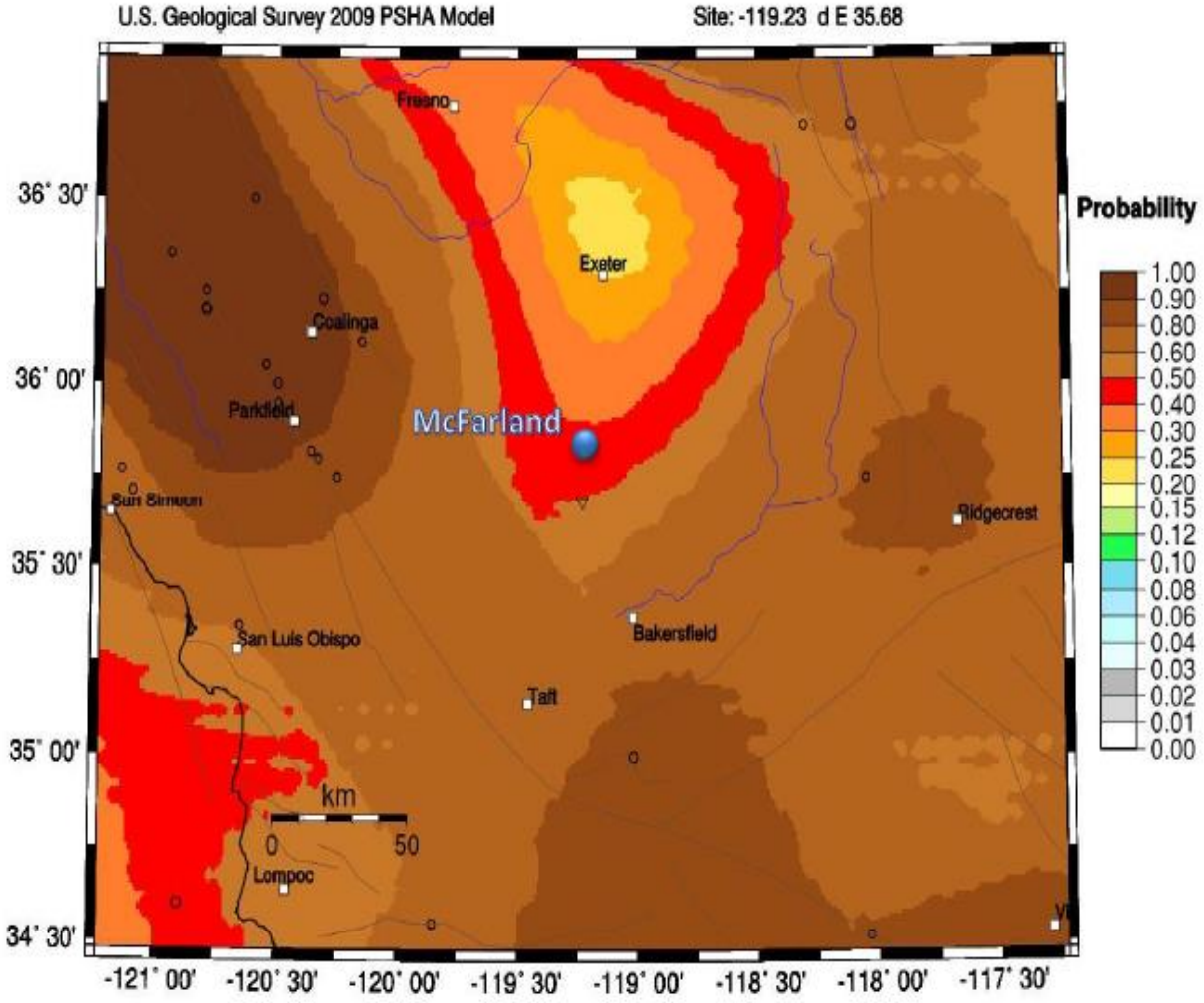


Seismic hazard mapping shows that the City has a low seismic hazard potential yet is at moderate risk for earthquake vulnerability. The Probabilistic Seismic Hazards Maps (PSHM) in Maps 4.6-3 and 4.6-4 show McFarland has a 25 to 30% chance of experiencing an earthquake greater than magnitude 5.0 within the next 20 years and a 50 to 60% chance of experiencing an earthquake greater than magnitude 5.0 within the next 30 years.

MAP 4.6-3: EARTHQUAKE MAGNITUDE PROBABILITY GREATER THAN 5.0 WITHIN 20 YEARS



MAP 4.6-4: EARTHQUAKE MAGNITUDE PROBABILITY GREATER THAN 5.0 WITHIN 30 YEARS



Secondary Seismic Hazards

Earthquakes and ground shaking can cause secondary seismic hazards. These hazards include liquefaction, earthquake-induced landslide and slope failures, and seismic seiches.

Liquefaction is the conversion of soil into a fluid-like state. Liquefaction occurs when loose, poorly graded sand that is saturated with water experiences strong shaking, resulting in ground failure. McFarland is not within an area identified as having the potential for liquefaction.

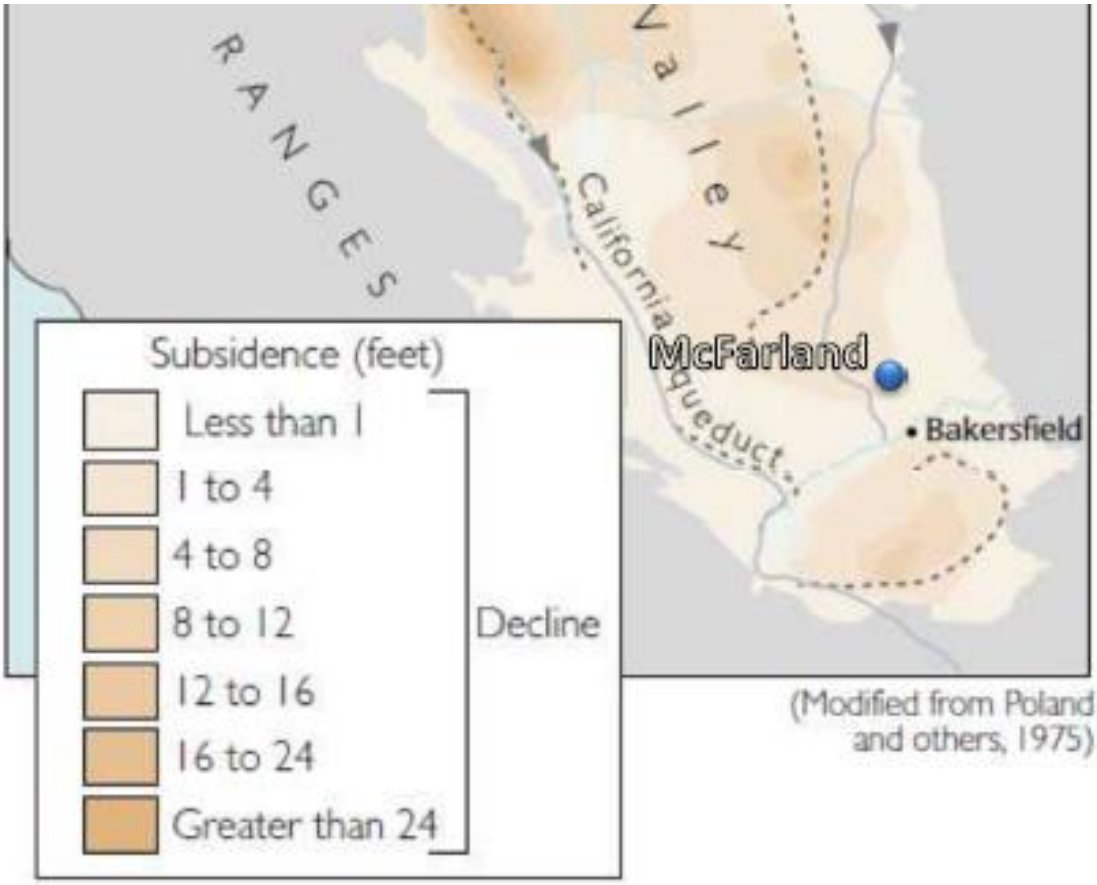
Earthquake-induced landslide and slope failure occurs when steep slopes composed of weak materials fail because of ground shaking caused by an earthquake. McFarland is not in an area identified as having the potential for earthquake-induced landslide or slope failure.

Seismic seiches are standing waves in a body of water, such as rivers, reservoirs, and lakes. There are no large bodies of water within McFarland. Lake Woollomes is 3.5 miles to the northeast, but vacant land and the Friant-Kern Canal would limit the potential for water to reach McFarland.

Subsidence

Subsidence occurs when land is displaced vertically. Ground shaking can accelerate ground failure in areas affected by subsidence. Subsidence typically occurs due to the withdrawal of groundwater, oil, natural gas, or other resource extractive activities. Subsidence has occurred near the City of Delano, located three miles north of McFarland. According to McFarland's 2016 Local Hazard Mitigation Plan, 75% of the total volume of land subsidence occurred due to groundwater pumping of the deep aquifer system during the 1950s and 1960s. Map 4.6-5 shows the amount of subsidence in the southern San Joaquin Valley between 1926 and 1970 near McFarland. Collectively with landslides and slope failure, subsidence is also referred to as ground failure.

MAP 4.6-5: SUBSIDENCE FROM 1926 TO 1970 NEAR MCFARLAND



McFarland is at risk for future ground failure, as it is affected by subsidence with seismic ground shaking due to population growth, historic water withdrawal, and existing subsidence conditions. The map shows the past occurrences of subsidence in the Central Valley near the City of McFarland.

4.6.2 Standards of Significance

Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018) provide standards of significance that relate to geology and soils. Seismic standards of significance seek to limit development in areas that have high threats of damage during seismic events. Soil standards of significance seek to prevent erosion, structural damage from unsuitable soils, and prevent pollution from septic tanks.

4.6.2.1 CEQA Thresholds

The proposed Plan build-out would have significant impacts if it would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
2. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking;
3. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction;
4. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides;
5. Result in substantial soil erosion or the loss of topsoil;
6. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
7. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;
8. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater;
9. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

4.6.2.2 METHODOLOGY

Determination of potential impacts for the proposed Plan on geologic and soil-based potential risks is based on the review of the Plan as well as pertinent surveys and reports. This includes data from the U.S. Geological Service, the California department of Conservation, and California Geological Survey.

4.6.3IMPACT DISCUSSION

GEO – 1 THE PROPOSED PLAN WOULD HAVE A LESS-THAN-SIGNIFICANT IMPACT IN DIRECTLY OR INDIRECTLY CAUSING POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING RUPTURE OF A KNOWN EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT

Seismic hazard mapping shows that the City has a low seismic hazard potential yet is at moderate risk for earthquake vulnerability. The closest active fault is six miles west while the closest active and potentially hazardous fault zone is White Wolf Fault Zone, located 55 miles south of McFarland. The White Wolf Fault Zone last erupted in 1952. The Plan addresses seismic considerations in its goals, policies, and programs in the Safety Element.

Policy SAF 2.1.1: Encourage reduction in the risk of loss of life, personal injury and damage to property resulting from geologic and seismic hazards.

Program SAF 2.1.1.1: Coordinate with McFarland Public Works Department to organize and publicize educational events.

Program SAF 2.1.1.2: Educate residents on ways to mitigate injury and damage associated with earthquakes in their homes.

Program SAF 2.1.1.3: Using the latest building codes adopted by the State of California, incorporate geotechnical hazard data in land use decision making, site design, and construction.

Program SAF 2.1.1.4: Encourage site-specific soils and geologic reports for development in areas of serious geologic risk.

Program SAF 2.1.1.5: In areas of serious geologic risk, prohibit development unless seismic and geologic hazards can be reduced to reasonable levels.

Program SAF 2.1.1.6: Monitor and enforce structural safety standards to reduce risks for seismic and geologic hazards.

Program SAF 4.1.1.1: Conduct a vulnerability analysis of critical infrastructure with regards to seismic events.

Applicable Regulations:

Seismic Hazards Mapping Act

Alquist-Priolo Earthquake Fault Zoning Act

California Building Standards Code

Significance Before Mitigation: Less than significant

GEO – 2 THE PROPOSED PLAN WOULD HAVE A LESS-THAN-SIGNIFICANT IMPACT IN DIRECTLY OR INDIRECTLY CAUSING POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING.

Seismic hazard mapping shows that the City has a low seismic hazard potential yet is at moderate risk for earthquake vulnerability. McFarland has a 25% to 30% chance of experiencing an earthquake greater than magnitude 5.0 within the next 20 years and a 50% to 60% chance of experiencing an earthquake greater than magnitude 5.0 within the next 30 years. Therefore, the proposed buildout of the Plan would place few to no properties in danger of collapse or lives at risk due to ground shaking. The Plan addresses seismic considerations in its goals, policies, and programs in the Safety Element.

Policy SAF 2.1.1: Encourage reduction in the risk of loss of life, personal injury and damage to property resulting from geologic and seismic hazards.

Program SAF 2.1.1.1: Coordinate with McFarland Public Works Department to organize and publicize educational events.

Program SAF 2.1.1.2: Educate residents on ways to mitigate injury and damage associated with earthquakes in their homes.

Program SAF 2.1.1.3: Using the latest building codes adopted by the State of California, incorporate geotechnical hazard data in land use decision making, site design, and construction.

Program SAF 2.1.1.4: Encourage site-specific soils and geologic reports for development in areas of serious geologic risk.

Program SAF 2.1.1.5: In areas of serious geologic risk, prohibit development unless seismic and geologic hazards can be reduced to reasonable levels.

Program SAF 2.1.1.6: Monitor and enforce structural safety standards to reduce risks for seismic and geologic hazards.

Program SAF 4.1.1.1: Conduct a vulnerability analysis of critical infrastructure with regards to seismic events.

Applicable Regulations:

Seismic Hazards Mapping Act

Alquist-Priolo Earthquake Fault Zoning Act

California Building Standards Code

Significance Before Mitigation: Less than significant

GEO – 3 THE PROPOSED PLAN WOULD HAVE A LESS-THAN-SIGNIFICANT IMPACT IN DIRECTLY OR INDIRECTLY CAUSING POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING SEISMIC RELATED GROUND FAILURE, INCLUDING LIQUEFACTION.

Liquefaction is the conversion of soil into a fluid-like state. McFarland is not within an area identified as having the potential for liquefaction. Therefore, the probability of loss of life or property due to liquefaction is low. The Plan addresses seismic considerations in its goals, policies, and programs in the Safety Element.

Policy SAF 2.1.1: Encourage reduction in the risk of loss of life, personal injury and damage to property resulting from geologic and seismic hazards.

Program SAF 2.1.1.3: Using the latest building codes adopted by the State of California, incorporate geotechnical hazard data in land use decision making, site design, and construction.

Program SAF 2.1.1.4: Encourage site-specific soils and geologic reports for development in areas of serious geologic risk.

Program SAF 2.1.1.5: In areas of serious geologic risk, prohibit development unless seismic and geologic hazards can be reduced to reasonable levels.

Program SAF 2.1.1.6: Monitor and enforce structural safety standards to reduce risks for seismic and geologic hazards.

Program SAF 4.1.1.1: Conduct a vulnerability analysis of critical infrastructure with regards to seismic events.

Applicable Regulations:

Seismic Hazards Mapping Act

Alquist-Priolo Earthquake Fault Zoning Act

California Building Standards Code

Significance Before Mitigation: Less than significant

GEO – 4 THE PROPOSED PLAN WOULD HAVE A LESS-THAN-SIGNIFICANT IMPACT IN DIRECTLY OR INDIRECTLY CAUSING POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING LANDSLIDES.

Earthquake-induced landslide and slope failure occurs when steep slopes composed of weak materials fail because of ground shaking caused by an earthquake. McFarland is not in an area identified as having the potential for earthquake-induced landslide or slope failure. Therefore, buildout of the proposed Plan will create less-than-significant risk to landslides. The Plan addresses landslides in its goals, policies, and programs in the Safety Element.

Policy SAF 2.1.1: Encourage reduction in the risk of loss of life, personal injury and damage to property resulting from geologic and seismic hazards.

Program SAF 2.1.1.3: Using the latest building codes adopted by the State of California, incorporate geotechnical hazard data in land use decision making, site design, and construction.

Program SAF 2.1.1.4: Encourage site-specific soils and geologic reports for development in areas of serious geologic risk.

Program SAF 2.1.1.5: In areas of serious geologic risk, prohibit development unless seismic and geologic hazards can be reduced to reasonable levels.

Program SAF 2.1.1.6: Monitor and enforce structural safety standards to reduce risks for seismic and geologic hazards.

Program SAF 4.1.1.1: Conduct a vulnerability analysis of critical infrastructure with regards to seismic events.

Applicable Regulations:

Seismic Hazards Mapping Act

Alquist-Priolo Earthquake Fault Zoning Act

California Building Standards Code

Significance Before Mitigation: Less than significant

GEO – 5 THE PROPOSED PLAN WOULD HAVE A LESS-THAN-SIGNIFICANT RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL.

McFarland's largest economic sector is agriculture. While most agricultural operations take place outside the built-up area buildout of the proposed Plan could create less-than-significant loss of topsoil. The Plan addresses soils in its goals, policies, and programs in the Safety Element and Sustainable Agriculture Element.

Program SAF 2.1.1.3: Using the latest building codes adopted by the State of California, incorporate geotechnical hazard data in land use decision making, site design, and construction.

Program SAF 2.1.1.4: Encourage site-specific soils and geologic reports for development in areas of serious geologic risk.

Policy AG 2.1.1: Assess potential impacts of development on agricultural lands.

Program AG 2.1.1.1: Evaluate project impacts on neighboring agricultural lands when approving new developments

Program AG 2.1.1.2: Evaluate Williamson Act contracts within and near City limits and evaluate alternative soil conservation land uses on Prime Farmlands.

Program AG 2.1.1.3: Prioritize the procurement of non-Williamson Act agricultural lands for annexation.

Applicable Regulations:

Seismic Hazards Mapping Act

Alquist-Priolo Earthquake Fault Zoning Act

California Building Standards Code

Significance Before Mitigation: Less than significant

GEO – 6 THE PROPOSED PLAN WOULD POSE A LESS-THAN-SIGNIFICANT IMPACT FROM LOCATION ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE

Earthquake-induced landslide and slope failure occur when steep slopes composed of weak materials fail because of ground shaking caused by an earthquake. McFarland is not in an area identified as having the potential for earthquake-induced landslide or slope failure. Liquefaction is the conversion of soil into a fluid-like state. McFarland is not within an area identified as having the potential for liquefaction.

Subsidence occurs when land is displaced vertically. Ground shaking can accelerate ground failure in areas affected by subsidence. Subsidence typically occurs due to the withdrawal of groundwater, oil, natural gas, or other resource extractive activities. The nearby City of Delano experienced subsidence caused largely by groundwater pumping of the deep aquifer system during the 1950s and 1960s. McFarland is at risk for future ground failure (landslides, slope failure, subsidence), as it is affected by subsidence with seismic ground shaking due to historic water withdrawal, and existing subsidence conditions. The Plan addresses ground failures in its goals, policies, and programs in the Safety Element. The Plan also addressed issues with groundwater management in the Conservation and Sustainable Agriculture Elements.

Policy SAF 2.4.3: Identify groundwater recharge locations where soil and geography allow for infiltration.

Program SAF 2.4.3.3: Identify and evaluate potential land holdings to be purchased and used as spreading ponds

Program CON 2.1.2.3: Prepare an urban water management plan (UWMP) as population grows and the City's service area expands to comply with SB 7X-7 (Water Conservation Act of 2009). Develop the plan to decrease water use in public landscapes by 25% of 2018 levels by 2035. Convert existing landscapes to drip systems and replace landscapes requiring significant irrigation with drought tolerant vegetation.

Program PF 1.1.1.1: Continue monitoring water quality in accordance with SSJMUD monitoring standards and publish results as available.

Objective AG 2.4: Achieve groundwater sustainability by 2040

Policy AG 2.4.1: Collaborate and maintain consistency with SSJMUD Management Area Plan

Program AG 2.4.1.1: Encourage participation in SSJMUD In-Lieu Recharge Incentive Program.

Program AG 2.4.1.2: Encourage improvements to individual farming operations that address water use efficiency through SSJMUD On-Farm Efficiency Incentive Program
Program AG 2.4.1.3: Encourage improvements to individual farming operations that address groundwater protection and recharge through SSJMUD On-Farm Recharge Activities Incentive Program.
Program AG 2.4.1.4: Prioritize conversion of lands with lower agricultural potential and non-Williamson Act contract lands from agricultural use to urban use as necessary to accommodate growth.
Program AG 2.4.1.5: Encourage participation in SSJMUD in-District Allocation Structure, which would allow for the transfer of groundwater pumping credits within the District.
Program AG 2.4.1.6: Support SSJMUD to develop and implement a voluntary land fallowing program during droughts when the District may not be able to meet in-District demand from increases in the volume of imported water.
Program AG 2.4.1.7: Support SSJMUD in imposing restrictions that limit groundwater pumping when the District or the entire Subbasin are nearing a condition where they are unable to meet sustainable management criteria even with the implementation of the projects and management actions in the SSJMUD Management Area Plan.

Program AG 3.1.1.1: Encourage water-saving measures in farming through user education in McFarland and its sphere of influence to reduce water use and maintain groundwater levels.

Applicable Regulations:

California Building Standards Code

Sustainable Groundwater Management Act (2014)

The Water Conservation Act of 2009 (Senate Bill X7-7)

Responsible Water Use And Conservation Act of 2016 (SB 7)

Water Management Planning Acts of 2018 (Assembly Bill (AB) 1668 & Senate Bill (SB) 606)

Significance Before Mitigation: Less than significant

GEO – 7 THE PROPOSED PLAN WOULD POSE A LESS-THAN-SIGNIFICANT IMPACT FROM LOCATION ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL DIRECT OR INDIRECT RISKS TO LIFE OR PROPERTY.

Expansive soils are defined as soils with an expansion index greater than twenty, as determined by the Expansive Index Test Standard Number 29.2, Chapter 70, of the Uniform Building Code. Soils susceptible to expansion are high in clay content as they are able to absorb and retain water leading to volume

disparities between wet and dry states. The City of McFarland contains sandy soils with little or no clay content (Olive et al., 1989) which will not expand when inundated with water. Therefore, buildout of the proposed Plan creates less-than-significant risk of loss of life or building damage due to location on expansive soils. The Plan addresses mitigation for expansive soils in its goals, policies, and programs in the Safety element.

Program SAF 2.1.1.4: Encourage site-specific soils and geologic reports for development in areas of serious geologic risk.

Program SAF 2.1.1.5: In areas of serious geologic risk, prohibit development unless seismic and geologic hazards can be reduced to reasonable levels.

Program SAF 2.1.1.6: Monitor and enforce structural safety standards to reduce risks for seismic and geologic hazards.

Policy AG 2.2.1: Maintain healthy and productive soils

Program AG 2.2.1.1: Disseminate educational information to farmers on best management practices related to crop rotation to ensure long term yield and soil quality.

Program AG 2.2.1.2: Adopt a community composting program to help support healthy soils.

Program AG 2.2.1.3: Evaluate the prospects of reducing monocultures to reduce soil degradation.

Applicable Regulations:

California Building Standards Code

Significance Before Mitigation: Less than significant

GEO – 8 THE PROPOSED PLAN WOULD POSE A LESS-THAN-SIGNIFICANT IMPACT FROM LOCATION ON SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTEWATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTEWATER.

The City of McFarland relies primarily on the collection and treatment of wastewater through a city-wide sewer system. The City does not rely heavily on the use of septic tanks. In the event that septic tanks are needed to collect wastewater, the nature of the soil in McFarland would adequately support septic tank infrastructure. Soils used for septic tank systems should be highly permeable to facilitate the absorption of effluent from septic tanks (Bender, 1964). Soils in McFarland are dominated by sand and are well

drained. Should the City decide to utilize septic tank systems in development proposed by the Plan, the soils would adequately support the systems. The Plan addresses sewage disposal in its goals, policies, and programs within its Public Facilities element.

Policy PF 1.2.2: Accommodate future need for sewage infrastructure.

Program PF 1.2.2.1: Examine existing sewage capacity and project increases in use.

Program PF 1.2.2.2: Expand sewer facilities in Eastern McFarland, including the construction of a new wastewater treatment plant.

Applicable Regulations: California Building Standards Code

Significance Before Mitigation: Less than significant

GEO – 9 THE PROPOSED PLAN WOULD POSE A LESS-THAN-SIGNIFICANT IMPACT FROM DIRECTLY OR INDIRECTLY DESTROYING A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGICAL FEATURE.

McFarland is not known to have paleontological resources. However, construction activities associated with buildout of the proposed Plan could result in unearthing paleontological resources in the plan area. Therefore, the potential for encountering such resources could exist in somewhere in the plan area.

In anticipation of this slim eventuality, the City of McFarland shall implement the policy: in the event that archeological or paleontological resource is unearthed or otherwise discovered during construction related activities associated with the proposed Plan, all work must be suspended until a qualified archeologist is consulted.

Significance After Mitigation: Less than significant

Applicable Regulations:

California Building Standards Code

Government Code section 15064.5

Significance Before Mitigation: Less than significant

4.6.4 Summary of Potential Impacts and Mitigation Measures

The proposed Plan would result in less-than-significant impacts to geology and soils, with no mitigation measures needed.

4.6.5 References

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4.7 Greenhouse Gas Emissions

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs?			X	

4.7.1 Environmental Setting

This section summarizes existing conditions in the City of McFarland, CA relating to greenhouse gas emissions and evaluates all potential greenhouse gas (GHG) emissions associated with the City of McFarland 2040 General Plan. This section analyzes all potential GHG emissions associated with the goals, policies and objectives included in the General Plan. This analysis considers GHG emissions under existing conditions as well as projected buildout conditions of the 2040 General Plan.

4.7.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the potential impacts of GHG emission as a result of the proposed Plan.

Federal regulations

Environmental Protection Agency

In 2009, the Environmental Protection agency established the Mandatory Reporting of GHG rule which required all large stationary emitters (25,000 MTCO2e/yr. or above) to report annual emissions data. The EPA requires reporting on six key greenhouse gases – CO2, CH4, N20, and HFC's PFC's and SF6.

Corporate Average Fuel Economy Standards

The Corporate Average Fuel Economy (CAFÉ) standard was enacted in 1975, in an effort to improve vehicle fuel efficiency in the U.S. The law regulated emissions for passenger vehicles, light trucks, vans, and SUV's. The CAFÉ standards were most recently updated in 2011 to increase requirements to an average fuel economy standard of 35.5 miles per US gallon by 2016 (39 mpg for cars and 30 mpg for trucks).

State regulations

Senate Bill 375 Sustainable Communities And Climate Protection Act Of 2008

SB 375 is intended to expand efforts included in AB 32 by reducing transportation related greenhouse gas emissions and inefficient land use patterns. The legislation encourages jurisdictions to plan growth consistent with a "Sustainable Communities Strategy" which allows exemption from certain environmental review processes in CEQA. The "Sustainable Communities Strategy" are developed and adopted my metropolitan planning organization (MPO) or a similar agency and serve to guide transportation, housing, and land use policy to reduce greenhouse gas emissions associated with these activities while allowing for efficient and financially feasible alternatives.

Senate Bill 32 Global Warming Solution Act Of 2006

SB 32 was originally established as the California Global Warming Solutions Act of 2006. The bill established the California Air Resource Board as the agency responsible for monitoring and regulating greenhouse gas emissions statewide as well as establishing GHG reduction targets. Original targets were set as statewide GHG reductions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% below 1990 levels by 2050. In 2016, the California Global Warming Solutions Act of 2006 was updated through the California state senate to increase reduction targets to 40 percent below 1990 emissions levels by 2030.

Assembly Bill 1493 (2002)

AB 1493, known commonly as the Pavely emissions standards, requires higher fuel efficiency standards for new passenger vehicles made between 2009 and 2016. The measure is expected to reduce 20% of GHGs from new passenger vehicles sold in California. In 2012, CARB who is responsible for regulatory oversight of the bill, established new fuel efficiency standards for passenger vehicles sold in California between 2017 and 2025. Under the Advanced Clean Car Program implementation mechanism, the bill will achieve 34% fewer GHG emissions and 75 percent fewer smog-forming emissions from passenger vehicles in California.

Renewable Portfolio Standard (Senate Bills 1078, 107 And 32)

The three pieces of legislation pertaining to California's renewable portfolio standard for electricity production in California first established as 20% of California's electricity production coming from renewable sources (wind, small hydropower, solar, geothermal, biomass, and biogas) by 2020. In 2015, SB 350 was passed, requiring retail sellers and California investor-owned utilities to procure 50 percent of their electricity sold from eligible renewable resources by 2030.

Senate Bill 32

In 2016, the California State Assembly updated the California Global Warming Solutions Act of 2006 by passing SB 32, establishing more aggressive greenhouse gas reduction targets for California. SB 32 increases the state's greenhouse gas reduction targets, requiring California to reduce GHG emissions 40% below 1990 levels by 2030. As part of the legislation, the California Air Resources Board is tasked with developing a 2017 Scoping Plan Update which provides a roadmap for achieving the targets set in SB 32. The Scoping Plan Update provides guidance for setting plan-level greenhouse as targets that would remain consistent with the 2017 Scoping Plan update. CARB recommends that local plans set community-wide emissions reduction targets to reduce emissions to no more than six metric tons CO2e per capita by 2030 and no more than two metrics tons CO2e by 2050.

Local regulations

Kern Council of Governments 2014 Regional Transportation Plan/ Sustainable

Communities Strategy

The 2014 Regional Transportation Plan (RTP) sets forth regional transportation goals, policies, and actions for Kern County through the year 2030. In accordance with SB 375, the Plan includes a Sustainable Communities Strategy that reduces emissions from passenger and light-duty trucks by 5% per capita by 2020 and 10% by 2035 (Kern COG, 2014).

Kern County Greenhouse Gas Inventory

In 2012, Kern County conducted a greenhouse gas inventory to determine community wide emissions in 2005 and a business-as-usual forecast from 2005-2020. The distribution of emissions and the BAU forecast will help the City of McFarland determine the General Plan's potential impacts on greenhouse gas emissions. San Joaquin Valley Air Pollution Control District SJVAPCD adopted a Climate Change Action Plan (CCAP) in August 2008. While the plan does not have regulatory powers, it directs SJVAPCD to develop guidance to assist District staff, valley businesses, land-use agencies, and other permitting agencies in addressing GHG emissions as part of the CEQA process. The CCAP also directs District staff to investigate and develop a greenhouse gas banking program, enhance the existing emissions inventory process to include greenhouse gas emissions reporting consistent with new state requirements, and administer voluntary greenhouse gas emission reduction agreements. The CCAP Final Draft Staff Report concludes that while existing science is inadequate to support characterization of impacts that project specific GHG

emissions have on global climatic change, the cumulative impact of all the projects is best addressed by requiring all projects subject to CEQA to reduce their GHG emissions through project design elements.

Since the adoption of the CCAP, SJVAPCD has published Best Performance Standards (BPS) for stationary sources and development projects, and guidance for valley land-use agencies in addressing GHG emissions for new projects under CEQA. However, the District has not published guidance related to large scale, long range planning projects such as General Plans.

4.7.1.2 Existing and baseline Conditions

A greenhouse gas (GHG) emissions inventory quantifies the amount of greenhouse gases a jurisdiction releases into the atmosphere for a given year. GHGs include carbon dioxide, methane, fluorinated gases, and nitrous oxide, and sources include transportation, energy production and distribution, and water conveyance and treatment, as well as the built environment. The greenhouse effect, according to the 2007 IPCC background report, occurs when GHGs [contribute] to climate change by absorbing and trapping the amount of radiation (heat) that resides inside the Earth's atmosphere," producing the warming effect. The regions around the world are affected differently by this phenomenon, Earth is experiencing a general warming that carries catastrophic consequences for all species, including lasting effects on human settlements and social structures.

To address mounting climate concerns, local governments in California are mandated by Assembly Bill 32 to reduce their greenhouse gas emissions to 1990 levels by 2020 and to 80% below 1990 levels by 2050. The OPR General Plan Guidelines require that a GHG inventory be included for every General Plan update in the San Joaquin Valley.

Prior to 2021, the City of McFarland had never created a GHG inventory. Emissions of GHGs in the City mostly come from vehicles and energy sources across residential and commercial sectors, and can be released through transportation, electricity, water, and gas use, commercial and industrial uses, and construction and agricultural activities. GHG emissions not only contribute to the warming of the planet, but they are also associated with dust and odors that contribute to local air pollution and endanger human health.

4.7.1.3 GHG Emissions Inventory

Emissions Model

The California Emissions Estimator Model® (CalEEMod) model offers a uniform platform for government agencies, land use planners, and environmental professionals statewide to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and operation activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and removal, and water use. Furthermore, the model enables

the user to identify mitigation measures that can reduce criteria pollutant and GHG emissions. The model also estimates vehicle miles travelled. [http://www.caleemod.com/]

The model's capabilities enabled testing of multiple future growth scenarios included in the development of a general plan. At one end of the spectrum is the Business-As-Usual scenario, which represented a future with little to no attempt to mitigate the effects of traditional land use practices and lifestyles. At the other end of the spectrum is the General Plan, which included proposals for: infill and compact development including accessory dwelling units in the built-up area; expansion of alternative modes of transportation including public transit use, biking, and walking; and deliberate placement of land uses to enhance accessibility. The results of the analyses that follow emphasize the comparison between these two extremes of future visions for the City.

Comparative Emissions Estimates

Table 4.7-1 shows that the 2040 McFarland General Plan would register at least 12 percent reduction in GHG emissions per year in comparison with the Business-As-Usual scenario; this is largely from the more compact and user-centric placement of uses. When other proposals for alternative modal choices and enhanced accessibility add up to the land use placements, the General Plan would register a 45 percent reduction in GHG emissions per year in comparison with the Business-As-Usual scenario. Figure 4.7-1 compares CO2-equivalent (CO2e) levels under the two scenarios. Figure 4.7-2 depicts the estimated change in CO2s levels.

TABLE 4.7-1: COMPARATIVE ANNUAL GHG EMISSIONS

Type of Estimate	Business-As-Usual	General Plan	Change	%Change
Construction (max Year): Unmitigated	45,948	47,584	1,636	4%
Construction (max Year): Mitigated	45,948	47,584	1,636	4%
Operational (Total): Unmitigated	811,800	716,405	-95,395	-12%
Operational (Total): Mitigated	811,800	444,473	-367,327	-45%

FIGURE 4.7-1: CO2-EQUIVALENT LEVELS UNDER BUSINESS-AS-USUAL VS. GENERAL PLAN SCENARIOS

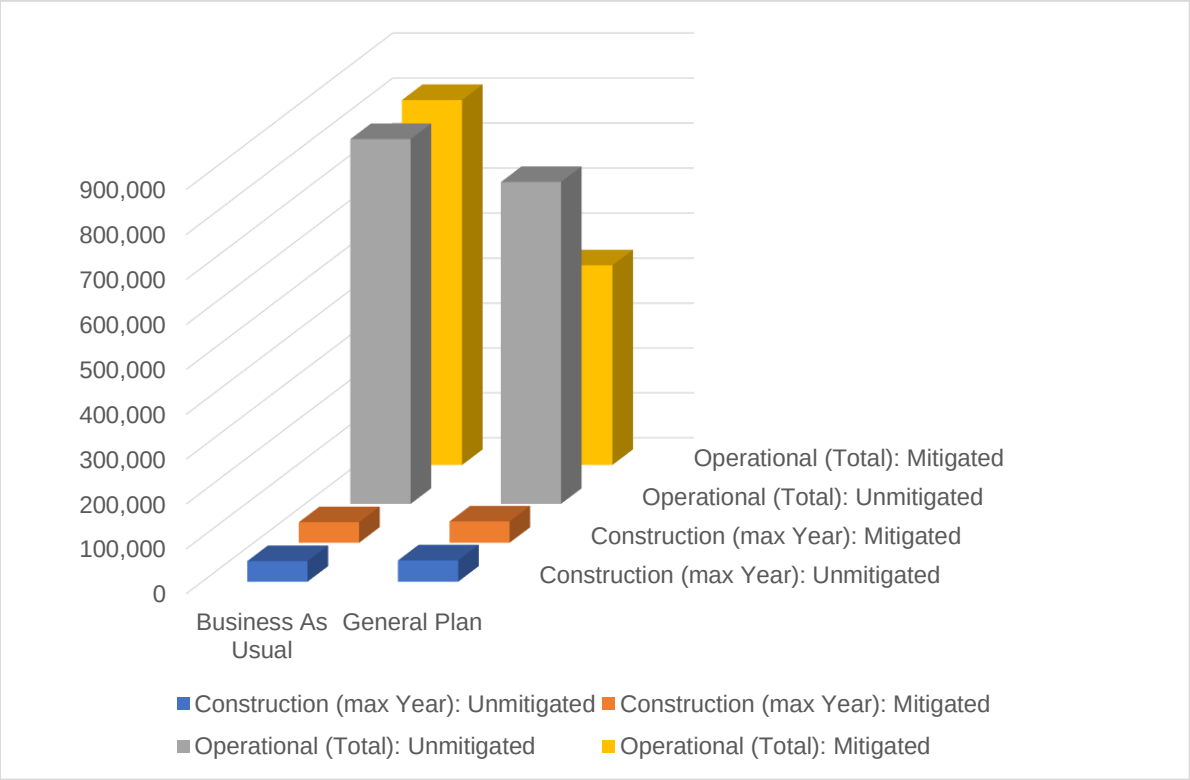
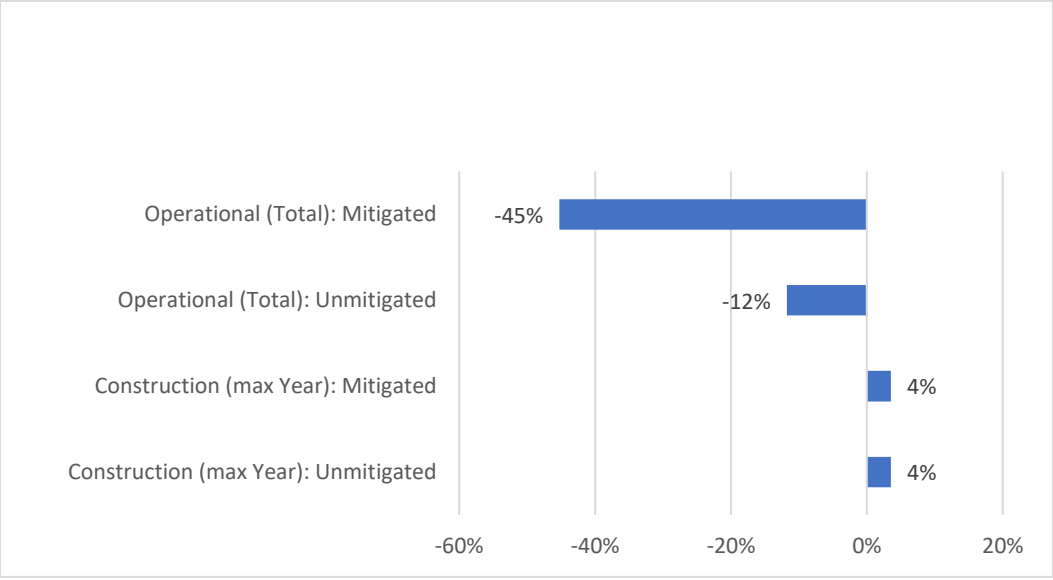


FIGURE 4.7-2: CO2E CHANGE IN GENERAL PLAN FROM BUSINESS-AS-USUAL



Comparative VMT Estimates

Table 4.7-2 shows the comparative VMT estimates for weekdays, weekend days, and the full year. Like the GHG emissions, the estimates recognize an 8 percent annual reduction in VMT under the 2040 McFarland General Plan proposals compared to the Business-As-Usual scenario largely from its configuration. Including additional mitigations for accessibility and alternative travel would significantly reduce annual VMT by 65 percent. Figure 4.7-3 compares VMT levels under the two scenarios. Figure 4.7-4 depicts the estimated change in VMT levels.

It is worth noting that the Traffic Section of this document estimated VMT via a different procedure for various growth scenarios investigated during preparation of the General Plan. Results yielded comparative average VMT levels and reductions from Business-As-Usual that are consistent with the results from the CalEEMod model.

TABLE 4.7-2: COMPARATIVE VMT ESTIMATES

Type of VMT Estimate	Business-As-Usual	General Plan	Change (GP-BAU)	%Change
Weekday	775,904	587,926	-187,978	-24%
Saturday	626,194	369,270	-256,924	-41%
Sunday	372,170	239,843	-132,326	-36%
Annual VMT: Unmitigated	1,129,378,439	1,038,484,916	-90,893,523	-8%
Annual VMT: Mitigated	1,129,378,439	397,012,659	-732,365,780	-65%

FIGURE 4.7-3: VMT LEVELS UNDER BUSINESS-AS-USUAL VS. GENERAL PLAN SCENARIOS

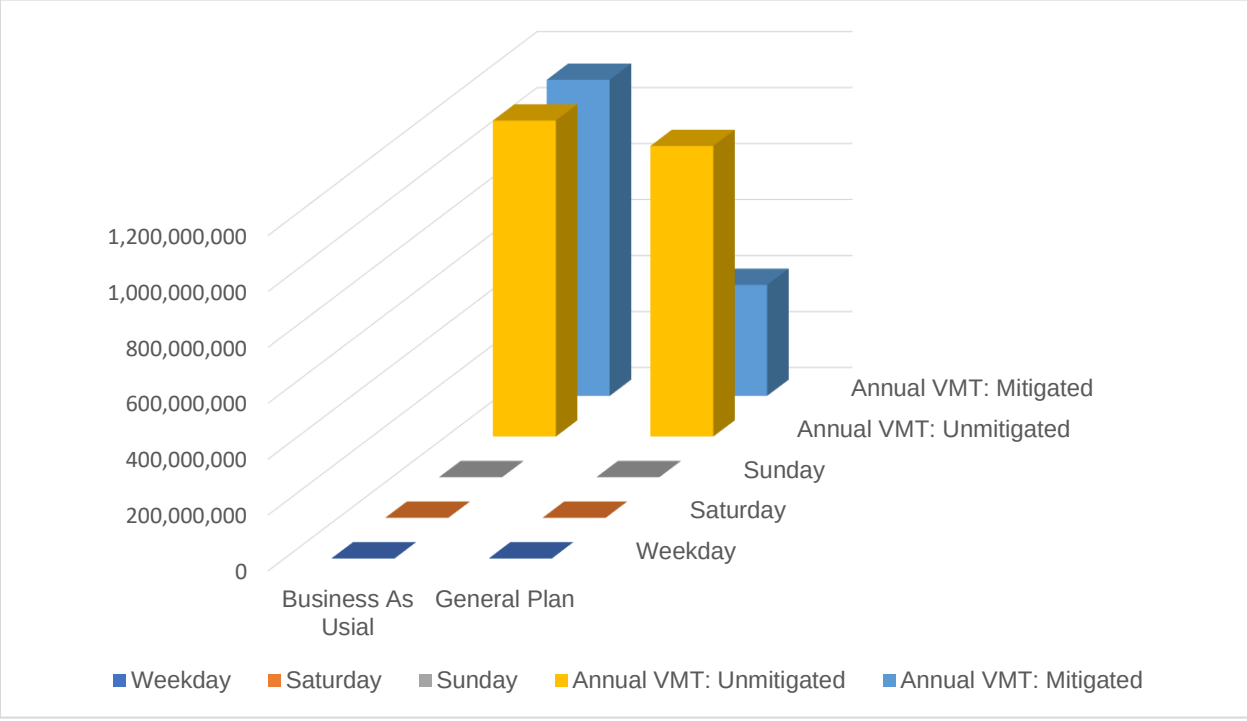
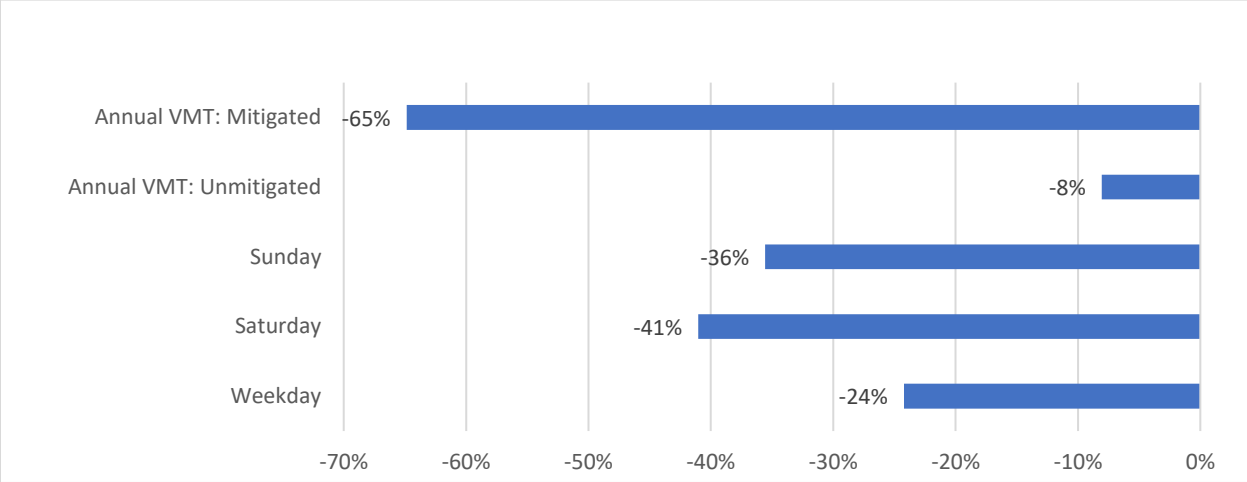


FIGURE 4.7-4: VMT REDUCTION IN GENERAL PLAN FROM BUSINESS-AS-USUAL



4.7.2 STANDARDS OF SIGNIFICANCE

This section discusses the standard of significance in determining whether build-out of the City of McFarland 2040 General Plan will have a significant impact on the environment as it relates to greenhouse gas emissions.

4.7.2.1 CEQA THRESHOLDS

Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018) provides thresholds of significance for greenhouse gas emissions impacts created by projects or programs. The thresholds of significance for air quality asks if the project would:

1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment;
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs.

4.7.2.2 METHODOLOGY

While there is no official state guidance available for determining the thresholds of significance for greenhouse gas emissions impacts, the California Governor's Office of Planning and Research (OPR) suggests that lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO2 and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage, and construction activities. Public

agencies should consider the following when determining significance of a proposed project on greenhouse gas emissions and the environment.

1. **Identify GHG Emissions on Climate Change**. When assessing a project's GHG emissions and its effects on climate change, lead agencies must describe the existing environmental conditions or setting without the project, which normally constitutes the baseline physical conditions for determining whether a project's impacts are significant. (OPR notes that the potential effects may not be individually significant, therefore it is required to include a consideration of cumulative impacts. Any dismissal of significance must be fully documented and supported). An impact is significant if GHG emissions contribute to climate change.
2. **Determine a Timeframe.** For a long range plan the timeframe is between ten and twenty years. The McFarland Plan was looking at outside timeframe of about twenty years with the expectation that an update could occur after a decade if conditions require it.
3. **Reflect Scientific Knowledge and Regulatory Schemes.** GHG emissions as a result of the Plan should comply with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Conflicts with any local, regional, state, or federal policies regarding greenhouse gas emissions is considered a significant impact.

4.7.3 Impact Discussion

GHG – 1 The proposed Plan would generate GHG emissions, either directly or indirectly, that would have a LESS-THAN-SIGNIFICANT impact on the environment.

As a result of a series of comprehensive and progressive goals included in various elements of the City of McFarland 2040 General Plan which focus on greenhouse gas reductions specifically, the proposed plan will not have a significant impact on the environment as it relates to greenhouse gas emissions. In fact, the plan will result in a 12 percent reduction in GHG emissions per year compared to the Business-As-Usual scenario. Goals, policies, and programs included in the Circulation, Air Quality and Conservation Elements of the 2040 General Plan Update specifically address issues related to greenhouse gas emissions and strategies to reduce greenhouse emissions associate with certain activities including energy procurement, transportation, and waste.

Policy CIR 1.1.2: Prioritize funding to improve and maintain pedestrian infrastructure for users.

Program CIR 1.1.2.1: Adapt Complete Streets Guidebook for local use.

Program CIR 1.1.2.3: Seek funding from federal and state sources.

Policy CIR 1.2.1: Connect all bicycle infrastructure.

Program CIR 1.2.1.1: Establish separated bike lanes on Garzoli Avenue, Mast Avenue, Sherwood Avenue, Kern Avenue, and Browning Road to connect McFarland's southern neighborhoods with its downtown, eastern, and northern neighborhoods.

Policy CIR 1.2.2: Encourage inclusion of bicycle parking facilities in new development.

Program CIR 1.2.2.1: Amend development code to include bicycle parking requirements.

Policy CIR 2.2.1: Implement a balanced, multi-modal transportation network in accordance with Complete Street requirements.

Program CIR 2.2.1.1: Update the City's street and subdivision standards to include Complete Streets strategies.

Policy CIR 3.3.1: Support adoption of zero-emission and low-emission vehicles.

Program CIR 3.3.1.1: Standardize infrastructure regulations for public electric vehicle charging stations.

Program CIR 3.3.1.2: Streamline the permit process for private electric vehicle charging stations (including home charging stations).

Program CIR 3.3.1.3: Provide facilities such as advanced fueling stations (e.g., electric and hydrogen) for emerging technologies.

Policy CON 2.1.2: Decrease water use in new and existing developments.

Program CON 2.1.2.2: Use drip irrigation systems and drought tolerant or native vegetation in newly developed areas.

Program CON 2.1.2.3: Develop a plan to decrease water use in public landscapes by 25% of 2018 levels by 2035. Convert existing landscapes to drip systems and replace landscapes requiring significant irrigation with drought tolerant vegetation.

Program CON 2.1.2.5: Measure the success of current water conservation programs and utilize data in future programs and ordinances.

Policy CON 2.2.1: Conduct a sun and shade study to locate the most optimal locations for solar panel installation.

Policy CON 2.3.1: Educate the public on the importance of energy-saving techniques.

Policy CON 2.3.2: Seek opportunities to improve energy efficiency within City facilities.

Program CON 2.3.2.1: Conduct energy efficiency and water use audits on all City facilities and create a schedule to prioritize implementation of the most cost-effective efficiency measures.

Policy AQ 1.1.1: Coordinate with the San Joaquin Valley Air Pollution Control District ("Air District") to identify air pollution reduction progress and key contributors to air pollution.

Policy AQ 1.2.1: Meet attainment status for criteria pollutants according to National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality standards (SAAQS).

Policy AQ 1.4.2: Establish an urban forestry program to improve air quality by requiring new development and street resurfacing plans to include street and shade trees.

Objective AQ 2.1: Reduce greenhouse gas emissions to 40% below 1990 emission levels by 2030 and 80% below 1990 emission levels by 2050.

Policy AQ 2.1.1: Conserve and reduce energy use.

Program AQ 2.1.1.1: Develop energy conservation opportunities.

Program AQ 2.1.1.2: Establish energy conservation requirements for development (e.g., energy efficient light bulbs).

Program AQ 2.1.1.3: Apply neighborhood conservation strategies such as code enforcement and building rehabilitation.

Policy AQ 2.1.2: Develop renewable energy.

Program AQ 2.1.2.1: Invest in sources of renewable energy.

Policy AQ 2.1.3: Establish a baseline of current emissions levels and project emissions estimates for future years.

Program AQ 2.1.3.1: Conduct a greenhouse gas inventory.

Program AQ 2.1.3.2: Adopt emissions reduction strategies through a Climate Action Plan.

Policy AQ 2.1.4: Reduce vehicle emissions.

Policy AQ 2.1.5: Prioritize mixed-use and walkable neighborhoods in future developments.

Program AQ 2.1.5.1: Streamline permitting processes for mixed-use and walkable development projects.

Policy PF 2.2.1: Expand recycling and composting citywide.

Policy PF 6.2.1: Follow priorities outlined in the Circulation Element of the General Plan.

Program PF 6.2.1.2: Improve safe student access to schools with Safe Routes to School grants.

Applicable Regulations:

SB 32

SB 375

AB 1493

Significance Before Mitigation: Less than significant

GHG – 2 THE PROPOSED PLAN WILL POSE A LESS-THAN-SIGNIFICANT CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSION OF GHGS.

The City of McFarland 2040 General Plan Update comprehensively recognizes and responds to relevant legislation regarding greenhouse gas emission reductions in pertinent elements of the Plan and incorporates corresponding policies and programs to achieve legislative mandates, regulations, and goals

specific to various sectors including transportation, land use, solid waste, renewable energy, energy efficiency and water use. Objectives and policies included in the Air Quality Element of the Plan specifically discuss California legislation regarding greenhouse gas emissions reduction targets of AB 32 - Global Warming Solutions Act of 2006, including meeting greenhouse gas emissions reduction targets established in the legislation. The Plan does not conflict with state legislation regarding greenhouse gas emissions reduction targets. Consistent with the 2017 Climate Change Scoping Plan Update, the General Plan sets goals and polices towards achieving the GHG reductions in AB 32 and reduce per capita GHG emissions to no more than six metric tons CO2e per capita by 2030. The Plan addresses conflict with other plans and regulations in the goals, policies, and programs that follow.

Policy AQ 1.2.1: Meet attainment status for criteria pollutants according to National Ambient Air Quality Standards (NAAQS) and State Ambient Air Quality standards (SAAQS).

Objective AQ 2.1: Reduce greenhouse gas emissions to 40% below 1990 emission levels by 2030 and 80% below 1990 emission levels by 2050.

Program AQ 1.4.1.1: Develop coordinated land use and transportation plans to help meet federal, state, and local air quality requirements.

Program AQ 1.4.1.2: Work with Caltrans and the Regional Transportation Planning Agency to minimize the air quality impacts of large-scale transportation projects.

Program AQ 1.4.1.3: Encourage submission of development projects to the Air District for CEQA comments and review of air quality analysis.

Program AQ 1.4.1.4: Determine project air quality impacts using analysis methods and significance thresholds recommended by the Air District.

Applicable Regulations:

SB 32

SB 375

AB 1493

Significance Before Mitigation: Less than significant

4.7.4 Summary of Potential Impacts and Mitigation Measures

The analysis on the potential greenhouse gas emissions impacts resulting from implementation of the City of McFarland 2040 General Plan found that the Plan will have a less than significant impact on the environment and remains consistent with state legislation regarding greenhouse gas emission reduction targets. Land use intensity and compactness with associated multimodal circulation system together with policies included in the Air Quality Element of the Plan serve to specifically address potential greenhouse gas impacts and require consistency with greenhouse gas emission reduction targets included in AB 32. The Plan does not conflict with state legislation regarding greenhouse gas emissions reduction targets and maintains consistency with the 2017 Climate Change Scoping Plan Update.

To reach the greenhouse gas emission reduction targets in the 2017 Scoping Plan the City of McFarland will have to consistently track annual greenhouse gas emissions from community wide and government operations as included in the policies of the Plan. It is recommended the City of McFarland devotes staff or consultant resources toward a biennial greenhouse gas emissions inventory as well as the development and adoption of a Climate Action Plan.

4.7.5 References

Association of Environmental Planners, (2016) California Environmental Quality Act (CEQA) Statute and Guidelines

Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines (May 2012) - http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/baaqmd-ceqa-guidelines_final_may-2012.pdf?la=en

California Air Resources Board. (2017) Climate Change Scoping Plan Update, January 2017 Retrieved from https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf

City of McFarland, CA. (2020). City of McFarland General Plan Update Background Report. McFarland, CA.

City of McFarland CA. (2020). Draft City of McFarland 2040 General Plan. McFarland, CA.

ICLEI. (October 2012) U.S. Community Protocol for Accounting and Reporting of Greenhouse Emissions October 2012. http://californiaseec.org/resource/us-community-protocol-for-accounting-and-reporting-of-greenhouse-gas-emissions/

4.8 Hazards and Hazardous Materials

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
2. 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?			X	
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	

5.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?		X
6.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	X	
7.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?		X

4.8.1 Environmental Setting

This section discusses the environmental setting regarding hazards and hazardous materials in the City of McFarland.

4.8.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the Hazards element and potential impacts of the proposed Plan.

Federal Regulations

Uniform Building Code

The Uniform Building Code (UBC) defines different regions of the United States and ranks them by seismic hazard potential. There are four seismic zones labeled 1-4. Zone 1 indicates the least seismic potential and Zone 4 indicates the highest seismic potential.

The Federal Soil And Water Resources Conservation Act, 1977

The purpose of the Federal Soil and Water Resources Conservation Act (16 United States Code Sections 2001–2009) is to protect or restore the functions of the soil on a permanent sustainable basis.

Uniform Fire Code

The Uniform Fire Code contains regulations for construction and maintenance of buildings and land uses. Topics addressed in the Code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings.

The Federal Emergency Management Agency (FEMA)

FEMA is the lead agency on building codes and floodplain management, helping equip local and state emergency preparedness and response coordination in the event of a disaster. FEMA administers national flood and crime insurance programs, supports the nation's fire service, and trains emergency response managers.

The Flood Plain Management Act (Cobey-Alquist Act), 1969

The Flood Plain Management Act created the National Flood Insurance Program, which facilitates the identification of flood hazard zones for insurance and floodplain management purposes. In addition, it provides a statement of probability for future flood events. The Act restricts development in Special Flood Hazard Areas, defined by FEMA as having a one percent or greater annual chance of flooding (also called the 100-year flood plain).

The National Flood Insurance Program (NFIP)

The National Flood Insurance Program (NFIP) is administered by FEMA to allow property owners in participating communities to purchase insurance protection from the federal government against losses from flooding. To be eligible for the program, the property owner's land must be in a community with an adopted floodplain management ordinance. The program is intended to reduce future flood risks for new construction in Special Flood Hazard Areas.

The Resource Conservation And Recovery Act (RCRA), 1976

The Resource Conservation and Recovery Act (RCRA) is the principal federal law governing the disposal of solid waste and hazardous waste under the responsibility of the California Department of Toxic Substances Control (DTSC). The DTSC implements and enforces the Hazardous Waste Control Laws for the State of California.

The Federal Aviation Administration

The Federal Aviation Administration is the lead agency for national aviation in the United States. Under the Department of Transportation, it has the authority to regulate and oversee all aspects of American Aviation. There is no airport located within McFarland's city limits.

State Regulations

Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code 2621), 1971

The Alquist-Priolo Earthquake Fault Zoning Act prevents the construction of buildings on active faults. The Act requires a State geologist to establish earthquake fault zones around active faults and identify these zones in maps.

Seismic Hazards Mapping Act (Public Resources Code 2690), 1990

The Seismic Hazards Mapping Act (SHMA) provides seismic hazard mapping and technical advisory programs to assist cities and counties within California in fulfilling their responsibility to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and seismic hazards caused by earthquakes.

Unreinforced Masonry Law (Public Resources Code 8875), 1986

The Unreinforced Masonry Law requires jurisdictions located in the highest zone of seismicity, Zone 4, as identified in the Uniform Building Code, to inventory their unreinforced masonry buildings and establish programs to reduce risk related to these buildings.

California Building Code

The California Building Code includes additional amendments to the Uniform Building Code addressing seismic safety in California.

Strategic Fire Plan For California, 2010

This document, produced by the State Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection, provides an overview of fire risk and state activities to reduce risk. The plan discusses statewide fire safety regulations including road and signage standards, minimum water supply reserves for emergency fire use, and requirements for fuel breaks.

The California Department Of Forestry And Fire Protection (Cal Fire)

The California Department of Forestry and Fire Protection (Cal Fire) is dedicated to the fire protection and stewardship of over 31 million acres of California's privately owned wild land.

Bates Bill (Government Code § 51175), 1992

This statute requires the Cal Fire director to evaluate fire hazard severities in Local Responsibility Areas (LRAs) and make recommendations to local jurisdictions based on High Fire Hazard Severity Zone

locations. LRAs include incorporated cities, cultivated agricultural lands, and some desert lands that receive fire protection from city fire departments, fire protection districts, counties, or by Cal Fire under contract to local governments.

California Fire Code, Title 21, Part 9

The California Fire Code contains regulations regarding many aspects of wildfire and urban fire safety. This code specifies roadway and driveway design, access, building identification, water, and vegetation modification standards as well as defensible space requirements.

California Fire Code, Title 24, Part 9, California Code of Regulations

The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized practices for the safeguarding, to a reasonable degree, of life and property from the hazards of fire explosion, dangerous conditions arising from the storage, handling, and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, and provisions to assist emergency response personnel.

California Health And Safety Code

State fire regulations set forth in Section 13000 et seq. of the California Health and Safety Code include regulations for building standards (as set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

California Water Code

California law requires local governments to act as the responsible agency for flood control. Section 8401, paragraph (c), of the California Water Code states, “The primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish floodplain management rests with local levels of government” (SWRCB, 2015).

California Uniform Building Code

The state of California Building Code (CBC) contains requirements for structures in flood hazard zones. These requirements are consistent with FEMA requirements for non- residential development in a 100-year floodplain.

The Unified Hazardous Waste And Hazardous Materials Management Regulatory Program, 1993

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program was created in 1993 by California Senate Bill 1082 to consolidate, coordinate, and increase consistency of administrative requirements, permits, inspections, and enforcement activities for environmental and emergency management programs. The program can be implemented at the local government level by Certified Unified Program Agencies.

The California Accidental Release Prevention Program Law (CalARP Program), 1997

The CalARP Program, under the California Safety Code Sections 25531-25543.3, coordinates with federal laws regarding accidental chemical release, allowing for local oversight of state and federal programs.

Hazardous Materials Transport Regulations

The Hazardous Materials Transport Regulations fall under the California Code of Regulations, regulated by the U.S. Department of Transportation (DOT) for all interstate transport of hazardous materials. The DOT establishes safe handling procedures and regulations of hazardous materials. The California Department of Transportation (Caltrans) enforces federal and state regulations and responds to hazardous materials transportation emergencies.

California Division Of Occupational Safety And Health (CAL/OSHA)

The California Division of Occupational Safety and Health (Cal/OSHA) is responsible for

developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials.

California Public Utilities Code; Section 21670

The California Public Utilities Code Section 21670 requires County Boards of Supervisors to establish an Airport Land Use Commission (ALUC) in each county with an operating public airport. The County Board of Supervisors assigns ALUC responsibilities, duties, and powers to an appropriate body of supervisors.

California Public Utilities Code; Section 21675

The California Public Utilities Code Section 21675 requires the Airport Land Use Commission (ALUC) to create a Land Use Plan for the area surrounding its public airports that complies with the Federal Aviation Administration rules and regulations. Section 21675 also provides the necessary components of an Airport Land Use Compatibility Plan (ALUCP).

The California Aviation System Plan (CASP), 2011

The California Aviation System Plan (CASP) was established to ensure that the State has an adequate and efficient system of airports to serve California's aviation needs. The CASP defines the role of each airport in the State's aviation system and establishes funding requirements. Under the CASP, McFarland Airport is classified as a community airport. CASP defines community airports as airports that are "located near small communities or in remote locations; serve, but are not limited to, recreation, flying, training, and local emergencies; accommodate predominately single-engine aircraft under 12,500 pounds; (and) provide basic or limited services for pilots or aircrafts."

Local Regulations

The Regional Water Quality Control Board (RWQCB)

The Regional Water Quality Control Board for the Central Valley Region enforces the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil, groundwater, and surface water bodies.

The Kern County Multi-Hazard Mitigation Plan

The Kern County Multi-Hazard Mitigation Plan (MHMP) provides a risk assessment profile

for flood hazards in Section 4.28, Floods, and Section 4.29, Dam/Levee Failure. The profile includes specific locations of risk, history of events, vulnerability assessments, and

the mitigation capabilities of the County. The MHMP includes a Mitigation Action Plan, which identifies actions, and assigns responsibilities to agencies to reduce damage and

loss to existing and future development in the event of a flooding event. All incorporated cities and incorporated lands in Kern County are party to the MHMP.

The Certified Unified Program Agency (CUPA)

The Certified Unified Program Agency consolidates all the county hazardous materials programs under one agency, the Kern County Environmental Health and Services Department (EHSD). The EHSD is the designated lead agency in CUPA and acts as the

single point of contract for the issuance of permits. The program also provides emergency response to chemical events to furnish substance identification; health and environmental risk assessment; air, soil, water, and waste sample collection; incident mitigation and cleanup feasibility options; and on-scene coordination for state superfund incidents. The program also provides for the oversight, investigation, and remediation of unauthorized releases from underground tanks.

The Kern County Environmental Health and Services Department (EHSD)

The Kern County Environmental Health and Services Department (EHSD) is the local enforcement agency of the California Integrated Waste Management Board under the legal authority of the California Health and Safety Code and the California Code of Regulations. The EHSD is divided into two divisions to protect the public from exposure

to hazardous materials in waste. The Food, Land, and Water Division provides consumer protection through the protection of retail food, land use practices and environmental quality, drinking water safety, and safe and healthy operations of hotels, motels, farm labor camps, and organized recreational camps. The Hazardous and Solid Waste Division protects public health in the areas of hazardous material and waste surveillance and enforcement, radiological health, vector control, solid waste, and infectious waste.

The Kern County Airport Land Use Compatibility Plan (ALUCP)

The Kern County Airport Land Use Compatibility Plan (ALUCP) is the legal document establishing procedures and criteria by which Kern County and the affected incorporated cities can address compatibility issues when making planning decisions regarding airports and the land uses around them. The ALUCP seeks protection of the public as well as aircraft occupants from exposure to aircraft noise, safety to people and property on the ground and occupants in aircrafts, protection of airport airspace, and general concerns related to aircraft over flight.

The Kern Council of Governments Regional Aviation System Plan (RASP)

The Kern Council of Governments Regional Aviation System Plan (RASP) evaluates the county's capacity and ability to meet aviation demand. Fifteen other airports that are considered of importance to meeting the demands of the region's aviation needs are included in the Kern County Council of Governments RASP.

The Kern County Office of Emergency Services (OES)

The Kern County Office of Emergency Services (OES) establishes responsibilities and coordinates preparedness, response, and recovery in the event of an emergency for the Kern County Operational Area (OA), of which McFarland is a part of. This plan is supplementary to the Kern County Emergency Plan.

The City of McFarland Municipal Code

The City of McFarland Municipal Code incorporates the California Fire Code as an adopted reference, with the City's requirements for fire prevention. The Chapter also states that any reference to the Kern County development standards Chapter 17.32 of the Kern County Code shall mean the City of Waco development standards.

4.8.1.2 EXISTING AND BASELINE CONDITIONS

Fire Hazards

Fire hazard assessment for the Safety Element of McFarland includes the following required components: average weather projections for the year, analysis of potential fuel sources, analysis of historical burn data, federal wildland models, and state models of relative fire danger zones.

McFarland's weather patterns maintain relatively dry conditions year-round. The City receives approximately 7 inches of rainfall per year, with the driest months receiving no rainfall on average. Summer temperatures often average above 90 degrees Fahrenheit (°F), with yearly average temperatures fluctuating between 38 and 99 °F. The 30-year average temperature in McFarland peaks at 98.1 °F during July, making it one of the warmest areas in the state. Yearly wind speed in McFarland averages 5.5 miles per hour (MPH) at 10 meters above the ground with averages during the windiest part of the year reaching 6.7 MPH, in late May. Local wind speeds vary significantly based on tree cover and topography, and these wind conditions could spread sparks and firebrands (ignited pieces of wood) a mile or more from the fire event. Infrequently, high wind events occur in the Central Valley with winds above 70 MPH, increasing

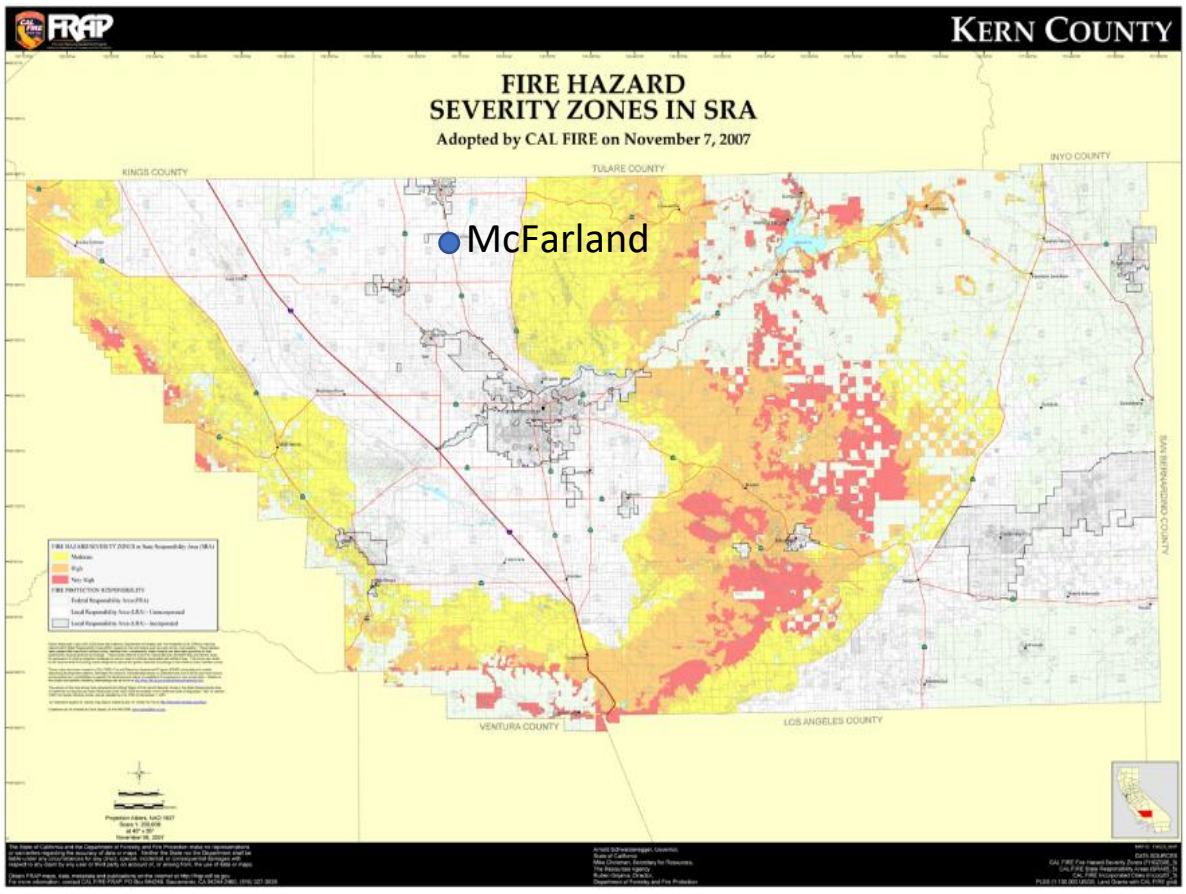
relative fire danger during that event. Required historical fire data collected for the area derives from the following tools and resources:

- InciWeb Incident/Hazard Reporting Map Utility
- USGS GeoMac Historical Fire Data Viewer
- Monitoring Trends in Burn Severity (MTBS) Interagency Viewer

These three databases hold the legally required data and satisfy the requirements for fire hazard readiness.

Map 4.8-1 shows Fire Hazard Severity Zones in State Responsibility Areas in Kern County, utilizing land coverage and weather data from MODIS satellite imaging and remote sensing. This final map does not include potential draft local responsibility areas, but it does represent the most active regional zones for fire hazard potential. No Local, State or Federal Responsibility Areas include McFarland or the projected Sphere of Influence.

MAP 4.8-1: FIRE HAZARD SEVERITY ZONES IN STATE RESPONSIBILITY AREAS



Source: CAL FIRE

CAL FIRE specifically designates High or Very High Fire Hazard Zones based on the fire triangle of fuel, oxygen, and ignition. These zones present a significant danger and constraint to development if present, but none appear in McFarland's City limits or its Sphere of Influence. In Map 4.8-1, red represents Very High Fire Hazard Zones, orange represents High Fire Hazard Zones, and yellow marks Moderate Fire Hazard Zones. Areas in grey, like McFarland, remain unclassified, or at lower risk of fire hazard. While the City does not lie within a CAL FIRE recognized Fire Hazard Severity Zone, urban structure fires remain a concern and steps to prepare for an emergency will benefit all residents.

Basic preparations for evacuation are still an important part of resident safety. Potential ignition sources present in the City today include agricultural equipment, especially during harvest, as well as normal residential and commercial operations.

The City of McFarland sits on land designated as Wildland-Urban Interface by the USGS, or the area where significant vegetation or fuel sources lie near human activity. Two kinds of development cause WUI conditions: interface, the traditional urban-rural divide, or intermix, where development occurs in pockets within an area that has high fire danger. The Sequoia National Forest lies approximately 30 miles to the east of McFarland, and that eastern half of Kern County qualifies as a significant fuel source and an area of significant fire probability, with many areas falling in a High or Very High Fire Hazard Zone.

Twenty-nine catastrophic fire events occurred in California during 2018, including the Camp Fire that devastated large swaths of Butte County. Although large wildfires are unlikely near McFarland, caution is still warranted due to significant potential fuel sources in the area including agricultural waste, liquid fuel, gaseous accelerants, and other significant local point sources of impact in a city of its size. Newer subdivisions are more likely to comply with firesafe building code and material conditions. Industrial, commercial, and residential buildings built before the codes for firesafe construction were enacted possibly pose other concerns in terms of wiring, materials, fuel load, and key evacuation standards including occupancy and initial response time. Kern County Fire maintains records of specific programs and utilities for residents, businesses, and municipalities to engage in resiliency upgrades, home hardening with a 100-foot defensible space buffer, multilingual evacuation information, and other items to assist these situations.

Emergency Preparedness

At the local level, effective mitigation measures against emergency include fire and police incident response times, the ability of the existing infrastructure to support rescue and safety preservation efforts, the fiscal possibility of large-scale response, and the evacuation planning for multi-hazard or large-scale incidents. Large incidents which require greater coordination will usually also trigger disaster response funding and planning, with regional, state, or federal emergency response funds corresponding to the severity and persistence of the incident at hand.

FEMA standards and jurisdictional responsibilities function as a significant part of the existing McFarland Local Hazard Mitigation Plan. Through this plan and evacuation planning with the County Office of

Emergency Services, the City qualifies for required elements of federal grant money disbursement in both mitigation and response roles. In addition, coordination between city, regional, state, and federal agencies might be necessary on all fronts with limited external resources in a true large-scale disaster event. The City's response will require coordination with larger regional agencies in a disaster situation. Multi-Hazard Mitigation and other relevant evacuation plans from Kern County also benefit the City in its preparatory activities. Specifically, Kern County Fire hosts evacuation planning and response documents which include the City, and these documents function as the basic emergency response coordination efforts for McFarland.

Hazardous Materials

According to an EnviroStor search conducted in 2019, there were three DTSC cleanup sites within City limits and one cleanup site within the planned annexation south of McFarland. The three listed cleanup sites within McFarland fall under a School Investigation site type. One cleanup site requires No Further Action, another site's case indicates Inactive – Active Required status, and the third site holds Inactive – Needs Evaluation status. Within the proposed Sphere of Influence expansion, the former location of Famoso Auxiliary Field/Minter Auxiliary Field No. 3, a Military Evaluation site type, functions as a cleanup site. A 2019 search on GeoTracker by the research team showed 3 permitted USTs (Underground Storage Tanks) and eleven LUST (Leaking Underground Storage Tanks) sites in McFarland. Of the eleven sites, only one site cleanup status remains Open.

The Kern County Hazardous Materials Area Plan and Kern County Hazardous Material Business Plan (HMBP) serve to protect residents of Kern County by reporting and responding to hazardous materials emergencies. Hazardous substance incidents have the potential to occur due to SR 99 and the Union Pacific Railway through McFarland. Hazardous materials transported on these networks, potentially released in the events of train derailment or vehicle accidents, could impact areas adjacent to the SR 99/Union Pacific Corridor.

Aircraft Hazards

Four airports fall within the relative vicinity of McFarland, with the most impactful being Delano Airport to the north. The Sphere of Influence of Delano Airport extends south to the border of Elmo Highway, thus providing a constraint to potential development north of that area. Edwards Air Force Base, the nearest military installation, has some potential to impact safety in McFarland. Naval Air Warfare Station China Lake could also potentially affect aircraft hazards. No training or other significant military flightpaths cross over McFarland.

4.8.2 Standards of Significance

4.8.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on the environment with respect to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. 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;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

4.8.2.2 Methodology

In order to assess impacts associated with hazards and hazardous materials, preferred growth areas and existing land uses identified in the proposed Plan were compared to the locations of hazardous material sites, airports, and fire hazard zones. The City of McFarland Background Report, policies from the proposed Plan, Multi-Jurisdictional Hazard Mitigation Plan, and Fire Hazard Planning documents published by the State were also used for this analysis.

4.8.3 Impact Discussion

HAZ – 1 With mitigation, build-out of the proposed Plan would create a **less-than-significant** hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The transport, use, and disposal of hazardous materials are primarily associated with industry. Buildout of the proposed Plan is to establish a comprehensive industrial sector from just under 20 acres under existing conditions to 1,966 acres of heavy industrial and 1,275 acres of light industrial acreage all of which are to be located along the highway 99 corridor to the south of city limits. Additionally, all subsequent projects of the proposed Plan are to undergo CEQA review and mitigation to ensure less-than-significant impacts with hazardous materials.

All hazardous material production and transportation should comply with state and local regulations and Hazardous Waste Management Plans. The proposed Plan also includes the following policies and programs that address transport and disposal of hazardous materials:

Policy SAF 3.1.2: Coordinate with County departments to monitor the operations of businesses and individuals that handle hazardous materials.

Policy SAF 3.1.4: Enact proper disposal of household hazardous waste.

Program SAF 3.1.4.1: Educate residents on appropriate disposal of household hazardous waste and publicize collection events and locations.

Policy SAF 3.1.6: Safe transport of hazardous materials.

Program SAF 3.1.6.1: Restrict the transport of hazardous materials within McFarland to designated routes.

Program SAF 3.1.6.2: Encourage new pipelines or other channels carrying hazardous materials to avoid residential areas to the greatest extent possible.
Program SAF 3.1.6.3: Support Caltrans and California Highway Patrol efforts to ensure safe transportation of hazardous materials on Highway 99.
Program SAF 3.1.6.4: Encourage developers to investigate development sites to identify hazardous materials.
Program SAF 3.1.6.5: Encourage developers to safely transport and dispose of hazardous materials.

Program SAF 3.1.7.3: Evaluate imported soils to ensure that they are free of contamination by hazard materials.

Applicable Regulations:

The Unified Hazardous Waste And Hazardous Materials Management Regulatory Program, 1993

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

HAZ – 2 BUILD-OUT OF THE PROPOSED PLAN WILL CREATE A LESS-THAN-SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.

Proposed industrial and commercial land uses in the Plan have the potential to create a significant hazard in upset or accident conditions if they involve the use, production, or transport of hazardous materials; however, all subsequent projects of the proposed Plan will require CEQA review and mitigation of impacts associated with hazardous materials. Furthermore, in the case that the release of hazardous materials occurs, the City should collaborate with the County, following protocol from the County's Hazardous Materials Area Plan to carry out a study to evaluate the nature and extent of the contamination, and the potential threat to public health and/or the environment. The proposed Plan also includes the following policies and programs that address hazardous materials:

Policy SAF 3.1.2: Coordinate with County departments to monitor the operations of businesses and individuals that handle hazardous materials.

Program SAF 3.1.2.1: Mitigate the potential for harmful effects of hazardous materials through the permitting process.

Program SAF 3.1.2.2: When approving new development, encourage the preparation of a report certifying that the site has been surveyed for hazardous contaminants and has been appropriately remediated for the future proposed use.

Policy SAF 3.1.3: Reduce dependency on hazardous materials and products.

Policy SAF 3.1.7: Control pollution from hazardous materials.

Program SAF 3.1.7.1: Institute permitting system for demolition activities.

Program SAF 3.1.7.2: Establish a site inspection process to oversee safe demolition of existing structures.

Policy SAF 4.1.1: Prepare emergency centers and critical infrastructure for hazards.

Program SAF 4.1.1.4: Coordinate with county, state, and federal agencies on emergency preparedness.

Applicable Regulations:

The Unified Hazardous Waste And Hazardous Materials Management Regulatory Program, 1993

Significance Before Mitigation: Less than significant

HAZ – 3 BUILD-OUT OF THE PROPOSED PLAN HAS A LESS-THAN-SIGNIFICANT POTENTIAL TO EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL.

Most existing and proposed schools (shown in light blue on Map 4.8-2) are located beyond the quarter-mile threshold from proposed industrial and commercial land uses. However, being a relatively small community which a major state highway bisects, there is ever so slight the potential for exposure especially for one school within the distance threshold.

Applicable Regulations:

The Unified Hazardous Waste And Hazardous Materials Management Regulatory Program, 1993

Significance Before Mitigation: No impact

HAZ – 4 BUILD-OUT OF THE PROPOSED PLAN WILL CREATE A LESS-THAN-SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT AS A RESULT OF LOCATING DEVELOPMENT ON A SITE WHICH INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5.

According to an EnviroStor search conducted in 2019, there were three DTSC cleanup sites within City limits and one cleanup site within the planned annexation south of McFarland. The proposed Plan will not change the existing land uses on the contamination sites without mitigation. Additionally, there is a potential for aerially deposited lead (ADL) soil contamination along highway 99. Projects associated with development along highway 99 should include soil sampling to test for ADL. All subsequent projects of the proposed Plan will require CEQA review and mitigation of impacts associated with hazardous materials. The proposed Plan also includes the following policies and programs addressing hazardous materials sites:

Policy SAF 3.1.1: Map and remediate contaminated sites.

Program SAF 3.1.1.1: Locate unidentified contamination sites and remediate with property owners and applicable agencies.

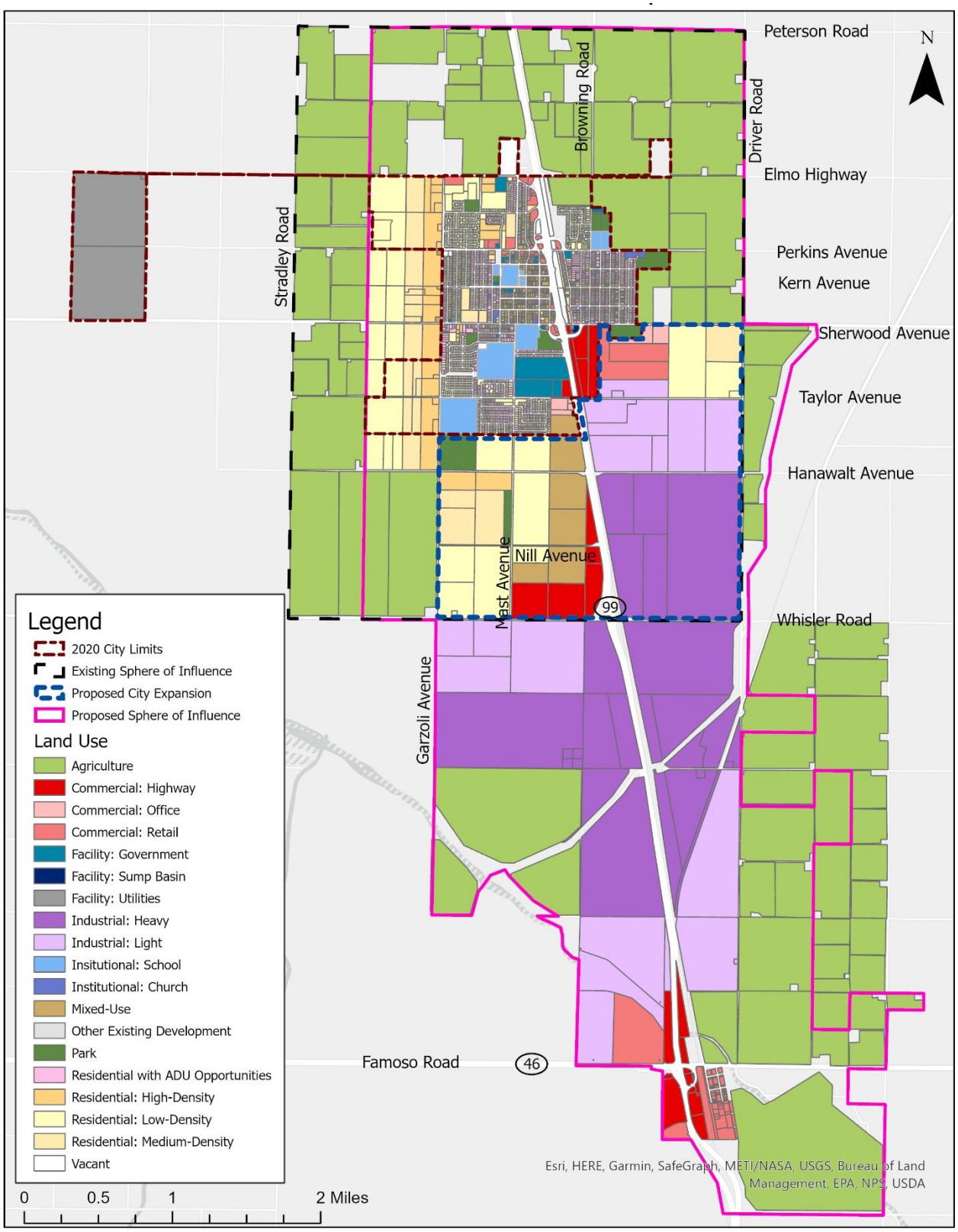
Program SAF 3.1.1.2: Work with Federal, State, regional, and local agencies to identify contaminated sites and work with property owners and applicable agencies to remediate them. When working with agencies, use the Hazardous Waste and Substances Sites List (Cortese List) and Environmental Restoration Program EnviroStor database.

Applicable Regulations:

The Unified Hazardous Waste And Hazardous Materials Management Regulatory Program, 1993

Significance Before Mitigation: Less than significant.

MAP 4.8-2: CONCEPTUAL GROWTH LAND USE MAP



HAZ – 5 BUILD-OUT OF THE PROPOSED PLAN WILL RESULT IN A **NO IMPACT** IN TERMS OF SAFETY HAZARD OR EXCESSIVE NOISE FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT

While four airports fall within the relative vicinity of McFarland, only three are relatively impactful. Delano Airport's Sphere of Influence extends south to the border of Elmo Highway, thus providing a constraint to potential development north of that area. The proposed Plan will not extend into the Sphere of Influence of Delano Airport. There is no private airstrip within the Planning Area. While no training or other significant military flightpaths cross over McFarland, Edwards Air Force Base, the nearest military installation, has some potential to impact safety in McFarland. Naval Air Warfare Station China Lake could also potentially effect aircraft hazards. Nevertheless, the proposed Plan includes the following policies and programs to address safety hazards from public or public use airports.

Policy SAF 3.2.1: Reduce exposure to aircraft hazards through the permitting process.

Program SAF 3.2.1.1: Monitor development within the Airport Zone to ensure compliance with restrictions designed to increase flight safety, such as reflective or volatile materials, in connection with the Federal Aviation Administration.

Program SAF 3.2.1.2: As future military development or training program areas arise, enact reasonable land use controls to promote military readiness and increase civilian safety.

Applicable Regulations: The Naval and Air Force Uniform Code

Significance Before Mitigation: No impact

HAZ – 6 BUILD-OUT OF THE PROPOSED PLAN WOULD POSE A **LESS-THAN-SIGNIFICANT IMPACT** IN IMPAIRING OR EXACERBATING IMPLEMENTATION OF, OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN.

The proposed Plan includes policies, which ensure collaboration with Kern County on the development and implementation of a Disaster and Emergency Preparedness Plan (ERP) as well as support efforts outlined in the existing McFarland Local Hazard Mitigation Plan. Proposed land uses do not interfere with existing ERPs but would require their update to support growth.

Policy SAF 4.2.1: Coordinate emergency preparedness and response measures with Kern County's Emergency Operations Plan.

Program SAF 4.2.1.1: Plan emergency event evacuation in coordination with county, state, and federal agencies.

Program SAF 4.2.1.2: Establish procedures for safe, prompt, and orderly evacuation, locations of safe meeting areas, emergency supplies including food, water, and medical supplies, and general emergency protocols.

Program SAF 4.2.1.3: Conduct periodic trainings for staff on emergency operations procedures and response.

Program SAF 4.2.1.4: Craft and publicize emergency procedures and define responsibilities for government and non-government entities during a crisis.

Applicable Regulations:

Assembly Bill 747 (AB 747)

Seismic Hazards Mapping Act of 1990

Titles 19 and 24, vol. 9 of the California Building Code (California Fire Code and California Building Code)

Significance Before Mitigation: Less than significant

HAZ – 7 THE PROPOSED PLAN WILL EXPOSE PEOPLE OR STRUCTURES, EITHER DIRECTLY OR INDIRECTLY TO A LESS-THAN-SIGNIFICANT RISK OF LOSS, INJURY, OR DEATH INVOLVING WILDLAND FIRES.

No Local, State or Federal Responsibility Areas include McFarland or the projected Sphere of Influence within the Fire Hazard Severity Zones. While the City does not lie within a CAL FIRE recognized Fire Hazard Severity Zone, urban structure fires remain a concern and steps to prepare for an emergency will benefit all residents.

Additionally, the City of McFarland sits on land designated as Wildland-Urban Interface by the USGS, or the area where significant vegetation or fuel sources lie near human activity. The Sequoia National Forest lies approximately 30 miles to the east of McFarland, and that eastern half of Kern County qualifies as a significant fuel source and an area of significant fire probability, with many areas falling in a High or Very High Fire Hazard Zone. Although large wildfires are unlikely near McFarland, caution is still warranted due to significant potential fuel sources in the area including agricultural waste, liquid fuel, gaseous accelerants, and other significant local point sources of impact in a city of its size.

The following policies and programs from the proposed Plan are to ensure that people or structures are exposed to a less-than-significant risk of loss, injury, or death.

Policy SAF 2.3.1: Evaluate and respond to urban and wildland fire hazards affecting McFarland where present.

Program SAF 2.3.1.2: Update urban and wildland fire threat as data sources become available and seek guidance and data from Cal Fire.

Policy SAF 2.3.3: Evaluate fire threats in existing and proposed developments.

Program SAF 2.3.3.1: Coordinate fire threat evaluation with Kern County Fire, given Cal Fire threat assessments and federal data sources.

Program SAF 2.3.3.2: Enact measures for resident and employee safety in areas of recognized commercial and industrial fire threat.

Program SAF 2.3.3.3: Reduce vulnerability especially with vegetation management (e.g., fire resistant landscaping, fuel breaks, etc.) to prevent drought/extreme weather-related fire risk.

Program SAF 2.3.3.4: Encourage commercial and industrial properties to maintain fire safe standards and operate in a safe manner when handling flammable materials or byproducts.

Policy SAF 2.3.4: Create defensible space for McFarland through best management practices.

Program SAF 2.3.4.1: Encourage abatement of potentially flammable material through trimming, thinning, or reduction of potential fuel from habitable or occupied areas according to Cal Fire defensible space standards.

Program SAF 2.3.4.2: Check with state and federal hazard management agencies for updated areas of concern in wildland and urban fire scenarios on a 10-year cycle.

Policy SAF 2.3.5: Adopt uniform building and fire codes as they are updated by the State.

Policy SAF 2.3.6: Educate the public about fire safety.

Program SAF 2.3.6.1: Promote public fire safety education programs to reduce accidents, injuries, and fires in coordination with McFarland School District and community agencies.

Program SAF 2.3.6.2: Promote public safety through Cal Fire programs, pamphlets, and education opportunities with school and community engagement in English and Spanish.

Applicable Regulations:

Assembly Bill 747 (AB 747)

Seismic Hazards Mapping Act of 1990

Titles 19 and 24, vol. 9 of the California Building Code (California Fire Code and California Building Code)

Significance Before Mitigation: Less than significant

4.8.4 Summary of Potential Impacts and Mitigation Measures

The following mitigation measures are intended to mitigate potentially significant impacts regarding hazards and hazardous materials.

HAZ – 1 Build-out of the proposed Plan would create a potentially significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The transport, use, and disposal of hazardous materials are primarily associated with industry. Buildout of the proposed Plan is to establish a comprehensive industrial sector from just under 20 acres under existing conditions to 1,966 acres of heavy industrial and 1,275 acres of light industrial acreage all of which are to be located along the highway 99 corridor to the south of city limits. All hazardous material production and transportation should comply with state and local regulations and Hazardous Waste Management Plans. Additionally, all subsequent projects of the proposed Plan are to undergo CEQA review and mitigation to ensure less-than-significant impacts with hazardous materials.

MITIGATION HAZ - 1

All hazardous material production and transportation should comply with state and local regulations and Hazardous Waste Management Plans.

Significance After Mitigation: Less than significant.

4.8.5 References

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California Adaptation Planning Guide: Planning for Adaptive Communities (2012). Retrieved from http://resources.ca.gov/climate/safeguarding/local-action/

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California Department of Forestry. Kern County Fire Hazard Severity Zones in State Responsibility Areas, 2008; 2019. Fire Hazard Severity Zones Maps. Retrieved from https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/.

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InciWeb developed and maintained by USDA Forest Service, F., and A. M. (n.d.). InciWeb the Incident Information System. Retrieved from https://inciweb.nwcg.gov/.

Kern County Area Mass Care and Shelter Guidance. Emergency Plans. Kern County Fire Department Emergency Response Services.

4.9 Hydrology and Water Quality

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			x	
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?		X		
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?			x	
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			x	

5.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		**X**
6.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?		**X**
7.	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?		**X**
8.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	X	

4.9.1 Environmental Setting

This section discusses the environmental setting regarding hydrology and water quality in the City of McFarland.

4.9.1.1 REGULATORY FRAMEWORK

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the hydrology element and potential impacts of the proposed Plan.

Federal Regulations

Environment Protection Agency

Clean Water Act, 1972 The Clean Water Act (CWA) was established to protect the quality of U.S. surface waters. It created a program for regulating pollutants into United States surface waters, including creating standards for water quality for all types of pollutants. It is unlawful to discharge any pollutant from a point source (stationary) into navigable waters in the U.S. without a permit.

Section 401 Clean Water Act

Gives the State Water Board the authority to review proposed federally permitted activity that may impact water quality and to certify, condition, or deny the activity if it does not comply with state water quality standards.

National Pollutant Discharge Elimination System (NPDES)

NPDES is a permit program created by the CWA that grants the Environmental Protection Agency authority to permit, administrate, and enforce the regulations of the program. NPDES permit program regulates point sources that discharge pollutants into the waters of the United States. The permit contains limits on discharge amount, monitoring and reporting requirements, and other provisions to ensure the discharge will not hurt water quality or citizen health. NPDES Storm Water Program NPDES regulates some storm water discharge from three types of sources: municipal separate storm sewer systems (MS4), construction, and industrial. MS4 systems are not part of a sewage treatment plant and, therefore, might be required to obtain a permit to prevent untreated water from entering a local water body. The permits require a municipality or storm water discharger to create a Storm Water Management Plan. The construction permit is required for construction sites disturbing one or more acres and includes provisions to limit erosion and sediment discharge and for site stabilization. The industrial permit is federally required for 11 categories of industrial activity.

Safe Drinking Water Act, 1974

The Safe Drinking Water Act (SDWA) is administered by the EPA to protect U.S. drinking water and its sources (lakes, rivers, springs, etc.). The EPA sets national health-cased standards for drinking water to protect against natural and man-made contaminants that may be present in drinking water. The SWDA is administered in California by the CA State Water Resources Control Board.

National Flood Insurance Act, 1968

The National Flood Insurance Act was adopted to reduce the losses from floods and mudslides due to increasing development in areas in flood and mudslide hazards. The act created a standard level of protection for properties within flood areas that flood an average of once every 100 years.

National Flood Insurance Program

This program aims to mitigate future flood losses nationwide through providing affordable, federally backed insurance to property owners, which requires communities to create a floodplain management systems or ordinances with effective enforcement provisions to reduce future flood losses.

Executive Order 11988, 1977

Requires executive departments and agencies (agencies) to avoid, to the extent possible, the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative" (EO 119880).

State Regulations

Porter-Cologne Water Quality Control Act, 2016

This act was established to protect water quality and the beneficial uses of water, as applied to surface water, wetlands, and ground water. This act monitors both point and nonpoint sources of pollution. This act established 9 Regional Water Boards and the State Water Board to implement its provisions and protect state water quality. The act requires the adoption of water quality control plans for the SWRCB and RWQCBs, which include establishing water quality objectives as well as establishing implementation, surveillance, and monitoring plans. The City of McFarland is located in the Central Coast RWQCB

Cobey-Alquist Flood Plain Management Act

Established to encourage local governments to plan land use regulations to accomplish flood plain management and to provide state assistance and guidance (California Water Code Section 8401). Construction of structures in designated floodways which may endanger life or restrict the carrying capacity of the floodway shall be prohibited under this act (California Water Code Section 8410).

Groundwater Management Act (Assembly Bill 3030), 1992

Provided a systematic procedure for an existing local agency to develop a groundwater management plan, including a list of 12 technical components that are encouraged to be included in the plan.

Sustainable Groundwater Management Act (SGMA), 2014

Initially composed of three bills (AB 1939, SB 1319, and SB 1168) and is continuously updated from new legislation, the Act is a continuation of the Groundwater Management Act and provides tools for the sustainable management of groundwater basins. The SGMA requires local agencies to establish a

Groundwater Sustainability Agency prior to developing a groundwater sustainability plan for the basin or sub-basin it is located. SGMA also labels groundwater basins based on priority. The City of McFarland is located in the Central Coast Hydrologic Region. The City of McFarland does not have a groundwater sustainability plan.

Groundwater Elevation Monitoring Program Act, 2009

This Act (Senate Bill X 7-6) provides state water grants and loans for agencies that monitor groundwater elevations in their basins that supply water to the area. The purpose of the grants is to monitor groundwater levels and season changes in California.

Senate Bill 610 And 221

The purpose of these bills is to assist water suppliers, cities, and counties with integrating water and land use planning to provide Californian cities, farms, and rural communities an adequate water supply. These bills increase requirements and incentives for agencies to adopt water management plans. Under SB 610, a large project will not have to analyze their water demand if their use was included in a previously developed management plan. SB 210 requires analysis of subdivisions of a certain size to determine if adequate water supply will be available (California Department of Water Resources, 2003).

Urban Water Conservation Act, 2009

Requires all water suppliers to increase their water use efficiency. The Act set an overall goal of reducing per capita water use by 20% by December 31, 2020. An urban water supplier shall include baseline per capita water use, set water use targets, interim water use targets, and compliance daily per capita use by July 2011.

Assembly Bill 2572 (Water Metering Legislation), 2004

AB 2572 requires urban water suppliers to install water meters on all municipal and industrial water service connections by January 2025. The bill finds that water metering and volumetric pricing are one of the most effective conservation tools and, therefore, requires urban water suppliers to charge customers who have meters based on the volume of water deliveries by 2010 (California Water Code, 2004).

California Green Building Standard Codes

Model Water Efficient Landscape Ordinance (AB 1881 and EO B-29-15), 2015: The purpose of the model ordinance is to promote efficient landscaping practices that conserve water. The ordinance applies to new construction projects with a landscape greater than 500 sq. ft. that require a plan check, and some other listed projects. Local agencies are required to report their water efficient requirements. The model ordinance also includes various standards for plant types, irrigation designs, landscape maintenance, and efficient water system types (California Department of Water Resources, 2015)

SWRCB Construction General Permit

Requires all construction activities that disturb one or more acres of land to comply with SWRCB Construction General Permits.

Local/Regional Regulations

Central Valley Regional Water Quality Control Board (CVRWQCB)

The CVRWQCB monitors hydrological areas and provides regulatory oversight. The CVRWQCB also handles the issuance of waste discharge requirements, enforcement action against violators, and monitoring of water quality through the development of "basin plans".

The Water Quality Control Plan for the Tulare Lake Basin

The Water Quality Control Plan for the Tulare Lake Basin identifies the beneficial uses of the Tulare Lake basin (CVRWQCB, 2004).

Kern County California Local Agency Formation Commission

The California Local Agency Formation Commission (LAFCO) conducts municipal service review for specified public agencies under their jurisdictions. This includes evaluating an agency's ability to provide public services within the designated service area. The Kern County LAFCO governs the City of McFarland.

The Kern County Multi-Hazard Mitigation Plan (MHMP)

The Kern County MHMP provides a risk assessment profile for flood hazards in Section 4.28, Floods, and Section 4.29, Dam/Levee Failure. The profile includes specific locations of risk, history of events, vulnerability assessments, and the mitigation capabilities of the County. The MHMP includes a Mitigation Action Plan, which identifies actions, and assigns responsibilities to agencies to reduce damage and loss to existing and future development in the event of a flooding event (Kern County, 2005).

Kern County Integrated Regional Water Management Plan (IRWMP)

The Kern County IRWMP addresses how limited water resources in the Kern Region, including both incorporated and unincorporated areas, will be allocated, conserved, recharged, and recycled (Kern County Water Agency, 2011).

4.9.1.2 Existing and Baseline Conditions

Water and Hydraulic Forces

Water is a valuable commodity that has the potential to supply resources, as well as cause damage. McFarland's topography is primarily flat and receives relatively little precipitation. However, periods of intense rainfall combined with its flat topography can cause water to pool up in certain locations causing flooding damage. McFarland can receive the benefits and be resilient to potential hazards by understanding and predicting the effects of hydraulic forces. If these forces are not addressed, there is potential for significant damage to health and property.

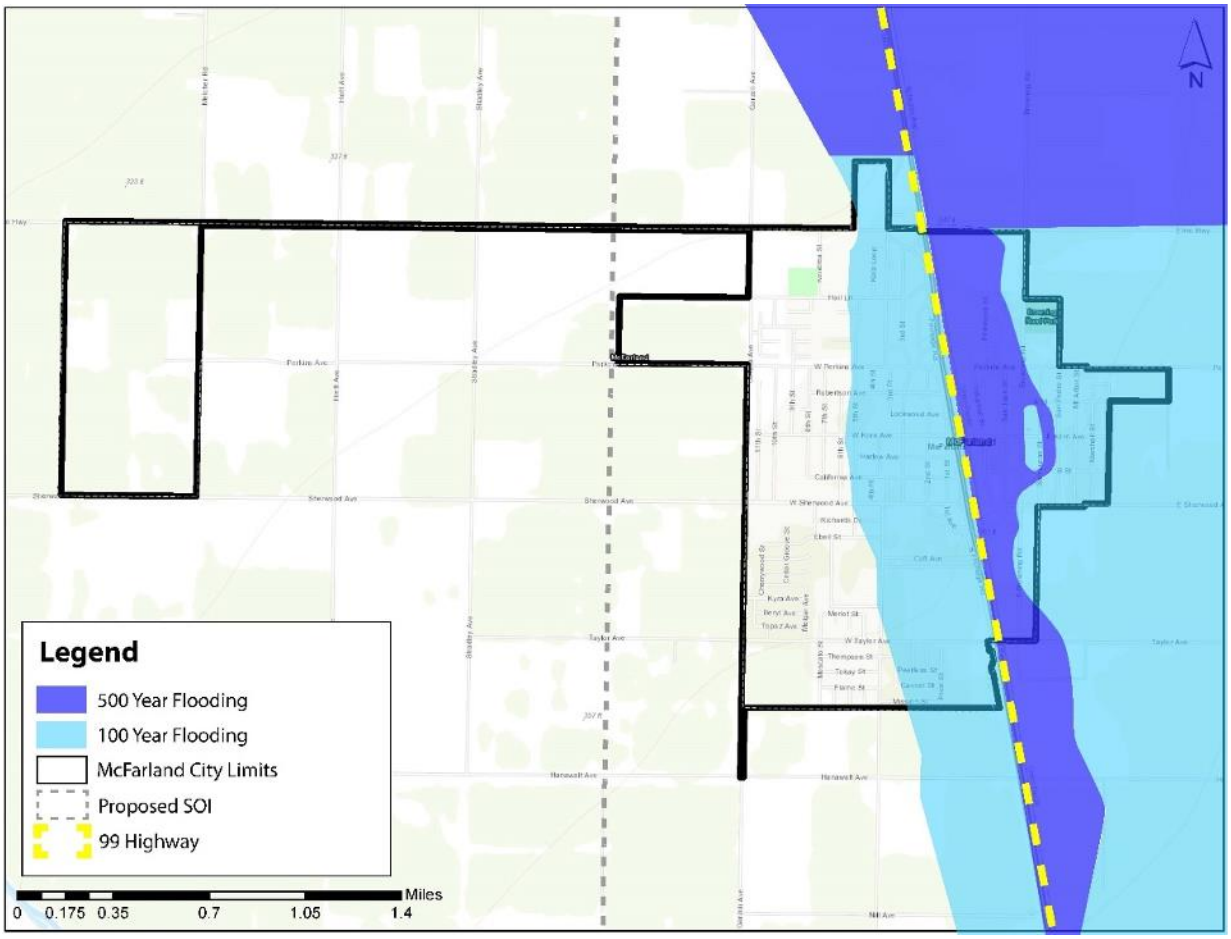
Flooding

Flooding events occur when the water absorption capacity of the soil is exceeded and water pools above the surface. The inability of existing infrastructure to mitigate these flooding events can exacerbate the issue and escalate the damage potential. According to the McFarland 2015 Storm Drain Master Plan, there are three main existing weaknesses to McFarland's flooding infrastructure:

- Undersized sump basins
- Undersized storm drainage systems
- Absence of storm drainage systems in areas where there are large volumes of storm runoff

Map 4.9-1 shows areas in McFarland that are most vulnerable to flooding hazard, according to the Federal Emergency Management Agency (FEMA).

MAP 4.9-1: FLOOD SEVERITY IN MCFARLAND



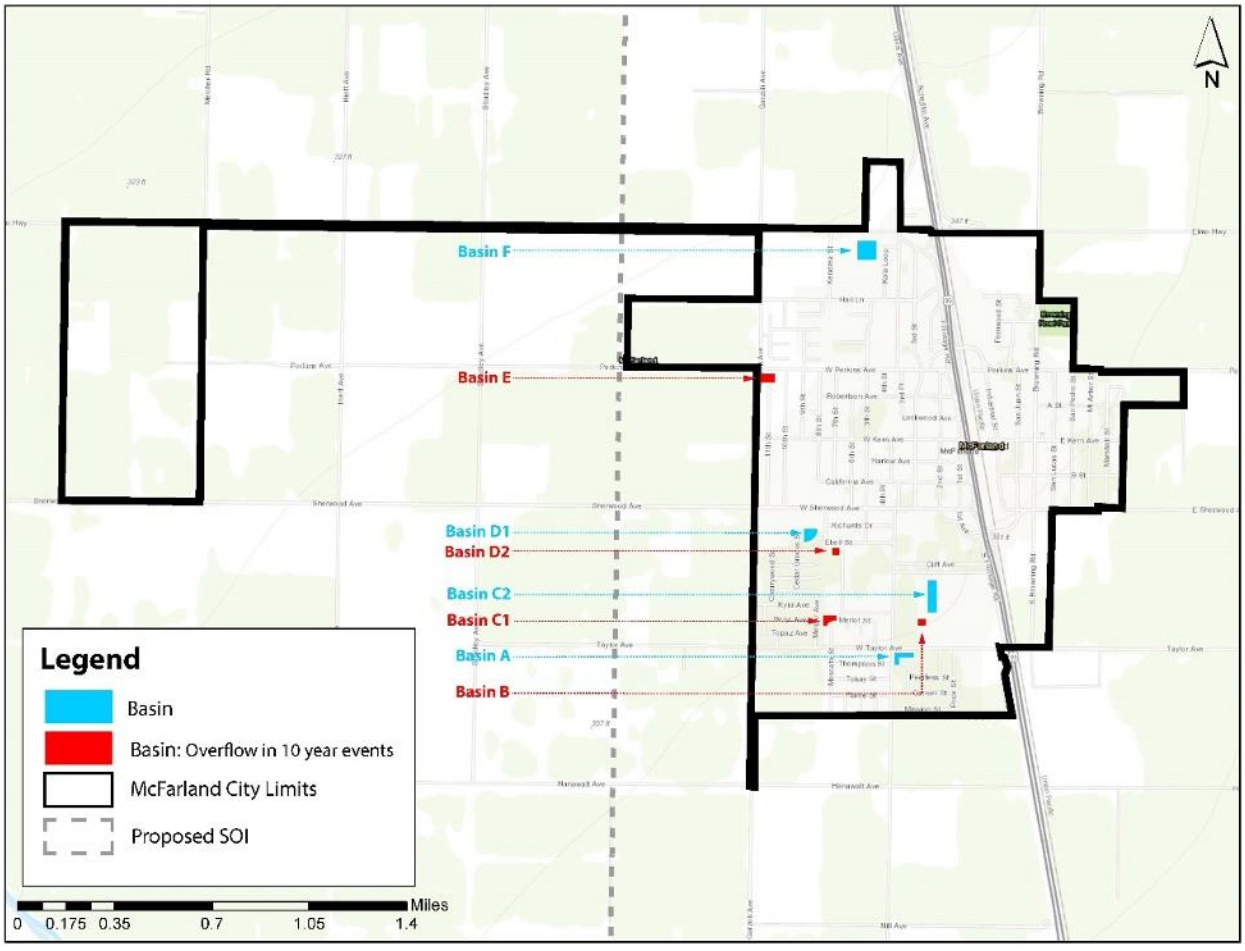
The levels of flood severity are divided by Highway 99 running through McFarland. East of Highway 99, residential areas are vulnerable to 500-year flooding events as well as 100-year flooding events. West of Highway 99, there is potential for 100-year flooding events to occur up to 5th Street within McFarland's

City limits. To mitigate the flooding hazards on the east side of Highway 99, there are multiple strategies that the City can pursue:

- Increase the size of sump basins
- Increase the amount of sump basins
- Update existing storm drainage systems
- Add additional storm drainage systems

Map 4.9-2 shows undersized sump basins in McFarland. These locations have a higher priority for expansion over the other surrounding basins in the area. Maximizing the sump basins can be accomplished by expanding the diameter of the basin or by increasing its depth.

Map 4.9-2: Basin Overflow Sites



In 2016, the City adopted a Local Hazard Mitigation Plan which prioritized projects that mitigated flooding; the City hopes to accomplish some of these projects on the east side of McFarland. The plan identified two sources of regional and local flooding in the City. Major flood problems on the eastern side of the City result from the overflow of Poso Creek and runoff from the mountains east of McFarland. The runoff from

the mountains moves along the Friant-Kern Canal south to State Route 99 (SR 99). The runoff then combines with overflows from Poso Creek and moves north, across the canal siphon and into the City.

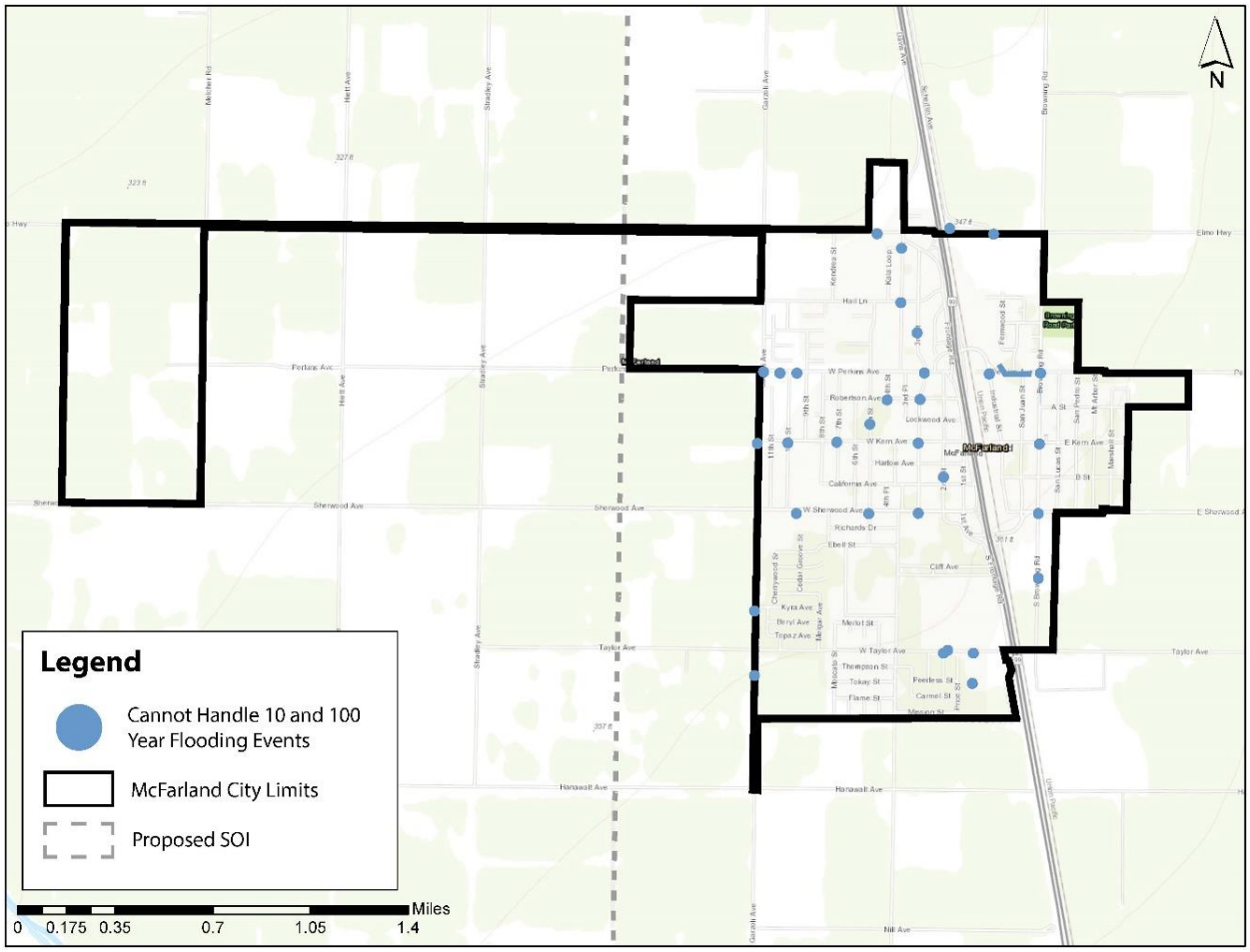
Assessing parcel data from 2012, approximately 457 parcels exist within the 100-year floodplain and 1,081 parcels exist within the 500-year floodplain. These properties account for 55% of homes in McFarland. Using population data from 2012, approximately 2,377 people live within the 100-year floodplain and 5,539 live within the 500-year floodplain. Many critical facilities are also located within the 500-year floodplain; these include two elementary schools (Browning Road Steam Academy and Kern Avenue Elementary), the McFarland Veterans Community Center, the grocery store, City Hall, and the police station.

Street Flooding

According to the McFarland 2015 Storm Drain Master Plan, many of the existing storm drainage systems are not prepared to handle 10 and 100-year flooding events. Based on this data and FEMA flood area data, the most vulnerable locations in McFarland are located on East Perkins Avenue. Map 4.9-3 identifies the locations.

Lake Woollomes, located approximately 3.5 miles northeast of McFarland, can cause flooding issues within the City when overflowing occurs during storms. The additional flooding stress from the north end of McFarland makes East Perkins Avenue an ideal priority site to improve flood control within the City. In addition, renovations should be prioritized on the northeast side of McFarland.

MAP 4.9-3: STREET OVERFLOW SITES



Potable Water

McFarland's peak source capacity is 7,300 gallons per minute with an approximate annual consumption of 1,825-acre feet. The maximum daily water use is estimated as 11,028 cubic feet per second and peak demand is estimated at 7.43 million gallons per day. There are four wells within the City of McFarland. The City of McFarland collects fees to pay for quality testing and infrastructure improvements, and the water is used for both residential and commercial water uses, as well as for firefighting uses. The wells depths have lowered over time resulting in a slight decline in water quality. There are present concerns about the water quality of these wells. A quality test from 2016 showed positive for arsenic and coliform. A consumer confidence report conducted in 2018 reported two violations in water quality, one for 1,2,3 Trichloropropane, and the other for a total coliform rule reporting violation. Water levels and quality are important to monitor to maintain safe water sources for the community. Maintaining an adequate water supply is also important as related to population growth and the planned future expansions of the City.

Sanitary Sewer

The wastewater treatment plant for the City on Elmo Highway has a capacity of 1.55 million gallons per day and is processing an average monthly flow of 1.1 million gallons per day. There is also a planned expansion of the existing facility, to increase the daily capacity to 2.5 million gallons per day.

While the overall conditions of the City's sewer piping are generally sound, on the eastern side of town there is only an 8-inch pipe connecting the homes and businesses to the wastewater treatment plant. The City has been unable to expand the pipe capacity as it passes underneath Highway 99. There is a planned expansion of the wastewater treatment plant, but due to the pipe size limitation it would only increase capacity for the west side. Addressing the capacity issues on the eastern side of McFarland is of paramount concern for any residential, commercial, or industrial expansion within the City.

Stormwater

The City is using sump basins as their form of flood and storm control in the area, with existing and proposed locations shown in Map 16-1. There are nine existing lots that are owned by the City and serve as basins to hold and retain water until it can percolate into the ground. The City does not have street-level stormwater infrastructure, such as storm drains. Community members identified that this was a serious issue, particularly in the east side of town. One community member mentioned at the first community meeting that students at Browning Road Elementary School are often unable to cross the large puddles and require assistance from school staff. The existing Local Hazard Mitigation Plan from 2016 identified the need for a Poso Creek study and mentioned the risk that it can pose to residents. The Storm Drain Master Plan of 2015 identified three possible sump basin locations, one is within City limits and the other two directly to the south.

4.9.2 Standards of Significance

4.9.2.1 CEQA Thresholds

Based on the significance criteria listed in Appendix G of the CEQA Guidelines, the construction and operation of the project is considered to have a significant impact if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site;
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
5. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
6. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows;
7. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation;
8. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.9.2.2 METHODOLOGY

To determine potential impacts the Plan on hydrology and water quality, the following methods were used:

1. Analyze existing inhabited areas and preferred growth areas in the City of McFarland 2040 General Plan for potential conflicts with existing policies and programs listed in 4.9.2.1.
2. Identify proposed policies and programs in the Plan that would potentially minimize or mitigate any identified conflicts resulting from the implementation of the Plan.

4.9.3 IMPACT DISCUSSION

HY – 1 THE PROPOSED PLAN WOULD RESULT IN **LESS-THAN-SIGNIFICANT** IMPACTS REGARDING VIOLATING ANY WATER QUALITY STANDARDS OF WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY.

Future development associated with the buildout of the proposed Plan could negatively affect the quality of surface waters. Construction activities, which include grading, excavation, and other earthmoving activities, could expose soils, which can be eroded and deposited into nearby water sources. Increased

sedimentation and turbidity from storm water runoff could lead to lower oxygen levels and increased algal growth, which could harm aquatic life. Post-construction impacts to water quality and waste discharge are due to an increase of impervious surfaces creating changes to storm water amount and quality. An increase of impervious surfaces also could lead to an increase of pollutants that enter storm water runoff. Urban runoff can potentially carry oil and grease, metals, sediment, pesticide and chemical residues from roadways, parking lots, and rooftops, depositing them into nearby waterways. Development from the proposed Plan is required to comply with State and local water quality regulations that are designed to protect water quality during construction.

Complying with the standards and regulations will prevent the proposed Plan to violate any water quality standards related to waste discharge. Individual projects are also required to undergo CEQA analysis and mitigations. Policies and programs in the Plan also aim to reduce the impacts of future development on water quality.

Policy PF 1.1.1: Protect water quality.

Program PF 1.1.1.1: Continue monitoring water quality and publish results as available.

Program PF 1.1.1.2: Continue to monitor the condition of pipes and general infrastructure for water distribution

Policy SAF 2.4.1: Conserve water in all sectors.

Policy SAF 2.4.3: Identify groundwater recharge locations where soil and geography allow for infiltration.

Program SAF 2.4.3.1: Pursue grants to aid long term groundwater recharge projects.

Program SAF 2.4.3.2: Examine proposed public infrastructure projects for potential water recharge opportunities.

Policy SAF 3.1.1: Map and remediate contaminated sites.

Applicable Regulations:

The Porter-Cologne Water Quality Control Act

Safe Drinking Water Act (SDWA)

State Water Resources Control Board

Central Valley Regional Water Quality Control Board (CVRWQCB)

Kern County Integrated Regional Water Management Plan (IRWMP)

Significance Before Mitigation: Less than significant

HY – 2 FOLLOWING MITIGATION, THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT IMPACTS REGARDING SUBSTANTIALLY DECREASING GROUNDWATER SUPPLIES OR INTERFERING SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN.

The future development proposed by the Plan would result in an increase in impervious surfaces which may interfere with the groundwater recharge. However, regulations for stormwater require various measures that aim to improve on-site retention and drainage improvements.

The future growth of the Plan also increases the demand for water usage through increase in population and development. As mentioned in existing conditions, McFarland depends on groundwater from wells to provide water for residential uses, commercial uses, and firefighting. However, the Plan focuses on water conservation and strategies to reduce water use and to mitigate the increased demand for water. Given the City's dependence on ground water supply, the Plan includes many policies and programs to protect the water supply.

Objective CON 2.1: Conserve water usage for all sectors.

Policy CON 2.1.2: Decrease water use in new and existing developments.

Program CON 2.1.2.1: Investigate the use of gray water irrigation systems in new developments.

Program CON 2.1.2.2: Use drip irrigation systems and drought tolerant or native vegetation in newly developed areas.

Program CON 2.1.2.3: Develop a plan to decrease water use in public landscapes by 25% of 2018 levels by 2035. Convert existing landscapes to drip systems and replace landscapes requiring significant irrigation with drought tolerant vegetation.

Program CON 2.1.2.4: Apply for funding from The Institutional Turf Replacement Program (ITRP) to help offset the costs of conversion.

Program CON 2.1.2.5: Measure the success of current water conservation programs and utilize data in future programs and ordinances.

Policy SAF 2.4.1: Conserve water in all sectors.

Program SAF 2.4.1.1: Educate the community on water conservation practices.

Program SAF 2.4.1.2: Measure the success of current water conservation programs, prioritizing development of successful programs, and continually revise programs to meet water reduction goals.

Program SAF 2.4.1.3: Create new programs to promote efficient and responsible water use.

Program SAF 2.4.1.4: Enact new measures as needed according to protocols established by the Kern Water Authority.

Policy SAF 2.4.2: Invest in waterwise infrastructure.

Program SAF 2.4.2.1: Adapt existing green spaces in public areas to retain rainwater on site.

Policy SAF 2.4.3: Identify groundwater recharge locations where soil and geography allow for infiltration.

Program SAF 2.4.3.1: Pursue grants to aid long term groundwater recharge projects.

Program SAF 2.4.3.2: Examine proposed public infrastructure projects for potential water recharge opportunities.

Policy AG 1.2.2: Use sustainable open space management practices.

Program AG 1.2.2.1: Encourage practices that reduce the strain on the hydrological infrastructure.

Program AG 1.2.2.2: Encourage practices that reduce wastewater demand on the flow-limiting wastewater pipe under Highway 99.

Program AG 1.2.2.3: Enact open-space zoning, such as exclusive agriculture zones, large-lot zones, and overlay zones for hazard areas, to be consistent with this plan.

Policy AG 3.1.2: Prepare for McFarland's water needs.

Program AG 3.1.2.1: Cooperate with regional, state, and federal agencies such as Drought.gov and the National Integrated Drought Information System (NIDIS) to accurately understand the water demand.

Program AG 3.1.2.2: Cooperate with agricultural industry stakeholders in the City and its Sphere of Influence to promote drought readiness measures.

Program AG 3.1.2.3: Adopt water-wise landscaping at public facilities and parks to reduce demand.

Program AG 3.1.2.4: Showcase drought tolerant landscapes, for instance, with model water-efficient landscapes in public parks, that private citizens could emulate to help encourage broad adoption.

Applicable Regulations:

Groundwater Management Act

Groundwater Elevation Monitoring Program Act

Urban Water Conservation Act

Water Conservation Act (SB X7-7)

SB610 and SB 221 (Urban Water Management Requirements)

AB 2572 (Water Metering Requirements)

Model Landscape Ordinance (AB1881)

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

HY – 3 BUILD-OUT OF THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT IMPACTS REGARDING SUBSTANTIALLY ALTERING THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE.

Development of the proposed Plan would involve vegetation removal, earth excavation and grading, and the construction of new structures. These activities could have an impact on the drainage pattern through an increase in erosion from construction activities and an increase in impervious surfaces. However, erosion control measures are to be implemented and regulated for any proposed project greater than one acre. Individual projects are also to mitigate any on- or off-site erosion impacts through project-level

CEQA. The following policies and programs can also aid in mitigating erosion impacts to the drainage pattern:

Policy LU 2.1.1: Increase the amount of infill development in the City.

Program LU 2.1.1.1: Allocate investments in infrastructure to support private investment and development.

Policy LU 3.1.1: Reduce conflicts between incompatible land uses.

Program LU 3.1.1.1: Establish mandatory distances between land uses to conform with the standards for complementary uses, such as parks, active commercial areas, public facilities, and housing.

Policy PF 1.2.3: Accommodate future need for stormwater infrastructure.

Program PF 1.2.3.1: Examine existing stormwater capacity and project increases in runoff.

Program PF 1.2.3.2: Pursue the creation of new stormwater basins and facilities to match increases in population and area.

Policy AG 1.2.2: Use sustainable open space management practices.

Program AG 1.2.2.1: Encourage practices that reduce the strain on the hydrological infrastructure.

Applicable Regulations:

Clean Water Act

State Updated Model Landscape Ordinance (AB 1881)

State Water Resources Control Board's 303(d) list

Central Valley Water Quality Control Plan

Significance Before Mitigation: Less than significant

HY – 4 IMPLEMENTATION OF THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT RESULTS REGARDING SUBSTANTIALLY ALTERING THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF-SITE.

Build-out of the proposed Plan will increase the number of impervious surfaces within the City. Drainage patterns have the potential to be altered through an increase in the rate and volume of stormwater runoff due to the increase in impervious surfaces.

McFarland owns nine sump basins for flood and storm control; however, additional sump basins have been identified for future development. This would help to alleviate potential runoff from developments. In addition, the following General Plan policies and programs can mitigate this impact further, creating a less than significant impact:

Policy LU 2.1.1: Increase the amount of infill development in the City.

Program LU 2.1.1.1: Allocate investments in infrastructure to support private investment and development.

Program LU 2.1.1.2: Streamline the permitting process for infill development.

Policy SAF 2.2.2: Reduce flood risk for new development and critical infrastructure.

Program SAF 2.2.2.1: Prior to development, encourage flood risk assessment and possible mitigation measures to reduce risks to life and property.

Program SAF 2.2.2.2: Prohibit development in the 100-year flood plain unless mitigation measures meeting Federal Flood Insurance Administration criteria are provided.

Policy SAF 2.2.3: Protect essential facilities from flooding by implementing flood control measures and relocating facilities when needed.

Policy CON 1.1.1: Prioritize flood control projects identified in the Storm Drain Master Plan.

Program CON 1.1.1.1: Complete and implement the McFarland Storm Drain Master Plan by 2035, prioritizing improvement near East Perkins Avenue within the 100-year flood plain.

Program CON 1.1.1.2: Implement new or expand existing sump basins for any new development within 100 and 500-year flood plains.

Program CON 1.1.1.3: Create an evacuation plan for vulnerable residential areas east of Highway 99.

Program CON 1.1.1.4: Apply for the Urban Flood Protection Program to help offset the costs of upgrading current infrastructure.

Policy PF 1.2.3: Accommodate future need for stormwater infrastructure.

Program PF 1.2.3.1: Examine existing stormwater capacity and project increases in runoff.

Program PF 1.2.3.2: Pursue the creation of new stormwater basins and facilities to match increases in population and area.

Policy AG 1.2.2: Use sustainable open space management practices.

Program AG 1.2.2.1: Encourage practices that reduce the strain on the hydrological infrastructure.

Program AG 1.2.2.2: Encourage practices that reduce wastewater demand on the flow-limiting wastewater pipe under Highway 99.

Applicable Regulations:

National Flood Insurance program

The Cobey-Alquist Floodplain Management Act

2007 Flood Legislation

California Uniform Building Code

McFarland 2015 Storm Drain Master Plan

Significance Before Mitigation: Less than significant

HY – 5 BUILD-OUT OF THE PROPOSED PLAN WILL RESULT IN LESS-THAN-SIGNIFICANT IMPACTS REGARDING SUBSTANTIALLY ALTERING THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.

An increase in impervious surfaces from the development of the Plan could result in an increase in stormwater runoff and pollutants within the stormwater. The increased pollutants include oil and grease, metals, sediments, and pesticides from the increase in roadways, parking lots, rooftops, and other impervious surfaces. The water quality from stormwater runoff is regulated by the CVWQCB and the municipal stormwater requirements in the McFarland Storm Drain Master Plan. These requirements and design features aid in offsetting the potential increase in stormwater from increase in impervious surfaces. Furthermore, individual projects are to undergo project-level CEQA analysis to determine if they impact stormwater. Policies and programs that would further reduce impacts of stormwater are:

Policy LU 2.1.1: Increase the amount of infill development in the City.

Program LU 2.1.1.1: Allocate investments in infrastructure to support private investment and development.

Program LU 2.1.1.2: Streamline the permitting process for infill development.

Policy SAF 2.2.2: Reduce flood risk for new development and critical infrastructure.

Program SAF 2.2.2.1: Prior to development, encourage flood risk assessment and possible mitigation measures to reduce risks to life and property.

Program SAF 2.2.2.2: Prohibit development in the 100-year flood plain unless mitigation measures meeting Federal Flood Insurance Administration criteria are provided.

Policy SAF 2.2.3: Protect essential facilities from flooding by implementing flood control measures and relocating facilities when needed.

Program SAF 2.2.3.1: Create an inventory of essential facilities which are at risk of flood damage within the 100- and 500-year flood plains.

Policy CON 1.1.1: Prioritize flood control projects identified in the Storm Drain Master Plan.

Program CON 1.1.1.1: Complete and implement the McFarland Storm Drain Master Plan by 2035, prioritizing improvement near East Perkins Avenue within the 100-year flood plain.

Program CON 1.1.1.2: Implement new or expand existing sump basins for any new development within 100 and 500-year flood plains.

Policy PF 1.1.1: Protect water quality.

Program PF 1.1.1.1: Continue monitoring water quality and publish results as available.

Program PF 1.1.1.2: Continue to monitor the condition of pipes and general infrastructure for water distribution

Policy PF 1.2.3: Accommodate future need for stormwater infrastructure.

Program PF 1.2.3.1: Examine existing stormwater capacity and project increases in runoff.

Program PF 1.2.3.2: Pursue the creation of new stormwater basins and facilities to match increases in population and area.

Policy AG 4.3.1: Reduce air, water, and climate pollution

Applicable Regulations:

Clean Water Act

Central Valley Water Quality Control Plan

National Pollutant Discharge Elimination System

Significance Before Mitigation: Less than significant

HY – 6 BUILD-OUT OF THE PROPOSED PLAN WILL RESULT IN LESS-THAN-SIGNIFICANT IMPACTS REGARDING SUBSTANTIALLY ALTERING THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS.

An increase in development under the Plan could result in alterations to water courses as retention walls, fences, and other structures are situated on land. However, site grading and design guidelines are meant to guard against unnecessary redirection of natural flow patterns, call for creation of retention basins, and preservation of streams and creeks. Furthermore, individual projects are to undergo project-level CEQA analysis to determine if they impede or redirect flood flows. Policies and programs that would further reduce impacts of redirecting flows are:

Policy SAF 2.2.2: Reduce flood risk for new development and critical infrastructure.

Program SAF 2.2.2.1: Prior to development, encourage flood risk assessment and possible mitigation measures to reduce risks to life and property.

Program SAF 2.2.2.2: Prohibit development in the 100-year flood plain unless mitigation measures meeting Federal Flood Insurance Administration criteria are provided.

Policy CON 1.1.1: Prioritize flood control projects identified in the Storm Drain Master Plan.

Program CON 1.1.1.1: Complete and implement the McFarland Storm Drain Master Plan by 2035, prioritizing improvement near East Perkins Avenue within the 100-year flood plain.

Program CON 1.1.1.2: Implement new or expand existing sump basins for any new development within 100 and 500-year flood plains.

Policy PF 1.2.3: Accommodate future need for stormwater infrastructure.

Program PF 1.2.3.1: Examine existing stormwater capacity and project increases in runoff.

Program PF 1.2.3.2: Pursue the creation of new stormwater basins and facilities to match increases in population and area.

Applicable Regulations:

Central Valley Water Quality Control Plan

National Pollutant Discharge Elimination System

Significance Before Mitigation: Less than significant

HY – 7 BUILD-OUT OF THE PROPOSED PLAN WILL RESULT IN LESS-THAN-SIGNIFICANT IMPACTS REGARDING THE RISK OF RELEASING POLLUTANTS DUE TO PROJECT INUNDATION IN FLOOD HAZARD, TSUNAMI, OR SEICHE ZONES

McFarland does not fall within tsunami or seiche zones. However, assessor's parcel data indicates approximately 457 parcels exist within the 100-year floodplain and 1,081 parcels exist within the 500-year floodplain. These properties account for 55% of homes in McFarland. Approximately 2,380 people live within the 100-year floodplain and 5,540 live within the 500-year floodplain. The proposed Plan limits additional residential growth in identified 100-year or 500-year flood plains without appropriate mitigation. In addition, the Plan proposes several policies and objectives to further reduce impacts of the flooding on new development.

Policy SAF 2.2.2: Reduce flood risk for new development and critical infrastructure.

Program SAF 2.2.2.1: Prior to development, encourage flood risk assessment and possible mitigation measures to reduce risks to life and property.

Program SAF 2.2.2.2: Prohibit development in the 100-year flood plain unless mitigation measures meeting Federal Flood Insurance Administration criteria are provided.

Policy SAF 4.1.1: Prepare emergency centers and critical infrastructure for hazards.

Program SAF 4.1.1.3: Identify hazards and vulnerable populations needing emergency shelters for all hazards including flooding and extreme heat events.

Program SAF 4.1.1.4: Coordinate with county, state, and federal agencies on emergency preparedness.

Program SAF 4.1.1.5: Situate emergency centers to withstand 500-year floods.

Program HO 1.3.1.1: Expand housing to the west of the City away from floodable areas.

Applicable Regulations:

The Cobey-Alquist Act (1969(

National Pollutant Discharge Elimination System

Significance Before Mitigation: Less than significant

HY – 8 WITH MITIGATION, BUILD-OUT OF THE PROPOSED PLAN WOULD HAVE A LESS-THAN-SIGNIFICANT IMPACT REGARDING CONFLICT WITH OR OBSTRUCTION OF THE IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN.

An increase in development under the Plan could increase surface runoff, its pollution, and subsequent degradation of water supply sources. McFarland is in a region with perennial shortage of water and a depleting groundwater aquifer. Growth in people and activities is likely to exacerbate the situation. CVWQCB regulates water quality while SSJMUD protects and manages groundwater for sustainability. This prompted the preparation of a Sustainable Ground Water Management Plan. The Management Area Plan outlines the SSJMUD's (the District) efforts to comply with California state regulated Sustainable Groundwater Management Act (SGMA) of 2014 which requires groundwater basins to achieve a balanced average inflow and outflows of water. Groundwater is used in this region to support agricultural production and industrial practices that support the economic viability of local communities. Policies and programs in the Plan aim at collaborating with these agencies to assure the quality and sustainability of the area's groundwater, which would change impacts to less than significant. They are:

Policy SAF 2.4.3: Identify groundwater recharge locations where soil and geography allow for infiltration.

Program SAF 2.4.3.3: Identify and evaluate potential land holdings to be purchased and used as spreading ponds

Program CON 2.1.2.3: Prepare an urban water management plan (UWMP) as population grows and the City's service area expands to comply with SB 7X-7 (Water Conservation Act of 2009). Develop the plan to decrease water use in public landscapes by 25% of 2018 levels by 2035. Convert existing landscapes to drip systems and replace landscapes requiring significant irrigation with drought tolerant vegetation.

Program PF 1.1.1.1: Continue monitoring water quality in accordance with SSJMUD monitoring standards and publish results as available.

Objective AG 2.4: Achieve groundwater sustainability by 2040

Policy AG 2.4.1: Collaborate and maintain consistency with SSJMUD Management Area Plan

Program AG 2.4.1.1: Encourage participation in SSJMUD In-Lieu Recharge Incentive Program.

Program AG 2.4.1.2: Encourage improvements to individual farming operations that address water use efficiency through SSJMUD On-Farm Efficiency Incentive Program

Program AG 2.4.1.3: Encourage improvements to individual farming operations that address groundwater protection and recharge through SSJMUD On-Farm Recharge Activities Incentive Program.

Program AG 2.4.1.4: Prioritize conversion of lands with lower agricultural potential and non-Williamson Act contract lands from agricultural use to urban use as necessary to accommodate growth.
Program AG 2.4.1.5: Encourage participation in SSJMUD in-District Allocation Structure, which would allow for the transfer of groundwater pumping credits within the District.
Program AG 2.4.1.6: Support SSJMUD to develop and implement a voluntary land fallowing program during droughts when the District may not be able to meet in-District demand from increases in the volume of imported water.
Program AG 2.4.1.7: Support SSJMUD in imposing restrictions that limit groundwater pumping when the District or the entire Subbasin are nearing a condition where they are unable to meet sustainable management criteria even with the implementation of the projects and management actions in the SSJMUD Management Area Plan.

Program AG 3.1.1.1: Encourage water-saving measures in farming through user education in McFarland and its sphere of influence to reduce water use and maintain groundwater levels.

Applicable Regulations:

Clean Water Act

Central Valley Water Quality Control Plan

National Pollutant Discharge Elimination System

Sustainable Groundwater Management Act (2014)

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

4.9.4 Summary of Potential Impacts and Mitigation Measures

The following mitigation measures are intended to mitigate potentially significant impacts regarding hydrology and water quality.

HY – 2 THE PROPOSED PLAN WOULD RESULT IN POTENTIALLY SIGNIFICANT IMPACTS REGARDING SUBSTANTIALLY DECREASING GROUNDWATER SUPPLIES OR INTERFERING SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN.

The future development proposed by the Plan would result in an increase in impervious surfaces which may interfere with the groundwater recharge. However, regulations for stormwater require various measures that aim to improve on-site retention and drainage improvements.

The future growth of the Plan also increases the demand for water usage through increase in population and development. McFarland depends on groundwater from wells to provide water for residential uses, commercial uses, and firefighting. However, the Plan focuses on water conservation and strategies to reduce water use and to mitigate the increased demand for water.

Mitigation HY-2a:

Expand wastewater treatment allowing for additional wastewater to be recycled for agricultural irrigation to reduce consumption of fresh groundwater and recharge the supply.

Mitigation HY-2b:

Develop a water management plan to use recycled water in excess of agricultural demand for other purposes.

Mitigation HY-2c:

Adopt a water efficient landscape ordinance to reduce the amount of potable water used for landscape irrigation.

Mitigation HY-2d:

Comply with all State of California Water Conservation measures

Significance After Mitigation: Less than significant.

HY – 8 BUILD-OUT OF THE PROPOSED PLAN WOULD HAVE A POTENTIALLY SIGNIFICANT IMPACT REGARDING CONFLICT WITH OR OBSTRUCTION OF THE IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN.

An increase in development under the Plan could increase surface runoff, its pollution, and subsequent degradation of water supply sources. McFarland is in a region with perennial shortage of water and a depleting groundwater aquifer. The Southern San Joaquin Municipal Utility District's (SSJMUD) Management Area Plan outlines efforts to comply with California state regulated Sustainable

Groundwater Management Act (SGMA) of 2014 which requires groundwater basins to achieve a balanced average inflow and outflows of water. Groundwater is used in this region to support agricultural production and industrial practices that support the economic viability of local communities. Policies and programs in the Plan aim at collaborating with these agencies to assure the quality and sustainability of the area's groundwater, which would change impacts to less than significant.

Mitigation HY-8a: Develop a water management plan to use recycled water in excess of agricultural demand for other purposes.

Mitigation HY-8b: Comply with all State of California Water Conservation measures and the Sustainable Groundwater Management Act.

Significance After Mitigation: Less than significant.

4.9.5 References

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4.10 Land Use and Planning

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Physically divide an established community?			x	
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			x	

4.10.1 Environmental Setting

This section discusses the environmental setting regarding land uses in the City of McFarland.

4.10.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the Land Use element and potential impacts of the proposed Plan.

Federal Regulations

McFarland does not directly follow federal regulations that govern land use decisions.

State Regulations

Government code §65300-65303

Each city will prepare a comprehensive, long-term general plan which includes mandatory elements and directs future growth and development.

Governor's office of Planning and Research (OPR)

The land use element of the general plan must identify and describe land uses within planning boundaries, including location and allowable density and intensity of use. A sufficient number of land use categories

will be contained in the plan to distinguish between allowable uses in a given location. The land use element of the general plan will be particularly useful in guiding decision-making related to zoning, subdivision, and public works.

Sphere of Influence

The Cortese-Knox Act (1986) established a Local Agency Formation Commission (LAFCO) in each county in California with the authority to review, approve, or deny proposals for boundary changes or incorporations in cities, counties, or special districts. LAFCOs establish a "sphere of influence" for cities within their jurisdiction. The sphere of influence (SOI) describes probable future service areas and physical boundaries.

Local Regulations

Planning for McFarland is influenced by multiple agencies, including the Kern Council of Governments (Kern COG), the Kern County Planning and Natural Resources Department, the San Joaquin Valley Air Pollution Control District, and the City of McFarland. Documents produced by these agencies contain policies that impact land use within McFarland's planning area as listed below.

City of McFarland Municipal Code: Title 17

Title 17 of the City of McFarland Zoning Code provides regulations concerning zoning districts. The code has been established to serve the public's health, safety, comfort, convenience, and general welfare, and to provide the economic and social advantages resulting from an orderly, planned use of land resources, and to encourage, guide, and provide a definitive plan for the future growth and development of the City.

Kern County General Plan

The Kern County General Plan Land Use Element provides a variety of policies concerning land use in Kern County. Land use in the City of McFarland is directly impacted by this plan through its policies that affect land use in area within the City's Spere of Influence.

Kern Council of Government's Regional Transportation Plan

The 2018 Regional Transportation Plan (RTP) is a 24-year blueprint from Kern COG that establishes a set of regional transportation goals, policies, and actions intended to guide the development of multimodal transportation systems in Kern County. The RTP has oversight over the environmental impacts of proposed development and establishes air quality conformity.

4.10.1.2 Existing and baseline Conditions

The Cal Poly planning team conducted a land use inventory in McFarland from October 18, 2019 to October 20, 2019, categorizing all parcels in the City into the following categories: residential, institutional, commercial, industrial, parks, agriculture, and vacant. The City of McFarland has a total area of 1,343.95 acres. The following sections discuss the acreages and allowable uses for each land use category, along with the existing land use standards in McFarland.

Map 4.10-1 shows the land use designations of parcels within City limits, omitting the discontinuous portion of the City for ease of viewing. Table 4.10-1 shows the acreages and percentages of each land use category; Figure 4.10-1 is a graphical depiction of Table 4-10.

MAP 4.10-1: LAND USE MAP OF MCFARLAND, 2019

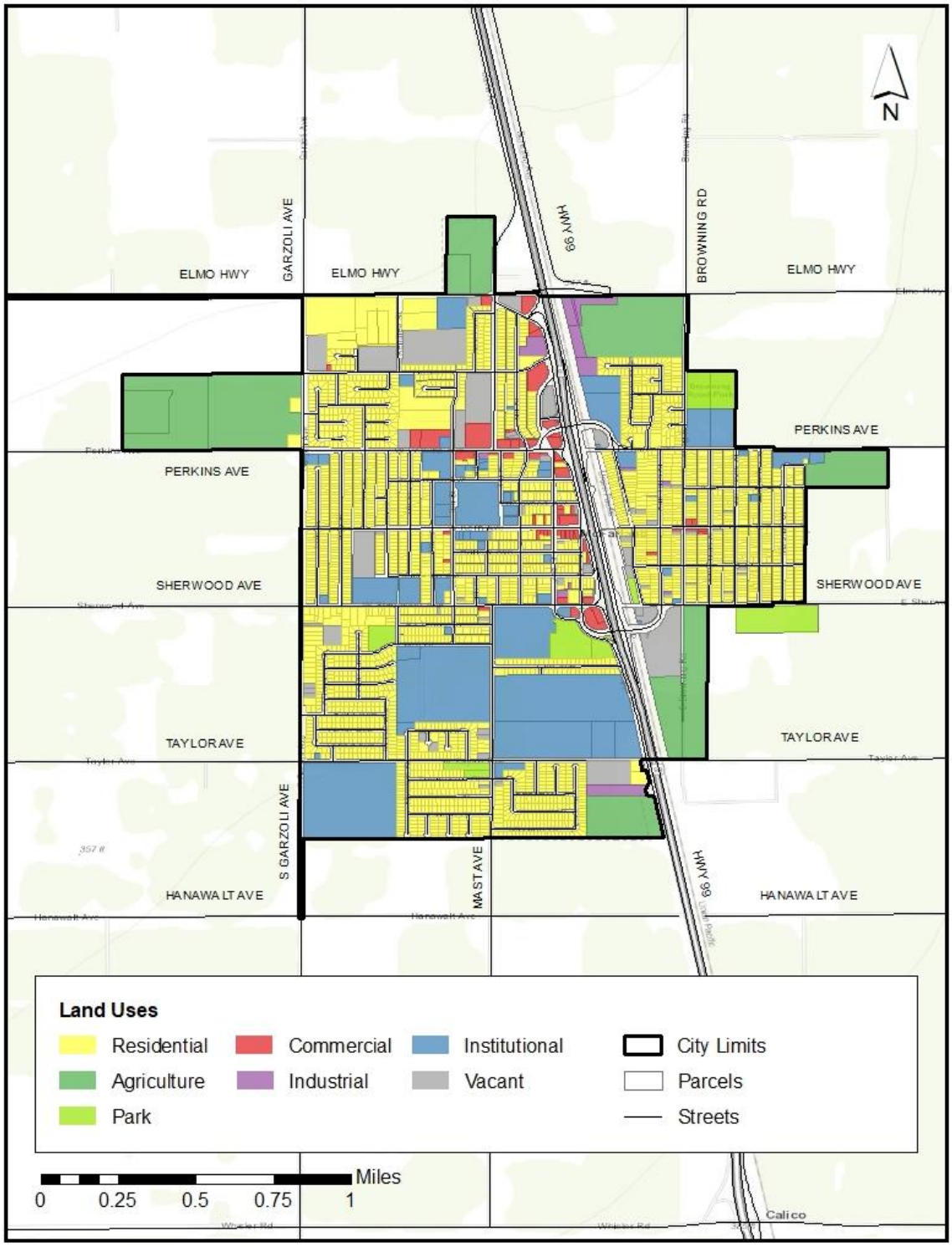
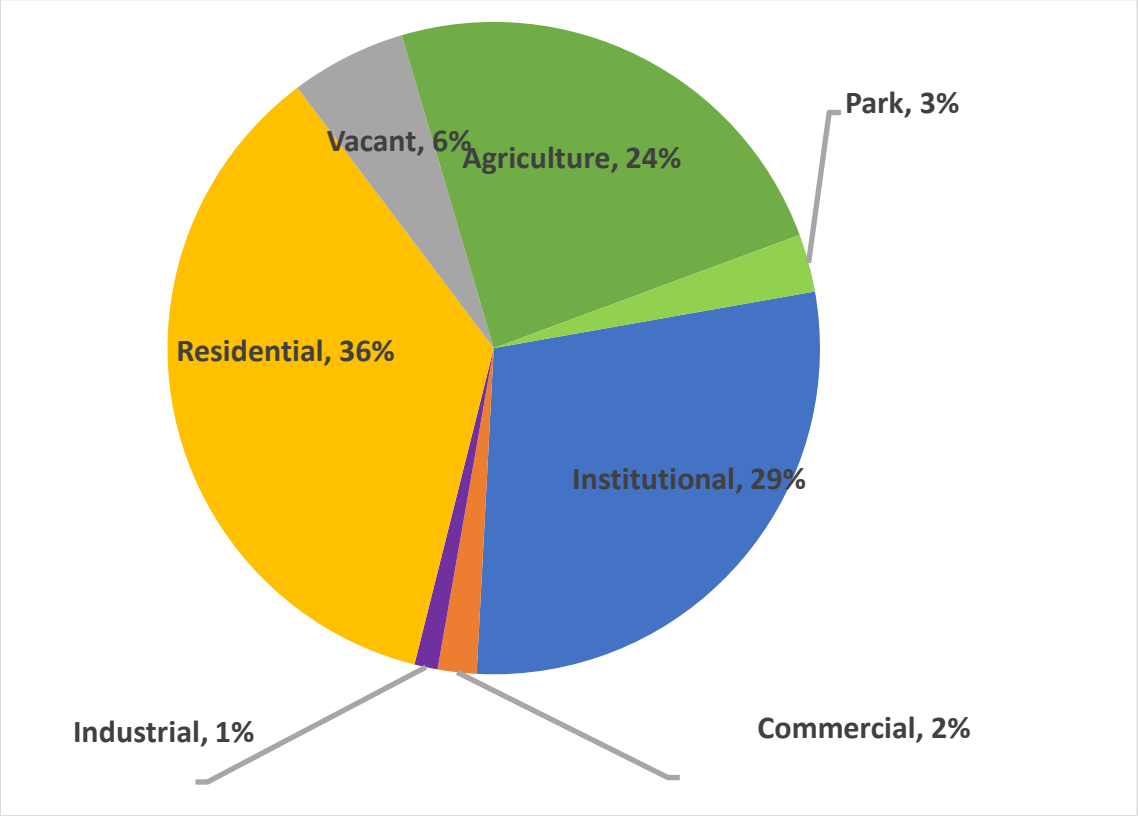


TABLE 4.10-1: LAND USE DISTRIBUTION, 2019

LAND USE	ACREAGE	PERCENT
Agriculture	321.35	24%
City Parks	38.51	3%
Residential	481.24	36%
Commercial	25.87	2%
Industrial	15.48	1%
Institutional	384.52	29%
Vacant	76.98	6%
Total	1,343.95	100%

FIGURE 4.10-1: DISTRIBUTION OF LAND USES, 2019



Open Space: City Parks & Agriculture

City parks and agriculture occupy 359.86 acres of McFarland, as shown in Table 4.10-2. This is about 27% of the total acreage of the City.

TABLE 4.10-2: OPEN SPACE LAND USE DISTRIBUTION, 2019

Land Use	Acreage	Percent of Open Space
Agriculture	321.35	89%
City Parks	38.51	11%
Total	359.86	100%

City Parks

There are six City parks in McFarland that total 38.51 acres and consist of 3% of the City's total land. McFarland Park is in the heart of downtown McFarland, south of Sherwood Avenue and west of Highway 99. Browning Road Park, shown in Figure 4.10-2, is located on the northeast side of the City, north of Perkins Avenue and East of Browning Road. Sherwood Park is located on the west side of the City, south of Sherwood Avenue and bordered by Ebell Street to the south and Woodruff Avenue to the east. Ritchey Park is located on the southwest side of McFarland and is bordered by Taylor Avenue to the north and Mast Avenue to the East. Blanco Park is one of McFarland's newest parks, named after long-time local high school cross country coach Jim "Blanco" White. Blanco Park is located on the east side of McFarland, south of Sherwood Avenue. There is also a new park and playground located on the east side of McFarland, located just north of the Sherwood Avenue Highway 99 interchange ramp.



FIGURE 4.10-2: BROWNING ROAD PARK IN MCFARLAND

Agriculture

Agriculture occupies 321.35 acres of McFarland, located mainly on the outskirts of the City and accounting for about 24% of the City's total land. Agriculture includes the production of crops, vineyards, and orchards. Agriculture is a critical component of both McFarland's and Kern County's economies.

Residential

Residential land use consists of 481.24 acres, 36% of the City's land area, and is dispersed throughout McFarland. About 95% of residential land in the City is single family homes, the most prominent residential housing type. Apartments make up about 5% of the City's residential land, while mobile homes make up less than 1%, as seen in Table 4.10-3.

TABLE 4.10-3: RESIDENTIAL LAND USE BREAKDOWN BY PARCEL AND ACREAGE, 2019

Residential Land Use	Parcels	Acreage	Percent of Residential Acreage	Percent of Residential Parcels
Single Family	2,611	455.15	95%	99%
Apartment	25	25.50	5%	1%
Mobile Home	3	0.59	<1%	<1%
Total	2639	481.24	100%	100%

McFarland's 1991 General Plan designates five types of residential land use: rural residential, estate residential, low density residential, medium density residential, and high density residential.

Rural Residential

The City of McFarland uses this land use category to indicate areas for single-family homes on rural land within the City. The maximum density within rural residential areas is 2 dwelling units per acre, with lot sizes ranging from 20,000 square feet to 2.5 acres. Figure 4.10-3 shows a rural residential property on Garzoli Avenue within City limits.

Estate Residential

The City of McFarland uses this land use category to indicate areas for single-family homes on larger lots within the City. The maximum density within estate residential areas is 4 dwelling units per acre, with lot sizes ranging from 8,000 square feet to 20,000 square feet.



FIGURE 4.10-3: RURAL RESIDENTIAL PROPERTY ON GARZOLI AVENUE

Low Density Residential

The City of McFarland uses this land use category to indicate areas for single-family homes within McFarland's City limits. The maximum density within low density residential areas is 8 dwelling units per acre, with lot sizes ranging from 5,000 square feet to 8,000 square feet. Figure 4.10-4 shows a single-family home in a new neighborhood in Southwest McFarland, bordered by Taylor Avenue to the south and Garzoli Avenue to the west.



FIGURE 4.10-4: SINGLE FAMILY HOME IN SOUTHWEST MCFARLAND, OFF TAYLOR AVENUE

Medium Density Residential

The City of McFarland uses this land use category to indicate areas for duplexes and triplexes, although the City also allows single-family homes in this zone. The maximum density within medium density residential areas is 15 dwelling units per acre, with lot sizes ranging from 3,000 square feet to 5,000 square feet.

High Density Residential

The City of McFarland uses this land use category to indicate areas for multi-family residences including duplexes, triplexes, and apartments, although the City also allows single-family homes in this zone. The maximum density within high density residential areas is 24 dwelling units per acre. Apartment complexes in McFarland include Solinas Village Apartments, Daybreak Apartments, and the newest apartment complex in McFarland, Kendrea Place Apartments in North McFarland, located along Elmo Highway, as pictured in Figure 4.10-5.



FIGURE 4.10-5: KENDREA PLACE APARTMENTS IN NORTH MCFARLAND, ALONG ELMO HIGHWAY

Commercial

The Commercial land use designation indicates a range of commercial land uses applicable to the planning area, including office, retail, and service locations. Figure 4-10-6 shows one example of commercial uses in McFarland along Kern Avenue in Downtown. Table 4.10-4 shows the distribution of commercial land use in McFarland by acreage of commercial property and percentage of total land use from the planning team's 2019 land use inventory. Total commercial acreage is 25.87 acres, with the service sector comprising 64%, retail comprising 35%, and office comprising 1%.

TABLE 4.10-4: COMMERCIAL LAND USE DISTRIBUTION, 2019

Land Use	Acreage	Percent of Commercial
Office	0.38	1%
Retail	9.03	35%
Service	16.46	64%
Total	25.87	100%

Office

Office commercial land use designation includes professional, business, and financial-related units. McFarland has 0.38 acres, or 1.47% of the total commercial acreage designated for office space.

Retail

The Retail land use designation includes shops and restaurants. Retail land use in McFarland accounts for 9.03 acres, or 34.91% of the City's total commercial acreage.

Service

The Service land use designation includes fueling stations, salons, hotels, and storage units. There are 16.46 acres of service-designated land, or 63.63% of the total commercial acreage in McFarland.



FIGURE 4.10-6: COMMERCIAL USES ON KERN AVENUE IN DOWNTOWN MCFARLAND

Institutional

The Institutional land use designation includes municipal facilities such as police and fire stations, churches, schools, and government buildings, such as the McFarland Veterans Community Building shown in Figure 4.10-7. Institutional uses in McFarland occupy 207.33 acres, which equates to 4.76% of the City's total acreage. Table 4.10-5 shows the breakdown of acreage for institutional uses in McFarland.

TABLE 4.10-5: INSTITUTIONAL LAND USE DISTRIBUTION, 2019

LAND USE	ACREAGE	PERCENT
Church	21.74	6%
Civic / Government	5.73	2%
Drainage	20.05	5%
Fire	0.62	<1%
Police	1.47	<1%
Prison	62.31	16%
Public Facilities	157.72	41%
School	114.88	30%
Total	384.52	100%



FIGURE 4.10-7: MCFARLAND VETERANS COMMUNITY BUILDING

Industrial

The Industrial land use designation refers to all industrial activities present in McFarland, including many agricultural services and industries. There are 15.48 acres designated as Industrial land in McFarland.

Mixed-Use

The City of McFarland is working to define a "Mixed Use Development" (MUD) zoning category. The need for this new zone arose out of the South McFarland General Plan Amendment, and the designation is still in a nascent stage. The planning team will continue to monitor this emerging category for inclusion in the General Plan update.

Waste

Waste land use areas include public facilities that clean up, collect, and store solid and liquid waste. For the purposes of the Land Use Element, waste facilities are classified as Public Facilities within the Institutional land use category. The City operates an 80-acre wastewater treatment plant with adequate capacity to handle the City's needs and the growth anticipated by the General Plan. The wastewater treatment plant can handle 1.55 million gallons per day (GPD) with an average monthly flow of 1.1 million GPD. The wastewater treatment plant is shown in Figure 4.10-8 and is located west of the City along Melcher Road between Sherwood Avenue and Elmo Highway. The wastewater treatment plant is surrounded by agricultural land outside of City limits. The City is considering increasing the capacity of the wastewater treatment plant through an expansion project in the future. The nearest solid waste landfill to McFarland is the McFarland-Delano landfill in the City of Delano to the north.



FIGURE 4.10-8: MCFARLAND WASTEWATER TREATMENT PLANT, ALONG MELCHER ROAD

There are 74.23 acres of vacant land in McFarland, accounting for 6% of the total area of the City.

4.10.2 Standards of Significance

4.10.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on the environment with respect to land use if it would:

1. Physically divide an established community;
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.10.2.2 Methodology

To review the potential cumulative impacts on land use and planning that may result from the adoption of the proposed 2040 General Plan, the Plan goals, objectives, policies, and programs of the proposed Plan are evaluated along with other sources of information and documentation. These are compared to existing conditions to determine the level of impact on land use and planning in the proposed Plan area.

4.10.3 Impact Discussion

The following is a discussion of the environmental impacts of the Plan with regard to land use and planning.

LU – 1 The proposed Plan would have a **less-than-significant** impact regarding physically dividing an established community.

The proposed Plan is a long-range policy document designed to help guide future development that would complement the existing land use pattern of the City of McFarland while also aiding community development. The proposed Plan includes expansion of growth on both sides of Highway 99 which already physically divides the community. To maintain the City's small-town character and preserve open space, the proposed Plan provides policies and programs for infill development, the creation of neighborhood centers, and enhanced mobility options for all modes of transportation, increasing connectivity across Highway 99 and throughout the City.

Policy LU 1.2.1: Pursue regulatory and investment strategies that promote a healthy mix of uses (e.g., retail, residential, office, and public facilities) in the downtown core.

Program LU 1.2.1.1: Establish residential-commercial mixed uses downtown.

Program LU 1.2.2.1: Establish strategic mixed-use nodes of commercial and office uses to serve nearby neighborhoods along Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues and along East Kern Avenue.

Program LU 1.5.1.3: Improve street or pathway connections to resources, services, activities, and each other.

Policy LU 2.1.2: Prohibit leapfrog development.

Program LU 2.1.2.1: Encourage new development and annexation projects to be contiguous to City limits.

Program LU 2.1.2.2: Develop urban growth boundaries.

Policy LU 2.1.3: Focus future commercial development in existing commercial corridors.

Program LU 2.1.3.1: Develop streamlined permitting process for designated commercial uses along Kern Avenue, Perkins Avenue, Garzoli Avenue, and Sherwood Avenue.

Objective CIR 4.3: Improve connectivity between the east and west side of the City.

Policy HO 1.3.3: Locate new residential developments near amenities such as grocery stores, public parks, and schools.

Program HO 1.3.3.1: Increase residential density downtown, in the residential expansion west of Garzoli Avenue from Elmo Highway to Taylor Avenue.

Applicable Regulations: None

Significance Before Mitigation: No impact

LU – 2 THE PROPOSED PLAN WOULD CAUSE A LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACT REGARDING CONFLICT WITH ANY APPLICABLE LAND USE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT.

According to California state law, the General Plan is the primary document for guiding the direction of physical development within a city. Adoption of the plan will update policies and land use designations to accommodate future growth and could therefore be inconsistent with existing regulations. The City's zoning ordinance, which translates the General Plan policies into specific land use regulations, development standards, and performance criteria to manage development on individual parcels, would necessarily change to continue to implement the General Plan. To maintain consistency after the adoption of a new general plan, a city must also update its zoning ordinance and map. In this case, the City of McFarland is to update the Zoning Ordinance and Zoning Map within a reasonable timeframe to supplement the proposed Plan and provide consistency across land use policies and regulations. The proposed Plan does not conflict with any Specific Plan and could require updates to other City regulations, including the Municipal Code to ensure consistency. Therefore, the proposed Plan includes the following policies and programs that require compliance or revisions in City regulations to ensure consistency:

Policy LU 1.1.1: Expand the range of allowable housing types and areas in which they may be built.

Program LU 1.1.1.1: Allow increased density near the downtown core and commercial centers.

Program LU 1.1.1.2: Create inclusionary zoning for new construction to include a portion of affordable units.

Program LU 1.1.1.3: Remove regulatory obstacles that have the effect of rendering various housing types uneconomical, such as unnecessary onerous parking per residential unit.

Program LU 1.1.1.4: Allow and facilitate accessory dwelling units (ADUs).

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Program LU 3.1.1.1: Establish mandatory distances between land uses to conform with the standards for complementary uses, such as parks, active commercial areas, public facilities, and housing.

Applicable Regulations:

City of McFarland Municipal Code

Draft McFarland 2040 General Plan

Significance Before Mitigation: Less than significant

4.10.4 Summary of Potential Impacts and Mitigation Measures

As there are no potentially significant impacts associated with land use, mitigation measures are not required.

4.10.5 References

Ballantine, J. J. (2011). City of McFarland Land Use Element Update. Digital Commons, California Polytechnic State University San Luis Obispo.

City of Bakersfield. (2002). Metropolitan Bakersfield General Plan. Retrieved from http://docs.bakersfieldcity.us/weblink/0/doc/1273241/Page1.aspx

City of McFarland. (2020). City of McFarland Land Use Element. Retrieved from https://www.mcfarlandcity.org/326/McFarland-General-Plan-Updated-Elements

State of California. (2019). General Plan Guidelines. Retrieved from http://opr.ca.gov/planning/general-plan/

4.11 Mineral Resources

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			x	
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?			x	

4.11.1 Environmental Setting

This section discusses the environmental setting regarding mineral resources in the City of McFarland.

4.11.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to the Land Use element and potential impacts of the proposed Plan.

Federal Regulations

United States Environmental Protection Agency Superfund Program

The Superfund Program is a federally sponsored program to remediate the nation's uncontrolled or abandoned hazardous waste sites. There are no Superfund sites within existing or future city limits or Sphere of Influence.

State Regulations

California Department Of Conservation

The main state agency concerned with mineral resources protection is the California Department of Conservation. Public Resources Code §600-690 gives this agency the authority to conserve earth resources. Five program divisions have relevant jurisdiction, including: the California Geologic Survey; the Division of Oil, Gas, and Geothermal Resources; the Division of Land Resource Protection; the Division of Recycling; and the Office of Mine Reclamation.

State Mining And Geology Board

This agency creates policy regarding the development and conservation of mineral resources and reclamation of mined lands.

California State Lands Commission

This agency manages land, waterways, and resources on public property.

California Department Of Parks And Recreation

This agency manages mining activities and mineral resources on State Park lands.

California Department Of Fish And Wildlife

This agency handles issues concerning potential threats from mining on terrestrial and marine fauna. Permitting includes spill prevention and response, as well as dredging.

Surface Mining And Reclamation Act (SMARA)

The Surface Mining and Reclamation Act of 1975 provides a comprehensive policy to regulate surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. The State Mining and Geology Board is required to adopt state policy for the reclamation of mined land and the conservation of mineral resources. Policies regarding reclamation are found in California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1. According to §2733 of the Surface Mining and Reclamation Act, reclamation is defined as the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land-uses and create no danger to public health or safety.

Section 2761(a) and (b) provides a process by which land shall be identified based on urban expansion and land uses that would preclude the extraction of mineral resources. The state Geologist will classify areas based on geologic factors without the regard of existing land use and land ownership. Areas are categorized into four Mineral Resource Zones (MRZs). MRZ-2 is of the highest significance. They are characterized by an area that contains mineral deposits and are of regional or statewide significance. Pursuant to §2762, if an MRZ-2 area is found to be within the Plan area, the lead agency shall, in

accordance to state policy, establish mineral resource management policies to be incorporated in its General Plan that will:

1. Recognize mineral information classified by the State Geologist and transmitted by the board.
2. Assist in the management of land use that affects access to areas of statewide and regional significance.
3. Emphasize the conservation and development of identified mineral deposits.

Local Regulations

If the City of McFarland were to approve drilling permits for oil, its municipal code outlines specific no-drilling areas codified in the conventional use permit. There are no existing oil drilling operations within McFarland.

Mineral extraction operations do not exist in the City of McFarland, but there are operations within Kern County. The City has restrictions in its municipal code that do not allow mining operations within McFarland.

4.11.1.2 Existing and baseline Conditions

Mineral and petroleum resources are the basis of the economy in Kern County. The primary activity in Kern County is petroleum extraction, however other economic mineral resources include borax, cement production, and construction aggregates (Kern County Planning Department, 2009). In 2009, Kern County produced more oil than in any other county in both California and the nation; ten percent of the Nation's total oil production occurred in Kern County.

While Kern county is one of the top counties for oil production in California, there are currently no oil or mineral operations in McFarland.

4.11.2 Standards of Significance

4.11.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant impact on the environment with respect to mineral resources if it would:

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state;
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

4.11.2.2 METHODOLOGY

Determination of the impacts of the proposed Plan on mineral resources in McFarland are based on review of the proposed Plan, as well as relevant reports and surveys. This includes data from the California Department of Conservation, U.S. Geological Survey, and California Geological Survey.

4.11.3 IMPACT DISCUSSION

MR– 1 THE PROPOSED PLAN WOULD RESULT IN A LESS-THAN-SIGNIFICANT LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDENTS OF THE STATE.

Mineral extraction operations do not exist in the City of McFarland, but there are operations within Kern County. The City has restrictions in its municipal code that do not allow mining operations within McFarland. However, expansion in physical development would require extraction of stones, gravel, and sand, which might come from other parts of the region. Therefore, buildout of the proposed Plan could result in a less-than-significant loss of known mineral resources.

Applicable Regulations:

Surface Mining and Reclamation Act (SMARA)

Significance Before Mitigation: Less than significant

MR – 2 THE PROPOSED PLAN WOULD RESULT IN A LESS-THAN-SIGNIFICANT LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN, OR OTHER LAND USE PLAN.

As referenced under MR-1, there are no existing mining operations in the City of McFarland. However, the need for building stones, gravel, and sand during expansion in physical development could potentially deplete a local quarry. Therefore, buildout of the proposed Plan could result in a less-than-significant loss of a locally-important mineral resource recovery site.

Applicable Regulations:

Surface Mining and Reclamation Act (SMARA)

Significance Before Mitigation: Less than significant

4.11.4 Summary of Potential Impacts and Mitigation Measures

Mitigation measures are not necessary, as the proposed Plan will not result in any potentially significant impacts to mineral resources.

4.11.5 References

California Department of Conservation, California Geological Survey. (2004). The Mineral Industry of California. Retrieved from http://minerals.usgs.gov/minerals/pubs/state/2004/castmyb04.pdf

USGS. (2020). Mineral Resources Data System.

4.12 Noise

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			x	
2. Result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?			x	
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x

4.12.1 Environmental Setting

This section discusses the environmental setting regarding noise levels within the City of McFarland.

The following terms are used throughout this topical section:

- **Ambient Noise:** The composition of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

- **A-Weighted Decibel (dBA):** Measures a sound in a manner similar to the response of the human ear and gives a good correlation with a person's reaction to noise.
- **Community Noise Equivalent Level (CNEL):** The average equivalent A-weighted decibel sound level during a 24-hour day, obtained after the addition of 5 decibels to readings obtained from 7:00pm to 10:00pm and 10 decibels to sound levels in the night from 10:00pm and before 7:00am.
- **Day-Night Sound Level (Ldn or DNL):** The average equivalent A-weighted decibel sound level during a 24-hour day, obtained after the addition of 10 dB to readings obtained in the night from 10:00pm and before 7:00am.
- **Decibel (dB):** A unit of measurement describing the amplitude of sound on a logarithmic scale.
- **Equivalent Continuous Noise Level (Leq):** The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period. Leq is typically computed over 1-, 8-, and 24-hour periods.
- **Intrusive Noise:** The noise which intrudes over and above the existing ambient noise at a given location.
- **Noise:** Sound that is loud, unexpected, and generally described as unwanted.
- **Noise Contours:** Lines drawn about a noise source indicating equal levels of noise exposure. CNEL and Ldn are the metrics utilized herein to describe annoyance due to noise and to establish land use planning criteria for noise.
- **Peak Particle Velocity (PPV):** The velocity of a particle in a medium as it transmits a wave.
- **Sound:** Vibrations that travel through the air or other medium that can be heard by a person or animal.
- **Statistical Sound Level (Ln):** The sound level that is exceeded "n" percent of the time during a given sample period.
- **Vibration Decibel (VdB):** Commonly used to describe vibration velocity's average amplitude. The vibration velocity level is reported in decibels of 1x10- 6 inches per second.

Table 4.12-1 describes different sounds and their associated intensity levels.

TABLE 4.12-1: SOUNDS AND THEIR ASSOCIATED INTENSITY LEVELS

SOUND DESCRIPTION	INTENSITY LEVEL
Instant Perforation of Eardrum	160 dBA
Military Jet Takeoff	140 dBA
Threshold of Pain	130 dBA
Front Row of a Rock Concert	110 dBA
Walkman at Maximum Level	100 dBA
Vacuum Cleaner	80 dBA
Busy Street Traffic	70 dBA
Normal Conversation	60 dBA
Whisper	20 dBA
Rustling Leaves	10 dBA
Threshold of Hearing	0 dBA

4.12.1.1 REGULATORY FRAMEWORK

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to noise resulting from the proposed Plan.

Federal Regulations

Department Of Housing And Urban Development (HUD): Environmental Criteria And Standards

The United States Environmental Planning Division has prepared a set of criteria and standards that are presented in 24 CFR Part 51. New residential construction qualifying for HUD financing proposed in high noise areas (exceeding 65 dBA Ldn) must incorporate noise attenuation features to maintain acceptable interior noise levels (HUD, 2014). A goal of 45 dBA Ldn is set forth for interior noise levels, and attenuation requirements are geared toward achieving that goal. It is assumed that with standard construction, any building will provide sufficient attenuation to achieve an interior level of 45 dBA Ldn or less if the exterior level is 65 dBA Ldn or less. Approvals in a “normally unacceptable noise zone” (exceeding 65 decibels but

not exceeding 75 decibels) require a minimum of 5 decibels additional noise attenuation for buildings if the day-night average is between 65 and 70 decibels, or a minimum of 10 decibels of additional noise attenuation if the day-night average is between 70 and 75 decibels.

The Environmental Planning Division developed an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. This is a web- based application of the existing Noise Assessment Guidelines (NAG) and a component of the Assessment Tools for Environmental Compliance (ATEC). Derivations of the basic noise equation from the noise regulation were applied to a new application of the NAG.

The site acceptability standards are the following:

- **Exterior noise levels:** Proposed HUD-assisted projects with a day-night average sound level of below 65 decibels are acceptable.
- **Interior noise levels:** Proposed HUD-assisted projects with a day-night average sound level of below 45 decibels are acceptable.

Federal Highway Administration: Title 23 Of The Code Of Federal Regulations

The Federal Highway Administration (FHWA) requires that new Federal or Federal-aid highway construction projects, or alterations to existing highways that significantly change either the horizontal or vertical alignment and/or increases the number of through traffic lanes, abate noise per Title 23 of the Code of Federal Regulations. The regulation requires the following procedures when planning and designing a highway project:

- Identify traffic noise impacts and examine the potential mitigation measures;
- Incorporate reasonable and foreseeable noise mitigation measures into the highway project;
- Coordinate with local officials to provide helpful information on compatible land use planning and control.
- Abatement is required when the “worst-hour” noise levels approach or exceed 67 dBA.

Federal Transit Administration: Vibration Impact Criteria

The Vibration Impact Criteria are designed to identify acceptable noise levels for noise-sensitive buildings, residences, and institutional land uses near railroads. The Vibration Decibel (VdB) thresholds that apply to residences and buildings are:

- 72 VdB for frequent events (more than 70 events per day);
- 75 VdB for occasional events (30 to 70 events per day);
- 80 VdB for infrequent events (less than 30 events per day)

Federal Aviation Administration: Federal Aviation Regulations (Far) Part 150, Airport Noise Compatibility Planning

This document sets forth a system for measuring airport noise impacts and presents guidelines for identifying incompatible land uses. Completion of an FAR Part 150 plan by the airport is required to obtain Federal Aviation Administration funding for noise abatement.

Environmental Protection Agency (EPA): Federal Noise Control Act, 1972

The inability to control noise, particularly within urban areas, presents an issue to the health and welfare of the Nation's population. Federal action is essential when addressing major noise sources in commerce control; however, the primary responsibility for noise control rests with State and local governments. Transportation vehicles and equipment, machinery, appliances, and other products in commerce are major sources of noise. The Noise Control Act of 1972 created a national policy to protect all Americans from noise levels that might jeopardize their health or welfare. The Environmental Protection Agency (EPA) found that sleep, speech, and other types of activity would not be interfered with if the Ldn of residential areas did not exceed 55 dBA outdoors and 45 dBA indoors. The EPA also found that 5 dBA is an adequate margin of safety before the increase in noise level results in a significant increase, provided that the existing noise exposure did not exceed 55 dBA Ldn (EPA, 1972).

State Regulations

California Government Code: Section 65302(F)

California Government Code Section 65302(f) requires all General Plans to include a Noise Element that addresses noise-related impacts in the community. The State Office of Planning and Research (OPR) has prepared guidelines for the content of the Noise Element, which includes the development of current and future noise level contour maps. These maps must include contours for the following sources:

- Highways and freeways
- Primary arterial and major local streets
- Passenger and freight on-line railroad operations and ground rapid transit systems
- Commercial, general aviation, heliport, military airport operations, and all other ground facilities and maintenance functions related to airport operation.
- Local industrial plants, including but not limited to railroad classification yards.
- Other stationary ground noise sources identified by local agencies contributing to the community noise environment.

California Code Of Regulations: Title 24

The California Commission of Housing and Community Development officially adopted noise insulation standards in 1974. In 1988, the Building Standards Commission approved revisions to the standards (Title 24, Part 2, California Code of Regulations). As revised, Title 24 establishes an interior noise standard of 45 dB(A) for residential space (CNEL/Ldn). Acoustical studies must be prepared for residential structures to be located within noise contours of 60 dB(A) or greater (CNEL/Ldn) from freeways, major streets, thoroughfares, rail lines, rapid transit lines, or industrial noise sources. The studies must demonstrate that the building is designed to reduce interior noise to 45 dB(A) or lower (CNEL/Ldn).

California Code Of Regulations: Title 21

The State Division of Aeronautics has adopted a standard that establishes an acceptable noise level of 65 dB for uses within the vicinity of airports. This standard applies to typical houses in urban residential areas in California and may have windows partially open. California Building Code, Insulation Standards The State of California establishes exterior sound transmission control standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings as set forth in the 2010 California Building Code (Chapter 12, §1207.11). Interior noise levels attributable to exterior environmental noise sources shall not exceed 45 dBA Ldn/CNEL in any habitable room. When exterior noise levels (the higher of existing or future) where residential structures are to be located exceed 60 dBA Ldn/CNEL, an acoustical analysis report must be submitted with the building plans. It must describe the noise control measures that have been incorporated into the design of the project to meet the allowable interior noise level. The proposed Plan shall facilitate implementation of the noise insulation standards and shall be used to identify sites where noise levels exceed 60 dBA.

California Department Of Transportation (Caltrans): Construction Vibration

Caltrans has adopted guidance for construction vibrations, which is used in this analysis to address construction vibrations. Caltrans uses a vibration limit of 0.5-inches/sec-peak particle velocity (PPV) for new residential structures and modern industrial/commercial buildings that are structurally sound and designed to modern engineering standards. A conservative vibration limit of 0.3 inches/sec, PPV is used for older residential buildings that are found to be structurally sound. For historic buildings and some old buildings, a conservative limit of 0.25 inches/sec, PPV is used. A limit of 0.08 inches/sec, PPV is used to provide the highest level of protection for extremely fragile historic buildings, ruins, and ancient monuments. All of these limits have been used successfully, and compliance to these limits has not been known to result in appreciable structural damage. All vibration limits referred to herein apply on the ground level and consider the response of structural elements (i.e., walls and floors) to ground-borne excitation (Caltrans, 2004).

Governor's Office Of Planning And Research (OPR): General Plan Guidelines

The General Plan Guidelines produced by the Governor's Office of Planning and Research (OPR) provide the fundamental structures of a complete Noise Element in a General Plan. As part of the Noise Element development phase, OPR has provided the maximum allowable noise exposure by land use as shown in Table 4.12-2. The standards presented by the OPR reflect the noise-control goals to be applied to all communities by providing guidelines for noise-compatible land uses (OPR, 2003 & 2015).

TABLE 4.12-2: MAXIMUM ALLOWABLE NOISE EXPOSURE BY LAND USE (LDN, DB)

Normally Acceptable	Specified land use is satisfactory upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Conditionally Acceptable	Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements, but with closed windows and fresh air supply systems or air conditioning with normally suffice.
Normally Unacceptable	New construction or development should generally by discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Clearly Unacceptable	New construction or development should generally not be undertaken.

Land use category	**41-50**	**51-55**	**56-60**	**61-65**	**66-70**	**71-75**	**76-80**	**>80**
Residential Low Density Single Family, Duplex, Mobile Homes								
Residential-Multiple Family, Group Homes								
Transient Lodging-Motels/Hotels								

Land use category	41-50	51-55	56-60	61-65	66-70	71-75	76-80	>80
Schools Libraries, Churches, Hospitals, Nursing Homes								
Auditoriums, Concert Halls, Amphitheaters								
Sports Arenas, Outdoor Spectator Sports								
Playgrounds, Neighborhood Parks								
Golf Courses, Riding Stables, Water Recreation, Cemeteries								
Office Buildings, Business Commercial and Professional Office Buildings								
Industrial Manufacturing, Utilities, Agriculture								

Source: (OPR, 2003, and 2015)

Local Regulations

McFarland Municipal Code 9.14

Chapter 9.14 of the McFarland Municipal Code maintains local standards for noise regulation. It states that it is unlawful to generate noise that is calculated to "disturb the peace and good order of the

neighborhood or sleep of ordinary persons in nearby residences". The Code provides separate exemptions for emergency warnings and construction. It also establishes evidence of violation and penalties for violators of the code.

2.3.1.1. Existing and Baseline Conditions

Noise Sources

Table 4.12-3 lists the major noise sources in McFarland. The Average Annual Daily Traffic (AADT) count for State Route 99 (SR 99) was obtained from Caltrans' annual report of highway traffic volumes in California, while AADT counts for major local roadways were obtained from the 2016 GPA EIR. 60 dB noise contour distances were obtained from projections performed in the 1991 Noise Element for SR 99 and the railroad, and from the 2016 GPA EIR for the major local roadways.

TYPE	SOURCE		AADT	APPROXIMATE DISTANCE FROM CENTER TO 60 DB NOISE CONTOUR, IN FEET
MOBILE	**State Route 99 (SR 99) (Sherwood Ave to Elmo Hwy)**		61,000	2,045
	Union Pacific Railroad (UPRR)		N/A	700
	Sherwood Ave	West of SR 99/1st St.	4,800	41
		SR 99 to Browning Rd	4,600	39
		Browning Rd to Bowman Rd	3,612	31
	1st Street	Sherwood Ave to SR 99	4,200	36
		North of Sherwood Ave	2,800	24
	Whisler Road (Mast Ave to SR 99)		2,275	20
STATIONARY	**Paramount Citrus Packing Plant (Southeast of Sherwood Ave and SR 99)**		N/A	630
	McFarland Dairy (Southeast of Taylor Ave and SR 99)		N/A	Unknown

Sources: 1991 Noise Element, 2016 GPA EIR, Caltrans 2017 Traffic Census

Mobile Noise Sources

Mobile noise sources include vehicular traffic, aircraft, and railroads. The primary source of mobile noise in McFarland is SR 99, followed by the railroad. SR 99 is a divided highway with three lanes going in each direction. In 2017, the AADT according to Caltrans was about 61,000. Much of the traffic on SR 99 through McFarland consists of heavy trucks moving cargo around Kern County.

A small number of major local roads have 60 dB noise contours of 20 feet or more. Most, if not all these roads have a 60 dB noise contour that envelopes only the parcels directly adjacent or nearly adjacent to the roads. The maximum 60 dB contour distance of the major local roadways is 41 feet from the center line of Sherwood Ave, west of SR 99/1st St. It should be noted that Sherwood Ave is 30 feet wide from centerline to the edge of the sidewalk on each side.

The railroad is a significant source of intermittent noise, but its 60 dB contour is entirely contained within the SR 99 60 dB contour.

There are no aircraft operations in the City of McFarland. The closest airport is the Delano Municipal Airport, just over four miles to the south. The 60 dB noise contours calculated for this airport do not extend to McFarland, nor to its planned expansion area to the south.

Stationary Noise Sources

Stationary noise sources include construction activities as well as commercial and industrial uses. The major stationary noise source in the City is the McFarland Dairy to the southeast of Taylor Ave at SR 99. The 60- and 65-dB noise contours of the dairy are not known.

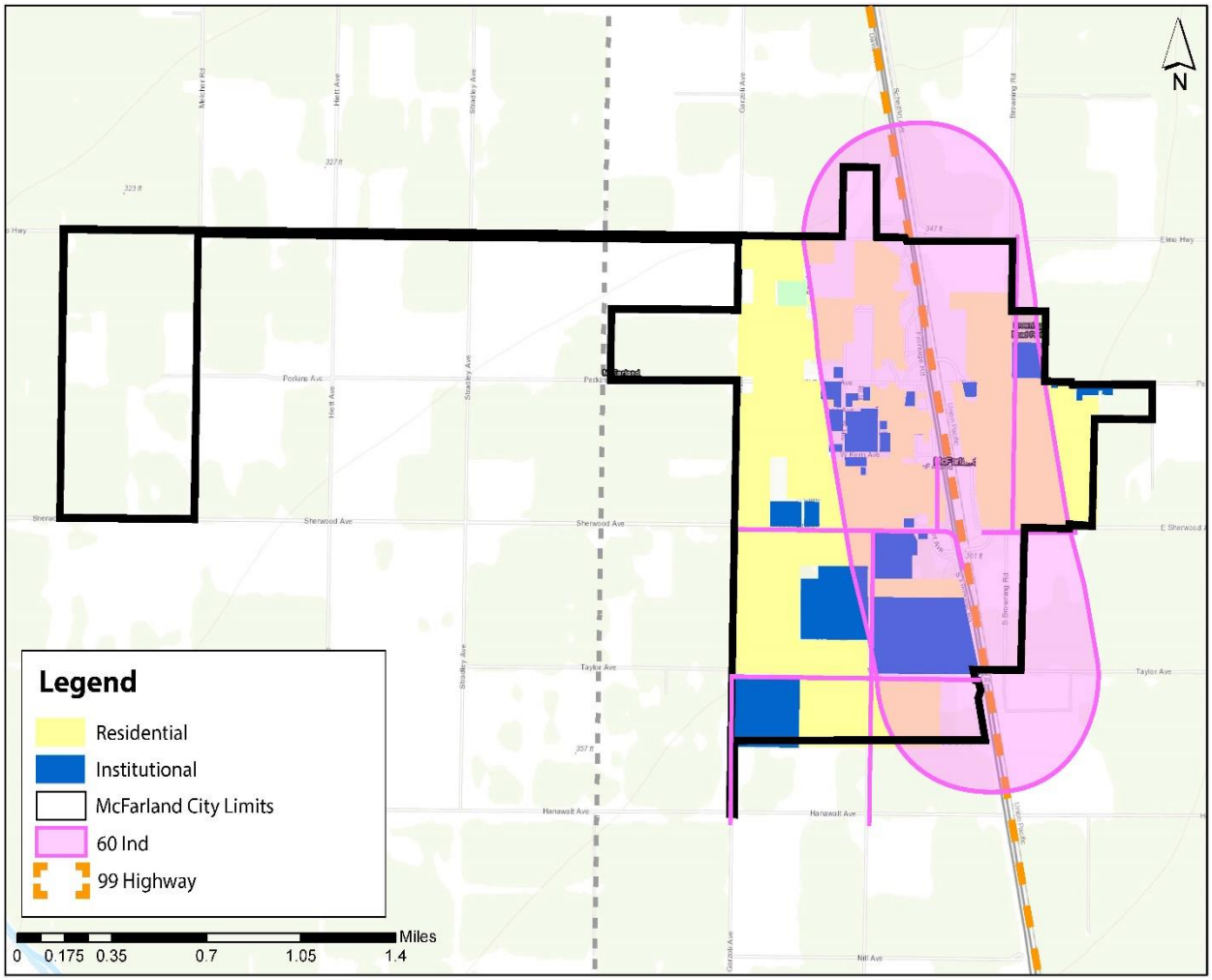
Noise Contour Map

Map 4.12-1 shows the 60 dB noise contours within McFarland for SR 99, the railroad, the citrus packing plant, and major local roadway sources. It also shows sensitive land uses, including residential which is colored a light green, as well as churches, schools, and hospitals and long-term healthcare facilities, all colored blue. Map 4.12-2 is the same, but with the 65 dB noise contour instead of the 60 dB contour. Noise sensitive land uses in the City are listed below:

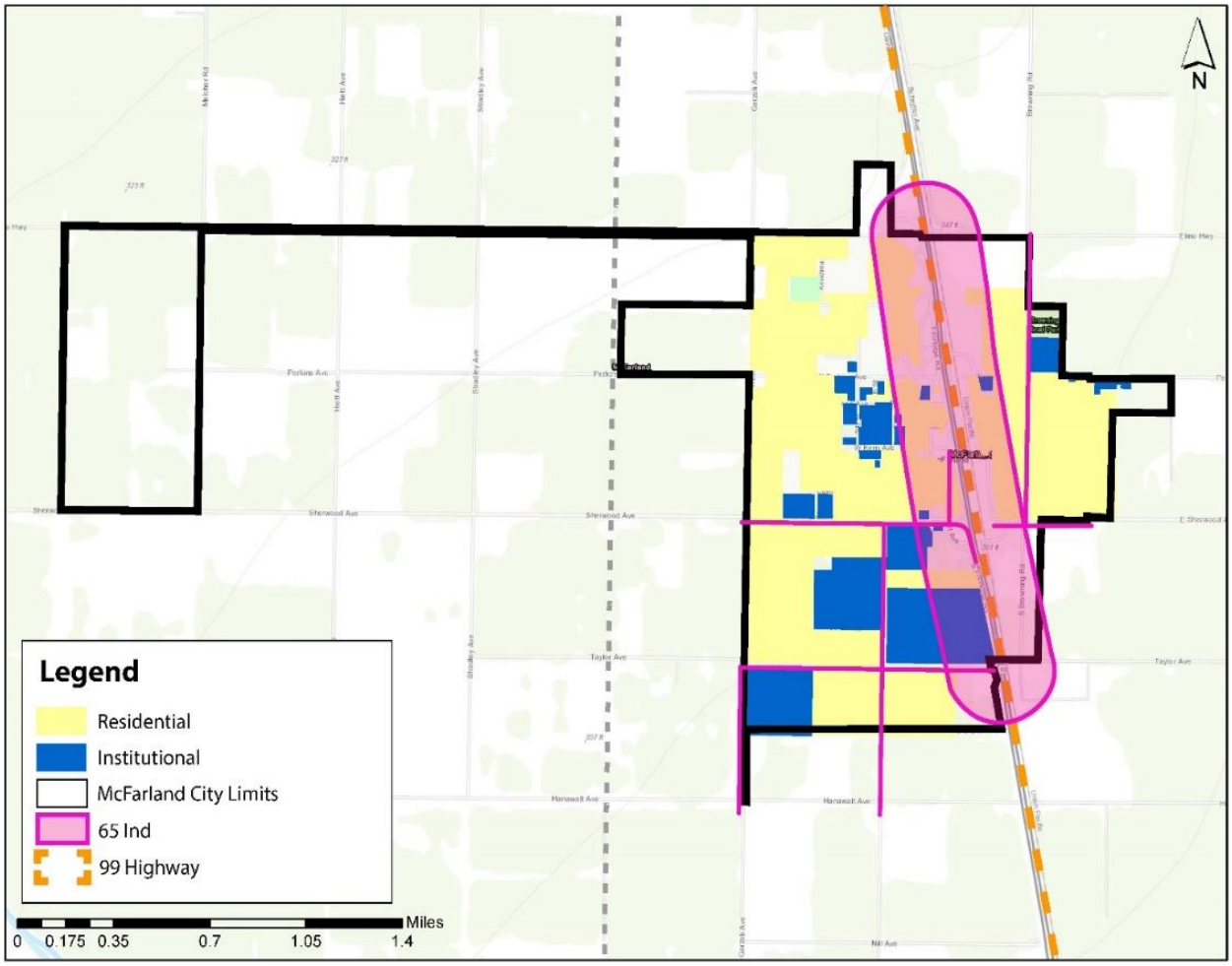
- Churches
    - St. Elizabeth Catholic Church
    - First Missionary Baptist Church
    - Restoration Rock Church
    - Iglesia Ni Cristo
    - Church of the Living Savior
    - Sherwood Avenue Baptist Church
    - Gospel Lighthouse United
    - El Buen Pastor Church Assembly
- Schools
    - Browning Road STEAM Academy
    - Kern Avenue Elementary School o Horizon Elementary School

  - McFarland Jr High School
  - McFarland High School
  - San Joaquin High School
- Hospitals and long-term healthcare facilities
  - None in the City, only a small medical clinic

MAP 4.12-1: 60 DB NOISE CONTOUR AND SENSITIVE RECEPTORS IN MCFARLAND



MAP 4.12-2: 65 DB NOISE CONTOUR AND SENSITIVE RECEPTORS IN MCFARLAND



4.12.2 STANDARDS OF SIGNIFICANCE

4.12.2.1 CEQA THRESHOLDS

Noise-related impacts are considered significant if the proposed Plan has the potential to cause:

1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
2. Result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels;
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

4.12.2.2 METHODOLOGY

The impact discussion works within the framework stated above in order to determine the level of significance pertaining to the proposed Plan. The analytical approaches used in preparing the impact discussion are as follows:

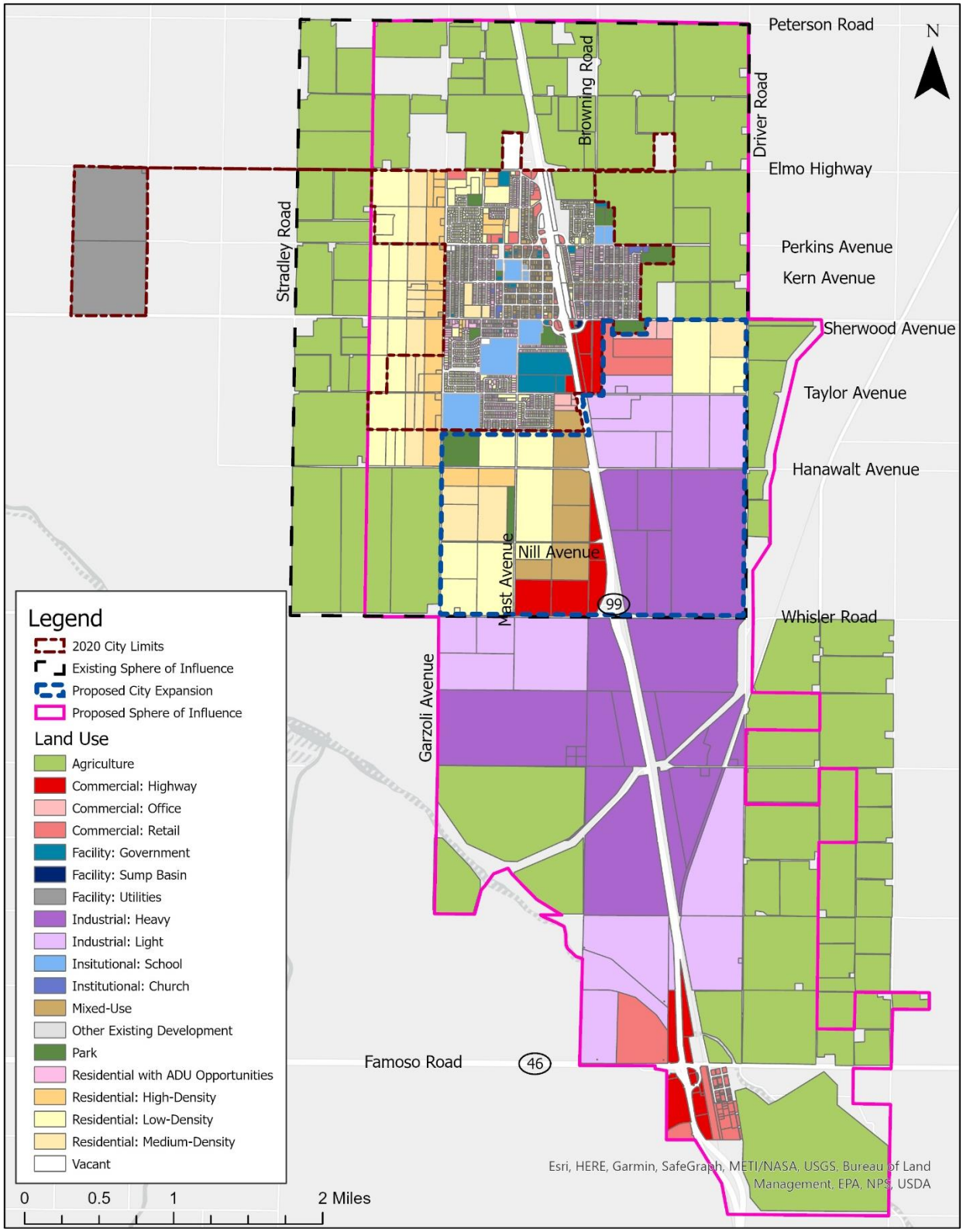
- Identify relevant noise policies, standards, and regulations.
- Identify and map major noise sources and sensitive receptors (e.g., residences, areas used for quiet recreation) in the proposed project area.
- Estimate noise associated with project construction activities. Determine the duration of construction and phases or periods most likely to be disruptive. Identify other nearby projects potentially undergoing simultaneous construction. Compare effects with land use compatibility standards, and applicable noise standards.
- Identify noise sources related to project operation (e.g., new traffic, stationary equipment, or other loud activities), and estimate noise that may result from build-out of the Plan.

4.12.3 IMPACT DISCUSSION

NOISE – 1 THE PROPOSED PLAN WILL RESULT IN LESS-THAN-SIGNIFICANT GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.

To accommodate future growth, the Plan proposes a conversion of vacant land to residential, commercial, industrial, agricultural, open space, and public facility uses. Map 4.12-3 illustrates land uses of the proposed Plan. Referencing the noise contours illustrated in Map 4.12-1, noise-sensitive land uses, including open space, public facilities, and residential land uses are proposed outside of normally or clearly acceptable ranges of noise established in Table 4.12-2. Furthermore, the proposed land uses do not expose existing sensitive receptors to an unacceptable range of noise. However, with growth in population and activities, there is a chance that noise levels would increase. Therefore, the proposed Plan could cause less-than-significant generation of noise levels in excess of the established standards. Additionally, subsequent projects under the Plan are to undergo CEQA review and mitigation of noise impacts. The proposed Plan therefore includes the following policies and programs to maintain acceptable levels of noise.

MAP 4.12-3: GENERAL PLAN LAND USES



Policy LU 3.1.1: Reduce conflicts between incompatible land uses.

Program LU 3.1.1.1: Establish mandatory distances between land uses to conform with the standards for complementary uses, such as parks, active commercial areas, public facilities, and housing.

Program LU 3.1.1.2: Introduce transitional uses or spaces between conflicting uses (e.g., multifamily between single family and commercial, park/open space areas).

Program LU 3.1.1.3: Establish requirements for landscaping, buffering, screening, air quality, noise, odor, light, and traffic.

Policy NOI 1.1.1: All new residential, school, church, or healthcare facility development within the 60 dBA Ldn contours must include a noise analysis and noise mitigation measures to minimize exposure.

Program NOI 1.1.1.1: Develop an example noise analysis emphasizing the required contents for use by developers, as well as a list of recommended mitigation measures.

Policy NOI 1.2.1: Avoid permitting of new residential, school, church, or healthcare facility development within the 65 dBA Ldn contours.

Policy NOI 2.1.1: New noise-generating development that could cause an existing noise-sensitive receptor(s) to be exposed to a noise level of 60 dBA Ldn or greater must include mitigation measures specifically designed to minimize noise exposure to the sensitive receptor(s).

Policy NOI 3.1.1: New equipment and vehicles purchased, rented, or otherwise used by the City of McFarland must use the best available technology to minimize noise generation.

Program NOI 3.1.1.1: When replacing or doing major repairs to existing City equipment or vehicles, the equipment or vehicle must also be outfitted with the best available noise mitigating technology, such as improved mufflers and tires.

Policy NOI 3.2.1: All new development in the 60 dBA Ldn contours must include a noise analysis and explain architectural, construction, and building massing techniques used to mitigate noise generation.

Program NOI 3.2.1.1: Prepare a list of recommended architectural, construction, and building massing techniques to mitigate noise generation for use by developers.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

NOISE – 2 THE PROPOSED PLAN WILL RESULT IN LESS-THAN-SIGNIFICANT EXPOSURE OF PERSONS TO OR GENERATION OF EXCESSIVE GROUND-BORNE VIBRATION OR GROUND -BORNE NOISE LEVELS.

Ground-borne vibration and noise levels in McFarland are primarily associated with vehicular traffic along SR 99. The railroad is also a significant source of intermittent noise, but its 60 dB contour is entirely contained within the SR 99 60 dB contour. The proposed Plan prioritizes industrial and commercial development along SR 99 and within the 60 dB contour. Sensitive land uses are located outside of the unacceptable noise ranges established in Table 4.12-2. However, increased activity under the Plan could generate additional movement of heavy vehicles that could impact ground vibration. Nevertheless, the proposed Plan would less than significantly expose people to, or generate, excessive ground-borne vibration or ground-borne noise levels. Furthermore, subsequent projects under the Plan are to undergo CEQA review and mitigation of noise impacts. In addition, the following policies and programs are to help reduce ground-borne noise.

Policy NOI 2.2.1: Actively seek funding sources, including grants, subsidies, donations, and other sources, for the planning, design, and construction of noise barriers along Highway 99 and the railroad.

Program NOI 2.2.1.1: Prepare a study to determine the best location(s) for noise barriers along Highway 99 and the railroad.

Program NOI 2.2.1.2: Research and implement an impact fee program for new noise-generating development to create a fund for the development of noise barriers along Highway 99 and the railroad.

Policy NOI 4.1.1: Reserve undeveloped noise-impacted areas primarily for compatible commercial and industrial development.

Program NOI 4.1.1.1: Demarcate areas along Highway 99 for commercial and industrial activities with the highest noise tolerance and generation.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

NOISE – 3 THE PROPOSED PLAN WILL NOT RESULT IN EXPOSURE OF PERSONS RESIDING OR WORKING IN THE PLANNING AREA TO EXCESSIVE NOISE LEVELS ASSOCIATED WITH A PROJECT LOCATED WITHIN THE VICINITY OF A PRIVATE AIRSTRIP OR AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT.

There are no aircraft operations, including private airstrip, public airport, or public use airport in the City of McFarland. The closest airport is the Delano Municipal Airport, just over four miles to the north. The 60 dB noise contours calculated for this airport do not extend to McFarland, nor to its planned expansion area to the south. Therefore, no persons residing or working in the Planning Area would be exposed to excessive noise levels associated with a private airstrip, public airport, or public use airport.

Applicable Regulations: None

Significance Before Mitigation: No impact

4.12.4 Summary of Potential Impacts and Mitigation Measures

There are no potentially significant impacts associated with noise, and thus no mitigation measures are required.

4.12.5 References

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4.13 Population and Housing

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			x	
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			x	

4.13.1 Environmental Setting

This section discusses the environmental setting regarding housing the City of McFarland.

4.13.1.1 Regulatory Framework

The Regulatory Framework section provides information on the current federal, state, and local regulatory standards and programs pertaining to population and housing in the proposed Plan.

Federal Regulations

Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) was established to provide quality affordable housing for people across the nation. The agency oversees national policies and programs that enforce fair housing laws and address the people's housing needs. The following sections detail federal standards established by HUD with regard to housing.

State Regulations

Sustainable Communities and Climate Protection Act of 2008 (SB 375)

State law requires housing elements to be updated every five years to accommodate its entire RHNA share by income category. In 2008, SB 375 extended the update period to eight years to better synchronize with the development of the Regional Transportation Plan with the RHNA and Housing Element update process. If local governments fail to update its Housing Element within the eight-year deadline, it will be placed into a shorter four-year deadline by the HCD. Once the local government successfully certifies two Housing Elements in the four-year cycle, it is then eligible to return to an eight-year cycle.

State Of California General Plan Guidelines 2003

The Governor's Office of Planning and Research provides the State of California General Plan Guidelines 2003 (GPG) document as a comprehensive guide for local governments to prepare general plan documents. The GPG notes that state law requires the housing element of general plans to be updated at a frequency of "not less than once every five years (§65588)" (OPR, 2003, p. 62). The process of updating the housing element requires a quantitative analysis of the existing housing inventory, existing needs, and projected future needs (provided by the Regional Housing Needs Assessment), as well as the establishment of programs to provide for those needs with respect to identified constraints. State law also requires quantified objectives by income level to be made "for the construction, rehabilitation, and conservation of housing (§65583(b))" (OPR, 2003, p. 62).

Regional Housing Needs Assessment (RHNA)

The California Department of Housing and Community Development (HCD) is required by state law to allocate statewide housing needs to each region through the RHNA process. HCD (2016) works in collaboration with regional Councils of Government and counties to allocate shares of housing needs to each region "based on California Department of Finance population projections and regional population forecasts used in preparing regional transportation plans." The following objectives should be attained in a RHNA plan:

- Increase the housing supply and the mix of housing types, tenure and affordability in all cities and counties within the region in an equitable manner;
- Promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns; and
- Promote an improved intraregional relationship between job and housing (HCD, 2016b).

Local Regulations

City of McFarland Housing Element

The City of McFarland Housing Element provides a roadmap for how the jurisdiction will accommodate housing needs for the next five years upon the date of adoption. As required by state law, the Housing Element must quantify projected housing needs by income level, review the existing housing inventory

and constraints to housing, and demonstrate how the City of McFarland will accommodate housing needs by establishing appropriate goals, policies, objectives, and implementation measures.

City of McFarland Zoning Code

The zoning code for the City of McFarland specifies the physical requirements of developments in regard to the designated land use of the area that it is built in. As the General Plan, which contains the Housing Element and Land Use Element, serves as the "constitution for future development" under California law, the zoning code must adhere to what is established in the General Plan. A change in the zoning code must not be out of compliance with what is designated in the General Plan.

4.13.1.2 Existing and baseline Conditions

The most aggressive target for population growth in McFarland is 33,220 by the year 2040. Based on this projection, the City would need additional 7,550 housing units by 2040 to accommodate the growth in population. Half of the new housing needs to be affordable. During the planning process, community feedback indicated an interest in maintaining affordability within the City's housing stock, increasing mixed-use residential development downtown, and developing an increased variety of housing options for residents.

Population

The City of McFarland has been a steadily growing community over the past two decades. As shown in Table 4.13-1, the populations of McFarland and Kern County in 2010 were 12,707 and 839,631, respectively. By 2019, the populations of McFarland and Kern County had grown to 15,242 and 916,464, respectively. From 2010 to 2019, McFarland's population grew by 20%, faster than Kern County's population change of 9% during the same period.

Table 4.13-1: Population Growth, 2010 to 2019

JURISDICTION	2010 POPULATION	2019 POPULATION	CHANGE, 2010-2019	
			Number	Percent
McFarland	12,707	15,242	2,535	20
Kern County	839,631	916,464	76,833	9
California	37,253,956	39,927,315	2,673,359	7

Source: California Department of Finance; 2019 Estimates, Table E-5

McFarland's population is projected to grow from 13,020 in 2015 to 23,690 by 2040 under baseline conditions. However, the Preferred Growth attempts to accommodate the most aggressive plausible growth to 33,220 people. The age distribution is projected to change as birth rates decline and the average age of the population increases.

Housing

Table 4.13-2 shows the housing unit type composition of McFarland. Most housing units in the City were single-family detached units as of 2017, making up about 86% of all housing units. The next largest unit type category of multi-family of two to four units consisted of 7% of all housing units. Mobile homes made up 2% of all housing units.

TABLE 4.13-2: HOUSING UNITS BY TYPE, 2019

TYPE	NUMBER	PERCENT
Single-Family Detached	2,634	86%
Single-Family Attached	57	2%
Multi-Family (2-4 units)	208	7%
Multi-Family (5+ units)	98	3%
Mobile Homes, Other	70	2%
Total	3,067	100%
Source: California Department of Finance; 2019 Estimates, Table E-5		

As seen in Table 4.13-3, 64 housing units were vacant in McFarland in 2017, making up about 2% of the total housing stock. This was much lower than the Kern County and California average vacancy rates for 2017 of 10% and 8% respectively. It is common practice to assume that a healthy housing market has a vacancy rate of approximately 7 to 8%.

TABLE 4.13-3: OCCUPANCY STATUS, 2017

	2010		2017		PERCENT CHANGE
	Number	Percent	Number	Percent	
Occupied	2,599	97%	3,022	98%	16%
Vacant	84	3%	64	2%	-24%
Total	2,683	100%	3,086	100%	15%
Source: U.S. Census Bureau; 2017 American Community Survey Table B25002 5-Year Estimates					

Approximately 39% of McFarland's existing housing units were built before 1980. There has been consistent new construction of homes from 1970 to the present. Table 4.13-4 shows the distribution of housing units by year built in McFarland.

TABLE 4.13-4: AGE OF HOUSING STOCK, 2017

YEAR BUILT	NUMBER	PERCENT
2010 or later	292	9%
2000 - 2009	694	22%
1990 - 1999	427	14%
1980 - 1989	508	16%
1970 – 1979	536	17%
1960 – 1969	137	4%
1950 – 1959	154	5%
1940 – 1949	250	8%
Before 1939	88	3%
Total Housing Units	3,086	100%

Source: U.S. Census Bureau; 2017 American Community Survey Table B25034 5-Year Estimates

According to the land use inventory conducted in October 2019, about 73% of the housing stock in McFarland is in good condition, and about 24% is in fair condition. Only 2% of the housing stock is in poor condition. Table 4.13-5 shows the distribution of the conditions of the housing stock of McFarland in 2019.

TABLE 4.13-5: HOUSING STOCK CONDITIONS, 2019

STRUCTURE CONDITION	NUMBER	PERCENT
Good	2,262	73%
Fair	754	24%
Poor	70	2%
Total Units	3,086	100%

Source: Cal Poly MCRP Studio Land Use Inventory, 2019

Housing tenure refers to the financial arrangement by which a household obtains housing, with most households being either homeowners or renters. Table 4.13-6 shows McFarland's housing tenure for 2017. According to the American Community Survey (ACS) 5-year estimates for 2017, about 58% of McFarland's 3,022 housing units were owner occupied in 2017, with 42% being renter occupied. These percentages are almost identical to the housing tenure breakdown for 2010.

TABLE 4.13-6: HOUSING TENURE, 2010-2017

TENURE	2010		2017		PERCENT CHANGE
	Number	Percent	Number	Percent	
Owner Occupied	1,488	57%	1,749	58%	18%
Renter Occupied	1,111	43%	1,273	42%	15%
Total	2,599	100%	3,022	100%	16%
Source: U.S. Census Bureau; 2017 American Community Survey Table B25003 5-Year Estimates					

Employment

According to OnTheMap data from the U.S. Census, 3,875 workers live in McFarland. Of these, 17% work in McFarland. The majority, 83%, work outside of McFarland, as shown in Figure 4.13-1. In contrast, 6,743 people work in McFarland. As shown in Figure 4.13-2, 90% of McFarland's workforce lives outside of the City. Therefore, McFarland's jobs do not match residents' employment. McFarland does not harness or benefit from residents' economic productivity because they are employed elsewhere.

The employment–housing balance helps to gauge the economic health of an area. As shown in Figure 4.13-3, using 2017 Census data, California averages 1.4 workers per housing unit. Kern County averages just less than California at 1.3 workers per housing unit, while McFarland averages more at 1.7 workers per housing unit. This indicates that more McFarland workers live together than is typical for the region. While this could occur because of a cultural difference, it could also indicate that low incomes cause more workers to live together than otherwise would.

Figure 4.13-3 also shows that there are relatively more jobs in McFarland than is typical for housing the City possesses. Coupled with the higher unemployment rate of 14.2%, this may indicate that many of the local jobs are part-time or seasonal.

FIGURE 4.13-1: PLACE OF EMPLOYMENT FOR WORKERS WHO LIVE IN MCFARLAND

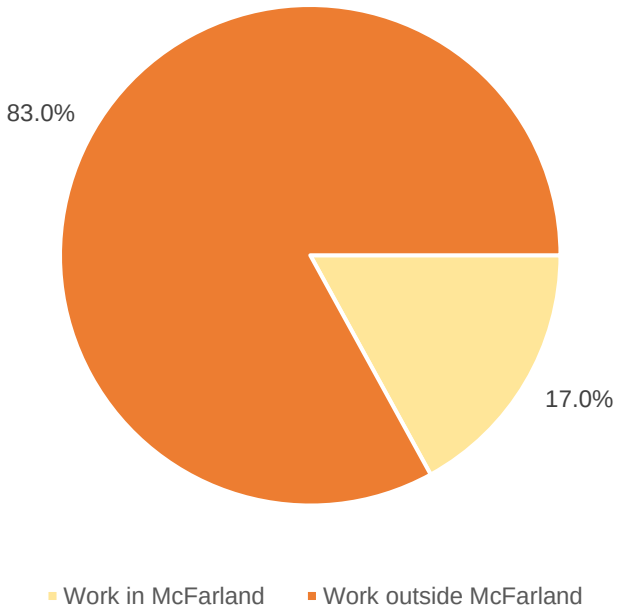


FIGURE 4.13-2: PLACE OF RESIDENCE FOR THOSE WORKING IN MCFARLAND

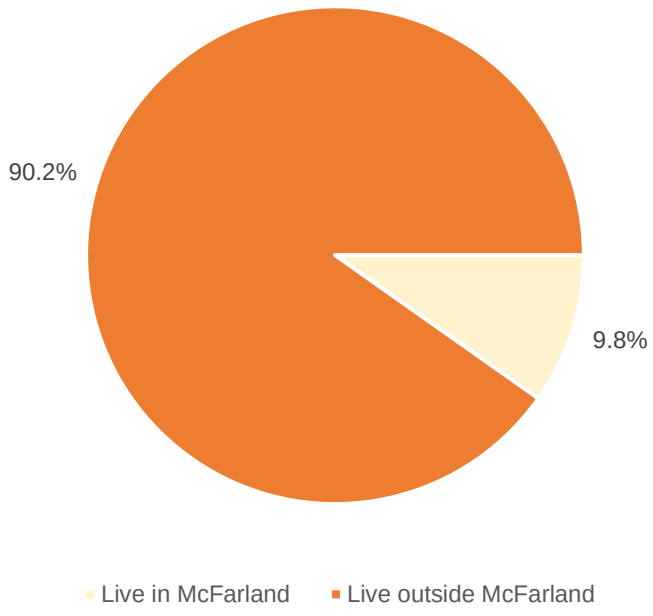
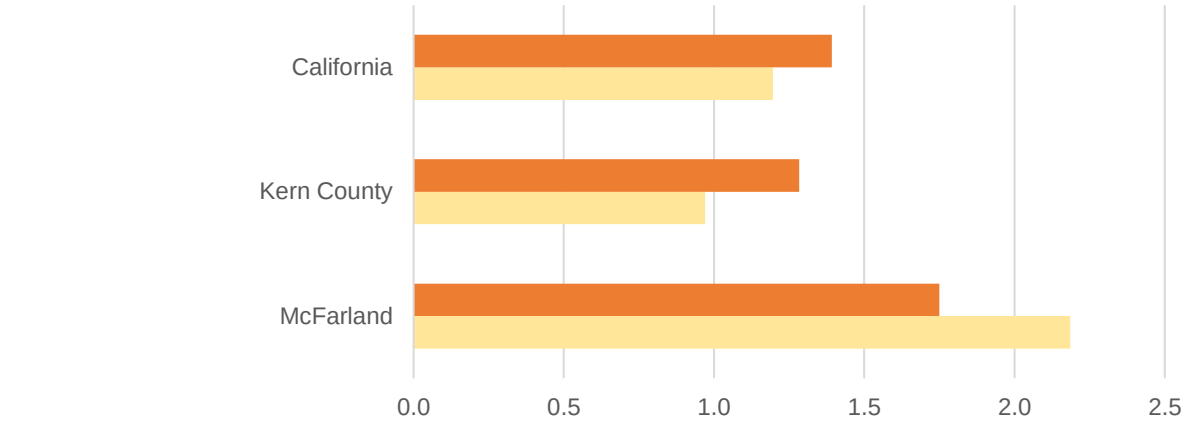


FIGURE 4.13-3: WORKFORCE AND JOBS COMPARED TO HOUSING UNITS



	McFarland	Kern County	California
Workforce in area / Housing units in area	1.7	1.3	1.4
Jobs in area / Housing units in area	2.2	1.0	1.2

Unemployment involves a person actively seeking employment who is unable to find work. The unemployment rate in McFarland, 14.2%, is much higher than Kern County's unemployment rate of 7.7%. The high unemployment rate indicates that McFarland possesses excess workforce that could contribute to the City's economy.

The high unemployment and workers per resident rates are indicators of low incomes. The median household in McFarland earns $35,069 in 2017. In contrast, a median household in Kern County earns $50,826 and a median household in California earns $67,169. The median household in McFarland earns about 70% of median households in Kern County and about 52% of median households in California. This shows the need for higher wage and long-term employment in the City of McFarland and that McFarland is considered a disadvantaged community.

4.13.2 STANDARDS OF SIGNIFICANCE

4.13.2.1 CEQA THRESHOLDS

In accordance with Appendix G of the CEQA Guidelines, the following criteria serve as the standards of significance for any potential environmental impacts resulting from population and housing in the proposed Plan:

1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);

2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

4.13.2.2 METHODOLOGY

The methodology for evaluating the proposed Plan's impacts involves a review of its estimates of future population and housing growth. The proposed Plan's goals, policies, and programs are also reviewed to determine if future population and housing growth is accommodated in a responsible, efficient, and compatible manner with the thresholds identified in the CEQA Guidelines.

4.13.3 IMPACT DISCUSSION

POP – 1 THE PROPOSED PLAN WOULD RESULT IN **LESS-THAN-SIGNIFICANT** IMPACT IN INDUCING SUBSTANTIAL UNPLANNED POPULATION GROWTH IN AN AREA, EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE).

The proposed Plan used the cohort-component method of population projection according to State of California guidelines to calculate population growth and number of households. Under the Plan, the City of McFarland could need to accommodate up to about 4,500 additional housing units by 2040. This is to meet the needs of a population increase and the target for jobs by 2040 under the Plan.

The proposed Plan would accommodate the additional housing units through a combination of infill development in the five targeted key growth areas that Map 4.13-1 shows and increases in the density of development.

The Plan is to also expand the existing road network to serve the new developments in the key growth areas. This expansion in roads would support planned population growth, and therefore not result in significant impacts.

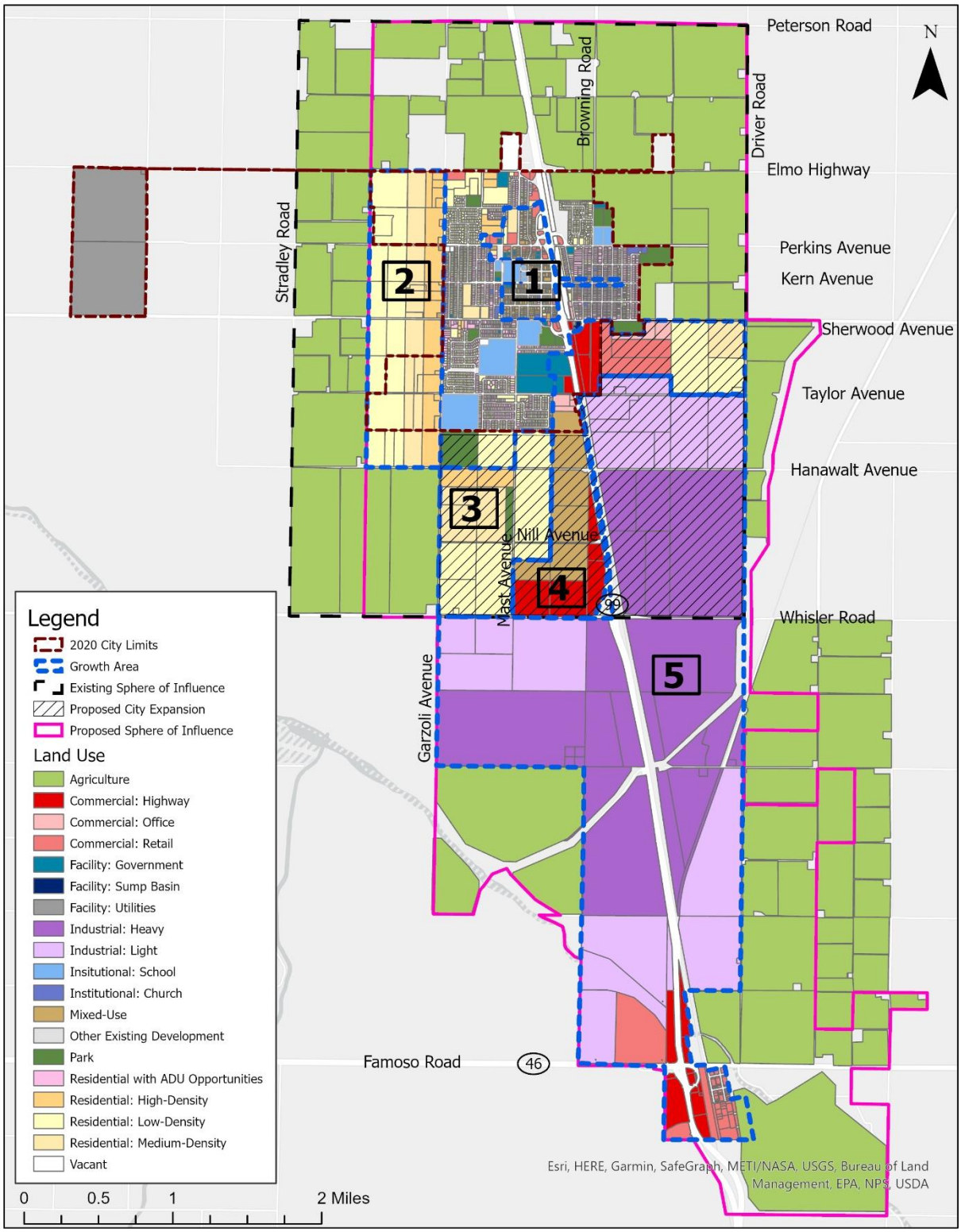
The impacts that the Plan could generate from population growth in relation to expansion in the supply of housing and roadways are mitigated, however, with policies outlined under the proposed Plan. Therefore, the proposed Plan would result in a less-than-significant impact. The policies are as follows:

Policy LU 1.1.1: Expand the range of allowable housing types and areas in which they may be built.

Program LU 1.1.1.1: Allow increased density near the downtown core and commercial centers.

Program LU 1.1.1.2: Create inclusionary zoning for new construction to include a portion of affordable units.

MAP 4.13-1: GENERAL PLAN LAND USE MAP



Program LU 1.1.1.3: Remove regulatory obstacles that have the effect of rendering various housing types uneconomical, such as unnecessary onerous parking per residential unit.

Program LU 1.1.1.4: Allow and facilitate accessory dwelling units (ADUs).

Policy LU 1.2.1: Pursue regulatory and investment strategies that promote a healthy mix of uses (e.g., retail, residential, office, and public facilities) in the downtown core.

Program LU 1.2.1.1: Establish residential-commercial mixed uses downtown.
Program LU 1.2.1.2: Provide standards for mixed-use development in the downtown core.
Program LU 1.2.1.3: Reduce parking requirements for new mixed-use commercial and residential development in the downtown core.

Policy LU 1.2.2: Pursue regulatory and investment strategies that change the mix of uses over time in areas identified as future development sites.

Program LU 1.2.2.1: Establish strategic mixed-use nodes of commercial and office uses to serve nearby neighborhoods along Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues and along East Kern Avenue.

Policy LU 2.2.1: Accommodate automotive and non-motorized vehicle users safely.

Program LU 2.2.1.1: Adopt guidelines for mixed-use, high intensity nodes.
Program LU 2.2.1.2: Increase density around transit stops.
Program LU 2.2.1.3: Situate parking to enhance the pedestrian environment and facilitate access between destinations.
Program LU 2.2.1.4: Use trees and other green infrastructure to provide shelter, beauty, urban heat reduction, and separation from automobile traffic.

Policy CIR 1.1.1: Connect sidewalks and other pedestrian infrastructure.

Program CIR 1.1.1.1: Identify and prioritize gaps in the pedestrian network for infrastructure improvements.

Policy CIR 1.2.1: Connect all bicycle infrastructure.

Program CIR 1.2.1.1: Establish separated bike lanes on Garzoli Avenue, Mast Avenue, Sherwood Avenue, Kern Avenue, and Browning Road to connect McFarland's southern neighborhoods with its downtown, eastern, and northern neighborhoods.

Policy CIR 2.1.1: Improve connections between local and regional transit routes.

Policy CIR 4.1.1: Expand the bus pass program.

Policy CIR 4.1.2: Increase existing service area coverage.

Policy HO 1.3.1: Accommodate the City's housing need over the life of the General Plan.

Program HO 1.3.1.1: Expand housing to the west of the City away from floodable areas.

Program HO 1.3.1.2: Establish mixed-use development options in the downtown, along Kern Avenue on the east side, and south of the City, off Highway 99.

Policy HO 1.3.2: Establish modified procedures to streamline permit processing.

Program HO 1.3.2.1: Develop brochures for community residents that give information about various permit processes.

Policy HO 3.1.1: Increase affordable housing production.

Program HO 3.1.1.1: Create and maintain an up-to-date inventory of vacant and underutilized parcels.

Program HO 3.1.1.2: Provide information to interested developers on affordable housing opportunities.

Program HO 3.1.1.2: Partner with affordable housing developers to assist in development on infill sites of housing for lower and moderate-income households.

Policy HO 3.1.2: Reduce governmental constraints to housing production.

Policy HO 3.2.1: Accommodate affordable housing need over the life of the General Plan.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

POP – 2 THE PROPOSED PLAN WOULD RESULT IN A LESS-THAN-SIGNIFICANT IMPACT REGARDING DISPLACING SUBSTANTIAL NUMBERS OF EXISTING PEOPLE OR HOUSING, NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE.

Population growth under the proposed Plan would require additional 4,500 housing units. This housing need can be met through the reoccupation of existing vacant units, redevelopment of existing units in "bad" condition, and developing new units. This Plan does not necessitate the displacement of existing housing units, but rather encourages the conservation and improvement of the existing housing stock as well as constructing new units. However, redeveloping units in less than desirable conditions could displace some occupants even if temporarily. Policies in the Plan are to help assure that there would be no substantial displacement of people or existing housing units that would necessitate the construction of replacement housing elsewhere. Plan policies and programs are the following:

Policy HO 1.1.1: Preserve existing housing stock, including affordable housing stock, through City regulations and other forms of assistance.

Program HO 1.1.1.1: Continue the Housing Code Enforcement Program.

Program HO 1.1.1.2: Adopt Sustainable Design Guidelines, which give guidance on sustainable design principles such as sustainable energy usage, water conservation, and utilization of reusable building materials.

Program HO 1.1.1.3: Develop brochures for community residents with information about home maintenance.

Policy HO 1.2.1: Expand financial assistance for residents in-need to be used for home rehabilitation.

Program HO 1.2.1.1: Continue the City's Home Rehabilitation Program by providing loans to low-income homeowners funded by grants such as the Community Development Block Grant (CDBG).

Program HO 1.2.1.2: Seek additional funding sources for the City's Home Rehabilitation Program.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

4.13.4 Summary of Potential Impacts and Mitigation Measures

Buildout of the proposed Plan would not result in significant impacts related to population and housing. No mitigation measures are, therefore, required.

4.13.5 References

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Counties, and the State: McFarland, California. Table E-5; Retrieved October 11, 2019 from http://www.dof.ca.gov/Forecasting/Demographics/

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County, and California; American Community Survey 5 Year Estimates, Table B02001; Retrieved October 11, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

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U.S. Census Bureau; 2017 Census of Population and Housing, Employment Status; McFarland & Kern County, California; American Community Survey 5 Year Estimates, Table S2301; Retrieved October 11, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

U.S. Census Bureau; 2017 Census of Population and Housing, Income in the past 12 Months (In 2017 Inflation-Adjusted Dollars); McFarland & Kern County, California; American Community Survey 5 Year Estimates, Table S1901; Retrieved October 11, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

U.S. Census Bureau; 2017 Census of Population and Housing, Language Spoken at Home (In 2017 Inflation-Adjusted Dollars); McFarland & Kern County, California; American Community Survey 5 Year Estimates, Table S1601; Retrieved November 4, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

U.S. Census Bureau; 2017 Census of Population and Housing, Poverty Status in the Past 12 Months; McFarland & Kern County, California; American Community Survey 5 Year Estimates, Table S1701; Retrieved November 4, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

U.S. Census Bureau; 2017 Census of Population and Housing, Selected Economic Characteristics; McFarland & Kern County, California; American Community Survey 5 Year Estimates, Table DP03; Retrieved October 11, 2019 from https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

4.14 Public Services

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the following:				
1. Fire protection?			X	
2. Police protection?			X	
3. Schools?		X		
4. Parks?			X	
5. Other public facilities?		X		

This section explains the public services provided by the City of McFarland and the existing public facilities in the City. It also evaluates the potential impacts of the proposed Plan on the delivery of these services. The public services and facilities addressed include the following: Police Services, Fire Protection and Emergency Services, Public Schools, Parks and Library Services. Each section summarizes the existing and appropriate regulatory framework, existing environmental conditions and discusses the specific and cumulative impacts of the Plan.

The proposed Plan will likely lead to changes in development, potentially impacting the level of service delivery and use of public services and facilities. This analysis identifies possible impacts the build-out and future development related to the Plan may have on public services and facilities. Additionally, this analysis determines if they should be considered significant impacts.

4.14.1 Fire Protection

4.14.1.1 Environmental Setting

This section examines the existing conditions of fire protection and emergency services and the potential impacts of buildout in the proposed Plan. This includes building and fire codes as well as risk from wildland fires.

Regulatory Framework

Federal Regulations

There are no applicable federal regulations for Fire Protection and Emergency services.

State Regulations

California Fire Code, Title 21, Part 9

The California Fire Code contains regulations regarding many aspects of wildfire and urban fire safety. This code specifies roadway and driveway design, access, building identification, water, and vegetation modification standards as well as defensible space requirements**.**

California Fire Code, Title 24, Part 9, California Code Of Regulations

The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized practices for the safeguarding, to a reasonable degree, of life and property from the hazards of fire explosion, dangerous conditions arising from the storage, handling, and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, and provisions to assist emergency response personnel.

California Health And Safety Code

State fire regulations set forth in Section 13000 et seq. of the California Health and Safety Code include regulations for building standards (as set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

California Fire Code: Part 9 Of Title 24 Of The California Code Of Regulations

The California Fire Code sets standards for fire protection including provisions for the following: planning, preparedness, appropriately rated construction, emergency access, protection systems, and hazardous materials.

Fire Prevention Fee Assembly Bill X1 29 (Ab X1 29)

Lands where the State of California has financial responsibility for wildfire protection (lands which are not in incorporated cities or held under Federal jurisdiction) are considered State Responsibility Areas (SRAs). AB X1 29 establishes a fee on each structure in an SRA to support the suppression of fire in these areas. Fees are assessed and adjusted annually.

Wildland-Urban Interface Fire Area Building Standards

As of 2008, new buildings in "any Fire Hazard Severity Zone within State Responsibility Areas (SRA), any Local Agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted" (Cal Fire, 2016) must comply with the updated Wildland-Urban interface building standards code. This code mandates fire resistance through fuel reductions, defensible space, and fire-resistant building materials.

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California Occupational Safety Health And Administration (Cal Osha)--Part 9 Of Title 24 Of The California Code Of Regulations

The California Division of Occupational Safety and Health (Cal OSHA), in compliance with Title 8 Sections 1270 and 6773 of the California Code of Regulations, sets minimum standards for emergency medical services (EMS) and fire services. These standards cover the use of potential hazardous equipment that emergency workers interact with when carrying out emergency services such as use of compressed air tanks, fire hoses, and access routes.

California Emergency Medical Services Authority

The California Emergency Medical Services Authority is responsible for paramedic licensure, emergency medical technician regulation, trauma center and system standards, ambulance service coordination, and disaster medical response. Additionally, it is responsible for managing the State of California's medical response in the event of major disasters.

California Office Of Emergency Services (Cal OES) State Of California Emergency Plan 2015

The California Office of Emergency Services (Cal OES) developed the State of California Emergency Plan to provide a state strategy to support local jurisdictions in the case of a large-scale emergency, in compliance with the California Emergency Services Act and directs fire and rescue equipment and operation guidelines.

California Public Resources Code: Division 4. Forest, Forestry And Range And Forage Lands

The California Resources Code calls for the delineation of state responsibility areas (SRAs) to separate state lands and local responsibility areas. These are areas where the State of California is financially responsible for wildland fire protection. Federal land and incorporated cities are not considered SRAs. The Board of Forestry and Fire Protection determines landscapes with high wildfire risk and by cover-type and population as SRAs.

State Of California Office Of Planning And Research

The State of California Office of Planning and Research (OPR) Guidelines recommend that public agencies in fire, flood management, earthquake, and other emergency response agencies coordinate and prepare plans in case of an emergency event. The City of McFarland has developed a Community Resilience Plan for the City and Scope of Influence (SOI).

Local Regulations

Kern County Emergency Operations Plan

The Kern County Emergency Operations Plan establishes an emergency management organization and assigns functions and tasks consistent with the State's Standardized Emergency Management System (SEMS) and the National Incident Management Systems (NIMS). In particular, under the Plan's Annex B-4, Health & Medical Branch, steps, and policies dictate and guide how medical facilities and services are to respond during certain events.

Kern County Fire Standards

The County Municipal Code provides for fire code updates as they occur and adopts the most recent international and national fire codes by reference, including the WUI International Fire Code and other codes such as electrical and construction, all of which affect building resiliency. These are also in effect in McFarland unless specifically indicated otherwise.

McFarland Fire Standards

McFarland Municipal Code Section 15.16.110 accepts and adopts Kern County Universal Fire Code for Safety and Fire Compliance through the Adoption of the Uniform Fire Code by reference. These fire prevention standards, identical to the law covering unincorporated territory in Kern County, satisfy the state and federal standard for code compliance through Title 19 and Title 24, volume 9 of the California Building Code (California Fire Code and California Building Code). The same ordinance also provides for WUI code inclusion and satisfies this requirement by reference. The McFarland Municipal Code ordinance refers to standards from 1991 which are no longer in effect.

Existing and Baseline Conditions

Fire hazard assessment includes the following required components: average weather projections for the year, analysis of potential fuel sources, analysis of historical burn data, federal wildland models, and state models of relative fire danger zones.

McFarland's weather patterns maintain relatively dry conditions year-round. The City receives approximately 7 inches of rainfall per year, with the driest months receiving no rainfall on average. Summer temperatures often average above 90 degrees Fahrenheit (°F), with yearly average temperatures fluctuating between 38 and 99 °F. The 30-year average temperature in McFarland peaks at 98.1 °F during July, making it one of the warmest areas in the state. Yearly wind speed in McFarland averages 5.5 miles per hour (MPH) at 10 meters above the ground with averages during the windiest part of the year reaching

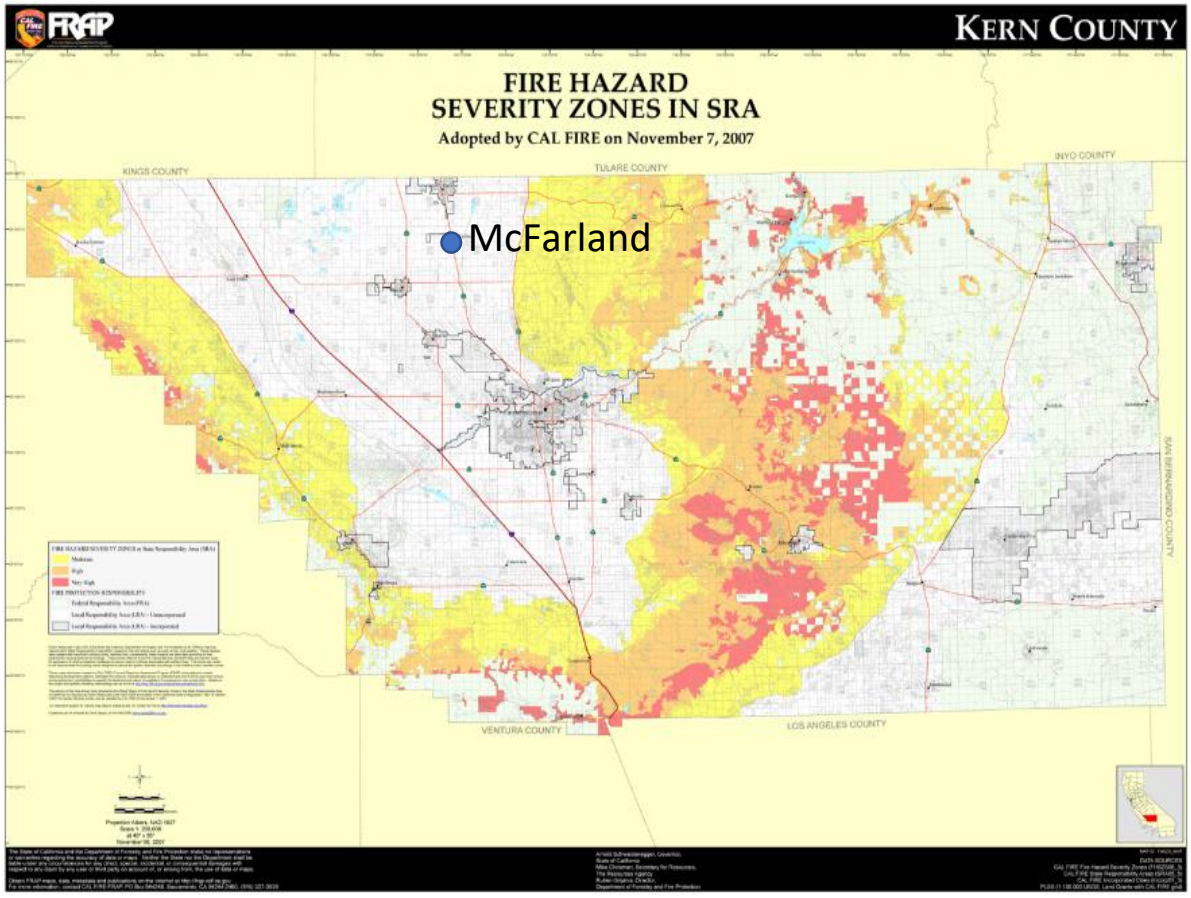
6.7 MPH, in late May. Local wind speeds vary significantly based on tree cover and topography, and these wind conditions could spread sparks and firebrands (ignited pieces of wood) a mile or more from the fire event. Infrequently, high wind events occur in the Central Valley with winds above 70 MPH, increasing relative fire danger during that event. Required historical fire data collected for the area derives from the following tools and resources:

- InciWeb Incident/Hazard Reporting Map *Utility*
- USGS GeoMac Historical Fire Data Viewer
- Monitoring Trends in Burn Severity (MTBS) Interagency *Viewer*

These three databases hold the legally required data and satisfy the requirements for fire hazard readiness.

Map 4.14-1 shows Fire Hazard Severity Zones in State Responsibility Areas in Kern County, utilizing land coverage and weather data from MODIS satellite imaging and remote sensing. This final map does not include potential draft local responsibility areas, but it does represent the most active regional zones for fire hazard potential. No Local, State or Federal Responsibility Areas include McFarland or the projected Sphere of Influence.

Map 4.14-1: Fire Hazard Severity Zones in State Responsibility Areas



CAL FIRE specifically designates High or Very High Fire Hazard Zones based on the fire triangle of fuel, oxygen, and ignition. These zones present a significant danger and constraint to development if present, but none appear in McFarland's City limits or its Sphere of Influence. In Map 8-5, red represents Very High Fire Hazard Zones, orange represents High Fire Hazard Zones, and yellow marks Moderate Fire Hazard Zones. Areas in grey, like McFarland, remain unclassified, or at lower risk of fire hazard. While the City does not lie within a CAL FIRE recognized Fire Hazard Severity Zone, urban structure fires remain a concern and steps to prepare for an emergency will benefit all residents.

Basic preparations for evacuation are still an important part of resident safety. Potential ignition sources present in the City today include agricultural equipment, especially during harvest, as well as normal residential and commercial operations.

The City of McFarland sits on land designated as Wildland-Urban Interface by the USGS, or the area where significant vegetation or fuel sources lie near human activity. Two kinds of development cause WUI conditions: interface, the traditional urban-rural divide, or intermix, where development occurs in pockets within an area that has high fire danger. The Sequoia National Forest lies approximately 30 miles to the east of McFarland, and that eastern half of Kern County qualifies as a significant fuel source and an area of significant fire probability, with many areas falling in a High or Very High Fire Hazard Zone.

Twenty-nine catastrophic fire events occurred in California during 2018, including the Camp Fire that devastated large swaths of Butte County. Although large wildfires are unlikely near McFarland, caution is still warranted due to significant potential fuel sources in the area including agricultural waste, liquid fuel, gaseous accelerants, and other significant local point sources of impact in a city of its size. Newer subdivisions are more likely to comply with firesafe building code and material conditions. Industrial, commercial, and residential buildings built before the codes for firesafe construction were enacted possibly pose other concerns in terms of wiring, materials, fuel load, and key evacuation standards including occupancy and initial response time. Kern County Fire maintains records of specific programs and utilities for residents, businesses, and municipalities to engage in resiliency upgrades, home hardening with a 100-foot defensible space buffer, multilingual evacuation information, and other items to assist these situations.

4.14.1.2 STANDARDS OF SIGNIFICANCE

CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on the environment with respect to Fire Protection and Emergency Services if it would:

1. Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire Protection and Emergency Services.

Methodology

Evaluation of the potential impact to Fire Protection and Emergency Services included comparison of planned buildout in the proposed Plan and any potential change to service need and capacity of Fire Protection and Emergency Service agreements in the region, including Cal Fire and the Kern County Office of Emergency Services, to fulfill the need for Fire Protection and Emergency Services. Additionally, the evaluation also involved the Plan's changes in land use as it relates to potential fire hazard increases.

4.14.1.3 Impact Discussion

This section discusses the proposed Plan specific impacts related to Fire Protection services.

PS – 1 Buildout of the proposed Plan would result in **less-than-significant** adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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.

McFarland does not lie in any identified fire hazard severity zone. However, the Sequoia National Forest lies approximately 30 miles to the east of McFarland, and that eastern half of Kern County qualifies as a significant fuel source and an area of significant fire probability, with many areas falling in a High or Very High Fire Hazard Severity Zone.

Growth in population and activities have the potential to increase the risk of urban fires which could tax the ability of fire protection and Emergency services. Programs outlined in the proposed Plan are to reduce potential impacts by reducing vulnerability and increasing preparedness. In addition to the Plan, specific projects and development within the City are subject to separate CEQA review to analyze specific project impacts. The proposed Plan includes the following programs and policies that can assist the City of McFarland to enhance Fire Protection and Emergency services.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Policy SAF 2.3.1: Evaluate and respond to urban and wildland fire hazards affecting McFarland where present.

Program SAF 2.3.1.2: Update urban and wildland fire threat as data sources become available and seek guidance and data from Cal Fire.

Policy SAF 2.3.3: Evaluate fire threats in existing and proposed developments.

Program SAF 2.3.3.1: Coordinate fire threat evaluation with Kern County Fire, given Cal Fire threat assessments and federal data sources.

Program SAF 2.3.3.2: Enact measures for resident and employee safety in areas of recognized commercial and industrial fire threat.

Program SAF 2.3.3.3: Reduce vulnerability especially with vegetation management (e.g., fire resistant landscaping, fuel breaks, etc.) to prevent drought/extreme weather-related fire risk.

Program SAF 2.3.3.4: Encourage commercial and industrial properties to maintain fire safe standards and operate in a safe manner when handling flammable materials or byproducts.

Policy SAF 2.3.4: Create defensible space for McFarland through best management practices.

Program SAF 2.3.4.1: Encourage abatement of potentially flammable material through trimming, thinning, or reduction of potential fuel from habitable or occupied areas according to Cal Fire defensible space standards.

Program SAF 2.3.4.2: Check with state and federal hazard management agencies for updated areas of concern in wildland and urban fire scenarios on a 10-year cycle.

Policy SAF 2.3.5: Adopt uniform building and fire codes as they are updated by the State.

Policy SAF 2.3.6: Educate the public about fire safety.

Program SAF 2.3.6.1: Promote public fire safety education programs to reduce accidents, injuries, and fires in coordination with McFarland School District and community agencies.

Program SAF 2.3.6.2: Promote public safety through Cal Fire programs, pamphlets, and education opportunities with school and community engagement in English and Spanish.

Policy SAF 4.3.1. Reduce danger to life.

Program 4.3.1.1: Map all emergency response facilities and accessways.

Program 4.3.1.2. Assess risk from evacuation and emergency response bottlenecks for hazards, particularly fire, flood, and hazardous materials.

Objective PF 3.2: Provide enough fire services for residents and businesses.

Policy PF 3.2.1: Maintain adequate staff and equipment in collaboration with Kern County.

Program PF 3.2.1.1: Continue to fund, budget, and maintain the contracted fire services from Kern County.

Applicable Regulations:

California Building Code

California Fire Code

California Public Resources Code: Division 4. Forest, Forestry and Range and Forage Lands

California Occupational Safety Health and Administration (Cal OSHA)--Part 9 of Title 24 of the California Code of Regulations

Significance Before Mitigation: Less than significant

4.14.1.4 Summary of Potential Impacts and Mitigation Measures

Fire Protection and Emergency Services require no mitigation measures.

4.14.2 Police Protection

4.14.2.1 Environmental Setting

This section describes the existing conditions of Police Protection services and examines the existing conditions of Police Protection Services and the potential impacts of build-out in the proposed Plan to these services.

Regulatory Framework

This section describes the existing regulations and existing conditions of policies that apply to Police Services. The regulatory framework falls within regional settings regarding police, California Highway Patrol and City of McFarland Police Department.

Federal Regulations

Federal Bureau Of Investigation (FBI)

The FBI targets one sworn officer per 1,000 persons for police departments.

State Regulations

No applicable state regulations.

Local Regulations

Kern County Sherriff (KCS)

The KCS provides law enforcement for unincorporated Kern County. The Sheriff's office is made up of four major divisions: the Support Services Bureau, Detentions Bureau, Law Enforcement Bureau, and Investigations Bureau. In order to manage specific concerns or identified assignments, these divisions may also be subdivided.

California Highway Patrol (CHP)

The CHP provides law enforcement of State and County highways throughout Kern County and the City of McFarland. Additionally, the CHP responds to accidents in the unincorporated areas and has mutual aid agreements with other agencies to assist in emergencies.

City of McFarland Municipal Code

Regulations applying to Police Protection Services within the City of McFarland's Municipal Code.

McFarland Police Department (CWPD)

The MPD provides law enforcement for the City of McFarland. Services and departments include patrol, investigations, a K-9 Unit, reserve officers, Chaplain, Neighborhood Watch, Volunteer program, records and communications, and property and evidence.

McFarland Municipal Code

The Municipal Code Chapter 2.28, Police Department, and Chapter 2.30, Police Protective Services, establish the standards for staffing and funding the McFarland Police Department.

Existing and Baseline Conditions

The McFarland Police Department is responsible for providing police protection services to the citizens of McFarland. The police station is located at 401 West Kern Avenue in City Hall. The Police Department is a full-service department. Services include the Patrol Bureau, Investigations Bureau, Traffic Bureau, K-9 Unit, Bicycle Unit, Reserve Officers, Chaplain Bureau, Animal Control, Neighborhood Watch Explorer Program, Volunteer Program, Property and Evidence Unit, Communications Bureau, Records Bureau and Police Reserves. The Department operates a 24-hour dispatch center and provides 24-hour patrols in the community.

The crime rate in McFarland in 41, indicating that McFarland is safer than 41% of cities in the United States. This data used crime information from the City and examined reports of murder, rape, robbery, assault, and property crime, as shown in Table 4.14-1. Crime rates are often correlated with public safety funding, particularly police services. From Fiscal Year 2018 to 2019, there was a drop in overall filled officer positions from 22.63 salaried officers to 19.73 in 2019.

TABLE 4.14-1: MCFARLAND CRIME DATA, 2018

Crime	Number in 2018	McFarland Average per 1,000 residents	United States Average per 1,000 residents
Murder	2	.13	.05
Rape	16	1.06	.42
Robbery	20	.33	.98
Assault	44	2.92	2.49
Burglary	54	3.58	4.30
Theft	83	5.50	16.94
Motor Vehicle Theft	47	3.11	2.37
Source: Neighborhood Scout			

Community feedback suggested that there was a huge community loss when the last Chief of Police moved to another community. Additional community outreach suggested that residents feel the most unsafe when they are in the eastern side of the City and identified police services as a focus for community improvement.

4.14.2.2 Standards of Significance

CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on the environment with respect to police services if it would:

2. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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.

Methodology

Evaluation of the potential impact to fire and emergency services was based on a comparison of the proposed Plan and the Federal Bureau of Investigation's police service ratios to determine the service ratios necessitated by the plan.

4.14.2.3 Impact Discussion

This section discusses the proposed Plan specific impacts related to Police Protection services.

PS – 2 Buildout of the proposed Plan would result in **less-than-significant** adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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.

The proposed Plan aims to ensure sufficient public facilities and services in the City of McFarland. Population growth has the potential to impact the ability of police services, but policies and programs outlined in the Plan can help the City meet demand for police services. Currently, the City of McFarland meets the FBI target of one officer per 1,000 residents and under the Plan, the City can maintain the standard officer-to-resident ratio. Therefore, the Plan would have a less-than-significant impact. The

proposed Plan includes the following programs and policies that can assist the City in adapting to any impacts to Police Protection services.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Policy ED 2.2.2: Improve public safety and perception of public safety.

Program ED 2.2.2.1: Build relationships between police and businesses.

Program ED 2.2.2.2: Build relationships between police and neighborhood residents.

Policy PF 3.1.1: Maintain adequate police staffing levels and equipment.

Program PF 3.1.1.1: Continue to fund and hire police personnel toward the goal of one officer per 1,000 population.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

4.14.2.4 Summary of Potential Impacts and Mitigation Measures

Police Protection Services requires no mitigation measures.

4.14.3 SCHOOLS

4.14.3.1 ENVIRONMENTAL SETTING

This section describes the existing conditions of Schools located within the City of McFarland and the potential impacts of buildout in the proposed Plan.

Regulatory Framework

Federal Regulations

Every Student Succeeds Act (ESSA) 2015

The "No Child Left Behind" Act of 2001 (NCLB) was replaced by the "Every Student Succeeds" Act (ESSA) in 2015. This law provides states increased authority on standards, assessments, accountability, supports, and interventions while preserving the general structure of the ESSA funding formulas. Most of the new provisions do not take effect until the 2017–18 school year, making the 2016–17 school year a transition year for local educational agencies (LEAs).

State Regulations

Leroy F. Greene School Facilities Act: Senate Bill 50 (SB 50)

SB 50 establishes a standardized development fee, which generally provides for a 50/50 local and state funding match, limiting local jurisdictions' ability to require mitigation of impacts on school facilities as an approval condition. This legislation also establishes a fee structure depending on the following: the availability of state funding, district eligibility, bonding capacity, year-round instruction, and proportion of mobile classrooms.

California Government Code, Section 65995(B), And Education Code Section 17520

Education Code Section 17520 authorizes the levy of development fees by school districts for use within the boundaries of the school district. SB 50 (above) amended California Government Code Section 65995, which requires an increase, per inflation, of the maximum square footage assessment for development fees. In 2012, the State Allocation board increased the allowable school facility fees (Level 1 School Fees) from $2.97 to $3.20 per square foot for 500 or more feet of residential development, and $0.47 to $0.51 per square foot for applicable commercial/industrial development.

California Department Of Education

The California Department of Education (CDE) develops standards and carries out programs so that California students will gain the highest level of academic knowledge, applied learning, and performance

skills to ensure civic and economic progress. The CDE adopts and support academic content and performance standards in the four core subjects for kindergarten and grades 1-12.

School Accountability Report Card

The School Accountability Report Card (SARC) requires all schools receiving state funding to prepare a SARC for each academic year. This information provides communities and parents information about public schools and allows for evaluation and comparison of schools based on a variety of indicators. Indicators include standardized test performance, enrollment and capacity evaluations, and facility maintenance. The SARC also acts as a progress report for a school's goal achievements.

California Standardized Tests

The State of California requires standardized tests in order to evaluate academic achievement in all public schools. Schools are rated in accordance with the State's Academic Performance Index (API) and results are included on the School Accountability Report Card (see above).

Local Regulations

Kern County Board of Education

The Kern County Board of Education (Board) supervises the educational and public school system in Kern County for levels kindergarten through the 12th grade. There are seven members on the Board that meet monthly to discuss and develop goals and policies to the Superintendent of Schools and the County School Districts. McFarland Unified School District falls under area two which is represented by Board member, James L. Bartleson.

Existing and Baseline Conditions

The McFarland Unified School District (MUSD) serves 3,570 students, with a maximum capacity of about 3,804 students in the facilities. The district has a student to faculty ratio of 24 to 1, which is below the state maximum ratio of 30 students to 1 faculty member. According to MUSD reports, graduation rates for the school district are exceptionally high, nearly 99%. All facilities within the school district are also structurally sound and in good condition. Within the Public Review Draft of the City of McFarland's General Plan Amendment Environmental Impact Report (EIR), the City identified the school district's facilities capacity as 3,252 students, but with a newly constructed elementary school increased capacity to 3,804. This number is based on the number of classrooms and general facilities.

4.14.3.2 Standards of Significance

CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on School capacity and facilities if it would:

3. Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Schools.

Methodology

Evaluation of the potential impact to public schools was based on the comparison of buildout in the proposed Plan to the California Department of Education student to teacher ratio to determine the potential increase for capacity and impacts to Schools.

4.14.3.3 Impact Discussion

This section discusses the proposed Plan specific impacts related to the City of McFarland School capacity for service and facilities.

PS – 3 With mitigation, buildout of the proposed Plan would result in **less-than-significant** adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Schools.

The proposed Plan aims for sufficient public facilities, services, and utilities for the City of McFarland. The current teacher to student ratio (1:24) is also lower than the national average (1:30). Construction of a new elementary school in 2016 increased facility capacity to 3,804. However, population growth under the proposed Plan could impact school capacity. Therefore, the following policies and programs in the Plan can help to assist the City of McFarland and the school district to adapt to growth in school population:

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Objective PF 4.1: Increase the capacity of school facilities which have reached or are near enrollment capacity.

Policy PF 4.1.1: Coordinate rehabilitation and maintenance of existing facilities with the McFarland School District.

Program PF 4.1.1.1: Expand according to the McFarland school district's growth plan.

Program PF 4.1.1.2: Identify where additional school capacity is needed based on proposed future development utilizing the most recent McFarland School District *School Enrollment Projections* report.

Applicable Regulations: None

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

4.14.3.4 Summary of Potential Impacts and Mitigation Measures

The following mitigation measures are intended to mitigate potentially significant impacts regarding Schools.

PS – 3 Buildout of the proposed Plan would result in **potentially significant** adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Schools.

The proposed Plan aims for sufficient public facilities, services, and utilities for the City of McFarland. However, population growth under the proposed Plan could impact school capacity. The following mitigation measures are proposed to address this likely deficiency.

Mitigation PS-3a:
Work with school district to identify population growth thresholds that require new school facilities to maintain adequate level of service for the growing youth population.

Significance After Mitigation: Less than significant.

4.14.4 PARKS

4.14.4.1 ENVIRONMENTAL SETTING

This section potential impacts of buildout in the proposed Plan for Parks within the City of McFarland.

The section on Recreation includes a detailed discussion on parks.

Regulatory Framework

Refer to section on Recreation for details

Existing and Baseline Conditions

Refer to section on Recreation for details

4.14.4.2 STANDARDS OF SIGNIFICANCE

CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on School capacity and facilities if it would:

4. Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Parks.

Methodology

Evaluation of the potential impact to Parks was based on the comparison of buildout in the proposed Plan to the National Recreation and Parks Association's standards. Refer to section on Recreation for details.

4.14.4.3 Impact Discussion

This section discuss the proposed Plan specific impacts related to the City of McFarland School capacity for service and facilities.

PS – 4 Buildout of the proposed Plan would result in **less-than-significant** adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Parks.

The proposed Plan aims for sufficient public facilities, services, and utilities for the City of McFarland. Refer to section on Recreation for details.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

4.14.4.4 Summary of Potential Impacts and Mitigation Measures

Parks require no mitigation measures. Refer to section on Recreation for details.

4.14.5 Other Public Facilities

Libraries are essential community centers that provide opportunities for education and community interaction. This section addresses Library Service and other public facilities in the City of McFarland.

4.14.5.1 Environmental Setting

Regulatory Framework

This section discusses federal and local regulations only as there are no applicable state regulations.

Federal Regulations

American with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 (ADA) maintains the national standard for pedestrian accessibility. ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and City government services, public accommodations, commercial facilities, and transportation. This includes standards that the City of McFarland needs to comply with regarding access to open space as well as access to publicly maintained recreational facilities.

State Regulations

There are no applicable state regulations

Local Regulations

Kern County Library Facilities Master Plan, 2020

The Kern County Library Facilities Master Plan, 2020 provides a broad outline of the County's 20-year plan for improving and expanding library branches. The Plan prioritizes library projects for State Bond Act funding.

Existing and Baseline Conditions

There is one branch of the Kern County Public Library system located in McFarland. The branch, named Clara M. Jackson is located along West Kern Avenue and serves the community with daily activities and other events. Most of the events are serving young children and after school type activities. The facility includes a multi-purpose community meeting room, public computers, and materials in both English and Spanish languages. According to the 2016 McFarland General Plan Environmental Impact Report, it was

opened on March 23, 1995. Due to budgetary constraints, it is only open 24 hours a week, and has fewer resources provided than most comparable facilities according to staff.

4.14.5.2 Standards of Significance

CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on the environment with respect to Library Services if it would:

5. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Other public facilities.

Methodology

Evaluation of the potential impact to Library Services was based on the comparison of build-out in the proposed Plan and existing library service information in the City of McFarland.

4.14.5.3 Impact Discussion

PS – 4 With mitigation, buildout of the proposed Plan would result in **less-than-significant** adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Other public Facilities.

The proposed Plan aim for sufficient public facilities, services, and utilities for the City of McFarland. Buildout in the proposed Plan does see increased population in McFarland which would likely increase demand for library services. This could require new construction for library facilities in the City of McFarland. The proposed Plan includes the following programs and policies that can assist the City of McFarland meet capacity for Library Service in adapting to population growth under the Plan.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Objective PF 5.1: Expand youth programs citywide.

Policy OS 2.3.2: Enhance recreational programs suitable for all ages and ability levels.

Applicable Regulations:

California Building Code

Americans with Disabilities Act (ADA)

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

4.14.5.4 Summary of Potential Impacts and Mitigation Measures

The following mitigation measures are intended to mitigate potentially significant impacts regarding Other public facilities like libraries.

PS – 5 Buildout of the proposed Plan would result in **potentially significant** adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Other public facilities.

The proposed Plan aims for sufficient public facilities, services, and utilities for the City of McFarland. However, population growth under the proposed Plan could impact demand for library. The following mitigation measures are proposed to address this likely deficiency.

Mitigation PS-5a:

Coordinate with Kern County Library to address the specific needs of the community and funding sources required to build library service and other services to meet those needs.

Significance After Mitigation: Less than significant.

4.14.6 REFERENCES

California Department of Education. (2018). Class Size Penalties - CalEdFacts. Retrieved from https://www.cde.ca.gov/fg/aa/pa/cefcsp.asp

California Emergency Medical Services Authority. (2019). Regulations. Retrieved from https://emsa.ca.gov/regulations/

City of McFarland (Prepared by Michael Baker International). (2016). Public Review Draft Environmental Impact Report- City of McFarland General Plan Amendment. City of McFarland: McFarland, CA

4.15 Recreation

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Parks are critical community assets that provide opportunities to members of the public for outdoor recreation, exercise, and community interaction. This section addresses Parks within the City of McFarland.

4.15.1 Environmental Setting

This section describes the existing conditions of Parks located within the City of McFarland and the potential impacts of build-out of the proposed Plan to Parks.

4.15.1.1 Regulatory Framework

Federal Regulations

Americans With Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 (ADA) maintains the national standard for pedestrian accessibility. ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and City government services, public accommodations, commercial facilities, and transportation. This includes standards that the City of McFarland needs to comply with regarding access to open space as well as access to publicly-maintained recreational facilities.

National Recreation And Park Association (NRPA)

The National Recreation and Park Association (NRPA) sets the standard for land dedicated to parks based on population. NRPA categorizes parkland in three different typologies: Neighborhood, Community, and Regional. The overall standard for all parks is approximately 6.25 to 10.5 acres per 1,000 people. The standard for neighborhood parks is between 1 to 2 acres of park space per 1,000 people. The standard for community parks is between 5 and 8 acres per 1,000 people. The standard for regional parks is between 5 to 10 acres per 1,000 people (National Recreation and Park Association, 2012).

State Regulations

California Government Code: Open Space Lands -Sections 65560–65568

This portion of California planning law defines open space and requires cities and counties to prepare an open space plan as a required element of its General Plan. Building permits, subdivision approvals, and zoning ordinance approvals must be consistent with the local open space plan.

California Public Resources Code: Open ‑ Space Elements And Trail Considerations -Section 5076

This law requires that during development of the General Plan, counties should consider trail - _oriented recreational use and should consider the community demand in developing specific open space programs. Additionally, cities should consider the feasibility of integrating current and future trail routes with appropriate segments of the State system.

The Quimby Act

The Quimby Act, or the Subdivision Map Act allows communities to require the dedication of land and/or the payment of in-lieu fees for park and recreation purposes. Required dedication and/or fees can be based on factors such as adjacent residential density and parkland cost. Land or fees dedicated due to the Quimby Act are only able to be used for developing new or rehabilitating existing park or recreational facilities. The maximum dedication and/or fee allowed under current State law equates to three acres of parkland per 1,000 persons, unless the park acreage of a municipality exceeds that standard, in which case the maximum dedication is five acres per 1,000 residents.

Local Regulations

Kern County Municipal Code

Kern County holds valuable land in open space preservation for natural resource use. These protections, detailed in the Kern County Municipal Code and the Open Space Element of the County General Plan,

provide protections that McFarland might follow. Mined petroleum and minerals additionally supply a key economic resource for the future of McFarland.

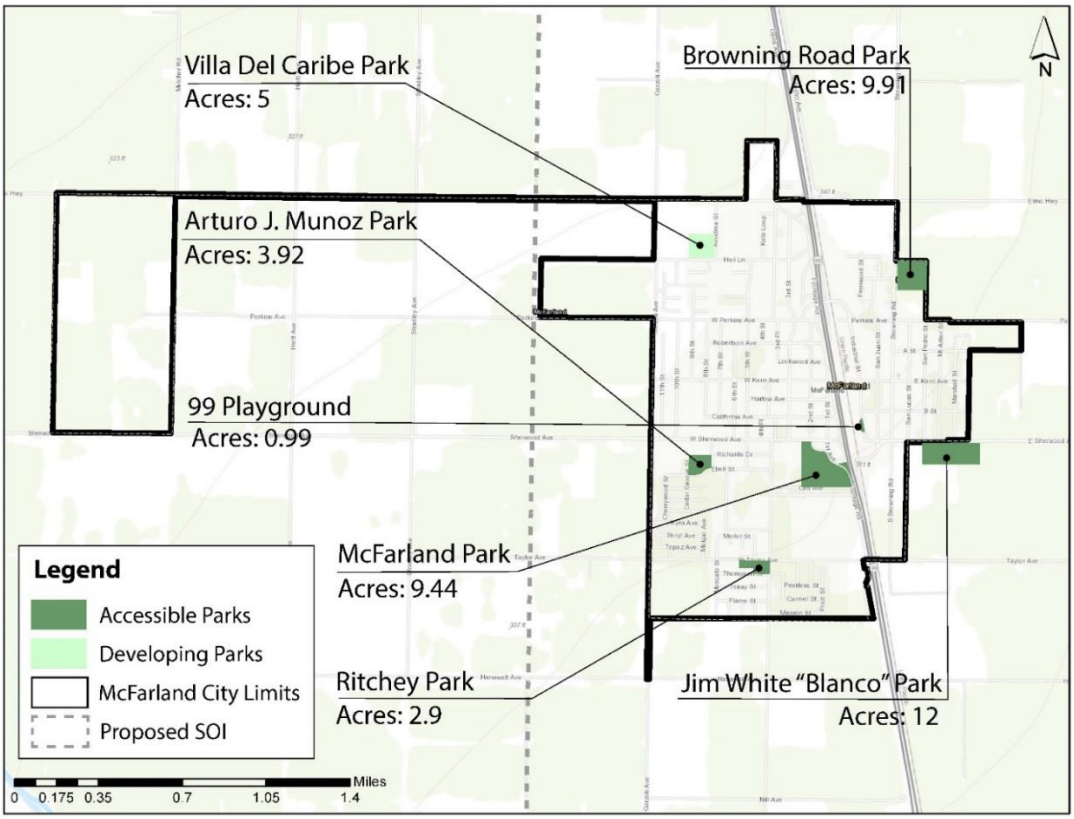
Kerns County's Public Facilities and Services Element contains several goals pertaining to open space as a recreational asset. These goals aspire to provide citizens with the full benefits of habitat and open space in fresh and vibrant ways. Fostering this vision provides a variety of activities to the residents and visitors of McFarland, thus guiding future open space use and engagement.

4.15.1.2 Existing and baseline Conditions

There are seven facilities located within McFarland's Sphere of Influence (SOI) that qualify as recreational open spaces. As shown in Map 4.15-1, these park facilities include five developed parks:

- McFarland Park
- Browning Road Park
- Ritchey Park
- Arturo J. Munzo Park
- Jim White "Blanco" Park

Map 4.15-1: Park Locations and Acreage



Two other parks in McFarland do not have formal names. These include the Highway 99 park, a playground and shade structure located immediately east of Highway 99, and the grassy field located by the public library with no amenities. The library field location presents potential for open space development and would satisfy a need for additional park density in the area. An 8th park site, Villa Del Caribe Park, is set to be developed on the far north end of town, bordered by Hail Lane and Valencia Drive. The site is an undeveloped field bounded by sidewalks and near to other parcels under development. The City has received a grant to develop a community garden between the railroad and Industrial Street north of Sherwood Avenue.

McFarland prides itself on its youth sports, which bring the community together in McFarland's neighborhood parks and foster community engagement and civic pride. Although parks in McFarland provide an essential space to express community identity, input from residents indicate a perceived lack of security and reports of gang activity. Parks that are not well lit can become dangerous places at night, as they offer places out of sight from nearby residential uses. The City has responded to these security concerns by implementing a ban on all alcohol without a permit in public places, including parks.

The parks holding the fewest amenities include the Highway 99 playground, Arturo J. Munoz Park, and the library field. Exercise equipment appears least frequently of all amenities in Map 4.15-2, with only McFarland Park and Ritchey Park hosting those facilities. Publicly accessible exercise machines are of great benefit to the community, as they offer exercise options to multiple publics and allow for social interaction. If presented and maintained properly, these facilities can appeal to disabled persons and seniors who could not traditionally enjoy access to park facilities. Through ADA certification, park features allow access to all, benefiting the equity and accessibility of the community. Multiple residents in community meeting feedback mentioned a desire for more basketball courts, which are present in three of the parks. McFarland's parks, which contain multiple open fields and already paved parking areas, have the potential to accommodate this use. In addition, a possible water-saving strategy could involve the conversion of some lawn space into hardscape for basketball and collecting water runoff into existing landscaping uses.

The City of McFarland's budgetary documents indicate that park development remains in-progress, and that the initial operation and maintenance of the park by the Parks District/Tri-Agency will begin in the fiscal year 2020. The budgetary documents also describe that the future maintenance of Villa Del Caribe presents one of the largest new expenses incurred by the City in ongoing maintenance costs despite low initial capital cost. Potential discussion of the priorities at a municipal level for future park projects, even though grant monies might bear initial capital costs, would help to ensure productive and well-maintained facilities. Table 4.15-1 and Map 4.15-2 indicate public amenities and services located in each of the presently developed park facilities.

MAP 4.15-2: PARKS AND PARK SERVICES IN MCFARLAND

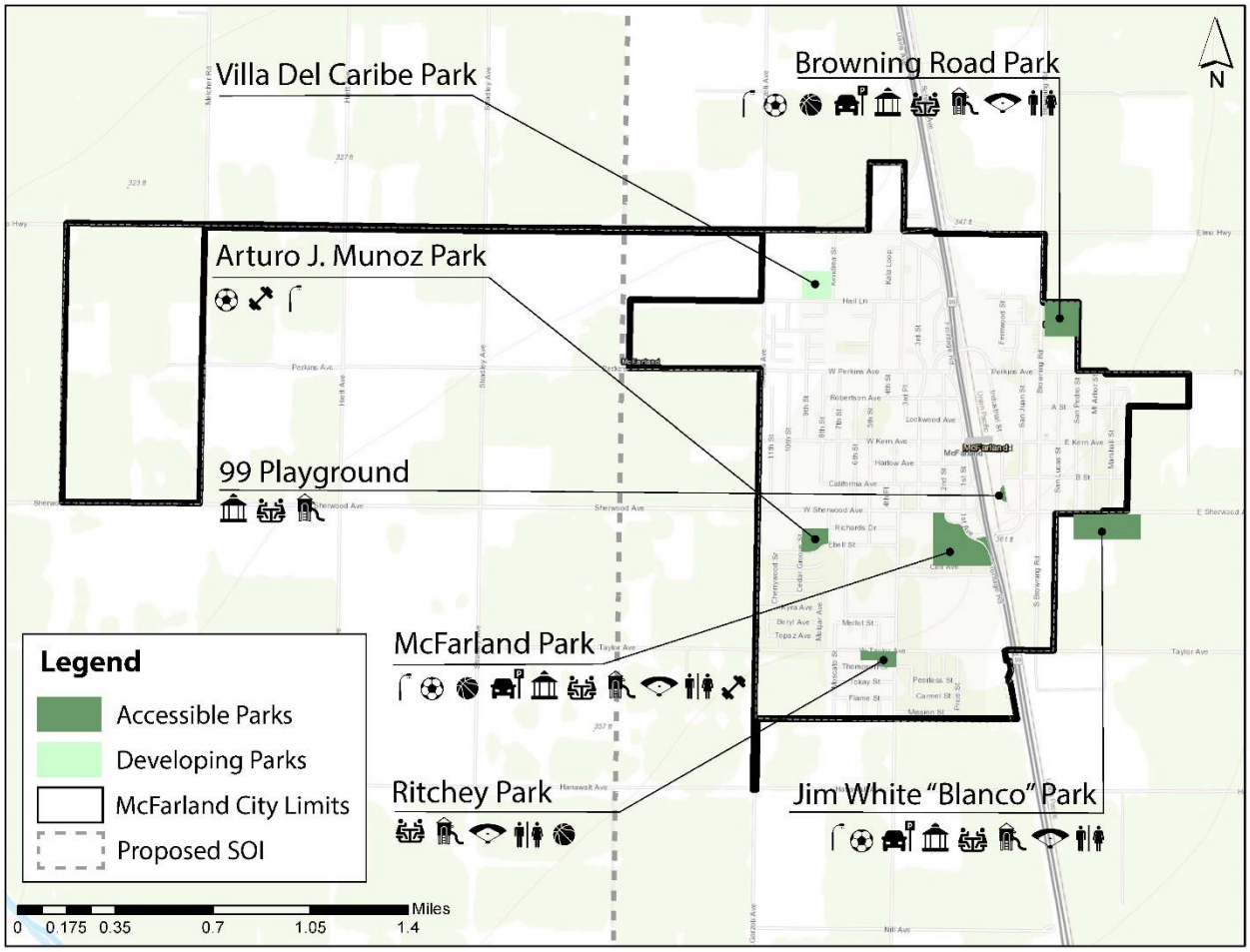


TABLE 4.15-1: PARK SERVICES

PARK NAME	PARKING	OPEN FIELD	PLAYGROUND	PICNIC TABLES	SHADES	BATHROOM	OUTDOOR EXERCISE EQUIPMENT	BASKETBALL COURT	BASEBALL FIELD	BBQ STANDS
McFarland Park										
Browning Road										
Jim Blanco White										
Arturo J. Munoz										
Ritchey Park										
SR 99 Park										
Library Field										

Green indicates presence of listed amenity. Red indicates potential for listed amenity.

4.15.2 Standards of Significance

4.15.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on the environment with respect to Parks if it would:

1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated;
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.15.2.2 Methodology

The potential impacts to Parks are based on evaluation of the proposed Plan in comparison with park standards set by the National Recreation and Park Association (NRPA), which sets standard for land dedicated to parks based on population.

4.15.3 Impact Discussion

This section discusses the proposed Plan specific impacts related to City of McFarland library and public park service and facilities.

Rec – 1 Buildout of the proposed Plan would result in **less-than-significant** adverse impacts regarding increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

There are currently 7 parks and 35 acres of parks in McFarland. The proposed Plan proposes an increase in park acreage overall. The Plan expands the amount of parkland within the City of McFarland to 66 acres achieving a parks-to-residents ratio of 2 acres per 1,000 residents. McFarland's ratio under the proposed Plan is consistent with the national parks-to-residents average (1 to 2 acres per 1,000 residents) and higher than the ratios of some of the other San Joaquin Valley cities. While population growth would inevitably require demand for park use, the addition of park space would preclude overuse of parks to result in their

deterioration. Additionally, the proposed Plan includes the following programs and policies to assist the City of McFarland in meeting capacity for public parks.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Policy OS 1.3.1: Work with the McFarland Recreation and Parks District to maintain or upgrade park amenities.

Program OS 1.3.1.1: Add sitting structures, trash cans, lighting, street trees, and widened sidewalks to 5th street, W Sherwood Street, Woodruff Avenue, W Kern Avenue, E Kern Avenue, Browning Road and E Sherwood Avenue.

Program OS 1.3.1.2: Install new motion-detecting lights in areas where residents feel unsafe, ensuring that new installations do not disturb surrounding residential areas.

Program OS 1.3.1.3: Provide attractive, water-wise trees and shrubs within parking areas to reduce the heat island effect and increase ground permeability.

Program OS 1.3.1.4: Include bike racks in open spaces to encourage biking.

Program OS 1.3.1.4: Provide multi-age playground and park equipment.

Policy OS 2.2.1: Increase functionality of outdoor open spaces and facilities.

Program OS 2.2.1.1: Expand programming of City parks and recreation facilities.

Program OS 2.2.1.2: Add outdoor exercise equipment, playgrounds, and other recreation opportunities to public open space where practical.

Policy PF 6.1.1: Improve safety near parks, schools, and other pedestrian corridors.

Applicable Regulations:

NRPA Park Standards

Americans with Disabilities Act (ADA)

Significance Before Mitigation: Less than significant

REC – 2 BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT INCLUDING RECREATIONAL FACILITIES OR BY REQUIRING THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES

The Plan proposes an increase in park acreage overall to 66 acres. This expansion would achieve a parks-to-residents ratio of 2 acres per 1,000 residents, which would be consistent with the national parks-to-residents average of 1 to 2 acres per 1,000 residents. The increase in park space is to improve the scenic beauty of the City rather than impose an adverse physical impact. Additionally, the proposed Plan includes the following programs and policies to assist the City of McFarland in enhancing recreational facilities.

Policy OS 1.3.1: Work with the McFarland Recreation and Parks District to maintain or upgrade park amenities.

Program OS 1.3.1.1: Add sitting structures, trash cans, lighting, street trees, and widened sidewalks to 5th street, W Sherwood Street, Woodruff Avenue, W Kern Avenue, E Kern Avenue, Browning Road and E Sherwood Avenue.

Program OS 1.3.1.2: Install new motion-detecting lights in areas where residents feel unsafe, ensuring that new installations do not disturb surrounding residential areas.

Program OS 1.3.1.3: Provide attractive, water-wise trees and shrubs within parking areas to reduce the heat island effect and increase ground permeability.

Program OS 1.3.1.4: Include bike racks in open spaces to encourage biking.

Policy PF 6.1.1: Improve safety near parks, schools, and other pedestrian corridors.

Program PF 6.1.1.1: Conduct a lighting audit to determine where lighting is most needed in collaboration with the Tri-Agency.

Program PF 6.1.1.2: Pursue funding opportunities for construction and maintenance of lighting facilities.

Program PF 6.1.1.3: Meet lighting operating costs with special assessment fee on businesses.

Policy AG 1.2.2: Use sustainable open space management practices.

Program AG 1.2.2.1: Encourage practices that reduce the strain on the hydrological infrastructure.

Program AG 1.2.2.2: Encourage practices that reduce wastewater demand on the flow-limiting wastewater pipe under Highway 99.

Program AG 1.2.2.3: Enact open-space zoning, such as exclusive agriculture zones, large-lot zones, and overlay zones for hazard areas, to be consistent with this plan.

Program AG 3.1.2.3: Adopt water-wise landscaping at public facilities and parks to reduce demand.

Program AG 3.1.2.4: Showcase drought tolerant landscapes, for instance, with model water-efficient landscapes in public parks, that private citizens could emulate to help encourage broad adoption.

Applicable Regulations:

NRPA Park Standards

Americans with Disabilities Act (ADA)

Significance Before Mitigation: Less than significant

4.15.4 Summary of Potential Impacts and Mitigation Measures

Recreation requires no mitigation.

4.15.5 References

California State Parks. (2015). Statewide Comprehensive Outdoor Recreation Plan (SCORP). Retrieved from https://www.parksforcalifornia.org/scorp

City of McFarland (Prepared by Michael Baker International). (2016). Public Review Draft Environmental Impact Report- City of McFarland General Plan Amendment. City of McFarland: McFarland, CA

4.16 Transportation

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			x	
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? . . . . *i.e., Is VMT exceeding an applicable threshold of significance?*			x	
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x
4. Result in inadequate emergency access?			x	

4.16.1 Environmental Setting

4.16.1.1 Regulatory Framework

This section describes and summarizes the key federal, State, County, and City statutes, regulations, and policies that apply to the proposed Plan. The following subsections provide context for discussion of impacts of the proposed Plan.

Federal Regulations

United States Department of Transportation

The Federal Highway Administration (FHWA) is the agency of the USDOT responsible for the federally funded roadway system. Federal laws and regulations related to street maintenance, traffic safety, and transportation funding among many other aspects of the transportation network, are established through

the framework for transportation planning at the federal level: Moving Ahead for Progress in the 21st Century (MAP-21), approved in 2012.

Surface Transportation Assistance Act (STAA)

The STAA, passed in 1982, allows trucks to operate on the interstate and certain primary routes collectively called the National Network. These routes, referred to as STAA routes, have larger turning radii than most local roads can accommodate.

Americans with Disabilities Act (ADA)

The ADA of 1990 provides comprehensive rights and protections to individuals with disabilities. The ADA was created to guarantee equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities. In order to ensure accessibility, the Department of Justice revised regulations for Titles II and III of the ADA in September 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design, or the "2010 Standards." Compliance with the 2010 Standards has been required for all new construction and alterations since March 2012. The guidelines address various issues including roadway design practices, slope and terrain issues, and pedestrian access to streets, sidewalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. These guidelines would apply to proposed roadways in the Plan Area.

State Regulations

California Department of Transportation (Caltrans)

Caltrans is the primary responsible party for transportation issues in the State of California. The Caltrans Transportation Plan (CTP) (2035) provides broad system concepts, strategies, and performance measures for all modes on State facilities.

Caltrans is tasked with constructing and maintaining the State highway system. Caltrans is the approval body for the planning, design, and construction of improvements for all State-controlled facilities including State Route (CA) 43 and CA 46.

Caltrans' Transportation Concept Reports identify existing conditions and specific long-range improvements for specific State highway segments. Long-range improvements are identified to improve existing facilities up to the design concept expected to adequately serve 20-year traffic forecasts.

The following Caltrans procedures and directives are relevant to Plan Components, particularly State roadway facilities:

- *Level of Service (LOS) Target* – Caltrans historically maintained a minimum LOS between LOS C and LOS D for all of its facilities. Where an existing facility is operating below the C/D threshold, the existing measure of effectiveness should be utilized as the minimum LOS for future development.
- *Vehicle miles traveled (VMT) Target* – Vehicle miles traveled measures the total amount of travel of all individuals or vehicles in a region over a specified period. With the passing of

California Senate Bill 743 (SB 743), level of traffic congestion (measured in terms of LOS) is no longer considered the measure of significant environmental impact within transportation analyses under the California Environmental Quality Act (CEQA). VMT is considered a more complete performance measure because it addresses a wider range of transportation issues and goals, including congestion management, infill development, public health through active transportation, and greenhouse gas emission reduction. The VMT reduction standard per OPR's 2018 Technical Advisory states that in most instances, a per capita or per employee VMT that is 15% below that of existing development may be a reasonable threshold.

- *Project Development Procedures Manual* – This manual outlines relevant statutory requirements, planning policies, and implementation procedures regarding transportation facilities. It is continually and incrementally updated to reflect changes in policy and procedures.
- *Deputy Directive 64* – This directive requires Caltrans to consider the needs of non-motorized vehicles in all programming, planning, maintenance, construction, operation, and project development activities and products. This includes incorporation of the best available standards in all of Caltrans's practice.
- *Deputy Directive 64-R1* – This directive requires Caltrans to provide for the needs of travelers of all ages and abilities in all planning, programming, design, construction, operations, and maintenance activities and products on the State highway system. Caltrans supports bicycle, pedestrian, and transit travel with a focus on "complete streets."
- *Directors Policy 22* – This policy establishes support for balancing transportation needs with community goals. Caltrans seeks to involve and integrate community goals in the planning, design, construction, and operations processes, including accommodating the needs of bicyclists and pedestrians.

Senate Bill 743

SB 743 directs OPR to establish specific "criteria for determining the significance of transportation impacts of projects[.]" (Pub. Resources Code, § 21099, subd. (b)(1).) In establishing the criteria, OPR took guidance from the general principles contained within CEQA, the CEQA Guidelines, and applicable case law. From July 2020, development proposals in California are to base impact analysis on vehicle miles travelled (VMT) reduction.

California Complete Streets Act of 2008

The California Complete Streets Act, Assembly Bill (AB) 1358, requires cities and counties, when updating their general plans, to include complete street polices so that roadways are designed to safely accommodate all users, including motorists, bicyclists, pedestrians, transit riders, children, elderly, and persons with disabilities.

California Transportation Commission (CTC)

The CTC consists of nine members appointed by the Governor. The CTC is responsible for programming and allocation of funds for the construction of highway, passenger rail, and transit improvements

throughout the State, including the Plan Area. The CTC is also responsible for managing funding for the State Transportation Improvement Program (STIP) and the State Highway Operation and Protection Program (SHOPP).

Local Regulations

Kern Council of Government

2014 Regional Transportation Plan/ Sustainable Community Strategy

The Kern Council of Governments (Kern COG), the regional transportation planning agency for Kern County, developed and adopted the Regional Transportation Plan (RTP) in June 2014. The RTP looks 26-years ahead and establishes policies, goals, and actions to guide development of the planned multimodal systems in Kern County. The RTP complies with State and Federal transportation planning requirements for short-term and long-range transportation planning. Kern COG's comprehensive RTP examines the roadway network and aims to improve the existing transportation system through the year 2040.

Regional Transportation Improvement Program (RTIP) 2014

Kern COG adopted its 2014 Regional Transportation Improvement of Projects in 2013. Kern COG identified seven projects for construction by the California Transportation Commission including State Route 46 with segments 1, 2, 4 and 4A, extending through the City of McFarland.

County of Kern

Kern County Regional Bicycle Plan Volumes I & II

The bicycle master plan and complete streets recommendations focus on the unincorporated portions of Kern County, including Metropolitan Bakersfield, the Greater Tehachapi Area, the Kern River Valley, Indian Wells Valley and Lake Isabella.

The Plan proposes 751 miles of new bikeways, including 41 miles of Class I bike paths, 291 miles of Class II bike lanes, 99 miles of Class III bike routes, 188 miles of Class III bike routes on State routes, and 16 miles of Neighborhood Green Streets (Kern County, 2012). It includes both short-term and long-term bicycle parking facilities. The Kern County Bicycle Master Plan and Complete Streets Recommendations also include recommendations for education, encouragement, enforcement, and evaluation programs. Examples include public awareness campaigns, bike share, targeted bicycling enforcement, and annual bicycle counts

County Traffic Impact Analysis

Kern County has established guidelines that determine when a traffic impact analysis

must be prepared when a development project is proposed in the County. According to the County's Subdivision Ordinance, a traffic impact study must be prepared if it is expected to generate more or less than 50 trips per day; however, specific circumstances require a traffic study. Kern County should not allow new roads to be unpaved if they will be serving at least 50 vehicles per day.

Kern County General Plan (2009)

The Kern County General Plan includes a circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes,

terminals, and other local public utilities and facilities, all correlated with the land use element of the plan. The County identifies several California Court examples that have required local governments to update their circulation element to be all correlated with the land use element of the plan. Under the future growth section of Kern County's General Plan, one goal states, "Kern County intends to make the County' land use and circulation plans in accord with 21st Century growth and lifestyle," (Kern County, 2009).

Kern County Air Pollution Control District

In compliance with California's Clean Air Act, Kern County's Air Pollution Control District was established to attain and maintain National and State Ambient Air Quality Standards and to ensure air pollutants do not pose a nuisance or significant public health threat.

4.16.1.2 Existing and baseline Conditions

The majority of McFarland's existing road network is automobile oriented. 94.2% of McFarland's residents travel to work by automobile. According to the 2017 American Community Survey (ACS), 79.0% of residents drove alone to work in a single-occupancy vehicle and 15.1% carpooled in a car, truck, or van. 33.8% of respondents take between 15 minutes and 19 minutes to commute to work. Of the households with workers 16 years and over, 36.1% have 3 or more vehicles available for use. McFarland's street layout is grid system divided by Highway 99 with connections to neighboring cities.

Vehicular Circulation

Caltrans manages the highway that connects the McFarland road network to Kern County and adjacent cities. McFarland is served by a single highway. Map 5-1 displays the road network in McFarland. On the map, Highway 99 is noted with the blue line, arterial streets with the pink line, collectors with the gold line, and local roads with the green line.

Functional Roadway Classifications

The following content defines the existing road hierarchy in the City, from the largest to smallest road. Arterials carry large volumes of traffic and may connect to freeways, collectors link arterials and local streets while also providing direct access to properties, and local streets carry the least volume of traffic.

Arterial Streets

An arterial road is a high-capacity road with the primary function to connect traffic from collector roads to freeways that connect the City to the region with a high level of service. In McFarland,

arterial streets consist of two-to-four lane facilities. Also, the arterial streets connect the City to the farm fields in neighboring County-owned land.

Collector Streets

Collector streets function to move traffic from local streets to arterial roads. Collector roads provide connectivity to residential, commercial, and industrial land uses.

Local Streets

Local streets provide direct access to abutting properties and allow for localized movement of traffic. These streets have the lowest speed limits and carry low volumes of traffic.

Existing Network

Caltrans manages the highway that connects the McFarland road network to Kern County and adjacent cities. McFarland is served by a single highway. Map 4.16-1 displays the road network in McFarland. On the map, Highway 99 is noted with the blue line, arterial streets with the pink line, collectors with the gold line, and local roads with the green line.

Highway 99 runs through McFarland in the north-south direction. The highway separates the City into two distinct sides with three overpasses connecting the City. Highway 99 connects McFarland to Bakersfield, 25 miles south, and Delano, around 7 miles north.

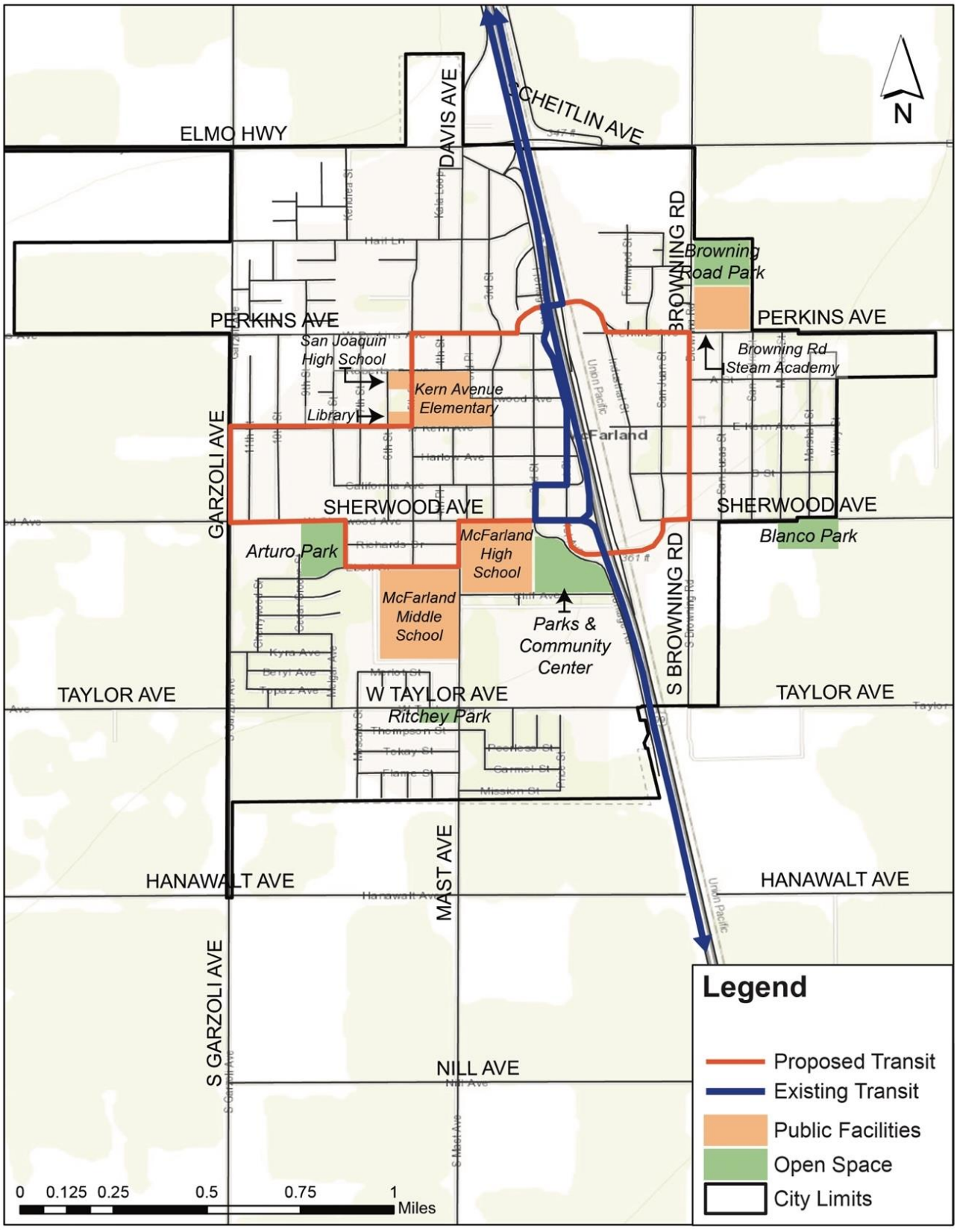
Arterial streets in McFarland include:

- Garzoli Avenue,
- Elmo Highway,
- Sherwood Avenue, and
- Hanawalt Road

Major collector streets include:

- Stradley Avenue,
- Mast Avenue,
- Third Street,
- Hail Lane,
- Second Street,
- Browning Road,
- Driver Road,
- Nill Avenue,
- Taylor Avenue,
- Perkins Avenue, and
- Peterson Road

MAP 4.16-1: EXISTING ROAD NETWORK IN MCFARLAND



Collector streets include:

- 5th Street,
- 2nd Street,
- Davis Street,
- 3rd Street, and
- Kern Avenue

Existing VMT

In response to Senate Bill 743 requiring lead agencies to assess VMT impacts of projects, the California Department of Transportation (Caltrans) provides data from the California Statewide Travel Demand Model (CSTDM) for use to assess VMT resulting from residential and office land use projects, and to set thresholds of significance. The City of McFarland and its Sphere of Influence falls within Travel Analysis Zone (TAZ) 2949. According to the CSTDM, McFarland had a per capita home-based VMT of 17.7 miles in 2010, which was projected under baseline conditions to reduce to 16.8 for a 5 percent reduction. Similarly, McFarland had an employee based VMT of 21.8 miles per employee in 2010, which was projected under baseline conditions to reduce to 18.5 for a 15 percent reduction. These levels of baseline reduction in VMT are below the greenhouse gas reduction thresholds implicit in Table 4.16-1.

TABLE 4.16-1: GREENHOUSE GAS EMISSIONS REDUCTION TARGETS

Legislative Mandates/ State Policies	Description of Thresholds
Assembly Bill 32 (2006)	Requires statewide GHG emissions reductions to 1990 levels by 2020 and continued reductions beyond 2020
Senate Bill 32 (2016)	Requires at least a 40 percent reduction in GHG emissions from 1990 levels by 2030.
Senate Bill 375 (2008)	The California Air Resources Board GHG emissions reduction targets for metropolitan planning organizations (MPOs) to achieve based on land use patterns and transportation systems specified in Regional Transportation Plans and Sustainable Community Strategies (RTP/SCS). Current targets for the State's largest MPOs call for a 19 percent reduction in GHG emissions from cars and light trucks from 2005 emissions levels by 2035.
Executive Order B-30-15 (2015)	Requires a GHG emissions reduction target of 40 percent below 1990 levels by 2030.
Executive Order S-3-05 (2005)	Sets a GHG emissions reduction target of 80 percent below 1990 levels by 2050.

Legislative Mandates/ State Policies	Description of Thresholds
Executive Order B-16-12 (2012)	Specifies a GHG emissions reduction target of 80 percent below 1990 levels by 2050 specifically for transportation.
Executive Order B-55-18 (2018)	Requires an additional statewide goal of achieving carbon neutrality as soon as possible, but no later than 2045, and maintaining net negative emissions thereafter. It states, "The California Air Resources Board shall work with relevant state agencies to develop a framework for implementation and accounting that tracks progress toward this goal."
Senate Bill 391	Requires the California Transportation Plan to support 80 percent reduction in GHGs below 1990 levels by 2050.
California Air Resources Board Mobile Source Strategy (2016)	Describes California's strategy for containing air pollutant emissions from vehicles and quantifies VMT growth compatible with achieving state targets.
The California Air Resources Board's *2017 Climate Change Scoping Plan Update: The Strategy for Achieving California's 2030 Greenhouse Gas Target*	Describes California's strategy for containing GHG emissions from vehicles and quantifies VMT growth compatible with achieving state targets.

Transit Operations

The City does not have any intercity transit lines but is served by other public transit services; Kern Transit provides inter-community bus services, whereas Dial-a-Ride (DAR) serves within the City boundary. Due to the limited transit services and automobile-centric characteristics of McFarland, only about 0.7% or 34 residents commute by transit to work. However, approximately 15% of residents carpool to their workplaces, which indicates an opportunity for mode-shift to transit from private automobiles. The following subsections explain the two existing public transits in detail.

Dial-a-Ride

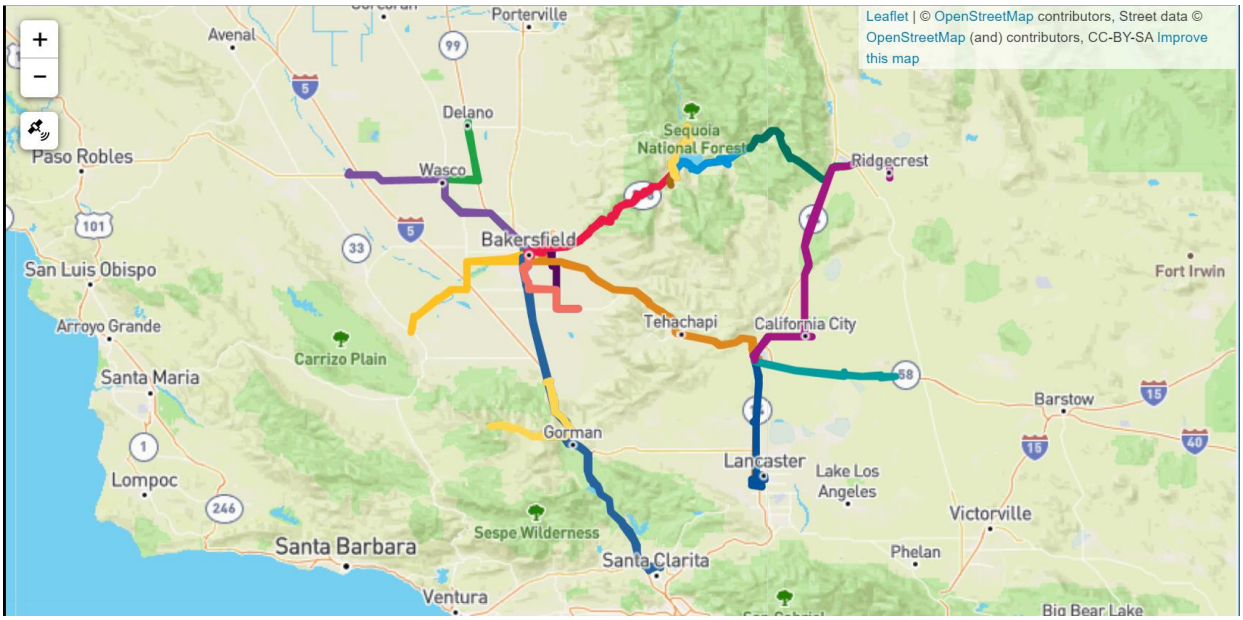
Dial-a-Ride is a demand-responsive transit service for both the public and people with disabilities. This transit service is funded by a combination of various funding sources such as Farebox Revenue, Federal Transit Administration (FTA) Section 5311, California Transportation Development Act (TDA), Low Carbon Transit Operations Program (LCTOP), and Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) program by the Kern Council of Governments (Kern COG). DAR is also provided at $1 for adults and $0.50 for seniors and children over the age of 3 years. However, despite government funding, the service is limited in terms of service area, employees, and hours of operation.

The 2015 Transit Development Plan (TDP) notes that the service area is limited to the City boundaries, and there are only two assigned DAR drivers who work in staggered schedule. The hours of operation are Monday through Friday from 8:00 AM to 4:15 PM, which reveals that residents without automobiles need to find other means of transportation after operation hours. The TDP reports adult ridership at 45.8%, youth ridership at 26.7%, and senior and people with disabilities ridership at 10.7%. This indicates potential public ridership for fixed intercity bus service.

Kern Transit

Kern Transit Route 110 connects McFarland with Delano in North and Wasco and Bakersfield in the South. As shown in the Map 4.16-2, the bus runs along the Highway 99 and stops at the McFarland Community Center on Sherwood Avenue. Map 5-3 from Kern Transit (2019) shows that the Route 110 transit riders can either transfer at Wasco station to reach Lost Hills or Bakersfield central station to reach other parts of Kern County. The frequency and hours of operation of the transit are higher and longer on weekdays than on weekends; the buses run on one-to two-hour intervals until late afternoon on weekdays and every four hours until early afternoon on weekends. The TDP assumes that the purpose of intercity commutes mainly consists of accessing services that are absent in McFarland such as higher education, medical services, and social services.

MAP 4.16-2: EXISTING KERN REGIONAL TRANSIT LINES, 2019



Source: Kern Transit

Rail

There is no passenger rail service available in McFarland. However, the Amtrak San Joaquin line connecting Bakersfield to Oakland and Sacramento runs through a station platform in Wasco (13 miles to the southwest), as well as through a full-service station in Bakersfield (25 miles to the southeast). Six northbound and southbound trains serve this line daily. The Amtrak stations are accessible to McFarland residents via private vehicle and the North Kern Express bus.

The trains run on the Burlington Northern and Santa Fe (BNSF) railroad. Future expansion of Amtrak to McFarland and other cities in the region was suggested in the 2012 Kern Commuter Rail Study. This suggestion is reiterated here considering anticipated population growth in the area.

The Union Pacific Railroad also operates a freight rail service through the City, as does BNSF, although freight is received at Burlington Northern terminals in Wasco and other locations outside of McFarland. However, Union Pacific has expressed interest in giving McFarland permission to construct a rail on-ramp for freight loading, which could be an opportunity for local economic development. Trucking is the primary form of freight transport into and out of McFarland.

The railroad tracks through McFarland run alongside Highway 99 and do not intersect with vehicle traffic nor with active transportation traffic.

Pedestrian Network

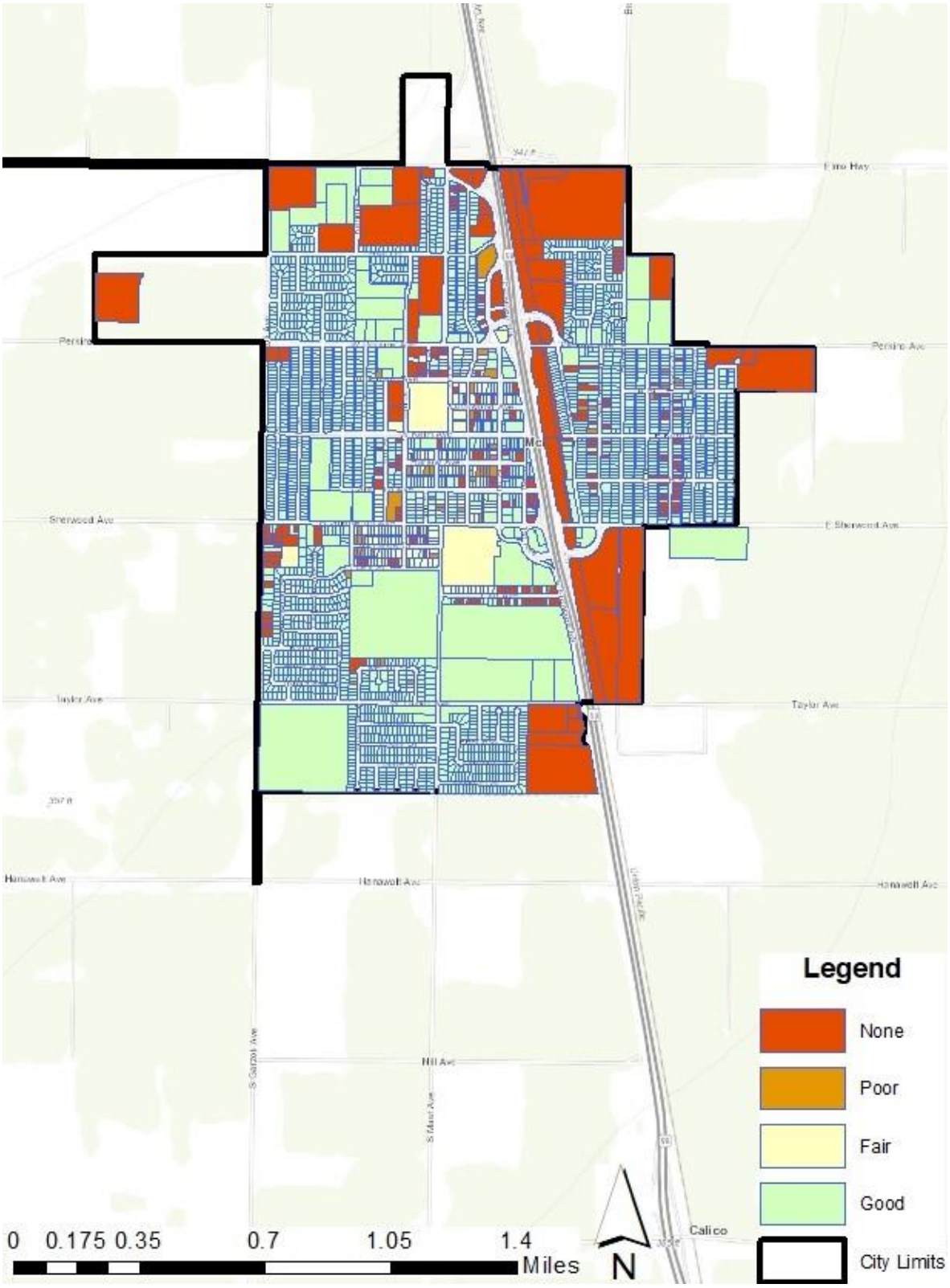
As shown in Map 4.16-3, most residential parcels have adequate sidewalk conditions and relatively few have poor to no sidewalks. Most of the parcels without sidewalks include agricultural fields and vacant lots in the central part of the City, however. From the land use inventory, it is found that most sidewalks have a minimum width of 4 feet as required by the Americans with Disabilities Act (ADA). There are also few to no obstructions on the sidewalks. Although the sidewalks are in good condition overall, the 2017 ACS reports that only about 0.6% of residents walk to their workplaces. To encourage walking for short distance trips, the City can improve the existing pedestrian facilities by providing aesthetically pleasing walking environments with amenities such as landscaping, shade, and benches.

Bicycle Network

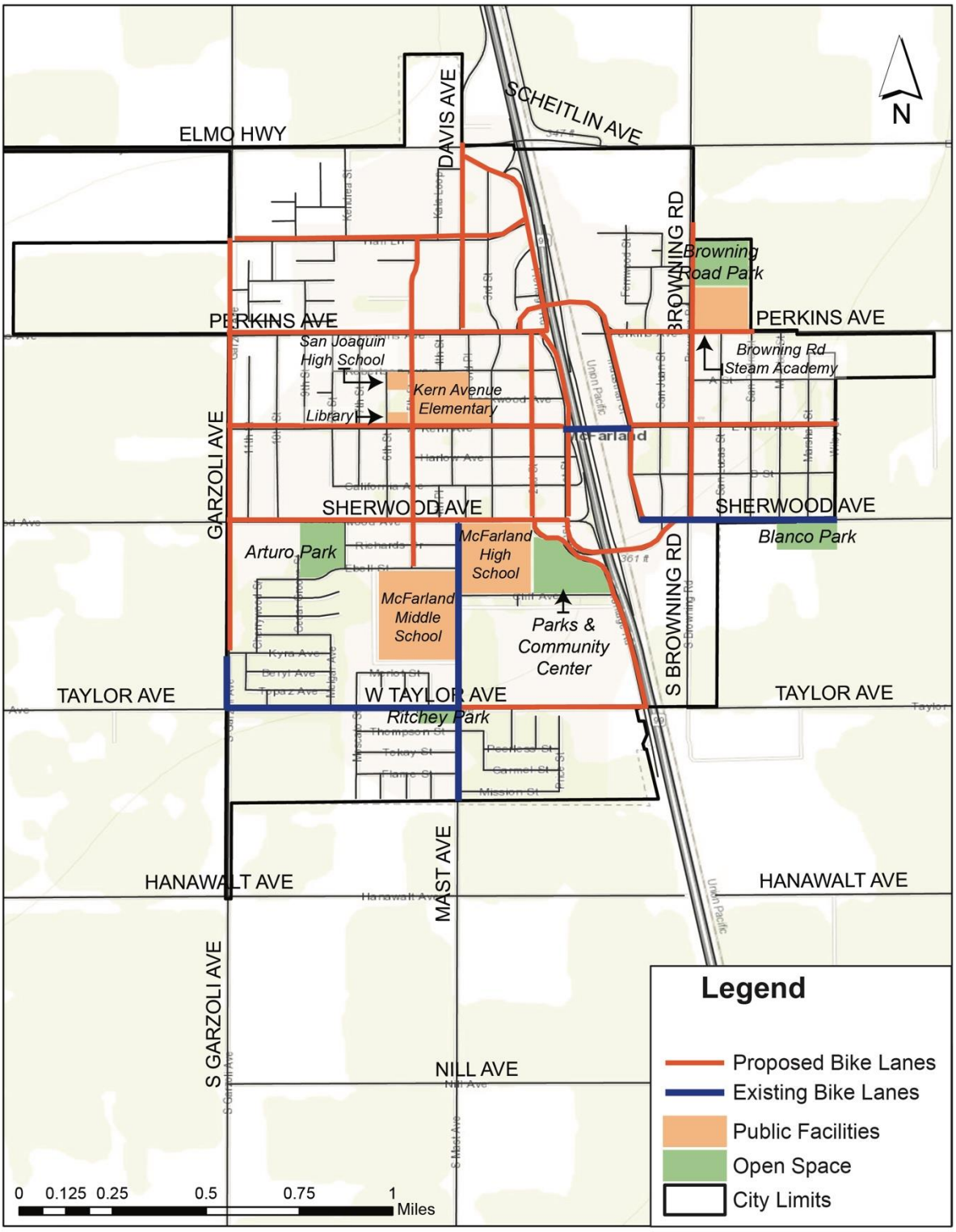
Existing Network

McFarland has only two segments with Class II or striped bike lanes, one on Garzoli Avenue and one on Mast Avenue as shown in Map 4.16-4. The bike lane on Garzoli Avenue runs only on the northbound side of the street for about 1/10 of a mile, from Kyra Avenue to Taylor Avenue. Similarly, the bike lane on Mast Avenue is also installed only on the northbound side for about 3/10 of a mile, from Taylor Avenue to Cliff Avenue. The two existing Class II bike lanes are only provided at short distances and do not connect to any activity centers in the City.

MAP 4.16-3: EXISTING SIDEWALK CONDITIONS IN MCFARLAND



MAP 4.16-4: EXISTING BIKE LANES IN MCFARLAND



Proposed Bikeway Network

The bikeways proposed in Map 4.16-4 would provide a complete bicycle network and connect frequently visited destinations within the City such as parks, schools, and commercial establishments. The selected corridors are wide enough to have bike lanes installed without disrupting the traffic flow.

Parking Conditions

Nearly all public parking in McFarland is on-street parking. The City has one public parking lot at Perkins Avenue and Frontage Road, which is not highly utilized. While parking supply is adequate for the City's needs, parking availability near employment, education centers, and other destinations remains an area for improvement.

4.16.2 Standards of Significance

4.16.2.1 CEQA Thresholds

Appendix G of the CEQA guidelines asks the following in regard to significant impact thresholds for Transportation & Traffic – whether buildout of the Plan would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) . . . . i.e., whether VMT is exceeding an applicable threshold of significance;
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
4. Result in inadequate emergency access.

4.16.2.2 Roadway and intersection traffic operations

4.16.2.3 Methodology

In December 2018, the California Natural Resources Agency certified and adopted new CEQA Guidelines, including Guidelines to implement Senate Bill 743 (§ 15064.3). SB 743 directs OPR to establish specific "criteria for determining the significance of transportation impacts of projects[.]" (Pub. Resources Code, § 21099, subd. (b)(1).) In establishing the criteria, OPR took guidance from the general principles contained within CEQA, the CEQA Guidelines, and applicable case law.

From July 2020, development proposals in California are to base impact analysis on vehicle miles travelled (VMT) reduction. OPR has therefore developed a Technical Advisory on Evaluating Transportation Impacts

in CEQA, which contains OPR's technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. Lead agencies for projects (including General Plans) rely on "thresholds of significance." in the determination of significance. The CEQA Guidelines define a "threshold of significance" to mean "an identifiable quantitative, qualitative, or performance level of a particular environmental effect". "Non-compliance" means the effect is determined to be significant by the agency. And "compliance" means the effect is determined to be less than significant. (CEQA Guidelines, § 15064.7, subd. (a).) The VMT metric attempts to support the following three statutory goals (Pub. Resources Code, § 21099, subd. (b)(1)):

1. "the **reduction of greenhouse gas emissions**,
2. the **development of multimodal transportation networks**, and
3. a **diversity of land uses**."

OPR Guidelines further acknowledge the possibility of using any one of three methods to assess VMT. **Trip-based** and **tour-based** assessments may be used as measures of transportation efficiency in terms of such metrics as VMT per capita, per employee, or per person. A third method, estimating the **change in total VMT** with and without the project, attempts to evaluate whether a project is likely to divert existing trips, and what the effect of those diversions could be on total VMT. This method answers the question, "What is the net effect of the project on area VMT?" This is the method used in this analysis to assess daily VMT per capita.

The analysis addresses the full area over which the alternatives are likely to affect travel behavior including where the effect on travel behavior crosses political boundaries. We applied research, data, and sketch planning tools via spreadsheet models to calculate and estimate daily VMT. The Appendix to section 4.16 includes additional details. The models were designed to be sensitive to such features of the project alternatives as types and location of land uses, mixture of uses, proximity to public transportation, and opportunities for non-motorized travel. The tools assisted in estimating daily VMT reduction attributable to the General Plan project in comparison with existing conditions and future conditions under alternative growth scenarios.

OPR recommends using quantitative VMT thresholds linked to GHG reduction targets when methods exist to do so. Various legislative mandates and state policies establish quantitative greenhouse gas emissions reduction targets. Table 4.16-1 shows various targets.

The California Air Resources Board (CARB) recognizes that meeting the targets listed in Table 4.16-1 will require substantial reductions in existing VMT per capita to curb GHG emissions and other pollutants. But targets for overall GHG emissions reduction do not translate directly into VMT thresholds for individual projects for many reasons. CARB's First Update to the Climate Change Scoping Plan explains that achieving California's long-term criteria pollutant and GHG emissions goals will require four strategies to be employed:

1. **improve vehicle efficiency** and develop zero emission technologies,
2. **reduce the carbon content** of fuels and provide market support to get these lower-carbon fuels into the marketplace,

3. plan and build communities to **reduce vehicular GHG emissions** and provide more transportation options, and
4. **improve efficiency and throughput** of existing transportation systems.

CARB's 2018 Progress Report on California's Sustainable Communities and Climate Protection Act states on page 28 that "California cannot meet its climate goals without curbing growth in single-occupancy vehicle activity." In other words, vehicle efficiency and better fuels are necessary, but insufficient, to address the GHG emissions from the transportation system. Land use patterns and transportation options also will need to change to support reductions in vehicle travel/VMT. Therefore, targets for overall GHG emissions reduction would not translate directly into VMT thresholds for individual projects for many reasons including the following:

- Some, but not all, of the emissions reductions needed to achieve those targets could be accomplished by other measures, including increased vehicle efficiency and decreased fuel carbon content.
- New land use projects alone will not sufficiently reduce per-capita VMT to achieve those targets, nor are they expected to be the sole source of VMT reduction.
- Interactions between land use projects, and between land use and transportation projects, existing and future, together affect VMT.
- Because location within the region is the most important determinant of VMT, in some cases, streamlining CEQA review of projects in travel efficient locations may be the most effective means of reducing VMT.
- When assessing climate impacts of some types of land use projects, use of an efficiency metric (e.g., per capita, per employee) may provide a better measure of impact than an absolute numeric threshold. (Center for Biological Diversity, supra.)

4.16.3 Impact Discussion

TRANS – 1 Buildout of the proposed Plan would result in a LESS-THAN-SIGNIFICANT conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

All development under the proposed Plan would be subject to policies, plans, and programs that ensure the performance and safety of users of multiple modal facilities including public transit riders, bicyclists, and pedestrians. For example, all development under the proposed Plan would have to comply with the Complete Streets Act of 2008 and the Americans with Disabilities Act of 1990. The impact of the proposed Plan on adopted policies, plans, or programs would therefore be less than significant. The following policies under the proposed Plan demonstrate its compliance.

Policy CIR 1.1.2: Prioritize funding to improve and maintain pedestrian infrastructure for users.

Program CIR 1.1.2.1: Adapt Complete Streets Guidebook for local use.

Program CIR 1.1.2.2: Comply with the Americans With Disabilities Act of 1990 standards for sidewalk widths, grades, curbs, and corner ramps.

Program CIR 1.2.1.1: Establish separated bike lanes on Garzoli Avenue, Mast Avenue, Sherwood Avenue, Kern Avenue, and Browning Road to connect McFarland's southern neighborhoods with its downtown, eastern, and northern neighborhoods.

Policy CIR 1.3.1: Develop traffic calming strategies in accordance with accepted traffic standards.

Program CIR 1.3.1.1: Implement traffic calming strategies deemed as necessary from traffic studies at select locations to include raised crosswalks, speed tables, or pedestrian flashing beacons.

Policy CIR 1.4.1: Develop a "Safe Routes to School" initiative.

Program CIR 1.4.1.1: Map safe pedestrian and bicycle routes to schools in McFarland.

Policy CIR 1.5.1: Improve safety for pedestrian and bicyclists at all intersections and/or corridors with a history of collisions.

Program CIR 1.5.1.1: Develop and implement traffic strategies that reduce accidents.

Policy CIR 2.2.1: Implement a balanced, multi-modal transportation network in accordance with Complete Street requirements.

Program CIR 2.2.1.1: Update the City's street and subdivision standards to include Complete Streets strategies.

Applicable Regulations:

California Complete Streets Act of 2008 (AB 1358)

Americans with Disabilities Act of 1990

Significance Before Mitigation: Less than significant

TRANS – 2 BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN A LESS-THAN-SIGNIFICANT CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B)? . . . . I.E., WHETHER VMT IS EXCEEDING AN APPLICABLE THRESHOLD OF SIGNIFICANCE.

Potential growth and development as a result of the proposed Plan can increase total vehicle miles travelled (VMT). However, the Plan's focus on infill and compact density as well as alternative, non-motorized travel can help to reduce VMT. Consistent with statewide thresholds of significance, the proposed McFarland General Plan is assessed to produce upwards of a 50 percent reduction in per capita VMT. This is possible because the General Plan includes certain improvements to transportation and land use settings, which are projected to result in lower per capita VMT than existing and other future alternatives including the no project alternative. The improvements include the following:

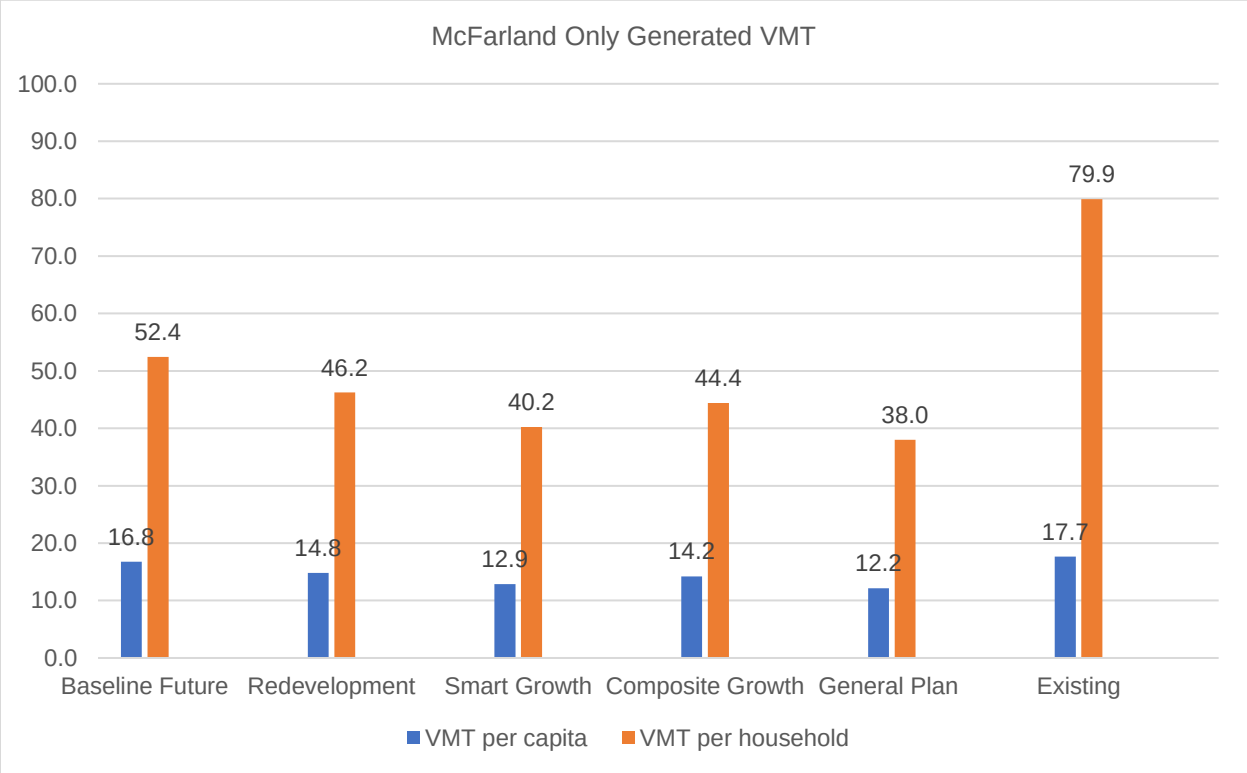
1. **Implementations of land use mix**. The Plan proposes a commercial corridor along Kern Avenue on the east side of downtown, commercial streets in the downtown area, and a mixed-use corridor on the east of Mast Avenue between Nill Avenue and Whisler Road.
2. **Allocation of residential land uses in proximity to public transit**. The Plan proposes citywide distribution of transit stops in commercial and residential neighborhoods as well as major employment centers.
3. **Expansion in opportunities for non-motorized travel such as bicycle and pedestrian connectivity**. The Plan proposes bicycle and pedestrian routes along major corridors citywide.
4. **Increasing intensity of development.** This is to occur with accessory dwelling units (ADU) and higher density residential developments in areas west, south, and east of downtown.

VMT Comparison uses VMT figures retrieved from the California Statewide Travel Demand Model (CSTDM) for TAZ 2949, which includes the City of McFarland as well as its Sphere of Influence. "Baseline" refers to the "no plan" alternative, which is an extrapolation of historic trends. The "existing baseline" is for the year 2010. Similarly, per capita VMT for the "baseline future" condition was also retrieved for TAZ 2949 from the California Statewide Travel Demand Model (CSTDM) for 2040. As Table 4.16-2 and Figure 4.16-1 show, the General Plan alternative is expected to generate the lowest per capita VMT of 12.2, which is 5.5 VMT lower than "existing" conditions and 4.5 VMT lower than the "future baseline". Notably, the "future baseline" is anticipated to reduce the least amount of per capita VMT from "existing" at 0.9 VMT.

TABLE 4.16-2: VEHICLE MILES TRAVELED (VMT) COMPARISON

	Existing	Baseline Future	Redevelopment	Smart Growth	Composite Growth	General Plan
Per Capita VMT	17.7	16.8	14.8	12.9	14.2	12.2
Reduction in VMT from Existing	-	0.9	2.9	4.8	3.5	5.5

FIGURE 4.16-1: VEHICLE MILES TRAVELED (VMT) COMPARISON



OPR recommends using quantitative VMT thresholds linked to GHG reduction targets when methods exist to do so. Various legislative mandates and state policies establish quantitative greenhouse gas emissions reduction targets as listed in Table 4.16-1. These levels of baseline reduction in VMT are below the greenhouse gas reduction thresholds implicit in Table 4.16-1.

All of the policies and programs in the proposed Plan are aimed at reducing VMT; below are some of the most specific examples of such goals.

Objective CIR 1.5: Provide a supportive environment for active transportation users.

Objective CIR 3.1: Reduce Vehicle Miles Traveled (VMT).

Policy CIR 3.1.1: Implement vehicle miles travel reduction strategies.

Program CIR 3.1.1.1: Develop and adopt VMT reduction strategies to meet state standards.

Program CIR 3.1.1.2: Place jobs and services close to housing to reduce vehicle usage and community wide VMT.

Objective CIR 3.2: Increase pedestrian and bicycle mode share.

Policy CIR 3.2.1: Expand access to non-motorized transportation.

Program CIR 3.2.1.1: Seek and prioritize funds for pedestrian and bicycle-friendly streets projects.

Applicable Regulations:

SB 743

AB 32

SB 32

SB 375

Executive Order B-30-15

Executive Order S-3-05

Executive Order B-16-12

SB 391

California Air Resources Board Mobile Source Strategy (2016)

The California Air Resources Board's 2017 Climate Change Scoping Plan Update

Significance Before Mitigation: Less than significant

TRANS – 3 BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN NO IMPACT AS IT WOULD NOT SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT).

All development under the proposed Plan would be subject to design and safety standards that are specified within the City of McFarland Municipal Code. The City of McFarland Municipal Code references, and is subject to, codes established by the State of California that ensure the safety of its citizens. As with current practice, all future roadways would be designed and reviewed in consultation with engineers to determine their compliance with these codes and regulations with regard to hazards and incompatible uses.

Applicable Regulations:

City of McFarland Municipal code

Significance Before Mitigation: No impact

TRANS – 4 BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN NO SIGNIFICANT IMPACTS TO ADEQUACY OF EMERGENCY ACCESS.

All development under the Plan would be subject to design and safety standards, specified under the City of McFarland Municipal Code, which references the California Building Code and portions of the International Fire Code. As with current practice, all future roadways would be designed and reviewed in consultation with engineers to determine their compliance with these codes and regulations with regards to adequate emergency access. The proposed Plan contains the following programs to ensure adequate emergency access.

Program SAF 4.2.1.1: Plan emergency event evacuation in coordination with county, state, and federal agencies.

Program SAF 4.2.1.2: Establish procedures for safe, prompt, and orderly evacuation, locations of safe meeting areas, emergency supplies including food, water, and medical supplies, and general emergency protocols.

Policy SA4.2.2: Educate the public about emergency response procedures.

Program 4.2.2.1: Provide residents and businesses with information about local safety hazards and emergency plans, including evacuation plans and procedures to accommodate special needs populations and efficient post-disaster recovery.

Objective 4.3. Improve emergency access and circulation.

Policy 4.3.1. Reduce danger to life.

Program 4.3.1.1: Map all emergency response facilities and accessways.

Program 4.3.1.2. Assess risk from evacuation and emergency response bottlenecks for hazards, particularly fire, flood, and hazardous materials.

Program 3. Develop, prioritize, and implement improvement measures for all bottlenecks considered high risk.

Applicable Regulations:

City of McFarland Municipal Code

Significance Before Mitigation: Less than significant

4.16.4 Summary of Potential Impacts and Mitigation Measures

Mitigation measures are not necessary, as the proposed Plan will not result in any potentially significant impacts to Transportation.

4.17 Utilities and Service Systems

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?		X		
2. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?		X		
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has (in)adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		X		
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?		X		

5. Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	X

Utilities and Service Systems are critical community facilities that affect the functioning, safety, wellbeing, public health, and general standards of living of the public. This section covers utility facilities, water supply, wastewater capacity, and solid waste management in the City of McFarland.

This section has some overlap with other sections of this EIR such as Public Facilities, Hydrology, and Energy. The discussion involves an examination of the overall adequacy, safety, and conditions of facilities in the City of McFarland. In addition to the introspective look at facilities to examine existing conditions and capacities, the discussion also includes assessment of potential of the facilities to keep up with projected growth.

4.17.1 Environmental Setting

This section describes the existing conditions of individual Utilities and Service Systems located within the City of McFarland. Subsequent sections discuss the potential impacts of build-out of the proposed Plan to Utilities and Service Systems.

Water System and Service

This section describes the existing condition and availability of water resources. This section focuses on provision of water resources, further information can be found in Section 4.9 'Hydrology and Water Quality'.

Regulatory Framework

This section discusses federal and State regulations and programs related to provision of water services.

Federal Regulations

U.S. Environmental Protection Agency - Federal Safe Drinking Water Act (SDWA)

The U.S. Environmental Protection Agency (EPA) sets drinking water standards for local jurisdictions to meet. All water providers, except wells serving less than 25 people, must meet the standards set forth by the SDWA. These standards are met by removing all contaminants, natural and human caused. At the local level, the Central Valley Regional Water Quality Control Board (CVRWQCB) regulates safe drinking water.

State Regulations

State Water Resources Control Board

California Porter-Cologne Water Quality Control Act

The California Porter-Cologne Water Quality Control Act, passed in 1969, gave authority to the State Water Resource Control Board to govern water quality and water rights in the State. This statute also established the Regional Water Quality Control Boards to monitor and assess local and regional water quality in day-to-day operations. It is the role of the Regional Water Control Boards to regulate discharges that have potential effects on local surface and/or groundwater.

Executive Order B-29-15

Executive Order B-29-15 was put out by Governor Brown as a response to the ongoing drought conditions in the State. The Order requires a statewide reduction in potable urban water use of 25 percent between June 2015 and February 2016. "To reach the statewide 25 percent reduction mandate, the emergency regulation assigns each urban water supplier (serving more than 3,000 connections) a conservation standard that ranges between 4 percent and 36 percent based on their residential gallons per capita per day (R-GPCD) for the months of July-September 2014" (State Water Resources Control Board [SWRCB], 2015a, p. 1). Overall, the statewide 25 percent reduction goal corresponds to 1.2 million acre-feet of water over nine months (SWRCB, 2015a, p. 1). Water suppliers are also required to notify customers about leaks that are within the customer's control, and report on water use, compliance, and enforcement (SWRCB, 2015a, p. 2).

California Department of Water Resources

California Groundwater Management Act

AB 3030 offers direction to local agencies in creating voluntary Groundwater Management Plans in designated groundwater basins. These plans have the authority to finance basin management by increasing revenue. In 2014, the California legislature passed the California Groundwater Management Act, which will supersede AB 3030, but will not go into effect until 2017.

California Sustainable Groundwater Management Act

The California Sustainable Groundwater Management Act and its component bills: AB 1739, SB 1168, and SB 1319, provide specific authority to a groundwater sustainability agency to impose fees and provide technical assistance to entities that extract or use groundwater. Best management practices will be published by January 1st, 2017. SB 1168 expands the relevant information in groundwater plans to include adverse impacts on local habitat and local stream flows. All high and medium priority basins subject to critical conditions of overdraft are to be managed under a groundwater sustainability plan by January 31st, 2020, and all other high or medium priority basins must be managed by a groundwater sustainability plan by January 31st, 2022.

Senate Bill 610 and 221 (SB 610 and 221)

SB 610 and 221 were passed in 2001 to address the Urban Water Management Planning Act, which SB 610 amended. SB 221 references both the Urban Water Management Plan and the Urban Water Shortage Contingency Analysis. Both SB 221 and SB 610 ensure adequate water supplies to California's communities though coordination of local water supply and land use decisions. SB 610 requires local water assessments for inclusion under CEQA (California Environmental Quality Act) for certain projects defined by Water Code 10912. Consequently, under SB 221, local approval of certain subdivisions requires official verification of adequate water supply.

State Updated Model Landscape Ordinance (AB 1881) AB 1881 amends AB 325, the Water Conservation in Landscape Act of 1990. AB 325 required the California Department of Water Resources to implement a Model Ordinance stating that "landscape design, installation, and maintenance can and should be water efficient" (DWR, 2015a). AB 1881 requires the DWR to update the model ordinance in accordance with the Water Smart Landscapes for California (2005) report.

California Sustainable Groundwater Management Act

The California Sustainable Groundwater Management Act and its component bills: AB

1739, SB 1168, and SB 1319, provide specific authority to a groundwater sustainability agency to impose fees and provide technical assistance to entities that extract or use groundwater. Best management practices will be published by January 1st, 2017. SB 1168 expands the relevant information in groundwater plans to include adverse impacts on local habitat and local stream flows. All high and medium priority basins subject to critical conditions of overdraft are to be managed under a groundwater sustainability plan by January 31st, 2020, and all other high or medium priority basins must be managed by a groundwater sustainability plan by January 31st, 2022.

The Water Conservation Act of 2009 (Senate Bill X7-7)

Senate Bill X7-7 requires all water suppliers to increase efficiency. "The legislation sets an overall goal of reducing per capita urban water use by 20% by December 31, 2020. The state shall make incremental progress towards this goal by reducing per capita water use by at least 10% by December 31, 2015" (California Department of Water Resources). If urban water suppliers do not meet the goals by 2016, they will not be eligible for State water grants or loans.

State Updated Model Landscape Ordinance (AB 1881)

AB 1881 amends AB 325, the Water Conservation in Landscape Act of 1990. AB 325 required the California Department of Water Resources to implement a Model Ordinance stating that "landscape design, installation, and maintenance can and should be water efficient" (California Department of Water Resources, 2010). AB 1881 requires the Department of Water Resources to update the model ordinance in accordance with the Water Smart Landscapes for California (2005) report.

California Department of Housing and Community Development

Water and Sewer Service Priority for Housing Affordable to Lower-Income Households

(SB 1087)

Under SB 1087, local governments must coordinate housing stock and water supply by requiring jurisdictions to provide the adopted housing element to the local water and sewer providers. Service providers must grant priority to proposed development that includes affordable units for lower-income households.

Local Regulations

City of McFarland Municipal Code

The standards for McFarland are outlined in Chapter 13.04 of the City's municipal code. Article III outlines well standards, with sections concerning location, construction, disinfection and sanitary requirements, and water quality testing.

Article IV provides standards for domestic water supply systems, including permitting, design and construction, domestic water quality monitoring, backflow prevention, and operation and maintenance.

Kern County Public Works Department

The Kern County Public Works Department also maintains standards concerning water systems. These standards can be found in Division Two of the County's development standards. Division Two outlines County requirements for water supply, piping, fittings, service connections, storage facilities, and testing.

Existing and Baseline Conditions

The City of McFarland maintains and operates a domestic water system within the City. The system includes four water wells and a storage tank.

McFarland's peak source capacity is 7,300 gallons per minute with an approximate annual consumption of 1,825-acre feet. The maximum daily water use is estimated as 11,028 cubic feet per second and peak demand is estimated at 7.43 million gallons per day. There are four wells within the City of McFarland. The City of McFarland collects fees to pay for quality testing and infrastructure improvements, and the water is used for both residential and commercial water uses, as well as for firefighting uses. The wells depths have lowered over time resulting in a slight decline in water quality. There are present concerns about the water quality of these wells. A quality test from 2016 showed positive for arsenic and coliform. A consumer confidence report conducted in 2018 reported two violations in water quality, one for 1,2,3 Trichloropropane, and the other for a total coliform rule reporting violation. Water levels and quality are important to monitor to maintain safe water sources for the community. Maintaining an adequate water supply is also important as related to population growth and the planned future expansions of the City.

Sewer System and Service

This section discusses federal and State policies and regulations regarding wastewater and sewer services.

Regulatory Framework

Federal Regulations

U.S. Environmental Protection Agency

The Clean Water Act (CWA)

Under the Clean Water Act, it is illegal to discharge any pollutant from a point source into navigable waters without an NPDES permit. According to the EPA: “point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters" (2015).

The National Pollution Discharge Elimination System (NPDES)

The National Pollution Discharge Elimination System (NPDES) program is implemented locally by the Central Valley Regional Water Quality Control Board on behalf of the Environmental Protection Agency. The NPDES program is administered via Section 402(p) of the Federal Clean Water Act and aims to reduce pollution from point sources into stormwater discharge. Permits are often required for projects discharging into lakes, streams, or other water bodies. Construction permits are required for projects disturbing more than one acre. Permits require elimination or reduction of non-stormwater discharges into stormwater systems or other waters of the United States and the development, implementation, and monitoring of a Storm Water Pollution Prevention Plan (SWPPP).

State Regulations

State Water Resources Control Board

All public sewer collection systems with more than one mile of pipe must adhere to the General Waste Discharge Requirement (Order No. 2006-0003). This order requires that public operators control the volume of waste discharged by all feasible methods, to prevent sewer waste from entering the storm sewer system, and to create a Sewer System Management Plan (SSMP). Furthermore, the order also requires storm sewer overflows to be reported to the California State Water Resources Control Board. Locally, the California State Water Resources Control Board delegates authority to the Central Coast Regional Water Quality Control Board.

California Department of Housing and Community Development - Water and Sewer Service Priority for Housing Affordable to Lower-Income Households

SB 1087

Under SB 1087, water and sewer requirements for developments that include affordable housing to lower-income households must be given priority via adopted written policies. Water and sewer providers are prohibited from denying, adding conditions to approval, or reducing the level of service to proposed development applications which include affordable housing for lower-income households.

Local Regulations

City of McFarland Municipal Code

Standards concerning sewer systems are determined by the City of McFarland and Kern County. The standards for McFarland are outlined in Chapters 13.08 and 13.12 of the City's municipal code. Chapter 13.08 outlines requirements for duties and permits to connect, inspection of work, and violations and penalties.

Chapter 13.12 covers Sewer Use Regulations and Charges, which aims to provide for the maximum possible beneficial public use of the City's facilities through adequate regulation of sewer construction, sewer use and industrial wastewater discharges, to provide equitable distribution of the City's costs, to provide for the setting of sewer use charges for various classifications of sewer users, and to provide procedures for complying with requirements placed upon the City by other regulatory agencies.

Kern County Public Works Department

The Kern County Public Works Department also maintains standards concerning sewer systems. These standards can be found in Division Three of the county's development standards. Division Three outlines design standards, materials and installation, and standards for the separation of water and sewer lines. Chapter II covers design standards for sanitary sewers, including average and peak discharge, sewer velocity and quantities, maximum discharge, main location, sizing, and alignment. Chapter IV discusses materials and installations. Chapter V outlines standards for separation of water and sewer mains.

Existing and Baseline Conditions

The wastewater treatment plant for the City is on Elmo Highway and has a capacity of 1.55 million gallons per day and is processing an average monthly flow of 1.1 million gallons per day. There is also a planned expansion of the existing facility, to increase the daily capacity to 2.5 million gallons per day.

While the overall conditions of the City's sewer piping are generally sound, on the eastern side of town there is only an 8-inch pipe connecting the homes and businesses to the wastewater treatment plant. The City has been unable to expand the pipe capacity as it passes underneath Highway 99. There is a planned expansion of the wastewater treatment plant, but due to the pipe size limitation it would only increase capacity for the west side. Addressing the capacity issues on the eastern side of McFarland is of paramount concern for any residential, commercial, or industrial expansion within the City.

STORMWATER DRAINAGE SYSTEM

This section discusses the regulatory framework and existing conditions of storm water drainage in McFarland.

Regulatory Framework

Federal Regulations

U.S. Environmental Protection Agency

The National Pollution Discharge Elimination System (NPDES)

The National Pollution Discharge Elimination System (NPDES) program is implemented locally by the Central Valley Regional Water Quality Control Board on behalf of the Environmental Protection Agency. The NPDES program is administered via Section 402(p) of the Federal Clean Water Act and aims to reduce pollution from point sources into stormwater discharge. Permits are often required for projects discharging into lakes, streams, or other water bodies. Construction permits are required for projects disturbing more than one acre. Permits require elimination or reduction of non-stormwater discharges into stormwater systems or other waters of the United States and the development, implementation, and monitoring of a Storm Water Pollution Prevention Plan (SWPPP).

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State Regulations

There are no applicable state regulations.

Local Regulations

Kern County

Kern County has established standards for new and existing construction within the 100 or 500-year floodplains. Subdivisions are also required to create floodplain management plans when subdividing within the City of McFarland or the County of Kern. The methods and requirements for new and expanding stormwater systems are to be created through Kern County's Engineering and Works Department.

Existing and baseline Conditions

The City is using sump basins as their form of flood and storm control in the area, with existing and proposed locations shown in Map 16-1. There are nine existing lots that are owned by the City and serve as basins to hold and retain water until it can percolate into the ground. The City does not have street-level stormwater infrastructure, such as storm drains. Community members identified that this was a serious issue, particularly in the east side of town. One community member mentioned at the first community meeting that students at Browning Road Elementary School are often unable to cross the large puddles and require assistance from school staff. The existing Local Hazard Mitigation Plan from 2016 identified the need for a Poso Creek study and mentioned the risk that it can pose to residents. The Storm Drain Master Plan of 2015 identified three possible sump basin locations, one is within City limits and the other two directly to the south.

Solid Waste System and Service

This section discusses the regulatory framework and existing conditions of disposal of solid waste and the associated facilities in McFarland.

Regulatory Framework

This section discusses federal and State regulations and goals applicable to solid waste disposal.

Federal Regulations

U.S. Environmental Protection Agency -Resource Conservation and Recovery Act

The U.S. Environmental Protection Agency (EPA) has authority under the Resource Conservation and Recovery Act (RCRA) to control hazardous waste from "cradle to grave", i.e., from generation through disposal, including transportation, storage, and treatment. The RCRA sets guidelines for the management of non-hazardous solid waste.

State Regulations

California Department of Resources Recycling and Recovery (CalRecycle)

California Integrated Waste Management Act (AB 939)

The California Integrated Waste Management Act of 1989 originally required cities and counties to divert 50% of solid waste from landfills by January 1, 2000. AB 939 also set forth a goal for California Counties to provide at least 15 years of ongoing capacity. Under AB 939, cities and counties are required to prepare a Source Reduction and Recycling Element for CalRecycle. In 2007, SB 1016 amended AB 939 and established a per capita disposal measurement system. CalRecycle sets per capita targets. Diversion programs must be submitted in a report to CalRecycle annually. In 2011, AB 321 set a statewide goal of at least 75% of waste being diverted through reduction, recycling, or composting by 2020.

California Solid Waste Reuse and Recycling Access Act

The California Solid Waste Reuse and Recycling Access Act of 1991 gives authority to the California Integrated Waste Management Board (CIWMB) to construct a model ordinance which outlines provisions for adequate areas for collecting and loading recyclable materials for new development projects after September 1st, 1994. For subdivisions and single-family homes, recycling provisions only need to serve the needs within the subdivision.

Local Regulations

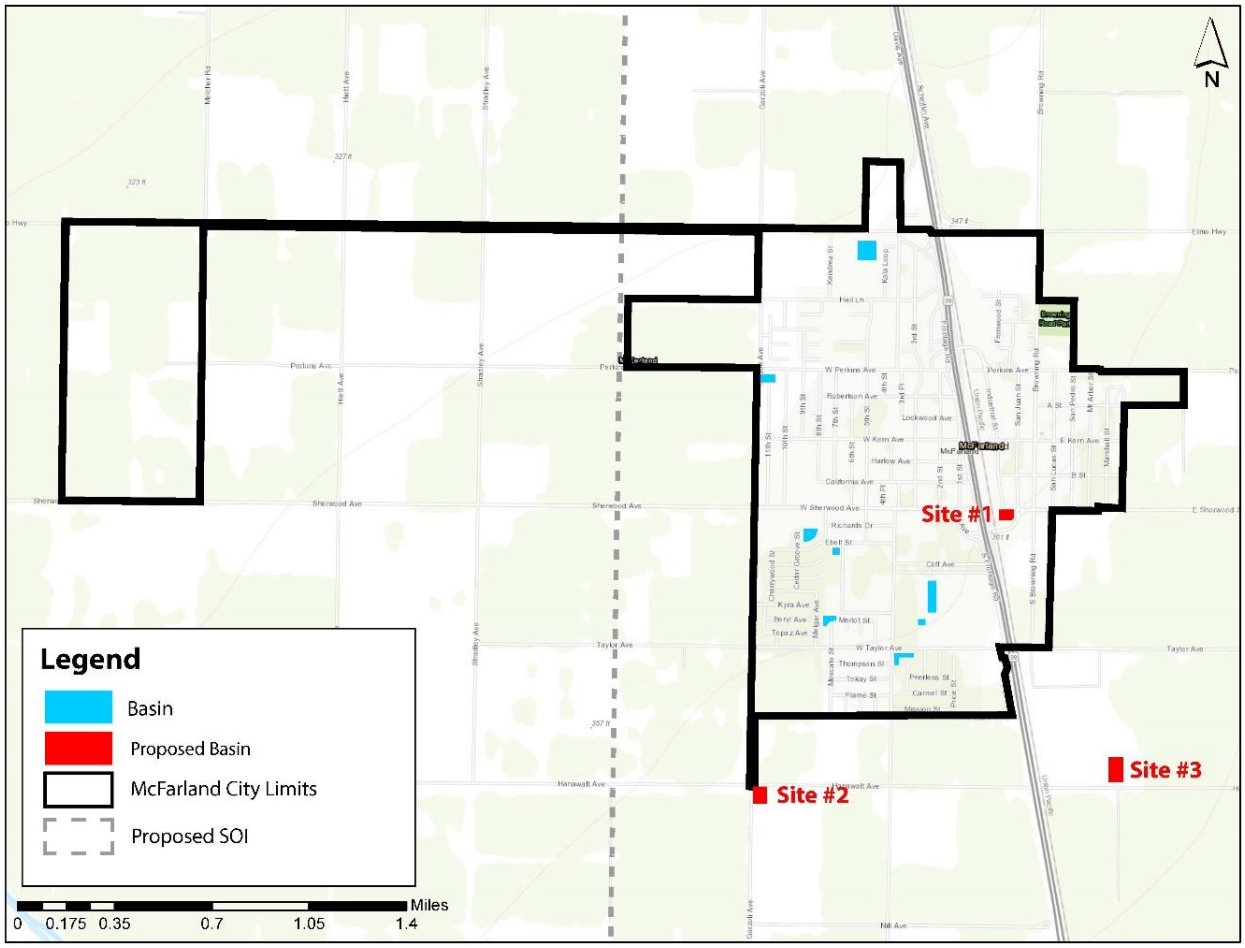
City of McFarland Municipal Code

Although solid waste collection services are provided by a private company, the City of McFarland has adopted standards concerning construction and demolition debris and garbage collection and regulation. Chapter 8.10 of the City's Municipal Code outlines the Mandatory Construction and Demolition Debris Recycling Program. Chapter 8.12 covers the standards for Garbage Collection and Regulation.

Existing and Baseline Conditions

The City's Refuse and Recycling Department oversees the management of the City's Solid Waste Plan. This department abides by AB 939 and AB 341 requirements and promotes waste reduction and recycling. R&F Disposal is in contract with the City to provide refuse and recycling services, and provides curbside service to the residents of McFarland, including blue recycling cans, green cans for yard waste, and black cans for non-recyclable waste. R&F Disposal and Recycling, Inc., has been owned by the Irizarry family since the start of the company in 1968, and is the exclusive franchise hauler for the City of McFarland and the City of Delano. R&F Disposal rents roll-off bins for use in collecting construction and demolition (C&D) materials, which are then taken to a processor to be recycled and reused. R&F Disposal operates a recycling center at 400 West Perkins Ave, and a drop-off location at 640 South Frontage St. The nearest landfill, Shafter-Wasco Landfill, is located at 17621 Scofield Road in the City of Shafter, approximately 13 miles from McFarland.

MAP 4.17-1: PROPOSED AND EXISTING SUMP BASIN LOCATIONS IN MCFARLAND



ENERGY SUPPLY AND SYSTEM

This section discusses Federal, State, and local regulations and goals applicable to energy.

Federal Regulations

There are no applicable federal regulations related to energy.

State Regulations

Warren-Alquist State Energy Resources Conservation and Development Act

In 1974, this act established what is now known as the California Energy Commission and enabled the Commission to adopt building energy standards. The California Legislature continues to update the act yearly to address pressing energy needs and issues.

California Code Of Regulations, Title 24, Part 6

This chapter serves as California's Energy Efficiency Standards for Residential and Non-residential Buildings. Title 24 was established by the California Energy Commission (CEC) in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings. In 2010, the CEC updated Title 24 standards with more stringent requirements. The 2010 standards are expected to substantially reduce growth in electricity and natural gas use. Additional savings result from the application of the standards on building alterations, such as those within Section V (Site Lighting) including Subpart E (Windows), F (Roofs), and S (Mechanical Equipment). These savings are cumulative, increasing as years go by.

Local Regulations

City of McFarland Municipal Code

Although energy services are provided by a private company, the City of McFarland has adopted standards concerning energy use and regulation. Chapter 13.16 of the City's Municipal Code outlines the energy standards for underground facilities. Chapter 15.04 covers the Electrical Code and Energy Code.

Kern County General Plan Energy Element

The Kern County Energy Element is a comprehensive document which defines critical energy related issues facing the County and sets forth goals, policies, and implementation measures to protect the County's energy resources and encourage orderly energy development while affording the maximum protection for the public's health, safety, and the environment.

Existing and Baseline Conditions

Electrical Service

The City is located entirely within Southern California Edison's (SCE) service territory. SCE maintains and operates the transmission and distribution infrastructure necessary to provide electricity to end users within McFarland and throughout its entire service area.

Natural Gas

McFarland is located entirely within Southern California Gas Company's (SCG) service territory. SCGC natural gas service lines are currently provided to the project site.

4.17.2 Standards of Significance

4.17.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), the proposed Plan would have a significant effect on the environment with respect to Utilities and Service Systems if it would:

1. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
2. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has (in)adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals;
5. Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

4.17.2.2 Methodology

This section explains the evaluation of the potential impacts to Utilities and Service Systems. It is based on projected service need and demand, CEQA guidelines above, conservation measures in relation to the current conditions and incorporates evaluation of the projections and potential improvements identified in the 2011 Municipal Services Review (MSR).

4.17.3 Impact Discussion

This section discusses the proposed Plan specific impacts related to City of McFarland library and public park service and facilities.

UTIL – 1 With Mitigation, buildout of the proposed Plan would result in **less-than-significant** adverse impacts regarding requiring the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

The proposed Plan will result in new growth and infrastructure development in key areas within the City of McFarland. This could result in new construction or expansion of storm water drainage facilities. The City does not have a history of major flood events, though it is possible that projected growth in the Plan could change this. It is necessary for the Plan to address infrastructure requirements in order to efficiently capture and divert storm water to reduce the risk of urban flooding for new development and growth. Proposed roadway expansion, land use changes and commercial growth and expansion could possibly increase the use of pavement and parking areas. Extension of electric, gas, and telecommunications facilities, and extension of wastewater lines. However, there is no anticipated need to relocate existing facilities. The proposed Plan includes the following programs and policies that can assist and/or impact storm water and drainage facilities in the proposed Plan.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Policy HO 1.3.1: Accommodate the City's housing need over the life of the General Plan.

Program HO 1.3.1.1: Expand housing to the west of the City away from floodable areas.

Policy SAF 2.2.1: Implement projects to strengthen flood control measures to reduce risk to life and property.

Program SAF 2.2.1.1: Identify flood control projects in hazard mitigation documents.
Program SAF 2.2.1.2: Prioritize flood control projects identified in the LHMP and Storm Drain Master Plan.
Program SAF 2.2.1.3: Identify possible funding sources and work with City grant writers to apply for state and federal funds to implement projects.
Program SAF 2.2.1.4: Continue to support efforts of the Bureau of Reclamation to ensure that proper maintenance and repairs of the Friant-Kern Canal are accomplished, along with other applicable agencies for flood control.

Policy SAF 2.2.2: Reduce flood risk for new development and critical infrastructure.
Program SAF 2.2.2.1: Prior to development, encourage flood risk assessment and possible mitigation measures to reduce risks to life and property.
Program SAF 2.2.2.2: Prohibit development in the 100-year flood plain unless mitigation measures meeting Federal Flood Insurance Administration criteria are provided.

Policy SAF 2.2.3: Protect essential facilities from flooding by implementing flood control measures and relocating facilities when needed.
Program SAF 2.2.3.1: Create an inventory of essential facilities which are at risk of flood damage within the 100- and 500-year flood plains.

Program SAF 2.2.3.2: Locate the construction of essential facilities outside the 500-year flood plain or ensure facilities are equipped to mitigate flooding to ensure long term operation.

Policy CON 1.1.1: Prioritize flood control projects identified in the Storm Drain Master Plan.

Program CON 1.1.1.1: Complete and implement the McFarland Storm Drain Master Plan by 2035, prioritizing improvement near East Perkins Avenue within the 100-year flood plain.

Program CON 1.1.1.4: Apply for the Urban Flood Protection Program to help offset the costs of upgrading current infrastructure.

Objective PF 1.2: Maintain and expand utility infrastructure for the City, prioritizing projects where capacity has been reached.

Policy PF 1.2.1: Avoid disproportionately burdening certain neighborhoods with construction or maintenance costs.

Program PF 1.2.1.1: Create a master plan for infrastructure improvements into the future.

Program PF 1.2.1.2: Distribute costs of large infrastructure improvement projects and services equitably.

Applicable Regulations:

The National Pollution Discharge Elimination System (NPDES)

Federal Clean Water Act

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

UTIL – 2 WITH MITIGATION, BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT IMPACTS IN REGARD TO HAVING SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT DURING NORMAL, DRY, AND MULTIPLE DRY YEARS.

The area has sufficient water supply to serve existing entitlements and resources, but the Plan does state that water supply can be a limiting factor in growth. Continuing to monitor water quality is important as the community continues to grow. The current water supply needs to be supplemented by additional sources and continuously monitored for quality to facilitate growth. Additionally, the City of McFarland needs to reduce its water demand regardless of these impacts. Executive Order B-37-16 and Senate Bill X7-7 mandate water demand reduction which can potentially help the City offset demand associated with projected growth.

The proposed Plan includes the following programs and policies that focus on water conservation and can assist or impact the water supply in adapting to population growth in the City of McFarland.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Policy SAF 2.4.1: Conserve water in all sectors.

Program SAF 2.4.1.1: Educate the community on water conservation practices.

Program SAF 2.4.1.2: Measure the success of current water conservation programs, prioritizing development of successful programs, and continually revise programs to meet water reduction goals.

Program SAF 2.4.1.3: Create new programs to promote efficient and responsible water use.

Program SAF 2.4.1.4: Enact new measures as needed according to protocols established by the Kern Water Authority.

Policy SAF 2.4.2: Invest in waterwise infrastructure.

Program SAF 2.4.2.1: Adapt existing green spaces in public areas to retain rainwater on site.

Policy SAF 2.4.3: Identify groundwater recharge locations where soil and geography allow for infiltration.

Program SAF 2.4.3.1: Pursue grants to aid long term groundwater recharge projects.

Program SAF 2.4.3.2: Examine proposed public infrastructure projects for potential water recharge opportunities.

Policy CON 2.1.2: Decrease water use in new and existing developments.

Program CON 2.1.2.1: Investigate the use of gray water irrigation systems in new developments.

Program CON 2.1.2.2: Use drip irrigation systems and drought tolerant or native vegetation in newly developed areas.

Program CON 2.1.2.3: Develop a plan to decrease water use in public landscapes by 25% of 2018 levels by 2035. Convert existing landscapes to drip systems and replace landscapes requiring significant irrigation with drought tolerant vegetation.

Policy PF 1.1.1: Protect water quality.

Program PF 1.1.1.1: Continue monitoring water quality and publish results as available.

Program PF 1.1.1.2: Continue to monitor the condition of pipes and general infrastructure for water distribution

Objective PF 1.2: Maintain and expand utility infrastructure for the City, prioritizing projects where capacity has been reached.

Policy PF 1.2.1: Avoid disproportionately burdening certain neighborhoods with construction or maintenance costs.

Program PF 1.2.1.1: Create a master plan for infrastructure improvements into the future.

Program PF 1.2.1.2: Distribute costs of large infrastructure improvement projects and services equitably.

Policy AG 3.1.2: Prepare for McFarland's water needs.

Program AG 3.1.2.1: Cooperate with regional, state, and federal agencies such as Drought.gov and the National Integrated Drought Information System (NIDIS) to accurately understand the water demand.

Program AG 3.1.2.2: Cooperate with agricultural industry stakeholders in the City and its Sphere of Influence to promote drought readiness measures.

Program AG 3.1.2.3: Adopt water-wise landscaping at public facilities and parks to reduce demand.

Program AG 3.1.2.4: Showcase drought tolerant landscapes, for instance, with model water-efficient landscapes in public parks, that private citizens could emulate to help encourage broad adoption.

Applicable Regulations:

Federal Safe Drinking Water Act

California Porter-Cologne Water Quality Control Act

California Senate Bill (SB) 610 and 221

California Urban Water Management Planning Act

California Groundwater Management Act

State Updated Model Landscape Ordinance (Assembly Bill 1881 [2006])

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

UTIL – 3 WITH MITIGATION, BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT IMPACTS IN REGARD TO A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS (IN)ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS.

The proposed Plan states that increase in population and changes in land use under would increase demand for the City of McFarland's wastewater treatment facilities and therefore potentially exceed wastewater treatment requirements of the Central Coast Regional Water Quality Control Board, which mandates that all public sanitary sewer systems and treatment facilities comply with State Waste Discharge Order (WDR Order No. 2006-0003-DWQ). There is a planned expansion of the wastewater treatment plant, but due to the pipe size limitation it would only increase capacity for the west side. The east side has considerably lower capacity for growth, as it served by only one 8-inch pipe. The Plan recommends constructing a new facility on the east side of McFarland to accommodate future growth and demand. In addition to a second wastewater treatment plant, the proposed Plan includes the following objectives, programs and policies that can assist or impact wastewater collection and disposal regarding treatment requirements in the City of McFarland.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Objective PF 1.2: Maintain and expand utility infrastructure for the City, prioritizing projects where capacity has been reached.

Policy PF 1.2.1: Avoid disproportionately burdening certain neighborhoods with construction or maintenance costs.

Program PF 1.2.1.1: Create a master plan for infrastructure improvements into the future.

Program PF 1.2.1.2: Distribute costs of large infrastructure improvement projects and services equitably.

Policy PF 1.2.2: Accommodate future need for sewage infrastructure.

Program PF 1.2.2.1: Examine existing sewage capacity and project increases in use.

Program PF 1.2.2.2: Expand sewer facilities in Eastern McFarland, including the construction of a new wastewater treatment plant.

Policy AG 1.2.2: Use sustainable open space management practices.

Program AG 1.2.2.1: Encourage practices that reduce the strain on the hydrological infrastructure.

Program AG 1.2.2.2: Encourage practices that reduce wastewater demand on the flow-limiting wastewater pipe under Highway 99.

Applicable Regulations:

The National Pollution Discharge Elimination System (NPDES)

Federal Clean Water Act

California General Waste Discharge Requirement

California SB 1087

Significance Before Mitigation: Potentially significant

Significance After Mitigation: Less than significant

UTIL – 4 BUILDOUT OF THE PROPOSED PLAN MAY RESULT IN LESS-THAN-SIGNIFICANT IMPACTS IN REGARD TO GENERATING SOLID WASTE IN EXCESS OF STATE OR LOCAL STANDARDS, OR IN EXCESS OF THE CAPACITY OF LOCAL INFRASTRUCTURE, OR OTHERWISE IMPAIR THE ATTAINMENT OF SOLID WASTE REDUCTION GOALS.

The proposed Plan will result in new growth and infrastructure development in key areas within the City of McFarland and this would increase the need for solid waste collection and disposal. R&F Disposal and Recycling, Inc. would not exceed capacity at buildout. The proposed Plan includes the following programs and policies related to solid waste collection and disposal as well as preserving landfill capacity by recycling to reduce the volume ending up at the landfill.

Policy LU 1.6.1: Coordinate development with availability and expansion in public facilities and services.

Objective PF 1.2: Maintain and expand utility infrastructure for the City, prioritizing projects where capacity has been reached.

Policy PF 1.2.1: Avoid disproportionately burdening certain neighborhoods with construction or maintenance costs.

Program PF 1.2.1.1: Create a master plan for infrastructure improvements into the future.

Program PF 1.2.1.2: Distribute costs of large infrastructure improvement projects and services equitably

Policy PF 2.1.1: Provide enough solid waste disposal services for residents and businesses.

Program PF 2.1.1.1: Examine the current waste trends and the capacity of R & F Disposal facilities.

Program PF 2.1.1.2: Continue providing efficient and cost-effective service to residents and businesses in collaboration with R & F Disposal Services or similar provider.

Objective PF 2.2: Reduce the City's waste stream.

Policy PF 2.2.1: Expand recycling and composting citywide.

Program PF 2.2.1.1: Develop and implement a citywide composting program in collaboration with R & F Disposal Services or other entity.

Program PF 2.2.1.2: Establish targets for expansion of recycling and composting within McFarland.

Policy PF 2.2.2: Reduce total waste generation by residents and businesses within the City.

Program PF 2.2.2.1: Develop outreach materials for residents and businesses to decrease the amount of disposed materials.

Applicable Regulations:

Federal Resource Conservation and Recovery Act of 1976

California Integrated Waste Management Act of 1989

California Solid Waste Reuse and Recycling Access Act of 1991

Significance Before Mitigation: Less than significant

UTIL – 5 BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN LESS-THAN-SIGNIFICANT IMPACTS IN REGARD TO COMPLYING WITH FEDERAL, STATE, AND LOCAL MANAGEMENT AND REDUCTION STATUTES AND REGULATIONS RELATED TO SOLID WASTE.

The proposed Plan has policies to assure compliance with Federal, State, and local regulations and statutes regarding solid waste. Since the City of McFarland contracts with a private provider for solid waste

disposal, the following policies and programs outlined in the proposed Plan can help the City reduce waste voluntarily and comply with federal, state, and local regulations.

Objective PF 2.2: Reduce the City's waste stream.

Policy PF 2.2.1: Expand recycling and composting citywide.

Program PF 2.2.1.1: Develop and implement a citywide composting program in collaboration with R & F Disposal Services or other entity.

Program PF 2.2.1.2: Establish targets for expansion of recycling and composting within McFarland.

Policy PF 2.2.2: Reduce total waste generation by residents and businesses within the City.

Program PF 2.2.2.1: Develop outreach materials for residents and businesses to decrease the amount of disposed materials.

Applicable Regulations:

Federal Resource Conservation and Recovery Act of 1976

California Integrated Waste Management Act of 1989

California Solid Waste Reuse and Recycling Access Act of 1991

Significance Before Mitigation: Less than significant

4.17.4 Summary of Potential Impacts and Mitigation Measures

The following mitigation measures are intended to mitigate potentially significant impacts regarding Utilities and Service Systems.

REC – 1 BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN **POTENTIALLY SIGNIFICANT** ADVERSE IMPACTS REGARDING REQUIRING THE RELOCATION OR CONSTRUCTION OF NEW OR EXPANDED WATER, WASTEWATER TREATMENT, OR STORM WATER DRAINAGE, ELECTRIC POWER, NATURAL GAS, OR TELECOMMUNICATIONS FACILITIES, THE CONSTRUCTION OR RELOCATION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

The proposed Plan would accommodate growth and infrastructure development in key areas within the City of McFarland. This might necessitate extension of electric, gas, and telecommunications facilities, and extension of wastewater lines. However, there is no anticipated need to relocate existing facilities. The proposed Plan includes the following mitigation measures.

Mitigation UTIL-1a:

Adhere to construction, enhancement, and expansion outlined in the Storm Drain Master Plan to ensure adequate capacity for projected demand as a result of future growth.

Mitigation UTIL-1b: In addition to ensuring orderly and efficient expansion of the storm drainage system, require on-site storm water retention for future development to minimize environmental impacts.

Mitigation UTIL-1c: Develop and implement Low Impact Development policies for implementation during construction or expansion of storm water drainage facilities to minimize environmental effects and runoff.

Significance After Mitigation: Less than significant.

UTIL – 2 BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN POTENTIALLY SIGNIFICANT IMPACTS IN REGARD TO HAVING SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT DURING NORMAL, DRY, AND MULTIPLE DRY YEARS.

The area has sufficient water supply to serve existing entitlements and resources, but the Plan does state that water supply can be a limiting factor in growth. The current water supply needs to be supplemented by additional sources and continuously monitored for quality to facilitate growth. Additionally, the City of McFarland needs to reduce its water demand regardless of these impacts. Executive Order B-37-16 and Senate Bill X7-7 mandate water demand reduction which can potentially help the City offset demand associated with projected growth. The proposed Plan includes the following mitigation measures.

Mitigation UTIL-2a: Prepare an urban water management plan (UWMP) as population grows and the City's service area expands to comply with SB 7X-7 (Water Conservation Act of 2009).

Mitigation UTIL-2b: Convert landscapes to drip systems and replace those requiring significant irrigation with drought tolerant vegetation.

Mitigation UTIL-2c: Collaborate and maintain consistency with SSJMUD Management Area Plan to foster decreased water use in public landscapes by 2035 by 25% of 2018 level and to achieve groundwater sustainability by 2040.

Significance After Mitigation: Less than significant.

UTIL – 3 BUILDOUT OF THE PROPOSED PLAN WOULD RESULT IN **POTENTIALLY SIGNIFICANT** IMPACTS IN REGARD TO A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS (IN)ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS.

The proposed Plan states that increase in population and changes in land use would increase demand for the City of McFarland's wastewater treatment facilities and therefore potentially exceed wastewater treatment requirements of the Central Coast Regional Water Quality Control Board, which mandates that all public sanitary sewer systems and treatment facilities comply with State Waste Discharge Order (WDR Order No. 2006-0003-DWQ). There is a planned expansion of the wastewater treatment plant, but due to the pipe size limitation it would only increase capacity for the west side. The east side has considerably lower capacity for growth, as it is served by only one 8-inch pipe. The Plan recommends constructing a new facility on the east side of McFarland to accommodate future growth and demand. The proposed Plan includes the following mitigation measure.

Mitigation UTIL-3: Develop and adopt a Sewer Master Plan to guide replenishment of water supply and service delivery to meet future demand.

Significance After Mitigation: Less than significant.

4.17.5 REFERENCES

County of Kern (2019). *2018 Kern County Agricultural Crop Report.* Retrieved from http://www.kernag.com/caap/crop-reports/crop10_19/crop2018.pdf

County of Kern GIS: Open-Source Data (2019). 2019 Kern County Crops. Retrieved from https://geodat-kernco.opendata.arcgis.com/datasets/2019

Department of Food and Agriculture (2017). *California Agriculture Vision: Setting a Course of Action for the California State Board of Food and Agriculture*. Retrieved from https://www.cdfa.ca.gov/agvision/docs/AgVision_2017.pdf

Governor's Office of Planning and Research. (2017). *State of California General Plan Guidelines.* Retrieved from http://opr.ca.gov/planning/general-plan/guidelines.html

Kern Groundwater Authority (2019). *Groundwater Sustainability Plan*. Retrieved from http://www.kerngwa.com/assets/kga-umbrella_draft.pdf

Southern San Joaquin Municipal Utility District (2019). *Management Area Plan*. Retrieved from http://www.kerngwa.com/assets/southern-san-joaquin-municipal-utility-district-management-area-plan.pdf

United States Department of Agriculture, Natural Resources Conservation Service Soils (2019). Soil Survey. Retrieved from https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/survey/

4.18 Energy

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

4.18.1 Environmental Setting

This section discusses the regulatory framework and existing conditions of energy in McFarland. Furthermore, this section describes the potential impacts to energy facilities under full build-out of the proposed Plan.

4.18.1.1 Regulatory Framework

This section discusses Federal, State, and local regulations and goals applicable to energy.

Federal Regulations

There are no applicable federal regulations related to energy.

State Regulations

Warren-Alquist State Energy Resources Conservation and Development Act

In 1974, this act established what is now known as the California Energy Commission and enabled the Commission to adopt building energy standards. The California Legislature continues to update the act yearly to address pressing energy needs and issues.

California Code Of Regulations, Title 24, Part 6

This chapter serves as California's Energy Efficiency Standards for Residential and Non-residential Buildings. Title 24 was established by the California Energy Commission (CEC) in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings. In 2010, the CEC updated Title 24 standards with more stringent requirements. The 2010 standards are expected to substantially reduce growth in electricity and natural gas use. Additional savings result from the application of the standards on building alterations, such as those within Section V (Site Lighting) including Subpart E (Windows), F (Roofs), and S (Mechanical Equipment). These savings are cumulative, increasing as years go by.

Local Regulations

City of McFarland Municipal Code

Although energy services are provided by a private company, the City of McFarland has adopted standards concerning energy use and regulation. Chapter 13.16 of the City's Municipal Code outlines the energy standards for underground facilities. Chapter 15.04 covers the Electrical Code and Energy Code.

Kern County General Plan Energy Element

The Kern County Energy Element is a comprehensive document which defines critical energy related issues facing the County and sets forth goals, policies, and implementation measures to protect the County's energy resources and encourage orderly energy development while affording the maximum protection for the public's health, safety, and the environment.

4.18.1.2 Existing and Baseline Conditions

Electrical Service

The City is located entirely within Southern California Edison's (SCE) service territory. SCE maintains and operates the transmission and distribution infrastructure necessary to provide electricity to end users within McFarland and throughout its entire service area.

Natural Gas

McFarland is located entirely within Southern California Gas Company's (SCG) service territory. SCGC natural gas service lines are currently provided to the project site.

4.18.2 STANDARDS OF SIGNIFICANCE

4.18.2.1 CEQA THRESHOLDS

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), build-out of the Plan would have significant impact on the environment with respect to Energy if it would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation;
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.18.2.2 METHODOLOGY

The City *of McFarland Background Report* (2020) and the California Emissions Estimator Model® (CalEEMod) were used to assess the potential impacts of the 2040 General Plan buildout on McFarland's energy consumption. Specifically, this included an analysis of natural gas and electric energy use under the different proposed scenarios. The discussion follows and is organized by the impact criteria laid out in the CEQA Appendix G Guidelines.

4.18.3 IMPACT DISCUSSION

This section discusses environmental impacts with respect to Energy.

ENE – 1 BUILD OUT OF THE PROPOSED PLAN WILL RESULT IN LESS-THAN-SIGNIFICANT EFFECTS DUE TO WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES, DURING PROJECT CONSTRUCTION OR OPERATION.

While the proposed Plan will result in new growth and infrastructure development in key areas within the City of McFarland, the Plan focuses on sustainable and conservation policies that can help to prevent excessive consumption of energy. Additionally, the Plan's efforts to reduce VMT will further reduce energy consumption from transportation related activities. As a result of these progressive actions to conserve energy, natural gas use under the proposed plan will reduce by 22% and electricity use will decrease by 11% compared to the no project alternative. This is illustrated in Table 4.18-1 and further discussed Appendix 9.4.

TABLE .18-1: COMPARATIVE ENERGY USE: BUSINESS-AS-USUAL VS. GENERAL PLAN

	Natural Gas Use	**Electricity Use**
	kBTU/yr	*kWh/yr*
(NO PROJECT) Business-As-Usual	982,212,120	240,723,175
General Plan – Unmitigated	935,291,570	235,749,112
- BAU-GP Unmitigated	-5%	-2%
General Plan – Mitigated	761,860,110	213,836,780
- BAU-GP Mitigated	-22%	-11%
- GP-GP Mitigated	-19%	-9%

The proposed Plan includes the following programs and policies that attribute to this reduction in energy use.

Program HO 1.1.1.2: Adopt Sustainable Design Guidelines, which give guidance on sustainable design principles such as sustainable energy.

Program ED 1.3.1.3: Build charging stations for electric and other alternative energy vehicles along Highway 99.

Policy ED 1.6.1: Promote incentives for sustainable business practices.

Program ED 1.6.1.1: Offer reduced development fees for Leadership in Energy and Environmental Design (LEED) Certified buildings.

Program ED 1.6.1.2: Provide a green building incentive program for priority building permit review at no additional fee.

Objective CON 2.3: Conserve energy usage in all sectors.

Policy CON 2.3.1: Educate the public on the importance of energy-saving techniques.

Program CON 2.3.1.1: Work with Public Works Department and invite organizations that can educate the public on energy efficient home goods and climate change to public events and schools.

Policy CON 2.3.2: Seek opportunities to improve energy efficiency within City facilities.

Program CON 2.3.2.1: Conduct energy efficiency and water use audits on all City facilities and create a schedule to prioritize implementation of the most cost-effective efficiency measures.

Program CON 2.3.2.2: Seek grants, low interest loans, and other funding sources for energy efficiency projects at schools and any critical or emergency response facilities.

Policy AQ 2.1.1: Conserve and reduce energy use.

Program AQ 2.1.1.1: Develop energy conservation opportunities.

Program AQ 2.1.1.2: Establish energy conservation requirements for development (e.g., energy efficient light bulbs).

Program AQ 2.1.1.3: Apply neighborhood conservation strategies such as code enforcement and building rehabilitation.

Policy AQ 2.1.2: Develop renewable energy.

Program AQ 2.1.2.1: Invest in sources of renewable energy.

Program AG 4.3.1.3: Promote city-wide adoption of alternative energy

Policy AG 5.2.1: Encourage and support farms and ranches, both large and small, that are seeking to implement programs that increase the sustainability of resources, conserve energy, and protect water and soil in order to increase the viability of diverse farm sizes and types.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

ENE – 2 BUILD OUT OF THE PROPOSED PLAN WILL LESS-THAN-SIGNIFICANTLY CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY.

All development under the proposed Plan would be subject to all applicable renewable energy and energy efficiency plans including those listed in section 4.18.1.1 which discusses related Federal, State and Local regulation. The Plan's policies and programs work to help McFarland meet energy conservation standards and goals set by state and local plans. Furthermore, subsequent projects under the Plan will undergo by the City of McFarland Building Department and CEQA review to ensure they comply with energy conservation standards. Therefore, impact of the proposed Plan on adopted policies, plans, or programs would be less than significant. The following policies demonstrate the Plan's compliance with relevant regulations.

Program HO 1.1.1.2: Adopt Sustainable Design Guidelines, which give guidance on sustainable design principles such as sustainable energy.

Program ED 1.3.1.3: Build charging stations for electric and other alternative energy vehicles along Highway 99.

Policy ED 1.6.1: Promote incentives for sustainable business practices.

Program ED 1.6.1.1: Offer reduced development fees for Leadership in Energy and Environmental Design (LEED) Certified buildings.

Program ED 1.6.1.2: Provide a green building incentive program for priority building permit review at no additional fee.

Objective CON 2.3: Conserve energy usage in all sectors.

Policy CON 2.3.1: Educate the public on the importance of energy-saving techniques.

Program CON 2.3.1.1: Work with Public Works Department and invite organizations that can educate the public on energy efficient home goods and climate change to public events and schools.

Policy CON 2.3.2: Seek opportunities to improve energy efficiency within City facilities.

Program CON 2.3.2.1: Conduct energy efficiency and water use audits on all City facilities and create a schedule to prioritize implementation of the most cost-effective efficiency measures.

Program CON 2.3.2.2: Seek grants, low interest loans, and other funding sources for energy efficiency projects at schools and any critical or emergency response facilities.

Policy AQ 2.1.1: Conserve and reduce energy use.

Program AQ 2.1.1.1: Develop energy conservation opportunities.

Program AQ 2.1.1.2: Establish energy conservation requirements for development (e.g., energy efficient light bulbs).

Program AQ 2.1.1.3: Apply neighborhood conservation strategies such as code enforcement and building rehabilitation.

Policy AQ 2.1.2: Develop renewable energy.

Program AQ 2.1.2.1: Invest in sources of renewable energy.

Program AG 4.3.1.3: Promote city-wide adoption of alternative energy.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

4.18.4 Summary of Potential Impacts and Mitigation Measures

There are no potentially significant impacts associated with Energy, and thus no mitigation measures are required.

4.18.5 References

California Air Pollution Officers Association, (n.d.). The California Emissions Estimator Model® (CalEEMod) Retrieved from: http://www.caleemod.com/

California Energy Commission, (2021). *Warren-Alquist Act*. Retrieved from: https://www.energy.ca.gov/rules-and-regulations/warren-alquist-act

Kern County, (2004). General Plan: Energy Element. Retrieved from: https://psbweb.co.kern.ca.us/planning/pdfs/kcgp/KCGPChp5Energy.pdf

Michael Baker International (2016).General Plan Amendment Environmental Impact Report. *City of McFarland.*

4.19 Tribal Cultural Resources

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in the local Register of Historical Resources as defined in Public Resources Code Section 5020.1(k)?				X
2. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth				X

in subdivision (c) of Public Resources Code Section 5024.1?	

4.19.1 Environmental Setting

This section discusses the regulatory framework and existing conditions of tribal cultural resources in McFarland.

4.19.1.1 Regulatory Framework

This section discusses Federal, State, and local regulations and goals applicable to tribal cultural resources.

Federal Regulations

National Historic Preservation Act (NHPA)

This legislation was passed in 1966 to acknowledge the importance of protecting historically and culturally significant places and resources. The act establishes a funding structures to allocate money for local governments to invest in historic preservation. Under this act, local agencies are directed to consider the impact of development on historic properties.

Native American Graves Protection and Repatriation Act (NAGPRA)

A major purpose of this statute, passed in 1990, is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands (Section 3).

State Regulations

California State Assembly Bill 52

This bill further clarifies CEQA processes as they relate to tribal cultural resources by requiring the lead agency to consider effects relative to tribal cultural resources and to conduct consultation with California Native American tribes. The bill requires a lead agency to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. The bill also specifies examples of mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources.

California State Senate Bill 18

The principal objective of SB 18 is to preserve and protect cultural places of California Native Americans. SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

The California Environmental Quality Act (CEQA)

CEQA Guidelines (2014) section 15064.5 requires local agencies to determine if a project may cause substantial adverse change in the significance of a historical resource. CEQA considers impacts to historical resources as impacts to the environment. This is to protect historical resources from substantial adverse change though physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

Adverse change to these resources could potentially impair the material significance. CEQA defines historical resources as meeting one of four requirements:

- If a resource is listed, or determined eligible for listing, in the California Register of Historical Resources.
- The resource is included in a local register of historical resources, as defined in section 5020.1 (k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, unless a preponderance of evidence demonstrates it is not historically or culturally significant.
- The lead agency has determined that the resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, and may be considered a historical resource so long as the lead agency's determination is supported by substantial evidence in light of the whole record.
- If the lead agency determines the resource may be a historical resource as defined in Public Resources Code Sections 5020.1 (j) or 5024.1 and the resource is not listed or eligible for listing in the California Register of Historical Resources, not included in a local register (pursuant to section 5020.1 (k) of the Public Resources Code) or identified in a historical resources survey (meeting the criteria of section 5024.1 (g) of the Public Resources Code).

In addition, Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines (2014), state that the lead agency shall determine whether a project may have a significant impact on archaeological resources. If a project is determined to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all resources to be preserved in place or left in an undisturbed state. Preservation in place is preferred to mitigation measures. Preservation in place maintains the relationship between artifacts and the archaeological context. The Public Resources Code provides required mitigation if unique archaeological resources are not preserved in place or not left in an undisturbed state.

Section 15064.5 of the CEQA Guidelines (2014) specifies procedures in the event of an accidental discovery of Native American human remains on non-federal land. These provisions protect such remains from disturbance, disinterment, and inadvertent destruction, outline procedures to be implemented if Native American remains are discovered and establish the Native American Heritage Commission (NAHC)

as the authority to identify the most likely descendant and mediate any disputes regarding disposition of such remains.

2013 California Historical Building Code, California Code Of Regulations, Title 24, Part 8

The California Historical Building Code (CHBC), as stated in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code, and subject to the rules and regulations in 24 CCR Part 8, supplies regulations and standards for the rehabilitation, preservation, restoration, qualified historical building or structure is any structure or collection of structures, and their associated sites deemed of importance to the history, architecture or culture of an area by an appropriate local or State governmental jurisdiction. This includes any structures in existing or future national, state, or local historical registers or official inventories, such as the National Register of Historic Places (NRHP), State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historic or architecturally significant sites, places, historic districts, or landmarks.

Health And Safety Code, Section 7052, Section 7050.5

Sections 7052 and 7050.5 of the Health and Safety Code outlines penalties associated with the intentional disturbance, mutilation, or removal of interred human remains. Health and Safety Code 7050.5 provides procedural guidelines for the discovery of human remains outside of a dedicated cemetery. The disinterment of remains known to be human and without the authority of law is a felony and intentional disturbance of remains is a misdemeanor.

Public Resources Code Section 5097

Public Resources Code Section 5097 identifies the procedures to be followed in the event of the unexpected discovery of human remains on non-federal public lands. The character of Native American burials falls within the jurisdiction of the Native American Heritage Commission (NAHC). The NAHC prohibits willfully damaging any historical, archaeological, or vertebrate paleontological site or feature on public lands.

Local Regulations

McFarland and Kern County follow federal and state regulations related to Tribal Cultural Resources.

4.19.1.2 Existing and Baseline Conditions

According to the existing General Plan, there are no National Historical Landmarks (NLM) or no California Historical Landmarks (CHL) in McFarland. The closest eligible place is the Friant-Kern Canal, which is eligible for National Register of Historic Places (NRPH). Aside from this singular off-site example, no historic sites or buildings in the City are listed on the National Register of Historic Places, the California Landmark Series, or List of State Points of Historical Interest. As the threshold for historical significance is fifty years old, certain buildings may be historically significant in the future,

though no historic places were identified as significant upon site analysis and inventory, nor through community outreach. There are a few historic resources in other locations within Kern County.

There are a total of 19 identified tribes with traditional lands or cultural places located within the SOI as identified by the Native American Heritage Commission (NAHC, 2020). The NAHC conducted a Sacred Land's File check which was found to be negative. Appendix 9.1.5.3 shows the results.

In 2015, the City of McFarland initiated a records search of California Historical Resource Information System (CHRIS). The CHRIS search included a review of the NRHP, the CPHR, the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, the California State Historic Resources Inventory list, and the Office of Historic Preservation (OHP) Historic Property Directory. The records search identified 14 previously conducted studies and 14 cultural resources within the project site and 200-foot buffer. All of the cultural resources are built environment and were constructed during the 20th century. One resource, the Friant-Kern Canal has been previously determined eligible for the CRHR and NRHP (City of McFarland, 2016).

4.19.2 Standards of Significance

4.19.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), build-out of the Plan would have significant impact on the environment with respect to Tribal Cultural Resources if it would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k);
2. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

4.19.2.2 METHODOLOGY

The Tribal Cultural Resources impact assessment was based on a review of the National, State, and Local Register of Historic Buildings, and other relevant documentation. The discussion follows and is organized by the impact criteria laid out in the CEQA Appendix G Guidelines.

4.19.3 IMPACT DISCUSSION

This section discusses environmental impacts with respect to Tribal Cultural Resources.

TRIBE – 1 BUILD OUT OF THE PROPOSED PLAN WOULD NOT IMPACT TRIBAL CULTURAL RESOURCES LISTED IN ANY LOCAL OR STATE REGISTER HISTORICAL RESOURCES.

There are no historic sites, features, places, cultural landscapes within the City that are listed on the National Register of Historic Places (NRHP). In 2015, McFarland conducted a records search of California Historical Resource Information System (CHRIS) which includes a review of the NRHP, the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, the California State Historic Resources Inventory list, and the Office of Historic Preservation (OHP) Historic Property Directory. The records search identified 14 previously conducted studies and 14 cultural resources within the project site and 200-foot buffer. All of the cultural resources are built environment and were constructed during the 20th century. Therefore, the project would have no impact on any tribal cultural resources listed on any local or state registry. Additionally, the City will implement the following policies from the General Plan to further mitigate the impact.

Policy OS 2.1.1: Protect and maintain the City's historic cultural resources.

Program OS 2.1.1.1: Include Native American Tribal Authorities in environmental review processes.

Program OS 2.1.1.2: Provide confidential review and protection for cultural heritage resources if present or found during development.

Additionally, the following mitigation measures under section 4.5.4 of the Cultural Resources section of this EIR protections for hitherto unknown Tribal Cultural Resources in the event that any should be discovered:

MITIGATION CULT-2A

The City of McFarland shall implement the following policy:

In the event that archeological or paleontological resource is unearthed or otherwise discovered during a during construction related activities associate with the proposed Plan, all work must be suspended until a qualified archeologist is consulted.

MITIGATION CULT 4A:

The City of McFarland will implement the following policy in accordance with California Public Resources Code Chapter 1.75 Section 5097.9 – 5097.991 and Section 7050 of the Health and Safety Code.

In the event human remains are discovered during the build-out of the Plan's proposed developments, construction must be stopped, and a qualified coroner must be contacted to determine if the remains are of Native American origin. If the coroner makes this determination, the coroner will contact the Native American Heritage Commission within 24 hours.

Applicable Regulations:

National Historic Preservations Act

Native American Graves Protection and Repatriation Act

SB 18

AB 52

Significance Before Mitigation: No impact

TRIBE – 2 BUILD OUT OF THE PROPOSED PLAN WOULD NOT IMPACT TRIBAL CULTURAL RESOURCES IDENTIFIED BY THE LEAD AGENCY PURSUANT TO CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1 .

A 2015 records search of the California Historical Resource Information System (CHRIS) including a review of the NRHP, the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, the California State Historic Resources Inventory list, and the Office of Historic Preservation (OHP) Historic Property Directory identified 14 cultural resources within the project site and 200-foot buffer. However, these resources are all built environment and were constructed during the 20th century and will not be impacted by the proposed Plan. Beyond this search, the City reached out to the 19 tribes identified by the Native American Heritage Commission to be historically or culturally associated with the geographic area of the Plan for consultation. McFarland's SOI did not cover any land associated with any of the tribes. Given this information, the lead agency, the City of McFarland, is not aware of any tribal cultural resources that will be impacted by the proposed Plan. Additionally, the City will implement the following policies

from the General Plan and mitigation measures from section 4.5.4 of the EIR to further mitigate the impact.

Policy OS 2.1.1: Protect and maintain the City's historic cultural resources.

Program OS 2.1.1.1: Include Native American Tribal Authorities in environmental review processes.

Program OS 2.1.1.2: Provide confidential review and protection for cultural heritage resources if present or found during development.

MITIGATION CULT-2A

The City of McFarland shall implement the following policy:

In the event that archeological or paleontological resource is unearthed or otherwise discovered during a during construction related activities associate with the proposed Plan, all work must be suspended until a qualified archeologist is consulted.

MITIGATION CULT 4A:

The City of McFarland will implement the following policy in accordance with California Public Resources Code Chapter 1.75 Section 5097.9 – 5097.991 and Section 7050 of the Health and Safety Code.

In the event human remains are discovered during the build-out of the Plan's proposed developments, construction must be stopped, and a qualified coroner must be contacted to determine if the remains are of Native American origin. If the coroner makes this determination, the coroner will contact the Native American Heritage Commission within 24 hours.

Applicable Regulations:

National Historic Preservations Act

Native American Graves Protection and Repatriation Act

SB 18

AB 52

Significance Before Mitigation: No impact

4.19.4 Summary of Potential Impacts and Mitigation Measures

There are no potentially significant impacts regarding Tribal Cultural Resources, as a result, no mitigation measures are necessary.

4.19.5 References

2016 General Plan Amendment Environmental Impact Report. (2016). Michael Baker International. Retrieved from https://www.mcfarlandcity.org/DocumentCenter/View/1883/McFarland-GPA-EIR_Final_August-2018

D. Michael O' Haver, "McFarland: Consolidated General Plan 2011", McFarland Planning Department, September 3, 1991, McFarland Planning Commission.

"National Register of Historic Places." GSA, 4 May 2018, National Park Service.

"The Secretary of the Interior's Standards-Technical Preservation Services, National Park Service." National Parks Service, U.S. Department of the Interior.

4.20 Wildfire

Would The Proposed Plan	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Substantially impair an adopted Emergency Response Plan or Emergency Evacuation Plan?			X	
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

4.20.1 Environmental Setting

This section discusses the regulatory framework and existing conditions of wildfires in McFarland.

4.20.1.1 Regulatory Framework

This section discusses Federal, State, and local regulations and goals applicable to wildfires.

Federal Regulations

Federal Emergency Management Agency

Federal Emergency Management Agency (FEMA) disaster mitigation literature recommends the creation of an Emergency Operation Center, or EOC, under federal National Incident Management Systems (NIMS) programs. This coordination and use of federally integrated communication systems allows for integration with larger emergency management systems during a time of crisis. This also requires close coordination with the relevant agencies before and after an emergency occurs. Federal agencies such as FEMA and the State Hazards Planning agency offer funds to boost the resiliency of communities. Resiliency refers to the City's ability to respond and rebound from an emergency. As emergency preparedness represents a vital issue for safety and security in the City and beyond, the federal funds available represent an opportunity for McFarland to promote emergency preparedness before incidents occur and resiliency in their aftermath.

State Regulations

California Senate Bill 379

California Senate Bill 379, codified at Government Code section 65302(g)(4), requires that all General Plans must address adaptation to the changing climate. Adaptation must be addressed either in the Local Hazard Mitigation Plan (LHMP) or in the safety element of the General Plan. If the local jurisdiction possesses a LHMP, then climate change adaptation must be addressed by the next LHMP revision completed after January 1, 2017. If the local jurisdiction does not possess a LHMP beginning on or before January 1, 2022, then climate change adaptation shall be included directly in the Safety Element. The statute requires that the jurisdiction:

- Conduct a vulnerability assessment
- Create adaptation and resilience goals, policies, and objectives
- Determine, prioritize, and implement implementation measures

The statute further requires that the climate change adaptation plan consider the advice in the General Plan Guidelines from the Office of Planning and Research. Those guidelines require the LHMP process to consider the advice given in the California Adaptation Guide. Therefore, the LHMP process should consider:

- Sea level rise
- Increased wildfire risk
- Increased intensity, frequency, and duration of extreme heat
- Reduced snowpack for water supply
- Increased Intensity of rainfall events

- Plant moisture stress, and insect populations
- Reduced agricultural productivity

The Guidelines strongly encourage utilizing multidisciplinary assessment teams involving local agencies, regional agencies, stakeholders, and the public to conduct the vulnerability assessment and to create and prioritize policy.

California state Assembly Bill 747 (AB 747)

AB 747, also known as the Planning and Zoning Law, requires the legislative body of each county and city to adopt a mandatory safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, wildland and urban fires, and climate adaptation and resilience strategies. That law requires the safety element to address, among other things, evacuation routes related to identified fire and geologic hazards.

Local Regulation

The City of McFarland follows federal and state regulations on emergency preparedness.

4.20.1.2 Existing and Baseline Conditions

Fire hazard assessment for the Safety Element of McFarland includes the following required components: average weather projections for the year, analysis of potential fuel sources, analysis of historical burn data, federal wildland models, and state models of relative fire danger zones.

McFarland's weather patterns maintain relatively dry conditions year-round. The city receives approximately 7 inches of rainfall per year, with the driest months receiving no rainfall on average. Summer temperatures often average above 90 degrees Fahrenheit (°F), with yearly average temperatures fluctuating between 38 and 99 °F. The 30-year average temperature in McFarland peaks at 98.1 °F during July, making it one of the warmest areas in the state. Yearly wind speed in McFarland averages 5.5 miles per hour (MPH) at 10 meters above the ground with averages during the windiest part of the year reaching 6.7 MPH, in late May. Local wind speeds vary significantly based on tree cover and topography, and these wind conditions could spread sparks and firebrands (ignited pieces of wood) a mile or more from the fire event. Infrequently, high wind events occur in the Central Valley with winds above 70 MPH, increasing relative fire danger during that event.

As the climate changes, climatologists predict that McFarland will receive less annual precipitation, experience more intense storms, suffer increased intensity and duration of heat events, have increased plant moisture stress, changes in insect populations, and suffer reduced agricultural productivity. However, McFarland's location prevents it from being susceptible to sea level rise and wildfire risk from climate change is minimal.

Required historical fire data collected for the area derives from the following tools and resources:

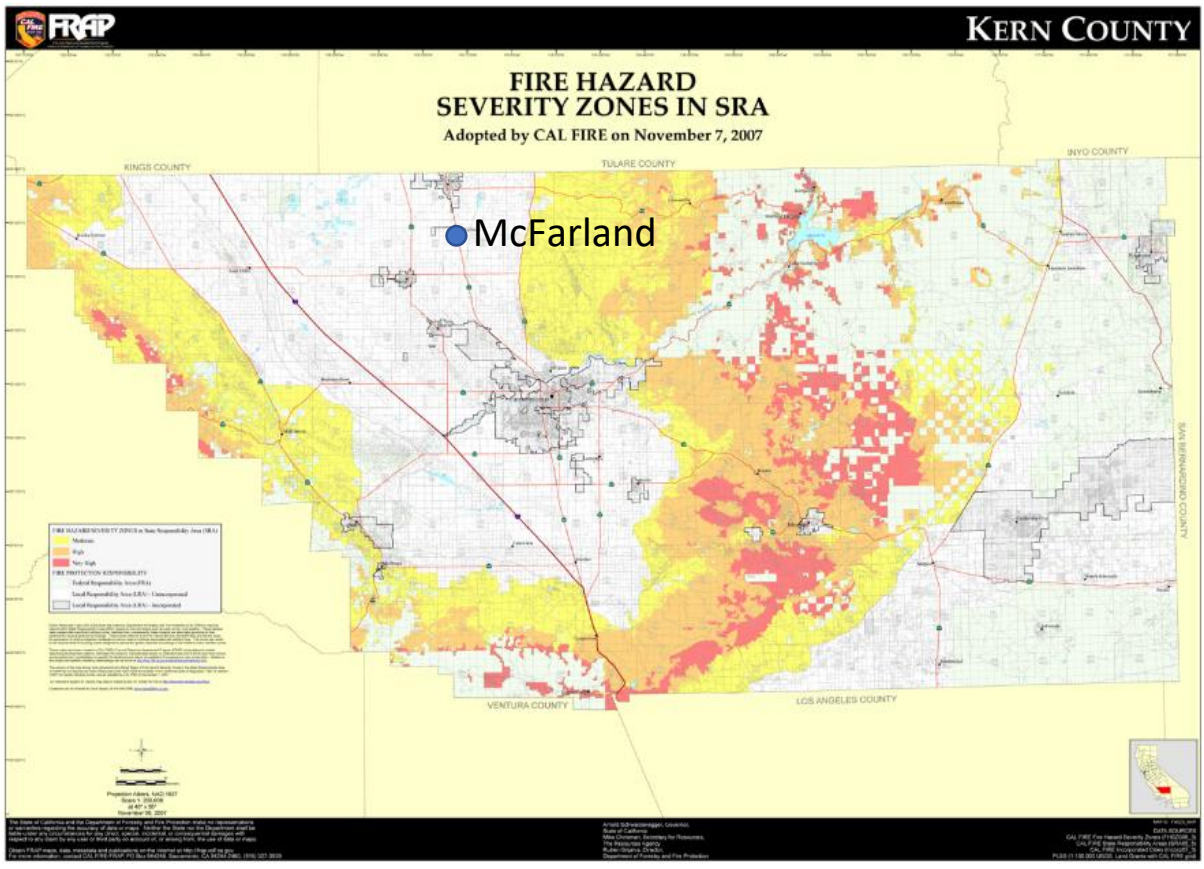
- InciWeb Incident/Hazard Reporting Map Utility
- USGS GeoMac Historical Fire Data Viewer
- Monitoring Trends in Burn Severity (MTBS) Interagency Viewer

These three databases hold the legally required data and satisfy the requirements for fire hazard readiness.

Map 4.20-1 shows Fire Hazard Severity Zones in State Responsibility Areas in Kern County, utilizing land coverage and weather data from MODIS satellite imaging and remote sensing. This final map does not include potential draft local responsibility areas, but it does represent the most active regional zones for fire hazard potential. No Local, State or Federal Responsibility Areas include McFarland or the projected Sphere of Influence.

CAL FIRE specifically designates High or Very High Fire Hazard Zones based on the fire triangle of fuel, oxygen, and ignition. These zones present a significant danger and constraint to development if present, but none appear in McFarland's City limits or its Sphere of Influence. In Map 4.20-1, red represents Very High Fire Hazard Zones, orange represents High Fire Hazard Zones, and yellow marks Moderate Fire Hazard Zones. Areas in grey, like McFarland, remain unclassified, or at lower risk of fire hazard. While the city does not lie within a CAL FIRE recognized Fire Hazard Severity Zone, urban structure fires remain a concern and steps to prepare for an emergency will benefit all residents.

MAP 4.20-2: FIRE HAZARD SEVERITY ZONES IN STATE RESPONSIBILITY AREAS



Basic preparations for evacuation are still an important part of resident safety. Potential ignition sources present in the city today include agricultural equipment, especially during harvest, as well as normal residential and commercial operations.

The City of McFarland sits on land designated as Wildland-Urban Interface by the USGS, or the area where significant vegetation or fuel sources lie near human activity. Two kinds of development cause WUI conditions: interface, the traditional urban-rural divide, or intermix, where development occurs in pockets within an area that has high fire danger. The Sequoia National Forest lies approximately 30 miles to the east of McFarland, and that eastern half of Kern County qualifies as a significant fuel source and an area of significant fire probability, with many areas falling in a High or Very High Fire Hazard Zone.

Twenty-nine catastrophic fire events occurred in California during 2018, including the Camp Fire that devastated large swaths of Butte County. Although large wildfires are unlikely near McFarland, caution is still warranted due to significant potential fuel sources in the area including agricultural waste, liquid fuel, gaseous accelerants, and other significant local point sources of impact in a city of its size. Newer subdivisions are more likely to comply with firesafe building code and material conditions. Industrial, commercial, and residential buildings built before the codes for firesafe construction were enacted possibly pose other concerns in terms of wiring, materials, fuel load, and key evacuation standards including occupancy and initial response time. Kern County Fire maintains records of specific programs and utilities for residents, businesses, and municipalities to engage in resiliency upgrades, home hardening with a 100-foot defensible space buffer, multilingual evacuation information, and other items to assist these situations.

4.20.2 Standards of Significance

4.20.2.1 CEQA Thresholds

According to Appendix N of the Guidelines for the Implementation of the California Environmental Quality Act (2018), build-out of the Plan would have significant impact on the environment with respect to Wildfire if it would:

1. Substantially impair an adopted emergency response plan or emergency evacuation plan;
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment;
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

4.20.2.2 METHODOLOGY

In order to assess impacts associated with wildfires, preferred growth areas and existing land uses identified in the proposed Plan were compared to the locations of fire hazard zones. The City of McFarland Background Report, policies from the proposed Plan, Multi-Jurisdictional Hazard Mitigation Plan, and Fire Hazard Planning documents published by the State were also used for this analysis. The discussion follows and is organized by the impact criteria laid out in the CEQA Appendix G Guidelines.

4.20.3 IMPACT DISCUSSION

This section discusses environmental impacts with respect to Wildfire.

FIRE – 1 BUILD OUT OF THE PROPOSED PLAN WOULD HAVE A LESS-THAN-SIGNIFICANT IMPACT ON AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN.

The proposed Plan includes the following policies which ensures collaboration with Kern County on the development and implementation of a Disaster and Emergency Preparedness Plan and supports efforts outlines in the existing McFarland Local Hazard Mitigation Plan. Proposed land uses do not interfere with any existing ERPs.

Policy SAF 4.2.1: Coordinate emergency preparedness and response measures with Kern County's Emergency Operations Plan.

Program SAF 4.2.1.1: Plan emergency event evacuation in coordination with county, state, and federal agencies.

Program SAF 4.2.1.2: Establish procedures for safe, prompt, and orderly evacuation, locations of safe meeting areas, emergency supplies including food, water, and medical supplies, and general emergency protocols.

Program SAF 4.2.1.3: Conduct periodic trainings for staff on emergency operations procedures and response.

Program SAF 4.2.1.4: Craft and publicize emergency procedures and define responsibilities for government and non-government entities during a crisis.

Program SAF 4.3.1.2. Assess risk from evacuation and emergency response bottlenecks for hazards, particularly fire, flood, and hazardous materials.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

FIRE – 2 BUILD OUT OF THE PROPOSED PLAN WOULD LESS-THAN-SIGNIFICANTLY EXACERBATE WILDFIRE RISKS FROM SLOPES, PREVAILING WINDS, AND OTHER FACTORS, AND THEREBY WOULD HAVE A LESS-THAN-SIGNIFICANT EFFECT ON EXPOSING PROJECT OCCUPANTS TO POLLUTANT CONCENTRATIONS FROM A WILDFIRE OR THE UNCONTROLLED SPREAD OF A WILDFIRE.

According to CAL FIRE, McFarland and it's SOI does not lie within a Fire Hazards Severity Zone and is at a low risk from fire hazards. The Plan, as a result, does not increase exposure of any project occupants to wildfire spread or wildfire pollutants. While the city does not lie within a CAL FIRE recognized Fire Hazard Severity Zone, urban structure fires and pollutant exposure from nearby higher risks areas outside of McFarland's SOI remain a concern and steps to prepare for an emergency will benefit all residents. Therefore, the Plan includes the following policies to mitigate fire risk.

Objective SAF 2.3: Prepare for urban and wildland fire hazards.

Policy SAF 2.3.1: Evaluate and respond to urban and wildland fire hazards affecting McFarland where present.

Program SAF 2.3.1.2: Update urban and wildland fire threat as data sources become available and seek guidance and data from Cal Fire.

Policy SAF 2.3.3: Evaluate fire threats in existing and proposed developments.

Program SAF 2.3.3.1: Coordinate fire threat evaluation with Kern County Fire, given Cal Fire threat assessments and federal data sources.

Program SAF 2.3.3.2: Enact measures for resident and employee safety in areas of recognized commercial and industrial fire threat.

Program SAF 2.3.3.3: Reduce vulnerability especially with vegetation management (e.g., fire resistant landscaping, fuel breaks, etc.) to prevent drought/extreme weather-related fire risk.

Program SAF 2.3.3.4: Encourage commercial and industrial properties to maintain fire safe standards and operate in a safe manner when handling flammable materials or byproducts.

Policy SAF 2.3.4: Create defensible space for McFarland through best management practices.

Program SAF 2.3.4.1: Encourage abatement of potentially flammable material through trimming, thinning, or reduction of potential fuel from habitable or occupied areas according to Cal Fire defensible space standards.

Program SAF 2.3.4.2: Check with state and federal hazard management agencies for updated areas of concern in wildland and urban fire scenarios on a 10-year cycle.

Policy SAF 2.3.5: Adopt uniform building and fire codes as they are updated by the State.

Policy SAF 2.3.6: Educate the public about fire safety.

Program SAF 2.3.6.1: Promote public fire safety education programs to reduce accidents, injuries, and fires in coordination with McFarland School District and community agencies.

Program SAF 2.3.6.2: Promote public safety through Cal Fire programs, pamphlets, and education opportunities with school and community engagement in English and Spanish.

Objective PF 3.2: Provide enough fire services for residents and businesses.

Policy PF 3.2.1: Maintain adequate staff and equipment in collaboration with Kern County.

Program PF 3.2.1.1: Continue to fund, budget, and maintain the contracted fire services from Kern County.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

FIRE – 3 BUILD OUT OF THE PROPOSED PLAN WOULD RESULT IN A LESS-THAN-SIGNIFICANT IMPACT ON THE INSTALLATION OR MAINTENANCE OF ASSOCIATED INFRASTRUCTURE (SUCH AS ROADS, FUEL BREAKS, EMERGENCY WATER SOURCES, POWER LINES OR OTHER UTILITIES) THAT MAY EXACERBATE FIRE RISK OR THAT MAY RESULT IN TEMPORARY OR ONGOING IMPACTS TO THE ENVIRONMENT.

As addressed in FIRE-2, McFarland and it's SOI does not lie within a CAL FIRE designated Fire Hazards Severity Zone and is at low risk of fire hazard. Furthermore, any subsequent projects required as part of the proposed Plan are subject to CEQA review. While the city does not lie within a CAL FIRE recognized Fire Hazard Severity Zone, urban structure fires remain a concern and steps to mitigate fires risk are still important. Therefore, the Plan includes the following policies to mitigate fire risk.

Objective SAF 2.3: Prepare for urban and wildland fire hazards.

Policy SAF 2.3.1: Evaluate and respond to urban and wildland fire hazards affecting McFarland where present.

Program SAF 2.3.1.2: Update urban and wildland fire threat as data sources become available and seek guidance and data from Cal Fire.

Policy SAF 2.3.3: Evaluate fire threats in existing and proposed developments.

Program SAF 2.3.3.1: Coordinate fire threat evaluation with Kern County Fire, given Cal Fire threat assessments and federal data sources.

Program SAF 2.3.3.2: Enact measures for resident and employee safety in areas of recognized commercial and industrial fire threat.

Program SAF 2.3.3.3: Reduce vulnerability especially with vegetation management (e.g., fire resistant landscaping, fuel breaks, etc.) to prevent drought/extreme weather-related fire risk.

Program SAF 2.3.3.4: Encourage commercial and industrial properties to maintain fire safe standards and operate in a safe manner when handling flammable materials or byproducts.

Policy SAF 2.3.4: Create defensible space for McFarland through best management practices.

Program SAF 2.3.4.1: Encourage abatement of potentially flammable material through trimming, thinning, or reduction of potential fuel from habitable or occupied areas according to Cal Fire defensible space standards.

Program SAF 2.3.4.2: Check with state and federal hazard management agencies for updated areas of concern in wildland and urban fire scenarios on a 10-year cycle.

Policy SAF 2.3.5: Adopt uniform building and fire codes as they are updated by the State.

Policy SAF 2.3.6: Educate the public about fire safety.

Program SAF 2.3.6.1: Promote public fire safety education programs to reduce accidents, injuries, and fires in coordination with McFarland School District and community agencies.

Program SAF 2.3.6.2: Promote public safety through Cal Fire programs, pamphlets, and education opportunities with school and community engagement in English and Spanish.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

FIRE – 4 BUILD OUT OF THE PROPOSED PLAN WOULD RESULT IN A LESS-THAN-SIGNIFICANT RISK IN EXPOSING PEOPLE OR STRUCTURES TO DOWNSLOPE OR DOWNSTREAM FLOODING OR LANDSLIDES, AS A RESULT OF RUNOFF, POST-FIRE SLOPE INSTABILITY, OR DRAINAGE CHANGES.

As addressed in FIRE-2 and 3, McFarland and it's SOI does not lie within a CAL FIRE designated Fire Hazards Severity Zone and is at low risk of fire hazard. Due to the low risk of fire, there is a very small likelihood that any wildfire related slope instability, drainage changes, or run off caused by wildfires would occur. Thus, the proposed Plan will less than significantly impact the risk of downslope or downstream flooding or landslides caused by fire related geological events. While wildfire risk is low in McFarland, urban structure fires remain a concern and steps to mitigate fires risk are still important. Therefore, the Plan includes the following policies to mitigate fire risk and its effect on geology in the region.

Policy SAF 2.2.2: Reduce flood risk for new development and critical infrastructure.

Program SAF 2.2.2.1: Prior to development, encourage flood risk assessment and possible mitigation measures to reduce risks to life and property.

Program SAF 2.2.2.2: Prohibit development in the 100-year flood plain unless mitigation measures meeting Federal Flood Insurance Administration criteria are provided.

Objective SAF 2.3: Prepare for urban and wildland fire hazards.

Policy SAF 2.3.1: Evaluate and respond to urban and wildland fire hazards affecting McFarland where present.

Program SAF 2.3.1.2: Update urban and wildland fire threat as data sources become available and seek guidance and data from Cal Fire.

Policy SAF 2.3.3: Evaluate fire threats in existing and proposed developments.

Program SAF 2.3.3.1: Coordinate fire threat evaluation with Kern County Fire, given Cal Fire threat assessments and federal data sources.

Program SAF 2.3.3.2: Enact measures for resident and employee safety in areas of recognized commercial and industrial fire threat.

Program SAF 2.3.3.3: Reduce vulnerability especially with vegetation management (e.g., fire resistant landscaping, fuel breaks, etc.) to prevent drought/extreme weather-related fire risk.

Program SAF 2.3.3.4: Encourage commercial and industrial properties to maintain fire safe standards and operate in a safe manner when handling flammable materials or byproducts.

Policy SAF 2.3.4: Create defensible space for McFarland through best management practices.

Program SAF 2.3.4.1: Encourage abatement of potentially flammable material through trimming, thinning, or reduction of potential fuel from habitable or occupied areas according to Cal Fire defensible space standards.

Program SAF 2.3.4.2: Check with state and federal hazard management agencies for updated areas of concern in wildland and urban fire scenarios on a 10-year cycle.

Policy SAF 2.3.5: Adopt uniform building and fire codes as they are updated by the State.

Policy SAF 2.3.6: Educate the public about fire safety.

Program SAF 2.3.6.1: Promote public fire safety education programs to reduce accidents, injuries, and fires in coordination with McFarland School District and community agencies.

Program SAF 2.3.6.2: Promote public safety through Cal Fire programs, pamphlets, and education opportunities with school and community engagement in English and Spanish.

Applicable Regulations: None

Significance Before Mitigation: Less than significant

4.20.4 Summary of Potential Impacts and Mitigation Measures

There are no potentially significant impacts associated with Wildfire, and thus no mitigation measures are required.

4.20.5 References

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5 Significant Unavoidable Adverse Impacts

The Executive Summary in Chapter 1 contains Table 1-1, which summarizes the proposed Plan's impacts, mitigation measures, and levels of significance before and after mitigation. The policies and actions from the proposed Plan and mitigation measures, where available, would reduce the level of impacts to less than significant as pointed out and explained in respective sections of the topics under Environmental Analysis.

Chapter 7 describes significant unavoidable impacts, which are those that cannot be reduced to a less-than-significant level. Details for each of these impacts can be found in each element's corresponding sections in Chapter 4 of this EIR.

6 Alternatives

6.1 Introduction

The proposed Plan is described and analyzed in this EIR, with an emphasis on potentially significant impacts and recommended mitigation measures to avoid those impacts. The California Environmental Quality Act (CEQA) guidelines require a comparative analysis of a reasonable range of alternatives to the proposed Plan that could attain most of the basic objectives of the project in a feasible manner. If the alternative with the least environmental impact is the No Project Alternative, then the EIR must also designate the next most environmentally superior alternative. The purpose of this discussion is to inform the public and decision makers of feasible alternatives that would avoid or substantially lessen any significant effects of the Plan and to compare the alternatives to the proposed Plan.

This chapter includes an evaluation of three alternatives to the proposed Plan. CEQA Section 15126.6(e) requires the consideration of a "No Project alternative" in every EIR. For the City of McFarland 2040 General Plan, the "No Project Alternative" is classified as the Business-As-Usual Scenario. In this alternative, the proposed Plan would not be adopted and the existing plans and policies of the previously adopted Plan and its policies and the 2009-2014 Housing Element would continue to be implemented. Consistent with CEQA Guidelines Section 15126.6(b), the other two alternatives selected for analysis "focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be costlier." The three alternatives are described below.

6.2 Project Alternatives

The Business-As-Usual Alternative, also called No Project alternative, is based on historic growth patterns and land use trends. The Business-As-Usual Alternative includes the expansion of the City and its Sphere of Influence (SOI) to the south including unrestricted conversion of agricultural land to various types of development. This alternative envisions primarily commercial and industrial development along Highway 99. Residential, institutional, and other development continues to the west and to the east of the Highway 99 corridor. Transportation systems remain automobile-oriented with some improvements for pedestrian connectivity and comfort. Extensive development, including residential development, occurs in 100-year and 500-year floodplains, presenting risks to life and property. Utilities must expand and improve to provide adequate capacity, especially wastewater and stormwater on the east side of the City.

TABLE 6.2-1: COMPARISON OF ESTIMATED BUILDOUT OF PLAN ALTERNATIVES

ALTERNATIVE	HOUSING	POPULATION	JOBS
Business-As-Usual	7,580	23,690	11,835
Redevelopment	8910	27,855	14,175
Smart Growth	10,630	33,220	17,195
General Plan	10,630	33,220	17,195

The Moderate Growth and Redevelopment Alternative advocates focusing growth on underutilized and vacant parcels to concentrate growth within walkable, bikeable, or bus-ride distances to retail and services. This alternative identifies 5 areas of proposed growth:

- Downtown Core
    - Mixed-use commercial and residential development close to shops, amenities, and public spaces.
- North and West Neighborhoods
    - Commercial infill, high density housing, and improved connectivity to activity hubs in the City.
- Southern Highway Commercial
    - New commercial area south of the City along Highway 99 to create opportunities for such businesses as grocery stores and retail centers that require large space.
- East Neighborhood
    - Mixed-use office buildings along the highway corridor, ADUs throughout the neighborhood, and improved connectivity to the west side of the City.

The Moderate Growth and Redevelopment Alternative prioritizes mixed-use designations and infill development to create growth within the City while reducing sprawl and improving residential transport connectivity. This alternative also offers diverse transportation options that address walkability and bike-ability between regions of the City and the expansion of existing bus transit service.

The Smart Growth Alternative accounts for the most aggressive population growth for the City of McFarland, maximizing infill within the City and new development outside of the existing City boundary to accommodate the maximum projected population, housing, and job growth. This alternative identifies three key areas for growth of housing and jobs across the City:

- Downtown Infill
    - The entire downtown core is to be designated for mixed-use development which would allow buildings to host commercial or office on the first floor and residential units on the upper floors. This increase in density has the potential to offer density bonus opportunities for affordable housing developers.
- Westside Expansion
    - A range of low-to-high density residential developments to accommodate projected population growth. High-density residential development is proposed along the westside's main arterial roadway, Garzoli Avenue, while medium and low-density housing is proposed on slower moving residential streets.
- Highway 99 Improvements

- This area promotes highway-serving commercial uses such as gas stations and hotels, as well as industrial uses such as manufacturing along Highway 99.

The Smart Growth Alternative focuses its aggressive growth in three key areas to serve the needs of neighborhoods, the region, and travelers on Highway 99. To avoid locating new residential development in hazard areas, the Smart Growth Alternative increases the density of housing typologies, particularly in the Downtown Infill and Westside expansion key growth areas. Additionally, new mixed-use and commercial development are prioritized in the Downtown Infill to support a vibrant downtown core and at key intersections within the Westside Expansion key growth area (Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues). Commercial development is also prioritized along Highway 99 to encourage highway travelers to stop for services in McFarland.

The Preferred Growth Alternative is the General Plan. It represents the vision for development changes in McFarland by the year 2040. This Alternative includes a combination of the community's preferred concepts, derived from the previous three alternatives. The Preferred Growth Alternative influences future land use designations, housing allocation, and circulation improvements needed to meet the population growth projections and targets for job growth.

The main features of this alternative include medium and high-density mixed-use downtown and along major arterials west of downtown as well as the establishment of neighborhood retail centers. This provides the opportunity to integrate housing and commercial uses, making services readily accessible to large segments of the population. In addition to mixed use commercial, this alternative includes commercial uses along Highway 99 to cater for pass-through traffic and industrial uses to the south to boost the availability of jobs. The Preferred Alternative therefore includes the following variety of changes to land use:

- Infill development for housing and commercial growth on the west side of the City.
- A neighborhood commercial corridor along Kern Avenue to serve the east side of the City.
- Downtown mixed-use redevelopment to create a vibrant atmosphere in the center of the City.
- Commercial and industrial development along Highway 99.
- Additional Accessory Dwelling Units in the Centra McFarland neighborhoods.

Circulation for this alternative, includes a network of complete streets, a pedestrian and bike network, new transit stops for internal transit service and at major commercial centers along Highway 99, and safer pedestrian crossings between the east and west sides of the City. These new circulation connections are to expand multi-modal transportation throughout the City.

The alternative concentrates development in key growth areas to target McFarland's most optimal locations for development: Downtown, Western McFarland, and the Highway 99 Corridor. Growth areas are designed to accommodate maximum growth while aligning with McFarland's desires to remain an agriculture-based City. Even with the many changes, McFarland's small-town community character is envisioned to remain. The full description of the Preferred Growth Alternative (Chapter 5 of the General Plan) includes the identification of further implications for each of the General Plan elements.

6.3 Comparison of Growth Alternatives

Table 6-2 includes projections for the number of total residents, housing units, and targeted jobs for the three alternate growth scenarios. Due to differing assumptions in growth patterns for population, housing and economic growth, each alternative varies in its projected outcomes in these areas. Table 6.2-2 compares the Business-As-Usual (No Project), Moderate Growth, and Progressive Growth alternatives with the Preferred Growth Scenario of the proposed McFarland 2040 General Plan as they relate to impacts to the environment in the impact areas required by CEQA. The analysis suggests the proposed Plan has offers varying levels of improvement overall in comparison with the other alternatives.

TABLE 6.3-1: COMPARISON OF DEVELOPMENT ALTERNATIVES

AREA OF IMPACT	NO PROJECT	REDEVELOPMENT	SMART GROWTH
Aesthetics	-	-	=
Agricultural Resources	--	-	=
Air Quality	--	=	=
Biological Resources	--	=	=
Archeological and Historical Resources	=	=	=
Geology and Soils	-	=	=
Greenhouse Gas Emissions	--	-	-
Hazards and Hazardous Materials	-	=	=
Hydrology and Water Quality	--	-	=
Land Use	--	-	-
Mineral Resources	=	=	=
Noise	-	=	=
Population and Housing	-	=	=
Public Services	=	=	=
Recreation	-	=	=
Transportation	--	--	-
Utilities and Services	--	-	=
Energy	--	--	-
Tribal Cultural Resources	=	=	=
Wildfire	-	=	=

++ Substantial Improvement compared to the proposed Plan
+ Slight Improvement compared to the proposed Plan
= Similar to the proposed Plan
- Slight deterioration compared to the proposed Plan
-- Substantial deterioration compared to the proposed Plan

6.4 No Project Alternative

6.4.1 Principal Characteristics

The Business-As-Usual Alternative continues the existing development patterns of McFarland, based on historic growth patterns and current land use trends. None of the policies and programs proposed by the City of McFarland 2040 General Plan would be implemented. The Business-As-Usual Alternative involves the expansion of the City and its Sphere of Influence on the south, converting agricultural land to various types of commercial and industrial developments along Highway 99. Residential, institutional, and other land uses continue to the west and to the east of the Highway 99 corridor. Transportation systems remain automobile-oriented with some improvements for pedestrian connectivity and comfort. Extensive development, including residential development, occurs in 100 and 500-year floodplains, requiring utilities to expand and improve to provide adequate capacity.

6.4.2 Impact discussion

The No Project Alternative would have the following impacts relative to the proposed Plan.

6.4.2.1 Aesthetics

If the No Project Alterative is chosen, policies under the existing General Plan would continue to be implemented. The existing General Plan lacks policies that regulate aesthetics. Such policies include the adoption of height limits and policies regarding general aesthetics. Additionally, the No Project Alternative does not provide the necessary policy direction to focus development and reduce impacts throughout the City. However, even under the No Project Alternative it is assumed that the City would continue to evaluate the environmental impacts of these projects on a case-by-case basis and would identify all applicable feasible mitigation measures for significant impacts. Therefore, the No Project Alternative depicts a **slight deterioration** in comparison to the proposed Plan.

6.4.2.2 Agricultural resources

Development under the Business-As-Usual scenario will not maintain and preserve existing agricultural land and resources. Planned annexation and rezoning indicate the placement of heavy industry and residential uses on certain agricultural lands. Prime agricultural soils and lands represent a limited and diminishing natural resource. Although the existing General Plan contains policies to protect agricultural resources, the proposed Plan contains a far more extensive set of policies and programs to

protect natural ecosystems and agricultural lands and increase total agricultural land. Therefore, the No Project Alternative is a **substantial deterioration** in comparison to the proposed Plan.

6.4.2.3 AIR QUALITY

Under the Business-As-Usual alternative scenario, the policies and programs of the existing General Plan would continue to be implemented. The current General Plan does not contain policies or programs that address air quality. Increases in population and new development projects would not have any guidance in how to measure changes in air quality as a result of these activities, and how to prevent air quality degradation. Land use under this alternative would continue to be low-density in nature, promoting the continued use of private automobiles as the primary mode of transportation. This would lead to increases of harmful substances such as ozone precursors and particulate matter. In addition to promoting mixed-use development, the proposed Plan includes policies and programs to minimize the amount of harmful substances that are released as a consequence of population growth and development. Therefore, the Business-As-Usual Alternative is a **substantial deterioration** in comparison to the proposed Plan.

6.4.2.4 BIOLOGICAL RESOURCES

If the Business-As-Usual Alternative is chosen, the policies and programs under the existing General Plan would continue to be implemented. The current General Plan has little policy regarding protection of biological resources. Under the current General Plan, low density residential housing units would continue to be built with little policy directive on how to protect biological resources while doing so. This has the potential to encroach upon habitats that support sensitive species.

Many policies and programs in the proposed Plan explicitly state how the City will protect biological resources. For example, Policy CON 3.3.1 states that new development should coordinate with the US Fish and Wildlife services to ensure development does not disturb any critical habitats identified through biological resource assessments. Without these policies and programs, critical habitats along with other biological resources in the City may be lost. Therefore, the Business-As-Usual project alternative is a **substantial deterioration** in comparison to the proposed Plan.

6.4.2.5 ARCHEOLOGICAL AND HISTORICAL RESOURCES

The proposed Plan is no different than the No Project Alternative because there are no known archeological or historical resources within the project area. However, construction resulting from new development by the proposed Plan has the potential to disturb cultural resources that are currently buried or undiscovered. Therefore, the No Project Alternative is a **similar** in comparison to the proposed Plan.

6.4.2.6 GEOLOGY & SOILS

Under the Business-As-Usual Scenario the proposed Plan would not be adopted and the current policies, and programs implemented in the current General Plan in regard to geology and soils would persist. The City of McFarland's current Safety Element was adopted in the 2016 and has minimal policy direction of geology and soils. Fortunately, soil composition and seismic activity have not changed significantly since then. There are significant advances in the policy put forth in the proposed Plan to ensure that development is handled with an emphasis on safety in regard to seismic activity as well as suitable soils for construction. Policies and actions in the new plan such as "Monitor and enforce structural safety standards to reduce risks for seismic and geologic hazards" (Program SAF 2.1.1.6) and prohibiting development in areas of serious geologic risk "unless seismic and geologic hazards can be reduced to reasonable levels" (Program SAF 2.1.1.5) are an improvement from the existing plan. Therefore, the Business-As-Usual alternative is a **slight deterioration** in comparison to the proposed Plan.

6.4.2.7 GREENHOUSE GAS EMISSIONS

Under the No Project Alternative, the City of McFarland will adhere to existing General Plan policies influencing the generation of greenhouse gas emissions. Land use under this alternative would continue to be low-density in nature, promoting the continued use of private automobiles as the primary mode of transportation. This would lead to an increase in greenhouse gas emissions per capita. The 2011 General Plan does include policies that will encourage alternative modes of transportation, compact development, and energy conservation standards. The proposed Plan will drastically reduce transportation related greenhouse gas emissions through progressive policies that reduce vehicle miles traveled by promoting mixed-use development. Additionally, the proposed Plan includes policies and programs to minimize greenhouse gas emissions associated with population growth and development. Therefore, the Business-As-Usual Alternative is a **substantial deterioration** in comparison to the proposed Plan.

6.4.2.8 HAZARDS & HAZARDOUS MATERIALS

Under the Business-As-Usual Alternative, the policies and programs of the existing General Plan, including standards for hazards and hazardous materials, would continue to be implemented and guide growth in the City of McFarland. Under the No Project Alternative, there would be less development and therefore potentially less hazardous material transportation and also less infrastructure at risk for hazards. While the risks posed from hazards and hazardous materials would likely be less significant under the Business-As-Usual Alternative, this scenario would not implement the updated policies and plans outlined in the 2040 General Plan to manage hazards and handle hazardous waste. Therefore, the Business-As-Usual Scenario is a **slight deterioration** in comparison to the proposed Plan.

6.4.2.9 HYDROLOGY & WATER QUALITY

Under the Business-As-Usual Alternative, the policies and programs of the existing General Plan would continue to be implemented. The City of McFarland's General Plan has minimal policy direction of hydrology and water quality. Land use trends under this alternative would continue to favor low-density, single-family residential development. Such development has the potential to increase the amount of impervious surfaces, increasing runoff. This alternative would not adopt policies a programs aimed at reducing the overall water usage of the City. It would also not implement programs that would quantify decreases in water quality due to runoff generated by development. Finally, this alternative would not adopt policies that would require drainage improvements in order to mitigate on and off-site drainage impacts of new developments. Therefore, the Business-As-Usual Scenario is a **substantial deterioration** in comparison to the proposed Plan.

6.4.2.10 LAND USE

The Business-As-Usual Alternative would continue the low-density, single-family nature of land use in McFarland. By 2040, the City would need to implement 4,500 new housing units by 2040 to accommodate population growth. As a mandatory requirement of the State Housing Law, the Regional Housing Needs Allocation (RHNA) is a critical part of a jurisdiction's periodic update of the Housing Element (Government Code Section 665580 et Seq.), thus McFarland would be implementing new housing elements in accordance with State Law. The proposed Plan would include medium and high-density mixed-use parcels located in the Downtown, North, and West neighborhoods to accommodate new residents of all incomes, household types, and persons with special needs. Commercial and light industrial land uses would increase Downtown and along the Highway 99 to improve economic development. Therefore, the Business-As-Usual Alternative is a **substantial deterioration** in comparison with the proposed Plan.

6.4.2.11 MINERAL RESOURCES

Under this Alternative, the policies and programs of the previously adopted McFarland General Plan would continue to be implemented. The proposed Plan would be an improvement over the Business-As-Usual Scenario as the current Plan does not set forth any goals, objectives, or actions that would help protect the availability of mineral resources for future use in its Open Space and Conservation Element. However, there are few available mineral resources within the City of McFarland, minimizing the effect of a lack of policy. Therefore, the Business-As-Usual Alternative would be **similar** in comparison to the proposed Plan with regard to mineral resources.

6.4.2.12 NOISE

Under the Business-As-Usual approach, policies and programs from the existing General Plan will guide how the City addresses impacts of noise. Similar to the proposed Plan, the No Project Alternative would consist of commercial and light industrial development along Highway 99, which would potentially lead to a slight increase in permanent ambient noise levels in the adjacent noise sensitive areas. Unlike the proposed Plan, the No Project Alternative does not consolidate growth or provide as much separation between incompatible land uses and would thus lead to a slight increase in ambient and period noise levels in comparison to the proposed Plan. Policies and programs in the proposed Plan intended to protect the City from noise, such as protections on the time, location, and level of noise, will not be implemented with the Business-As-Usual Approach. Therefore, the No Project Alternative is a **slight deterioration** in comparison to the proposed Plan.

6.4.2.13 POPULATION & HOUSING

Under the Business-As-Usual approach, McFarland would grow along four key growth areas: Downtown, East McFarland Extension, Whisler Road, and Famoso Road. The number of housing units would need to be increased by a minimum of 4,500 units, reducing any potential impacts. Displacement of existing populations would be kept to a minimum. The proposed growth would be characterized by 90% low density development with some medium density and high-density development (10%). The programs and policies in the proposed Plan that would mitigate impacts to housing, such as support for low-income renters, would not be available. As a result, this approach of this alternative is a **slight deterioration** in comparison to that of the proposed Plan.

6.4.2.14 PUBLIC SERVICES

Under a Business-As-Usual scenario, the City of McFarland would be guided by policies and programs outlined in the 2011 General Plan and guided by current growth trends. As many of the public services, such as Fire and Emergency Services, Police Services, and Schools, in the City of McFarland are functioning and have sufficient capacity to serve community members, this alternative would not likely have a significant difference from the proposed Plan. The proposed Plan may strain capacity of such services due to population growth. On the other hand, the proposed Plan outlines objectives and policies to increase park access and improve public facilities. Therefore, the Business-As-Usual approach is **similar** in comparison with the proposed Plan.

6.4.2.15 Recreation

Under the Business-As-Usual approach, policies and programs from the existing General Plan will guide how the City addresses conservation of open space. The proposed Plan would be an improvement over the Business-As-Usual Scenario as the proposed Plan sets forth a more comprehensive list of policies and programs to address parks, recreation, and open space. Additionally, the proposed Plan allocated 3% of currently vacant land for parks. Therefore, the Business-As-Usual Alternative is a **slight deterioration** in comparison to the proposed Plan.

6.4.2.16 Transportation

Under the Business-As-Usual alternative, policies and programs outlined in the existing General Plan would be used to guide growth. Programs and policies proposed in the 2040 General Plan, such as complete streets improvement, traffic calming, sidewalk repair, standards for pedestrian and bicycle safety, and mixed-use compact development would be absent. These types of policies and programs would allow for mitigation of potential impacts of increased traffic and other transportation issues resulting from increase population growth. Therefore, the Business-As-Usual alternative is a **substantial deterioration** over the proposed Plan.

6.4.2.17 Utilities & services

The No Project Alternative would result in smaller growth trends and patterns for population, housing, and employment growth in the City of McFarland compared to the proposed Plan. Nevertheless, population growth under the Business-As-Usual scenario will still affect the quality of service of utilities and capacity of utility facilities. Under this alternative, the City's Utility Service Systems would not benefit from programs and policies of the proposed Plan and continue to serve current population and housing trends. For example, the proposed Plan calls for the expansion of sewer facilities on the eastside to accommodate future growth. Development on the Eastside of McFarland as predicted in the Business-As-Usual alternative would be significantly negatively impacted by the lack of available sewer facilities serving that side of the City. Therefore, the No Project Alternative is a **substantial deterioration** in comparison to the proposed Plan.

6.4.2.18 Energy

Under this Alternative, the policies and programs of the previously adopted McFarland General Plan would continue to be implemented. The Business-as-Usual Scenario does not set forth any goals, objectives, or actions that could help to conserve energy use. Population growth under the Plan would be

greater compared to this alternative causing an increase in energy demand. However, this demand would likely be offset through policies and programs in the proposed Plan to conserve energy use. Additionally, the proposed Plan's focus on efficient transportation and increased density, can further reduce transportation related energy use. Therefore, the No Project Alternative is a **substantial deterioration** in comparison to the proposed Plan.

6.4.2.19 Tribal Cultural Resources

The proposed Plan is no different than the No Project Alternative because there are no known tribal cultural resources within the project area. However, construction resulting from new development under the proposed Plan has the potential to disturb cultural resources that are currently buried or undiscovered. Therefore, the No Project Alternative is a **similar** in caparison to the proposed Plan.

6.4.2.20 Wildfire

Under the Business-as-Usual Alternative, the policies and programs of the existing General Plan would continue to be implemented. As McFarland does not lie in a Fire Hazard Severity Zone, the risk of wildfire is relatively low. However, urban fires and pollutant exposure from nearby high-risk areas remain a concern. The proposed Plan includes additional policies to reduce the impact of wildfires. Therefore, the Business-as-Usual Scenario is a **slight deterioration** in comparison to the proposed Plan.

6.5 Moderate Growth and Redevelopment Alternative

6.5.1 Principal characteristics

The Moderate Growth and Redevelopment Alternative (Redevelopment Alternative) places new construction on sites with pre-existing uses using redevelopment principles such as infill development, densification, and repurposing of land. The Redevelopment Alternative focuses development primarily on underutilized and vacant parcels within the existing City boundary with the option to expand through annexation as needed. The Moderate Growth and Redevelopment Alternative envisions maximizing the use of land within City limits and focuses on higher-density compact infill development. This alternative also recommends implementing circulation improvements community members to schools, residential areas, and shopping opportunities, including a new full-service grocery store with healthy and affordable food options. Another assumption limits new development in McFarland to a maximum building height of 3 stories to maintain the community's small-town character.

6.5.2 Impact discussion

The Redevelopment Alternative would have the following impacts relative to the proposed Plan.

6.5.2.1 Aesthetics

The Redevelopment Alternative would implement some new policies such as limiting new development of downtown McFarland to a maximum building height of 3 stories to maintain the community's small-town character, infill of vacant lots, and development of Accessory Dwelling Units (ADUs) on underutilized lots. While many policies in this alternative would be similar to those of the proposed Plan, the most prominent difference is similarity with the existing general plan in areas outside of downtown. Therefore, the Redevelopment Alternative is a **slight deterioration** in comparison to the proposed Plan.

6.5.2.2 Agricultural resources

The Redevelopment Alternative would involve a higher density of land development, but with the addition of fewer housing units overall than the proposed Plan. This would be beneficial to the conservation of agricultural lands in the City of McFarland and the Sphere of Influence, as much growth would occur inside present-day urban boundaries. However, in this scenario some loss of agricultural land would occur. Much of this development is low density adjacent to farmland, potentially promoting incompatible uses, and predisposing surrounding agricultural land to conversion as the City builds out to accommodate regional growth demands. Therefore, the Redevelopment Alternative is a **slight deterioration** in comparison to the proposed Plan.

6.5.2.3 Air quality

The Redevelopment Alternative places an emphasis on infill of core areas of the City, a similar land use pattern to the proposed Plan. Focus on compact development will help reduce any negative effects as a result of increases in population development. Therefore, the Redevelopment Alternative is **similar** in comparison to the proposed Plan.

6.5.2.4 Biological resources

Both the proposed Plan and the Redevelopment Alternative do not infringe on any biological resources including any sensitive habitats. As a result, neither alternative would have any impact on biological

resources within the City of McFarland or the Sphere of Influence. Therefore, the Redevelopment Alternative is **similar** in comparison to the proposed Plan.

6.5.2.5 Archeological and Historical resources

Archeological and Historical resources would be similarly affected by the Redevelopment Alternative compared to the proposed Plan. In the Redevelopment Alternative, policies, programs, and objectives, as well as Federal, State, and local regulations will apply to new growth and restoration. However, that does not change the resulting potentially significant and unavoidable impacts with respect to Archeological and Historical Resources. Therefore, the Redevelopment Scenario is **similar** in comparison to the proposed Plan.

6.5.2.6 Geology & soils

The Redevelopment Alternative would implement less development than the proposed Plan. This would put fewer new structures at risk of damage from geological forces such as earthquakes and landslides. However, due to the nature of McFarland's topography, there is relatively low risk for damages from soil and seismic related incidences. Therefore, the Redevelopment Alternative would be **similar** in comparison to the proposed Plan with regards to Geology and Soils.

6.5.2.7 Greenhouse gas emissions

The Redevelopment Alternative places an emphasis on infill of core areas of the City, a similar land use pattern to the proposed Plan. The compact development of this alternative would increase use of bicycling, walking, and public transportation use. However, under the Redevelopment Alternative, McFarland residents would continue to rely on single-occupancy vehicles. The proposed Plan would further decrease reliance and as a result, vehicle miles traveled. Therefore, the Redevelopment Alternative is a **slight deterioration** in comparison to the proposed Plan.

6.5.2.8 Hazards & hazardous materials

Under the Redevelopment Alternative, lower levels of population and job growth are forecasted than in the proposed Plan. This would mean less development for housing and infrastructure than in the

aggressive growth alternatives, so there would be less risk from naturally occurring hazards, such as earthquakes. New development could possibly increase flood risk, but due to the minimal growth outlined under this alternative, it is unlikely that drainage patterns would change. Therefore, the Redevelopment Alternative is **similar** in comparison with the proposed Plan.

6.5.2.9 HYDROLOGY & WATER QUALITY

The Redevelopment Alternative assumes low levels of population and job growth. Little additional development would be required under this scenario, with an emphasis on infill in core areas of the City, which would have little impact on current drainage patterns in those areas. However, compared to the proposed Plan more development would be low density. Such development has the potential to increase the number of impervious surfaces, increasing runoff. Therefore, the Redevelopment Alternative would be a **slight deterioration** in comparison to the proposed Plan.

6.5.2.10 LAND USE

The Redevelopment Alternative would focus on moderate amounts of infill development in the City. The Redevelopment Alternative focuses development primarily on underutilized and vacant parcels within the existing City boundary with the option to expand through annexation as needed. However, development under the Redevelopment Alternative is centered on four major areas of growth: Downtown along 2nd Street, Highway 99 corridor, East side of Highway 99, Southern Highway Commercial. This is compared to the Preferred Growth Alternative covers a larger area of development. Therefore, the Redevelopment Alternative is a **slight deterioration** in comparison to the proposed Plan.

6.5.2.11 MINERAL RESOURCES

Under the Redevelopment Alternative, the City of McFarland would implement less development than the proposed Plan. This would reduce the loss of land that could potentially yield mineral resources. However, due to the lack of known mineral resources within the City, the reduced development would not have a significant effect in comparison to the proposed plan. Therefore, the Redevelopment Alternative is **similar** in comparison to the proposed Plan with regards to mineral resources.

6.5.2.12 NOISE

The Redevelopment Alternative assumes the City of McFarland will develop at moderate rate, but at lower density, than when compared to the proposed Plan. Under this alternative, McFarland will grow by adding

mostly low-density development on the periphery, but higher densities in the core. This type of growth would impact noise similar or marginally less to that of the proposed Plan. Therefore, the Redevelopment Alternative is **similar** to that of the proposed Plan in regard to Noise.

6.5.2.13 Population & housing

Under the Redevelopment Alternative, the City will be required to house an additional 4,165 residents and 8,910 housing units by 2040, less than what is proposed in the Plan. This growth would be distributed in densities and locations. The majority of the growth would be single-family detached. Medium and high-density housing would be added near the center of McFarland. This alternative prioritizes vacant and underutilized parcels in the City, and to meet RHNA requirements with housing unit increases. Displacement of existing populations would be kept to a minimum. Given that this alternative prioritizes development of housing in McFarland at a moderate level of growth, this alternative would be **similar** in comparison to that of the Proposed Plan.

6.5.2.14 Public Services

The Redevelopment Alternative will be similar to the proposed Plan on its impacts to Public Facilities. While the Redevelopment Alternative will produce less demand as population and housing projections are lower, this alternative would see a slight increase in housing development and population that could possibly increase demand on certain public services such as Police Protection Services, Fire and Emergency Services and Schools. This alternative would not see the implementation of certain policies and programs that are outlined in the proposed Plan to ensure that demand can be met with population and housing projections. Therefore, the Redevelopment Alternative is **similar** in comparison to the proposed Plan.

6.5.2.15 Recreation

Under the Redevelopment Scenario, most of the vacant land outside of the City's core will not be developed or designated as open space. Vacant or underutilized parcels within the City's core will mostly be used for residential, commercial, or industrial development. The proposed Plan designates a portion of vacant land as open space and proposes a variety of recreational uses, such that the ratio of parks acreage per 1,000 people exceeds national standards. Therefore, the Redevelopment Scenario is a **slight deterioration** in comparison to the proposed Plan scenario.

6.5.2.16 TRANSPORTATION

The Redevelopment Alternative proposes fewer housing units and jobs, leading to the possibility of fewer trips in general than those projected for the proposed Plan. Although improvements to pedestrian, bicycle, and public transportation infrastructure and connectivity can enhance the circulation system and reduce the need for individuals to drive within the community, McFarland residents will continue to rely on single-occupancy vehicles. The Redevelopment Alternative will produce more vehicle miles traveled than the proposed Plan. Therefore, the Redevelopment Alternative is a **substantial deterioration** in the availability, convenience, and choice of alternative modes of transportation in comparison to the proposed Plan.

6.5.2.17 UTILITIES

The Redevelopment Scenario would see an increase of up to 4,165 residents and 8,910 housing units. This would likely increase pressure on water supply, water delivery, wastewater treatment and additional Utility Service Systems. Although the moderate growth would impose less of an impact on the utility services, the proposed Plan contains policies and programs to ensure that these systems will be able to meet demand for future growth. Therefore, the Redevelopment Alternative would be a **slight deterioration** in comparison to the proposed Plan.

6.5.2.18 ENERGY

The Redevelopment Scenario could result in an increase of up to 4,165 residents and 8,910 housing units which would likely increase energy consumption. While the scenario's focus on higher-density compact infill development could help reduce energy use from transportation, the Redevelopment Alternative would likely still result in more energy consumption than the proposed Plan. Therefore, the Redevelopment Alternative would be a **substantial deterioration** in comparison to the proposed Plan.

6.5.2.19 TRIBAL CULTURAL RESOURCES

Tribal cultural resources would be similarly affected by the Redevelopment Alternative compared to the proposed Plan. In the Redevelopment Alternative, policies, programs, and objectives, as well as Federal, State, and local regulations will apply to new growth and restoration. Therefore, the Redevelopment Scenario is **similar** in comparison to the proposed Plan.

6.5.2.20 WILDFIRE

Under the Redevelopment Alternative lower levels of population and job growth are forecasted than in the proposed Plan. This would mean less housing and infrastructure development than under the Plan so there would be less risk from urban structure fires and less impact on emergency response plans. However, the risk of wildfire in McFarland is relatively low, therefore, the Redevelopment Alternative is **similar** in comparison with the proposed Plan.

6.6 Smart Growth Alternative

6.6.1 PRINCIPAL CHARACTERISTICS

The Smart Growth Alternative accounts for the most aggressive population growth in the City of McFarland, maximizing infill within the City and new development outside of the existing City boundary to accommodate the maximum potential population, housing, and job growth. To preserve the small-town feel of McFarland, development will also focus on providing adequate open space close to newly proposed housing, pedestrian-friendly commercial districts, and placemaking through community design. This alternative identifies three key areas for growth of housing and jobs across the City:

- Downtown Infill
- Westside Expansion
- Highway 99 Improvements

Future growth of housing is concentrated in the Downtown Infill and Westside Expansion key growth areas. Future growth of jobs is focused along Highway 99, where land is designated for light and heavy industrial uses, as well as highway commercial retail and services to support job growth.

6.6.2 IMPACT DISCUSSION

The Smart Growth Alternative would have the following impacts relative to the proposed Plan.

6.6.2.1 AESTHETICS

The Smart Growth Alternative would result in similar types of development that is anticipated under the proposed Plan. The Progressive Growth Alternative would implement identical new policies and programs found in the proposed Plan that protect various visual resources character and resources in the City. In addition, there are existing protections of aesthetics found in the Municipal Code which will not be changed by the Smart Growth Alternative. Therefore, the Smart Growth Alternative is **similar** in comparison to the proposed Plan.

6.6.2.2 AGRICULTURAL RESOURCES

The Smart Growth Alternative would involve urban development on agricultural lands west of Highway 99 and on the northwest corner of the City of McFarland. This could potentially impact surrounding agricultural lands by introducing non-compatible uses. Overall, the extent of development and potential impacts to farmland acreage contained in the Smart Growth Alternative is similar to the proposed Plan. Therefore, the Smart Growth Alternative is **similar** in comparison to the proposed Plan in regard to agricultural resources.

6.6.2.3 AIR QUALITY

Under the Smart Growth Alternative, the City would undertake similar types of land use patterns as the proposed Plan. This alternative focuses on mixed-use infill development in core areas of the City. This places an emphasis on greater transportation mode split, resulting in lower emissions form private automobiles. Therefore, the Smart Growth Alternative is **similar** in comparison to the proposed Plan.

6.6.2.4 BIOLOGICAL RESOURCES

Under the Smart Growth Alternative, the City would experience similar amounts of development as the proposed Plan. Under this alternative, McFarland would experience rapid growth in population and number of jobs. In order to accommodate additional jobs and residents, the focus on moderate density infill development. These land use patterns mirror those of the proposed Plan. Therefore, the Smart Growth Alternative is **similar** to the proposed Plan.

6.6.2.5 Archeological and Historical resources

Archeological and Historical resources would be similarly affected by the Smart Growth Alternative compared to the proposed Plan. In the Smart Growth Alternative, policies, programs, and objectives, as well as Federal, State, and local regulations will apply to new growth and restoration. However, that does not change the resulting potentially significant and unavoidable impacts with respect to Archeological and Historical Resources. Therefore, the Smart Growth Scenario is **similar** in comparison to the proposed Plan.

6.6.2.6 Geology & soils

The Smart Growth Alternative would implement the same amount of development as the proposed Plan. This places the same amount of new development at risk of damage by geologic forces such as earthquakes and landslides. Therefore, the Smart Growth Alternative is **similar** compared to the proposed Plan with regard to Geology and Soils.

6.6.2.7 Greenhouse gas emissions

The Smart Growth Alternative would implement the same amount of development as the proposed Plan. The proposed transit network in the Smart Growth Alternative can help to accommodate people without access to private vehicles; proposed bicycle and pedestrian network for this alternative suggest improvements centered on improving non-motorized connectivity and safety. However, progressive policies and programs under the proposed Plan would even further decrease reliance on personal vehicle and further reduce vehicle miles traveled. Therefore, the Smart Growth Alternative would still result in more vehicle miles traveled and more emissions than the proposed Plan and thus a **slight deterioration** in comparison.

6.6.2.8 Hazards & hazardous materials

The Smart Growth Alternative prioritizes high-density, mixed use development and is similar to the proposed Plan. Increased growth and development would likely not increase flood risk as there is a focus infill development and high-density housing and a low risk of flood in McFarland. All development including new development would be subject to the existing The Kern County Multi-Hazard Mitigation Plan. Therefore, the Smart Growth Alternative is **similar** to the proposed Plan.

6.6.2.9 HYDROLOGY & WATER QUALITY

The Smart Growth Alternative proposes similar land use patterns as the proposed Plan. Under this scenario, development would consume much of the vacant land within the City. However, infill development would be a priority, decreasing the effects of development on drainage patterns and water quality. Therefore, the Smart Growth Alternative is **similar** to the proposed Plan.

6.6.2.10 LAND USE

The Smart Growth Alternative prioritizes high-density, mixed-use developments over new low-density development. This alternative allocates 850 acres of land for residential use to prepare for future housing needs and 280 acres of land for commercial use (including mixed-use) to appropriately prepare for future job growth. McFarland would retain its small-town character by providing adequate open space close to newly proposed housing, pedestrian-friendly commercial districts, and placemaking through community design. Therefore, the Smart Growth Alternative is a **slight deterioration** in comparison to the proposed Plan.

6.6.2.11 MINERAL RESOURCES

Under the Smart Growth Alternative, the City of McFarland would implement similar development to the proposed Plan. Due to the lack of known mineral resources within the City, the reduced development would not have a significant effect in comparison to the proposed plan. Therefore, the Redevelopment Alternative is **similar** in comparison to the proposed Plan with regards to mineral resources.

6.6.2.12 NOISE

The Smart Growth Alternative assumes that the City of McFarland will undergo similar growth compared to the proposed Plan, adding sources of noise. Under this alternative, McFarland will build-out vacant land and increase commercial and industrial activity along Highway 99 and expand the Sphere of Influence. Together, these combine to add sources of noise at specific higher density locations of different land-uses, and increases in background noise, when compared to the Preferred Growth Alternative. Despite these increases, policies and programs from the proposed Plan would be available to mitigate noise impacts including ensuring compatible land uses are developed near each other. Additionally, projects that would major noise sources would undergo a CEQA review as required by state law. Therefore, the Smart Growth Alternative is **similar** to that of the proposed Plan in regard to Noise.

6.6.2.13 Population & housing

The Smart Growth Alternative assumes a housing increase of 10,630 new homes and a population increase of 33,220 residents and 9530 new residents and by 2040. When compared with the Preferred Growth Alternative, this growth would come by build-out of development on McFarland's vacant land. More of the proposed development acreage would be low-density than when compared to the proposed Plan. The Smart Growth Alternative would easily meet the City's RHNA requirements. Therefore, this alterative is **similar** to that of the Proposed Plan in regard to population and housing.

6.6.2.14 Public Services

Under the Smart Growth Scenario, population and housing projections are the same as in the proposed Plan. This alternative would likely have an effect on demand required by Public Services similar to the proposed Plan. Build-out in this plan would be similar to that of the proposed Plan. Therefore, the Smart Growth Alternative would be **similar** to the proposed Plan.

6.6.2.15 Recreation

Under the Smart Growth Scenario, recreational facilities will be largely the same as in the proposed Plan. As such, the ratio of park acreage per 1,000 people will exceed national standards. To preserve the small-town feel of McFarland, the Smart Growth Plan ensures adequate open space close to newly proposed housing. Therefore, the Smart Growth Scenario is **similar** in comparison to the proposed Plan.

6.6.2.16 Transportation

The Smart Growth Alternative proposes similar housing units and jobs. The additional vehicles and resulting vehicle miles traveled increase would result in additional significant impacts to transportation and traffic. Policies and programs that enable non-motorized vehicle transportation are available in the Smart Growth Alternative, however vehicle miles traveled are still more than that under the Preferred Growth Alternative. Therefore, this the Smart Growth Alternative would be **similar** to that of the proposed Plan.

6.6.2.17 Utilities & services

Under the Smart Growth Scenario, population and housing projections will require an increase in service demand for Utility Service System. As housing, job and population projections are similar to the proposed Plan, this demand on Utility Service Systems will be similar. Therefore, this alternative would be **similar** to the proposed Plan.

6.6.2.18 Energy

The Smart Growth Scenario proposes similar housing units and jobs. Policies and programs that enable non-motorized vehicle transportation are available in the Smart Growth Alternative, however, transportation related energy use would still likely be greater than under the proposed Plan. Therefore, the Smart Growth Alternative would be a **slight deterioration** in comparison to the proposed Plan.

6.6.2.19 Tribal Cultural Resources

Tribal cultural resources would be similarly affected by the Smart Growth Alternative compared to the proposed Plan. In the Redevelopment Alternative, policies, programs, and objectives, as well as Federal, State, and local regulations will apply to new growth and restoration. Therefore, the Redevelopment Scenario is **similar** in comparison to the proposed Plan.

6.6.2.20 Wildfire

The Smart Growth Alternative prioritizes high-density, mixed use development and is similar to the proposed Plan. Increased growth and development would likely not increase wildfire risk as there is a low risk of wildfire in McFarland. All development including new development would be subject to the existing The Kern County Multi-Hazard Mitigation Plan. Therefore, the Smart Growth Alternative is **similar** to the proposed Plan.

7 CEQA Mandated Sections

This chapter provides an overview of the impacts of the proposed McFarland 2040 General Plan based on subject areas specifically required by CEQA, including significant irreversible environmental changes, significant unavoidable impacts, growth-inducing impacts, cumulative impacts, and impacts found not to be significant. These findings, and a detailed analysis of the effects of the proposed Plan would have on the environment as well as proposed mitigation measures to minimize significant impacts, is provided in Chapter 4, sections 4.1 through 4.20.

7.1 Impacts Found Not to be Significant

CEQA Guidelines Section 15128 allows environmental issues for which there is no likelihood of significant impact to be "scoped out" and not analyzed further in the EIR; however, all environmental issues are addressed within this EIR as they are potentially exacerbated by the buildout of the proposed Plan.

7.2 Significant Irreversible Changes

Section 15126.2(c) of the CEQA Guidelines requires an EIR to discuss the extent to which a proposed project or plan would commit nonrenewable resources to uses that future generations would probably be unable to reverse. These irreversible changes could include land use changes, irreversible damage from environmental accidents, or a large commitment of non-renewable resources. The three CEQA required categories of irreversible changes are discussed below.

7.2.1 Land Use Changes that Commit Future Generations

The proposed Plan outlines Land Use changes that would potentially commit future generations in Chapter 3. As stated, the majority of new development and land uses are located within five key growth areas largely made up of vacant land and infill development land. The Plan would lead to a drastic decrease of vacant land within the City and land changes for other uses (such as residential, commercial, industrial, health services, and education) would increase. While the land uses proposed in the Plan are a mixture of residential and various land uses, the Plan seeks to maintain land use changes that serve the needs of residents.

7.2.2 Irreversible damage from environmental accidents

The proposed Plan could potentially have irreversible change to the physical environment. This could occur due to accidental release of hazardous materials associated with development activities. The proposed Plan contains goals, policies and actions outlined in Chapter 4.8: Hazards and Hazardous Materials, which would reduce the potential impact to a less than significant level. No additional irreversible environmental damage is expected from the proposed Plan and the Plan contains sufficient goals, policies, and actions to reduce environmental impacts for each section of the proposed Plan.

7.2.3 Large commitment of non-renewable resources

CEQA Guidelines require the EIR to consider whether "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely" (CEQA Guidelines Section 15126.2(c)). "Nonrenewable resource" refers to the physical features of the natural environment, such as land, waterways, etc. Irreversible commitments of non-renewable resources associated with the proposed McFarland 2040 General Plan include:

- Air Quality
- Water Consumption
- Energy Sources
- Farmland Consumption
- Construction-Related Impacts

Air Quality

Build-out of the proposed Plan would potentially contribute to long-term degradation of air quality and atmospheric conditions regionally due to increases from automobile related sources. Growth from development of the proposed Plan is likely to increase the demand for both trips taken and vehicle miles traveled. However, improvements in vehicle technology, commercial and industrial machinery, and the Plan's focus in making non-automobile transportation a priority, may lower the rate of air quality degradation over time.

Water Consumption

The groundwater supply of the City of McFarland is limited by the supply of four major wells. Development from the build-out of the proposed Plan will increase demand for groundwater usage in the City. This

demand and the resulting consumption of McFarland's groundwater supply represents an irreversible change to the groundwater supply.

Energy Sources

Increased operation of residential and commercial buildings, in addition to energy from transportation, will be a significant source of energy usage. Both residential and nonresidential developments from the build-out of the proposed Plan will use nonrenewable resources such as natural gas and petroleum products for power, lighting, heating, cooling, ventilation, and other indoor and outdoor services. In transportation, an increase in trips and vehicle miles traveled will use both oil and gas. However compact development, progressive transportation policies, and sustainability and conservation efforts in the proposed Plan will reduce energy use compared to all other alternatives.

Farmland Consumption

Any conversion of farmland to urban uses would represent a permanent change in the land use and a loss of the resource. Development of farmland parcels is included in the build-out of the proposed Plan. However, policies and programs in the Plan will help to mitigate impacts to agricultural land. There are no irreversible changes to the farmland in the McFarland planning area.

Construction-related Impacts

Through buildout of the proposed Plan, development in the City of McFarland can cause significant environmental changes over the course of construction. Construction-related impacts involve the depletion of resources such as lumber, and gravel. Programs and policies from the proposed Plan that would reduce construction-related impacts include replacement of any trees removed during construction.

7.3 Growth Inducing Impacts of the Proposed Plan

An EIR requires examination of growth-inducing impacts of the proposed General Plan. Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. It also requires that this discussion include any removal of barriers to population growth, such as expansion of city sewer infrastructure or transportation systems.

7.3.1 Projected Growth

Population is expected to increase by people to a total of 9,530 people by 2040. This is an overall increase of 82% from the 2015. Population growth translates to households which indicates the need for up to 10,640 housing units in the City. In addition, the projection shows increase in number of people in the 25 to 39-year-old age group, which suggests increasing the quantity and variety of job opportunities to a total of 17,195 jobs by 2040. Economic growth areas include Revitalized Downtown, West Expansion, Whisler Road Neighborhood, Southern Commercial Corridor, and Famoso Industrial and Commercial Center.

7.3.2 Boundaries and Limits

The proposed Plan calls for the expansion of the McFarland Sphere of Influence to include more residential, commercial, industrial, and agricultural lands. The City of McFarland does not border any other cities, but borders agricultural lands on all sides, including Williamson Act lands. These natural obstructions and land use restrictions present barriers to outward growth. In addition, Highway 99 divides McFarland into western and eastern sides, which restricts active transportation movement across the highway. The City's Sphere of Influence (SOI) extends well beyond the City limits in most directions. The Local Agency Formation Commission (LAFCO) is responsible for approving a SOI and the City has been in discussions with LAFCO to expand its SOI.

7.3.3 Water Supply

In regard to the Plan's Preferred Growth Scenario, water supply may be a limiting factor for growth in the City of McFarland. McFarland has four major wells. The Plan's preferred Growth Scenario may have an effect on these water supplies. McFarland is near the use of the full capacity of its water supply with approximately 7.43 million gallons of water available per day. Although McFarland's potable water resources are sound, population growth projected in the Preferred Growth Scenario would require additional water capacity. It may be difficult to expand facilities in McFarland requiring increased conservation. Continuing to monitor water quality is also important as the community continues to grow. The Preferred Plan prioritizes water conservation but will need to continue to explore other sources of water.

7.3.4 Wastewater

The increase in population and development under the Preferred Growth scenario would require an expansion of McFarland's wastewater treatment facility as outlined in the Plan. The Preferred Growth

scenario anticipates growth and development in both east and west McFarland, which would require an expansion of the McFarland wastewater system that serves the mainly western half of the City.

7.3.5 Storm water

Increased development proposed in the Preferred Growth Scenario needs to address infrastructure requirements to adequately capture and divert storm water to reduce the risk of urban flooding. Proposed roadway expansion and particularly commercial and industrial development along Highway 99 will likely necessitate an increase in parking and impervious surfaces that may impact the current flow of storm water. The City's storm water infrastructure may need to be evaluated as more severe weather events continue to impact the region. Additionally, the City's current drainage and conveyance systems will need to be expanded to serve the increased population and proposed new development. The Plan prioritizes alignment with the City of McFarland's Storm Drain Master Plan which consider the development of three new sump basins.

7.4 Cumulative Impacts of the Proposed Plan

7.4.1 Aesthetics

In the Preferred Growth Alternative, aesthetics focusses on the creation of a City that is both attractive and functional. Development focuses on the downtown neighborhood and features complete streets accessible to all road users. Improved signage, crossings, and lighting are to contribute to improved safety and comfort within the City. Landscaping and entryways are to promote methods of wayfinding and improve the aesthetic appearance of McFarland. Design standards can work towards the creation of a uniform image for McFarland to attract visitors and please residents. Therefore, the cumulative contribution of the proposed Plan is less than cumulatively considerable.

7.4.2 Agricultural Resources

McFarland's primary resource is the vast agricultural lands that surround the City. Under the Preferred Growth Alternative, some urban lands under temporary agricultural use are to be returned to development to accommodate the growth of residential, commercial, industrial, highway commercial, and recreational open space. To the south of the City, some agricultural lands are to be converted to commercial use to boost the City's aspirations for job growth but narrowing the SOI on the upper west side compensates with conservation of prime farmland. Therefore, the cumulative contribution of the proposed Plan is less than cumulatively considerable.

7.4.3 Air Quality

The Preferred Growth Alternative presents many strategies that can reduce per capita pollutants and GHG emissions, such as increasing accessibility and connectivity for pedestrians and bicyclists, investing in renewable energy, and improving public transit. Keeping the main form of McFarland compact with infill development, building mixed-use commercial, and neighborhood commercial areas can increase opportunities to walk or bike and thereby reduce greenhouse gas emissions and help combat climate change. These efforts will result in a projected decrease in air pollution and greenhouse gas emissions compared to all alternatives. Therefore, the cumulative contribution of the proposed Plan is less than cumulatively considerable.

7.4.4 Biological Resources

Impacts to biological resources are less than cumulatively considerable, as there will be no impacts resulting from the proposed Plan that would be significant in combination with projects or programs in the surrounding area.

7.4.5 Cultural: Archeological and Historical Resources

The proposed Plan is not expected to have any significant impacts to historical, archaeological, or paleontological resources, nor is it expected to have any impact on human remains. However, if any cultural resources were to be found on a project site during development in the proposed Plan, impacts may be both significant and unavoidable.

7.4.6 Geology and Soils

Population growth and new development set forth by the proposed Plan would increase the number of buildings and residents exposed to seismic hazards and hazards associated with soils. However, compliance with the California Building Code for new developments, as required by the proposed Plan, would decrease the risk associated with these hazards. Therefore, the cumulative contribution of the proposed Plan is less than cumulatively considerable.

7.4.7 Greenhouse Gas Emissions

Impacts associated with greenhouse gases are less than cumulatively considerable, as there will be fewer emission resulting from the proposed Plan than any other alternative.

7.4.8 Hazards and Hazardous Materials

Impacts associated with hazards and hazardous materials are less than cumulatively considerable, as there will be no impacts resulting from the proposed Plan that would be significant in combination with projects or programs in the surrounding area.

7.4.9 Hydrology and Water Quality

Impacts associated with hydrology and water quality are less than cumulatively considerable, as there will be no impacts resulting from the proposed Plan that would be significant in combination with projects or programs in the surrounding area.

7.4.10 Land Use

Impacts associated with land use are less than cumulatively considerable, as there will be no impacts resulting from the proposed Plan that would be significant in combination with projects or programs in the surrounding area. There are no other substantial land use changes occurring in the Planning Area.

7.4.11 Mineral Resources

Impacts associated with mineral resources are less than cumulatively considerable, as there will be no impacts resulting from the proposed Plan that would be significant in combination with projects or programs in the surrounding area. There are no other substantial land use changes occurring in the Planning Area.

7.4.12 Noise

Future population growth and economic development in the City of McFarland would increase the amount of people, and traffic moving in and out of the City, leading to increases in ambient noise. Policies within the proposed Plan prioritize land uses that would attract people to both live and work in the City of McFarland, thus decreasing noise levels from automobiles in the surrounding area. Therefore, the cumulative contribution of the proposed Plan is less than cumulatively considerable.

7.4.13 Population and Housing

The proposed Plan will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure. Population growth is accommodated with greenfield or infill development that is dense, compact, and mixes land uses. The proposed Plan will also not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The proposed Plan satisfies the required number of housing units, including affordable housing units, by providing a potential number of housing units that can be accommodated at full buildout that is greater than the required number of housing units. Finally, the proposed Plan will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. All policies and programs under Goal 3 of the Housing Element of the proposed Plan are intended to prevent the displacement of households due to the construction of new development by maintaining and improving the existing housing inventory. The cumulative impact from the proposed Plan on population and housing is less than significant.

7.4.14 Public Services

The proposed Plan outlines increased population, job, and housing growth. This would necessitate increased public services including Fire and Emergency Services, Police Services, Schools, Parks and Library Services. The proposed Plans contains policies and actions that would ensure that Public Services maintain an acceptable service ration and response time. Additionally, any cumulative impacts related to the expansion of public services, such as Parks, would be mitigated to a level that is not significant.

7.4.15 Recreation

Impacts to or from recreational facilities are less than cumulatively considerable, as there will be no impacts resulting from the proposed Plan that would be significant in combination projects or programs in the surrounding area. The proposed Plan will increase recreational opportunities and open space preservation within the Planning Area.

7.4.16 Transportation

The proposed Plan will serve as the constitution of the City of McFarland. Any projects that are proposed within McFarland's City limits will be subject to review and conformity with the proposed Plan's goals, objectives, policies, and programs. The proposed Plan itself emphasizes reducing the cumulative impacts to the circulation network by compacting development and promoting the use of alternative modes of transportation (e.g., walking, bicycling, and transit) as opposed to relying solely on automobile transportation. As such, any cumulative impacts of projects implemented under the proposed Plan will be mitigated to a level that is not significant.

7.4.17 Utilities

New development and housing to accommodate population growth outlined in the Plan and housing projections will require an expansion of Utility Service Systems such as Water Service, Sewer Service, Stormwater Drainage and Solid Waste. The proposed Plan will increase demand for all of these utilities but contains policies and actions to ensure service levels are met for new housing and development. Additionally, compliance with State regulations mandated by the Regional Water Quality Control Board regarding Stormwater Drainage and Sewer Service (Wastewater Treatment), in addition to mitigation measures outlined in this document will ensure that cumulative impacts are not significant. As such, any cumulative impacts regarding utilities are not significant and that future demand is met.

7.4.18 Energy

Population growth and development under the proposed Plan will increase demand for energy. Policies under and actions aimed at reducing energy consumption help to mitigate the impacts. Additionally, compact land use and sustainable transportation efforts within the Plan can further reduce the impact to energy use. As such, any cumulative impacts regarding energy are not considerable.

7.4.19 Tribal Cultural Resources

The proposed Plan is not expected to have any significant impacts to tribal cultural resources, nor is it expected to have any impact on human remains. However, if any cultural resources were to be found on a project site during development in the proposed Plan, impacts may be both significant and unavoidable.

7.4.20 Wildfire

The proposed Plan's impact on wildfires are not significant as the risk of wildfire remains low in McFarland. Population growth and new development set forth by the proposed Plan would increase the number of buildings and residents exposed to fires. However, compliance with the California Building Code for new developments, as required by the proposed Plan, would decrease the risk associated with these fires. Therefore, the cumulative contribution of the proposed Plan is less than cumulatively considerable.

8 Organizations and Persons Contacted

8.1 Lead Agency

City of McFarland

Maria Lara
City Manager
City of McFarland
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McFarland, CA 93250

8.2 Agencies and Persons Consulted

State Agencies

CA Dept. of Conservation
CA Dept. of Fish and Wildlife
CA Dept. of Food & Agriculture
CA Dept. of Forestry and Fire Protection
CA Dept. of Housing and Community Development
CA Dept. of Parks and Recreation
CA Dept. of Resources Recycling and Recovery
CA Dept. of Toxic Substances Control
CA Dept. of Water Resources
California Air Resources Board
California Emergency Management Agency
California Native American Heritage Commission
California Natural Resources Agency
California Office of Historic Preservation
California Office of Planning and Research State Clearinghouse
California Public Utilities Commission
CALTRANS District 5
CALTRANS District 6
CALTRANS Planning
Central Valley Regional Water Quality Control Board

Local Agencies

City of Delano
City of McFarland
City of Wasco
Delano Mosquito Abatement District
Kern Community College District
Kern Council of Governments
Kern County Area LAFCO
Kern County Dept. of Agriculture and Dept. of Weights & Measures
Kern County Dept. of Fish & Game
Kern County Dept. of Planning and Natural Resources
Kern County Dept. of Public Health Services
Kern County Dept. of Public Works
Kern County Historical Society
Kern County Transit
Kings County
McFarland Recreation and Park District
McFarland Unified School District
San Joaquin Valley Air Pollution Control District
Southern San Joaquin Municipal Utility District
Tulare County Administrative Office
Tulare County Board of Supervisors

Other Agencies

AT&T
PG&E
Southern California Edison
Spectrum
Union Pacific Railroad

8.3 Report Preparers and Qualifications

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9 Appendix

9.1 Appendix to Section 1.6 – Areas of Controversy

Comment Letters on Notice of Preparation

1. Native American Heritage Commission (NAHC)
2. California Department of Conservation (DCON)
3. Southern San Joaquin Municipal Utility District (SSJMUD)
4. Department of Toxic Substances Control (DTSC)

Native American Tribal Consultation

5. Invitation Letter
6. Native American Tribal Consultation List & Responses
7. Sacred Lands File Search With List of Tribes

9.1.1 NATIVE AMERICAN HERITAGE COMMISSION (NAHC)

STATE OF CALIFORNIA Gavin Newsom, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION

April 14, 2021

Maria Lara, City Manager
City of McFarland
401 West Kern Ave.
McFarland, CA 93250

Governor's Office of Planning & Research

APR 19 2021

STATE CLEARINGHOUSE

Re: 2021040288, 2040 General Plan for the City of McFarland Project, Kern County

Dear Ms. Lara:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

NAHC 1

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

NAHC 2

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

NAHC 3

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

NAHC 4

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

NAHC 5

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

NAHC 6

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

NAHC 7

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

NAHC 8

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

NAHC 9

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

NAHC 10

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).

NAHC 11

2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.

3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).

4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:

- **a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
- **b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

NAHC 12

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

NAHC 13

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:

- **a.** If part or all of the APE has been previously surveyed for cultural resources.
- **b.** If any known cultural resources have already been recorded on or adjacent to the APE.
- **c.** If the probability is low, moderate, or high that cultural resources are located in the APE.
- **d.** If a survey is required to determine whether previously unrecorded cultural resources are present.

NAHC 14

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- **a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
- **b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

NAHC 15

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

NAHC 16

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse

9.1.2 CALIFORNIA DEPARTMENT OF CONSERVATION (DCON)



California
Department of Conservation
Division of Land Resource Protection

Gavin Newsom, Governor
David Shabazian, Director

MARCH 17, 2021

VIA EMAIL: MLARA@MCFARLANDCITY.ORG
City of McFarland
Attn: Maria Lara, City Manager
401 West Kern Avenue
McFarland, CA 93250

Dear Ms. Lara:

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF MCFARLAND'S 2040 GENERAL PLAN

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of an Environmental Impact Report for the City of McFarland's 2040 General Plan (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

The 2040 McFarland General Plan is intended to represent the general expectations and wishes of its residents and decision-makers concerning future land use patterns and resource management. The Plan seeks to provide a variety of residential densities, mixed-use areas, a diverse economic base, and improved connections throughout the City. This vision is reflected throughout the General Plan. The plan continues to provide that new housing and commercial enterprises are generally directed to areas that are suitable for development or are already developed.

The 2040 General Plan ensures that important land use decisions are scrutinized for their potential to affect the quality of life and the environment. Implementation of the General Plan requires a balance between potentially competing interests. It is expected that future decision-makers will need to wrestle with potential trade-offs and compromises, such as maintaining a balance of housing choices, stimulating a growing economy, and protecting the natural environment. The General Plan provides the policy guidance needed to assist future decision-makers in evaluating these tradeoffs and striking a desirable balance.

DCon 1

State of California Natural Resources Agency | Department of Conservation
801 K Street, MS 14-15, Sacramento, CA 95814
conservation.ca.gov | T: (916) 324-0850 | F: (916) 327-3430

Department Comments

DCon 2 The conversion of agricultural land represents a permanent reduction in the State's agricultural land resources. The City has recognized this fact and framed many of its agricultural policies and programs around this fact, encouraging the protection and preservation of agricultural land. The Department urges the City to display this commitment by implementing its own Agricultural Mitigation Program.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

http://www.calandtrusts.org/resources/conserving-californias-harvest/

Conclusion

Thank you for giving us the opportunity to comment on the Notice of Preparation of an Environmental Impact for the City of McFarland's 2040 General Plan. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

9.1.3 SOUTHERN SAN JOAQUIN MUNICIPAL UTILITY DISTRICT (SSJMUD)

SSJMUD

Southern San Joaquin Municipal Utility District

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February 10, 2021

Maria Lara, City Manager
City of McFarland
401 West Kern Ave.
McFarland, CA 93250

Dear Ms. Lara:

Southern San Joaquin Municipal Utility District (SSJMUD or the District) has reviewed the City's Draft 2040 General Plan and the Draft Sustainable Agriculture Element. The City is located within the District and, while the District does not provide service to the City for the delivery of imported water supply, the District's participation in local and regional groundwater banking and importation of surface water supplies benefit the City by reducing groundwater usage and maintaining groundwater levels in the City's municipal supply wells. The District also works with the City for compliance with the California Sustainable Groundwater Management Act (SGMA). The District adopted a Management Area Plan under the Kern Groundwater Authority's Groundwater Sustainability Plan (KGA GSP), which included both the City of McFarland and the City of Delano. This plan described the existing groundwater conditions within the District and the cities, established criteria for sustainable groundwater management, and identified projects and management actions to assist the Kern County Subbasin (the Subbasin) in reaching groundwater sustainability by 2040.

Comments on the Draft 2040 General Plan

Development of the District's Management Area Plan for the KGA GSP also included consideration of existing planning documents within the District. The planning documents considered in the GSP included the City's current General Plan, specifically those objectives and policies in the Conservation Element. It is noted that the City has maintained the objectives and policies previously identified for water conservation and demand reduction and has further updated this element to account for the implementation of SGMA.

SSJMUD 1

The City has added Program SAF 2.4.1.4 to "enact new measures as needed according to protocols established by the Kern Water Authority (*sic*)." The protocols cited previously are found in the Kern Groundwater Authority (KGA) GSP. Further, while KGA is the Groundwater Sustainability Agency (GSA) responsible for the GSP, KGA's member agencies (which include SSJMUD) are responsible for SGMA implementation within their respective Management Areas. The City of McFarland is therefore subject to the conditions of the KGA GSP and the SSJMUD Management Area Plan. In this General Plan Update, the City has not made specific mention of the SSJMUD Management Area Plan or the KGA GSP.

Localized impacts as measured at the Representative Monitoring Sites identified in the KGA GSP are of chief concern to the District and KGA. These impacts are to be avoided

SSJMUD 2

to prevent the District and the Subbasin from violating SGMA. The District encourages the City to coordinate on the implementation of SGMA via participation in monitoring of groundwater conditions within the District's plan area. The City is currently subject to the KGA GSP and the SSJMUD Management Area Plan, which were adopted in December 2019 and submitted to DWR in January 2020.

SSJMUD 3

The City has also included Policy SAF 2.4.3 which states that the City will "identify groundwater recharge locations where soil and geography allow for infiltration." This policy goes on to state that the City will "pursue grants to aid long term groundwater recharge projects" and "examine proposed public infrastructure projects for potential water recharge opportunities." SSJMUD is generally supportive of this policy and welcomes the opportunity to work with the City to achieve long-term success in groundwater recharge to better manage local and regional water resources. However, as the City does not currently have an imported water supply, this Policy raises the question of where the City will obtain supplies for its proposed recharge activities and how the City plans to deliver water to these proposed facilities.

Program PF 1.2.2.2 states that the City plans to expand sewer facilities in eastern McFarland. This expansion would include the construction of a new wastewater treatment plant (WWTP). The KGA GSP identifies nitrate as a constituent of concern; it is generally observed that high nitrate concentrations in the first occurrence of groundwater are found in wells located in areas with a high density of septic systems. Reducing residential reliance on septic systems for disposal of domestic wastewater would result in a decrease in the volume of nitrate introduced to the first occurrences of groundwater within the District and assist in the preservation of groundwater quality within the District. Additionally, a new WWTP could also be a source of treated water for beneficial reuse for crop irrigation. Treated wastewater effluent for beneficial reuse would offset additional groundwater pumping. As this proposed program would result in protection of groundwater quality and a source of beneficially reusable water, the District supports the development of a new WWTP on the eastern side of the City.

Comments on Sustainable Agriculture Element

At the time that the KGA GSP and SSJMUD Management Area Plan were prepared, there was not a Sustainable Agriculture element. The City of McFarland has prepared a draft Sustainable Agriculture Element for its 2040 General Plan. As one of the major economic sectors for the City, this element provides planning to maintain and support agricultural activities and protect the natural resources used in agriculture within the City's limits and its Sphere of Influence (SOI). Among the considerations in this element are land use and groundwater management.

The Sustainable Agriculture Element acknowledges the KGA GSP, in addition to other statewide policies and laws for the protection of agriculture and natural resource sustainability. Among these are the California Agriculture Vision (2017), the California Land Conservation Act (also known as the Williamson Act), and SGMA. This element provides an overview of SGMA and a description of the six undesirable results defined by SGMA.

SSJMUD 4

While the City's Sustainable Agriculture Element is focused on discussion of the preservation of high-quality productive soils for agricultural use, no consideration given to the conversion of uncultivated or fallowed land into permanent groundwater recharge. Such land conversion activities would assist both the City and the District in meeting

their concurrent and coequal goals of groundwater sustainability and land conservation. The conversion of uncultivated or fallowed land would allow for the City to engage in water demand reduction within its SOI and also provide locations for permanent groundwater recharge activities to augment groundwater supply.

Policy AG 3.1.1 states that the City will encourage water-saving measures and user education in McFarland and sphere of influence to reduce water use in farming. Demand reduction measures are one of the ways through which the Subbasin will reach sustainability. Through participation in communication and stakeholder outreach activities, the City can achieve this goal as a part of its SGMA implementation with the District.

SSJMUD 5

Program AG 3.1.2.2 states that the City will cooperate with agricultural industry stakeholders in the City and its Sphere of Influence to promote drought readiness measures. The District recommends that the City also work in collaboration with the District, using the SSJMUD Management Area Plan and KGA GSP as a starting point for discussing and developing these drought readiness measures.

SSJMUD 6

Objective 10.3 states that the City will encourage the use of recycled water. One major source of recycled water currently provided by the City is its WWTP, located in the boundaries of the North Kern Water Storage District (North Kern). The treated effluent from the WWTP is has a beneficial reuse as a source of irrigation water for permanent tree crops and/or hay and pasture. The District is supportive of this continued beneficial reuse and encourages the expansion of the use of recycled water as additional WWTP effluent becomes available.

In its review of the City's General Plan Update and Sustainable Agriculture Element, the District finds that many of the policies, programs, and objectives are consistent with what has been adopted in the KGA GSP and the SSJMUD Management Area Plan. The District expects that the City will continue to work with SSJMUD to implement SGMA and address the issues arising from groundwater sustainability within the District and the Subbasin at large. As with the development of its Management Area Plan, SSJMUD is available for collaboration in implementing these policies and programs and providing guidance to the City with respect to SGMA.

Please contact us with any questions or concerns.

Sincerely,



Roland Gross
General Manager, Southern San Joaquin Municipal Utility District

9.1.4 DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

Department of Toxic Substances Control

Jared Blumenfeld
Secretary for
Environmental Protection

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gavin Newsom
Governor

April 13, 2021

Ms. Maria Lara
City of McFarland
401 West Kern Ave.
McFarland, CA 93250
MLara@mcfarlandcity.org

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT ON THE 2040 MCFARLAND GENERAL PLAN – DATED APRIL 8, 2021 (STATE CLEARINGHOUSE NUMBER: 2021040288)

Ms. Lara:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of a Draft Environmental Impact Report (EIR) for the 2040 McFarland General Plan (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the EIR Hazards and Hazardous Materials section:

DTSC 1

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline

DTSC 2

contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

DTSC 3

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).

DTSC 4

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).

DTSC 5

5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).

DTSC 6

6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead

Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: https://dtsc.ca.gov/brownfields/.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

9.1.5 NATIVE AMERICAN TRIBAL CONSULTATION

9.1.5.1 SAMPLE NATIVE AMERICAN TRIBAL CONSULTATION LETTER

City of McFarland, CA



401 W. Kern Avenue
McFarland, CA 93250
661-792-3091 Office
6610792-3093 Fax

December 14, 2020

James Rambeau, Sr., Chairperson
Big Pine Paiute Tribe of the Owens Valley
P.O. Box 700
Big Pine, CA 93513
(760) 938-2003
j.rambeau@bigpinepaiute.org

Dear James Rambeau, Sr

In accordance with the State of California Tribal Consultation Guidelines and Government Code §65352.3, this letter officially invites the Tribe to participate in consultation regarding the City of McFarland 2040 General Plan update. Consultation is intended to ensure that California Native American tribes are given an opportunity to participate in local land use decisions at an early planning stage for the purpose of protecting or mitigating impacts to cultural places and also allows for consideration of cultural places in the context of broad local land use policy before individual, site-specific, project-level land use decisions are made.

The General Plan represents the official adopted goals, objectives, policies, and programs of the City of McFarland. A map of the area, including the proposed City Limits, Sphere of Influence, and Area of Concern is attached (and more detailed maps can be provided upon request). The General Plan is central to the local planning process because it employs public policy, derived from citizen participation, to shape the future development of the community. General Plans are required by law to be updated every 10-15 years, and the last City of McFarland General Plan went into effect in 1991, so 2016 marked the 15-year mark. The City of McFarland 2040 General Plan was produced for the City of McFarland as part of the McFarland General Plan Update project by the 2019-20 Community and Regional Planning Studio class of the Master of City and Regional Planning Program at the California Polytechnic State University, San Luis Obispo, California. The draft is under review by the Planning Commission and City Council and an environmental impact report, which includes an examination of cultural resources, will now be prepared for the document.
You can find a copy of the **Draft 2040 General Plan** at:

http://mcfarlandcity.org/DocumentCenter/View/2200/Vol2_McFarland-Draft-General-Plan_November-2020

You can find **other related planning documents** at:
http://mcfarlandcity.org/237/Community-Development

Upon receipt of this letter, the Tribe has 90 days to respond with a request for consultation which, if received by December 15th, 2020, would be March 15th, 2021. Please send the request to City Manager at the address below:

City of McFarland
Attn: Maria Lara, City Manager, mlara@mcfarlandcity.org
401 West Kern Ave
McFarland, CA 93250

Technical reports, such as cultural resource and archaeological reports, will be available later in the Environmental Impact Report process. Meanwhile, searches of archeological and cultural resources revealed the following:

The Native American Heritage Commission (NAHC) has conducted its search in December 2020 for **archaeological resources** and concluded as follows:
*"The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was **negative**."*

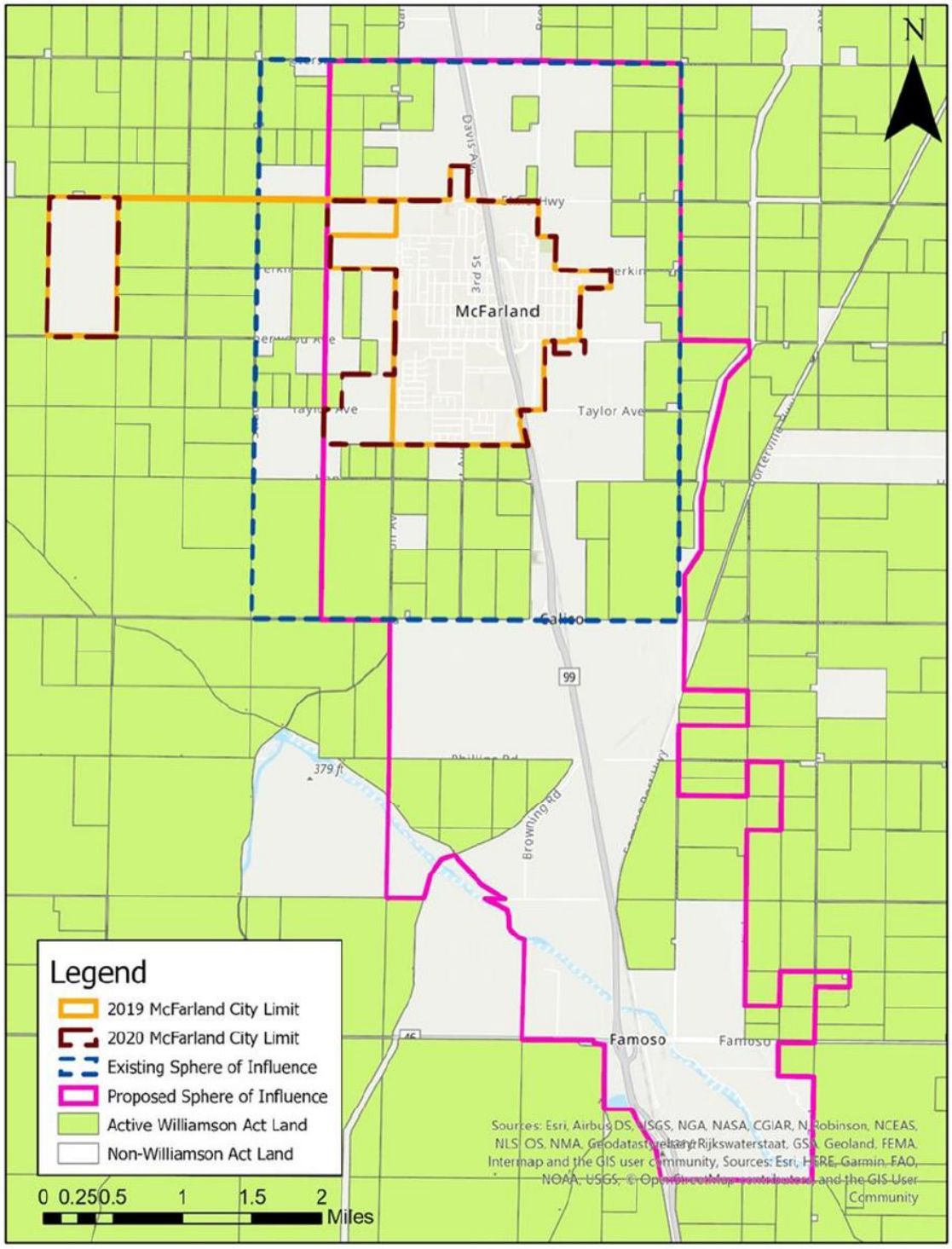
The California Historical Resources Information System (CHRIS) search on a recent General Plan EIR for the City of McFarland to identify all previous **cultural resources** work and previously recorded cultural resources within a 200-foot radius of the project site "*identified 14 previously conducted studies and **14 cultural resources** within the project site and 200-foot buffer. All of the cultural resources are built environment and were constructed during the 20th century. One resource, the Friant-Kern Canal is determined as eligible for the California Register of Historical Resources (CRHR) and National Register of Historic Places NRHP*." (City of McFarland. 2016. General Plan Amendment Environmental Impact Report)

Sincerely,

Maria Lara

Maria Lara
City Manager

Figure 1: McFarland with Existing and Proposed Boundaries and Sphere of Influence



9.1.5.2 NATIVE AMERICAN TRIBAL CONSULTATION LIST & RESPONSES

	Addresses of Native American Tribes	**Responses**
1	James Rambeau, Sr., Chairperson	
	Big Pine Paiute Tribe of the Owens Valley	
	P.O. Box 700	
	Big Pine, CA 93513	
	(760) 938-2003	
	j.rambeau@bigpinepaiute.org	
2	Sally Manning, Environmental Director	
	Big Pine Paiute Tribe of Owens Valley	
	P.O. Box 700	
	Big Pine, CA 93513	
	(760) 938-2003	
	s.manning@bigpinepaiute.org	
3	Danelle Gutierrez THPO	
	Big Pine Paiute Tribe of the Owens Valley	
	P.O. Box 700	
	Big Pine, CA 93513	
	(760) 938-2003, ext. 228	
	d.gutierrez@bigpinepaiute.org	
4	Julio Quair, Chairperson	
	Chumash Council of Bakersfield	
	729 Texas Street	
	Bakersfield, CA 93307	
	(661) 322-0121	no response to telephone call
	chumashtribe@sbcglobal.net	Returned email
5	Mariza Sullivan, Chairman	
	Coastal Band of the Chumash Nation	
	P. O. Box 4464	
	Santa Barbara, CA 93140	
	(805) 665-0486	
	cbcntribalchair@gmail.com	
6	Mona Olivas Tucker, Chairwoman	
	yak tityu tityu yak tiłhini - Northern Chumash Tribe	
	660 Camino Del Rey	
	Arroyo Grande, CA 93420	
	(805) 489-1052 Home	
	olivas.mona@gmail.com	

	Addresses of Native American Tribes	Responses
7	Julie Turner, Secretary	
	Kern Valley Indian Community	
	P.O. Box 1010	
	Lake Isabella, CA 93240	
	(661) 340-0032 Cell	answering machine
8	Robert Robinson, Chairperson	
	Kern Valley Indian Community	
	P.O. Box 1010	
	Lake Isabella, CA 93240	
	(760) 378-2915 Cell	
	bbutterbredt@gmail.com	
9	Brandy Kendricks	
	Kern Valley Indian Community	
	30741 Foxridge Court	
	Tehachapi, CA 93561	
	(661) 821-1733	
	krazykendricks@hotmail.com	
10	Jairo F. Avila, THPO	Outside Area - Defer to Tejon Tribe
	Fernandeno Tataviam Band of Mission Indians	
	1019 Second St., Suite 1	
	San Fernando, CA 91340	
	(818) 837-0794 Office	
	jairo.avila@tataviam-nsn.us	
11	Donna Yocum, Chairperson	
	San Fernando Band of Mission Indians	
	P.O. Box 221838	
	Newhall, CA 91322	
	(503) 593-0933	
	ddyocum@comcast.net	
12	Jessica Mauck, Director-CRM Dept.	Outside Area - no consultation needed
	San Manuel Band of Mission Indians	
	26569 Community Center Drive	
	Highland, CA 92346	
	(909) 864-8933	
	jmauck@sanmanuel-nsn.gov	
13	Delia Dominguez, Chairperson	
	Kitanemuk & Yowlumne Tejon Indians	
	115 Radio Street	

	Addresses of Native American Tribes	Responses
	Bakersfield, CA 93305	
	(626) 339-6785	
	2deedominguez@gmail.com	
14	Octavio Escobedo III, Chairperson	
	Tejon Indian Tribe	
	P.O. Box 640	
	Arvin 93203	
	(661) 834-8566	
	oescobedo@tejonindiantribe-nsn.gov	
15	Colin Rambo, CRM Tech	
	Tejon Indian Tribe	
	P.O. Box 640	
	Arvin, CA 93203	
	(661) 834-8566	
	colin.rambo@tejonindiantribe-nsn.gov	
16	Robert L. Gomez, Jr., Tribal Chairperson	
	Tubatulabals of Kern Valley	
	P.O. Box 226	
	Lake Isabella, CA 93240	
	(760) 379-4590	number no longer in service
17	Leo Sisco, Chairperson	
	Santa Rosa Rancheria Tachi Yokut Tribe	
	P.O. Box 8	
	Lemoore, CA 93245	
	(559) 924-1278	answering machine
18	Neil Peyron, Chairperson	
	Tule River Indian Tribe	
	P.O. Box 589	
	Porterville, CA 93258	
	(559) 781-4271	
	neil.peyron@tulerivertribe-nsn.gov	
19	Kenneth Woodrow, Chairperson	
	Wuksache Indian Tribe/Eshom Valley Band	
	1179 Rock Haven Ct.	
	Salinas, CA 93906	
	(831) 443-9702	
	kwood8934@aol.com	

9.1.5.3 SACRED LANDS FILE SEARCH WITH LIST OF TRIBES

STATE OF CALIFORNIA — Gavin Newsom, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
Marshall McKay
Wintun

COMMISSIONER
William Mungary
Paiute/White Mountain Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

December 10, 2020

Maria Lara

City of McFarland

Via Email to: mlara@mcfarlandcity.org

Re: Native American Consultation, Pursuant to Senate Bill 18, Government Code §65352.3 and § 65352.4, Draft 2040 McFarland General Plan, Kern County

Dear Ms. Lara:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties.

Government Code §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

The law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

The NAHC also believes that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

    - A listing of any and all known cultural resources that have already been recorded or are adjacent to the APE, such as known archaeological sites;
    - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
    - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
    - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

    - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code §6254.10.

3. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we are able to assure that our consultation list remains current.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst
Attachment

Native American Tribal Consultation List
December 10, 2020

Big Pine Paiute Tribe of the Owens Valley
James Rambeau, Sr., Chairperson
P.O. Box 700
Big Pine , CA 93513
j.rambeau@bigpinepaiute.org
(760) 938-2003
Paiute - Shoshone

Big Pine Paiute Tribe of Owens Valley
Sally Manning, Environmental Director
P.O. Box 700
Big Pine , CA 93513
s.manning@bigpinepaiute.org
(760) 938-2003
Paiute

Big Pine Paiute Tribe of the Owens Valley
Danelle Gutierrez THPO
P.O. Box 700
Big Pine , CA 93513
d.gutierrez@bigpinepaiute.org
(760) 938-2003, ext. 228
Paiute

Chumash Council of Bakersfield
Julio Quair, Chairperson
729 Texas Street
Bakersfield , CA 93307
chumashtribe@sbcglobal.net
(661) 322-0121
Chumash

Coastal Band of the Chumash Nation
Mariza Sullivan, Chairman
P. O. Box 4464
Santa Barbara , CA 93140
cbcntribalchair@gmail.com
(805) 665-0486
Chumash

Fernandeno Tataviam Band of Mission Indians
Jairo F. Avila, THPO
1019 Second St., Suite 1
San Fernando , CA 91340
jairo.avila@tataviam-nsn.us
(818) 837-0794 Office
Fernandeno Tataviam

Kern Valley Indian Community
Julie Turner, Secretary
P.O. Box 1010
Lake Isabella , CA 93240
(661) 340-0032 Cell
Kawaiisu Tubatulabal

Kern Valley Indian Community
Robert Robinson, Chairperson
P.O. Box 1010
Lake Isabella , CA 93240
bbutterbredt@gmail.com
(760) 378-2915 Cell
Tubatulabal Kawaiisu

Kern Valley Indian Community
Brandy Kendricks
30741 Foxridge Court
Tehachapi , CA 93561
krazykendricks@hotmail.com
(661) 821-1733
Kawaiisu Tubatulabal

Kitanemuk & Yowlumne Teion Indians
Delia Dominguez, Chairperson
115 Radio Street
Bakersfield , CA 93305
2deedominguez@gmail.com
(626) 339-6785
Yowlumne Kitanemuk

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3 and 65362.4 et seq. for the proposed Draft 2040 McFarland General Plan, Kern County.

Native American Tribal Consultation List
December 10, 2020

San Fernando Band of Mission Indians
Donna Yocum, Chairperson
P.O. Box 221838
Newhall , CA 91322
ddyocum@comcast.net
(503) 593-0933
Fernandeno Tataviam Serrano Vanyume Kitanemuk

Tubatulabals of Kern Valley
Robert L. Gomez, Jr., Tribal Chairperson
P.O. Box 226
Lake Isabella , CA 93240
(760) 379-4590
Tubatulabal

San Manuel Band of Mission Indians
Jessica Mauck, Director-CRM Dept.
26569 Community Center Drive
Highland , CA 92346
jmauck@sanmanuel-nsn.gov
(909) 864-8933
Serrano

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville , CA 93258
neil.peyron@tulerivertribe-nsn.gov
(559) 781-4271
Yokuts

Santa Rosa Rancheria Tachi Yokut Tribe
Leo Sisco, Chairperson
P.O. Box 8
Lemoore , CA 93245
(559) 924-1278
Tache Tachi Yokut

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct.
Salinas , CA 93906
kwood8934@aol.com
(831) 443-9702
Foothill Yokuts Mono Wuksache

Teion Indian Tribe
Octavio Escobedo III, Chairperson
P.O. Box 640
Arvin , CA 93203
oescobedo@tejonindiantribe-nsn.gov
(661) 834-8566
Kitanemuk

vak titvu titvu vak tiłhini - Northern Chumash Tribe
Mona Olivas Tucker, Chairwoman
660 Camino Del Rey
Arroyo Grande , CA 93420
olivas.mona@gmail.com
(805) 489-1052 Home
Chumash

Teion Indian Tribe
Colin Rambo, CRM Tech
P.O. Box 640
Arvin , CA 93203
colin.rambo@tejonindiantribe-nsn.gov
(661) 834-8566
Kitanemuk

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3 and 65362.4 et seq. for the proposed Draft 2040 McFarland General Plan, Kern County.

9.2 Appendix to 4.7 Greenhouse Gas Emissions

Appendix to GHG Section: CalEEMod Output
San Joaquin Valley Air Basin, Annual
Business-As-Usual

Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Office Building	94.00	1000sqft	2.16	94,000.00	0
Government Office Building	2,008.00	1000sqft	46.10	2,008,000.00	0
Junior High School	2,204.00		0.00	0.00	0
Place of Worship	561.00		0.00	0.00	0
General Heavy Industry	21,306.00	1000sqft	489.12	21,306,000.00	0
General Light Industry	1,525.00	1000sqft	35.01	1,525,000.00	0
City Park	73.00	Acre	73.00	3,179,880.00	0
Apartments Low Rise	537.00	Dwelling Unit	33.56	537,000.00	1536
Apartments Mid Rise	1,954.00	Dwelling Unit	51.42	1,954,000.00	5588
Apartments Mid Rise	0.00	Dwelling Unit	0.00	0.00	0
Condo/Townhouse	21.00	Dwelling Unit	1.31	21,000.00	60
Single Family Housing	10,281.00	Dwelling Unit	3,337.99	18,505,800.00	29404
Automobile Care Center	14,298.00	1000sqft	328.24	14,298,000.00	0
Strip Mall	1,206.00	1000sqft	27.69	1,206,000.00	0
Strip Mall	1,954.00	1000sqft	44.86	1,954,000.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.7	**Precipitation Freq (Days)**	45
Climate Zone	7			**Operational Year**	2032
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	702.44	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2031	0.0905	0.4210	0.8214	2.0200e-003	5.1600e-003	0.0151	0.0203	1.3700e-003	0.0151	0.0165	0.0000	174.0092	174.0092	7.2500e-003	0.0000	174.1904
2032	0.3226	1.7857	2.1533	6.2000e-003	2.3764	0.0571	2.4335	1.3010	0.0571	1.3580	0.0000	533.4915	533.4915	0.0259	0.0000	534.1391
2033	0.1077	0.4505	0.7554	2.3100e-003	0.3414	0.0159	0.3573	0.1241	0.0159	0.1400	0.0000	215.7726	215.7726	8.6300e-003	0.0000	215.9884
2034	0.0679	0.2842	0.4762	1.4600e-003	0.2673	0.0100	0.2773	0.0839	0.0100	0.0939	0.0000	136.0708	136.0708	5.4400e-003	0.0000	136.2069
2035	94.1969	23.2377	17.2595	0.1453	12.4769	0.0629	12.5398	3.3609	0.0592	3.4201	0.0000	13,491.4854	13,491.4854	0.5092	0.0000	13,504.2141
2036	103.1647	91.0924	52.4908	0.4923	36.2122	0.2140	36.4262	9.8023	0.2028	10.0051	0.0000	45,899.7751	45,899.7751	1.9424	0.0000	45,948.3358
2037	102.7709	90.7447	52.2905	0.4905	36.0740	0.2132	36.2872	9.7649	0.2021	9.9670	0.0000	45,724.5851	45,724.5851	1.9350	0.0000	45,772.9605
2038	102.7709	90.7447	52.2905	0.4905	36.0740	0.2132	36.2872	9.7649	0.2021	9.9670	0.0000	45,724.5851	45,724.5851	1.9350	0.0000	45,772.9605
2039	102.3772	90.3970	52.0901	0.4886	35.9358	0.2124	36.1482	9.7275	0.2013	9.9288	0.0000	45,549.3951	45,549.3951	1.9276	0.0000	45,597.5851
2040	23.4067	76.8603	35.2875	0.3974	28.1683	0.1333	28.3016	7.6406	0.1258	7.7665	0.0000	37,145.7047	37,145.7047	1.6254	0.0000	37,186.3390
Maximum	103.1647	91.0924	52.4908	0.4923	36.2122	0.2140	36.4262	9.8023	0.2028	10.0051	0.0000	45,899.7751	45,899.7751	1.9424	0.0000	45,948.3358

3. Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2031	0.0905	0.4210	0.8214	2.0200e-003	5.1600e-003	0.0151	0.0203	1.3700e-003	0.0151	0.0165	0.0000	174.0090	174.0090	7.2500e-003	0.0000	174.1902
2032	0.3226	1.7857	2.1533	6.2000e-003	2.3764	0.0571	2.4335	1.3010	0.0571	1.3580	0.0000	533.4909	533.4909	0.0259	0.0000	534.1385
2033	0.1077	0.4505	0.7554	2.3100e-003	0.3414	0.0159	0.3573	0.1241	0.0159	0.1400	0.0000	215.7724	215.7724	8.6300e-003	0.0000	215.9882
2034	0.0679	0.2842	0.4762	1.4600e-003	0.2673	0.0100	0.2773	0.0839	0.0100	0.0939	0.0000	136.0707	136.0707	5.4400e-003	0.0000	136.2068
2035	94.1969	23.2377	17.2595	0.1453	12.4769	0.0629	12.5398	3.3609	0.0592	3.4201	0.0000	13,491.4852	13,491.4852	0.5092	0.0000	13,504.2139
2036	103.1647	91.0924	52.4908	0.4923	36.2122	0.2140	36.4262	9.8023	0.2028	10.0051	0.0000	45,899.7743	45,899.7743	1.9424	0.0000	45,948.3350
2037	102.7709	90.7447	52.2904	0.4905	36.0740	0.2132	36.2872	9.7649	0.2021	9.9670	0.0000	45,724.5843	45,724.5843	1.9350	0.0000	45,772.9596
2038	102.7709	90.7447	52.2904	0.4905	36.0740	0.2132	36.2872	9.7649	0.2021	9.9670	0.0000	45,724.5843	45,724.5843	1.9350	0.0000	45,772.9596
2039	102.3772	90.3970	52.0901	0.4886	35.9358	0.2124	36.1482	9.7275	0.2013	9.9288	0.0000	45,549.3943	45,549.3943	1.9276	0.0000	45,597.5843
2040	23.4067	76.8603	35.2875	0.3974	28.1683	0.1333	28.3016	7.6406	0.1258	7.7665	0.0000	37,145.7043	37,145.7043	1.6254	0.0000	37,186.3386
Maximum	103.1647	91.0924	52.4908	0.4923	36.2122	0.2140	36.4262	9.8023	0.2028	10.0051	0.0000	45,899.7743	45,899.7743	1.9424	0.0000	45,948.3350

2.2 Overall Operational

4.

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	300.3894	6.6122	97.4994	0.0403		0.9742	0.9742		0.9742	0.9742	0.0000	6,544.4813	6,544.4813	0.2724	0.1171	6,586.1929
Energy	5.2962	47.2527	33.8807	0.2889		3.6592	3.6592		3.6592	3.6592	0.0000	129,114.1394	129,114.1394	4.1711	1.6161	129,700.0081
Mobile	110.7976	1,473.2640	915.8290	6.3880	429.4153	2.8189	432.2341	115.3015	2.6361	117.9375	0.0000	596,720.5250	596,720.5250	46.7809	0.0000	597,890.0464
Waste						0.0000	0.0000		0.0000	0.0000	20,385.7146	0.0000	20,385.7146	1,204.7612	0.0000	50,504.7450
Water						0.0000	0.0000		0.0000	0.0000	2,572.3072	16,025.2208	18,597.5280	264.8622	6.3752	27,118.9023
Total	**416.4833**	**1,527.1289**	**1,047.2090**	**6.7171**	**429.4153**	**7.4523**	**436.8676**	**115.3015**	**7.2695**	**122.5710**	**22,958.0218**	**748,404.3664**	**771,362.3882**	**1,520.8478**	**8.1084**	**811,799.8946**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	300.3894	6.6122	97.4994	0.0403		0.9742	0.9742		0.9742	0.9742	0.0000	6,544.4813	6,544.4813	0.2724	0.1171	6,586.1929
Energy	5.2962	47.2527	33.8807	0.2889		3.6592	3.6592		3.6592	3.6592	0.0000	129,114.1394	129,114.1394	4.1711	1.6161	129,700.0081
Mobile	110.7976	1,473.2640	915.8290	6.3880	429.4153	2.8189	432.2341	115.3015	2.6361	117.9375	0.0000	596,720.5250	596,720.5250	46.7809	0.0000	597,890.0464
Waste						0.0000	0.0000		0.0000	0.0000	20,385.7146	0.0000	20,385.7146	1,204.7612	0.0000	50,504.7450
Water						0.0000	0.0000		0.0000	0.0000	2,572.3072	16,025.2208	18,597.5280	264.8622	6.3752	27,118.9023
Total	**416.4833**	**1,527.1289**	**1,047.2090**	**6.7171**	**429.4153**	**7.4523**	**436.8676**	**115.3015**	**7.2695**	**122.5710**	**22,958.0218**	**748,404.3664**	**771,362.3882**	**1,520.8478**	**8.1084**	**811,799.8946**

General Plan EIR: Business-As-Usual VMT

Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	**Weekday**	**Saturday**	**Sunday**	**Annual VMT**	**Annual VMT**
Apartments Low Rise	3,539	3,845	3,260	10,265,996	10,265,996
Apartments Mid Rise	12,994	12,486	11,450	36,805,170	36,805,170
Apartments Mid Rise	0	0	0		
Automobile Care Center	339,149	339,149	169,860	313,763,271	313,763,271
City Park	138	1,661	1,222	1,089,574	1,089,574
Condo/Townhouse	122	119	102	343,913	343,913
General Heavy Industry	31,959	31,959	31,959	93,304,657	93,304,657
General Light Industry	10,629	2,013	1,037	23,437,940	23,437,940
General Office Building	1,037	231	99	1,882,456	1,882,456
Government Office Building	138,411	0	0	169,542,194	169,542,194
Single Family Housing	97,875	101,885	88,622	281,453,568	281,453,568
Strip Mall	53,450	50,700	24,639	75,371,069	75,371,069
Strip Mall	86,601	82,146	39,920	122,118,632	122,118,632
Total	**775,904**	**626,194**	**372,170**	**1,129,378,439**	**1,129,378,439**

San Joaquin Valley Air Basin, Annual

General Plan Proposals

1.1 Project Characteristics

Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Office Building	112.00	1000sqft	2.57	112,000.00	0
Government Office Building	2,244.00	1000sqft	51.52	2,244,000.00	0
Junior High School	1,816.00		0.00	0.00	0
Place of Worship	713.00		0.00	0.00	0
General Heavy Industry	23,983.00	1000sqft	550.57	23,983,000.00	0
General Light Industry	10,348.00	1000sqft	237.56	10,348,000.00	0
City Park	66.00	Acre	66.00	2,874,960.00	0
Apartments Low Rise	2,206.00	Dwelling Unit	137.88	2,206,000.00	6309
Apartments Mid Rise	1,943.00	Dwelling Unit	51.13	1,943,000.00	5557
Apartments Mid Rise	173.00	Dwelling Unit	4.55	173,000.00	495
Condo/Townhouse	1,920.00	Dwelling Unit	120.00	1,920,000.00	5491
Single Family Housing	6,539.00	Dwelling Unit	2,123.05	11,770,200.00	18702
Automobile Care Center	2,042.00	1000sqft	46.88	2,042,000.00	0
Strip Mall	1,968.00	1000sqft	45.18	1,968,000.00	0
Strip Mall	1,943.00	1000sqft	44.61	1,943,000.00	0

1.2 Other Project Characteristics

Urbanization Climate Zone: Urban 7

Wind Speed (m/s): 2.7

Precipitation Freq (Days) Operational Year: 45 | 2032

Utility Company: Southern California Edison

CO2 Intensity (lb/MWhr): 702.44

CH4 Intensity (lb/MWhr): 0.029

N2O Intensity (lb/MWhr): 0.006

Emissions Summary

Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2031	0.2745	1.2778	2.4928	6.1400e-003	0.0157	0.0459	0.0615	4.1600e-003	0.0459	0.0500	0.0000	528.0975	528.0975	0.0220	0.0000	528.6476
2032	0.3077	1.6232	2.2742	6.2000e-003	1.5986	0.0536	1.6522	0.8737	0.0536	0.9272	0.0000	533.6703	533.6703	0.0247	0.0000	534.2878
2033	0.3949	1.7945	2.7345	8.2300e-003	1.8014	0.0613	1.8627	0.7696	0.0613	0.8309	0.0000	754.6001	754.6001	0.0317	0.0000	755.3919
2034	0.3179	1.3307	2.2301	6.8100e-003	1.0800	0.0469	1.1269	0.3744	0.0469	0.4213	0.0000	637.2098	637.2098	0.0255	0.0000	637.8470
2035	1.7423	22.7672	12.2234	0.1198	8.5641	0.0487	8.6128	2.3209	0.0461	2.3670	0.0000	11,184.5708	11,184.5708	0.4836	0.0000	11,196.6604
2036	116.4546	91.2378	56.0137	0.5104	39.0883	0.2234	39.3117	10.5665	0.2114	10.7780	0.0000	47,535.0314	47,535.0314	1.9578	0.0000	47,583.9765
2037	119.8893	90.9090	56.0294	0.5096	39.1193	0.2232	39.3425	10.5741	0.2112	10.7853	0.0000	47,459.1392	47,459.1392	1.9515	0.0000	47,507.9260
2038	119.8893	90.9090	56.0294	0.5096	39.1193	0.2232	39.3425	10.5741	0.2112	10.7853	0.0000	47,459.1392	47,459.1392	1.9515	0.0000	47,507.9260
2039	119.4299	90.5607	55.8148	0.5077	38.9694	0.2223	39.1917	10.5336	0.2104	10.7440	0.0000	47,277.3035	47,277.3035	1.9440	0.0000	47,325.9033
2040	26.5230	76.9340	37.6471	0.4111	30.4535	0.1390	30.5925	8.2478	0.1311	8.3789	0.0000	38,385.2781	38,385.2781	1.6343	0.0000	38,426.1344
Maximum	**119.8893**	**91.2378**	**56.0294**	**0.5104**	**39.1193**	**0.2234**	**39.3425**	**10.5741**	**0.2114**	**10.7853**	**0.0000**	**47,535.0314**	**47,535.0314**	**1.9578**	**0.0000**	**47,583.9765**

2.1 Overall Construction

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2031	0.2745	1.2778	2.4928	6.1400e-003	0.0157	0.0459	0.0615	4.1600e-003	0.0459	0.0500	0.0000	528.0969	528.0969	0.0220	0.0000	528.6470
2032	0.3077	1.6232	2.2742	6.2000e-003	1.5986	0.0536	1.6522	0.8737	0.0536	0.9272	0.0000	533.6697	533.6697	0.0247	0.0000	534.2872
2033	0.3948	1.7945	2.7345	8.2300e-003	1.8014	0.0613	1.8627	0.7696	0.0613	0.8309	0.0000	754.5992	754.5992	0.0317	0.0000	755.3910
2034	0.3179	1.3307	2.2301	6.8100e-003	1.0800	0.0469	1.1269	0.3744	0.0469	0.4213	0.0000	637.2091	637.2091	0.0255	0.0000	637.8463
2035	1.7423	22.7672	12.2234	0.1198	8.5641	0.0487	8.6128	2.3209	0.0461	2.3670	0.0000	11,184.5707	11,184.5707	0.4836	0.0000	11,196.6603
2036	116.4546	91.2378	56.0137	0.5104	39.0883	0.2234	39.3117	10.5665	0.2114	10.7780	0.0000	47,535.0306	47,535.0306	1.9578	0.0000	47,583.9757
2037	119.8893	90.9090	56.0294	0.5096	39.1193	0.2232	39.3425	10.5741	0.2112	10.7853	0.0000	47,459.1384	47,459.1384	1.9515	0.0000	47,507.9252
2038	119.8893	90.9090	56.0294	0.5096	39.1193	0.2232	39.3425	10.5741	0.2112	10.7853	0.0000	47,459.1384	47,459.1384	1.9515	0.0000	47,507.9252
2039	119.4299	90.5607	55.8147	0.5077	38.9694	0.2223	39.1917	10.5336	0.2104	10.7440	0.0000	47,277.3026	47,277.3026	1.9440	0.0000	47,325.9025
2040	26.5230	76.9340	37.6471	0.4111	30.4535	0.1390	30.5925	8.2478	0.1311	8.3789	0.0000	38,385.2777	38,385.2777	1.6343	0.0000	38,426.1341
Maximum	**119.8893**	**91.2378**	**56.0294**	**0.5104**	**39.1193**	**0.2234**	**39.3425**	**10.5741**	**0.2114**	**10.7853**	**0.0000**	**47,535.0306**	**47,535.0306**	**1.9578**	**0.0000**	**47,583.9757**

Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	286.9767	6.6673	97.4344	0.0406		0.9783	0.9783		0.9783	0.9783	0.0000	6,609.3170	6,609.3170	0.2735	0.1183	6,651.4113
Energy	5.0432	45.0787	32.8733	0.2751		3.4844	3.4844		3.4844	3.4844	0.0000	125,025.4388	125,025.4388	4.0577	1.5566	125,590.7584
Mobile	87.0490	1,126.0503	786.0188	5.5540	394.8555	2.4970	397.3524	106.0219	2.3360	108.3579	0.0000	518,421.5598	518,421.5598	35.4232	0.0000	519,307.1402
Waste						0.0000	0.0000		0.0000	0.0000	13,515.5727	0.0000	13,515.5727	798.7475	0.0000	33,484.2593
Water						0.0000	0.0000		0.0000	0.0000	3,083.4814	18,077.4010	21,160.8824	317.4494	7.6325	31,371.5905
Total	**379.0689**	**1,177.7963**	**916.3265**	**5.8697**	**394.8555**	**6.9597**	**401.8151**	**106.0219**	**6.7987**	**112.8206**	**16,599.0541**	**668,133.7166**	**684,732.7707**	**1,155.9513**	**9.3074**	**716,405.1597**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	286.9767	6.6673	97.4344	0.0406		0.9783	0.9783		0.9783	0.9783	0.0000	6,609.3170	6,609.3170	0.2735	0.1183	6,651.4113
Energy	4.1081	36.6951	26.5968	0.2241		2.8383	2.8383		2.8383	2.8383	0.0000	108,788.7397	108,788.7397	3.5921	1.3273	109,274.0843
Mobile	67.9926	965.6383	431.8067	2.8720	150.9532	1.1771	152.1303	40.5322	1.0988	41.6310	0.0000	269,050.5559	269,050.5559	31.3132	0.0000	269,833.3861
Waste						0.0000	0.0000		0.0000	0.0000	13,515.5727	0.0000	13,515.5727	798.7475	0.0000	33,484.2593
Water						0.0000	0.0000		0.0000	0.0000	2,466.7851	14,593.9970	17,060.7821	253.9650	6.1071	25,229.8211
Total	**359.0773**	**1,009.0007**	**555.8379**	**3.1367**	**150.9532**	**4.9937**	**155.9469**	**40.5322**	**4.9154**	**45.4476**	**15,982.3578**	**399,042.6095**	**415,024.9673**	**1,087.8912**	**7.5527**	**444,472.9621**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**5.27**	**14.33**	**39.34**	**46.56**	**61.77**	**28.25**	**61.19**	**61.77**	**27.70**	**59.72**	**3.72**	**40.28**	**39.39**	**5.89**	**18.85**	**37.96**

General Plan EIR: General Plan Proposals VMT

Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	**Weekday**	**Saturday**	**Sunday**	**Annual VMT**	**Annual VMT**
Apartments Low Rise	14,538	15,795	13,390	42,172,788	17,310,927
Apartments Mid Rise	12,921	12,416	11,386	36,597,977	15,022,599
Apartments Mid Rise	1,150	1,105	1,014	3,258,595	1,337,576
Automobile Care Center	48,436	48,436	24,259	44,810,785	16,912,905
City Park	125	1,502	1,105	985,094	371,785
Condo/Townhouse	11,155	10,886	9,293	31,443,464	12,906,795
General Heavy Industry	35,975	35,975	35,975	105,027,954	38,858,469
General Light Industry	72,126	13,659	7,037	159,039,869	58,841,915
General Office Building	1,235	276	118	2,242,926	846,502
Government Office Building	154,679	0	0	189,468,467	68,637,517
Single Family Housing	62,251	64,801	56,366	179,012,244	73,480,271
Strip Mall	87,222	82,735	40,206	122,993,586	46,538,293
Strip Mall	86,114	81,684	39,695	121,431,167	45,947,105
Total	**587,926**	**369,270**	**239,843**	**1,038,484,916**	**397,012,659**

9.3 Appendix to 4.16 Transportation and Traffic

A4.16.1 INTRODUCTION

The Plan proposes the concentration of development in five growth areas over a target plan period that extends to 2040. Map A4.16-1 shows the growth areas. This section documents the methodology and data used to assess the transportation impact of the configuration of new developments and improvements to circulation envisioned to occur under the Plan (termed, project) in terms of vehicle miles traveled (VMT).

Senate Bill (SB) 743 directs OPR to establish specific "criteria for determining the significance of transportation impacts of projects[.]" (Pub. Resources Code, § 21099, subd. (b)(1).) In establishing this criterion, OPR was guided by the general principles contained within CEQA, the CEQA Guidelines, and applicable case law. The VMT metric can support the three statutory goals: "the reduction of greenhouse gas emissions; the development of multimodal transportation networks; and a diversity of land uses." (Pub. Resources Code, § 21099, subd. (b)(1).) OPR recommends using quantitative VMT thresholds linked to GHG reduction targets when methods exist to do so.

A4.16.2 EXISTING & BASELINE OPERATING CONDITIONS

An assessment of existing travel conditions reflecting prevailing levels of per capita VMT established baseline travel conditions for the study area. The objective is for projects to reduce per capita VMT in support of the three statutory goals of the State of California to reduce greenhouse gas emissions, develop multimodal networks, and diversify land uses. Table A4.16-1 provides thresholds of significance for reductions in VMT.

In response to Senate Bill 743 requiring lead agencies to assess Vehicle VMT impacts of projects, the California Department of Transportation (Caltrans) provides data from the California Statewide Travel Demand Model (CSTDM) for use to assess VMT resulting from residential and office land use projects, and to set thresholds of significance. The City of McFarland and its sphere of influence falls within Travel Analysis Zone (TAZ) 2949. According to the CSTDM, McFarland had a per capita home-based VMT of 17.7 miles in 2010, which was projected under baseline conditions to reduce to 16.8 for a 5 percent reduction. Similarly, McFarland had an employee based VMT of 21.8 miles per employee in 2010, which was projected under baseline conditions to reduce to 18.5 for a 15 percent reduction. These levels of baseline reduction in VMT are below the greenhouse gas reduction thresholds implicit in Table A4.16-1.

Map A4.16-1 General Plan Key Growth Areas in McFarland

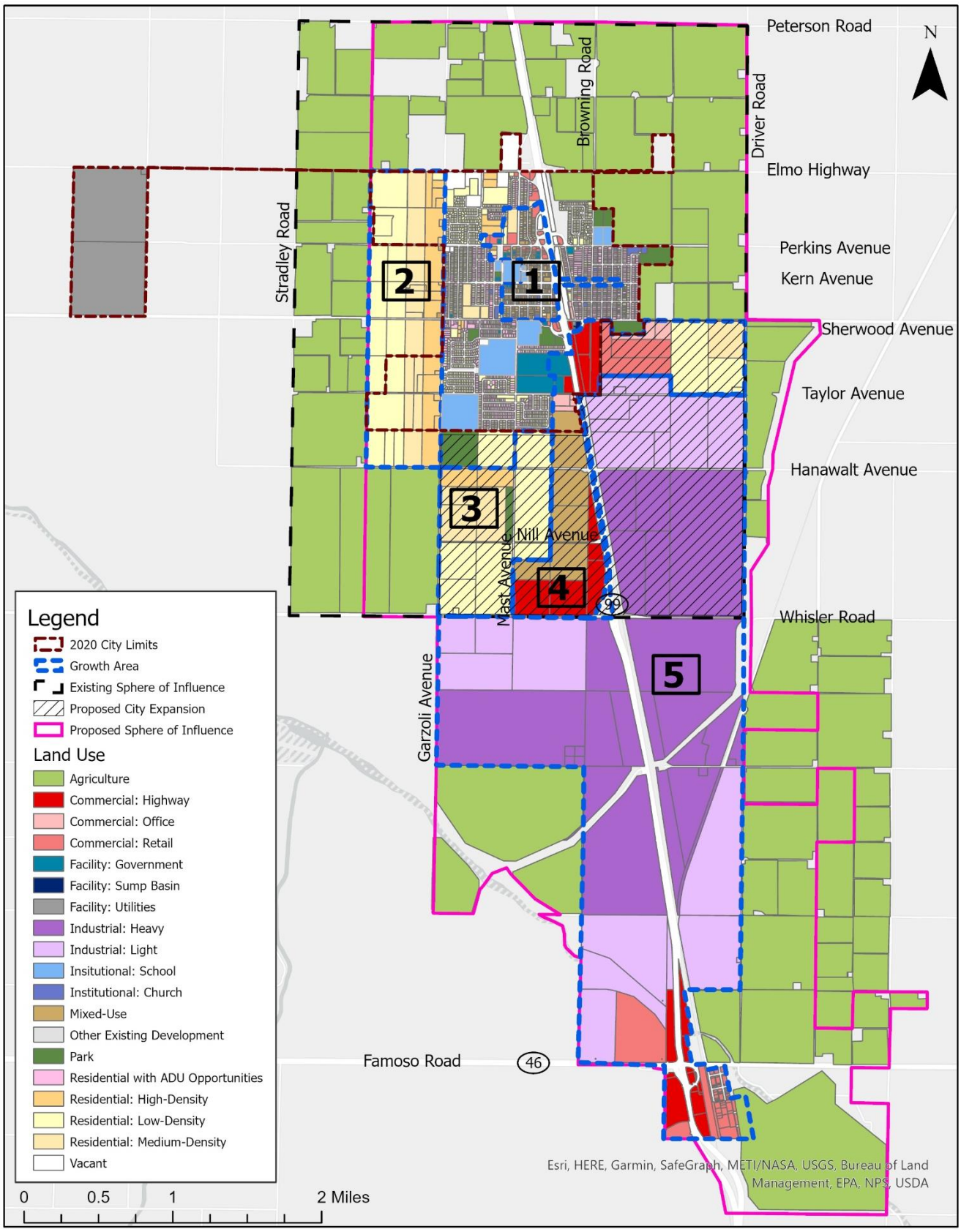


Table A4.16-1 Vehicle Miles Traveled (VMT) Thresholds of Significance

Legislative Mandates/ State Policies	Description of Thresholds
Assembly Bill 32 (2006)	Requires statewide GHG emissions reductions to 1990 levels by 2020 and continued reductions beyond 2020
Senate Bill 32 (2016)	Requires at least a 40 percent reduction in GHG emissions from 1990 levels by 2030.
Senate Bill 375 (2008)	The California Air Resources Board GHG emissions reduction targets for metropolitan planning organizations (MPOs) to achieve based on land use patterns and transportation systems specified in Regional Transportation Plans and Sustainable Community Strategies (RTP/SCS). Current targets for the State's largest MPOs call for a 19 percent reduction in GHG emissions from cars and light trucks from 2005 emissions levels by 2035.
Executive Order B-30-15 (2015)	Requires a GHG emissions reduction target of 40 percent below 1990 levels by 2030.
Executive Order S-3-05 (2005)	Sets a GHG emissions reduction target of 80 percent below 1990 levels by 2050.
Executive Order B-16-12 (2012)	Specifies a GHG emissions reduction target of 80 percent below 1990 levels by 2050 specifically for transportation.
Executive Order B-55-18 (2018)	Requires an additional statewide goal of achieving carbon neutrality as soon as possible, but no later than 2045, and maintaining net negative emissions thereafter. It states, "The California Air Resources Board shall work with relevant state agencies to develop a framework for implementation and accounting that tracks progress toward this goal."
Senate Bill 391	Requires the California Transportation Plan to support 80 percent reduction in GHGs below 1990 levels by 2050.
California Air Resources Board Mobile Source Strategy (2016)	Describes California's strategy for containing air pollutant emissions from vehicles and quantifies VMT growth compatible with achieving state targets.
The California Air Resources Board's *2017 Climate Change Scoping Plan Update: The Strategy for Achieving California's 2030 Greenhouse Gas Target*	Describes California's strategy for containing GHG emissions from vehicles and quantifies VMT growth compatible with achieving state targets.

Source: Office of Planning and Research (OPR), 2018

A4.16.3 THE FOUR-STEP PROCESS

A4.16.3.1 TRIP GENERATION

Trip generation for build-out of the vision for the 2040 General Plan project is estimated using trip rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 2017, the San Diego Trip Generation Manual, 2003, and location-specific rates from Kern County Council of Government (COG) San Joaquin Valley Model Development Report, 2017. The build-out of the Plan includes expansion up to the proposed Sphere of Influence (SOI) boundaries as shown in Map A4.16-1. Table A4.16-2 shows the trip rates used for various land uses included in the Plan. It is noted that the trip rates are selected to approximate the traffic volumes generated in McFarland's small suburban environment.

Table A4.16-2 Trip Generation Rates by Land Uses

General Plan Land Use	Daily Trip Rate	Unit	Source
Agriculture	2.00	Acres	San Diego, 2003
Commercial: Highway	37.75	ksf	ITE, 2017
Commercial: Office	9.74	ksf	ITE, 2017
Commercial: Retail	53.12	ksf	ITE, 2017
Facility: Government	5.19	ksf	KernCOG, 2017
Facility: Utilities	2.00	Acres	San Diego, 2003
Industrial: Heavy	0.62	ksf	ITE, 2017
Industrial: Light	0.70	ksf	ITE, 2017
Institutional: Church	6.95	ksf	ITE, 2017
Institutional: School	2.76	ksf	KernCOG, 2017
Mixed-Use	3.44	Dwelling units	ITE, 2017
Park	0.78	Dwelling units	ITE, 2017
Residential with ADU Opportunities	9.44	Acres	ITE, 2017
Residential: High-Density	5.44	Dwelling units	ITE, 2017
Residential: Low-Density	9.44	Dwelling units	ITE, 2017
Residential: Medium-Density	7.32	Dwelling units	ITE, 2017

A4.16.3.1.1 DESCRIPTION OF FUTURE GROWTH ALTERNATIVES

Business-As-Usual

Business-As-Usual (BAU) is based on historic growth patterns and land use trends. This alternative envisions primarily commercial and industrial development along Highway 99. Residential, institutional, and other development continues to the west and to the east of the Highway 99 corridor. Transportation systems remain automobile-oriented with some improvements for pedestrian connectivity and comfort. Extensive development, including residential development, occurs in 100-year and 500-year floodplains, presenting risks to life and property. Utilities must expand and improve to provide adequate capacity, especially wastewater and stormwater on the east side of the City.

Redevelopment

Redevelopment advocates focusing growth on underutilized and vacant parcels to concentrate growth within walkable, bikeable, or bus-ride distances to retail and services. This alternative identifies 5 areas of proposed growth that may be outlined as follows:

- **Downtown Core**: Mixed-use commercial and residential development close to shops, amenities, and public spaces.
- **North and West Neighborhoods**: Commercial infill, high density housing, and improved connectivity to activity hubs in the City.
- **Southern Highway Commercial**: New commercial area south of the City along Highway 99 to create opportunities for such businesses as grocery stores and retail centers that require large space

- **East Neighborhood**: Mixed-use office buildings along the highway corridor, ADUs throughout the neighborhood, and improved connectivity to the west side of the City.

The Moderate Growth and Redevelopment Alternative prioritizes mixed-use designations and infill development to create growth within the City while reducing sprawl and improving residential transport connectivity. This alternative also offers diverse transportation options that address walkability and bike-ability between regions of the City and the expansion of existing bus transit service.

Smart Growth

The Smart Growth Alternative accounts for the most aggressive population growth for the City of McFarland, maximizing infill within the City and new development outside of the existing City boundary to accommodate the maximum projected population, housing, and job growth. This alternative identifies three key areas for growth of housing and jobs across the City:

- **Downtown Infill**: The entire downtown core is to be designated for mixed-use development which would allow buildings to host commercial or office on the first floor and residential units on the upper floors. This increase in density has the potential to offer density bonus opportunities for affordable housing developers.
- **Westside Expansion**: A range of low-to-high density residential developments to accommodate projected population growth. High-density residential development is proposed along the westside's main arterial roadway, Garzoli Avenue, while medium and low-density housing is proposed on slower moving residential streets.
- **Highway 99 Improvements**: This area promotes highway-serving commercial uses such as gas stations and hotels, as well as industrial uses such as manufacturing along Highway 99.

The Smart Growth Alternative focuses its aggressive growth in three key areas to serve the needs of neighborhoods, the region, and travelers on Highway 99. To avoid locating new residential development in hazard areas, the Smart Growth Alternative increases the density of housing typologies, particularly in the Downtown Infill and Westside expansion key growth areas. Additionally, new mixed-use and commercial development are prioritized in the Downtown Infill to support a vibrant downtown core and at key intersections within the Westside Expansion key growth area (Garzoli Avenue at Perkins, Sherwood, and Taylor Avenues). Commercial development is also prioritized along Highway 99 to encourage highway travelers to stop for services in McFarland.

Composite Growth

Composite Growth (also referred to as Preferred Growth) includes a combination of the community's preferred features derived from the previous three alternatives. This alternative purports to influence future land use designations, housing allocation, and circulation improvements needed to meet the population growth projections and targets for job growth. The main features of this alternative include medium and high-density mixed-use downtown and along major arterials west of downtown as well as the establishment of neighborhood retail centers. This provides the opportunity to integrate housing and commercial uses, making services readily accessible to large segments of the population. In addition to mixed use commercial, this alternative includes commercial uses along Highway 99 to cater for pass-through traffic and industrial uses to the south to boost the availability of jobs. The Alternative therefore includes the following variety of changes to land use:

- Infill development for housing and commercial growth on the west side of the City.
- A neighborhood commercial corridor along Kern Avenue to serve the east side of the City.
- Downtown mixed-use redevelopment to create a vibrant atmosphere in the center of the City.
- Commercial and industrial development along Highway 99.
- Additional Accessory Dwelling Units in the Central McFarland neighborhoods.

General Plan

The General Plan is a refined version of the Composite (or Preferred) Growth Alternative with special emphasis on diversity and mixture of compatible land uses together with a multimodal transportation network to promote reduction in vehicle miles traveled and consequent reduction in greenhouse gas emissions. The Plan concentrates development in five key growth areas to target McFarland's most optimal locations for development in Downtown, Western McFarland, and the Highway 99 Corridor. Major growth areas include Revitalized Downtown, West Expansion Area, Whisler Road Neighborhood, Southern Commercial Corridor, and Famoso Industrial and Commercial Center. Growth areas are designed to accommodate maximum growth while aligning with McFarland's desires to remain an agriculture-based City. Even with the many changes, McFarland's small-town community character is envisioned to remain.

Circulation for the General Plan includes a network of complete streets, a pedestrian and bike network, new transit stops for internal transit service and at major commercial centers along Highway 99, and safety improvements to pedestrian crossings between the east and west sides of the City. These new circulation connections are to expand multi-modal transportation throughout the City.

A4.16.3.1.2 TRIP GENERATION BY GROWTH ALTERNATIVES

The allocation of space for various land uses across the City and SOI and associated circulation network together with the degree of mixing of compatible uses defined the alternative development scenarios. Table A4.16-3a is a summary of the main land use categories and the allocation of space to the uses under various development scenarios.

Table A4.16-3a Allocation of Land Uses in Growth Alternatives

Land Use	Unit	Business-As-Usual	Redevelopment	Smart Growth	Preferred Growth	General Plan	Existing Land Use
Agriculture	ACRE	2,037	1,563	1,809	1,627	1,584	356
Commercial: Highway	KSF	14,298	2,736	1,793	2,182	2,042	-
Commercial: Office	KSF	94	91	88	88	112	55
Commercial: Retail	KSF	1,206	2,097	1,730	1,994	1,968	246
Facility: Government	KSF	2,008	3,197	3,142	2,131	2,244	163
Facility: Utilities	ACRE	321	321	303	303	320	166
Industrial: Heavy	KSF	21,306	18,111	18,525	22,878	23,983	-
Industrial: Light	KSF	1,525	17,359	17,288	10,039	10,348	314
Institutional: Church	KSF	561	903	879	692	713	231
Institutional: School	KSF	2,204	2,329	1,371	1,592	1,816	520
Mixed-Use	KSF	3,909	286	2,295	5,513	3,885	62
Park	ACRE	91	85	66	63	66	40
Residential with ADU	DU	-	583	-	-	173	-
Residential: High-Density	DU	537	465	1,061	1,725	2,206	359
Residential: Low-Density	DU	10,281	9,616	4,653	7,414	6,539	2,921
Residential: Medium-Density	DU	21	175	5,126	1,701	1,920	9
Total KSF	KSF	47,110	47,110	47,110	47,110	47,110	1,590
Total DU	DU	10,839	10,839	10,839	10,839	10,839	3,289
Total Acres	ACRE	2,449	1,970	2,178	1,993	1,970	562
Grand Total Plan Acres	**ACRE**	**14,859**	**13,258**	**12,826**	**13,107**	**12,777**	**1,499**

Table A4.16-3b shows corresponding numbers of trips for the entire City by each growth alternative. At build-out of the City, the BAU alternative is estimated to generate the most daily trips of 366,191 due to the prevalence of automobile-orientation in its development concept. The Redevelopment and Smart Growth alternatives would have fewer daily trips as they promote ADUs and infill development to maximize growth within City limits. The Composite Growth alternative has slightly higher daily trips than the Smart Growth alternative because it combines preferred growth concepts from each alternative including low-density residential growth under BAU, ADUs from redevelopment, as well as infill development and downtown core development from Smart Growth. However, as the Composite Growth is refined into the General Plan with improved transportation network and balanced land uses, the General Plan is projected to have the lowest daily trips of 174,380 by 2040.

Table A4.16-3b 2040 Trip Generation by Land Uses in Growth Alternatives

Growth Alternative	Daily Trips
Business-As-Usual	366,191
Redevelopment	212,734
Smart Growth	175,069
Composite Growth	178,164
General Plan	174,380

A4.16.3.2 TRIP DISTRIBUTION

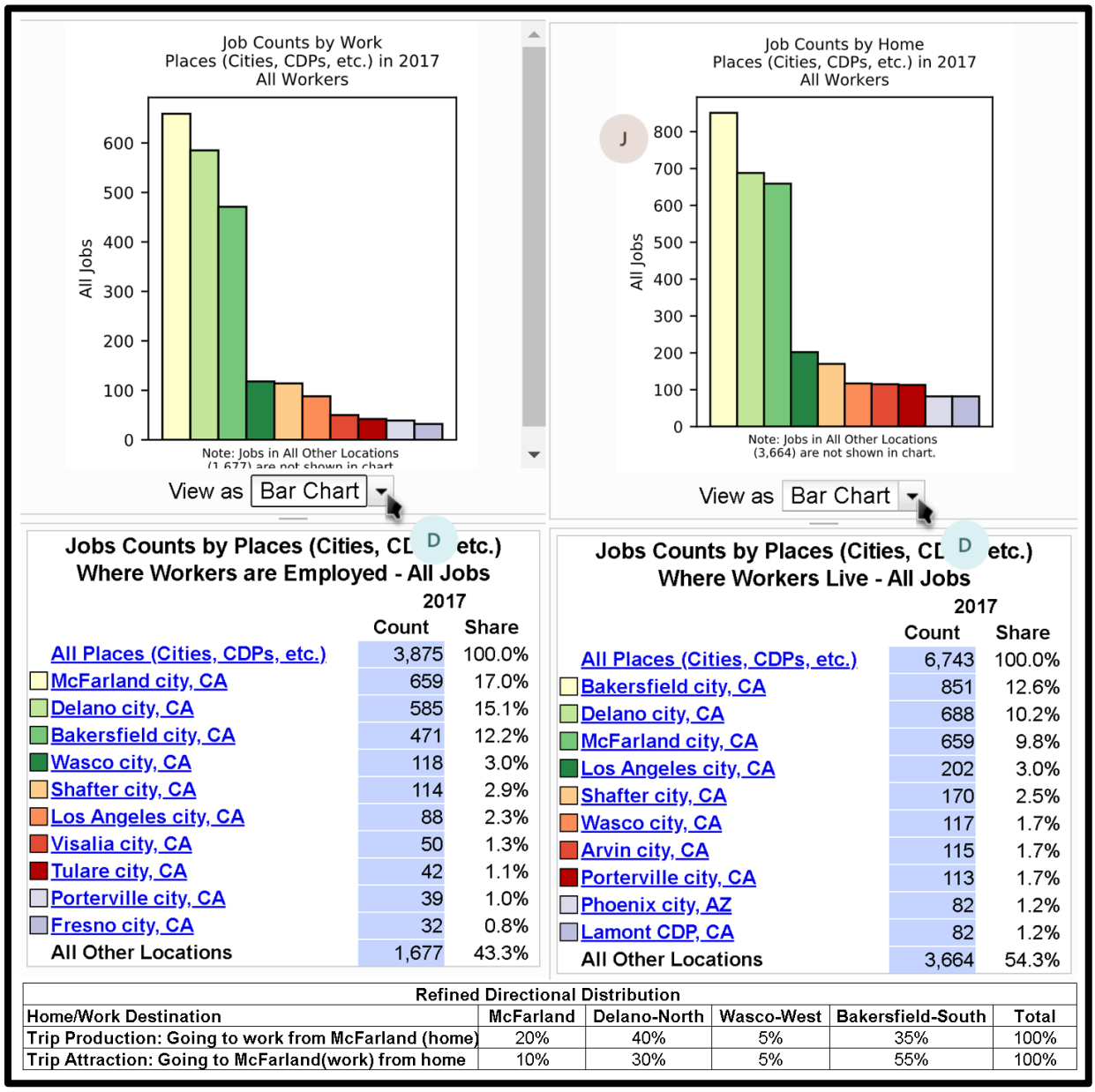
In this step, the estimated trip productions and attractions among the Traffic Analysis Zones (TAZ) were distributed based on general patterns in the directional flow of travel within McFarland and between the City and external cities. The Longitudinal Employer Household Dynamics (LEHD) “On the Map” web tool of the US Census generates these directional distributions primarily from commute travel data. The tool identifies the proportions of travel flows in various directions. The proportions were applied to trip generation forecasts to determine the directionality of all trips going in and out of the study area. Figure A4.16-1 shows a visual representation of in and out flows and a tabulation of resultant directional distribution of trips.

Application of the gravity model aided the distribution of internal and external trip forecasts among the TAZs. Map A4.16-2 shows the TAZs within and surrounding the City in the addition to three external stations that serve as the capture points of all trips that are external to the McFarland study area.

In the Gravity Model, trips between a pair of origins and destinations is a function of the number of trips produced at the origin, the attractiveness of the destination, and friction between them, which is represented as an inverse function of distance. Trip distances derived from geographic information systems (GIS) were distances “as the crow flies” or desire lines. A random sample of overland distances from Google maps helped in the derivation of a regression equation to convert desire line distances to overland distance. Table A4.16-4 shows the trip distances between zones with the regression equation used to convert them into overland distances.

Figure A4.16-2 shows the equation for the gravity model used. Table A4.16-5a through Table A4.16-5e show the resultant trip distributions among TAZs for various growth alternatives.

Figure A4.16-1 Directional Distribution of Trips



Jobs Counts by Places (Cities, CDPs, etc.) Where Workers are Employed - All Jobs

	2017 Count	Share
All Places (Cities, CDPs, etc.)	3,875	100.0%
McFarland city, CA	659	17.0%
Delano city, CA	585	15.1%
Bakersfield city, CA	471	12.2%
Wasco city, CA	118	3.0%
Shafter city, CA	114	2.9%
Los Angeles city, CA	88	2.3%
Visalia city, CA	50	1.3%
Tulare city, CA	42	1.1%
Porterville city, CA	39	1.0%
Fresno city, CA	32	0.8%
All Other Locations	1,677	43.3%

Jobs Counts by Places (Cities, CDPs, etc.) Where Workers Live - All Jobs

	2017 Count	Share
All Places (Cities, CDPs, etc.)	6,743	100.0%
Bakersfield city, CA	851	12.6%
Delano city, CA	688	10.2%
McFarland city, CA	659	9.8%
Los Angeles city, CA	202	3.0%
Shafter city, CA	170	2.5%
Wasco city, CA	117	1.7%
Arvin city, CA	115	1.7%
Porterville city, CA	113	1.7%
Phoenix city, AZ	82	1.2%
Lamont CDP, CA	82	1.2%
All Other Locations	3,664	54.3%

Refined Directional Distribution

Home/Work Destination	McFarland	Delano-North	Wasco-West	Bakersfield-South	Total
Trip Production: Going to work from McFarland (home)	20%	40%	5%	35%	100%
Trip Attraction: Going to McFarland(work) from home	10%	30%	5%	55%	100%

Source: LEHD, 2017

Map A4.16-2 Traffic Analysis Zones (TAZ) in McFarland and Sphere of Influence

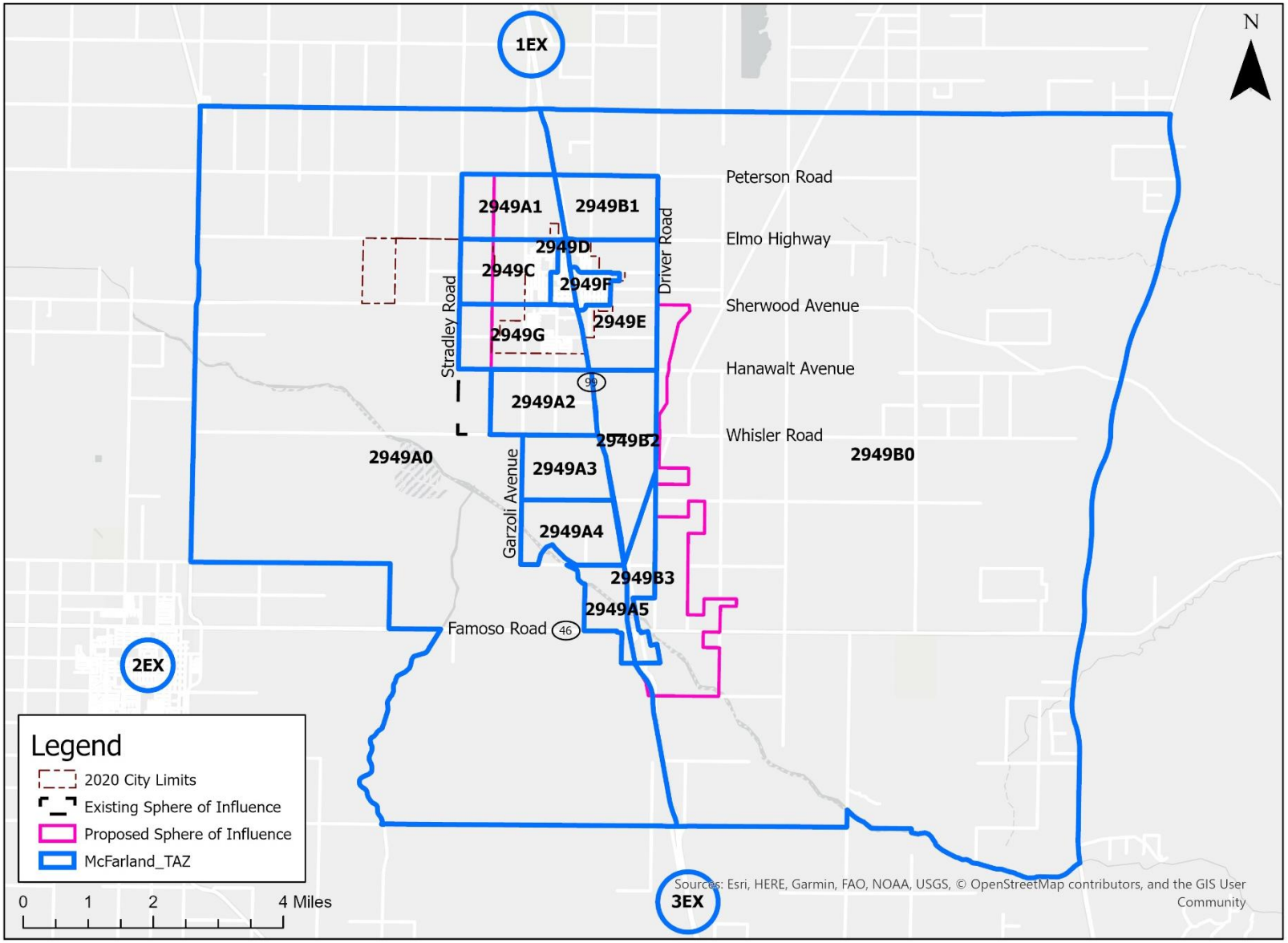


Table A4.16-4 Zone to Zone Distances

	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX
2949A0	4.54	5.46	3.00	3.49	3.88	5.08	9.26	6.42	4.64	5.41	5.73	6.08	4.40	4.88	5.38	5.15	3.60	11.71	6.01	27.49
2949A1	5.46	1.23	4.04	5.33	6.47	7.86	8.59	2.28	5.22	7.62	4.28	7.81	1.66	2.10	3.14	2.57	2.86	6.99	10.62	30.16
2949A2	3.00	4.04	1.35	1.88	2.97	4.41	7.03	4.35	2.46	4.31	3.23	4.71	2.90	2.83	2.97	2.90	1.68	10.53	8.47	26.99
2949A3	3.49	5.33	1.88	1.17	1.65	3.04	6.27	5.31	1.75	2.93	3.38	3.38	4.22	3.93	3.65	3.81	3.00	11.76	8.53	25.60
2949A4	3.88	6.47	2.97	1.65	1.20	1.94	6.32	6.42	2.44	2.04	4.27	2.71	5.35	5.08	4.72	4.93	4.13	12.91	8.28	24.59
2949A5	5.08	7.86	4.41	3.04	1.94	1.02	6.18	7.67	3.46	1.28	5.26	2.05	6.77	6.41	5.92	6.21	5.55	14.25	8.71	23.16
2949B0	9.26	8.59	7.03	6.27	6.32	6.18	5.79	7.19	5.13	5.40	4.88	4.64	8.07	7.12	5.98	6.57	7.39	13.35	14.10	23.25
2949B1	6.42	2.28	4.35	5.31	6.42	7.67	7.19	1.22	4.74	7.25	3.24	7.24	2.68	2.05	2.26	1.99	3.35	7.21	11.84	29.34
2949B2	4.64	5.22	2.46	1.75	2.44	3.46	5.13	4.74	1.31	3.00	2.34	3.09	4.26	3.65	2.98	3.34	3.18	11.41	9.78	25.44
2949B3	5.41	7.62	4.31	2.93	2.04	1.28	5.40	7.25	3.00	1.03	4.71	1.31	6.57	6.10	5.48	5.83	5.38	13.91	9.40	23.18
2949B4	5.73	4.28	3.23	3.38	4.27	5.26	4.88	3.24	2.34	4.71	0.88	4.58	3.69	2.74	1.64	2.21	3.14	9.93	11.16	26.61
2949B5	6.08	7.81	4.71	3.38	2.71	2.05	4.64	7.24	3.09	1.31	4.58	1.71	6.82	6.24	5.48	5.90	5.68	13.95	10.20	22.87
2949C	4.40	1.66	2.90	4.22	5.35	6.77	8.07	2.68	4.26	6.57	3.69	6.82	1.21	1.51	2.63	2.07	1.73	8.15	9.71	29.19
2949D	4.88	2.10	2.83	3.93	5.08	6.41	7.12	2.05	3.65	6.10	2.74	6.24	1.51	0.80	1.64	1.06	1.80	8.34	10.34	28.57
2949E	5.38	3.14	2.97	3.65	4.72	5.92	5.98	2.26	2.98	5.48	1.64	5.48	2.63	1.64	1.36	1.09	2.40	8.96	10.88	27.68
2949F	5.15	2.57	2.90	3.81	4.93	6.21	6.57	1.99	3.34	5.83	2.21	5.90	2.07	1.06	1.09	0.83	2.07	8.57	10.65	28.17
2949G	3.60	2.86	1.68	3.00	4.13	5.55	7.39	3.35	3.18	5.38	3.14	5.68	1.73	1.80	2.40	2.07	1.31	9.35	9.08	28.03
1EX	11.71	6.99	10.53	11.76	12.91	14.25	13.35	7.21	11.41	13.91	9.93	13.95	8.15	8.34	8.96	8.57	9.35	1.05	16.19	35.94
2EX	6.01	10.62	8.47	8.53	8.28	8.71	14.10	11.84	9.78	9.40	11.16	10.20	9.71	10.34	10.88	10.65	9.08	16.19	0.93	28.19
3EX	27.49	30.16	26.99	25.60	24.59	23.16	23.25	29.34	25.44	23.18	26.61	22.87	29.19	28.57	27.68	28.17	28.03	35.94	28.19	1.02

Note: *Overland miles = (1.1795)*desireline miles + 0.4987 | R^2 = 0.98*

Figure A4.16-2 Gravity Model

$T_{ij} = P_i * ((A_j * F_{ij})/sum(A_j*F_{ij}))$

Where:

T_{ij} = Number of trips from zone I to j

P_i = Number of trip productions in zone I

A_j = Number of trip attractions in zone j

F_{ij} = Friction Factor (represents inverse of spatial separation between zone I and zone j)

$$T_{IJ} = P_I \frac{A_J F_{IJ}}{\Sigma A_J F_{IJ}}$$

I = Zone where trips are coming from

J = Zone where trips are going to

T_{IJ} = Number of trips between Zone I and J

P_I = Number of trips produced in Zone I

A_J = Number of trips attracted to zone J

F_{IJ} = Friction factor of travel between Zone I and J

$\Sigma A_J F_{IJ}$ = Sum of trips attracted to zone J * friction factor

Table A4.16-5a Business-As-Usual Trip Distribution

	Productions	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	**2,827**	247	50	298	234	323	253	54	42	276	62	2	458	45	33	38	22	142	147	45	56		2,827
2949A1	**8,021**	589	638	636	441	557	469	167	342	705	126	8	1,026	346	219	185	127	511	710	74	148		8,021
2949A2	**12,610**	1,077	195	1,910	1,254	1,219	842	205	180	1,503	224	10	1,712	198	163	197	113	876	474	93	166		12,610
2949A3	**98**	6	1	9	13	15	8	2	1	14	2	0	16	1	1	1	1	3	3	1	1		98
2949A4	**14,040**	783	114	818	1,348	2,847	1,799	214	115	1,425	445	7	2,800	101	85	116	62	335	363	89	172		14,040
2949A5	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	**1,673**	90	24	95	97	148	155	65	28	187	46	2	449	18	17	25	13	52	97	14	50		1,673
2949B1	**9,459**	593	407	701	524	665	570	236	758	919	157	12	1,311	253	264	304	193	517	815	78	180		9,459
2949B2	**802**	41	9	61	79	87	63	16	10	165	19	1	152	8	7	11	6	27	26	5	10		802
2949B3	**8**	0	0	0	0	1	1	0	0	1	0	0	3	0	0	0	0	0	0	0	0		8
2949B4	**2,604**	147	48	209	183	222	184	77	63	414	54	10	460	41	44	93	39	123	131	18	44		2,604
2949B5	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	**12,942**	1,009	653	1,224	768	929	753	245	401	1,193	202	12	1,622	655	419	305	217	1,171	841	111	211		12,942
2949D	**3,181**	207	117	286	188	223	181	63	119	317	49	4	404	119	180	111	96	256	187	24	49		3,181
2949E	**12,280**	747	311	1,080	802	953	778	299	429	1,542	219	25	1,825	271	349	533	374	760	691	90	201		12,280
2949F	**6,516**	400	195	570	395	469	381	140	250	707	106	10	871	177	277	344	251	453	371	47	102		6,516
2949G	**16,612**	1,341	410	2,297	1,173	1,309	998	291	348	1,733	268	16	2,116	497	383	363	235	1,670	796	129	239		16,612
1EX	**86,891**	3,041	1,240	2,707	2,211	3,092	2,867	1,189	1,196	3,572	765	37	6,364	778	609	718	420	1,733	52,441	535	1,375		86,891
2EX	**12,692**	1,324	182	751	680	1,075	1,047	251	162	930	253	7	1,941	146	110	132	75	398	757	2,078	391		12,692
3EX	**162,935**	3,213	713	2,618	2,518	4,026	4,376	1,694	729	3,974	1,138	34	9,625	538	441	577	317	1,433	3,791	762	120,418		162,935
																							366,191
Total	**366,191**	14,857	5,306	16,270	12,909	18,159	15,726	5,210	5,175	19,576	4,135	196	33,155	4,193	3,601	4,053	2,561	10,460	62,640	4,195	123,814	366,191	

Table A4.16-5b Redevelopment Trip Distribution

	Productions	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A1	**94**	-	0	-	-	-	-	-	-	-	-	-	-	16	3	9	5	35	12	3	9		94
2949A2	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A3	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A4	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A5	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B1	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B2	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B3	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B4	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B5	**-**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	**21,155**	-	13	-	-	-	-	-	-	-	-	-	-	3,608	756	2,134	1,236	7,885	2,651	755	2,117		21,155
2949D	**4,918**	-	3	-	-	-	-	-	-	-	-	-	-	839	176	496	287	1,833	616	176	492		4,918
2949E	**15,298**	-	9	-	-	-	-	-	-	-	-	-	-	2,609	547	1,543	894	5,702	1,917	546	1,531		15,298
2949F	**8,488**	-	5	-	-	-	-	-	-	-	-	-	-	1,447	303	856	496	3,164	1,064	303	850		8,488
2949G	**37,781**	-	23	-	-	-	-	-	-	-	-	-	-	6,443	1,350	3,811	2,207	14,083	4,734	1,349	3,781		37,781
1EX	**41,374**	-	25	-	-	-	-	-	-	-	-	-	-	7,056	1,479	4,174	2,417	15,422	5,184	1,477	4,141		41,374
2EX	**6,043**	-	4	-	-	-	-	-	-	-	-	-	-	1,031	216	610	353	2,253	757	216	605		6,043
3EX	**77,583**	-	47	-	-	-	-	-	-	-	-	-	-	13,230	2,773	7,826	4,532	28,919	9,721	2,769	7,765		77,583
																							212,734
Total	**212,734**	-	130	-	-	-	-	-	-	-	-	-	-	36,278	7,604	21,460	12,426	79,295	26,656	7,594	21,293	212,734	

Table A4.16-5c Smart Growth Trip Distribution

	Productions	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A1	**18,282**	-	2,548	3,907	-	-	-	-	-	-	-	-	-	2,579	556	232	968	2,981	2,165	617	1,729		18,282
2949A2	**15,404**	-	2,147	3,292	-	-	-	-	-	-	-	-	-	2,173	469	195	816	2,512	1,824	520	1,457		15,404
2949A3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	**14,906**	-	2,078	3,185	-	-	-	-	-	-	-	-	-	2,103	453	189	790	2,431	1,765	503	1,410		14,906
2949D	**3,565**	-	497	762	-	-	-	-	-	-	-	-	-	503	108	45	189	581	422	120	337		3,565
2949E	**1,639**	-	228	350	-	-	-	-	-	-	-	-	-	231	50	21	87	267	194	55	155		1,639
2949F	**6,557**	-	914	1,401	-	-	-	-	-	-	-	-	-	925	199	83	347	1,069	776	221	620		6,557
2949G	**14,079**	-	1,962	3,008	-	-	-	-	-	-	-	-	-	1,986	428	179	746	2,296	1,667	475	1,332		14,079
1EX	**33,310**	-	4,643	7,118	-	-	-	-	-	-	-	-	-	4,699	1,013	423	1,764	5,431	3,944	1,124	3,151		33,310
2EX	**4,865**	-	678	1,040	-	-	-	-	-	-	-	-	-	686	148	62	258	793	576	164	460		4,865
3EX	**62,461**	-	8,706	13,347	-	-	-	-	-	-	-	-	-	8,811	1,900	792	3,308	10,184	7,397	2,107	5,908		62,461
																							175,069
Total	**175,069**	-	24,403	37,409	-	-	-	-	-	-	-	-	-	24,695	5,326	2,221	9,273	28,545	20,731	5,906	16,560	175,069	

Table A4.16-5d Composite Growth Trip Distribution

	Productions	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A1	**13,323**	-	1,370	1,965	-	-	-	249	235	-	-	-	-	1,976	407	716	554	2,534	1,593	454	1,272		13,323
2949A2	**10,502**	-	1,080	1,549	-	-	-	196	185	-	-	-	-	1,558	321	564	437	1,997	1,256	358	1,003		10,502
2949A3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	**4,104**	-	422	605	-	-	-	77	72	-	-	-	-	609	125	220	171	780	491	140	392		4,104
2949B1	**2,681**	-	276	395	-	-	-	50	47	-	-	-	-	398	82	144	111	510	321	91	256		2,681
2949B2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	**15,486**	-	1,592	2,284	-	-	-	289	273	-	-	-	-	2,297	473	832	644	2,945	1,851	527	1,479		15,486
2949D	**3,534**	-	363	521	-	-	-	66	62	-	-	-	-	524	108	190	147	672	422	120	337		3,534
2949E	**6,857**	-	705	1,011	-	-	-	128	121	-	-	-	-	1,017	209	368	285	1,304	820	234	655		6,857
2949F	**5,084**	-	523	750	-	-	-	95	90	-	-	-	-	754	155	273	211	967	608	173	486		5,084
2949G	**16,221**	-	1,668	2,392	-	-	-	303	286	-	-	-	-	2,406	495	871	674	3,084	1,939	552	1,549		16,221
1EX	**33,222**	-	3,416	4,899	-	-	-	621	585	-	-	-	-	4,928	1,014	1,785	1,381	6,317	3,972	1,132	3,173		33,222
2EX	**4,853**	-	499	716	-	-	-	91	85	-	-	-	-	720	148	261	202	923	580	165	463		4,853
3EX	**62,297**	-	6,406	9,186	-	-	-	1,164	1,097	-	-	-	-	9,241	1,901	3,347	2,590	11,846	7,448	2,122	5,949		62,297
																							178,164
Total	**178,164**	-	18,320	26,272	-	-	-	3,329	3,137	-	-	-	-	26,428	5,438	9,572	7,407	33,879	21,300	6,068	17,014	178,164	

Table A4.16-5e General Plan Trip Distribution

	Productions	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A2	15,019	-	-	3,033	-	-	-	-	-	-	-	-	-	2,662	476	1,015	775	3,493	1,711	487	1,367		15,019
2949A3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	19,328	-	-	3,903	-	-	-	-	-	-	-	-	-	3,426	612	1,306	997	4,495	2,202	627	1,759		19,328
2949D	3,831	-	-	774	-	-	-	-	-	-	-	-	-	679	121	259	198	891	436	124	349		3,831
2949E	9,005	-	-	1,818	-	-	-	-	-	-	-	-	-	1,596	285	608	465	2,094	1,026	292	819		9,005
2949F	6,589	-	-	1,331	-	-	-	-	-	-	-	-	-	1,168	209	445	340	1,533	751	214	600		6,589
2949G	20,720	-	-	4,184	-	-	-	-	-	-	-	-	-	3,673	656	1,400	1,069	4,819	2,360	672	1,886		20,720
1EX	33,062	-	-	6,676	-	-	-	-	-	-	-	-	-	5,861	1,047	2,234	1,706	7,690	3,767	1,073	3,009		33,062
2EX	4,829	-	-	975	-	-	-	-	-	-	-	-	-	856	153	326	249	1,123	550	157	439		4,829
3EX	61,997	-	-	12,519	-	-	-	-	-	-	-	-	-	10,990	1,964	4,188	3,199	14,420	7,063	2,012	5,642		61,997
																							174,380
Total	174,380	-	-	35,213	-	-	-	-	-	-	-	-	-	30,912	5,525	11,781	8,997	40,558	19,866	5,660	15,869	174,380	

A4.16.3.3 MODE CHOICE

Since it is vehicle trips that are generated for assignment to the highway network, the mode choice step is eliminated. Compact development is expected to eliminate some vehicle trips for transit and non-motorized travel. The analysis therefore included adjustments for the potential reduction in vehicle trips due to mixed or compact land use as well as proximity to public transit at the trip generation stage.

A4.16.3.4 TRIP ASSIGNMENT

Vehicle trips from trip distribution are assigned to the network according to the directional distribution of trips presented under trip distribution. The assumption is that vehicles passing through the network will use the shortest paths to and from the TAZs. The number of trips traveling over various distances produce VMT. The Table A4.16.6a through Table A4.16.6e show VMT calculations for respective growth alternatives.

Table A4.16-6a Business-as-Usual Vehicle Miles Traveled (VMT)

	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	1,119	272	895	817	1,254	1,284	499	271	1,281	334	11	2,788	199	160	202	113	509	1,726	272	1,553		15,561
2949A1	3,216	782	2,572	2,347	3,603	3,689	1,434	778	3,680	960	33	8,012	572	458	581	325	1,463	4,960	782	4,462		44,712
2949A2	3,234	787	2,586	2,360	3,623	3,710	1,442	783	3,701	966	33	8,057	575	461	584	327	1,471	4,988	787	4,487		44,962
2949A3	21	5	17	16	24	25	10	5	25	6	0	53	4	3	4	2	10	33	5	30		298
2949A4	3,040	739	2,431	2,219	3,406	3,487	1,355	736	3,479	908	31	7,574	541	433	549	307	1,383	4,688	740	4,218		42,266
2949A5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	837	204	669	611	938	960	373	203	958	250	9	2,086	149	119	151	85	381	1,291	204	1,162		11,638
2949B1	3,809	927	3,047	2,781	4,268	4,370	1,698	922	4,360	1,138	39	9,491	678	543	688	385	1,733	5,875	927	5,286		52,965
2949B2	189	46	151	138	212	217	84	46	216	56	2	471	34	27	34	19	86	291	46	262		2,627
2949B3	1	0	1	1	2	2	1	0	2	0	0	4	0	0	0	0	1	2	0	2		21
2949B4	845	206	676	617	947	969	377	205	967	252	9	2,105	150	120	153	85	384	1,303	206	1,173		11,749
2949B5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	4,441	1,080	3,552	3,242	4,976	5,095	1,980	1,075	5,083	1,326	45	11,066	790	633	803	449	2,020	6,850	1,081	6,163		61,754
2949D	1,011	246	809	738	1,133	1,160	451	245	1,157	302	10	2,519	180	144	183	102	460	1,559	246	1,403		14,056
2949E	4,016	977	3,212	2,931	4,499	4,607	1,791	972	4,596	1,199	41	10,006	715	573	726	406	1,827	6,194	977	5,573		55,836
2949F	2,063	502	1,650	1,506	2,312	2,367	920	499	2,361	616	21	5,141	367	294	373	209	939	3,182	502	2,863		28,688
2949G	4,822	1,173	3,857	3,520	5,403	5,533	2,150	1,167	5,519	1,440	49	12,015	858	688	872	488	2,194	7,438	1,173	6,692		67,052
1EX	35,619	8,665	28,489	25,999	39,908	40,865	15,882	8,622	40,765	10,637	364	88,747	6,338	5,079	6,438	3,602	16,202	54,936	8,666	49,428		495,251
2EX	7,949	1,934	6,358	5,802	8,906	9,120	3,544	1,924	9,097	2,374	81	19,805	1,414	1,133	1,437	804	3,616	12,260	1,934	11,031		110,524
3EX	88,339	21,490	70,657	64,482	98,978	101,349	39,389	21,383	101,103	26,381	903	220,104	15,718	12,595	15,966	8,934	40,184	136,249	21,494	122,588		1,228,287
																						2,288,246
Total	164,572	40,034	131,631	120,127	184,392	188,810	73,379	39,836	188,351	49,147	1,682	410,045	29,282	23,465	29,745	16,644	74,861	253,826	40,042	228,376	2,288,246	

Table A4.16-6b Redevelopment Vehicle Miles Traveled (VMT)

	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A1	-	0	-	-	-	-	-	-	-	-	-	-	26	7	30	14	100	82	36	283		578
2949A2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	-	21	-	-	-	-	-	-	-	-	-	-	4,354	1,143	5,621	2,556	13,606	21,590	7,335	61,811		118,037
2949D	-	6	-	-	-	-	-	-	-	-	-	-	1,267	140	813	305	3,295	5,138	1,815	14,063		26,843
2949E	-	29	-	-	-	-	-	-	-	-	-	-	6,871	897	2,102	970	13,699	17,176	5,944	42,383		90,071
2949F	-	13	-	-	-	-	-	-	-	-	-	-	2,995	322	929	412	6,559	9,119	3,227	23,935		47,512
2949G	-	66	-	-	-	-	-	-	-	-	-	-	11,117	2,427	9,156	4,575	18,494	44,247	12,247	106,010		208,338
1EX	-	176	-	-	-	-	-	-	-	-	-	-	57,469	12,331	37,399	20,720	144,146	5,431	23,913	148,851		450,436
2EX	-	39	-	-	-	-	-	-	-	-	-	-	10,010	2,233	6,636	3,760	20,456	12,260	201	17,053		72,648
3EX	-	1,425	-	-	-	-	-	-	-	-	-	-	386,220	79,225	216,632	127,673	810,703	349,419	78,074	7,905		2,057,278
																						3,071,742
Total	-	1,776	-	-	-	-	-	-	-	-	-	-	480,330	98,725	279,318	160,986	1,031,058	464,463	132,791	422,294	3,071,742	

Table A4.16-6c Smart Growth Vehicle Miles Traveled (VMT)

	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A1	-	3,124	15,793	-	-	-	-	-	-	-	-	-	4,270	1,167	729	2,489	8,531	15,132	6,550	52,155		109,939
2949A2	-	8,681	4,457	-	-	-	-	-	-	-	-	-	6,305	1,326	581	2,364	4,218	19,200	4,399	39,323		90,854
2949A3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	-	3,440	9,242	-	-	-	-	-	-	-	-	-	2,538	685	498	1,633	4,194	14,378	4,885	41,162		82,655
2949D	-	1,043	2,156	-	-	-	-	-	-	-	-	-	760	87	74	200	1,045	3,521	1,244	9,636		19,765
2949E	-	718	1,042	-	-	-	-	-	-	-	-	-	609	82	28	94	642	1,739	602	4,291		9,847
2949F	-	2,349	4,060	-	-	-	-	-	-	-	-	-	1,913	211	90	289	2,216	6,657	2,356	17,474		37,616
2949G	-	5,616	5,053	-	-	-	-	-	-	-	-	-	3,427	770	429	1,546	3,015	15,583	4,313	37,334		77,084
1EX	-	32,453	74,919	-	-	-	-	-	-	-	-	-	38,271	8,449	3,787	15,127	50,764	4,132	18,194	113,256		359,353
2EX	-	7,202	8,801	-	-	-	-	-	-	-	-	-	6,666	1,530	672	2,745	7,204	9,329	153	12,975		57,277
3EX	-	262,578	360,191	-	-	-	-	-	-	-	-	-	257,199	54,285	21,935	93,207	285,507	265,862	59,404	6,015		1,666,184
																						2,510,574
Total	-	327,205	485,715	-	-	-	-	-	-	-	-	-	321,957	68,593	28,824	119,694	367,336	355,532	102,099	333,620	2,510,574	

Table A4.16-6d Composite Growth Vehicle Miles Traveled (VMT)

	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A1	-	1,680	7,943	-	-	-	2,138	534	-	-	-	-	3,272	853	2,248	1,424	7,251	11,133	4,819	38,373		81,668
2949A2	-	4,366	2,097	-	-	-	1,380	804	-	-	-	-	4,520	907	1,678	1,265	3,354	13,215	3,028	27,065		63,678
2949A3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	-	3,625	4,255	-	-	-	444	519	-	-	-	-	4,914	891	1,319	1,121	5,767	6,551	1,971	9,112		40,489
2949B1	-	628	1,719	-	-	-	360	57	-	-	-	-	1,066	168	326	222	1,709	2,311	1,082	7,513		17,162
2949B2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	-	2,637	6,626	-	-	-	2,336	731	-	-	-	-	2,772	714	2,191	1,332	5,081	15,080	5,123	43,172		87,795
2949D	-	762	1,475	-	-	-	470	128	-	-	-	-	792	86	311	156	1,208	3,523	1,245	9,642		19,798
2949E	-	2,215	3,007	-	-	-	766	273	-	-	-	-	2,679	343	502	309	3,132	7,346	2,542	18,126		41,241
2949F	-	1,344	2,172	-	-	-	624	179	-	-	-	-	1,560	165	297	176	2,004	5,211	1,844	13,679		29,254
2949G	-	4,773	4,017	-	-	-	2,240	957	-	-	-	-	4,152	890	2,094	1,398	4,051	18,125	5,017	43,426		91,139
1EX	-	23,877	51,565	-	-	-	8,288	4,217	-	-	-	-	40,140	8,455	15,994	11,841	59,048	4,161	18,320	114,039		359,947
2EX	-	5,299	6,058	-	-	-	1,279	1,012	-	-	-	-	6,992	1,531	2,838	2,149	8,379	9,393	154	13,065		58,148
3EX	-	193,192	247,912	-	-	-	27,062	32,178	-	-	-	-	269,757	54,320	92,646	72,964	332,097	267,701	59,815	6,056		1,655,702
																						2,546,020
Total	-	244,397	338,845	-	-	-	47,386	41,589	-	-	-	-	342,616	69,324	122,445	94,356	433,082	363,751	104,960	343,268	2,546,020	

Table A4.16-6e Composite Growth Vehicle Miles Traveled (VMT)

	2949A0	2949A1	2949A2	2949A3	2949A4	2949A5	2949B0	2949B1	2949B2	2949B3	2949B4	2949B5	2949C	2949D	2949E	2949F	2949G	1EX	2EX	3EX		Total
2949A0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A2	-	-	4,106	-	-	-	-	-	-	-	-	-	7,725	1,347	3,018	2,245	5,867	18,009	4,126	36,884		83,327
2949A3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949A5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949B5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		-
2949C	-	-	11,324	-	-	-	-	-	-	-	-	-	4,135	925	3,439	2,063	7,757	17,935	6,093	51,345		105,016
2949D	-	-	2,189	-	-	-	-	-	-	-	-	-	1,026	97	424	210	1,602	3,639	1,286	9,961		20,434
2949E	-	-	5,408	-	-	-	-	-	-	-	-	-	4,204	468	829	504	5,031	9,192	3,181	22,682		51,500
2949F	-	-	3,856	-	-	-	-	-	-	-	-	-	2,417	221	483	283	3,177	6,436	2,278	16,895		36,046
2949G	-	-	7,027	-	-	-	-	-	-	-	-	-	6,338	1,180	3,363	2,216	6,329	22,063	6,107	52,859		107,481
1EX	-	-	70,272	-	-	-	-	-	-	-	-	-	47,739	8,734	20,015	14,625	71,875	3,946	17,374	108,148		362,728
2EX	-	-	8,255	-	-	-	-	-	-	-	-	-	8,315	1,582	3,551	2,654	10,200	8,908	146	12,390		56,000
3EX	-	-	337,848	-	-	-	-	-	-	-	-	-	320,826	56,117	115,936	90,117	404,239	253,871	56,725	5,744		1,641,422
																						2,463,954
Total	-	-	450,286	-	-	-	-	-	-	-	-	-	402,725	70,671	151,058	114,917	516,076	343,999	97,315	316,907	2,463,954	

A4.16.4 COMPARATIVE VEHICLE MILES TRAVELED

VMT Comparison focuses on trips that either originate or end in McFarland. Although external to external trips are also calculated, they did not feature in the VMT comparisons. The baselines for comparison are the per capita VMT figures retrieved from the California Statewide Travel Demand Model (CSTDM) for TAZ 2949, which includes the City of McFarland as well as its sphere of influence. "Baseline" refers to a condition of no plan alternative, but rather an extrapolation of historic trends. The "existing baseline" is for the year 2010. Similarly, per capita VMT for the "baseline future" condition was also retrieved for TAZ 2949 from the California Statewide Travel Demand Model (CSTDM) for 2040. As Table A4.16-7 and Figure A4.16-3 show, the General Plan alternative is expected to generate the lowest per capita VMT of 12.2, which is 5.5 VMT lower than "existing" conditions and 4.5 VMT lower than the "future baseline". Notably, the "future baseline" is anticipated to reduce the least amount of per capita VMT from "existing" at 0.9 VMT.

Table A4.16-7 Vehicle Miles Traveled (VMT) Comparison

	Existing	Baseline Future	Redevelopment	Smart Growth	Composite Growth	General Plan
Per Capita VMT	17.7	16.8	14.8	12.9	14.2	12.2
Reduction in VMT from Existing	-	0.9	2.9	4.8	3.5	5.5

Figure A4.16-3 Vehicle Miles Traveled Comparison

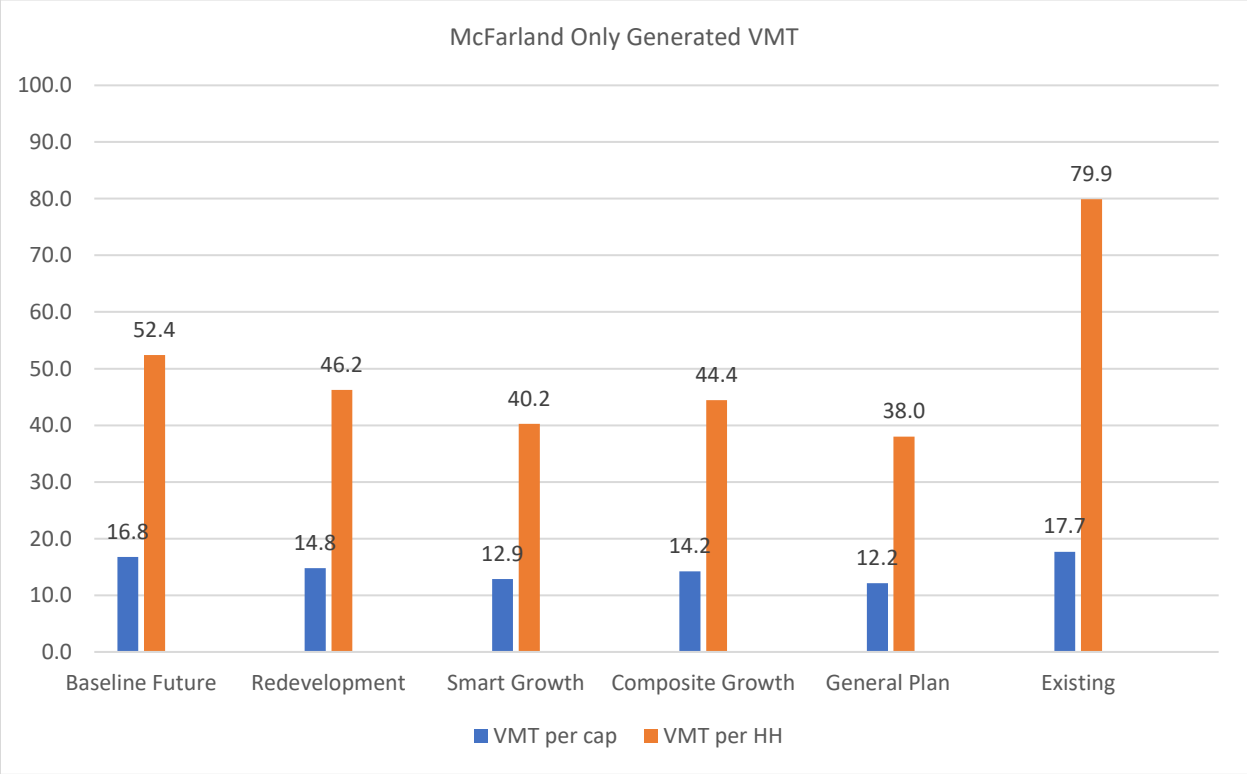
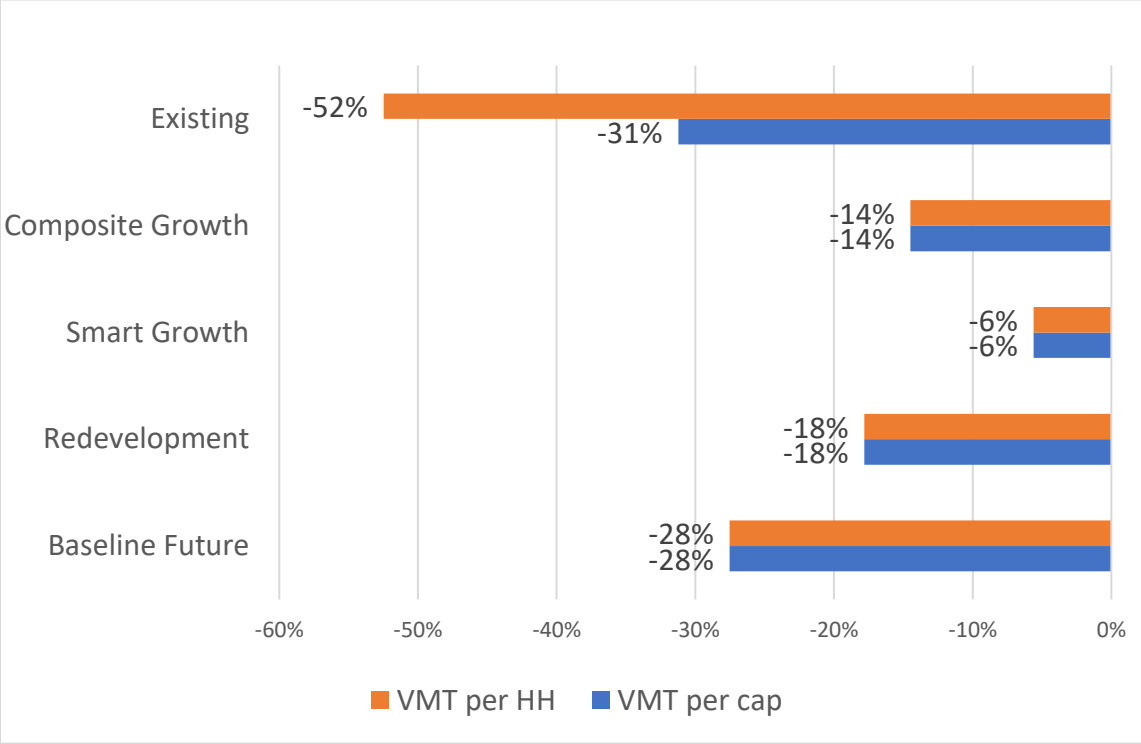


Figure A4.16-4 compares the General Plan project alternative to the baseline and other growth alternatives in terms of VMT reduction. The General Plan would produce the lowest VMT per capita and per household among all future alternatives whether accessing VMT that originates in McFarland or VMT that is related to the City, that is, trips originating elsewhere, but are destined to McFarland.

Figure A4.16-4 Percent VMT Reduction of General Plan against Alternatives



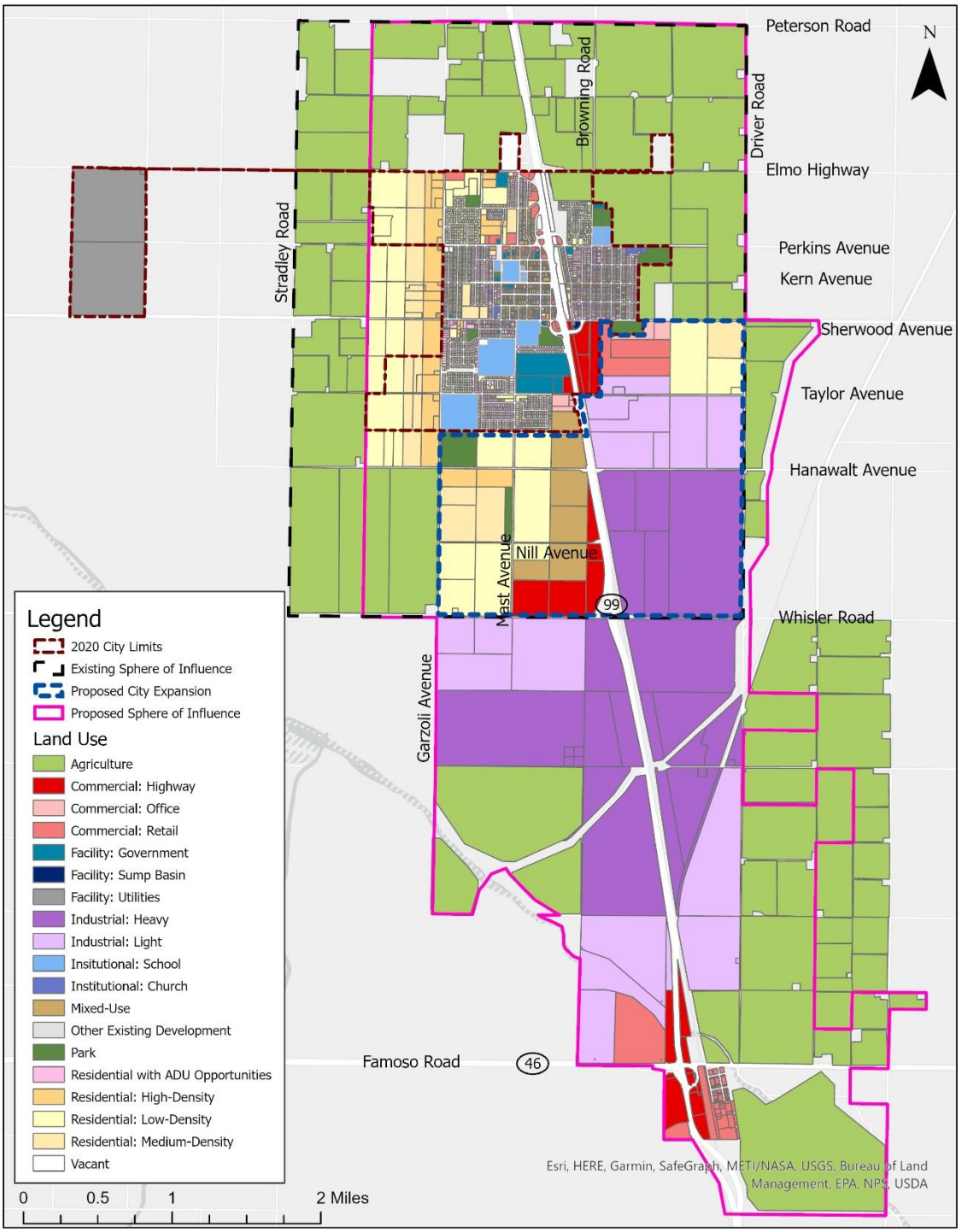
A4.16.5 POTENTIAL MITIGATION MEASURES

Consistent with statewide thresholds of significance, the proposed McFarland General Plan is assessed to produce upwards of a 50 percent reduction in per capita VMT. This is possible because the General Plan includes certain improvements to transportation and land use settings, which are projected to result in lower VMT than existing and other future alternatives. The improvements include the following:

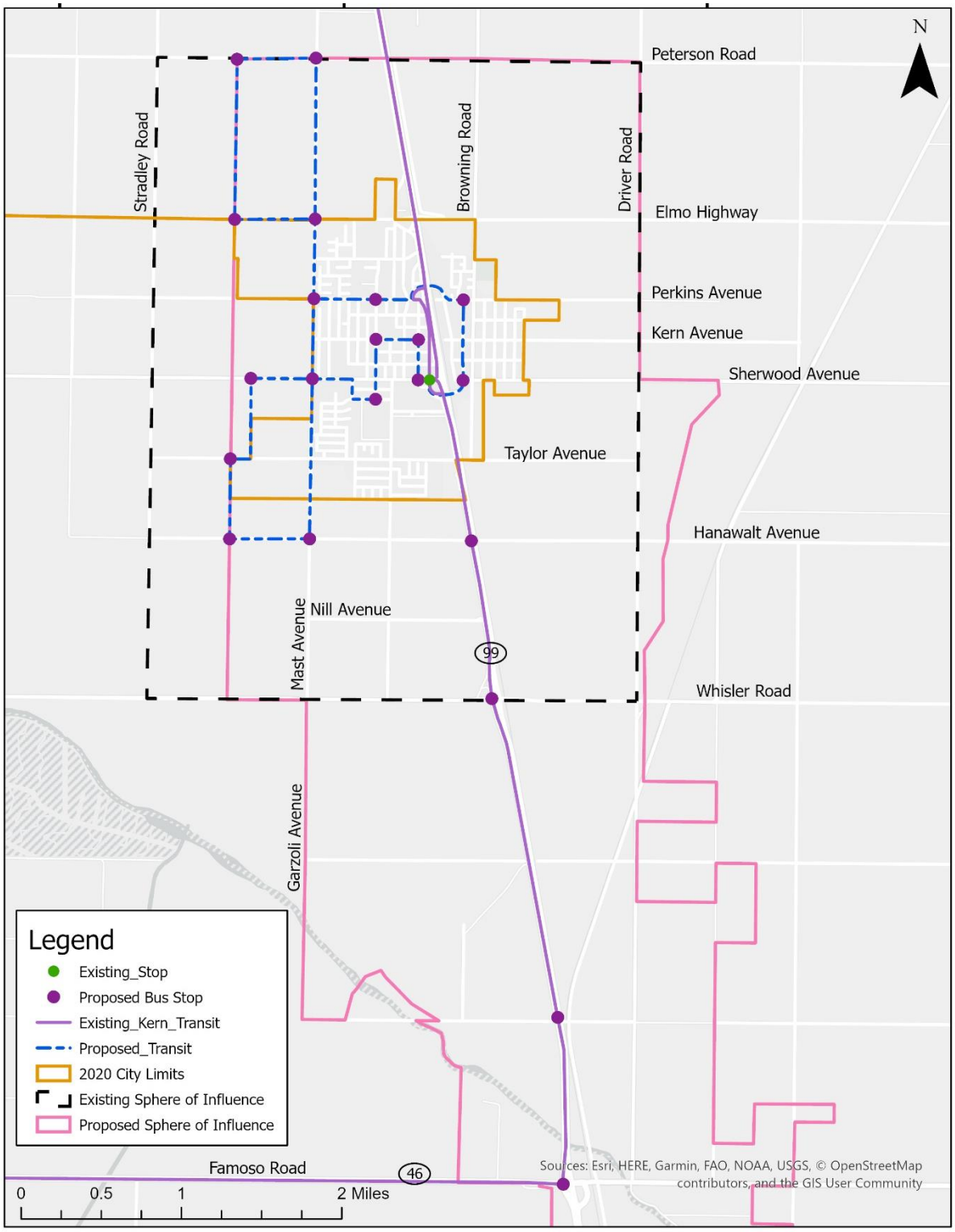
5. **Implementations of land use mix**. For example, Map A4.16-3 shows a commercial corridor along Kern Avenue on the east side of downtown, commercial streets in the downtown area, and a mixed-use corridor on the east of Mast Avenue between Nill Avenue and Whisler Road.
6. **Allocation of residential land uses in proximity to public transit**. Map A4.16-4 shows citywide distribution of transit stops in commercial and residential neighborhoods as well as major employment centers.
7. **Expansion in opportunities for non-motorized travel such as bicycle and pedestrian connectivity**. Map A4.16-5 shows proposed bicycle and pedestrian routes along major corridors citywide.

8. **Increasing intensity of development.** This is to occur with accessory dwelling units (ADU) and higher density residential developments in areas west, south, and east of downtown as Map A4.16-6 shows.

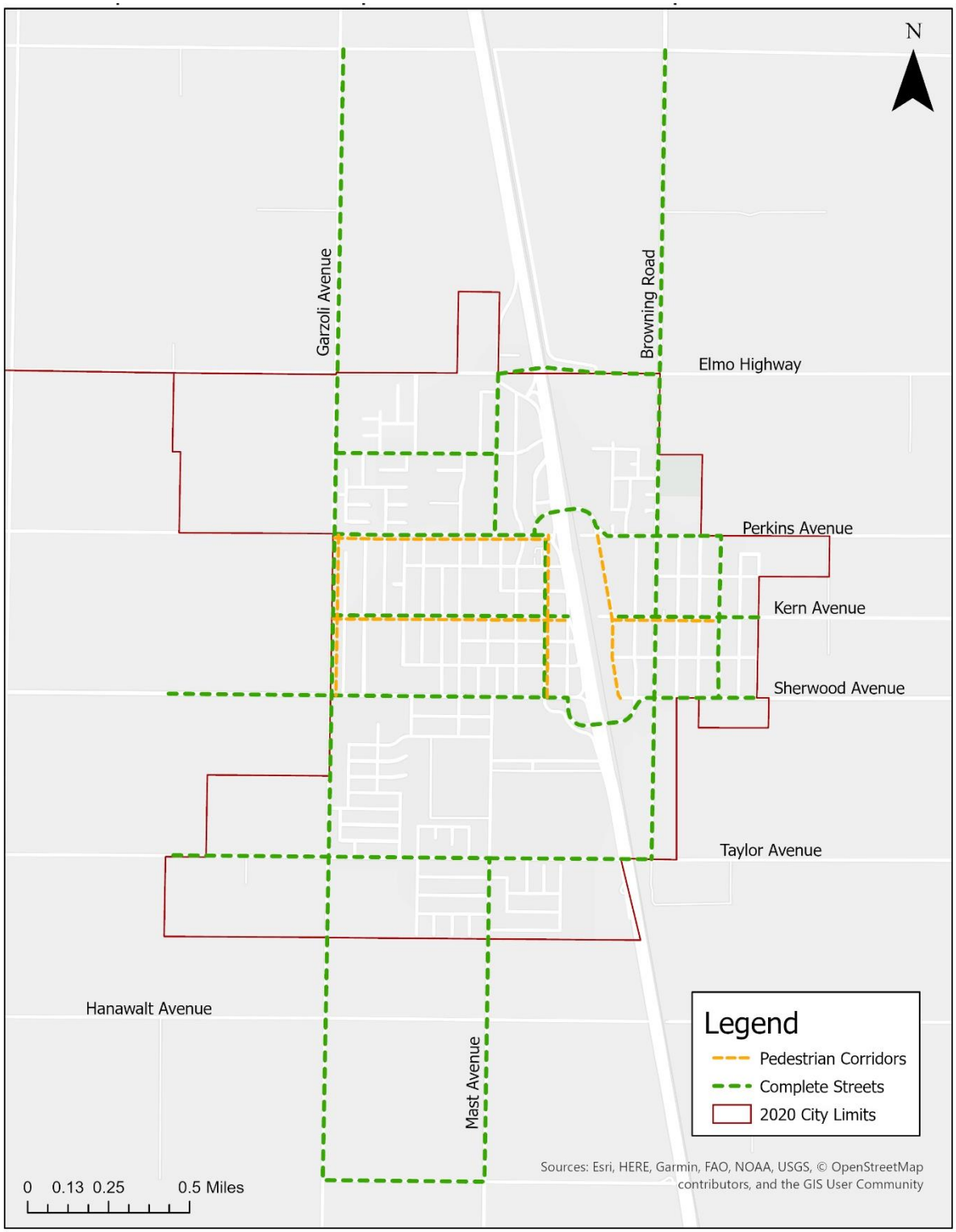
Map A4.16-3 General Plan Land Use Map



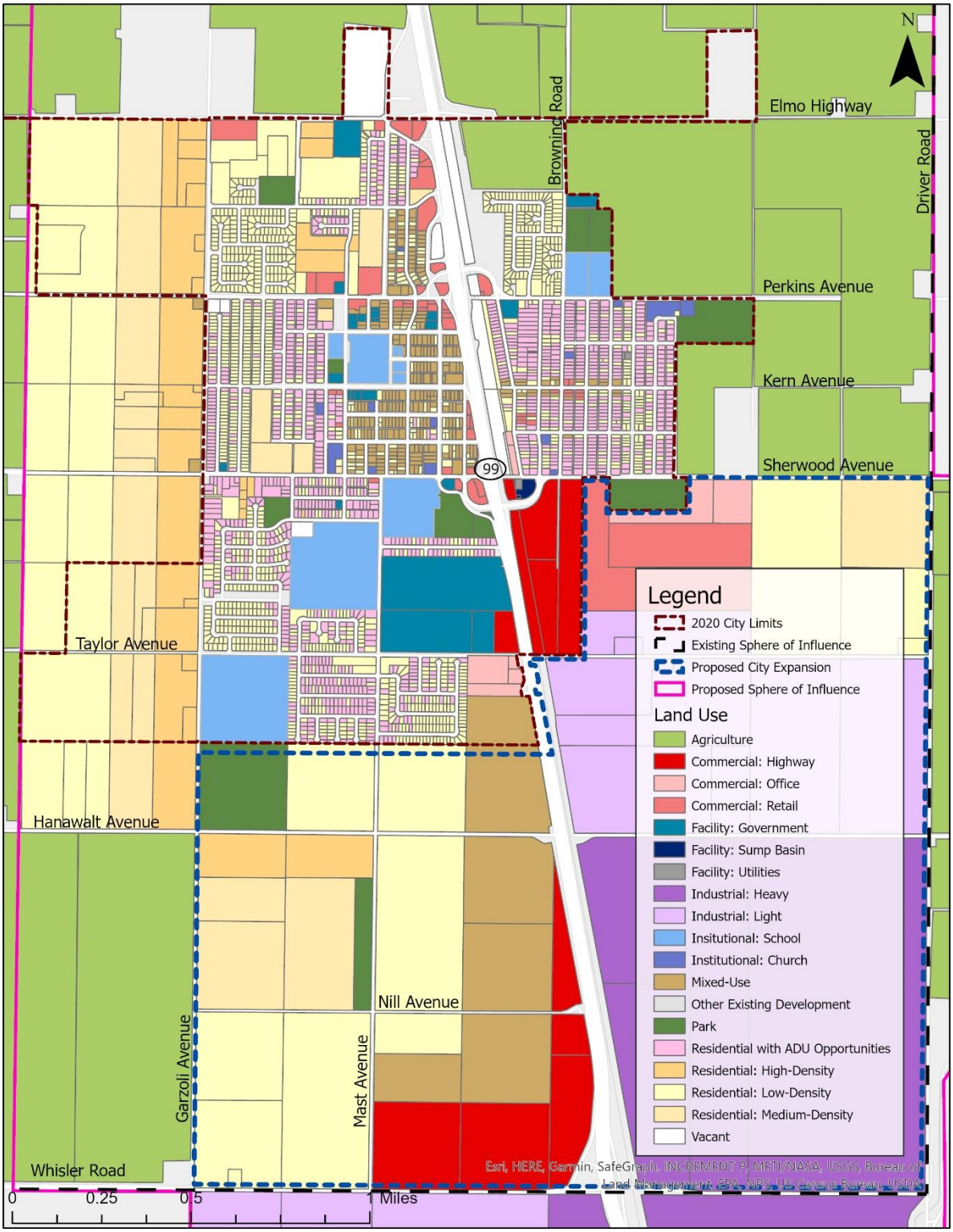
Map A4.16-4 Proposed Public Transportation



Map A4.16-5 Proposed Active Transportation Network



Map A4.16-6 General Plan Land Use Map (Central)



A4.16.6 CONCLUSIONS

The transportation impacts of each future alternatives are expected to be substantially different depending on the assumed transportation settings. For instance, the improvements suggested in the General Plan alternatives such as implementation of land use mix and promotion of non-automobile travel are projected to result in lower VMT than existing. On the other hand, baseline future, which assumes continuation of automobile-dependent settings of McFarland, is anticipated to have very little reduction in VMT from existing conditions. The General Plan would not only impact the overall travel behaviors of residents of McFarland but can also affect the overall lifestyle and health of the community. Therefore, it is important to carefully review and implement the plan to enhance the quality of live for McFarland residents, workers, and visitors.

A4.16.7 REFERENCES

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9.4 Appendix to 4.17.5 Energy Use

Summary of Comparative Energy Use: Business-As-Usual vs. General Plan: Table A4.17.5-1

Summary

	Natural Gas Use	Electricity Use
	kBTU/yr	*kWh/yr*
Business-As-Usual	982,212,120	240,723,175
General Plan - Unmitigated	935,291,570	235,749,112
- BAU-GP Unmitigated	-5%	-2%
General Plan - Mitigated	761,860,110	213,836,780
- BAU-GP Mitigated	-22%	-11%
- GP-GP Mitigated	-19%	-9%

Comparative Natural Gas Energy Use: Business-As-Usual vs. General Plan – Table A4.17.5-2

Comparative Natural Gas Energy Use: Business-As-Usual vs. General Plan

	Business-As-Usual	General Plan		General Plan		
		Unmitigated	BAU-GP Unmitigated	Mitigated	BAU-GP Mitigated	GP-GP Mitigated
	Natural Gas Use	Natural Gas Use	Natural Gas Use	Natural Gas Use	Natural Gas Use	Natural Gas Use
Land Use	**kBTU/yr**	**kBTU/yr**		**kBTU/yr**		
Apartments Low Rise	8,957,260	36,796,500	311%	31,541,300	252%	-14%
Apartments Mid Rise	0	2,702,090		2,326,680		-14%
Apartments Mid Rise	30,519,500	30,347,700	-1%	26,131,400	-14%	-14%
Automobile Care Center	240,206,000	34,305,600	-86%	27,493,500	-89%	-20%
City Park	0	0		0		
Condo/Townhouse	255,000	23,314,300	9043%	20,482,700	7932%	-12%
General Heavy Industry	357,941,000	402,914,000	13%	322,907,000	-10%	-20%
General Light Industry	25,620,000	173,846,000	579%	139,325,000	444%	-20%
General Office Building	1,615,860	1,925,280	19%	1,564,420	-3%	-19%
Government Office Building	34,517,500	38,574,400	12%	31,344,200	-9%	-19%
Junior High School	0	0		0		
Place of Worship	0	0		0		
Single Family Housing	264,568,000	168,273,000	-36%	140,855,000	-47%	-16%
Strip Mall	11,137,800	11,075,100	-1%	8,887,280	-20%	-20%
Strip Mall	6,874,200	11,217,600	63%	9,001,630	31%	-20%
Total	**982,212,120**	**935,291,570**	**-5%**	**761,860,110**	**-22%**	**-19%**

Source: CalEEMod

Comparative Electric Energy Use: Business-As-Usual vs. General Plan – Table A4.17.5-3

Comparative Electric Energy Use: Business-As-Usual vs. General Plan

	Business-As-Usual	General Plan		General Plan		
		Unmitigated	BAU-GP Unmitigated	Mitigated	BAU-GP Mitigated	GP-GP Mitigated
	Electricity Use	Electricity Use	Electricity Use	Electricity Use	Electricity Use	
Land Use	kWh/yr	kWh/yr		kWh/yr		
Apartments Low Rise	2,489,580	10,227,200	311%	9,581,590	285%	-6%
Apartments Mid Rise	-	798,052		744,114		-7%
Apartments Mid Rise	9,013,840	8,963,100	-1%	8,357,300	-7%	-7%
Automobile Care Center	33,743,300	4,819,120	-86%	4,390,300	-87%	-9%
City Park	-	0		0		
Condo/Townhouse	113,975	10,420,600	9043%	9,793,720	8493%	-6%
General Heavy Industry	50,282,200	56,599,900	13%	51,563,500	3%	-9%
General Light Industry	3,599,000	24,421,300	579%	22,248,200	518%	-9%
General Office Building	937,180	1,116,640	19%	967,456	3%	-13%
Government Office Building	20,019,800	22,372,700	12%	19,383,700	-3%	-13%
Junior High School	-	0		0		
Place of Worship	-	0		0		
Single Family Housing	88,355,500	56,196,600	-36%	53,008,000	-40%	-6%
Strip Mall	12,277,100	19,779,700	61%	16,791,400	37%	-15%
Strip Mall	19,891,700	20,034,200	1%	17,007,500	-14%	-15%
Total	**240,723,175**	**235,749,112**	**-2%**	**213,836,780**	**-11%**	**-9%**

Source: CalEEMod

9.5 Responses to Comments on the 2021 Draft EIR

9.5.1 Digest of Responses

California Department of Fish and Wildlife (CDFW)

During the DEIR review period, the project team received comments from the California Department of Fish and Wildlife (CDFW). Appendix Section 9.5.2 contains the full letter. The following subsections identify the key issues and remedies.

1. [CDFW] pg. 2, paragraph 4 to pg. 3, paragraph 2] The CDFW is concerned about potential impacts to many special-status resources that are present in and adjacent to the Project area including, but not limited to: State threatened and federally endangered San Joaquin kit fox (Vulpes macrotis mutica); the State threatened tricolored blackbird (Agelaius tricolor); the State threatened Swainson's Hawk (Buteo swainsoni); and State species of special concern – burrowing owl (Athene cunicularia), western spadefoot (Spea hammondii), and American badger (Taxidea taxus). All of these species have been documented in the Project vicinity.

While the DEIR provides the following two mitigation measures in regard to these species:

> **Mitigation BIO-1a:** Comply with all State and Federal requirements for the protection of endangered and special status species.
> **Mitigation BIO-1b:** Protect and mitigate impacts on listed and special status species in accordance with CEQA and/or NEPA regulations;

as well as the following program in the Plan:

> **Program CON 3.3.1.1:** Utilize a trained expert before and during construction projects to evaluate the site-specific presence of endangered or threatened species.

the Department recommends more specific actions including habitat assessments at project sites to adequately reduce the impacts to less than specific.

In response to CDFW comments, the City of McFarland replaced the language for the mitigation measures as follows:

> **Mitigation BIO-1a:** Projects that result from the Plan are to utilize a qualified biologist to conduct habitat assessments, well in advance of Project implementation at individual sites, to determine if individual project areas or their immediate vicinity contain habitat suitable to support special-status plant or animal species
>
> **Mitigation BIO-1b:** If suitable habitat is present, assess presence or absence of special-status species by conducting surveys following recommended protocols or protocol-equivalent surveys.
>
> **Mitigation BIO-1c:** If State-listed species are detected at a Project site, consultation with CDFW is warranted to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) prior to initiating any ground-disturbing activities.

2. [CDFW pg. 3, paragraph 3 to pg. 5, paragraph 4] The Department of Fish and Wildlife is specifically concerned with the protection and wellbeing of the San Joaquin kit fox (SJKF), Swainson's hawk (SWHA), and tricolored blackbirds (TRBL). CDFW therefore recommends the following specific measures which are added to program statements in the General Plan:

Recommended Mitigation Measure 1: SJKF Surveys
If a qualified biologist determines that there is suitable SJKF habitat at or adjacent to an individual Project site, CDFW recommends assessing presence/absence of SJKF by conducting surveys following the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011). Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground disturbing activities.

Recommended Mitigation Measure 2: SJKF Take Authorization
As stated above, SJKF detection warrants consultation with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

Recommended Mitigation Measure 3: SWHA Surveys
If a qualified biologist determines that an individual Project site has suitable SWHA foraging habitat on-site or suitable SWHA nest trees are within 0.5 mile of the site, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to Project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Recommended Mitigation Measure 4: SWHA No-disturbance Buffer
If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5 mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 5: SWHA Take Authorization
CDFW advises that in the event an active SWHA nest is detected and a 0.5-mile buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 6: Loss of SWHA Foraging Habitat
CDFW recommends compensation for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

Recommended Mitigation Measure 7: SWHA Nest Trees
CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.

Recommended Mitigation Measure 8: TRBL Surveys.
If suitable habitat occurs on or immediately adjacent to an individual Project site or its vicinity, CDFW recommends that Project activities be timed to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 9: TRBL Avoidance
If an active TRBL nesting colony is found during pre-activity surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "*Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*" (CDFW 2015). CDFW advises that this buffer remains in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.

Recommended Mitigation Measure 10: TRBL Take Authorization
In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 subdivision (b), prior to any ground-disturbing activities.

The City added policy CON 3.3.3 and included the above recommended mitigation measures as programs CON 3.3.3.1 – 3.3.3.10 to the Plan.

Policy CON 3.3.3: Provide protection for San Joaquin kit fox (SJKF), Swainson's hawk (SWHA), and tricolored blackbirds (TRBL).

3. [CDFW pg. 5, paragraph 5] Pub. Resources Code, § 21003, subd. (e) requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations.

The Department of Fish and Wildlife recommends therefore that the City of McFarland reports any special status species and natural communities detected during **Project surveys** to the California Natural Diversity

Database (CNDDB) using the field survey form found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data.

4. [CDFW pg. 6, paragraph 2] The Department of Fish and Wildlife assessed that The Project, as proposed, would have an impact on fish and/or wildlife. CDFW concluded that an assessment of filing fees is necessary and serves to help defray the cost of environmental review by CDFW.

Fees are payable upon filing of the Notice of Determination by the Lead Agency. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Draft EIR Public Meeting Questions And Comments

During the DEIR review period, the project team organized a public meeting to summarize the results of findings and to receive comments from the public at large. Appendix Section 9.5.3 contains the list of questions, issues, and comments. The following table summarizes the responses.

ID	Attendee	Question or Comment	Response
1	PSN1	Wanted clarity on the -- symbol in the table on the conclusion slide	Comparing alternatives to the Proposed Plan, the symbols in TABLE 6.3 1: COMPARISON OF DEVELOPMENT ALTERNATIVES in the EIR mean the following: + Slight Improvement = Similar - Slight deterioration -- Substantial deterioration
2	PSN1	Connecting the work on the General Plan to the work on the EIR	The EIR is a process to check that General Plan development and proposals conform to State legislation and best practices. For that reason, the EIR identifies changes it triggers in the draft Plan.
3	PSN2	Where did we get data for air quality section	Combination of demographic and physical data on the Plan proposals and default unit statistics in The California Emissions Estimator Model® (CalEEMod)

ID	Attendee	Question or Comment	Response
4	PSN2	What is the next step	Respond to comments and produce the Final EIR document. Then Council can certify and adopt the General Plan
5	PSN2	In 10-15 years when we do an update, will we have to go through the whole EIR process again?	Yes. When there are updates multiple Elements of the General Plan, a program-level EIR would typically be necessary.
6	PSN2	When was the last update?	1998
7	PSN3	How long do we have to wait for comments?	Formal comment period is through July 7, 2021
8	PSN3	How long is the comment period?	A minimum of 45 days following publication of the Draft EIR
9	PSN4	Wanted more explanation about growth on the east side	Utility infrastructure is limited on the East Side of the City. Development proposals therefore emphasize commercial and industrial activities that can afford expansion of utilities.
10	PSN4	Understanding the preferred plan is the best of all the options	Yes. When we compared the Preferred Plan to the other alternative future scenarios, it is equal to or an improvement over the others in nearly all impact areas.
11	PSN5	Clarify timeline	Tentative timeline is for Final EIR to be completed by the end of August 2021 and Plan adoption by Council by October 2021. However, if there are not many comments from trustee agencies on the Draft EIR, the schedule can move up by one month.
12	PSN5	Is there a deadline to submit to the State?	No. Jurisdictions only file documents with the State whenever they are ready. Ultimately, the Council is to do the adoption of the Plan.

California Department of Transportation COMMENTS

During the DEIR review period, the project team received email correspondence from the California Department of Transportation. Appendix Section 9.5.4 contains full email.

Following review of the Draft EIR, the California Department of Transportation had “no comments”.

9.5.2 California Department of Fish and Wildlife Letter

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Ave
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 7th, 2021

Maria Lara
City Manager
City of McFarland
401 West Kern Avenue
McFarland, California 93250

Subject: City of McFarland 2040 General Plan (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No.: 2021040288

Dear Ms. Lara:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from City of McFarland for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of McFarland

Objective: The objective of the Project is to update the City's 1998 General Plan. Primary Project activities include new housing and jobs with anticipated population growth through the year 2040. The plan includes 13 elements: Land use, circulation, housing, conservation, open space, noise, safety, environmental justice, air quality, economic development, public facilities and service, community design, health, and sustainable agriculture.

Location: McFarland, California; city wide; total of 11,760 acres

Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City of McFarland in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

CDFW 1

There are many special-status resources present in and adjacent to the Project area. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW is concerned regarding potential impacts to special-status species including, but not limited to: State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State threatened tricolored blackbird (*Agelaius tricolor*), the State threatened Swainson's Hawk (*Buteo swainsoni*), the State species of special concern burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondii*), American badger (*Taxidea taxus*). All of these species have been documented in the Project vicinity (CDFW 2021). In order to adequately assess any potential impacts to biological resources at individual Projects sites, focused biological surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) may be necessary in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area.
The DEIR indicates there are potentially significant impacts to San Joaquin kit fox, Swainson's hawk, tricolored blackbird, and burrowing owl unless mitigation measures are taken but the measures listed are general and non-specific and/or may be inadequate to reduce impacts to

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less than significant. Mitigation Measure BIO-1 requires "Comply with all State and Federal requirements for the protection of endangered and special status
Species" and Mitigation Measure BIO-2 requires "Protect and mitigate impacts on listed and special status species in accordance with CEQA and/or NEPA regulations." However, neither measure describes how potential impacts will be identified and/or mitigated. CDFW cannot conclude that these measures alone will reduce potential impacts to less than significant.

CDFW recommends that a qualified biologist conduct a habitat assessment, well in advance of Project implementation at individual sites, to determine if individual project areas or their immediate vicinity contain habitat suitable to support special-status plant or animal species, including, but not limited to, those mentioned above. If suitable habitat is present, CDFW recommends assessing presence/absence of special-status species by conducting surveys following recommended protocols or protocol-equivalent surveys. Recommended protocols vary by species and more information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If State-listed species are detected at a Project site, consultation with CDFW is warranted to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) prior to initiating any ground-disturbing activities,.

CDFW 2

Of greatest concern to CDFW are San Joaquin kit fox, Swainson's hawk, and tricolored blackbirds. CDFW recommends the specific mitigation measures below to address potential impacts to these two species.

San Joaquin Kit Fox (SJKF)

Recommended Mitigation Measure 1: SJKF Surveys

If a qualified biologist determines that there is suitable SJKF habitat at or adjacent to an individual Project site, CDFW recommends assessing presence/absence of SJKF by conducting surveys following the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011). Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground disturbing activities.

Recommended Mitigation Measure 2: SJKF Take Authorization

As stated above, SJKF detection warrants consultation with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

Swainson's Hawk (SWHA)

Recommended Mitigation Measure 3: SWHA Surveys

If a qualified biologist determines that an individual Project site has suitable SWHA foraging habitat on-site or suitable SWHA nest trees are within 0.5 mile of the site, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following

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the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to Project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Recommended Mitigation Measure 4: SWHA No-disturbance Buffer

If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5 mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 5: SWHA Take Authorization

CDFW advises that in the event an active SWHA nest is detected and a 0.5 mile buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 6: Loss of SWHA Foraging Habitat

CDFW recommends compensation for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

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Recommended Mitigation Measure 7: SWHA Nest Trees

CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.

Tricolored Blackbird (TRBL)

Recommended Mitigation Measure 8: TRBL Surveys.

If suitable habitat occurs on or immediately adjacent to an individual Project site or its vicinity, CDFW recommends that Project activities be timed to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 9: TRBL Avoidance

If an active TRBL nesting colony is found during pre-activity surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "*Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.

Recommended Mitigation Measure 10: TRBL Take Authorization

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 subdivision (b), prior to any ground-disturbing activities.

ENVIRONMENTAL DATA

CDFW 3

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed

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electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

CDFW 4

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist City of McFarland in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Aimee Braddock, Environmental Scientist at (559) 243-4014 extension 243 or aimee.braddock@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE78845A...

Julie A. Vance
Regional Manager

Attachments
A. MMMRP for CDFW Recommended Mitigation Measures

cc: Office of Planning and Research, State Clearinghouse, Sacramento

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REFERENCES

CDFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.

CDFW. 2015. Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015. March 19, 2015.

CDFW. 2021. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed July 1, 2021.

Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

USFWS. 2011. Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance, January 2011.

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Maria Lara, City Manager
City of McFarland
July 7th, 2021
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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: City of McFarland 2040 General Plan

SCH No.: 2021040288

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Mitigation Measure 1: SJKF Surveys	
Mitigation Measure 2: SJKF Take Authorization	
Mitigation Measure 3: SWHA Surveys	
Mitigation Measure 5: SWHA Take Authorization	
Mitigation Measure 6: Loss of SWHA Foraging Habitat	
Mitigation Measure 7: SWHA Nest Trees	
Mitigation Measure 8: TRBL Surveys	
Mitigation Measure 10: TRBL Take Authorization	
During Construction	
Mitigation Measure 4: SWHA No-disturbance Buffer	
Mitigation Measure 9: TRBL Avoidance	

9.5.3 Draft EIR Public Meeting Questions and Comments

Questions from Public Meeting on June 22, 2021

ID	Attendee	Question or Comment
1	PSN1	Wanted clarity on the -- symbol in the table on the conclusion slide
2	PSN1	Connecting the work on the General Plan to the work on the EIR
3	PSN2	Where did we get data for air quality section
4	PSN2	What is the next step
5	PSN2	In 10-15 years when we do an update, will we have to go through the whole EIR process again?
6	PSN2	When was the last update?
7	PSN3	How long do we have to wait for comments?
8	PSN3	How long is the comment period?
9	PSN4	Wanted more explanation about growth on the east side
10	PSN4	Understanding the preferred plan is the best of all the options
11	PSN5	Clarify timeline
12	PSN5	Is there a deadline to submit to the State?

9.5.4 California Department of Transportation Email

McFarland DEIR

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Wednesday, April 14, 2021 3:22 PM
To: Maria Lara <mlara@mcfarlandcity.org>
Cc: Mendibles, Lorena@DOT <lorena.mendibles@dot.ca.gov>
Subject: RE: McFarland DEIR

Good afternoon Maria,

I have reviewed the McFarland DEIR and have no comments.

Respectfully,

Scott Lau
Associate Transportation Planner
California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93778
Cell: (559) 981-7341

9.6 Public Outreach

9.6.1 List of Public Meetings & Other Outreach

Public Outreach for both Plan preparation and the EIR process took multiple forms. The multiple channels of communication used include:

- Community Plan Website (https://mcfarlandgeneralplan.wixsite.com/website)
- Email announcements
- Telephone calls
- Newspaper announcements
- Printed Fliers
- Interactions at public events and festivals (referred to as the Plan Van)

The General Plan's Background Report (Volume 1) and Plan Development (Volume 2) include detailed documentation of Public Outreach during preparation of the Plan. Here is a summary list of public meetings and other outreach events in chronological order:

1. Four public meetings and related other outreach activities during plan preparation.

   Meeting 1: **Focus Groups**

   Formal Meeting at Veterans Hall (103 W Sherwood)
   Tuesday, October 24, 2019, from 5 PM to 7 PM
   25 community members attended the meeting in addition to City staff.

   Meeting 2: **Visioning with Issues and Opportunities**

   Formal Meeting at Veterans Hall (103 W Sherwood)
   Tuesday, on November 24, 2019, from 5 PM to 7 PM
   20 community members attended the meeting in addition to City staff.

   Meeting 3: **Presentation of Growth Scenarios**

   Formal Meeting at Veterans Hall (103 W Sherwood)
   Tuesday, February 20th, 2020, from 5 PM to 7 PM
   16 community members attended the meeting in addition to City staff.

   Meeting 4: **Presentation of Preferred Growth Scenario**

   Formal Meeting at Veterans Hall (103 W Sherwood)
   Tuesday, March 11, 2020, 5 PM to 7 PM
   14 community members attended the meeting in addition to City staff.

2. One public **workshop** by the City's Planning Staff for a joint session of the City Council and Planning Commission upon completion of the Administrative Draft General Plan.

3. **Tribal Consultation –** Refer to Appendix section 9.1.5 for details.

4. A **Notice of Preparation** at the beginning of the EIR process. The notice is included in this appendix.

5. A **Notice of Completion** at the completion and dissemination of the draft EIR. The Notice is included in this appendix.

6. One **public meeting on the Draft EIR**. The announcement is included in this appendix.
   Formal Meeting at Veterans Hall (103 W Sherwood)
   Tuesday, June 22, 2021, 3 PM to 5 PM
   10 community members attended the meeting including City staff.

9.6.2 Public Meeting 1: Focus Groups

COMMUNITY MEETING

Help Envision the Future of McFarland

LOCATION

Veterans Hall (103 W Sherwood)

SE HABLA ESPAÑOL

CHILDCARE AVAILABLE

DATE

October 24, 2019

TIME

5:00 - 7:00PM



General Plan

The General Plan is a roadmap to guide future development of McFarland. This meeting is intended to inform the community on project goals, gather input on priorities for McFarland, and discuss on-going opportunities for participation.

FOR MORE INFORMATION

https://mcfarlandgeneralplan.wixsite.com/website

fb.me/mcfarlandgeneralplan

McFarlandgeneralplan@gmail.com

(661) 792-3091

9.6.3 Public Meeting 2: Visioning

COMMUNITY MEETING

Help Envision the Future of McFarland

LOCATION
Veteran's Hall (103 W Sherwood)

DATE
November 14, 2019

TIME
5:00 - 7:00PM

SE HABLA ESPAÑOL
CHILDCARE AVAILABLE
DINNER PROVIDED



GENERAL PLAN

The General Plan is a roadmap to guide future development of McFarland. This second meeting is to update you on findings so far and to gather your preferences for McFarland's future. The information will build on community feedback from the first meeting and other related outreach activities.

FOR MORE INFORMATION

https://mcfarlandgeneralplan.wixsite.com/website
fb.me/mcfarlandgeneralplan
McFarlandgeneralplan@gmail.com
(661) 792-3091

9.6.4 Public Meeting 3: Alternative Development Scenarios

COMMUNITY MEETING

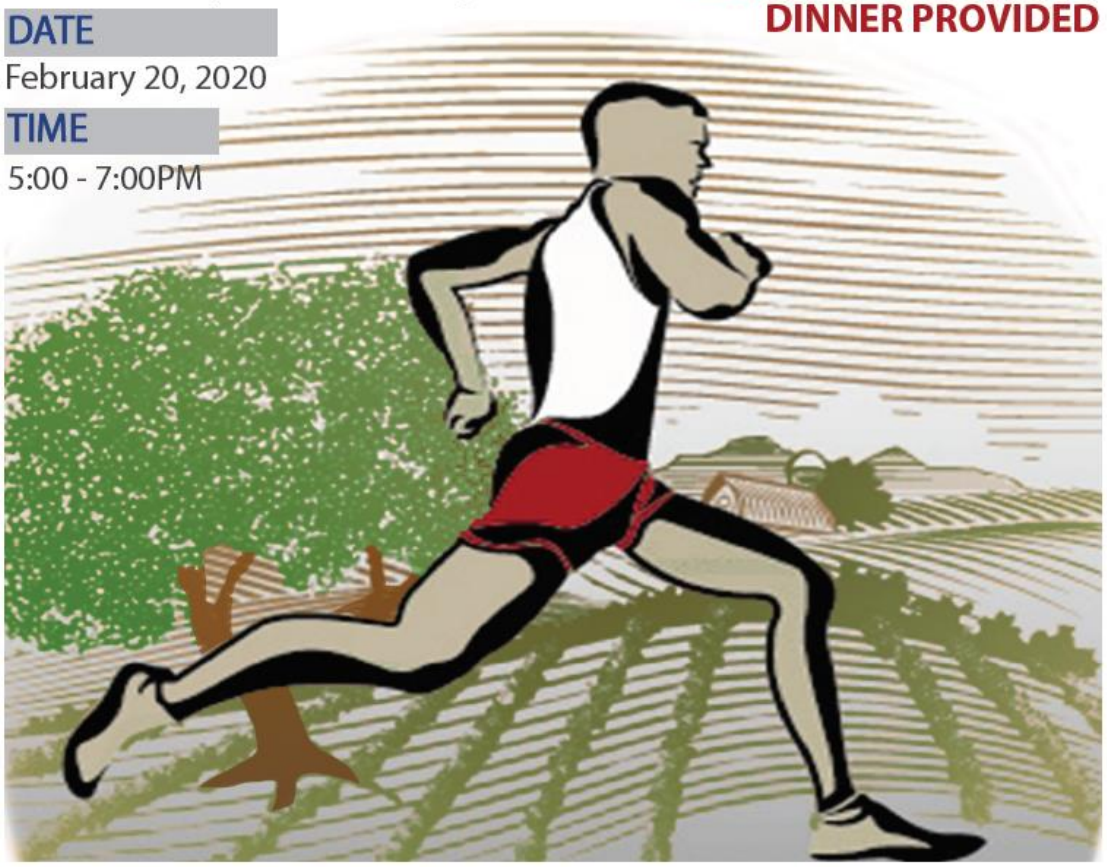
Help Envision the Future of McFarland

LOCATION
Veterans Hall (103 W Sherwood)

DATE
February 20, 2020

TIME
5:00 - 7:00PM

SE HABLA ESPAÑOL
CHILDCARE AVAILABLE
DINNER PROVIDED



General Plan

General Plan is a roadmap to guide future development of McFarland. This third meeting is to discuss alternative development paths for McFarland's future. Come share your ideas to shape the future of your community!

For More Information

https://mcfarlandgeneralplan.wixsite.com/website
fb.me/mcfarlandgeneralplan
McFarlandgeneralplan@gmail.com
(661) 792-3091

9.6.5 Public Meeting 4: Preferred Plan

COMMUNITY MEETING

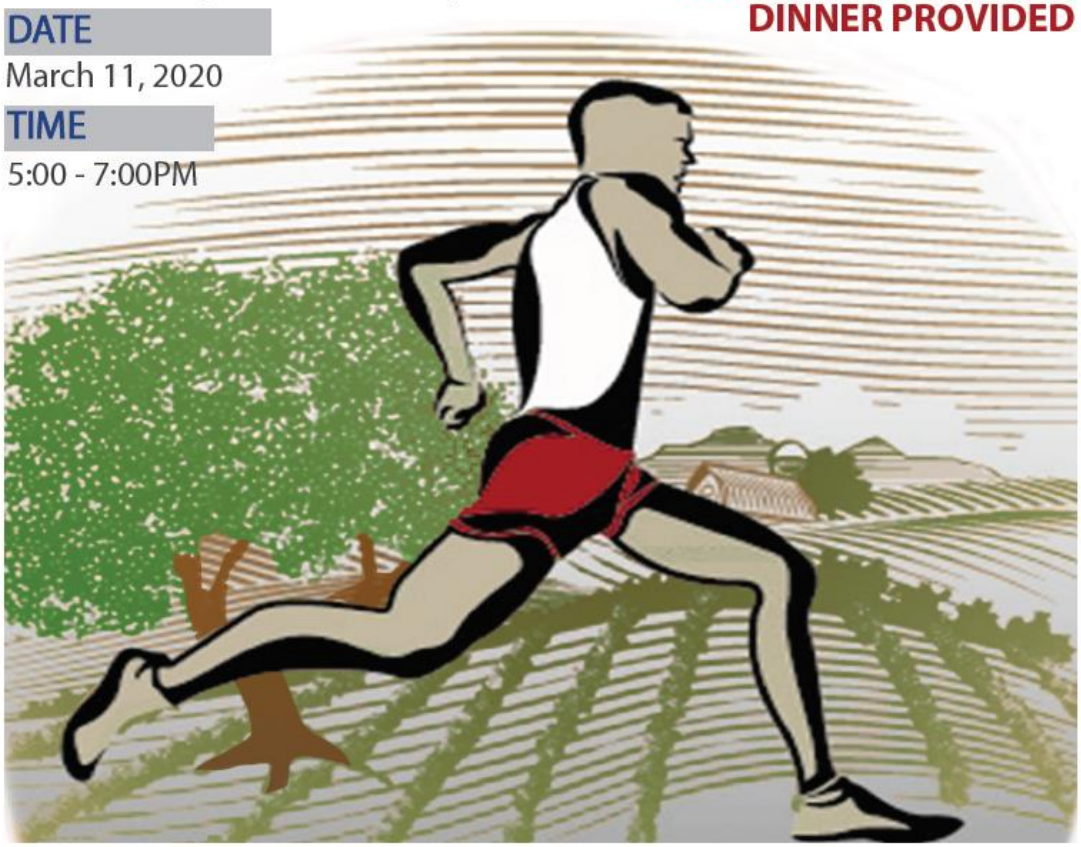
Help Envision the Future of McFarland

LOCATION
Veterans Hall (103 W Sherwood)

DATE
March 11, 2020

TIME
5:00 - 7:00PM

SE HABLA ESPAÑOL
CHILDCARE AVAILABLE
DINNER PROVIDED



General Plan

The General Plan is a roadmap to guide the future development of McFarland. This fourth meeting is intended to review and verify that the preferred plan adequately captures the vision and aspirations of McFarland residents. Please come to contribute your input!

For More Information

https://mcfarlandgeneralplan.wixsite.com/website
fb.me/mcfarlandgeneralplan
McFarlandgeneralplan@gmail.com
(661) 792-3091

9.6.6 Notice of Preparation

THE CITY OF McFarland
TRADITION • UNITY • EXCELLENCE

401 W. Kern Avenue

McFarland, CA 93250

661-792-3091 Office

661-792-3093 Fax

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

TO: Responsible Agencies, Trustee Agencies, and Interested Parties

FROM: City of McFarland

April 8, 2021

Subject: Notice of Preparation of an Environmental Impact Report

Project Title: 2040 General Plan for the City of McFarland

Lead Agency: City of McFarland, CA

Project Location: City of McFarland, CA

Introduction

The California Environmental Quality Act (CEQA) is a statute that requires state and local agencies to identify the potential environmental impacts of a project and to avoid or mitigate those impacts, if feasible. A public agency must comply with CEQA when it undertakes an activity

defined by CEQA as a "project," such as a General Plan Update. The City of McFarland will be the lead agency and will prepare an environmental impact report for the McFarland General Plan.

Pursuant to CEQA, the 2040 McFarland General Plan's Environmental Impact Report (EIR) will identify potential environmental impacts and feasible measures to mitigate those impacts. The preparation of an EIR includes specific time periods for public notice and comment.

We are requesting the assistance of your agency in defining the scope and content of the environmental information which is relevant to your agency's statutory responsibilities in connection with the proposed project. Responses shall identify, at a minimum: (1) the significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency, or the Office of Planning and Research, will need to have explored in the draft EIR; and (2) whether your agency will be a responsible agency or trustee agency for the project. A generalized list of concerns not related to the specific project shall not meet the requirements for a response. The project description, location, and potential environmental effects are listed in the following sections.

Due to the time limits mandated by State law, your response must be sent as early as possible, but no later than **30 days after receipt of this notice**. If your agency fails by the end of the 30-day period to provide the lead agency with either a response to the notice or a well-justified request for additional time, the lead agency may presume that your agency does not have a response to make. Please send your response to:

City of McFarland

Attn: Maria Lara, City Manager, mlara@mcfarlandcity.org

401 West Kern Ave

McFarland, CA 93250.

Or by **email** to:

Brianahi De Leon, City Planner, bdeleon@mcfarlandcity.org

Ron Brummett, Planning Consultant, rbrummett@aol.com

Larry Ronk, Acting Community Development Director. lronk@mcfarlandcity.org

You can find a copy of the **Draft 2040 General Plan** at:

http://mcfarlandcity.org/DocumentCenter/View/2200/Vol2_McFarland-Draft-General-Plan_November-2020

You can find **other related planning documents** at:

http://mcfarlandcity.org/237/Community-Development

Signature:



Cornelius Nuworsoo, PhD. AICP 4/9/2021

Submitted on Behalf of the City of McFarland

Environmental Setting

Project Location

The City of McFarland is in Kern County between Bakersfield, about 25 miles to the south, and Delano, located 7 miles to the north. Highway 99, which connects the City to the wider Central Valley region, bisects the City into east and west sides. Agricultural fields surround McFarland, framing the built environment and defining its rural character. Within and around the City are agricultural land uses, which feature the production of grapes, almonds, and dairy. Beyond its eastern sphere of influence, the Sierra Nevada mountains provide a backdrop to the City. Figure 1 shows the location of McFarland. The City's sphere of influence is approximately 18.4 square miles of which the area outside City limits includes parcels of agricultural lands. Figure 2 shows McFarland's city limits and sphere of influence.

Figure 2: Location of the City of McFarland

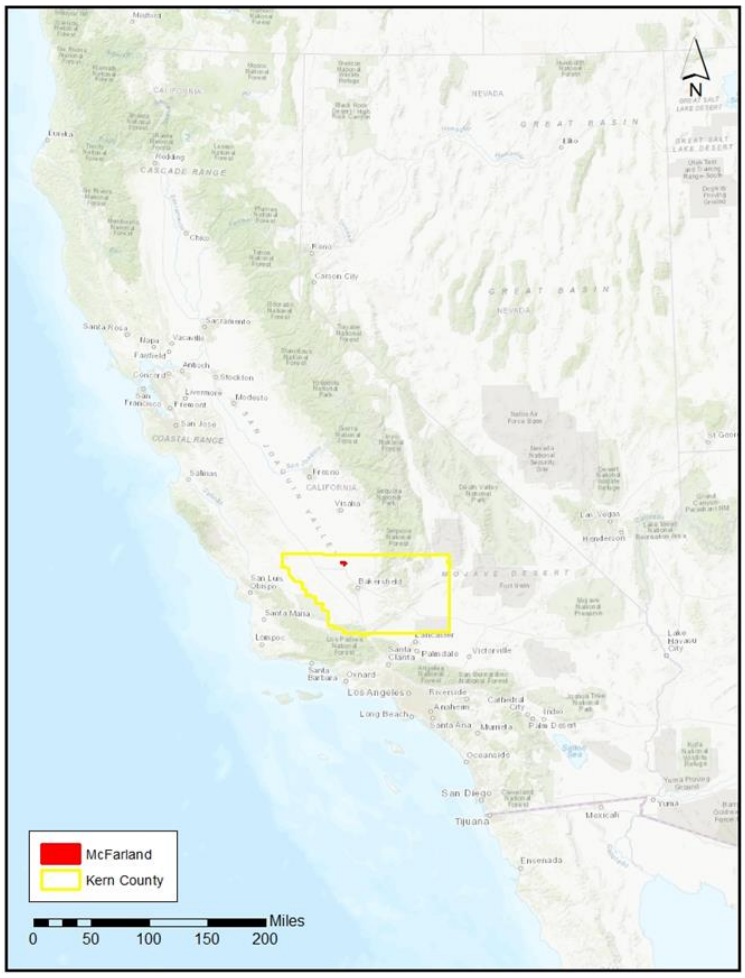
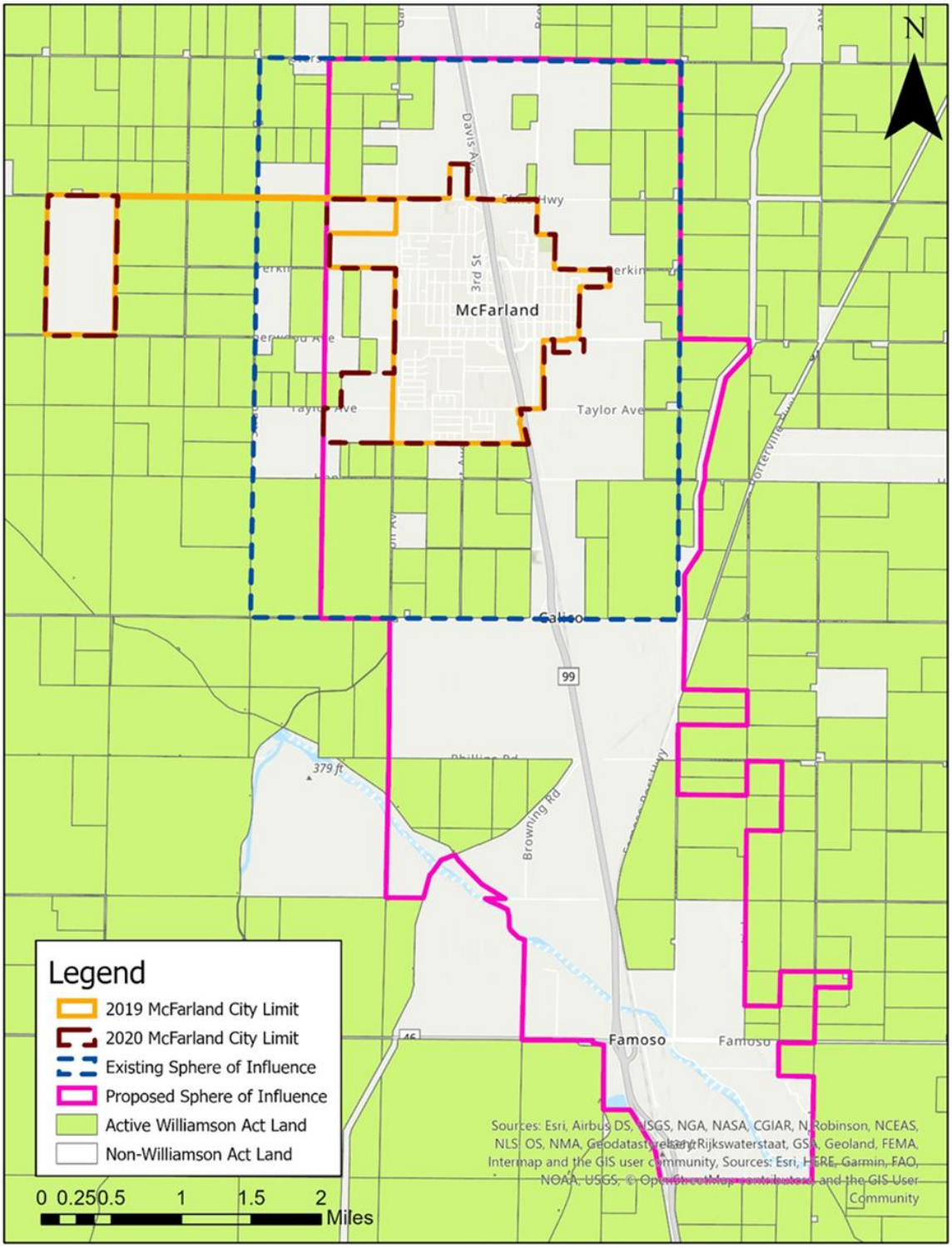


Figure 2: McFarland with Existing and Proposed Boundaries and Sphere of Influence



Project Boundaries

A general plan must cover the territory within the boundaries of the adopting city as well as any land outside its boundaries which in the planning agency's judgment bears relation to its planning; (OPR, 2017, §65300). Therefore, the Proposed Project boundary is defined by the City planning area and sphere of influence, which extends beyond the City limits.

City Limits

The city limit encompasses incorporated territory where land use is controlled by the City (OPR, 2017). McFarland's city limit encompasses an area of approximately 1,730 acres or 2.7 square miles. Land use within McFarland's city limit includes residential, commercial, industrial, open space, public facilities, and vacant land.

Sphere of Influence

A city's SOI, is adopted by the Local Agency Formation Commission (LAFCO), and encompasses incorporated land and unincorporated territory making up the city's ultimate service area (OPR, 2017). The City of McFarland's SOI includes approximately 10,030 additional acres of unincorporated land. Land uses within the unincorporated area of the SOI are predominantly agricultural and residential.

Planning Area

A city's planning area boundary encompasses incorporated and unincorporated territory and may extend beyond the sphere of influence (SOI) (OPR, 2017). Since a Sustainable Agriculture Element is included in this General Plan update and agricultural lands surround the City and its SOI, the "study area" (which is effectively the planning area) extends slightly beyond the proposed SOI to cover an area of approximately 23 square miles or 14,760 acres.

Project Description

The proposed project is a comprehensive update of the City's 1991 General Plan. California law requires cities and counties to adopt a General Plan to guide future development. The General Plan is the foundation upon which all land use decisions are to be based. The Draft McFarland General Plan accommodates new housing and jobs in anticipation of population growth in the County and the region through the year 2040. The General Plan includes the following elements:

- Land Use
- Circulation
- Housing
- Conservation
- Open Space
- Noise
- Safety
- Environmental Justice
- Air Quality
- Economic Development
- Public Facilities & Service
- Community Design
- Health
- Sustainable Agriculture

The EIR to be prepared for the proposed General Plan is a "Program EIR." According to the CEQA Handbook Article 11 Section 15168: A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

1) Geographically;
2) As logical parts in the chain of contemplated actions;
3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
4) 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.

Thus, a program level EIR evaluates the implications of environmental effects resulting from the adoption of a planning document, such as a general plan, which provides direction for long-term visioning and broad community goals. A program level EIR does not examine the specific impacts resulting from individual projects which may be proposed because of adopting the 2040 General Plan. Additional environmental review pursuant to CEQA guidelines may be required for site-specific projects, such as those requiring discretionary approval. Such environmental review may be in the form of initial studies, negative declarations, mitigated negative declarations, or the preparation of a project-level EIR.

Project Objectives

The 2040 McFarland General Plan is intended to represent the general expectations and wishes of its residents and decision-makers concerning future land use patterns and resource management. The Plan seeks to provide a variety of residential densities, mixed-use areas, a diverse economic base, and improved connections throughout the City. This vision is reflected throughout the General Plan. The plan continues to provide that new housing and commercial enterprises are generally directed to areas that are suitable for development or are already developed. The 2040 General Plan ensures that important land use decisions are scrutinized for their potential to affect the quality of life and the environment. Implementation of the General Plan requires a balance between potentially competing interests. It is expected that future decision-makers will need to wrestle with potential trade-offs and compromises, such as maintaining a balance of housing choices, stimulating a growing economy, and protecting the natural environment. The General Plan provides the policy guidance needed to assist future decision-makers in evaluating these tradeoffs and striking a desirable balance. The purpose of community goals represented in the Draft General Plan can be summarized with the following key objectives:

- Provide a legal and comprehensive General Plan that reflects an updated vision for the City's future and acts as a "constitution" for future development and land use decisions
- Provide an adequate supply of housing options for current and future residents including workforce housing and moderate-income housing
- Develop incentives to encourage economic development including the development of vacant and underutilized commercial parcels to generate new job growth
- Accommodate future population growth with an emphasis on concentrating new development within five key growth areas while leaving the natural landscape open for passive and active recreational use as well as agriculture.
- Promote infill and redevelopment of residential and commercial areas to reduce auto-dependency, increase job to housing balance, and foster sense of community
- Improve local transportation infrastructure and facilitate the paving of sidewalks to improve aesthetic appeal and walkability of public areas and residential neighborhoods
- Address other issues of concern to the community such as the needs of an increasingly aging population and the effects of global climate change.
- Preserve existing open spaces and agriculturally productive land consistent with the State of California vision to preserve production of authentic rather than manufactured food and to guarantee healthy and sustainable food supply to assure a healthy population and planet.

Probable Environmental Effects

The Draft EIR will address the short-term and long-term effects of the 2040 McFarland General Plan on the environment. Mitigation measures will be proposed for those impacts that are

determined to be significant. A mitigation monitoring program will also be developed as required by Section 15150 of the CEQA Guidelines.

Please review the following list and provide written comments as to any potential impacts that may be missing. Written comments received during the comment period will be considered when preparing the Draft EIR. It is probable that some or all the following environmental effects could occur from the implementation of the preferred scenario of the General Plan:

1. Aesthetics
2. Agricultural Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Geology and Soils
7. Greenhouse Gas (GHG) Emissions
8. Hazards and Hazardous Materials
9. Hydrology and Water Quality
10. Land Use and Planning
11. Mineral Resources
12. Noise
13. Population and Housing
14. Public Services
15. Recreation
16. Transportation and Traffic
17. Utilities, Energy and Service Systems

Mandatory Findings of Significance

The draft EIR will address the following areas of potential impacts:

- Growth-inducing Impacts
- Cumulative Impacts
- Significant Irreversible Changes

Alternatives

The Draft EIR will discuss four project alternatives as follows:

1. Business as Usual Scenario
2. Moderate Growth Scenario
3. Smart Growth Scenario
4. Preferred Growth Scenario

The preferred growth scenario encapsulates the proposed General Plan.

9.6.7 Notice of Completion

THE CITY OF McFarland
TRADITION • UNITY • EXCELLENCE

401 W. Kern Avenue

McFarland, CA 93250

661-792-3091 Office

661-792-3093 Fax

PUBLIC NOTICE

Availability of a Draft Environmental Impact Report (Notice of Completion)

Date: May 19th, 2021

To: Responsible Agencies, Trustee Agencies, and Interested Parties

From: City of McFarland

Project Title: McFarland 2040 General Plan Update

State Clearinghouse Number: 2021040288

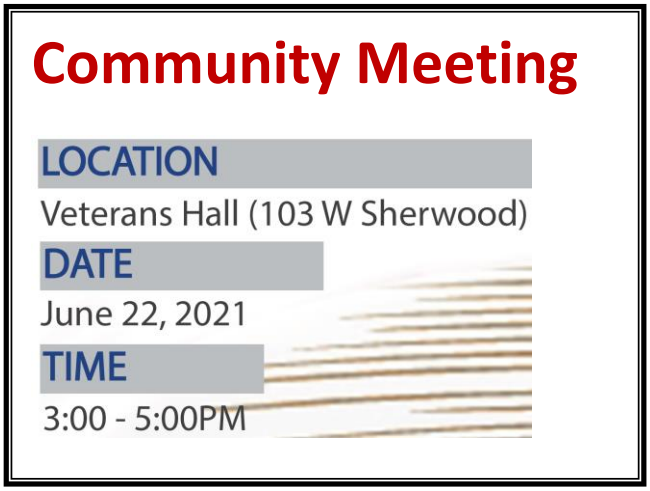
Lead Agency: City of McFarland, CA

Project Location: City of McFarland, CA

Staff Contact: McFarland City Manager, Maria Lara

Address: 401 West Kern Ave, McFarland, CA 93250

Email: mlara@mcfarlandcity.org



Introduction

The California Environmental Quality Act (CEQA) is a statute that requires state and local agencies to identify the potential environmental impacts of a project and to avoid or mitigate those impacts, if feasible. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project," such as a General Plan Update. The City of McFarland is the lead agency and has prepared a Draft Environmental Impact Report (DEIR) for the McFarland 2040 General Plan Update.

Pursuant to CEQA, the McFarland 2040 General Plan Update's DEIR identifies potential environmental impacts and feasible measures to mitigate those impacts. The preparation of an EIR includes specific time periods for public notice and comment. We are requesting your input on the DEIR. The project description and location are listed below. Due to the time limits mandated by State law, your response must be sent as early as possible, but no later than 45 days after the DEIR is posted for public availability. Please send your response to:

McFarland City Manager, Maria Lara, at 401 West Kern Ave, McFarland, CA 93250.

Or by email to: mlara@mcfarlandcity.org

Copies of the Draft Environmental Impact Report and the McFarland 2040 General Plan are accessible online at: https://www.mcfarlandcity.org/DocumentCenter/View/2302/Vol3_DEIR_05-16-2021. Printed copies may be available for review at City Hall and the Public Library subject to public health guidelines.

Project Location

The City of McFarland is in Kern County between Bakersfield, about 25 miles to the south, and Delano, about 7 miles to the north. Highway 99, which connects the City to the wider Central Valley region, bisects the City into east and west sides. Agricultural fields surround McFarland, framing the built environment and defining its rural character. Beyond its eastern sphere of influence, the Sierra Nevada mountains provide a backdrop to the City.

Project Description

The proposed project is a comprehensive update of the City's 1998 General Plan. California law requires cities and counties to adopt a General Plan to guide future development. The General Plan is the foundation upon which all land use decisions are to be based. The Draft McFarland 2040 General Plan accommodates new housing and jobs in anticipation of population growth in the City, County, and the region through the year 2040. The General Plan includes thirteen elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, Safety,

Environmental Justice, Air Quality, Economic Development, Public Facilities & Service, Community Design, Health, and Sustainable Agriculture.

The EIR prepared for the proposed General Plan Update is a "Program EIR." According to the CEQA Handbook Article 11 Section 15168. A program level EIR evaluates the implications of environmental effects resulting from the adoption of a planning document, such as a general plan, which provides direction for long-term visioning and broad community goals. Additional environmental review pursuant to CEQA guidelines may be required for site-specific projects, such as those requiring discretionary approval. Such environmental review may be in the form of initial studies, negative declarations, mitigated negative declarations, or the preparation of a project-level EIR.

Public Meeting

Depending on public health restrictions, a public meeting on this Draft EIR and related matters is scheduled by the City on June 22, 2021, from 3 PM to 5:00 PM in the Veterans Hall, 103 W Sherwood Ave. McFarland, CA 93250. Public comments will be accepted from **May 20th, 2021 to July 7th, 2021.** Comments received at the public hearing and in writing will be responded to in the Responses to Comments section of the EIR document.

The purpose of this public meeting is to give citizens and stakeholders an opportunity to comment on the proposed General Plan Update and associated Draft EIR. Persons with disabilities or non-English speaking persons who wish to attend the public meeting and need assistance should contact Francisca Alvarado, City Clerk, at 661.792-3091, no later than May 31, 2021. Every effort will be made to make reasonable accommodations for these persons. If you are unable to attend the public meeting, you may direct written comments to the City of McFarland, City Manager, 401 West Kern Ave, McFarland, CA 93250 or Francisca Alvarado, City Clerk, (falvarado@mcfarlandcity.org) . In addition, general information on the General Plan Update and Draft EIR is available for your inspection at the above office address between the hours of 8:00 a.m. and 5:00 p.m. Monday through Thursday. This notice is posted in accordance with the provisions of the California Government Code, Title 7, Chapter 65000, as amended.

9.6.8 Public Meeting 5: Draft EIR

COMMUNITY MEETING

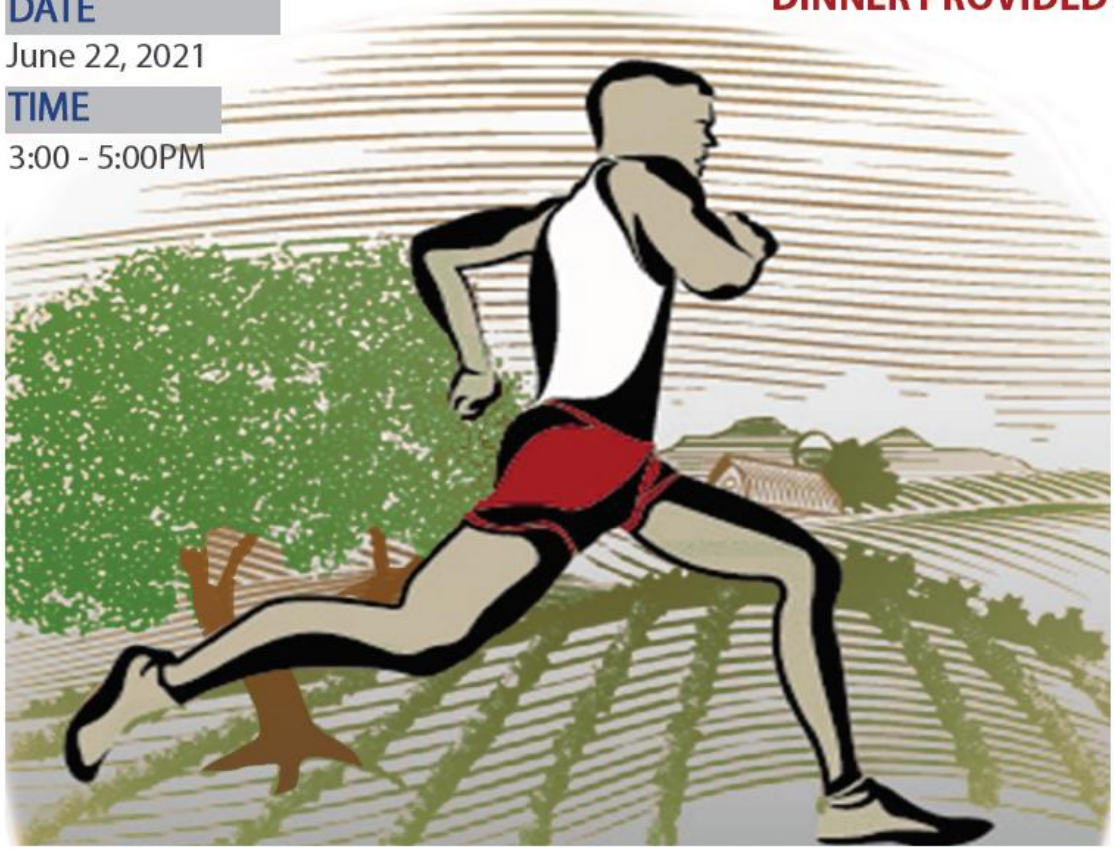
Help Envision the Future of McFarland

LOCATION
Veterans Hall (103 W Sherwood)

DATE
June 22, 2021

TIME
3:00 - 5:00PM

SE HABLA ESPAÑOL
CHILDCARE AVAILABLE
DINNER PROVIDED



General Plan

The General Plan is a road-map to guide the future development of McFarland. This fifth meeting is to review results of the Draft Environmental Impact Report on the Draft McFarland 2040 General Plan. Please come and contribute your input!

For More Information

https://mcfarlandgeneralplan.wixsite.com/website

mlara@mcfarlandcity.org

(661) 792-3091

9.7 Mitigation Monitoring Program

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
AGRICULTURE					
AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	PS	**Mitigation AG-1A:** Prohibit annexation of properties under Williamson Act contracts unless a notice of Nonrenewal has been filed. **Mitigation AG-1B:** Continue to implement a Right-to-Farm ordinance.	LTS	Ongoing	Planning Department
AG-5: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	PS	**Mitigation AG- 5a:** Implement Mitigation Measure AG-1a: Prohibit Annexation of properties under Williamson Act contracts unless a notice of non-renewal has been filed.	PSU	Ongoing	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
AIR QUALITY					
AQ-3: Expose sensitive receptors to substantial pollutant concentrations?	PS	**Mitigation AQ-3a:** Avoid siting of new substantial emission sources within CARB recommended screening distances of sensitive receptors.	LTS	Ongoing	Planning Department
AQ-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	PS	**Mitigation AQ-4a:** Update zoning to meet screening distances.	LTS	Short Term	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
BIOLOGOCAL RESOURCES					
BIO-1: 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 or U.S. Fish and Wildlife Service?	PS	**Mitigation BIO-1a:** Projects that result from the Plan are to utilize a qualified biologist to conduct habitat assessments, well in advance of Project implementation at individual sites, to determine if individual project areas or their immediate vicinity contain habitat suitable to support special-status plant or animal species.	LTS	Ongoing	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
BIO-1 (continued)	PS	**Mitigation BIO-1b:** If suitable habitat is present, assess presence or absence of special-status species by conducting surveys following recommended protocols or protocol-equivalent surveys.	LTS	Ongoing	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
BIO-1 (continued)	PS	**Mitigation BIO-1c:** If State-listed species are detected at a Project site, consultation with CDFW is warranted to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) prior to initiating any ground-disturbing activities.	LTS	Ongoing	Planning Department
BIO-1 (Activity-specific actions-A)	PS	Mitigation Measure 1: SJKF Surveys Mitigation Measure 2: SJKF Take Authorization Mitigation Measure 3: SWHA Surveys Mitigation Measure 5: SWHA Take Authorization Mitigation Measure 6: Loss of SWHA Foraging Habitat Mitigation Measure 7: SWHA Nest Trees Mitigation Measure 8: TRBL Surveys Mitigation Measure 10: TRBL Take Authorization	LTS	**Before Disturbing Soil or Vegetation**	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
BIO-1 (Activity-specific actions-B)	PS	Mitigation Measure 4: SWHA No-disturbance Buffer Mitigation Measure 9: TRBL Avoidance	LTS	**During Construction**	Planning Department
CULTURAL: ARCHEOLOGICAL AND HISTORICAL RESOURCES					
CULT-2: Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5?	PS	**Mitigation CULT-2A:** In the event that archeological or paleontological resource is unearthed or otherwise discovered during construction related activities associated with the proposed Plan, all work must be suspended until a qualified archeologist is consulted.	LTS	Ongoing	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
CULT-3: Disturb any human remains, including those interred outside of formal cemeteries?	PSU	**Mitigation CULT-3A:** In the event human remains are discovered during the build-out of the Plan's proposed developments, construction must be stopped, and a qualified coroner must be contacted to determine if the remains are of Native American origin. If the coroner makes this determination, the coroner should contact the Native American Heritage Commission within 24 hours.	LTS	Ongoing	Planning Department
HAZARDS AND HAZARDOUS MATERIALS					
HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	PS	**Mitigation HAZ-1:** All hazardous material production and transportation should comply with state and local regulations and Hazardous Waste Management Plans.	LTS	Ongoing	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
HYDROLOGY AND WATER QUALITY					
HY-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	PS	**Mitigation HY-2a:** Expand wastewater treatment allowing for additional wastewater to be recycled for agricultural irrigation to reduce consumption of fresh groundwater and recharge the supply. **Mitigation HY-2b:** Develop a water management plan to use recycled water in excess of agricultural demand for other purposes. **Mitigation HY-2c:** Adopt a water efficient landscape ordinance to reduce the amount of potable water used for landscape irrigation. **Mitigation HY-2d:** Comply with all State of California Water Conservation measures and the Sustainable Groundwater Management Act.	LTS	Medium Term (5 years) Ongoing	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
HY-8: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	PS	**Mitigation HY-8a:** Develop a water management plan to use recycled water in excess of agricultural demand for other purposes. **Mitigation HY-8b:** Comply with all State of California Water Conservation measures and the Sustainable Groundwater Management Act.	LTS	Medium Term (5 years) Ongoing	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
PUBLIC SERVICES					
PS-3: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Schools?	PS	**Mitigation PS-3a:** Work with school district to identify population growth thresholds that require new school facilities to maintain adequate level of service for the growing. youth population.	LTS	Short Term	School District and McFarland Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
PS-5: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Other public facilities?	PS	**Mitigation PS-5a:** Coordinate with Kern County Library to address the specific needs of the community and funding sources required to build library services to meet those needs.	LTS	Short Term	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
UTILITIES AND SERVICE SYSTEMS					
UTIL-1: Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	PS	**Mitigation UTIL-1a:** Adhere to construction, enhancement, and expansion outlined in the Storm Drain Master Plan to ensure adequate capacity for projected demand as a result of future growth. **Mitigation UTIL-1b:** In addition to ensuring orderly and efficient expansion of the storm drainage system, require on-site storm water retention for future development to minimize environmental impacts. **Mitigation UTIL-1c:** Develop and implement Low Impact Development policies for implementation during construction or expansion of storm water drainage facilities to minimize environmental effects and runoff.	LTS	Ongoing Medium Term (5 years)	Planning Department

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
UTIL-2: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	PS	**Mitigation UTIL-2a:** Prepare an urban water management plan (UWMP) as population grows and the City's service area expands to comply with SB 7X-7 (Water Conservation Act of 2009). **Mitigation UTIL-2b:** Convert landscapes to drip systems and replace those requiring significant irrigation with drought tolerant vegetation. **Mitigation UTIL-2c:** Collaborate and maintain consistency with SSJMUD Management Area Plan to foster decreased water use in public landscapes by 2035 by 25% of 2018 level and to achieve groundwater sustainability by 2040.	LTS	Medium Term Short Term Ongoing	Planning Department McFarland Planning Department and SSJMUD

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation	Timing	Responsibility
DEFINITIONS: **No Impact (NI):** The project does not create an impact in that category **Less than significant (LTS)**: A less than significant impact is one that would not reach or exceed the standard or threshold of significance as determined in this analysis. Therefore, no substantial environmental change would occur. **Potentially significant (PS):** The project would cause a potentially substantial, adverse change in environmental conditions described in that impact category, within the area affected by the project. **Potentially Significant & Unavoidable (PSU):** A significant impact is a substantial, or potentially substantial, adverse change in the environment resulting from implementation of the Proposed Project which mitigation cannot adequately address.					
UTIL-3: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has (in)adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	PS	**Mitigation UTIL-3:** Develop and adopt a Sewer Master Plan to guide replenishment of water supply and service delivery to meet future demand.	LTS	Medium Term (5 years)	Planning Department

MEMORANDUM

CITY OF MCFARLAND

TO: Honorable Mayor and Council Members

FROM: Maria Lara, Community Development Director
Mario Gonzalez, Public Works Director

DATE: August 26, 2021

SUBJECT: Memorandum of Understanding (MOU) among the City of McFarland and Kern Council of Governments (KERN COG): CEC Agreement GFO-20-010 for E. Industrial Electric Vehicle Charging Station.

SUMMARY:

On August 12, 2020, the California Energy Commission (CEC) released a Grant Solicitation and Application Package entitled "Electric Vehicle Ready Communities Phase II- Blueprint Implementation" under the Clean Transportation Program. In response to GFO-19-603, the Kern COG submitted application with the support of all the participating communities and received funding in the CEC's Notice of Proposed Awards on January 8, 2021.

City of McFarland and KERN COG recognize that the installation of electric vehicle charging stations to support the deployment of electric vehicles and/or equipment will benefit the citizens of the CITY by providing much-needed funding and by reducing transportation-related air pollution, improving the local air quality in or near a Disadvantaged Community (DAC) identified in CalEnviroscreen 3.0.

SCOPE OF WORK:

City of McFarland will install and commission 2 DC Fast Charging Stations and 3 L2 electric vehicle charging stations on E. Industrial Street. The table below reflects CEC grant amounts and matching funds for KERN COG and all the subcontractors participating in CEC Agreement GFO-20-010. Local Match for the City of McFarland will be covered through the Congestion Mitigation and Air Quality (CMAQ) Improvement Grant.

Agency Name	CEC Funding	Local Match	Total Project
Kern COG	$96,515	$44,033	$140,548
City of Arvin	$99,000	$33,000	$132,000
City of Bakersfield	$99,000	$33,000	$132,000
City of Delano	$99,000	$33,000	$132,000
City of McFarland	**$99,000**	**$33,000**	**$132,000**
City of Shafter	$45,000	$15,000	$60,000
City of Wasco	$99,000	$33,000	$132,000
Bakersfield College	$64,000	$18,808	$82,808
TOTAL	$700,515	$242,841	$943,356

FISCAL IMPACT:

The construction of the E. Industrial Electric Vehicle Charging Station is being funded 100% by grants. The Energy Commission Grant amount is $99,000.00, which will be match with a CMAQ grant by $33,000.00, total of $132,000.00.

STAFF RECOMMENDATION:

Approve the attached Memorandum of Understanding (MOU) among the City of McFarland and Kern Council of Governments (KERN COG): CEC Agreement GFO-20-010 for E. Industrial Electric Vehicle Charging Station, and authorize the Mayor, City attorney and city manager to execute the MOU.

Attachments:

- Memorandum of Understanding between the City of McFarland and Kern COG: CEC Agreement GFO-20-010

MEMORANDUM OF UNDERSTANDING

Electric Vehicle (EV) Ready Communities Phase II –
Blueprint Implementation (GFO-19-603)

Subcontractor to Kern Council of Governments;
CEC Agreement GFO-20-010 with Kern Council of Governments

THIS MEMORANDUM OF UNDERSTANDING is made and entered into on April 15, 2020, by and among the CITY OF McFarland ("**CITY**" herein), a municipal government of the State of California, and the KERN COUNCIL OF GOVERNMENTS ("**KERN COG**" herein), a Joint Powers Agency formed pursuant to the California Government Code.

R E C I T A L S

WHEREAS, California Government Code Section 6502 authorizes cities and counties to enter into agreements for their mutual benefit; and

WHEREAS, CITY, and KERN COG have a compelling and mutual interest in the implementation of the 2019 Kern EV Charging Station Blueprint in participating cities; and

WHEREAS, CITY, and KERN COG recognize that the installation of electric vehicle charging stations to support the deployment of electric vehicles and/or equipment will benefit the citizens of the CITY by providing much-needed funding and by reducing transportation-related air pollution, improving the local air quality in or near a Disadvantaged Community (DAC) identified in CalEnviroscreen 3.0; and

WHEREAS, KERN COG and CITY as a subcontractor applied for grant funds and were awarded by California Energy Commission ("**CEC**" herein) to install charging stations, and to conduct public awareness efforts regarding the station; and

WHEREAS, CITY recognizes that CITY will (a) carry out the scope of work and schedule, (b) participate in program management meetings, (c) demonstrate evidence of matching funds and (d) send reports and invoices to KERN COG; and

WHEREAS, KERN COG will in turn carry out its responsibilities under the CEC Agreement ARV-20-2010 and that that grant funding awarded to KERN COG to implement the 2019 Kern Region Electric Vehicle (EV) Blueprint will be invoiced by KERN COG to CEC per the schedule and scope of work for CEC Agreement ARV-20-010, and pay funds due to CITY as a subcontractor through this MOU.

AGREEMENT

1. The foregoing recitals are true and correct, and are adopted into this contract as if set forth in full.

2. EV Ready Communities funding CEC awarded to the CITY as a subcontractor, identified in this MOU will be accessed by KERN COG through invoices sent directly to CEC. CITY agrees to provide any necessary documentation reasonably required in furtherance of this purpose.

3. CITY will confirm and document local matching funds identified in this MOU through

invoice reports sent directly to KERN COG.

4. The table below reflects CEC grant amounts and matching funds for KERN COG and all of the subcontractors participating in CEC Agreement ARV-20-010. The CITY shall submit a budget using a template provided to the CITY by the Project Manager. This budget will (a) align with the Scope of Work (Exhibit A) and Schedule of Deliverables (Exhibit B) and will (b) be used to categorize the CEC Funding and the Local Match Funding and (c) be used to create invoices submitted to Kern COG.

Agency Name	CEC Funding	Local Match	Total Project
Kern COG	$96,515	$44,033	$140,548
City of Arvin	$99,000	$33,000	$132,000
City of Bakersfield	$99,000	$33,000	$132,000
City of Delano	$99,000	$33,000	$132,000
City of McFarland	$99,000	$33,000	$132,000
City of Shafter	$45,000	$15,000	$60,000
City of Wasco	$99,000	$33,000	$132,000
Bakersfield College	$64,000	$18,808	$82,808
TOTAL	$700,515	$242,841	$943,356

5. CITY agrees to carry out Exhibit A Scope of Work in accordance with Exhibit B Schedule of Products and Due Dates and Exhibit C Budget.

6. Should the CITY scope of work be executed for less than total CEC funding awarded to CITY through this MOU, MOU amounts exceeding actual expenses shall be reserved by KERN COG to be redistributed at its discretion with the concurrence of the CEC.

7. CITY and KERN COG agree that KERN COG will demonstrate the KERN COG share of matching fund contributions to CEC.

8. CITY and KERN COG agree that KERN COG staff will require member agency staff to participate in the execution of their scope of work and KERN COG program management meetings held at a minimum of quarterly.

9. The failure of any party to enforce against another a provision of this Agreement shall not constitute a waiver of that party's right to enforce such a provision at a later time, and shall not serve to vary the terms of this Agreement.

10. All notices relative to this Agreement shall be given in writing and shall be personally served or sent by certified or registered mail and be effective upon actual personal service or depositing in the United States mail. The parties shall be addressed as follows, or at any other address designated by notice:

CITY: City of McFarland
Community Development Director
401 West Kern Avenue
McFarland, CA 93250

KERN COG: KERN COUNCIL OF GOVERNMENTS

Ahron Hakimi, Executive Director
1401 19th Street, Suite 300
Bakersfield, California 93301

11. This Agreement sets forth the entire Agreement between the parties and supersedes all other oral or written representations. This Agreement may be modified only in a writing approved by the City Councils and the Kern Council of Governments, Board of Directors.

12. Any services of CITY or KERN COG are provided as independent contractors. No party is an agent or employee of any other party for any purpose and is not entitled to any of the benefits provided by any party to its employees. This Agreement shall not be construed as forming a partnership or any other association between CITY, and KERN COG other than that of an independent contractor.

13. No party shall be liable to any other party for any loss, damage, liability, claim or cause of action for damage to or destruction of property or for injury to or death of persons arising from any act or omission of the other party's officers, agents, or employees. Further, no party is liable to any other party for loss or inaccuracy of data. Each party is encouraged to have current backup storage of all data and other relevant information. Further, no party is liable to any other party for any damage to information or equipment, which results from the transfer of data.

14. A party against whom any claim arising from any subject matter of this Agreement is filed shall give prompt written notice of the filing of the claim to all other parties.

15. This Agreement is effective upon execution. It is the product of negotiation and, therefore, shall not be construed against any party.

16. Any party to this Memorandum of Understanding may terminate its participation in the activities herein described upon thirty (30) days' written notification to the other parties. Termination by one party does not terminate the agreement between the remaining parties, including the CEC or other KERN COG subcontractors participating in this CEC award of funding through agreement ARV-20-010.

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IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed, the day and year first-above written.

"CITY of McFarland"

RECOMMENDED AND APPROVED
AS TO CONTENT:

_____ _____

,City Manager
City of McFarland

Sally Gonzalez, Mayor
City of McFarland

APPROVED AS TO FORM:

_____
Legal Counsel

[Remainder of page left blank intentionally]

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed, the day and year first-above written.

"KERN COUNCIL OF GOVERNMENTS"

RECOMMENDED AND APPROVED
AS TO CONTENT:

_____
AHRON HAKIMI
Executive Director

_____
Bob Smith, Chairman
Kern Council of Governments

Kern Council of Governments
APPROVED AS TO FORM:

_____
Brian Van Wyk, Deputy Counsel for
Kern Council of Governments

[Remainder of page left blank intentionally]

EXHIBIT A
Scope of Work
City of McFarland

PLEASE SEE ATTACHED

(Follows page 10)

EXHIBIT B
Schedule of Products and Due Dates
City of McFarland

Task Number	*Task Name*	*Product(s)*	*Subcontractor to Kern COG Due Date*	*Kern COG to CEC Due Date*
1.1	**Attend Kick-off Meeting**			
		Updated Schedule of Products	6/25/2021	4/30/2021
		Updated List of Match Funds	6/25/2021	4/30/2021
		Updated List of Permits	No later than upon issuance of an RFP	5/27/2021
		Kick-Off Meeting Agenda (Kern COG)	6/18/2021	5/27/2021
1.2	**Critical Project Review Meetings**			
	1st CPR Meeting	CPR Report by subrecipient	TBD	12/20/2022
		Written determination (CEC)	N/A	1/5/2023
1.3	**Final Meeting**			
		Written documentation of meeting agreements	N/A	2/29/2024
		Schedule for completing closeout activities	N/A	3/29/2024
1.4	**Monthly Progress Reports**			
		Monthly Progress Reports	The last day of each month during the approved term of this Agreement.	The 10th calendar day of each month during the approved term of this Agreement
1.5	**Final Report**			
		Final Outline of the Final Report	N/A	12/12/2023
		Draft Final Report (no less than 60 days before the end term of the agreement)	Delivered with final invoice.	1/12/2024
		Final Report	N/A	3/12/2024
1.6	**Identify and Obtain Match Funds**			
		A letter regarding match funds detailing match funds provided	6/25/2021	4/30/2021
		Copy(ies) of each match fund commitment letter(s) (if applicable) Note: Such as grant voucher approval.	Within 10 days of receipt from funding agency.	4/30/2021
		Letter(s) for new match funds (if applicable)	Within 10 days of identifying new match funds	Within 10 days of identifying new match funds
		Letter that match funds were reduced (if applicable)	Within 10 days of identifying reduced funds	Within 10 days of identifying reduced funds
1.7	**Identify and Obtain Required Permits**			

	Letter documenting the permits or stating that no permits are required	When RFP is released. If no RFP, send prior to start of work. If project already awarded, send with executed MOU. All letters received by 5/31/2022.	Within 6 months from each site host project initiation date. All project letters received by 8/31/2022
	A copy of each approved permit (if applicable)	Within 5 days of receiving each permit.	Within 10 days of receiving each permit
	Updated list of permits as they change during the term of the Agreement (if applicable)	Within 5 days of change in list of permits.	Within 10 days of change in list of permits
	Updated schedule for acquiring permits as changes occur during the term of the Agreement (if applicable)	Within 5 days of change in schedule for obtaining permits.	Within 10 days of change in schedule for obtaining permits
1.8	**Obtain and Execute Subcontracts**		
	Letter describing the subcontracts needed, or stating that no subcontracts are required	30 days prior to first day of construction	5/19/2021
	Draft subcontracts	15 days prior to the scheduled execution date	15 days prior to the scheduled execution date
	Final subcontracts	Within 10 days of the execution	Within 10 days of the execution
2	**Electric Vehicle Charging Station Installation**		
	Site maps and design information for charging stations for 6 host cities	10/30/2021	11/29/2021
	Photos to document station progress and completion	With monthly reports, as changes occur. Within 30 days of station commission.	6/29/2023
	AB 841 Certification and EVITP Certification Numbers	Provided with monthly report upon award of charging station contract or in-house certification prior to construction.	6/29/2023
	Outreach materials, photos, presentations, agendas, minutes	Provided with monthly report following the event or outreach effort.	Ongoing to November 20, 2023

		Semi-annual EVSE usage reports	First report by 6/1/2022 then every six months until grant completion date	First report by 6/1/2022 then every six months until grant completion date
3	**Infrastructure to Support Workforce Development**			
		Photos to document BEAM EV ARC and level 2 charger installations; delivery of stow kit and trailer.	N/A	12/13/2021
		Report summarizing the use of the charging equipment at Bakersfield College	N/A	1/8/2024
4	**Outreach**			
		Copies of agendas, registrations, and photos	As the events are scheduled, Kern COG and CEC program managers must be invited to participate. Documents included with monthly report following the event.	As the events occur and are scheduled
		Participation Report for 2022 TRANSITions Transit Symposium - describe subcontractor participation	With the monthly report following the event.	Within 45 days of the event
		Participation Report for 2023 TRANSITions Transit Symposium - describe subcontractor participation	With the monthly report following the event.	Within 45 days of the event
		Event report for each of the three additional public electric vehicle charging events or training workshops	N/A	Within 45 days of the event
		Event report for a Ride and Drive event or a National Drive Electric Week	N/A	Within 45 days of the event
5	**E-Bike Pilot**			
		Summary E-Bike Report	Pending placement of eBikes.	6/29/2023

EXHIBIT C
Budget
City of McFarland

Task No.	Subcontractor Name	Purpose	CA Business Certifications DVBE/ SB/MB/None	Energy Commission Funds	Match Share	Total[1]
2	City of McFarland	Install and commission 2 DC Fast Charging stations and 3 L2 electric vehicle charging stations*		$ 99,000	$ 33,000	**$ 132,000**

[1]Project Total may be larger than $132,000 and may include EVSE, Installation, Utility, Labor, and Outreach expenses. Site host must abide by the eligible expenses outlined in the Terms and Conditions. Compliance with ADA requirements are not eligible expenses for CEC funding. If total project funding is less than $132,000 the city host may be asked to apply funds to another EVSE project or to return excess funding not needed.

***Note: The following indicates the project requested/supported.**

Arvin: Install and commission charging station with 1 DCFC and 3 L2 chargers
Bakersfield: Install and commission charging station with 3 L2 chargers
Delano: Install and commission charging station with 3 L2 chargers
McFarland: Install and commission charging station with 2 DCFC and 3 L2 chargers
Shafter: Install and commission charging station with 3 L2 chargers; CEC $45,000; Shafter $15,000
Wasco: Install and commission charging station with 3 L2 chargers

Bakersfield College: Install one BEAM EV ARC with 2 L2 chargers; CEC $64,000; BC $18,808

EXHIBIT A
Scope of Work
City of McFarland

TECHNICAL TASK LIST.

Task #	CPR	Task Name
1		Administration
2	X	Electric Vehicle Charging Station Installation
3		Workforce Development
4		Outreach
5		E-Bike Pilot

KEY NAME LIST

Task #	Key Personnel	Key Subcontractor(s)	Key Partner(s)
1	Linda Urata	None	
2	Linda Urata	Christine Viterelli, Stuart Patteson, Maribel Reyna, Maria Lara, Michael James, Daniel Ortiz-Hernandez, Andrew Haney	
3	Linda Urata	Andrew Haney	
4	Linda Urata, Susanne Campbell	TBD	

GLOSSARY

Specific terms and acronyms used throughout this scope of work are defined as follows:

Term/ Acronym	Definition
Agreement	Agreement GFO-20-010 “EV Ready Communities Phase II - Blueprint Implementation” between Kern Council of Governments and the California Energy Commission
CAM	Commission Agreement Manager
CEC	California Energy Commission
Clean Transportation Program	Formerly known as the Alternative and Renewable Fuel and Vehicle Technology Program
CPR	Critical Project Review
EV	Electric Vehicle. A broad category that includes all vehicles that are fully powered by electricity or an electric motor.

Term/ Acronym	Definition
EVITP	Electric Vehicle Infrastructure Training Program
EVSE	Electric Vehicle Supply Equipment. Infrastructure designed to supply power to EVs. EVSE can charge a wide variety of EVs including BEVs and PHEVs.
FTD	Fuels and Transportation Division
Kern COG	Kern Council of Governments
Project Manager	Kern COG Regional Planner managing the CEC Grant GFO-20-010
MOU	Memorandum of Understanding
Recipient	An applicant awarded a grant under a California Energy Commission solicitation
SUB	A subcontractor entering into an MOU with Kern CO who will receive funding through the grant agreement GFO-20-010 between the CEC to Kern COG. A SUB on this agreement will either be a CITY or Bakersfield College.

Background

Assembly Bill (AB) 118 (Nùñez, Chapter 750, Statutes of 2007), created the Clean Transportation Program, formerly known as the Alternative and Renewable Fuel and Vehicle Technology Program. The statute authorizes the California Energy Commission (CEC) to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state's climate change, clean air, and alternative energy policies. AB 8 (Perea, Chapter 401, Statutes of 2013) re-authorizes the Clean Transportation Program through January 1, 2024. The Clean Transportation Program has an annual budget of approximately $100 million and provides financial support for projects that:

- Reduce California's use and dependence on petroleum transportation fuels and increase the use of alternative and renewable fuels and advanced vehicle technologies.
- Produce sustainable alternative and renewable low-carbon fuels in California.
- Expand alternative fueling infrastructure and fueling stations.
- Improve the efficiency, performance and market viability of alternative light-, medium-, and heavy-duty vehicle technologies.
- Retrofit medium- and heavy-duty on-road and non-road vehicle fleets to alternative technologies or fuel use.
- Expand the alternative fueling infrastructure available to existing fleets, public transit, and transportation corridors.
- Establish workforce training programs and conduct public outreach on the benefits of alternative transportation fuels and vehicle technologies.

On August 12, 2020, the CEC released a Grant Solicitation and Application Package entitled "Electric Vehicle Ready Communities Phase II- Blueprint Implementation" under the Clean Transportation Program. This competitive grant solicitation was for Phase II of a two-phase effort to implement projects developed and identified in Phase I, Blueprint Development, of the Electric Vehicle Ready Communities Challenge. In response to GFO-19-603, the Recipient submitted application #7 which was proposed for funding in the CEC's Notice of Proposed Awards on January 8, 2021. GFO-19-603 and Recipient's application are hereby incorporated by reference into this Agreement in their entirety.

In the event of any conflict or inconsistency between the terms of the Solicitation and the terms of the Recipient's Application, the Solicitation shall control. In the event of any conflict or inconsistency between the Recipient's Application and the terms of Commission's Award, the Commission's Award shall control. Similarly, in the event of any conflict or inconsistency between the terms of this Agreement and the Recipient's Application, the terms of this Agreement shall control.

Problem Statement:

Kern County is challenged by poor air quality and barriers to the deployment of emission reduction transportation technologies. According to CalEnviroscreen 3.0, 81% to 90% of areas within Kern County qualify as Disadvantaged Communities (DACs). DACs generally lack private investment and the capacity to develop, fund, and manage clean transportation projects on their own.

The Kern Electric Vehicle Charging Station Blueprint (Blueprint) was created to address barriers to the installation of electric vehicle (EV) charging stations in Kern County. This Blueprint Implementation project will address principal barriers identified in the Blueprint plan.

Workforce development offers opportunities to individuals interested in the energy or transportation fields. The transition to zero emission fuels will require individuals trained to work on cars, design and install stations, provide maintenance to cars and stations, operating vehicles takes some training and then there is always planning for the future, and autonomous vehicles.

This project will provide funding needed to support the efforts for zero emission transport to serve local communities.

Goals of the Agreement:

The goal of this Agreement is to advance electrified transportation in and between Kern County communities in ways that provide convenient, safe, and clean transportation for a broad spectrum of residents.

Objectives of the Agreement:

The objectives of this Agreement are for Kern COG to administer an effective and timely program to install electric vehicle charging equipment and allow Bakersfield College to expand their curriculum and install equipment for hands-on training. The site host communities will have an impact on EV adoption and support electrified transportation options, and Bakersfield College will be established as a leader in training the technicians of today for both the technology of today and the future.

TASK 1 ADMINISTRATION

Task 1.1 Attend Kick-off Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement. The Project Manager shall designate the date and location of this meeting and provide an agenda to the SUB prior to the meeting.

The SUB shall:

- Attend a “Kick-Off” meeting with the Project Manager, a Regional Planner, and an Administrative Assistant, Administration Department. The SUB shall bring its Project Manager, Agreement Administrator, Accounting Officer, and others as the SUB deems appropriate to this meeting.
- Discuss the following administrative and technical aspects of this Agreement:
    - MOU Terms and Conditions
    - Critical Project Review Support Documents (Task 1.2)
    - Match fund documentation (Task 1.6) No reimbursable work may be done until this documentation is in place. California Energy Commission programs (such as CALeVIP) **can not be used as matching funds.** If using San Joaquin Valley Air Pollution Control District ChargeUP! funding as match, please provide the voucher numbers in your documentation of matching funds.
    - Permit documentation (Task 1.7)
    - Subcontracts needed to carry out project (Task 1.8)
    - The Project Manager’s expectations for accomplishing tasks described in the Scope of Work
    - An updated Schedule of Products and Due Dates
    - Monthly Progress Reports (Task 1.4)
    - Technical Products (Product Guidelines located in Section 5 of the Terms and Conditions)
    - Final Report (Task 1.5)

SUB Products:

- Updated Schedule of Products
- Updated List of Match Funds
- Updated List of Permits

Project Manager Product:

- Kick-Off Meeting Agenda
- Monthly Report Template or Guidelines
- Monthly Invoice Template

Task 1.2 Critical Project Review (CPR) Meetings

CPRs provide the opportunity for frank discussions between the CEC and the Recipient. The goal of this task is to determine if the project should continue to receive CEC funding to complete this Agreement and to identify any needed modifications to the tasks, products, schedule or budget.

The Commission Agreement Manager may schedule CPR meetings as necessary, and meeting costs will be borne by the Recipient.

Meeting participants include the CAM and the Recipient and may include the Commission Grants Officer, the Fuels and Transportation Division (FTD) program lead, other CEC staff and Management as well as other individuals selected by the CAM to provide support to the CEC.

The Recipient may request documents or participation from the SUB in order to prepare for the CPR or to answer direct questions from the CAM.

The CAM shall:

- Determine the location, date, and time of each CPR meeting with the Recipient. These meetings generally take place at the CEC, but they may take place at another location.
- Send the Recipient the agenda and a list of expected participants in advance of each CPR. If applicable, the agenda shall include a discussion on both match funding and permits.
- Conduct and make a record of each CPR meeting. Prepare a schedule for providing the written determination described below.
- Determine whether to continue the project, and if continuing, whether or not modifications are needed to the tasks, schedule, products, and/or budget for the remainder of the Agreement. Modifications to the Agreement may require a formal amendment (please see section 8 of the Terms and Conditions). If the CAM concludes that satisfactory progress is not being made, this conclusion will be referred to the Lead Commissioner for Transportation for his or her concurrence.
- Provide the Recipient with a written determination in accordance with the schedule. The written response may include a requirement for the Recipient to revise one or more product(s) that were included in the CPR.

The Recipient shall:

- Gather information from the SUB(s) to prepare the CPR Report.
- Prepare a CPR Report for each CPR that discusses the progress of the Agreement toward achieving its goals and objectives. This report shall include recommendations and conclusions regarding continued work of the projects. This report shall be submitted along with any other products identified in this scope of work. The Recipient shall submit these documents to the CAM and any other designated reviewers at least 15 working days in advance of each CPR meeting.

- Present the required information at each CPR meeting and participate in a discussion about the Agreement.

The SUB shall:

- Prepare a written summary and/or provide documents as requested by the Project Manager within 5 days of the request from the Project Manager.
- Participate in the CPR, if requested by the CAM and/or the Project Manager.

CAM Products:

- Agenda and a list of expected participants
- Schedule for written determination
- Written determination

Recipient Product:

- CPR Report(s)

SUB Product:

- CPR SUB-Report

Task 1.3 Final Meeting

The goal of this task is to closeout this MOU.

The Recipient shall:

- Meet with CEC staff to present the findings, conclusions, and recommendations. The final meeting must be completed during the closeout of this Agreement.

  This meeting will be attended by, at a minimum, the Recipient, the Commission Grants Office Officer, and the Commission Agreement Manager. The technical and administrative aspects of Agreement closeout will be discussed at the meeting, which may be two separate meetings at the discretion of the Commission Agreement Manager.

  The technical portion of the meeting shall present an assessment of the degree to which project and task goals and objectives were achieved, findings, conclusions, recommended next steps (if any) for the Agreement, and recommendations for improvements. The Commission Agreement Manager will determine the appropriate meeting participants.

  The administrative portion of the meeting shall be a discussion with the Commission Agreement Manager and the Grants Officer about the following Agreement closeout items:

  - What to do with any equipment purchased with CEC funds (Options)
  - CEC's request for specific "generated" data (not already provided in Agreement products)
  - Need to document Recipient's disclosure of "subject inventions" developed under the Agreement
  - "Surviving" Agreement provisions
  - Final invoicing and release of retention
- Prepare a schedule for completing the closeout activities for this Agreement.

Products:

- Written documentation of meeting agreements
- Schedule for completing closeout activities

The SUB shall:

- Attend the Final Meeting between Kern COG and CEC, if requested by the CAM.
- Comply with directions from the CEC for dispensation of equipment purchased with CEC funds
- Comply with requests from the CEC for specific “generated” data (not already provided in MOU products)
- Comply with “Surviving” Agreement (between Kern COG and CEC) provisions as appropriate and

SUB Products:

- Written documentation of dispensation of equipment purchased with CEC funds, if requested by CAM
- Written demonstration of compliance with requests from CEC for specific “generated” data (not already provided in MOU products)
- Written documentation of compliance with “Surviving” Agreement provisions, if required

Task 1.4 Monthly Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement on time and within budget.

The objectives of this task are to summarize activities performed during the reporting period, to identify activities planned for the next reporting period, to identify issues that may affect performance and expenditures, and to form the basis for determining whether invoices are consistent with work performed.

The Recipient shall:

- Prepare a Monthly Progress Report which summarizes all Agreement activities conducted by the Recipient for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due to the Commission Agreement Manager within 10 days of the end of the reporting period. The recommended specifications for each progress report are contained in Section 6 of the Terms and Conditions of this Agreement.
- In the first Monthly Progress Report and first invoice, document and verify match expenditures and provide a synopsis of project progress, if match funds have been expended or if work funded with match share has occurred after the notice of proposed award but before execution of the grant agreement. If no match funds have been expended or if no work funded with match share has occurred before execution, then state this in the report. All pre-execution match expenditures must conform to the requirements in the Terms and Conditions of this Agreement.

Product:

- Monthly Progress Reports

The SUB shall:

- Prepare a Monthly Progress Report which summarizes all MOU activities conducted by the Recipient for the reporting period, including an assessment of the ability to complete the MOU within the current budget and any anticipated cost overruns. Each progress report is due to the Project Manager on the last working day of the month. The recommended specifications for each progress report will be provided no later than the Kick-off Meeting. Monthly Progress Reports must be submitted, even when no substantial progress has been made toward any or all of the tasks.

- In the first Monthly Progress Report and first invoice, document and verify match expenditures and provide a synopsis of project progress, if match funds have been expended or if work funded with match share has occurred after the notice of proposed award but before execution of the grant agreement. If no match funds have been expended or if no work funded with match share has occurred before execution, then state this in the report. All pre-execution match expenditures must conform to the requirements in the "Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) Terms and Conditions" provided by the Project Manager.

Product:

- Monthly Progress Reports

Task 1.5 Final Report

The goal of the Final Report is to assess the project's success in achieving the Agreement's goals and objectives, advancing science and technology, and providing energy-related and other benefits to California.

The objectives of the Final Report are to clearly and completely describe the project's purpose, approach, activities performed, results, and advancements in science and technology; to present a public assessment of the success of the project as measured by the degree to which goals and objectives were achieved; to make insightful observations based on results obtained; to draw conclusions; and to make recommendations for further projects and improvements to the FTD project management processes.

The Final Report shall be a public document. If the Recipient has obtained confidential status from the CEC and will be preparing a confidential version of the Final Report as well, the Recipient shall perform the following activities for both the public and confidential versions of the Final Report.

The Recipient shall:

- Prepare an Outline of the Final Report, if requested by the CAM.
- Prepare a Final Report following the latest version of the Final Report guidelines which will be provided by the CAM. The CAM shall provide written comments on the Draft Final Report within fifteen (15) working days of receipt. The Final Report must be completed at least 60 days before the end of the Agreement Term.
- Submit one bound copy of the Final Report with the final invoice.

Products:

- Outline of the Final Report, if requested
- Draft Final Report
- Final Report

The SUB shall:

- Provide a final report to the Project Manager with the final pre-retention invoice.
- The technical portion of the report shall present an assessment of the degree to which project and task goals and objectives were achieved, findings, conclusions, recommended next steps (if any) for the MOU, and recommendations for improvements

SUB Products:

- Outline of Final Report, if requested
- Draft Final Report
- Final Report

Task 1.6 Identify and Obtain Matching Funds

The goal of this task is to ensure that the match funds planned for this Agreement are obtained for and applied to this Agreement during the term of this Agreement.

The costs to obtain and document match fund commitments are not reimbursable through this Agreement. Although the CEC budget for this task will be zero dollars, the Recipient may utilize match funds for this task. Match funds shall be spent concurrently or in advance of CEC funds for each task during the term of this Agreement. Match funds must be identified in writing and the associated commitments obtained before the Recipient can incur any costs for which the Recipient will request reimbursement.

The Recipient shall:

- Prepare a letter documenting the match funding committed to this Agreement and submit it to the Commission Agreement Manager at least 2 working days prior to the kick-off meeting. If no match funds were part of the proposal that led to the CEC awarding this Agreement and none have been identified at the time this Agreement starts, then state such in the letter. If match funds were a part of the proposal that led to the CEC awarding this Agreement, then provide in the letter a list of the match funds that identifies the:
    - Amount of each cash match fund, its source, including a contact name, address and telephone number and the task(s) to which the match funds will be applied.
    - Amount of each in-kind contribution, a description, documented market or book value, and its source, including a contact name, address and telephone number and the task(s) to which the match funds will be applied. If the in-kind contribution is equipment or other tangible or real property, the Recipient shall identify its owner and provide a contact name, address and telephone number, and the address where the property is located.
- Provide a copy of the letter of commitment from an authorized representative of each source of cash match funding or in-kind contributions that these funds or contributions have been secured. For match funds provided by a grant a copy of the executed grant shall be submitted in place of a letter of commitment.
- Discuss match funds and the implications to the Agreement if they are reduced or not obtained as committed, at the kick-off meeting. If applicable, match funds will be included as a line item in the progress reports and will be a topic at CPR meetings.
- Provide the appropriate information to the Commission Agreement Manager if during the course of the Agreement additional match funds are received.
- Notify the Commission Agreement Manager within 10 days if during the course of the Agreement existing match funds are reduced. Reduction in match funds must be approved through a formal amendment to the Agreement and may trigger an additional CPR meeting.

Products:

- A letter regarding match funds or stating that no match funds are provided
- Copy(ies) of each match fund commitment letter(s) (if applicable)
- Letter(s) for new match funds (if applicable)
- Letter that match funds were reduced (if applicable)

The SUB shall:

- Prepare a letter documenting the match funding committed to this MOU and submit it to the Project Manager at most 10 working days following the kick-off meeting. Match funds in the amount of $33,000.00 were a part of the proposal that led to the CEC awarding the Agreement to Kern COG. Provide in the letter a list of the match funds that identifies the:
    - Amount of each cash match fund, its source, including a contact name, address and telephone number and the task(s) to which the match funds will be applied.
    - Amount of each in-kind contribution, a description, documented market or book value, and its source, including a contact name, address and telephone number and the task(s) to which the match funds will be applied. If the in-kind contribution is equipment or other tangible or real property, the SUB shall identify its owner and provide a contact name, address and telephone number, and the address where the property is located.
- Provide to the Project Manager, a copy of the letter of commitment from an authorized representative of each source of cash match funding or in-kind contributions that these funds or contributions have been secured. For match funds provided by a grant a copy of the executed grant shall be submitted in place of a letter of commitment. As grant funding may be secured following the date of this MOU, provide a copy of the executed grant within 10 days of receipt from the funding agency.
- Discuss match funds and the implications to the MOU if they are reduced or not obtained as committed (10 days following the kick-off meeting). Match funds will be included as a line item in the progress reports and will be a topic at CPR meetings.
- Provide the appropriate information to the Project Manager if during the course of the MOU additional match funds are received.
- Notify the Project Manager within 10 days if during the course of the MOU existing match funds are reduced. Reduction in match funds must be approved through a formal amendment to the Agreement and may trigger an additional CPR meeting.

SUB Products:

- A letter regarding match funds or stating that no match funds are provided
- Copy(ies) of each match fund commitment letter(s) (if applicable)
- Letter(s) for new match funds (if applicable)
- Letter that match funds were reduced (if applicable)

Task 1.7 Identify and Obtain Required Permits

The goal of this task is to obtain all permits required for work completed under this Agreement in advance of the date they are needed to keep the Agreement schedule on track.

Permit costs and the expenses associated with obtaining permits are not reimbursable under this Agreement. Although the CEC budget for this task will be zero dollars, the Recipient shall budget match funds for any expected expenditures associated with obtaining permits. Permits must be identified in writing and obtained before the Recipient can make any expenditure for which a permit is required.

The Recipient shall:

- Prepare a letter documenting the permits required to conduct this Agreement and submit it to the Commission Agreement Manager at least 2 working days prior to the kick-off meeting. If there are no permits required at the start of this Agreement, then state such in the letter. If it is known at the beginning of the Agreement that permits will be required during the course of the Agreement, provide in the letter:

- A list of the permits that identifies the:
    - Type of permit
    - Name, address and telephone number of the permitting jurisdictions or lead agencies
- The schedule the Recipient will follow in applying for and obtaining these permits.

- Discuss the list of permits and the schedule for obtaining them at the kick-off meeting and develop a timetable for submitting the updated list, schedule and the copies of the permits. The implications to the Agreement if the permits are not obtained in a timely fashion or are denied will also be discussed. If applicable, permits will be included as a line item in the Progress Reports and will be a topic at CPR meetings.
- If during the course of the Agreement additional permits become necessary, provide the appropriate information on each permit and an updated schedule to the Commission Agreement Manager.
- As permits are obtained, send a copy of each approved permit to the Commission Agreement Manager.
- If during the course of the Agreement permits are not obtained on time or are denied, notify the Commission Agreement Manager within 10 working days. Either of these events may trigger an additional CPR.

Products:

- Letter documenting the permits or stating that no permits are required
- A copy of each approved permit (if applicable)
- Updated list of permits as they change during the term of the Agreement (if applicable)
- Updated schedule for acquiring permits as changes occur during the term of the Agreement (if applicable)
- A copy of each final approved permit (if applicable)

The SUB shall:

- Prepare a letter documenting the permits required to conduct this MOU and submit it to the Project Manager at least 2 working days prior to the kick-off meeting. If there are no permits required at the start of this MOU, then state such in the letter. If it is known at the beginning of the MOU that permits will be required during the course of the MOU, provide in the letter:
    - A list of the permits that identifies the:
        - Type of permit
        - Name, address and telephone number of the permitting jurisdictions or lead agencies
    - The schedule the SUB will follow in applying for and obtaining these permits.
- Discuss the list of permits and the schedule for obtaining them at the kick-off meeting and develop a timetable for submitting the updated list, schedule and the copies of the permits. The implications to the MOU if the permits are not obtained in a timely fashion or are denied will also be discussed. If applicable, permits will be included as a line item in the Progress Reports and will be a topic at CPR meetings.
- If during the course of the MOU additional permits become necessary, provide the appropriate information on each permit and an updated schedule to the Project Manager, who will forward them to the CAM.

- As permits are obtained, send a copy of each approved permit to the Commission Project Manager, who will forward them to the CAM.
- If during the course of the MOU permits are not obtained on time or are denied, notify the Project Manager within 5 working days, noting if there are plans to appeal a decision or to re-submit. Either of these events (delay or denial) may trigger an additional CPR.

SUB Products:

- Letter documenting the permits or stating that no permits are required
- A copy of each approved permit (if applicable)
- Updated list of permits as they change during the term of the MOU (if applicable)
- Updated schedule for acquiring permits as changes occur during the term of the MOU (if applicable)
- A copy of each final approved permit (if applicable)

Task 1.8 Obtain and Execute Subcontracts

The goal of this task is to ensure quality products and to procure subcontractors required to carry out the tasks under this Agreement consistent with the Agreement Terms and Conditions and the Recipient's own procurement policies and procedures. It will also provide the CEC an opportunity to review the subcontracts to ensure that the tasks are consistent with this Agreement, and that the budgeted expenditures are reasonable and consistent with applicable cost principles.

The Recipient shall:

- Manage and coordinate subcontractor activities.
- Submit a draft of each subcontract required to conduct the work under this Agreement to the Commission Agreement Manager for review.
- Submit a final copy of the executed subcontract.
- If Recipient decides to add new subcontractors, then the Recipient shall notify the CAM.

Products:

- Draft subcontracts
- Final subcontracts

The SUB shall:

- Manage and coordinate subcontractor activities.
- Submit a draft of each subcontract required to conduct the work under this MOU to the Project Manager to submit to the CAM for review.
- Submit a final copy of the executed subcontract.
- If SUB decides to add new subcontractors, then the SUB shall notify the Project Manager who will notify the CAM.

SUB Products:

- Draft subcontracts
- Final subcontracts

TECHNICAL TASKS

TASK 2 Electric Vehicle Charging Station Installation

The goal of this task is to install a minimum of seventeen Level 2 and four Direct Current fast charging EV chargers at a minimum of six sites.

The Recipient shall:

- Procure, install, and operate a minimum of seventeen Level 2 and four Direct Current Fast Charging electric vehicle chargers at a minimum of six sites.
- Coordinate with site hosts throughout the process from design through launch.
- Deliver site maps and design project details, including complete schematics on the EV charging station site and electrical design.
- Obtain any required permits and comply with all applicable federal, state and municipal laws, rules, codes, and regulations.
- Ensure charger installation is performed and overseen by a qualified and licensed contractor in accordance with all local, state, and federal codes as well as and permitting and inspection requirements.
- Submit an AB 841 Certification that certifies the project has complied with all AB 841 (2020) requirements specified in the document "Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) Terms and Conditions" provided by the Project Manager, or describes why the AB 841 requirements do not apply to the project. The certification shall be signed by Recipient's authorized representative.
- Submit Electric Vehicle Infrastructure Training Program (EVITP) Certification Numbers of each Electric Vehicle Infrastructure Training Program certified electrician that installed electric vehicle charging infrastructure or equipment. EVITP Certification Numbers are not required to be submitted if AB 841 requirements do not apply to the project.
- Ensure the chargers shall remain in service at the project sites for at least 5 years after installation. Maintain a network service agreement for the chargers.
- Coordinate the placement of directional and/or on-site signage to the stations.
- List the station on the US Department of Energy Alternative Fuel Data Center Station Locator, www.afdc.energy.gov (including mobile apps for Apple and Android devices). Make chargers and sites available for follow-up inspection if requested by the CEC.
- Conduct four outreach activities, including media releases and events.
    - Provide outreach information in Spanish and English.
- Deliver proof of operational charging equipment and installed signage including photos of each site.
- Write and submit semi-annual Electric Vehicle Supply Equipment (EVSE) usage report.

Products:

- Site maps and design information for charging stations for six host cities
- Proof of operational charging equipment and installed signage, including, but not limited to:
    - Photos of each site
    - Proof of charger availability via the Alternative Fuels Data Center Station Locator tool
- AB 841 Certification and EVITP Certification Numbers
- Outreach materials, photos, presentations, agendas, minutes

- Semi-annual EVSE usage report

[CPR WILL BE HELD IN THIS TASK. See Task 1.2 for details]

The SUB shall:

- Procure, install, and operate a minimum of three (3) Level 2 and two (2) Direct Current Fast Charging electric vehicle chargers at a minimum of one site.
- Coordinate with Project Manager and other sites or funding agencies if necessary throughout the process from design through launch.
- Deliver site maps and design project details, including complete schematics on the EV charging station site and electrical design.
- Obtain any required permits and comply with all applicable federal, state and municipal laws, rules, codes, and regulations.
- Ensure charger installation is performed and overseen by a qualified and licensed contractor in accordance with all local, state, and federal codes as well as and permitting and inspection requirements.
- Submit an AB 841 Certification that certifies the project has complied with all AB 841 (2020) requirements specified in "Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) Terms and Conditions" provided by the Project Manager or describes why the AB 841 requirements do not apply to the project. The certification shall be signed by SUB's authorized representative.
- Submit Electric Vehicle Infrastructure Training Program (EVITP) Certification Numbers of each Electric Vehicle Infrastructure Training Program certified electrician that installed electric vehicle charging infrastructure or equipment. EVITP Certification Numbers are not required to be submitted if AB 841 requirements do not apply to the project.
- Ensure the chargers shall remain in service at the project sites for at least 5 years after installation. Maintain a network service agreement for the chargers.
- Coordinate the placement of directional and/or on-site signage to the stations.
- List the station on the US Department of Energy Alternative Fuel Data Center Station Locator, www.afdc.energy.gov (including mobile apps for Apple and Android devices). Make chargers and sites available for follow-up inspection if requested by the CEC.
- Conduct four outreach activities, including city council presentations, employee notices, media releases and events.
    - Provide outreach information in Spanish and English.
- Deliver proof of operational charging equipment and installed signage including photos of each site.
- Write and submit semi-annual Electric Vehicle Supply Equipment (EVSE) usage report. To the Project Manager, with the first report due 3 months from the date the station is online o, by 6/1/2022 (whichever comes first), and then every six months to December 15, 2024, prior to the closeout of the contract between Kern COG and the CEC in 2024.

SUB Products:

- Site maps and design information for charging stations for the host city
- Proof of operational charging equipment and installed signage, including, but not limited to:
    - Photos of each site
    - Proof of charger availability via the Alternative Fuels Data Center Station Locator tool
- AB 841 Certification and EVITP Certification Numbers

- Documentation for four outreach activities, which may include: outreach materials, photos, presentations, agendas, minutes, press releases, social media posts
- Semi-annual EVSE usage report

[CPR WILL BE HELD IN THIS TASK. See Task 1.2 for details]

TASK 3 Infrastructure to Support Workforce Development

[DOES NOT APPLY TO THE CITY OF MCFARLAND]

TASK 4 Outreach

The goal of this task is to support the market for zero emission vehicles by communicating the outcomes of this project to a variety of audiences and providing them with education materials and resources for installing charging stations.

The Recipient shall:

- Conduct ongoing EV and EVI outreach activities, including hosting the 2022 and 2023 TRANSITions Transit Symposiums.
    - Project partners will be invited to speak and/or have a booth
    - Provide copies of agendas, registrations, and photos.
    - Write and submit event reports for 2022 and 2023 TRANSITions Transit Symposiums.
- Conduct at least three additional public electric vehicle charging events or training workshops including, but not limited to, hosting or sponsoring electric vehicle and charger workshops for first responders and teachers.
    - Provide copies of agendas, registrations, and photos.
    - Write and submit event reports for each of the three additional public electric vehicle charging events or training workshops.

Products:

- Copies of agendas, registrations, and photos
- Event report for 2022 TRANSITions Transit Symposium
- Event report for 2023 TRANSITions Transit Symposium
- Event report for each of the three additional public EV charging events or training workshops

The SUB shall:

- Conduct ongoing EV and EVI outreach activities, including participating in the 2022 and 2023 TRANSITions Transit Symposiums.
    - SUB will be invited to speak and/or have a booth
    - Provide copies of SUB registrations, presentation materials, handouts and/or photos.
    - Write and submit participation reports for 2022 and 2023 TRANSITions Transit Symposiums.

SUB Products:

- Copies of agendas, registrations, and photos
- Participation report for 2022 TRANSITions Transit Symposium
- Participation report for 2023 TRANSITions Transit Symposium

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MEMORANDUM
CITY OF MCFARLAND

TO: Mayor and City Council

FROM: Community Development Director, Maria Lara & Chief of Police, Kenny Williams

DATE: August 26, 2021

SUBJECT: Approval to contract with Lexipol for a new city policy manual and to revise the employee handbook.

RECOMMENDATION:

Staff recommends the City Council approve contracting with Lexipol for the development and maintenance of a new policy and procedures manual for the city of McFarland (City). The new policy would decrease the size of the employee handbook and would be used as the main source of reference for staff and managers regarding the city's operational functions.

Lexipol provides a full library of customizable local government policies that are updated in response to state laws, federal laws, and best practices. This solution will help the city enhance compliance, professionalism, and transparency.

BACKGROUND:

The City currently has an employee handbook as the guiding reference for managers and city employees. The handbook is not designed to address the operational methods of the city, therefore there is a lack of reference material to guide managers in areas such as disciplinary processes, emergency management, use of public facilities, etc. In addition, inconsistencies in employee policies and training can expose the city to significant risks.

Lexipol provides a full library of customizable local government policies that are updated in response to new state and federal laws and court decisions. They provide an online training platform to deliver courses and videos designed to meet employee training mandates. They also connect municipalities to grant assistance to make budgets go further and provide wellness resources to protect employees.

The benefits of adding a Lexipol Policy manual to the City will include:

- 47 policies developed by attorneys and subject matter experts with document management tools optimized for policy management and accountability.
- Thousands of online training courses with the ability to easily manage, assign and track training.
- A comprehensive resource for grant research, grant alerts, application help and custom grant writing services.
- A trusted online source of local government news, expert analysis, and research—all available for free to members.

The Lexipol policy manual will greatly increase the City's ability to effectively and efficiently provide a consistently updated resource for all managers and employees. In addition, the policy will provide the City an avenue to assure best practices and a method of meeting its legal obligations regarding the operations of the City.

The McFarland Police Department (MPD) currently contracts with Lexipol for their policy needs. A Lexipol contract with the City would help align the city policies with those of the MPD and decrease confusion and conflicting information.

Currently the city uses the employee handbook to provide managers and employees information. Unfortunately, the handbook is absent of some important topics and lacks in-depth information to help guide decisions. The lack of this important information leaves this process open to interpretation and requires frequent consultation with city attorneys costing the city unnecessary expenses.

PROBLEMS:

Contracting with Lexipol will have an impact on the annual budget. The Lexipol agreement begins with a one-time implementation fee of $15,391.90. This fee includes an orientation with Lexipol to describe the needs of the city followed by the delivery of a policy manual capable of modifications during implementation.

The Lexipol agreement has an annual cost of $3,591.90. This cost is a direct annual impact to the city's general budget for the duration of the contract which is typically two years. Provided with the annual costs is support services to allow for assistance with updates and training modules as they come online.

The Lexipol policy requires a staff member to oversee the implementation phase and the management of updates to assure compliance with new case laws and best practices. The workload to the affected staff members is not expected to exceed ten hours per month.

SOLUTIONS:

Although the implantation fee and annual cost for the Lexipol policy is expensive, the existence of the manual will decrease the costs of consultation with attorneys and has the potential to decrease the likelihood of litigation.

Currently the city contracts with Liberty, Cassidy, and Whitmore for the development and upkeep of the employee handbook. The expense incurred by the city for the last handbook was approximately $12,000. Contracting with Lexipol could decrease the associated costs for the development and implementation of the employee handbook.

As to the required staff time, the City is in the process of hiring a Human Resources Analyst (HRA) which could provide the needed staff time for the implementation and updates required by Lexipol. The HRA is the appropriate position to oversee the policy in direct correlation with duties handled by the position of a Human Resources Analyst.

The contract with Lexipol includes assistance from there company on a one-on-one basis. Their assistance provides for help in designing and developing a policy manual which is uniquely constructed

for the needs of the City. This includes the coordination and implementation of the policy manual through training with all managers and employees.

FISCAL IMPACT:

The proposed contract would impact the budget in the amount of $15,391.90 for the first year and $3,591.90 for the second year. The subsequent years could have an increase of up to three percent for each year.

ATTACHMENT:

Lexipol proposed contract.

LEXIPOL

SOLUTIONS PROPOSAL



PREPARED FOR:
City of McFarland
Chief Kenny Williams
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000 000 0000

PREPARED BY:
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Executive Summary

Public safety agencies and local government organizations today face challenges of keeping personnel safe and healthy, reducing risk and maintaining a positive reputation. Add to that the dynamically changing legislative landscape and evolving best practices, and even the most progressive, forward-thinking departments can struggle to keep up.

Lexipol's solutions are designed to save you time and money while protecting your personnel and your community. Our team consists of professionals with expertise in public safety law, policy, training, mental health and grants. We continually monitor changes and trends in legislation, case law and best practices and use this knowledge to create policies, training, wellness resources and funding services that minimize risk and help you effectively serve your community.

THE LEXIPOL ADVANTAGE

Lexipol was founded by public safety experts who saw a need for a better, safer way to run a public safety agency. Since the company launch in 2003, Lexipol has grown to form an entire risk management solution for public safety and local government. Today, we serve more than 8,100 agencies and municipalities and 2 million public safety and government professionals with a range of informational and technological solutions to meet the challenges facing these dynamic industries. In addition to providing policy management, online training, wellness resources, and grant assistance, we provide 24/7 industry news and analysis through the digital communities Police1, FireRescue1, Corrections1, EMS1 and Gov1.

Our customers choose Lexipol to make an investment in the safety and security of their personnel, their agencies and their communities. We help agencies address issues that create substantial risk, including:

- Inconsistent and outdated polices
- Lack of technology to easily update and issue policies and training electronically
- Unchecked mental health needs of staff
- Difficulty keeping up with new and changing legislation and practices
- Inability to produce policy acknowledgment and training documentation
- Unfamiliarity of city legal resources with the intricacies of public safety law
- The need to secure grant funding for critical equipment, infrastructure and personnel

Lexipol is backed by the expertise of 320 employees with more than 2,075 years of combined experience in constitutional law, civil rights, ADA and discrimination, mental health, psychology, labor negotiations, Internal Affairs, use of force, hazmat, instructional design, federal and state grants and a whole lot more. That means no more trying to figure out policy, develop training or wellness content or secure funding on your own. You can draw on the experience of our dedicated team members who have researched, taught and lived these issues.

We look forward to working with City of McFarland to address your unique challenges.

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Scope of Services

Local Government Administration Policy Manual
Legally defensible, up-to-date policies are the foundation for consistent, safe local government functions and are key to lowering liability and risk. Lexipol's comprehensive policy manual covers key aspects of your organization's general operations, facilities, and equipment, records, and personnel policy needs.

- Approximately 50 policies researched and written by public safety attorneys and subject matter experts
- Policies based on federal laws and regulations as well as nationwide best practices
- Ability to customize content to reflect your organization's unique terminology and structure

Daily Training Bulletins (DTBs)
Even the best policy manual lacks effectiveness if it's not backed by training. Lexipol's Daily Training Bulletins are designed to help your personnel learn and apply your agency's policy content through 2-minute training exercises.

- Scenario-based training ties policy to real-world applications
- Understanding and retention of policy content is improved via a singular focus on one distinct aspect of the policy
- Each Daily Training Bulletin concludes with a question that confirms the user understood the training objective
- Daily Training Bulletins can be completed via computers or from smartphones, tablets or other mobile devices
- Reports show completion of Daily Training Bulletins by agency member and topic

Policy Updates
Lexipol's legal and content development teams continuously review laws and regulations, court decisions and evolving best practices. When needed, we create new and updated policies and provide them to your agency, making it simple and efficient to keep your policy content up to date.

- Updates delivered to you through Lexipol's web-based content delivery platform
- Changes presented in side-by-side comparison against existing policy so you can easily identify modifications/improvements
- Your agency can accept, reject or customize each update

Web-Based Delivery Platform and Mobile App (Knowledge Management System)
Lexipol's online content delivery platform, called KMS, provides secure storage and easy access to all your policy and training content, and our KMS mobile app facilitates staff use of policies and training completion.

- Ability to edit and customize content to reflect your agency's mission and philosophy
- Efficient distribution of policies, updates and training to staff
- Archival and easy retrieval of all versions of your agency's policy manual
- Mobile app provides in-the-field access to policy and training materials

Reports
Lexipol's Knowledge Management System provides intuitive reporting capabilities and easy-to-read reports that enhance command staff meetings and strategic planning.

- Track and report when your personnel have acknowledged policies and policy updates
- Produce reports showing completion of Daily Training Bulletins
- Sort reports by agency member, topic and other subgroups (e.g., shift, assignment)
- Reduce the time your supervisors spend verifying policy acknowledgement and training completion

Supplemental Publication Service
Lexipol's Supplemental Publication Service (SPS) streamlines the storage of your agency's content, giving you one place to access procedures, guidelines, general orders, training guides or secondary policy manuals.

- Electronically links department-specific procedural or supplemental content to your policy manual
- Provides electronic issuance and tracking for your agency's procedural or supplemental content
- Allows you to create Daily Training Bulletins against your procedural content
- Designed for standard operating guidelines, procedures, general orders or field guides

Agency-Specific Content Extraction

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This service is perfect for agencies that wish to populate one or more Supplemental Publication Service (SPS) manuals with their existing content. We'll do the heavy lifting of incorporating your agency's supplemental content (procedures, guidelines, general orders, training guide or a secondary policy manual) into the SPS. Access to an electronic copy of your existing content and a subscription to the Supplemental Publication Service (SPS) is required.

- Data entry of agency procedures or supplemental content into Lexipol's Knowledge Management System (KMS). Note: Lexipol reserves the right to limit the amount of content being imported into the SPS.
- Consistent, professional formatting for your agency's policy-related content
- Hyperlink related content for enhanced end-user experience

Local Government Implementation Policy Tier I: High-Risk Policies
Benefit from our proven, systematic approach to implementing polices. Tier I represents 50% of the manual, including foundational policies necessary to provide structure and authority to your policy manual, as well as policies addressing high-risk, low-frequency and high-risk, high-frequency incidents. You'll receive one-on-one collaborative assistance to help you review, customize and adopt the policies efficiently and effectively.

Local Government Implementation Policy Tier II: High-Liability Policies
Benefit from our proven, systematic approach to implementing polices. Tier II represents 50% of the manual, including policies that relate to common day-to-day operations that have a higher level of potential liability. You'll receive one-on-one collaborative assistance to help you review, customize and adopt the policies efficiently and effectively.

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Proposal

Prepared By: Rosemarie Curran
Phone: (949) 272-5818
Email: rcurran@lexipol.com

Quote #: Q-23490-1
Date: 7/19/2021
Valid Through: 10/17/2021

Overview

Lexipol empowers first responders and public servants to best meet the needs of their residents safely and responsibly. We are the experts in policy, training and wellness support, committed to improving the quality of life for all community members. Our solutions include state-specific policies, online learning, behavioral health resources, funding assistance, and industry news and information offered through the websites Police1, FireRescue1, EMS1 and Corrections1. Lexipol serves more than 2 million public safety and government professionals in over 8,000 agencies and municipalities. The services proposed below are designed to meet your agency's specific goals and needs.

Year One

QTY	DESCRIPTION	UNIT PRICE	DISC	DISC AMT	EXTENDED
1	Annual Local Government Administration Policy Manual & Daily Training Bulletins w/Supplemental Publication Service (12 Months)	USD 3,991.00	10%	USD 399.10	USD 3,591.90
	Subscription Line Items Total			**USD 399.10**	**USD 3,591.90**
1	Local Government Tier I Implementation	USD 5,000.00		USD 0.00	USD 5,000.00
1	Local Government Tier II Implementation	USD 5,000.00		USD 0.00	USD 5,000.00
1	Local Government Administration Content Extraction	USD 1,800.00		USD 0.00	USD 1,800.00
	One-Time Line Items Total			**USD 0.00**	**USD 11,800.00**
				USD 399.10	**USD 15,391.90**

Year One Discount:	USD 399.10
Year One TOTAL:	USD 15,391.90

Year Two

QTY	DESCRIPTION	UNIT PRICE	DISC	DISC AMT	EXTENDED
1	Annual Local Government Administration Policy Manual & Daily Training Bulletins w/Supplemental Publication Service (12 Months)	USD 3,991.00	10%	USD 399.10	USD 3,591.90
	Subscription Line Items Total			**USD 399.10**	**USD 3,591.90**
				USD 399.10	**USD 3,591.90**

Year Two Discount:	USD 399.10
Year Two TOTAL:	USD 3,591.90

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*Government Policy pricing is based on 25 Government Users.

Discount Notes
Multi Manual Discount

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THE CITY OF McFarland
TRADITION • UNITY • EXCELLENCE

401 W. Kern Avenue
McFarland, CA 93250
661-792-3091 Office
661-792-3093 Fax

To: Maria Lara

From: Kenny Williams

Date: August 26, 2021

Subject: Police Activity League

Recommendation:

Unfortunately, the city of McFarland experiences a significant amount of crime related to gang activity. Although the McFarland Police Department (MPD) uses gang enforcement and other enforcement methods to eliminate and deter criminal activity associated with gangs, we do not have a gang deterrence intervention program.

One of the proven methods of gang deterrence is for law enforcement to engage the youth population in an alliance with the community as a means of providing positive role models. Without these types of programs, the future of our youth population is at a higher risk for gang violence. One extremely successful program used by many police agencies is the creation of a Police Activity League.

The Police Activity League (PAL) is one proven method of providing positive role models and one the MPD has used in the past. I would like to recommend re-establishing the MPD Police Activity League to help our community engage the youth population to provide mentorship and stop youth violence through intervention and crime prevention.

Fiscal Impact:

There would be no additional cost to the city as the funding is currently allocated into the police budget under the recently eliminated part time Police Office Technician position. The position is funded for $28,000 which would suffice for the re-establishment of the program and allow the MPD to hire a part time employee to manage the PAL program.

Discussion:

Currently, the McFarland Police Department has no program established for youth engagement. The youth population is the future of our communities, and their engagement is the key to assuring the community is not hampered by the negative influence of gangs. The PAL program engages boys and girls in positive activities, improves the quality of life, and presents opportunities to offer the prospect of a bright future.

PAL programs exist in over 45 states. The Department of Justice Office of Juvenile Justice Delinquency and Prevention and the International Chief of Police Association (IACP) have financially and publicly supported PAL as the #1 Law Enforcement Community Policing Program in the county. Over 1 million youth participate in programs across the county and around the world.

To assure we are successful the MPD would link itself with the California Police Activity league (CALPAL) and formulate our existence as a 501(c) (3) non-profit organization. The Mission of CALPAL is to "Unite law enforcement officers & communities" by providing networking resources, youth programs, and support to the Chapter Member. CALPAL provides training seminars for PAL personnel, fund-raising information, discounted insurance for each of the PAL chapters, and much more. The immediate goal of PAL is to reach the youth population that are faced with daily challenges of growing up in todays' society. The long-term goal of CALPAL is to stop youth violence through intervention and crime prevention.

The McFarland Unified School District, the Kern County Parks and Recreation district, the McFarland Chamber of Commerce, and local businesses support the re-establishment of the McFarland PAL program.

The re-establishment of the PAL program would include identifying the purpose of the PAL program, the creation of a board of directors, the development of bylaws, and other necessary policies and procedures.

Establishing the PAL program for success includes hiring the right person to manage the program. The PAL officer's primary responsibility is to ensure that the mission of the Police Activities League is carried out and to manage the day-to-day operation of the program.

The PAL officer should have a characteristic that supports being involved with youth and youth programs, is respectful, honest, a good listener, patient, has a sense of humor, is respected, confident, encourages good self-esteem, is efficient, is imaginative, reliable, respectful, dependable, and able to speak in front of groups.

The PAL officer should be able to mentor, supervise, coach, lead, fundraise, umpire, tutor, motivate, instruct, referee, organize, negotiate, and counsel.

The Problem:

Hiring the correct candidate: The success of a PAL program is often dependent upon hiring the correct person to manage and develop the program. In the event we hire someone lacking the correct knowledge, skills, and abilities there could be a significant learning curve that hinders and slows the re-establishment of the program.

Other costs of the program: Unfortunately, staff funding is not the only funds needed to run a successful PAL program. Funding for office supplies, transportation costs, fundraising events, food, water, and other expenses are required.

Expired non-profit license: PAL programs usually operate as non-profit organizations. Years ago, the MPD had a PAL program with a non-profit license established under a 501 (c)(3).

Unfortunately, the non-profit license recently expired, which will require the MPD PAL to contact the office of the *Internal Revenue Service* and apply to re-establish the license.

Solution:

I recommend the MPD be granted permission to re-establish the McFarland PAL program by hiring a part time PAL officer and reapplying for the non-profit license. The success of the MPD PAL program is dependent on hiring the correct officer for the position. Fortunately, recruiting and hiring the right candidate is currently being established through coordination with previous PAL officers who have a significant interest in helping assure the success of the MPD PAL program. We are hopeful that these individuals will help bring about the selection of a PAL officer with the correct knowledge, skills, and abilities to bring success to the program.

The funding is currently established in the police budget and the remaining funds for operation will be obtained through donations and other means which will not affect the City's budget.

Because a prior McFarland PAL program existed, there is already an existing bank account and a non-profit 501 (c) (3) established. Unfortunately, the nonprofit license has expired, however, in researching the problem the re-establishment of the license is not complicated and can be completed within a month.

The re-establishment of the MPD PAL program will help develop a bond between the MPD and the McFarland youth population that will provide positive mentorship and help stop youth violence through intervention and crime prevention.

MEMORANDUM

CITY OF MCFARLAND

TO: Honorable Mayor and Council Members

FROM: Maria Lara, City Manager
Mario Gonzales, Public Works Director

DATE: August 12, 2021

SUBJECT: Report, Discuss and Consider Approval of City of McFarland Facility Use Agreement, Policies and Rates, Per Councilmember Ayon

RECOMMEND:

Staff recommends that City Council approve the City of McFarland Facility Use Agreement, Policies and Rates.

DISCUSSION:

The City of McFarland owns and operates the following public facilities: Veteran's Hall, Jim White Blanco Park, Munoz Park and Kern Ave Gazebo.

The current rental charges for the Veteran's Hall are listed below and include a total of four (4) hours free of charge for the set up and clean up; tables and chairs are available for use free of charge.

Veterans Hall (Pricing Now) (Capacity 350 Assembly and 150 Dinning)		
	McFarland Resident	**Non-Resident**
Deposit – (Refundable 10 days after event, only if hall was left clean and no damages)	$350.00	$350.00
Renter's Fee (Minimum of 2hrs)		
Hourly- (First 6 hrs.)	$50.00	$50.00
Hourly (After 6hrs.)	$30.00	$30.00
Kitchen Deposit	$150.00	$150.00 Non-refundable
Insurance	$1 Million	$1 Million
Insurance w/Alcohol	$2 Million	$2 Million
Security per 50 people (only serving alcohol)	$20.61	$20.61

Staff recommends that city council to remove all security options provided by the city. City recommends renter to provide third party license/insured security. In addition, staff recommends a flat fee for the hall. Staff also recommends the pricing below for renters.

Veterans Hall (Pricing Recommendation) (Capacity 350 Assembly and 150 Dinning)		
	McFarland Resident	**Non-Resident**
Deposit – (Refundable 10 days after event, only if hall was left clean, no damages, and inspected by City Staff)	$350.00	$450.00
Renter's Fee		
First six (6) hrs.	$300.00	$400.00
Hourly (After 6hrs.)	$30.00	$40.00
Kitchen Fee	$150.00	$150.00 Non-refundable
Insurance	$1 Million	$1 Million
Insurance w/Alcohol	$2 Million	$2 Million
Security per 50 people (only serving alcohol). Security per 100 people (non-alcohol).	Licensed Security must be provided by Renter.	Licensed Security must be provided by Renter

On September 1, 2021, the city will be taking over the maintenance and operations of Jim White Blanco Park and Munoz Park. The staff is seeking direction from council on possibly adopting the proposed fees below to be consistent with McFarland Recreation and Park District and surrounding areas.

City of McFarland			
Jim White Park, Muñoz Park, Gazebos	**FEE**	**Deposit**	**Insurance Required**
Sport Field - 2 Hour Minimum Soccer and/or Softball Field	$30 1st hour/$15 additional per hour	$100.00	Yes
Parking Lot Event	$150.00 Per Day	$100.00	Yes
Tournaments	$200.00 Per Day	$100.00	Yes
Shelter/Gazebo Rental	$30.00 Per Day	$100.00	Yes

FISCAL IMPACTS:

Approving the Facility Use Agreement and Rental Fees will have an impact on the operating budget for the city owned facilities.

ATTACHMENTS:

- City of McFarland Facility Use Agreement

REAL PROPERTY LEASE AGREEMENT
(LOCATION: 103 W. Sherwood Avenue, McFarland, CA 93250)

THIS LEASE AGREEMENT (this "Lease"), is made and entered into this ____ day of _____, 2021 (the "Date of this Lease"), by and between the CITY OF MCFARLAND (the "City" or the "Lessor") and _____, a California non-profit corporation (the "Church" or "Lessee").

WHEREAS, the Lessor owns that real property (the "Premises"), which is illustrated and designated on the "Premises Map" attached to this Lease as Attachment No. 1, and incorporated herein by reference, and is more particularly described in the "Legal Description of the Premises", attached to this Lease as Attachment No. 2, and incorporated herein by reference; and

WHEREAS, pursuant and subject to the terms and conditions set forth herein, the Lessee shall lease the premises from the Lessor and the Lessor shall lease the Premises to the Lessee in order to accommodate the Lessee's continued use of the Premises.

NOW, THEREFORE, in consideration of the foregoing and of the mutual conditions, promises and covenants hereinafter contained, the parties hereto hereby agree as follows:

1. **LEASE OF PREMISES**. Lessor agrees to lease to Lessee, and Lessee agrees to lease from Lessor the Premises in in an "as-is" condition, in accordance with the following terms and conditions.

   The Lease is non-exclusive and is subject to all existing easements, servitudes, licenses and rights-of-way for roads, highways, telephone, and electric power lines and other purposes, whether recorded or not, deed restrictions, and the rights of other lessees and/or authorized users of the Premises.

2. **USE OF PREMISES**. During the term hereof, the Premises shall be used by Lessee solely for the purpose(s) and at the times described on Attachment No. 3 to this Lease and incorporated herein by reference.

3. **TERM OF LEASE**. The term of this Lease shall commence on the Date of this Lease (the "Effective Date") and shall terminate one (1) year thereafter (the "Initial Term"); provided, however, that the Lessor's City Manager, or his or her designee, shall have the authority to grant extensions in addition to the Initial Term of the Lease in one (1) year increments upon the Lessee first providing a written request to the Lessor.

   Upon any extension of the Initial Term, the Lessor and Lessee shall complete the "Schedule of Extensions to the Initial Term" that is attached hereto as Attachment No. 4 and incorporated herein by reference, by indicating:

a. The effective date of such extension;
b. The new expiration/termination date of this Lease; and
c. Signatures of each party

The Lessee's request for an extension of the Initial Term shall be submitted to the Lessor no later than thirty (30) days prior to the end of the Initial Term, or, if applicable, any previous extension thereof. At Lessee's sole discretion, the Lease may be terminated sooner upon thirty (30) days written notice to the Lessor, or as otherwise provided herein.

4. **HOLDING OVER**. In the event Lessee holds over beyond the end of the term with the implied or express consent of Lessor, such holding over shall be at the monthly rent established in Paragraph 5 of this Lease and subject to all other terms and conditions of the Lease. Lessee may not hold over without the express consent of Lessor.

5. **RENT**. The Lessee agrees to and shall pay the Lessor monthly rent in the amount of _____ ($_____.00) (the "Rent") during the Initial Term. The Rent shall be payable on or before the Effective Date and on or before the ___ day of each month of this Lease. In the event the Lessee extends the Initial Term by providing written notice to the Lessor as set forth in Section 3, the amount of rent to be paid by the Lessee to the Lessor during such extension period shall be negotiated and agreed to in writing prior to the commencement of such extension period.

a. Other Monies Paid Upon Execution:

i. Security Deposit: $_____

The Security Deposit shall act as security for Lessee's faithful performance of its obligations under this Lease. If Lessee fails to pay Rent, or otherwise Defaults under this Lease, Lessor may use, apply or retain all or any portion of said Security Deposit for the payment of any amount due Lessor or to reimburse or compensate Lessor for any liability, expense, loss or damage which Lessor may suffer or incur by reason thereof. If Lessor uses or applies all or any portion of the Security Deposit, Lessee shall within 10 days after written request therefor deposit monies with Lessor sufficient to restore said Security Deposit to the full amount required by this Lease. Lessor shall not be required to keep the Security Deposit separate from its general accounts. Within 14 days after the expiration or termination of this Lease, if Lessor elects to apply the Security Deposit only to unpaid Rent, and otherwise within 30 days after the Premises have been vacated due to termination of the Lease, and Lessee has performed all obligations under this Lease, Lessor shall return that portion of the Security Deposit not used or applied by Lessor. No part of the Security Deposit shall be considered to be held in trust, to bear interest or to be prepayment for any monies to be paid by Lessee under this Lease.

b. Late Charges. Lessee hereby acknowledges that late payment by Lessee of Rent will cause Lessor to incur costs not contemplated by this Lease, the exact amount

of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges, and late charges which may be imposed upon Lessor by any Lender. Accordingly, if any Rent shall not be received by Lessor within 5 days after such amount shall be due, then, without any requirement for notice to Lessee, Lessee shall immediately pay to Lessor a one-time late charge equal to 20% of each such overdue amount. The Parties hereby agree that such late charge represents a fair and reasonable estimate of the costs Lessor will incur by reason of such late payment. Acceptance of such late charge by Lessor shall in no event constitute a waiver of Lessee's Default or Breach with respect to such overdue amount, nor prevent the exercise of any of the other rights and remedies granted hereunder. In the event that a late charge is payable hereunder, whether or not collected, for 3 consecutive installments of Rent, then notwithstanding any provision of this Lease to the contrary, Rent shall, at Lessor's option, become due and payable quarterly in advance.

c. Interest. Any monetary payment due Lessor hereunder, other than late charges, not received by Lessor, when due as to scheduled payments (such as Base Rent) or within 30 days following the date on which it was due for non-scheduled payment, shall bear interest from the date when due, as to scheduled payments, or the 31st day after it was due as to non-scheduled payments. The interest ("Interest") charged shall be computed at the greater of 10% per annum or the maximum rate of interest allowed by law. Interest is payable in addition to the potential late charge provided for in Paragraph 2(b).

6. **TENANT IMPROVEMENTS**. Lessee shall be solely responsible for tenant improvements required to utilize the Premises as permitted and contemplated by this Lease. Prior to any tenant improvements, Lessee shall be required to obtain written approval from Lessee. Lessee may deny such approval at its discretion.

7. **REPAIR AND MAINTENANCE**. During the term of this Lease, including both the Initial Term and any extension thereof, the Lessor shall be responsible for all minor repairs and day-to-day maintenance of the Premises. Additionally, the Lessor shall be responsible for those repairs and maintenance pertaining to HVAC systems, existing electrical and mechanical equipment, plumbing (excluding minor fixture repair), and structural repairs and maintenance to the building.

8. **UTILITIES AND SERVICES**. The Lessor shall be solely responsible for payment of all utilities and services furnished to, or used by the Lessee at the Premises, including without limitations, gas, electricity, water, sewer, telephone, cable, janitorial service, waste refuse and all pertinent taxes, levies, connection charges, fees, and surcharges, if applicable.

9. **ALTERATIONS AND REPAIRS**. The Lessee acknowledges that it accepts the Premises in an "as-is, and with all faults" condition and agrees to make no demands upon the Lessor for any alterations or improvements, unless agreed to by the Lessor. The Lessee shall have the right to make alterations or improvements only upon receipt of written approval thereof from the Lessor, which will not be unreasonably denied.

10. **INDEMNIFICATION** The Lessee agrees to indemnify, defend and save harmless the Lessor, its agents, officers and employees from and against any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including, but not limited to, bodily injury, death, personal injury, or property damage arising from or connected with Lessee's operations, or its services hereunder, including any workers' compensation suits, liability, or expense, arising from or connected with services performed on behalf of the Lessee by any person pursuant to this Lease.

11. **INSURANCE**. Without limiting the Lessee's indemnification of the Lessor, the Lessee shall provide and maintain at its own expense insurance covering its operations hereunder. Such insurance shall be provided by insurer(s) satisfactory to the Lessor and evidence of such programs satisfactory to the Lessor shall be delivered to the Lessor on or before the Effective Date of this Lease. Such evidence shall specifically identify this Lease and shall contain express conditions that the Lessor is to be given written notice at least thirty (30) days in advance of any notification or termination of any program of insurance.

    Such insurance shall be primary to and not contributing with any other insurance maintained by the Lessor, and shall name the Lessor as an additional insured, and shall include, but not be limited to: Comprehensive General Liability insurance endorsed for Premises-Operations, Contractual, Broad Form Property Damage, and Personal Injury with a combined single limit of not less than $1,000,000 per occurrence.

12. **FAILURE TO PROCURE INSURANCE**. Failure on the part of the Lessee to procure or maintain required insurance shall constitute a material breach of this Lease upon which the Lessor may immediately terminate this Lease or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, and all monies so paid by the Lessor shall be repaid by the Lessee to the Lessor upon demand, or the Lessor may offset the cost of the premiums against any monies due to the Lessee from the Lessor.

13. **DEFAULT**. The Lessee agrees that if a default is made in any of the covenants and agreements herein contained to be kept by the Lessee, the Lessor may forthwith revoke and terminate this Lease.

14. **ASSIGNMENT**. This Lease is personal to the Lessee, and in the event the Lessee shall attempt to assign or transfer the same in whole or part, all rights hereunder shall immediately cease and come to an end.

15. **OPERATIONAL RESPONSIBILITIES**. During the term of this Lease, including both the Initial Term and any extension thereof, the Lessee shall:

    a. Use the Premises for the purpose of operating a church on Wednesday between the hours of ____ and ____, and Sundays between the hours of ___ and ___;
    b. Comply with the terms and conditions set forth in this Lease;
    c. Comply with and abide by all applicable rules and regulations required by the Lessor;

d. Comply with all applicable local, state and federal ordinances, laws and regulations and, in the course thereof, obtain and keep in effect all permits and licenses required to conduct the authorized activities on the Premises;
e. Maintain the Premises in a clean and sanitary condition;
f. Conduct the activities permitted herein in a courteous and non-profane manner and remove any agent, servant or employee who fails to do so;
g. Assume the risk of loss, damage or destruction due to theft, fire and casualty of any and all fixtures and personal property belonging to the Lessee that are installed or placed upon or within the Premises;
h. Repair any and all damage to the Premises caused by or arising out of the Lessee's use of the Premises;
i. Permit the Lessor and/or its authorized representatives to enter the Premises at any time during business hours for the purpose of determining whether the Lessee is in compliance with the terms and conditions of this Lease;
j. Prohibit signs or matter to be displayed upon or within the Premises.

16. NOTICES. Notices to be given by this Lease or by any law now or hereafter in effect may be given by personal service or by enclosing the same in a sealed envelope addressed to the party for whom intended and by depositing such envelope with postage prepaid in the United States Post Office or any substation thereof, or any public letter box, and any such notice and the envelope containing the same shall be addressed to Lessee as follows:

City of McFarland
401 West Kern Avenue
McFarland, CA 93250
Attention: City Manager

or such other place as may hereinafter be designated in writing by the Lessee and the notices and envelopes containing the same to Lessor shall be addressed to:

17. WARRANT OF AUTHORITY. Each of the undersigned signatories for the Lessee hereby personally covenant, warrant and guarantee that each of them, jointly and severally, have the power and authority to execute this Lease upon the terms and conditions stated herein and each agrees to indemnify and hold harmless the Lessor from all damages, costs, and expenses, which result from a breach of this material representation.

18. TERMINATION OF LEASE. Termination of this Lease for any reason whatsoever shall not release either party from liability or obligation hereunder resulting from an event which may have occurred before such termination, or thereafter in case by the terms of this Lease it is provided that certain things shall or may have to be done after such termination (including, but not limited to, removal of fixtures and equipment placed on the Premises by the Lessee)

a. Default; Breach. A "Default" is defined as a failure by the Lessee to comply with or perform any of the terms, covenants, conditions or Rules and Regulations under this Lease. A "Breach" is defined as the occurrence of one or more of the following Defaults, and the failure of Lessee to cure such Default within any applicable grace period:

i. The abandonment of the Premises; or the vacating of the Premises without providing a commercially reasonable level of security, or where the coverage of the property insurance described above is jeopardized as a result thereof, or without providing reasonable assurances to minimize potential vandalism.

ii. The failure of Lessee to make any payment of Rent or any Security Deposit required to be made by Lessee hereunder, whether to Lessor or to a third party, when due, to provide reasonable evidence of insurance or surety bond, or to fulfill any obligation under this Lease which endangers or threatens life or property, where such failure continues for a period of 3 business days following written notice to Lessee.

iii. The failure by Lessee to provide any documentation or information which Lessor may reasonably require of Lessee under the terms of this Lease, where any such failure continues for a period of 10 days following written notice to Lessee.

iv. A Default by Lessee as to the terms, covenants, conditions or provisions of this Lease, where such Default continues for a period of 30 days after written notice; provided, however, that if the nature of Lessee's Default is such that more than 30 days are reasonably required for its cure, then it shall not be deemed to be a Breach if Lessee commences such cure within said 30 day period and thereafter diligently prosecutes such cure to completion.

v. The occurrence of any of the following events: (i) the making of any general arrangement or assignment for the benefit of creditors; (ii) becoming a "debtor" as defined in 11 U.S.C. §101 or any successor statute thereto (unless, in the case of a petition filed against Lessee, the same is dismissed within 60 days); (iii) the appointment of a trustee or receiver to take possession of substantially all of Lessee's assets located at the Premises or of Lessee's interest in this Lease, where possession is not restored to Lessee within 30 days; or (iv) the attachment, execution or other judicial seizure of substantially all of Lessee's assets located at the Premises or of Lessee's interest in this Lease, where such seizure is not discharged within 30 days; provided, however, in the event that any provision of this subparagraph (e) is contrary to any applicable law, such provision shall be of no force or effect, and not affect the validity of the remaining provisions.

vi. The discovery that any financial statement of Lessee given to Lessor was materially false.

b. Remedies. If Lessee fails to perform any of its affirmative duties or obligations, within 10 days after written notice (or in case of an emergency, without notice), Lessor may, at its option, perform such duty or obligation on Lessee's behalf, including but not limited to the obtaining of reasonably required bonds, insurance policies, or governmental licenses, permits or approvals. Lessee shall pay to Lessor an amount equal to the costs and expenses incurred by Lessor in such performance upon receipt of an invoice therefor. In the event of a Breach, Lessor may, with or without further notice or demand, and without limiting Lessor in the exercise of any right or remedy which Lessor may have by reason of such Breach:

i. Terminate Lessee's right to possession of the Premises by any lawful means, in which case this Lease shall terminate, and Lessee shall immediately surrender possession to Lessor. In such event Lessor shall be entitled to recover from Lessee: (i) the unpaid Rent which had been earned at the time of termination; (ii) the worth at the time of award of the amount by which the unpaid rent which would have been earned after termination until the time of award exceeds the amount of such rental loss that the Lessee proves could have been reasonably avoided; (iii) the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss that the Lessee proves could be reasonably avoided; and (iv) any other amount necessary to compensate Lessor for all the detriment proximately caused by the Lessee's failure to perform its obligations under this Lease or which in the ordinary course of things would be likely to result therefrom, including but not limited to the cost of recovering possession of the Premises, expenses of reletting, including necessary renovation and alteration of the Premises, reasonable attorneys' fees, and that portion of any leasing commission paid by Lessor in connection with this Lease applicable to the unexpired term of this Lease. The worth at the time of award of the amount referred to in provision (iii) of the immediately preceding sentence shall be computed by discounting such amount at the discount rate of the Federal Reserve Bank of the District within which the Premises are located at the time of award plus one percent. Efforts by Lessor to mitigate damages caused by Lessee's Breach of this Lease shall not waive Lessor's right to recover damages under the terms of this Lease. If termination of this Lease is obtained through the provisional remedy of unlawful detainer, Lessor shall have the right to recover in such proceeding any unpaid Rent and damages as are recoverable therein, or Lessor may reserve the right to recover all or any part thereof in a separate suit. If a notice and grace period required under terms of this Lease was not previously given, a notice to pay rent or quit, or to perform or quit given to Lessee under the unlawful detainer statute shall also constitute the notice required under the terms of

this Lease. In such case, the applicable grace period required under the terms of this Lease and the unlawful detainer statute shall run concurrently, and the failure of Lessee to cure the Default within the greater of the two such grace periods shall constitute both an unlawful detainer and a Breach of this Lease entitling Lessor to the remedies provided for in this Lease and/or by said statute.

ii. Continue the Lease and Lessee's right to possession and recover the Rent as it becomes due, in which event Lessee may sublet or assign, subject only to reasonable limitations. Acts of maintenance, efforts to relet, and/or the appointment of a receiver to protect the Lessor's interests, shall not constitute a termination of the Lessee's right to possession.

iii. Pursue any other remedy now or hereafter available under the laws or judicial decisions of the state wherein the Premises are located. The expiration or termination of this Lease and/or the termination of Lessee's right to possession shall not relieve Lessee from liability under any indemnity provisions of this Lease as to matters occurring or accruing during the term hereof or by reason of Lessee's occupancy of the Premises.

19. LIENS. The Lessee shall have no power to do any act or make any contract which may be created or be the foundation for any lien, mortgage or other encumbrance upon the Premises or in the buildings or improvements thereon; it being agreed that should the Lessee cause any alterations, rebuilding, replacements, changes, additions, improvements, or repairs to be made to the Premises, or labor performed or material furnished therein, thereon or thereto, neither the Lessor nor the Premises under any circumstances be liable for the payment of any expense incurred or for the value of any work done or material furnished, but all such alterations, rebuilding, replacements, changes, additions, improvements, and repairs, and labor and material, shall be made, furnished and performed at the Lessee's expense, and the Lessee shall be solely and wholly responsible to the contractors, laborers and materialmen furnishing and performing such labor and material.

If, because of any act or omission (or alleged act or omission) of the Lessee, any mechanic's or other lien, charge or order for the payment of money shall be filed against the demised Premises or any buildings or improvements thereon, or against the Lessor (whether or not such lien, charge or order is valid or enforceable as such), the Lessee shall, at its own cost and expense, cause the same to be cancelled and discharged of record or bonded within ten (10) days after notice to the Lessee of the filing thereof, and the Lessee shall indemnify and save harmless the Lessor against and from all 5 costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands, including reasonable counsel fees, resulting therefrom.

20. LESSEE ADMINISTRATION OF LEASE. The Lessor's Executive Director, or his or her designee shall have the authority to administer the Lessor's responsibilities under this Lease in accordance with its terms.

21. ATTORNEYS FEES. If any Party brings an action or proceeding involving the Premises whether founded in tort, contract or equity, or to declare rights hereunder, the Prevailing Party (as hereafter defined) in any such proceeding, action, or appeal thereon, shall be entitled to reasonable attorneys' fees. Such fees may be awarded in the same suit or recovered in a separate suit, whether or not such action or proceeding is pursued to decision or judgment. The term, "Prevailing Party" shall include, without limitation, a Party who substantially obtains or defeats the relief sought, as the case may be, whether by compromise, settlement, judgment, or the abandonment by the other Party of its claim or defense. The attorneys' fees award shall not be computed in accordance with any court fee schedule but shall be such as to fully reimburse all attorneys' fees reasonably incurred. In addition, Lessor shall be entitled to attorneys' fees, costs and expenses incurred in the preparation and service of notices of Default and consultations in connection therewith, whether or not a legal action is subsequently commenced in connection with such Default or resulting Breach ($450 is a reasonable minimum per occurrence for such services and consultation).

22. INTEGRATION. This Lease Agreement represents the sole and only agreement between the parties regarding the matters addressed herein and the parties acknowledge and agree that no oral or other written agreements or representations exist between the parties affecting this Lease Agreement. This Lease Agreement supersedes and cancels any and all previous negotiations, arrangements, representations, agreements, and understandings, if any.

23. SEVERABILITY. If any provision of this Lease Agreement shall be determined to be void by any court of competent jurisdiction, such determination shall not affect any other provision of this Lease Agreement and all such other provisions shall remain in full force and effect.

24. AMENDMENTS. This Lease may be modified only in writing, signed by the Parties in interest at the time of the modification. As long as they do not materially change Lessee's obligations hereunder, Lessee agrees to make such reasonable non-monetary modifications to this Lease as may be reasonably required by the Lessor.

25. WAIVER. No waiver by Lessor of the Default or Breach of any term, covenant, or condition hereof by Lessee, shall be deemed a waiver of any other term, covenant, or condition hereof, or of any subsequent Default or Breach by Lessee of the same or of any other term, covenant, or condition hereof. Lessor's consent to, or approval of, any act shall not be deemed to render unnecessary the obtaining of Lessor's consent to, or approval of, any subsequent or similar act by Lessee, or be construed as the basis of an estoppel to enforce the provision or provisions of this Lease requiring such consent. The acceptance of Rent by Lessor shall not be a waiver of any Default or Breach by Lessee. Any payment by Lessee may be accepted by Lessor on account of moneys or damages due Lessor, notwithstanding any qualifying statements or conditions made by Lessee in connection therewith, which such statements and/or conditions shall be of no force or effect whatsoever unless specifically agreed to in writing by Lessor at or before the time of deposit of such payment.

26. COVENANTS AND CONDITIONS; CONSTRUCTION OF AGREEMENT. All provisions of this Lease to be observed or performed by Lessee are both covenants and conditions. In construing this Lease, all headings and titles are for the convenience of the Parties only and shall not be considered a part of this Lease. Whenever required by the context, the singular shall include the plural and vice versa. This Lease shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it.

27. WAIVER OF JURY TRIAL; BINDING ARBITRATION. THE PARTIES TO THIS AGREEMENT HEREBY WAIVE THEIR RESPECTIVE RIGHTS TO A TRIAL BY JURY ANY AND ALL PAST, PRESENT AND FUTURE ACCOUNTS, ACTIONS, AGREEMENTS, CAUSES OF ACTION, CLAIMS, COSTS OR EXPENSES (INCLUDING, BUT NOT LIMITED TO, ATTORNEY'S FEES AND DISBURSEMENTS), DAMAGES, DEBTS, DEMANDS, LIABILITIES, LOSSES, OBLIGATIONS, OR RECKONINGS OF ANY KIND OR NATURE WHATSOEVER, FOR COMPENSATORY OR EXEMPLARY AND PUNITIVE DAMAGES, OR DECLARATORY, EQUITABLE OR INJUNCTIVE RELIEF, WHETHER BASED ON CONTRACT, TORT, OR OTHER THEORIES OF RECOVERY PROVIDED FOR BY THE COMMON OR STATUTORY LAW, ASCERTAINED OR UNASCERTAINED, KNOWN OR UNKNOWN, PATENT OR LATENT, SUSPECTED OR CLAIMED, ARISING OUT OF OR RELATING IN ANY WAY TO THE AGREEMENT OR THE PREMISES.

BINDING ARBITRATION. THE PARTIES HERETO EXPRESSLY AGREE AND CONSENT TO BINDING ARBITRATION. THE PARTIES AGREE THAT ANY DISPUTE ARISING OUT OF OR RELATING TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO THE INTERPRETATION AND ENFORCEMENT OF THIS AGREEMENT, AND CLAIMS OF ANY TYPE INCLUDING DAMAGES, SHALL BE RESOLVED IN BAKERSFIELD, CALIFORNIA BY BINDING ARBITRATION PURSUANT TO THE CALIFORNIA ARBITRATION ACT, CALIFORNIA CODE OF CIVIL PROCEDURE, SECTION 1280, ET SEQ., INCLUDING THE DISCOVERY RIGHTS OF SECTION 1283.05. THE PARTIES SHALL JOINTLY SELECT AN ARBITRATOR WITHIN FIFTEEN (15) DAYS FOLLOWING SERVICE OF "NOTICE OF CLAIM" BY ANY PARTY TO THIS AGREEMENT. IF AGREEMENT ON THE ARBITRATOR IS NOT REACHED WITHIN SAID PERIOD, THEN SUCH ARBITRATOR SHALL BE APPOINTED BY THE PRESIDING JUDGE FOR THE KERN COUNTY SUPERIOR COURT.

Lessor Initials: _____ **Lessee Initials: _____**

28. AMERICANS WITH DISABILITIES ACT. Since compliance with the Americans with Disabilities Act (ADA) is dependent upon Lessee's specific use of the Premises, Lessor

makes no warranty or representation as to whether or not the Premises comply with ADA or any similar legislation as those requirements relate to the Lessee's specific use of the Premises. In the event that Lessee's use of the Premises requires modifications or additions to the Premises in order to be in ADA compliance, Lessee agrees to make any such necessary modifications and/or additions at Lessee's expense.

29. **BINDING EFFECT; CHOICE OF LAW**. This Lease shall be binding upon the Parties, their personal representatives, successors and assigns and be governed by the laws of the State in which the Premises are located. Any litigation between the Parties hereto concerning this Lease shall be initiated in Kern County, California, the principal place of business of Lessor and the place at which this Agreement is made, entered into and to be performed.

LESSOR AND LESSEE HAVE CAREFULLY READ AND REVIEWED THIS LEASE AND EACH TERM AND PROVISION CONTAINED HEREIN, AND BY THE EXECUTION OF THIS LEASE SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO. THE PARTIES HEREBY AGREE THAT, AT THE TIME THIS LEASE IS EXECUTED, THE TERMS OF THIS LEASE ARE COMMERCIALLY REASONABLE AND EFFECTUATE THE INTENT AND PURPOSE OF LESSOR AND LESSEE WITH RESPECT TO THE PREMISES.

ATTENTION: THE PARTIES ARE URGED TO:

1. SEEK ADVICE OF COUNSEL AS TO THE LEGAL AND TAX CONSEQUENCES OF THIS LEASE.

2. RETAIN APPROPRIATE CONSULTANTS TO REVIEW AND INVESTIGATE THE CONDITION OF THE PREMISES. SAID INVESTIGATION SHOULD INCLUDE BUT NOT BE LIMITED TO: THE POSSIBLE PRESENCE OF HAZARDOUS SUBSTANCES, THE ZONING OF THE PREMISES, THE STRUCTURAL INTEGRITY, THE CONDITION OF THE ROOF AND OPERATING SYSTEMS, AND THE SUITABILITY OF THE PREMISES FOR LESSEE'S INTENDED USE.

[*Signature Page Follows*]

The parties hereto have executed this Lease at the place and on the dates specified above their respective signatures.

Executed at:_____	Executed at:_____
on:_____	on: _____
By **LESSOR**:	By **LESSEE**:
City of McFarland	_____
By:_____	By:_____
Sally Gonzalez	
Its: Mayor	Its: _____

Attachment No. 1
Premises Map

Attachment No. 2
Legal Description

Attachment No. 3
Use of Premises

The Lessee shall use the Premises to meet its operational objective of providing facilities for church activities and instruction on Sundays between _____ and _____, and Wednesdays between _____ and _____.

The Lessee shall return the Premises to its condition existing prior to each use by Lessee, including, without limitation, removing any food, equipment, or other materials after each day's use, and shall sweep and clen the Premises as needed and to the reasonable satisfaction of the Lessor.

Upon the expiration or earlier termination of this Lease, including any extension(s), Lessee shall remove all materials and equipment that it placed upon or within the Premises, or shall transfer ownership of such property to the Lessor. The Premises shall at all times be open to inspection by all local, state and federal governmental authorities. In the event the Lessor determines that the Lessee's use of the Premises creates an unnecessary and/or unreasonable risk to the Premises or to public health, safety or welfare, the Lessor may require that the Lessee cease using the Premises until such risk no longer exists.

Attachment No. 4
Schedule of Extensions to the Initial Term

Effective Date of Extension	New Expiration Date	New Monthly Rent	Lessor's Signature	Lessee's Signature

THE CITY OF McFarland
TRADITION • UNITY • EXCELLENCE

CITY OF MCFARLAND
FACILITY USE AGREEMENT

It is the City of McFarland's desire that all patrons who periodically use a City of McFarland building, room, land, field, area, or other City property (the "FACILITY") are able to enjoy the facility. This AGREEMENT has been set in place to achieve that goal.

The person signing this AGREEMENT and the organization on whose behalf the Facility rental is being made (collectively the "RENTER") are responsible for compliance with this AGREEMENT. All RENTERS are required to read and sign the Facility Use Agreement as part of the rental. Please read carefully, fill out FACILITY, RENTER, and event sections, initial at the bottom of each page, and sign in the signature page at the end of this document.

1. FACILITY INFORMATION – please circle facility requesting:

Veteran's Hall **103 W. Sherwood Ave** **McFarland, CA 93250**	**Veteran's Hall Kitchen** **103 W. Sherwood Ave** **McFarland, CA 93250**	**Kern Avenue Gazebo** **W. Kern Avenue** **McFarland, CA 93250**	
Jim White Blanco Park **East Sherwood Avenue** **McFarland, CA 93250**	Soccer Field Baseball Field	Picnic Table Softball Field	Gazebo

2. RENTER INFORMATION

Contact Name: _____

Organization: _____

Main phone: _____ Other phone: _____

Address, City, State, Zip: _____

Email: _____

Security Deposit/Refund made payable to: _____

Address, City, State, Zip: _____

3. EVENT INFORMATION

Date of event: _____

Set Up Begin: ____a.m. / p.m.

Time event begins: ____a.m. / p.m.

Time event ends: _____a.m. / p.m.

Clean Up Time: _____a.m. / p.m.

Description of Event:

_____

_____

_____

_____

_____

_____

Open to the public? Yes No

Will minors be present? Yes No

Admission fee charged? Yes No

Will there be music? Yes No

Type of music: _____

Will food be served? Yes No

Will food be sold? Yes No

Will alcohol be served? Yes No

Will alcohol be sold? Yes No

Estimated attendance: _____

Name of representative: _____

[CONDITIONS OF USE FOLLOW]

CONDITIONS OF USE

A. GROUP PRIORITY RATING

I. An individual or group seeking permission to utilize the Facilities will be classified in one of the following priority groups. These classifications are used to establish 1) priority of use, 2) applicability of a fee, and 3) amount of the fee, if any.

The priority groups are as follows:

- Group A - Activities conducted and or sponsored by the City
- Group B - Activities conducted by governmental agencies
- Group C - Non-profit service organizations or organizations sponsoring a public forum or candidate's night
- Group D - Private events, i.e.: wedding, anniversary, birthday, work parties, and faith-based organizations.

Priority for use of the facility will be in alphabetical sequence, with Group A applicants receiving highest priority and Group D applicants the lowest priority.

RENTER shall be classified and assigned a Group in accordance with the definition and priority rankings set forth in the section titled Group Priority Rating.

B. RESERVATIONS

I. RENTER desirous of a FACILITY should make reservations well in advance of the intended date of use because demand for facilities may be high and dates may fill quickly. Reservation made within 30 days of the rental date must be paid in full by cash or credit card; check will not be accepted.

II. A FACILITY is not considered rented until (1) RENTER submits the Facility Use Agreement, rental fee, deposit, certificate of insurance, written evidence of permits and licenses, and any other items deemed necessary by the City of McFarland; and (2) the City of McFarland, in its sole discretion, approves such rental in writing.

III. A person who is at least eighteen (18) years of age must sign this agreement. If alcohol is served, a person who is at least twenty-one (21) years of age must sign this AGREEMENT.

IV. RENTER shall provide the City of McFarland Manager or his/her designee with a single contact who is to serve as the representative for RENTER's activities.

V. RENTER shall be responsible for securing all required permits and licenses.

VI. The FACILITY shall be used for the purpose stated in this agreement and no other use will be permitted

VII. RENTER shall not use the City of McFarland's name to suggest endorsement or sponsorship of the event without prior written approval of the City of McFarland's Manager or his/her designee. RENTER's publicity of the event shall clearly and accurately identify the name of the sponsoring

organization or individual.

VIII. RENTER shall permit any City of McFarland officers, employees, or agents to visit the event described in this AGREEMENT.

IX. RENTER shall be responsible for picking up the keys to the FACILITY, if any, from the City of McFarland prior to the event. RENTER shall return keys immediately following the event to the City of McFarland.

X. Under no circumstances shall RENTER sublease or allow any other organization or individual to use the FACILITY for the period for which RENTER has contracted. RENTER is an independent contractor and not the agent or employee of the City of McFarland.

XI. The City Manager shall have the authority to cancel or postpone use of the FACILITY if such action is deemed necessary by the City of McFarland. Whenever possible, a twenty-four-hour notice will be given to the RENTER.

XII. Cancellations or changes to the AGREEMENT must be submitted in writing from the RENTER.

XIII. Refunds are not available for early departure from a scheduled event.

XIV. Cancellation refunds will be processed within forty-eight (48) hours upon submission of the written cancellation. Please allow four to six weeks for the Finance Department to process and mail.

XV. Reservation cancellation charges are processed as follows:

- **a.** 61 days or more before the event will result in City's retention of 50% of the security deposit rental fee
- **b.** 31 to 60 days before the event will result in City's retention of 50% of the required rental fee
- **c.** 30 days before the event will result in retention of the full amount of the room rental

C. FEES/CANCELLATIONS/REFUNDS

I. The City of McFarland requires 50% of the rental fee and/or a deposit from RENTER. If the rental is 30 days or less from the date the Application is submitted to the City, the rental fees are due in cash or credit only.

II. Any person or agency holding a reservation for the use of City of McFarland facilities and desiring to cancel such reservation may be subject to the withholding of a portion of or the entire rental fee for the FACILITY.

III. The City of McFarland may charge an additional rental rate for any event continuing past the ending time stated in this AGREEMENT.

IV. RENTER is responsible for any lost keys, and any costs that the City of McFarland might incur to replace and/or re-key the FACILITY.

V. In the event the FACILITY is left damaged, RENTER shall be charged for any and all

janitorial and/or repair fees incurred by the City of McFarland as a result of same and these fees shall be billed to RENTER.

VI. Activities other than meetings require a $100 security/cleaning deposit that must be paid at the time of reservation.

D. INDEMNIFICATION AND INSURANCE

I. RENTER shall indemnify, defend, and hold harmless the City of McFarland, its officers, employees, and agents from any and all losses, costs, expenses, claims, liabilities, actions, or damages, including liability for injuries to any person or persons or damage to property arising at any time during and/or arising out of or in any way connected with RENTER's use or occupancy of the FACILITY and adjoining property, unless solely caused by the gross negligence or willful misconduct of the City of McFarland, its officers, employees, or agents.

II. **General liability insurance**. RENTER shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than $1,000,000 per occurrence, $2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted. If alcohol is sold during the permitted activity, coverage must include full liquor liability. Such insurance shall name the City of McFarland, its officers, employees, agents, and volunteers as additional insureds prior to the rental date of the FA. RENTER shall file certificates of such insurance with the City of McFarland, which shall be endorsed to provide thirty (30) days notice to the City of McFarland of cancellation or any change of coverage or limits. If a copy of the insurance certificate is not on file prior to the event, the City of McFarland may deny access to the FACILITY.

All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VII (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the Agency's Risk Manager.

Requirements of specific coverage features, or limits, contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the RENTER maintains higher limits than the minimums shown above, the City of McFarland requires and shall be entitled to coverage for the higher limits maintained by the RENTER. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City of McFarland.

III. RENTER shall report any personal injuries or property damage arising at any time during and/or arising out of or in any way connected with RENTER's use or occupancy of the City of McFarland's facilities and adjoining property to the City of McFarland Manager or his/her designee, in writing and as soon as practicable.

IV. RENTER waives any right of recovery against the City of McFarland, its officers, employees, and agents for fires, floods, earthquakes, civil disturbances, regulation of any public authority, and other causes beyond the their control. RENTER shall not charge results of "acts of God" to the City of McFarland, its officers, employees, or agents.

V. RENTER waives any right of recovery against the City of McFarland, its officers, employees, and agents for indemnification, contribution, or declaratory relief arising out of or in any way connected with RENTER's use or occupancy of the FACILITY and adjoining property, even if the City of McFarland, its officers, employees, or agents seek recovery against RENTER.

E. ALCOHOLIC BEVERAGE USE AND SERVICE

I. The use of alcohol in the Facility is exclusively by written permission in advance and must comply with applicable law and provisions of this Policy. Failure to comply with any regulations will result in immediate revocation of the permission to use alcohol and termination of the event. Additional regulations and specifications may be required in the facility use permit for any event.

- **a.** "Alcohol use" refers to any beverage that contains any amount of alcohol.
- **b.** Security is required to be present at all events at which alcohol is served. Cost of the security is the responsibility of the user.
- **c.** Alcohol shall not be served to minors. The user's failure to comply, monitor and enforce this provision is grounds for terminating the activity immediately and forfeiture of the refundable deposits and all of the room fees.
- **d.** Permission to serve alcohol shall not be granted for any event where a majority (50% plus one) of guests in attendance will be under the age of 21.
- **e.** Alcohol may not be served or consumed in the parking lot.

II. License Requirements (when alcohol is to be sold)

- **a.** No sales or requests for donations for alcohol are permitted without a license from the State Alcoholic Beverage Control Board (ABC).
  - State Alcoholic Beverage Control Board is located at 4800 Stockdale Highway, Suite 213, Bakersfield, CA 93309. Their telephone number is (661) 395-2731.
- **b.** A copy of your contract must be furnished to ABC when applying for this license.
- **c.** A copy of the ABC license must be furnished to the City a minimum of seven (7) working days prior to the event and posted in plain view near the bar or where alcohol is being served.
- **d.** A one-day alcoholic beverage permit can only be issued to a non-profit organization and only if the proceeds are going back to the non-profit organization.

III. Private parties shall not sell alcohol on their own, but must arrange this through a licensed caterer. The caterer must have a License (Type 47 or 48), which enables the caterer to sell beer, wine and/or distilled spirits (hard liquor). If the caterer does not have this license the private party cannot sell alcohol, NO EXCEPTIONS. It is illegal for a private party to sell alcohol on their own.

IV. The service of alcohol at any event is limited to a maximum of five (5) consecutive hours. Serving of any alcoholic beverage must end one (1) hour before the close of the event.

V. All alcohol must be distributed by a server from behind a table or bar, which must be monitored by the server at all times. The server(s) must be an adult, over the age of 21 who is to be

responsible for ensuring that no minors are served and that no guests are over-served. The server may not consume alcohol while on duty.

VI. The service of alcohol requires an additional deposit of $_____.

F. SECURITY

I. The City of McFarland, at its sole discretion, may require a certain number of security officers for the event. RENTER shall be responsible for procuring and paying for security officers through the City of McFarland or a private security agency.

II. RENTER is solely responsible for supervising all individuals at the FACILITY and adjoining property during the event. The City of McFarland is not responsible for providing this supervision. However, the City of McFarland may evict individuals from the FACILITY during the event if their conduct is not in the best interest of the public or is deemed to be detrimental in any way.

G. SET UP / CLEAN UP / DECORATIONS

I. RENTER, caterers, bands, transportation of rental equipment, and related individuals and activities will not be permitted access to the FACILITY prior to or after the event time period. RENTER shall be responsible for arranging access during the time requested for entry and exit of the FACILITY.

II. RENTER shall not prepare or decorate the FACILITY prior to the rental start time, unless RENTER provides rental fees, deposits, and insurance for the time of the preparation and/or decoration.

III. RENTER shall not drive or permit to be driven nails, hooks, tacks, screws, poles, stakes or other forms of fasteners into any part of the FACILITY and shall not make or allow to be made any alterations of any kind therein.

IV. RENTER shall be responsible for all cleanup of the FACILITY, including adjacent grounds, at the end of the rental. RENTER shall pick up, bag, and remove all trash generated by all activity in any way connected with its use of the FACILITY, leaving the FACILITY clean and free of all trash and litter. RENTER shall also leave all fixtures, if any, in good working condition.

V. RENTER shall not store any equipment or materials at the FACILITY or adjoining property without the prior written approval of the City of McFarland Manager or his/her designee.

VI. RENTER shall be responsible for any and all damage to the FACILITY and/or its contents during use. In the event damage occurs or excessive cleaning is necessary, RENTER shall be charged for any and all janitorial and/or repair fees incurred by the City of McFarland as a result. Any damage or breakage to the building or equipment must be reported immediately to the City of McFarland.

VII. If applicant chooses to rent equipment (tables, chairs, etc.) site Staff are not responsible for set-up or tear down of rented equipment.

H. EQUIPMENT / ACCESSORIES

I. RENTER shall not remove, relocate, or take City of McFarland property outside of the FACILITY for any reason without the prior written approval of the City of McFarland Manager or his/her designee.

II. RENTER shall not use City of McFarland equipment, tools, or furnishings located in or about the FACILITY without the prior written approval of the City of McFarland Manager or his/her designee.

III. RENTER shall not drive motorized vehicles on field or green space.

IV. The City of McFarland does not provide audio/visual systems, public address systems, spotlights, floodlights, or projectors. RENTER, at its own cost, may bring these systems into the FACILITY for their use.

V. RENTER shall secure the approval of the City of McFarland before using audio/visual systems, public address systems, and live or recorded amplified music. RENTER shall not record, televise, or broadcast the event or any portion thereof without prior written approval of the City of McFarland Manager or his/her designee.

I. MISCELLANEOUS

I. RENTER shall comply with all local, state, and federal laws and regulations related to the use of the FACILITY. The RENTER agrees to abide by all applicable federal and state accessibility standards and regulations.

II. RENTER shall not admit a larger number of individuals than can lawfully, safely, and freely move about the FACILITY.

III. Gambling of any kind is not permitted at the FACILITY.

IV. Smoking is not permitted at all FACILITIES.

V. No animals are permitted at the FACILITY, with the exception of service animals. Under the Americans with Disabilities Act, service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.

VI. If RENTER violates any part of this AGREEMENT or reports false information to the City of McFarland, we may refuse RENTER further use of the FACILITY and RENTER shall forfeit a portion of or all of the rental fee and/or the deposit.

VII. The City of McFarland may impose additional requirements as deemed necessary to protect the health, safety, and/or welfare of the community.

VIII. Any person aggrieved by the City of McFarland's decision with respect to this AGREEMENT may appeal to the City of McFarland Manager or his/her designee in writing no later than five (5) days after the City of McFarland's decision has been communicated to the aggrieved party.

IX. If any provision of this AGREEMENT is held to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

X. The Police Chief, City Manager, or Community Development Director may close the FACILITY and or cancel rental reservations in the event of hazardous weather conditions, fire hazards, and fire in the area. Whenever possible, a 24-hour notice will be given. Please observe and obey all posted fire closings.

XI. All applications by McFarland Schools, groups and or clubs must be approved by the McFarland Unified School District Superintendent.

[SIGNATURE PAGE FOLLOWS]

IMPORTANT

I am an authorized agent of the organization submitting this agreement. The information provided in this agreement is true and correct. I have read and understand this agreement and the attached specific facility regulations and agree to all of the aforementioned rules, regulations, and conditions of use.

Date: _____ Signature: _____

Print name: _____

Organization: _____

---------- **CITY OF MCFARLAND USE ONLY** ----------

Date Application Received: _____ Permit # _____ Date Distributed: _____

TYPE OF USER GROUP: Priority A:____ Priority B:____ Priority C: ____ Priority D: _____

Tax ID Number / Business License Number: _____

Facility Fee (1)_____	$_____	
Facility Fee (2)_____	$ _____	
Additional Hours	$ _____	
Event Staff Recovery Fee	$ _____	_____ Staff X $_____per hour X ___hours
Security Guard(s)	$ _____	_____Guard(s) X $_____per hour X ___hours
Kitchen	$ _____	
Maintenance Fee	$ _____	
Electricity/Other	$ _____	
Total Facility Fees	$ _____	
Security Deposit	$ _____	
Total Amount Due	**$ _____**	**Due By: _____**

Payment 1:_____Balance:_____Receipt #: _____
Payment 2:_____Balance:_____Receipt #: _____

_____ _____
City Approval Date

Send Payment to: City of McFarland
401 W Kern Ave
McFarland, CA 93250

Checks payable to the
City of McFarland

MEMORANDUM

CITY OF MCFARLAND

TO: Honorable Mayor and Council Members

FROM: Maria Lara, Community Development Director
Mario Gonzales, Public Works Director

DATE: August 26, 2021

SUBJECT: Report, Discuss and Consider Approval of Real Property Lease Agreement (103 W. Sherwood Avenue, McFarland, CA 93250) between City of McFarland and Sonrise Baptist Church of Clovis

RECOMMEND:
Staff recommends that City Council provide direction on the monthly rent amount and approve the Lease Agreement between the City of McFarland and Sonrise Baptist Church of Clovis, a California non-profit corporation and authorize the Mayor to execute.

DISCUSSION:

Sonrise Baptist Church of Clovis (CrossPointe) has been part of this community since 2015, its contributions with respect to the community, include, but not limited to serving the community's youth, assisting the McFarland Police Department with community events, back to school events, community festivals and other family events. These community projects support our local children, residents, and schools through financial assistance, recreation, and mentoring.

FISCAL IMPACTS:

Approving the Real Property Lease agreement will have an impact on the operating budget for the Veteran's Hall.

ATTACHMENTS:

Real Property Lease Agreement

THE CITY OF
McFarland
TRADITION • UNITY • EXCELLENCE

REAL PROPERTY LEASE AGREEMENT
(LOCATION: 103 W. Sherwood Avenue, McFarland, CA 93250)

THIS LEASE AGREEMENT (this "Lease"), is made and entered into this ____ day of _____, 2021 (the "Date of this Lease"), by and between the CITY OF MCFARLAND (the "City" or the "Lessor") and the SONRISE BAPTIST CHURCH OF CLOVIS, a California non-profit corporation (the "Church" or "Lessee").

WHEREAS, the Lessor owns that real property (the "Premises"), which is illustrated and designated on the "Premises Map" attached to this Lease as Attachment No. 1, and incorporated herein by reference, and is more particularly described in the "Legal Description of the Premises", attached to this Lease as Attachment No. 2, and incorporated herein by reference; and

WHEREAS, pursuant and subject to the terms and conditions set forth herein, the Lessee shall lease the premises from the Lessor and the Lessor shall lease the Premises to the Lessee in order to accommodate the Lessee's continued use of the Premises.

NOW, THEREFORE, in consideration of the foregoing and of the mutual conditions, promises and covenants hereinafter contained, the parties hereto hereby agree as follows:

1. **LEASE OF PREMISES**. Lessor agrees to lease to Lessee, and Lessee agrees to lease from Lessor the Premises in in an "as-is" condition, in accordance with the following terms and conditions.

   The Lease is non-exclusive and is subject to all existing easements, servitudes, licenses and rights-of-way for roads, highways, telephone, and electric power lines and other purposes, whether recorded or not, deed restrictions, and the rights of other lessees and/or authorized users of the Premises.

2. **USE OF PREMISES**. During the term hereof, the Premises shall be used by Lessee solely for the purpose(s) and at the times described on Attachment No. 3 to this Lease and incorporated herein by reference.

3. **TERM OF LEASE**. The term of this Lease shall commence on the Date of this Lease (the "Effective Date") and shall terminate one (1) year thereafter (the "Initial Term"); provided, however, that the Lessor's City Manager, or his or her designee, shall have the authority to grant extensions in addition to the Initial Term of the Lease in one (1) year increments upon the Lessee first providing a written request to the Lessor.

   Upon any extension of the Initial Term, the Lessor and Lessee shall complete the "Schedule of Extensions to the Initial Term" that is attached hereto as Attachment No. 4 and incorporated herein by reference, by indicating:

a. The effective date of such extension;
b. The new expiration/termination date of this Lease; and
c. Signatures of each party

The Lessee's request for an extension of the Initial Term shall be submitted to the Lessor no later than thirty (30) days prior to the end of the Initial Term, or, if applicable, any previous extension thereof. At Lessee's sole discretion, the Lease may be terminated sooner upon thirty (30) days written notice to the Lessor, or as otherwise provided herein.

4. **HOLDING OVER**. In the event Lessee holds over beyond the end of the term with the implied or express consent of Lessor, such holding over shall be at the monthly rent established in Paragraph 5 of this Lease and subject to all other terms and conditions of the Lease. Lessee may not hold over without the express consent of Lessor.

5. **RENT**. The Lessee agrees to and shall pay the Lessor monthly rent in the amount of _____ ($_____.00) (the "Rent") during the Initial Term. The Rent shall be payable on or before the Effective Date and on or before the ___ day of each month of this Lease. In the event the Lessee extends the Initial Term by providing written notice to the Lessor as set forth in Section 3, the amount of rent to be paid by the Lessee to the Lessor during such extension period shall be negotiated and agreed to in writing prior to the commencement of such extension period.

a. Other Monies Paid Upon Execution:

i. Security Deposit: $_____

The Security Deposit shall act as security for Lessee's faithful performance of its obligations under this Lease. If Lessee fails to pay Rent, or otherwise Defaults under this Lease, Lessor may use, apply or retain all or any portion of said Security Deposit for the payment of any amount due Lessor or to reimburse or compensate Lessor for any liability, expense, loss or damage which Lessor may suffer or incur by reason thereof. If Lessor uses or applies all or any portion of the Security Deposit, Lessee shall within 10 days after written request therefor deposit monies with Lessor sufficient to restore said Security Deposit to the full amount required by this Lease. Lessor shall not be required to keep the Security Deposit separate from its general accounts. Within 14 days after the expiration or termination of this Lease, if Lessor elects to apply the Security Deposit only to unpaid Rent, and otherwise within 30 days after the Premises have been vacated due to termination of the Lease, and Lessee has performed all obligations under this Lease, Lessor shall return that portion of the Security Deposit not used or applied by Lessor. No part of the Security Deposit shall be considered to be held in trust, to bear interest or to be prepayment for any monies to be paid by Lessee under this Lease.

b. Late Charges. Lessee hereby acknowledges that late payment by Lessee of Rent will cause Lessor to incur costs not contemplated by this Lease, the exact amount

of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges, and late charges which may be imposed upon Lessor by any Lender. Accordingly, if any Rent shall not be received by Lessor within 5 days after such amount shall be due, then, without any requirement for notice to Lessee, Lessee shall immediately pay to Lessor a one-time late charge equal to 20% of each such overdue amount. The Parties hereby agree that such late charge represents a fair and reasonable estimate of the costs Lessor will incur by reason of such late payment. Acceptance of such late charge by Lessor shall in no event constitute a waiver of Lessee's Default or Breach with respect to such overdue amount, nor prevent the exercise of any of the other rights and remedies granted hereunder. In the event that a late charge is payable hereunder, whether or not collected, for 3 consecutive installments of Rent, then notwithstanding any provision of this Lease to the contrary, Rent shall, at Lessor's option, become due and payable quarterly in advance.

c. Interest. Any monetary payment due Lessor hereunder, other than late charges, not received by Lessor, when due as to scheduled payments (such as Base Rent) or within 30 days following the date on which it was due for non-scheduled payment, shall bear interest from the date when due, as to scheduled payments, or the 31st day after it was due as to non-scheduled payments. The interest ("Interest") charged shall be computed at the greater of 10% per annum or the maximum rate of interest allowed by law. Interest is payable in addition to the potential late charge provided for in Paragraph 2(b).

6. **TENANT IMPROVEMENTS**. Lessee shall be solely responsible for tenant improvements required to utilize the Premises as permitted and contemplated by this Lease. Prior to any tenant improvements, Lessee shall be required to obtain written approval from Lessee. Lessee may deny such approval at its discretion.

7. **REPAIR AND MAINTENANCE**. During the term of this Lease, including both the Initial Term and any extension thereof, the Lessor shall be responsible for all minor repairs and day-to-day maintenance of the Premises. Additionally, the Lessor shall be responsible for those repairs and maintenance pertaining to HVAC systems, existing electrical and mechanical equipment, plumbing (excluding minor fixture repair), and structural repairs and maintenance to the building.

8. **UTILITIES AND SERVICES**. The Lessor shall be solely responsible for payment of all utilities and services furnished to, or used by the Lessee at the Premises, including without limitations, gas, electricity, water, sewer, telephone, cable, janitorial service, waste refuse and all pertinent taxes, levies, connection charges, fees, and surcharges, if applicable.

9. **ALTERATIONS AND REPAIRS**. The Lessee acknowledges that it accepts the Premises in an "as-is, and with all faults" condition and agrees to make no demands upon the Lessor for any alterations or improvements, unless agreed to by the Lessor. The Lessee shall have the right to make alterations or improvements only upon receipt of written approval thereof from the Lessor, which will not be unreasonably denied.

10. **INDEMNIFICATION** The Lessee agrees to indemnify, defend and save harmless the Lessor, its agents, officers and employees from and against any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including, but not limited to, bodily injury, death, personal injury, or property damage arising from or connected with Lessee's operations, or its services hereunder, including any workers' compensation suits, liability, or expense, arising from or connected with services performed on behalf of the Lessee by any person pursuant to this Lease.

11. **INSURANCE**. Without limiting the Lessee's indemnification of the Lessor, the Lessee shall provide and maintain at its own expense insurance covering its operations hereunder. Such insurance shall be provided by insurer(s) satisfactory to the Lessor and evidence of such programs satisfactory to the Lessor shall be delivered to the Lessor on or before the Effective Date of this Lease. Such evidence shall specifically identify this Lease and shall contain express conditions that the Lessor is to be given written notice at least thirty (30) days in advance of any notification or termination of any program of insurance.

    Such insurance shall be primary to and not contributing with any other insurance maintained by the Lessor, and shall name the Lessor as an additional insured, and shall include, but not be limited to: Comprehensive General Liability insurance endorsed for Premises-Operations, Contractual, Broad Form Property Damage, and Personal Injury with a combined single limit of not less than $1,000,000 per occurrence.

12. **FAILURE TO PROCURE INSURANCE**. Failure on the part of the Lessee to procure or maintain required insurance shall constitute a material breach of this Lease upon which the Lessor may immediately terminate this Lease or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, and all monies so paid by the Lessor shall be repaid by the Lessee to the Lessor upon demand, or the Lessor may offset the cost of the premiums against any monies due to the Lessee from the Lessor.

13. **DEFAULT**. The Lessee agrees that if a default is made in any of the covenants and agreements herein contained to be kept by the Lessee, the Lessor may forthwith revoke and terminate this Lease.

14. **ASSIGNMENT**. This Lease is personal to the Lessee, and in the event the Lessee shall attempt to assign or transfer the same in whole or part, all rights hereunder shall immediately cease and come to an end.

15. **OPERATIONAL RESPONSIBILITIES**. During the term of this Lease, including both the Initial Term and any extension thereof, the Lessee shall:

    a. Use the Premises for the purpose of operating a church on Wednesday between the hours of _3pm___ and _8pm___, and Sundays between the hours of _7am__ and _12pm__;
    b. Comply with the terms and conditions set forth in this Lease;

c. Comply with and abide by all applicable rules and regulations required by the Lessor;
d. Comply with all applicable local, state and federal ordinances, laws and regulations and, in the course thereof, obtain and keep in effect all permits and licenses required to conduct the authorized activities on the Premises;
e. Maintain the Premises in a clean and sanitary condition;
f. Conduct the activities permitted herein in a courteous and non-profane manner and remove any agent, servant or employee who fails to do so;
g. Assume the risk of loss, damage or destruction due to theft, fire and casualty of any and all fixtures and personal property belonging to the Lessee that are installed or placed upon or within the Premises;
h. Repair any and all damage to the Premises caused by or arising out of the Lessee's use of the Premises;
i. Permit the Lessor and/or its authorized representatives to enter the Premises at any time during business hours for the purpose of determining whether the Lessee is in compliance with the terms and conditions of this Lease;
j. Prohibit signs or matter to be displayed upon or within the Premises.

16. NOTICES. Notices to be given by this Lease or by any law now or hereafter in effect may be given by personal service or by enclosing the same in a sealed envelope addressed to the party for whom intended and by depositing such envelope with postage prepaid in the United States Post Office or any substation thereof, or any public letter box, and any such notice and the envelope containing the same shall be addressed to Lessee as follows:

City of McFarland
401 West Kern Avenue
McFarland, CA 93250
Attention: City Manager

or such other place as may hereinafter be designated in writing by the Lessee and the notices and envelopes containing the same to Lessor shall be addressed to:

Sonrise Baptist Church of Clovis
3105 Locan Avenue
Clovis, California 93619
Attn: Bobby A. Sharp

17. WARRANT OF AUTHORITY. Each of the undersigned signatories for the Lessee hereby personally covenant, warrant and guarantee that each of them, jointly and severally, have the power and authority to execute this Lease upon the terms and conditions stated herein and each agrees to indemnify and hold harmless the Lessor from all damages, costs, and expenses, which result from a breach of this material representation.

18. TERMINATION OF LEASE. Termination of this Lease for any reason whatsoever shall not release either party from liability or obligation hereunder resulting from an event which may have occurred before such termination, or thereafter in case by the terms of this Lease

it is provided that certain things shall or may have to be done after such termination (including, but not limited to, removal of fixtures and equipment placed on the Premises by the Lessee)

a. Default; Breach. A "Default" is defined as a failure by the Lessee to comply with or perform any of the terms, covenants, conditions or Rules and Regulations under this Lease. A "Breach" is defined as the occurrence of one or more of the following Defaults, and the failure of Lessee to cure such Default within any applicable grace period:

i. The abandonment of the Premises; or the vacating of the Premises without providing a commercially reasonable level of security, or where the coverage of the property insurance described above is jeopardized as a result thereof, or without providing reasonable assurances to minimize potential vandalism.

ii. The failure of Lessee to make any payment of Rent or any Security Deposit required to be made by Lessee hereunder, whether to Lessor or to a third party, when due, to provide reasonable evidence of insurance or surety bond, or to fulfill any obligation under this Lease which endangers or threatens life or property, where such failure continues for a period of 3 business days following written notice to Lessee.

iii. The failure by Lessee to provide any documentation or information which Lessor may reasonably require of Lessee under the terms of this Lease, where any such failure continues for a period of 10 days following written notice to Lessee.

iv. A Default by Lessee as to the terms, covenants, conditions or provisions of this Lease, where such Default continues for a period of 30 days after written notice; provided, however, that if the nature of Lessee's Default is such that more than 30 days are reasonably required for its cure, then it shall not be deemed to be a Breach if Lessee commences such cure within said 30 day period and thereafter diligently prosecutes such cure to completion.

v. The occurrence of any of the following events: (i) the making of any general arrangement or assignment for the benefit of creditors; (ii) becoming a "debtor" as defined in 11 U.S.C. §101 or any successor statute thereto (unless, in the case of a petition filed against Lessee, the same is dismissed within 60 days); (iii) the appointment of a trustee or receiver to take possession of substantially all of Lessee's assets located at the Premises or of Lessee's interest in this Lease, where possession is not restored to Lessee within 30 days; or (iv) the attachment, execution or other judicial seizure of substantially all of Lessee's assets located at the Premises or of Lessee's interest in this Lease, where such seizure is not discharged within 30 days; provided, however, in the event that any provision of this subparagraph (e)

is contrary to any applicable law, such provision shall be of no force or effect, and not affect the validity of the remaining provisions.

vi. The discovery that any financial statement of Lessee given to Lessor was materially false.

b. Remedies. If Lessee fails to perform any of its affirmative duties or obligations, within 10 days after written notice (or in case of an emergency, without notice), Lessor may, at its option, perform such duty or obligation on Lessee's behalf, including but not limited to the obtaining of reasonably required bonds, insurance policies, or governmental licenses, permits or approvals. Lessee shall pay to Lessor an amount equal to the costs and expenses incurred by Lessor in such performance upon receipt of an invoice therefor. In the event of a Breach, Lessor may, with or without further notice or demand, and without limiting Lessor in the exercise of any right or remedy which Lessor may have by reason of such Breach:

i. Terminate Lessee's right to possession of the Premises by any lawful means, in which case this Lease shall terminate, and Lessee shall immediately surrender possession to Lessor. In such event Lessor shall be entitled to recover from Lessee: (i) the unpaid Rent which had been earned at the time of termination; (ii) the worth at the time of award of the amount by which the unpaid rent which would have been earned after termination until the time of award exceeds the amount of such rental loss that the Lessee proves could have been reasonably avoided; (iii) the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss that the Lessee proves could be reasonably avoided; and (iv) any other amount necessary to compensate Lessor for all the detriment proximately caused by the Lessee's failure to perform its obligations under this Lease or which in the ordinary course of things would be likely to result therefrom, including but not limited to the cost of recovering possession of the Premises, expenses of reletting, including necessary renovation and alteration of the Premises, reasonable attorneys' fees, and that portion of any leasing commission paid by Lessor in connection with this Lease applicable to the unexpired term of this Lease. The worth at the time of award of the amount referred to in provision (iii) of the immediately preceding sentence shall be computed by discounting such amount at the discount rate of the Federal Reserve Bank of the District within which the Premises are located at the time of award plus one percent. Efforts by Lessor to mitigate damages caused by Lessee's Breach of this Lease shall not waive Lessor's right to recover damages under the terms of this Lease. If termination of this Lease is obtained through the provisional remedy of unlawful detainer, Lessor shall have the right to recover in such proceeding any unpaid Rent and damages as are recoverable therein, or Lessor may reserve the right to recover all or any part thereof in a separate suit. If a notice and grace period

required under terms of this Lease was not previously given, a notice to pay rent or quit, or to perform or quit given to Lessee under the unlawful detainer statute shall also constitute the notice required under the terms of this Lease. In such case, the applicable grace period required under the terms of this Lease and the unlawful detainer statute shall run concurrently, and the failure of Lessee to cure the Default within the greater of the two such grace periods shall constitute both an unlawful detainer and a Breach of this Lease entitling Lessor to the remedies provided for in this Lease and/or by said statute.

ii. Continue the Lease and Lessee's right to possession and recover the Rent as it becomes due, in which event Lessee may sublet or assign, subject only to reasonable limitations. Acts of maintenance, efforts to relet, and/or the appointment of a receiver to protect the Lessor's interests, shall not constitute a termination of the Lessee's right to possession.

iii. Pursue any other remedy now or hereafter available under the laws or judicial decisions of the state wherein the Premises are located. The expiration or termination of this Lease and/or the termination of Lessee's right to possession shall not relieve Lessee from liability under any indemnity provisions of this Lease as to matters occurring or accruing during the term hereof or by reason of Lessee's occupancy of the Premises.

19. LIENS. The Lessee shall have no power to do any act or make any contract which may be created or be the foundation for any lien, mortgage or other encumbrance upon the Premises or in the buildings or improvements thereon; it being agreed that should the Lessee cause any alterations, rebuilding, replacements, changes, additions, improvements, or repairs to be made to the Premises, or labor performed or material furnished therein, thereon or thereto, neither the Lessor nor the Premises under any circumstances be liable for the payment of any expense incurred or for the value of any work done or material furnished, but all such alterations, rebuilding, replacements, changes, additions, improvements, and repairs, and labor and material, shall be made, furnished and performed at the Lessee's expense, and the Lessee shall be solely and wholly responsible to the contractors, laborers and materialmen furnishing and performing such labor and material.

If, because of any act or omission (or alleged act or omission) of the Lessee, any mechanic's or other lien, charge or order for the payment of money shall be filed against the demised Premises or any buildings or improvements thereon, or against the Lessor (whether or not such lien, charge or order is valid or enforceable as such), the Lessee shall, at its own cost and expense, cause the same to be cancelled and discharged of record or bonded within ten (10) days after notice to the Lessee of the filing thereof, and the Lessee shall indemnify and save harmless the Lessor against and from all 5 costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands, including reasonable counsel fees, resulting therefrom.

20. LESSEE ADMINISTRATION OF LEASE. The Lessor's Executive Director, or his or her designee shall have the authority to administer the Lessor's responsibilities under this Lease in accordance with its terms.

21. ATTORNEYS FEES. If any Party brings an action or proceeding involving the Premises whether founded in tort, contract or equity, or to declare rights hereunder, the Prevailing Party (as hereafter defined) in any such proceeding, action, or appeal thereon, shall be entitled to reasonable attorneys' fees. Such fees may be awarded in the same suit or recovered in a separate suit, whether or not such action or proceeding is pursued to decision or judgment. The term, "Prevailing Party" shall include, without limitation, a Party who substantially obtains or defeats the relief sought, as the case may be, whether by compromise, settlement, judgment, or the abandonment by the other Party of its claim or defense. The attorneys' fees award shall not be computed in accordance with any court fee schedule but shall be such as to fully reimburse all attorneys' fees reasonably incurred. In addition, Lessor shall be entitled to attorneys' fees, costs and expenses incurred in the preparation and service of notices of Default and consultations in connection therewith, whether or not a legal action is subsequently commenced in connection with such Default or resulting Breach ($450 is a reasonable minimum per occurrence for such services and consultation).

22. INTEGRATION. This Lease Agreement represents the sole and only agreement between the parties regarding the matters addressed herein and the parties acknowledge and agree that no oral or other written agreements or representations exist between the parties affecting this Lease Agreement. This Lease Agreement supersedes and cancels any and all previous negotiations, arrangements, representations, agreements, and understandings, if any.

23. SEVERABILITY. If any provision of this Lease Agreement shall be determined to be void by any court of competent jurisdiction, such determination shall not affect any other provision of this Lease Agreement and all such other provisions shall remain in full force and effect.

24. AMENDMENTS. This Lease may be modified only in writing, signed by the Parties in interest at the time of the modification. As long as they do not materially change Lessee's obligations hereunder, Lessee agrees to make such reasonable non-monetary modifications to this Lease as may be reasonably required by the Lessor.

25. WAIVER. No waiver by Lessor of the Default or Breach of any term, covenant, or condition hereof by Lessee, shall be deemed a waiver of any other term, covenant, or condition hereof, or of any subsequent Default or Breach by Lessee of the same or of any other term, covenant, or condition hereof. Lessor's consent to, or approval of, any act shall not be deemed to render unnecessary the obtaining of Lessor's consent to, or approval of, any subsequent or similar act by Lessee, or be construed as the basis of an estoppel to enforce the provision or provisions of this Lease requiring such consent. The acceptance of Rent by Lessor shall not be a waiver of any Default or Breach by Lessee. Any payment by Lessee may be accepted by Lessor on account of moneys or damages due Lessor,

notwithstanding any qualifying statements or conditions made by Lessee in connection therewith, which such statements and/or conditions shall be of no force or effect whatsoever unless specifically agreed to in writing by Lessor at or before the time of deposit of such payment.

26. **COVENANTS AND CONDITIONS; CONSTRUCTION OF AGREEMENT**. All provisions of this Lease to be observed or performed by Lessee are both covenants and conditions. In construing this Lease, all headings and titles are for the convenience of the Parties only and shall not be considered a part of this Lease. Whenever required by the context, the singular shall include the plural and vice versa. This Lease shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it.

27. **WAIVER OF JURY TRIAL; BINDING ARBITRATION.** THE PARTIES TO THIS AGREEMENT HEREBY WAIVE THEIR RESPECTIVE RIGHTS TO A TRIAL BY JURY ANY AND ALL PAST, PRESENT AND FUTURE ACCOUNTS, ACTIONS, AGREEMENTS, CAUSES OF ACTION, CLAIMS, COSTS OR EXPENSES (INCLUDING, BUT NOT LIMITED TO, ATTORNEY'S FEES AND DISBURSEMENTS), DAMAGES, DEBTS, DEMANDS, LIABILITIES, LOSSES, OBLIGATIONS, OR RECKONINGS OF ANY KIND OR NATURE WHATSOEVER, FOR COMPENSATORY OR EXEMPLARY AND PUNITIVE DAMAGES, OR DECLARATORY, EQUITABLE OR INJUNCTIVE RELIEF, WHETHER BASED ON CONTRACT, TORT, OR OTHER THEORIES OF RECOVERY PROVIDED FOR BY THE COMMON OR STATUTORY LAW, ASCERTAINED OR UNASCERTAINED, KNOWN OR UNKNOWN, PATENT OR LATENT, SUSPECTED OR CLAIMED, ARISING OUT OF OR RELATING IN ANY WAY TO THE AGREEMENT OR THE PREMISES.

BINDING ARBITRATION. THE PARTIES HERETO EXPRESSLY AGREE AND CONSENT TO BINDING ARBITRATION. THE PARTIES AGREE THAT ANY DISPUTE ARISING OUT OF OR RELATING TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO THE INTERPRETATION AND ENFORCEMENT OF THIS AGREEMENT, AND CLAIMS OF ANY TYPE INCLUDING DAMAGES, SHALL BE RESOLVED IN BAKERSFIELD, CALIFORNIA BY BINDING ARBITRATION PURSUANT TO THE CALIFORNIA ARBITRATION ACT, CALIFORNIA CODE OF CIVIL PROCEDURE, SECTION 1280, ET SEQ., INCLUDING THE DISCOVERY RIGHTS OF SECTION 1283.05. THE PARTIES SHALL JOINTLY SELECT AN ARBITRATOR WITHIN FIFTEEN (15) DAYS FOLLOWING SERVICE OF "NOTICE OF CLAIM" BY ANY PARTY TO THIS AGREEMENT. IF AGREEMENT ON THE ARBITRATOR IS NOT REACHED WITHIN SAID PERIOD, THEN SUCH ARBITRATOR SHALL BE APPOINTED BY THE PRESIDING JUDGE FOR THE KERN COUNTY SUPERIOR COURT.

Lessor Initials: _____ **Lessee Initials: _____**

28. **AMERICANS WITH DISABILITIES ACT**. Since compliance with the Americans with Disabilities Act (ADA) is dependent upon Lessee's specific use of the Premises, Lessor makes no warranty or representation as to whether or not the Premises comply with ADA or any similar legislation as those requirements relate to the Lessee's specific use of the Premises. In the event that Lessee's use of the Premises requires modifications or additions to the Premises in order to be in ADA compliance, Lessee agrees to make any such necessary modifications and/or additions at Lessee's expense.

29. **BINDING EFFECT; CHOICE OF LAW**. This Lease shall be binding upon the Parties, their personal representatives, successors and assigns and be governed by the laws of the State in which the Premises are located. Any litigation between the Parties hereto concerning this Lease shall be initiated in Kern County, California, the principal place of business of Lessor and the place at which this Agreement is made, entered into and to be performed.

LESSOR AND LESSEE HAVE CAREFULLY READ AND REVIEWED THIS LEASE AND EACH TERM AND PROVISION CONTAINED HEREIN, AND BY THE EXECUTION OF THIS LEASE SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO. THE PARTIES HEREBY AGREE THAT, AT THE TIME THIS LEASE IS EXECUTED, THE TERMS OF THIS LEASE ARE COMMERCIALLY REASONABLE AND EFFECTUATE THE INTENT AND PURPOSE OF LESSOR AND LESSEE WITH RESPECT TO THE PREMISES.

ATTENTION: THE PARTIES ARE URGED TO:

1. SEEK ADVICE OF COUNSEL AS TO THE LEGAL AND TAX CONSEQUENCES OF THIS LEASE.

2. RETAIN APPROPRIATE CONSULTANTS TO REVIEW AND INVESTIGATE THE CONDITION OF THE PREMISES. SAID INVESTIGATION SHOULD INCLUDE BUT NOT BE LIMITED TO: THE POSSIBLE PRESENCE OF HAZARDOUS SUBSTANCES, THE ZONING OF THE PREMISES, THE STRUCTURAL INTEGRITY, THE CONDITION OF THE ROOF AND OPERATING SYSTEMS, AND THE SUITABILITY OF THE PREMISES FOR LESSEE'S INTENDED USE.

[*Signature Page Follows*]

The parties hereto have executed this Lease at the place and on the dates specified above their respective signatures.

Executed at:_____	Executed at:_____
on:_____	on: _____
By **LESSOR**:	By **LESSEE**:
City of McFarland	**Sonrise Baptist Church of Clovis**
By:_____	By:_____
Sally Gonzalez	
Its: Mayor	Its: _____

Attachment No. 1
Premises Map

Attachment No. 2
Legal Description

Attachment No. 3
Use of Premises

The Lessee shall use the Premises to meet its operational objective of providing facilities for church activities and instruction on Sundays between _____ and _____, and Wednesdays between _____ and _____.

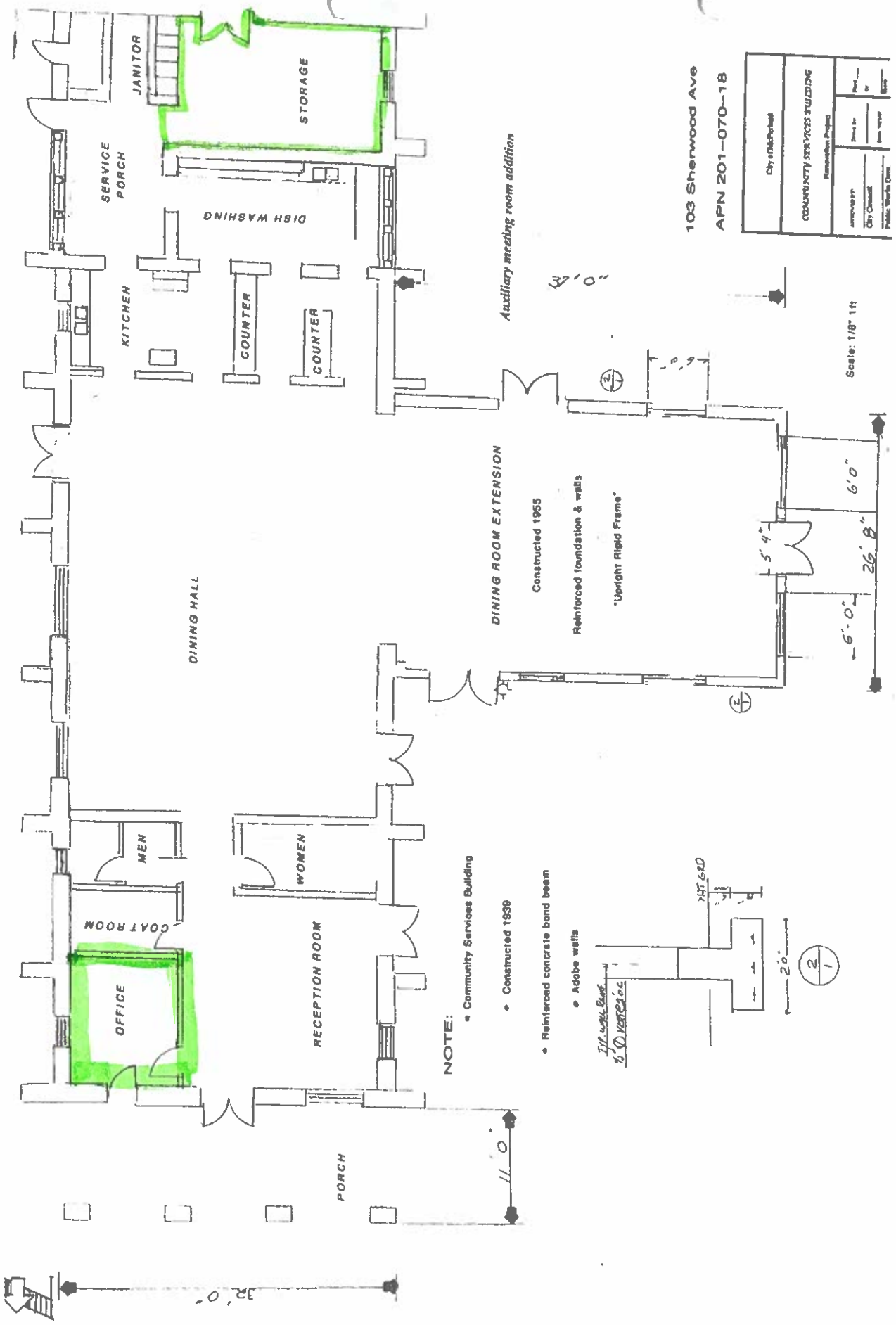
The Lessee shall return the Premises to its condition existing prior to each use by Lessee, including, without limitation, removing any food, equipment, or other materials after each day's use, and shall sweep and clen the Premises as needed and to the reasonable satisfaction of the Lessor.

Upon the expiration or earlier termination of this Lease, including any extension(s), Lessee shall remove all materials and equipment that it placed upon or within the Premises, or shall transfer ownership of such property to the Lessor. The Premises shall at all times be open to inspection by all local, state and federal governmental authorities. In the event the Lessor determines that the Lessee's use of the Premises creates an unnecessary and/or unreasonable risk to the Premises or to public health, safety or welfare, the Lessor may require that the Lessee cease using the Premises until such risk no longer exists.

Attachment No. 4
Schedule of Extensions to the Initial Term

Effective Date of Extension	New Expiration Date	New Monthly Rent	Lessor's Signature	Lessee's Signature

ATTACHMENT NO. 1



MEMORANDUM

CITY OF MCFARLAND

TO: Honorable Mayor and Council Members

FROM: Maria Lara, Community Development Director
Mario Gonzales, Public Works Director

DATE: August 26, 2021

SUBJECT: Report, Discuss and Consider Approval of License Agreement for Use of Veteran's Hall for McFarland Greater Chamber of Commerce

RECOMMEND:
Staff recommends that City Council grant McFarland Greater Chamber of Commerce (MGCC) a non-exclusive license agreement to occupy a portion of the Veteran's Hall premises and authorize the Mayor to execute.

DISCUSSION:

The McFarland Greater Chamber of Commerce contributions with respect to the community, including, but not limited to serving our local businesses by providing free small business financial/resources workshops, grants, awarding scholarships to the youth, food drive-thru events, Christmas food baskets, festivals, and other events.

The MGCC mission is to create and promote a climate where businesses can operate in a productive and profitable manner. MGCC primary goal is to assist local businesses grow, guide positive economic growth and focused on the needs of the business community. The Chamber is non-profit 501 (c) (3), that is ran by a group of dedicated volunteers who are residents and business owners that are giving of their time and talent to help local businesses prosper in our community.

During the COVID 19 Pandemic, the McFarland Greater Chamber of Commerce provided approximately $10,000 dollars in grant/financial assistance to our local businesses that have been severely impacted by COVID-19 such as Barbershops, Beauty Salons, flower shops and Restaurants. The goal was to mitigate/prevent the closure of any local businesses, which is a major component of the wider issue of our city's revenue as well afflicting our community.

The approval of this agreement will ensure the McFarland Greater Chamber of Commerce has an office, where it can continue to operate, grow, and provide the resources needed by our local business community.

FISCAL IMPACTS:

Approving the license agreement will have an impact on the operating budget for the Veteran's Hall.

ATTACHMENTS:

License Agreement

THE CITY OF
McFarland
TRADITION • UNITY • EXCELLENCE

LICENSE AGREEMENT CONCERNING THE VETERAN'S COMMUNITY HALL IN THE CITY OF MCFARLAND, CALIFORNIA

This agreement ("Agreement") is made by and between the City of McFarland, a municipal corporation in the County of Kern, State of California (hereinafter "City" or "Licensor") and the *McFarland Greater Chamber of Commerce* (hereinafter "MGCC" or "Licensee").

RECITALS

WHEREAS, the City is the owner of real property located at 103 W. Sherwood Avenue, McFarland, CA 93250, more commonly known as the McFarland Veteran's Community Center (the "Premises"); and

WHEREAS, the City desires to grant MGCC a non-exclusive license to occupy a portion of the Premises, which is more particularly described as: Northside Office, which is illustrated and designated on the "Premises Map" attached to this Lease as Attachment No. 1, and incorporated herein by reference, subject to the terms and conditions stated herein; and

WHEREAS, the City recognizes MGCC's past contribution with respect to the community, including, but not limited to serving the local businesses by providing free small business financial workshops, grants, awarding scholarships to the youth, food drive-thru events, Christmas food baskets, festivals, and parades.

NOW, THEREFORE, in consideration of the foregoing and of the mutual conditions, promises and covenants hereinafter contained, the parties hereto hereby agree as follows:

SECTION 1.

Recitals. The foregoing recitals are incorporated into this Agreement.

SECTION 2

Non-Exclusive Use. The City hereby grants to Licensee, its agents and contractors, a non-exclusive, revocable License to enter upon and use the Premises and the right of ingress and egress to and from the Premises, subject to the terms and, conditions herein, for the purpose of holding membership meetings and related activities (fund raising) on the second Tuesday of each month from 12 noon to 1:30pm or at 5pm to 7pm.

NOTWITHSTANDING THIS PROVISION, THE CITY CAN SCHEDULE USE OF THE PREMISES FOR ITS OWN USE AT TIMES OTHER THAN THE REGULARLY SCHEDULED MEETING DATES OF LICENSEE.

Any and all prior understandings and agreements, whether written or oral, between the City and Licensee with respect to the Premises are hereby superseded by this Agreement.

SECTION 3

Term. This license shall commence when this Agreement is executed by both parties hereto ("Effective Date") and shall continue until December 31, 2023. The license shall automatically renew for one (1) year periods unless written notice is provided by either party 30 days prior to expiration of the term.

Notwithstanding the forgoing, the City may terminate this License at any time by giving thirty (30) days' written notice to Licensee. At the expiration, or upon earlier termination of this License, Licensee shall immediately cease use of the Premises.

SECTION 4

Consideration. As consideration for the License to use the Premises pursuant to the terms and conditions of this Agreement, Licensee agrees to provide the following services to the City:

a. Appoint a member(s) of Licensee to assist with cleaning and maintaining (i.e., restrooms, windows, emptying trash) the Premises once a month. The city will provide the Licensee the cleaning supplies and tools.

SECTION 5

Conditions Applicable to License. This License is subject to all existing covenants, conditions, reservations, contracts, Agreements, licenses, easements, encumbrances, restrictions and rights of way with respect to the Premises, whether or not of record.

SECTION 6

Transfer or Assignment. This License is personal to Licensee and not subject to unilateral transfer by Licensee. Any attempt to transfer or assign this license without the express written consent of Licensor shall result in the immediate termination of the License Agreement.

SECTION 7

Permits and Regulations. Licensee shall be responsible for securing any required approvals, permits and authorizations from any federal, state or local agencies and shall comply with all applicable laws and regulations in its use of the Premises.

SECTION 8

No Interference. Licensee shall not interfere with the normal operation and activities of the City at the Premises. Licensee shall conduct its activities on the Premises so as to minimize damage to the Premises and inconvenience to the City, its agents, employees and invitees.

SECTION 9

Repair and Restoration. If Licensee, its agents or contractors cause any damage to the Premises, or to the City's infrastructure or other property and improvements (collectively "Property") in connection with the exercise of this License, Licensee shall at its sole cost and expense repair and restore the Premises and Property to their original condition as existed prior to Licensee' use of the Premises pursuant to this License. Licensee shall perform any and all such repairs and restoration required hereunder by the City within 10 days of written demand to complete or effectuate such repairs. In the event that repair and restoration is performed following the termination of this License, the Licensee's Indemnity and Insurance obligations in paragraphs 11 and 12 shall continue until those obligations are satisfied.

SECTION 10

Alteration in Writing. No alteration or variation of this License shall be valid unless made in writing and signed by the City and Licensee. This License supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this License.

SECTION 11

Notice. Any notice required hereunder shall be in writing and shall be addressed as follows:

TO CITY: City of McFarland
401 West Kern Avenue
McFarland, CA 93250
Attention: City Manager

TO LICENSEE: McFarland Greater Chamber of Commerce
P.O. Box 355
McFarland, CA 93250

Attn: President

or to such other further address as either party may indicate in a written notice to the other. All notices and communications given under this License Agreement shall be deemed to have been duly given and received: (i) upon personal delivery, or (ii) as of the second business day after mailing by United States certified mail, return receipt requested, postage prepaid,, addressed as set forth above, or (iii) the immediately succeeding business day after deposit (for next day delivery) with federal Express or other similar overnight courier system, (iv) 24 hours after facsimile transmittal with confirmation of receipt, or (v) email.

SECTION 12

Insurance. Without limiting the Licensee's indemnification of the City, the Licensee shall provide and maintain at its own expense insurance covering its operations hereunder. Such insurance shall be provided by insurer(s) satisfactory to the City and evidence of such programs satisfactory to the City shall be delivered to the City on or before the Effective Date of this Agreement. Such evidence shall specifically identify this Agreement and shall contain express conditions that the City is to be given written notice at least thirty (30) days in advance of any notification or termination of any program of insurance.

Such insurance shall be primary to and not contributing with any other insurance maintained by the City, and shall name the City as an additional insured, and shall include, but not be limited to: Comprehensive General Liability insurance endorsed for Premises-Operations, Contractual, Broad Form Property Damage, and Personal Injury with a combined single limit of not less than $1,000,000 per occurrence.

SECTION 13

Indemnification. Licensee shall defend, indemnify, and hold harmless the City, its officers, agents, and employees from and against any and all claims, damages, costs, expenses, or liabilities (collectively "claims") arising out of or in any way connected with this license, including, without limitation, claims for loss of damage to property, or for death or injuries to any person or persons.

SECTION 14

Lien Free Condition. Licensee shall not cause or permit any liens to be placed against the Premises or against the City's other property as a result of Licensee's exercise of rights under this License. In the event of the filing of any such liens, Licensee shall promptly cause such liens to be removed and shall not unreasonably delay in its efforts to remove and/or satisfy such liens.

SECTION 15

Operational Responsibilities. During the term of this license, in addition to the terms and conditions stated elsewhere in this Agreement, Licensee shall be responsible to:

1. Use the Premises for the purpose of holding meetings on the second (2^{nd}) Tuesday each month between the hours of 12:00 noon to 1:30pm or 5:00 pm to 7:00pm ;

2. Use the Premises for the purpose of holding Special Meetings, fundraiser and events (i.e. National Day of Prayer; Business Gala Award Ceremony; and Small Business Workshops) with prior city approval;

3. Comply with the terms and conditions set forth in this Agreement;

4. Comply with and abide by all applicable rules and regulations required by the City;

5. Comply with all applicable local, state and federal ordinances, laws and regulations and, in the course thereof, obtain and keep in effect all permits and licenses required to conduct the authorized activities on the Premises;

6. Maintain the Premises in a clean and sanitary condition;

7. Conduct the activities permitted herein in a courteous and non-profane manner and remove any agent, servant or employee who fails to do so;

8. Assume the risk of loss, damage or destruction due to theft, fire and casualty of any and all fixtures and personal property belonging to the Licensee that are installed or placed upon or within the Premises;

9. Repair any and all damage to the Premises caused by or arising out of the Licensee's use of the Premises;

10. Permit the City and/or its authorized representatives to enter the Premises at any time during business hours for the purpose of determining whether the Licensee is in compliance with the terms and conditions of this Agreement;

11. Prohibit permanent signs or matter to be displayed upon or within the Premises. Temporary banners to be display for a function.

12. Permit the MGCC to use the Veteran's Marquee Sign to promote community functions.

SECTION 16

Utilities and Services. The City shall be responsible for all utilities and services in connection with the Premises to include electricity, water, sewer and solid waste service.

SECTION 17

Taxes. Licensee shall be responsible for any and all taxes associated with the Premises to include (if applicable) real estate taxes as well as any personal property taxes or other charges which may be levied against the Premises which are attributable to Licensee's use of the Premises or personal property kept at the Premises.

SECTION 18

Access by City to the Premises. In addition to the City's general rights to use the Premises as stated in Section 2 above. Licensee shall permit the City or its agents to enter the Premises at all reasonable hours to inspect the Premises or make repairs.

SECTION 19

Dangerous Materials. Licensee shall not keep or have on the Premises any article or thing of a dangerous, flammable or explosive character that might substantially increase the danger of first on the Premises, or that might be considered hazardous by a responsible insurance company, unless the prior written consent of the City is obtained, and proof of adequate insurance protection is provided by Licensee to the City.

SECTION 20

Compliance with Regulations. Licensee shall promptly comply with all laws, ordinances, requirements, and regulations of the federal, state, county, municipal and other authorities, and the first insurance underwriters. However, Licensee shall not by this provision be require to make alterations to the exterior of the building or alterations of a structural nature.

SECTION 21

Governing Law This Agreement shall be construed in accordance with the laws of the State of California.

SECTION 22

Entire Agreement/Amendment This Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings, or other agreements, whether oral or written, relating to the subject matter of this Agreement. This agreement may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SECTION 23

Severability. If any portion of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed and enforced a so limited.

SECTION 24

Waiver. The failure of either party to enforce any provisions of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

SECTION 25

Binding Effect. The provision of this Agreement shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors, and assigns.

SECTION 26

Attorney Fees. In the event any party to this Agreement incurs attorney fees as the result of a default of the other party, the non-defaulting party shall be entitled to recover from the defaulting party, all of its reasonable costs to include reasonable attorney fees as a result of such default.

SECTION 27

Covenants And Conditions; Construction of Agreement. All provisions of this Agreement to be observed or performed by Licensee are both covenants and conditions. In construing this Agreement, all headings and titles are for the convenience of the Parties only and shall not be considered a part of this Agreement. Whenever required by the context, the singular shall include the plural and vice versa. This Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it.

SECTION 28

Waiver Of Jury Trial; Binding Arbitration. THE PARTIES TO THIS AGREEMENT HEREBY WAIVE THEIR RESPECTIVE RIGHTS TO A TRIAL BY JURY ANY AND ALL PAST, PRESENT AND FUTURE ACCOUNTS, ACTIONS, AGREEMENTS, CAUSES OF ACTION, CLAIMS, COSTS OR EXPENSES (INCLUDING, BUT NOT LIMITED TO, ATTORNEY'S FEES AND DISBURSEMENTS), DAMAGES, DEBTS, DEMANDS, LIABILITIES, LOSSES, OBLIGATIONS, OR RECKONINGS OF ANY KIND OR NATURE WHATSOEVER, FOR COMPENSATORY OR EXEMPLARY AND PUNITIVE DAMAGES, OR DECLARATORY, EQUITABLE OR INJUNCTIVE RELIEF, WHETHER BASED ON CONTRACT, TORT, OR OTHER THEORIES OF RECOVERY PROVIDED FOR BY THE COMMON OR STATUTORY LAW, ASCERTAINED OR UNASCERTAINED, KNOWN OR UNKNOWN, PATENT OR LATENT, SUSPECTED OR CLAIMED, ARISING OUT OF OR RELATING IN ANY WAY TO THE AGREEMENT OR THE PREMISES.

BINDING ARBITRATION. THE PARTIES HERETO EXPRESSLY AGREE AND CONSENT TO BINDING ARBITRATION. THE PARTIES AGREE THAT ANY DISPUTE ARISING OUT OF OR RELATING TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO THE INTERPRETATION AND ENFORCEMENT OF THIS AGREEMENT, AND CLAIMS OF ANY TYPE INCLUDING DAMAGES, SHALL BE RESOLVED IN BAKERSFIELD, CALIFORNIA BY BINDING ARBITRATION PURSUANT TO THE CALIFORNIA ARBITRATION ACT, CALIFORNIA CODE OF CIVIL PROCEDURE, SECTION 1280, ET SEQ., INCLUDING THE DISCOVERY RIGHTS OF SECTION 1283.05. THE PARTIES SHALL JOINTLY SELECT AN ARBITRATOR WITHIN FIFTEEN (15) DAYS FOLLOWING SERVICE OF "NOTICE OF CLAIM" BY ANY PARTY TO THIS AGREEMENT. IF AGREEMENT ON THE ARBITRATOR IS NOT REACHED WITHIN SAID PERIOD, THEN SUCH ARBITRATOR SHALL BE APPOINTED BY THE PRESIDING JUDGE FOR THE KERN COUNTY SUPERIOR COURT.

City Initials: _____ **Licensee Initials: _____**

SECTION 29

AMERICANS WITH DISABILITIES ACT. Since compliance with the Americans with Disabilities Act (ADA) is dependent upon Licensee's specific use of the Premises, City makes no warranty or representation as to whether or not the Premises comply with ADA or any similar legislation as those requirements relate to the Licensee's specific use of the Premises. In the event that Licensee's use of the Premises requires modifications or additions to the Premises in order to be in ADA compliance, Licensee agrees to make any such necessary modifications and/or additions at Licensee's expense.

CITY AND LICENSEE HAVE CAREFULLY READ AND REVIEWED THIS AGREEMENT AND EACH TERM AND PROVISION CONTAINED HEREIN, AND BY THE EXECUTION OF THIS AGREEMENT SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO. THE PARTIES HEREBY AGREE THAT, AT THE TIME THIS AGREEMENT IS EXECUTED, THE TERMS OF THIS AGREEMENT ARE COMMERCIALLY REASONABLE AND EFFECTUATE THE INTENT AND PURPOSE OF CITY AND LICENSEE WITH RESPECT TO THE PREMISES.

ATTENTION: THE PARTIES ARE URGED TO:

1. **SEEK ADVICE OF COUNSEL AS TO THE LEGAL AND TAX CONSEQUENCES OF THIS AGREEMENT.**

2. **RETAIN APPROPRIATE CONSULTANTS TO REVIEW AND INVESTIGATE THE CONDITION OF THE PREMISES. SAID INVESTIGATION SHOULD INCLUDE BUT NOT BE LIMITED TO: THE POSSIBLE PRESENCE OF HAZARDOUS SUBSTANCES, THE ZONING OF THE PREMISES, THE STRUCTURAL INTEGRITY, THE CONDITION OF THE ROOF AND OPERATING SYSTEMS, AND THE SUITABILITY OF THE PREMISES FOR LICENSEE'S INTENDED USE.**

[*Signature Page Follows*]

The parties hereto have executed this License Agreement at the place and on the dates specified above their respective signatures.

Executed at:_____

on: _____

By **CITY**:

City of McFarland

By:_____
Sally Gonzalez, Mayor

Executed at:_____

on: _____

By **LICENSEE**:

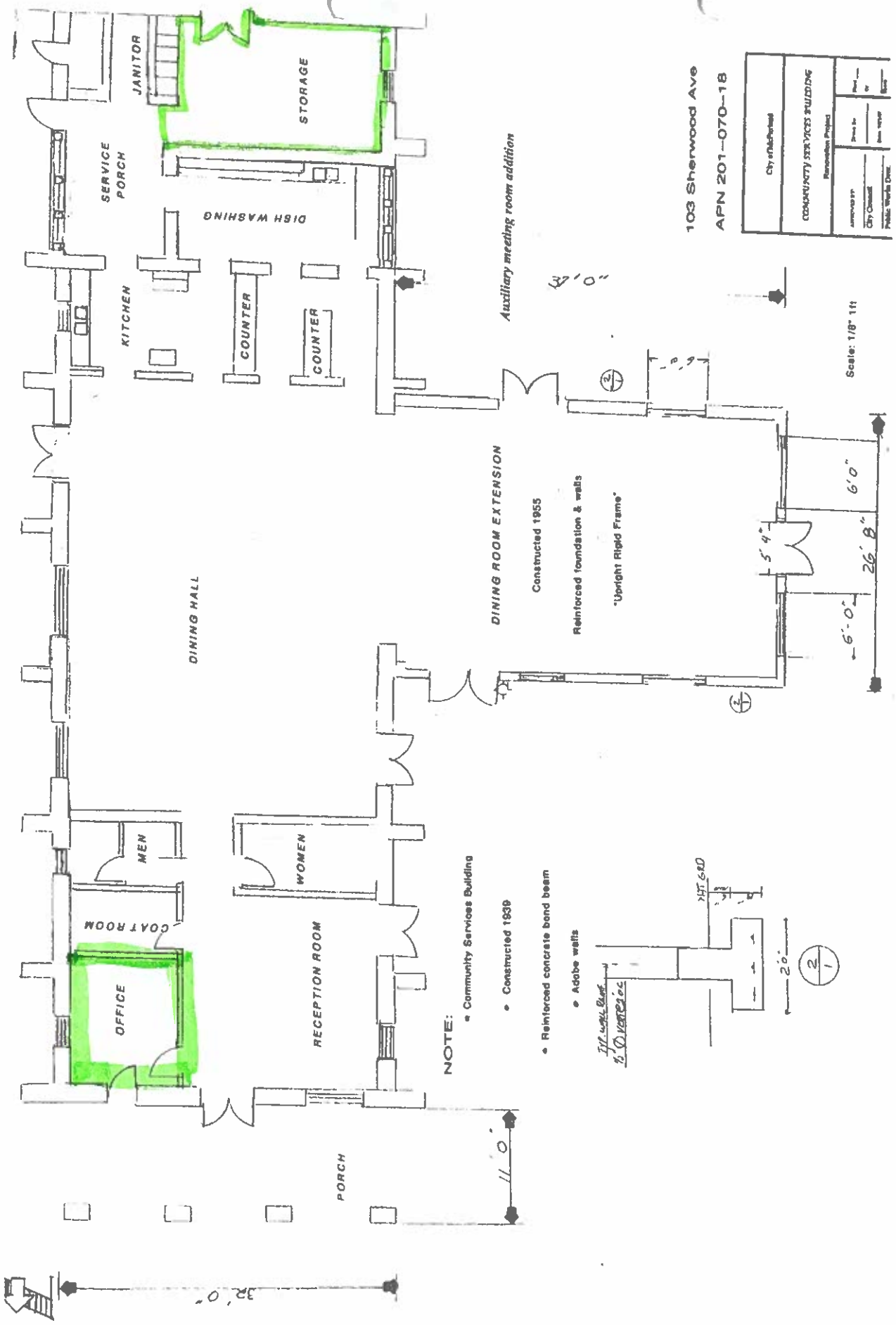
McFarland Greater Chamber of Commerce

By:_____

Its: President

By:_____
Its: Secretary

ATTACHMENT NO. 1



MEMORANDUM

CITY OF MCFARLAND

TO: Honorable Mayor and Council Members

FROM: Maria Lara, Community Development Director
Mario Gonzales, Public Works Director

DATE: August 26, 2021

SUBJECT: Report, Discuss and Consider Approval of License Agreement for Use of Veteran's Hall for McFarland Lions Club

RECOMMEND:
Staff recommends that City Council grant McFarland Lions Club a non-exclusive license agreement to occupy a portion of the Veteran's Hall premises and authorize the Mayor to execute.

DISCUSSION:

The McFarland Lions Club is a non-profit community service club that has been part of our community since 1945; its contributions with respect to the community, include, but not limited to serving the community's youth, awarding scholarships, assisting the McFarland Police Department, Annual Veterans Celebration dinner, city beautification program, community festivals and other events.

These community projects support our environment, local children, senior residents, and schools through scholarships, recreation, and mentoring. The Leo Program provides McFarland youth an opportunity for personal development through volunteering.

The approval of this agreement will ensure the McFarland Lions has a meeting/storage location, where they can continue to "SERVE" and meet the needs that challenge our local community.

FISCAL IMPACTS:

Approving the license agreement will have an impact on the operating budget for the Veteran's Hall.

ATTACHMENTS:

- License Agreement

THE CITY OF
McFarland
TRADITION • UNITY • EXCELLENCE

LICENSE AGREEMENT CONCERNING THE VETERAN'S COMMUNITY HALL IN THE CITY OF MCFARLAND, CALIFORNIA

This agreement ("Agreement") is made by and between the City of McFarland, a municipal corporation in the County of Kern, State of California (hereinafter "City" or "Licensor") and the Mc (hereinafter "MLC" or "Licensee").

RECITALS

WHEREAS, the City is the owner of real property located at 103 W Sherwood Avenue, McFarland, CA 93250, more commonly known as the McFarland Veteran's Community Center (the "Premises"); and

WHEREAS, the City desires to grant MLC a non-exclusive license to occupy a portion of the Premises, which is more particularly described as: Storage Room, which is illustrated and designated on the "Premises Map" attached to this License as Attachment No. 1, and incorporated herein by reference, subject to the terms and conditions stated herein; and

WHEREAS the City recognizes MLC's past contribution with respect to the community, including, but not limited to serving the community's youth, awarding scholarships, city beautification program, community festivals and other events.

NOW, THEREFORE, in consideration of the foregoing and of the mutual conditions, promises and covenants hereinafter contained, the parties hereto hereby agree as follows:

SECTION 1.

Recitals. The foregoing recitals are incorporated into this Agreement.

SECTION 2

Non-Exclusive Use. The City hereby grants to Licensee, its agents and contractors, a non-exclusive, revocable License to enter upon and use the Premises and the right of ingress and egress to and from the Premises, subject to the terms and, conditions herein, for the purpose of holding membership meetings and related activities (fund raising) on the first (1st) and third (3rd) Thursday of each month from 5:00 pm – 9:00 pm; Tri-tip 1st Saturday of every month (call on Holiday weekend); Special Meetings with approval of City calendar; Pending Leo's Club Meetings Date-Time, School Early Days Off. Various times when needed.

a. MLC Club has the authority and/or option to repair appliances/facility at Lion's expense without city approval. Such authority is limited to repairs of $250.00 or less.
b. MLC will have access to use electronic equipment including Marquee, Wi-Fi, and TV's.

NOTWITHSTANDING THIS PROVISION, THE CITY CAN SCHEDULE USE OF THE PREMISES FOR ITS OWN USE AT TIMES OTHER THAN THE REGULARLY SCHEDULED MEETING DATES OF LICENSEE.

Any and all prior understandings and agreements, whether written or oral, between the City and Licensee with respect to the Premises are hereby superseded by this Agreement.

SECTION 3

Term. This license shall commence when this Agreement is executed by both parties hereto ("Effective Date") and shall continue until December 31, 2023. The license shall automatically renew for one (1) year periods unless written notice is provided by either party 30 days prior to expiration of the term.

Notwithstanding the forgoing, the City may terminate this License at any time by giving thirty (30) days' written notice to Licensee. At the expiration, or upon earlier termination of this License, Licensee shall immediately cease use of the Premises.

SECTION 4

Consideration. As consideration for the License to use the Premises pursuant to the terms and conditions of this Agreement, Licensee agrees to provide the following services to the City:

c. Appoint member(s) of Licensee to open the Premises and Close the Premises for third parties who have rented the Premises. The City will provide the Licensee with sufficient notice (at least 48 hours) to allow Licensee to coordinate with its appointed member(s) to provide this service. Checklist and training will be provided by the city for private rentals. Subject to Lion's Availability.
d. Appoint member(s)_of Licensee to open the Premises and Close the Premises for the Emergency Cooling Center. The City will provide the Licensee with sufficient notice (at least 24 hours) to allow Licensee to coordinate with its appointed members to provide this service.
e. Appoint member (s) of Licensee to assist with cleaning of the Premises indoor and outdoor (i.e. emptying trash containers and cleaning windows) at least once a month.

SECTION 5

Conditions Applicable to License. This License is subject to all existing covenants, conditions, reservations, contracts, Agreements, licenses, easements, encumbrances, restrictions and rights of way with respect to the Premises, whether or not of record.

SECTION 6

Transfer or Assignment. This License is personal to Licensee and not subject to unilateral transfer by Licensee. Any attempt to transfer or assign this license without the express written consent of Licensor shall result in the immediate termination of the License Agreement.

SECTION 7

Permits and Regulations. Licensee shall be responsible for securing any required approvals, permits and authorizations from any federal, state or local agencies and shall comply with all applicable laws and regulations in its use of the Premises.

SECTION 8

No Interference. Licensee shall not interfere with the normal operation and activities of the City at the Premises. Licensee shall conduct its activities on the Premises so as to minimize damage to the Premises and inconvenience to the City, its agents, employees and invitees.

SECTION 9

Repair and Restoration. If Licensee, its agents or contractors cause any damage to the Premises, or to the City's infrastructure or other property and improvements (collectively "Property") in connection with the exercise of this License, Licensee shall at its sole cost and expense repair and restore the Premises and Property to their original condition as existed prior to Licensee' use of the Premises pursuant to this License. Licensee shall perform any and all such repairs and restoration required hereunder by the City within 10 days of written demand to complete or effectuate such repairs. In the event that repair and restoration is performed following the termination of this License, the Licensee's Indemnity and Insurance obligations in paragraphs 11 and 12 shall continue until those obligations are satisfied.

SECTION 10

Alteration in Writing. No alteration or variation of this License shall be valid unless made in writing and signed by the City and Licensee. This License supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this License.

SECTION 11

Notice. Any notice required hereunder shall be in writing and shall be addressed as follows:

TO CITY: City of McFarland
401 West Kern Avenue
McFarland, CA 93250
Attention: City Manager

TO LICENSEE: McFarland Lions Club
P.O. Box 333
McFarland, CA 93250
Attn: Club Secretary

or to such other further address as either party may indicate in a written notice to the other. All notices and communications given under this License Agreement shall be deemed to have been duly given and received: (i) upon personal delivery, or (ii) as of the second business day after mailing by United States certified mail, return receipt requested, postage prepaid,, addressed as set forth above, or (iii) the immediately succeeding business day after deposit (for next day delivery) with federal Express or other similar overnight courier system, (iv) 24 hours after facsimile transmittal with confirmation of receipt, or (v) email.

SECTION 12

Insurance. Without limiting the Licensee's indemnification of the City, the Licensee shall provide and maintain at its own expense insurance covering its operations hereunder. Such insurance shall be provided by insurer(s) satisfactory to the City and evidence of such programs satisfactory to the City shall be delivered to the City on or before the Effective Date of this Agreement. Such evidence shall specifically identify this Agreement and shall contain express conditions that the City is to be given written notice at least thirty (30) days in advance of any notification or termination of any program of insurance.

Such insurance shall be primary to and not contributing with any other insurance maintained by the City, and shall name the City as an additional insured, and shall include, but not be limited to: Comprehensive General Liability insurance endorsed for Premises-Operations, Contractual, Broad Form Property Damage, and Personal Injury with a combined single limit of not less than $1,000,000 per occurrence.

SECTION 13

Indemnification. Licensee shall defend, indemnify, and hold harmless the City, its officers, agents, and employees from and against any and all claims, damages, costs, expenses, or liabilities (collectively "claims") arising out of or in any way connected with this license, including, without limitation, claims for loss of damage to property, or for death or injuries to any person or persons.

SECTION 14

Lien Free Condition. Licensee shall not cause or permit any liens to be placed against the Premises or against the City's other property as a result of Licensee's exercise of rights under this License. In the event of the filing of any such liens, Licensee shall promptly cause such liens to be removed and shall not unreasonably delay in its efforts to remove and/or satisfy such liens.

SECTION 15

Operational Responsibilities. During the term of this license, in addition to the terms and conditions stated elsewhere in this Agreement, Licensee shall be responsible to:

1. Use the Premises for the purpose of holding meetings on the first (1st) and third (3rd) Thursday of each month between the hours of 5:00 pm and 9:00pm; and 1st Saturday of the month, various other activities.

2. Comply with the terms and conditions set forth in this Agreement;

3. Comply with and abide by all applicable rules and regulations required by the City;

4. Comply with all applicable local, state and federal ordinances, laws and regulations and, in the course thereof, obtain and keep in effect all permits and licenses required to conduct the authorized activities on the Premises;

5. Maintain the Premises in a clean and sanitary condition;

6. Conduct the activities permitted herein in a courteous and non-profane manner and remove any agent, servant or employee who fails to do so;

7. Assume the risk of loss, damage or destruction due to theft, fire and casualty of any and all fixtures and personal property belonging to the Licensee that are installed or placed upon or within the Premises;

8. Repair any and all damage to the Premises caused by or arising out of the Licensee's use of the Premises;

9. Permit the City and/or its authorized representatives to enter the Premises at any time during business hours for the purpose of determining whether the Licensee is in compliance with the terms and conditions of this Agreement;

10. Prohibit permanent signs or matter to be displayed upon or within the Premises.

SECTION 16

Utilities and Services. The City shall be responsible for all utilities and services in connection with the Premises to include electricity, internet, water, sewer, and solid waste service.

SECTION 17

Taxes. Licensee shall be responsible for any and all taxes associated with the Premises to include (if applicable) real estate taxes as well as any personal property taxes or other charges which may be levied against the Premises which are attributable to Licensee's use of the Premises or personal property kept at the Premises.

SECTION 18

Access by City to the Premises. In addition to the City's general rights to use the Premises as stated in Section 2 above. Licensee shall permit the City or its agents to enter the Premises at all reasonable hours to inspect the Premises or make repairs.

SECTION 19

Dangerous Materials. Licensee shall not keep or have on the Premises any article or thing of a dangerous, flammable or explosive character that might substantially increase the danger of first on the Premises, or that might be considered hazardous by a responsible insurance company, unless the prior written consent of the City is obtained, and proof of adequate insurance protection is provided by Licensee to the City.

SECTION 20

Compliance with Regulations. Licensee shall promptly comply with all laws, ordinances, requirements, and regulations of the federal, state, county, municipal and other authorities, and the first insurance underwriters. However, Licensee shall not by this provision be require to make alterations to the exterior of the building or alterations of a structural nature.

SECTION 21

Governing Law This Agreement shall be construed in accordance with the laws of the State of California.

SECTION 22

Entire Agreement/Amendment This Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings, or other agreements, whether oral or written, relating to the subject matter of this Agreement. This agreement may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SECTION 23

Severability. If any portion of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed and enforced a so limited.

SECTION 24

Waiver. The failure of either party to enforce any provisions of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

SECTION 25

Binding Effect. The provision of this Agreement shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors, and assigns.

SECTION 26

Attorney Fees. In the event any party to this Agreement incurs attorney fees as the result of a default of the other party, the non-defaulting party shall be entitled to recover from the defaulting party, all of its reasonable costs to include reasonable attorney fees as a result of such default.

SECTION 27

Covenants And Conditions; Construction of Agreement. All provisions of this Agreement to be observed or performed by Licensee are both covenants and conditions. In construing this Agreement, all headings and titles are for the convenience of the Parties only and shall not be considered a part of this Agreement. Whenever required by the context, the singular shall include the plural and vice versa. This Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it.

SECTION 28

Waiver Of Jury Trial; Binding Arbitration. THE PARTIES TO THIS AGREEMENT HEREBY WAIVE THEIR RESPECTIVE RIGHTS TO A TRIAL BY JURY ANY AND ALL PAST, PRESENT AND FUTURE ACCOUNTS, ACTIONS, AGREEMENTS, CAUSES OF ACTION, CLAIMS, COSTS OR EXPENSES (INCLUDING, BUT NOT LIMITED TO, ATTORNEY'S FEES AND DISBURSEMENTS), DAMAGES, DEBTS, DEMANDS, LIABILITIES, LOSSES, OBLIGATIONS, OR RECKONINGS OF ANY KIND OR NATURE WHATSOEVER, FOR COMPENSATORY OR EXEMPLARY AND PUNITIVE DAMAGES, OR DECLARATORY, EQUITABLE OR INJUNCTIVE RELIEF, WHETHER BASED ON CONTRACT, TORT, OR OTHER THEORIES OF RECOVERY PROVIDED FOR BY THE COMMON OR STATUTORY LAW, ASCERTAINED OR UNASCERTAINED, KNOWN OR UNKNOWN, PATENT OR LATENT, SUSPECTED OR CLAIMED, ARISING OUT OF OR RELATING IN ANY WAY TO THE AGREEMENT OR THE PREMISES.

BINDING ARBITRATION. THE PARTIES HERETO EXPRESSLY AGREE AND CONSENT TO BINDING ARBITRATION. THE PARTIES AGREE THAT ANY DISPUTE ARISING OUT OF OR RELATING TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO THE INTERPRETATION AND ENFORCEMENT OF THIS AGREEMENT, AND CLAIMS OF ANY TYPE INCLUDING DAMAGES, SHALL BE RESOLVED IN BAKERSFIELD, CALIFORNIA BY BINDING ARBITRATION PURSUANT TO THE CALIFORNIA ARBITRATION ACT, CALIFORNIA CODE OF CIVIL PROCEDURE, SECTION 1280, ET SEQ., INCLUDING THE DISCOVERY RIGHTS OF SECTION 1283.05. THE PARTIES SHALL JOINTLY SELECT AN ARBITRATOR WITHIN FIFTEEN (15) DAYS FOLLOWING SERVICE OF "NOTICE OF CLAIM" BY ANY PARTY TO THIS AGREEMENT. IF AGREEMENT ON THE ARBITRATOR IS NOT REACHED WITHIN SAID PERIOD, THEN SUCH ARBITRATOR SHALL BE APPOINTED BY THE PRESIDING JUDGE FOR THE KERN COUNTY SUPERIOR COURT.

City Initials: _____ **Licensee Initials: _____**

SECTION 29

AMERICANS WITH DISABILITIES ACT. Since compliance with the Americans with Disabilities Act (ADA) is dependent upon Licensee's specific use of the Premises, City makes no warranty or representation as to whether or not the Premises comply with ADA or any similar legislation as those requirements relate to the Licensee's specific use of the Premises. In the event that Licensee's use of the Premises requires modifications or additions to the Premises in order to be in ADA compliance, Licensee agrees to make any such necessary modifications and/or additions at Licensee's expense.

CITY AND LICENSEE HAVE CAREFULLY READ AND REVIEWED THIS AGREEMENT AND EACH TERM AND PROVISION CONTAINED HEREIN, AND BY THE EXECUTION OF THIS AGREEMENT SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO. THE PARTIES HEREBY AGREE THAT, AT THE TIME THIS AGREEMENT IS EXECUTED, THE TERMS OF THIS AGREEMENT ARE COMMERCIALLY REASONABLE AND EFFECTUATE THE INTENT AND PURPOSE OF CITY AND LICENSEE WITH RESPECT TO THE PREMISES.

ATTENTION: THE PARTIES ARE URGED TO:

1. **SEEK ADVICE OF COUNSEL AS TO THE LEGAL AND TAX CONSEQUENCES OF THIS AGREEMENT.**

2. **RETAIN APPROPRIATE CONSULTANTS TO REVIEW AND INVESTIGATE THE CONDITION OF THE PREMISES. SAID INVESTIGATION SHOULD INCLUDE BUT NOT BE LIMITED TO: THE POSSIBLE PRESENCE OF HAZARDOUS SUBSTANCES, THE ZONING OF THE PREMISES, THE STRUCTURAL INTEGRITY, THE CONDITION OF THE ROOF AND OPERATING SYSTEMS, AND THE SUITABILITY OF THE PREMISES FOR LICENSEE'S INTENDED USE.**

[*Signature Page Follows*]

The parties hereto have executed this License Agreement at the place and on the dates specified above their respective signatures.

Executed at:_____

on: _____

By **CITY**:

City of McFarland

By:_____
Sally Gonzalez, Mayor

Executed at:_____

on: _____

By **LICENSEE**:

McFarland Lions Club

By:_____

Its: Club President

By:_____

Its: Club Secretary

ATTACHMENT NO. 1

