

## **RESOLUTION NO. 65-13**

### **RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO APPROVE VESTING TENTATIVE TRACT MAP 7240 (PHASED) LOCATED SOUTH OF STOCKDALE HIGHWAY APPROXIMATELY ¼ MILE WEST OF RENFRO ROAD.**

**WHEREAS**, Porter & Associates for Bolthouse Properties, LLC, is proposing to subdivide approximately 97 acres into 287 single family lots in an R-1 zone (the "Project"), and a modification request to allow double frontage lots adjacent to arterial and collector streets, reduction of lot depth adjacent to freeway, located south of Stockdale Highway approximately ¼ mile west of Renfro Road, including a request for alternate lot and street design, additional landscaping, and waiver of mineral rights signatures pursuant to BMC 16.20.060.A.1. (the "Project"), and a modification request to allow deferred improvements, consisting of 16 parcels on 465.93 acres for residential and commercial development, as shown on attached Exhibit "C", located south of Stockdale Highway between Nord Avenue and ½ mile east of Heath Road as shown on attached Exhibit "B; and

**WHEREAS**, the application was deemed complete on November 8, 2013; and

**WHEREAS**, the Stockdale Ranch EIR (GPA/ZC 09-0263), certified on June 30, 2010, and incorporated by reference for this Project, documents that this subdivision is a later project that will not have a significant effect; and

**WHEREAS**, staff prepared an Addendum to the EIR in accordance with State CEQA Guidelines Section 15164 and determined the Project will not significant effect on noise impacts with mitigation measures, based on "Acoustical Analysis: Tentative Tract 7240" prepared by Brown-Buntin Associates (November 21, 2013).

**WHEREAS**, this acoustical analysis determined noise levels for residential lots along Stockdale Highway and noise levels produced by full water pumping operations of the CVC Pumping Plant No. 4, recommending mitigation measures to reduce impacts to less than significant levels; and

**WHEREAS**, only minor technical changes or additions are necessary to make the certified environmental impact report adequate under CEQA, and these changes made do not raise important new issues about significant effects, and none of the criteria as outlined in State CEQA Guidelines Section 15162 have occurred to require preparation of a subsequent EIR; and

**WHEREAS**, the Secretary of the Planning Commission, did set, Thursday, December 19, 2013, at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

**WHEREAS**, the laws and regulations relating to CEQA and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission; and

**WHEREAS**, the City of Bakersfield Planning Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

**WHEREAS**, the facts presented in the staff report, environmental review, and special studies (if any), and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. Staff determined that the proposed activity is a project and an Environmental Impact Report was prepared for the original project Stockdale Ranch EIR (GPA/ZC 09-0263) of the subject property and an Environmental Impact Report was certified on June 30, 2010 by the City Council for the original project, and duly noticed for public review.
3. Said Stockdale Ranch EIR (GPA/ZC 09-0263) Environmental Impact Report for the Project is the appropriate environmental document to accompany approval of the Project.
4. The provisions of CEQA and City of Bakersfield CEQA Implementation Procedures have been followed as described:
  - a. In accordance with CEQA Guidelines Section 15162(a)(1), there is no new significant environmental effects or a substantial increase in the severity of previously identified significant effects associated with the revised project, therefore, no major revisions to the previous EIR are required. The EIR prepared for the project examined potential environmental impacts of the General Plan Amendment and Zone Change in 16 substantive categories and determined that the project would not have a significant effect on the environment. The noise study required as a condition of approval of the GPA/ZC has determined that the mitigation measures required by the noise study would make the impact less than significant and would not change any of the conclusions previously reached. Potential impacts as to agriculture, public health and safety, aesthetics, light and glare, traffic and circulation, noise, air quality, biological resources, cultural resources, public services, recreation, utilities, geologic and seismic hazards, hydrology and water quality and mineral resources will be the same as under the original project.
  - b. In accordance with Condition 45 of GPA/ZC 05-0519, the requirement to perform a noise study prior to submittal of a tentative tract map, a noise analysis

was performed by Brown-Buntin Associates in November 2013, impacts fall below the thresholds of significance. This analysis recommends mitigation measures that result in less than significant impacts.

c. In accordance with CEQA Guidelines Section 15162(a) (2), there are no substantial changes with respect to circumstances under which the project is undertaken which will require major revision of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There are no changes in circumstances, substantial or otherwise, under which the project is being undertaken that would require major revisions in the EIR previously approved for the project.

d. In accordance with CEQA Guidelines Section 15162(a)(3), no new information of substantial importance shows: (i) new significant effects not previously discussed, (ii) a substantial increase in severity of previous discussed impacts, (iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce significant effects, or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR that would substantially reduce significant effects. The revised project does not result in any impacts that were not previously discussed in the EIR, found to be less than significant or mitigated to a level of less than significant.

e. None of the requirements for a subsequent or supplemental EIR or negative declaration pursuant to CEQA Section 21166 or CEQA Guidelines Section 15162 and 15163 are present. Therefore, in accordance with CEQA Guidelines Section 15164, an addendum was prepared to incorporate minor technical changes into the adopted EIR.

f. In accordance with CEQA Section 21083.3 and CEQA Guidelines Section 15183, this project is consistent with the development density established by the existing zoning and adopted General Plan, for which an Environmental Impact Report (EIR) was certified on June 30, 2010.

g. There are no significant impacts which are peculiar to this project or parcel which were not considered in the General Plan EIR.

h. There are no significant impacts which are peculiar to this project which were not analyzed in the EIR prepared for the adopted General Plan.

i. There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the EIR prepared for the General Plan.

j. None of the requirements for a subsequent EIR or negative declaration pursuant to CEQA Section 21166 or CEQA Guidelines Sections 15162 and 15163 are present. The Noise Study mitigation measures will not cause new significant environmental impacts that were not previously discussed in the Project EIR or an

increase in severity of previously discussed impacts. No major revisions are necessary to the previously adopted EIR. All mitigation measures adopted for the previously approved Project will apply to the Revised Project. Accordingly, the City finds that adoption of the Addendum is appropriate to describe the changes to the Project with respect to noise impacts, and that no subsequent or supplemental EIR or negative declaration is necessary.

5. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
6. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan. (Subdivision Map Act Section 66473.5) The proposed density and intensity of development are consistent with the low density residential land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
7. Mineral right owners' signatures may be waived on the final map pursuant to Bakersfield Municipal Code Section 16.20.060 A.1. The applicant has provided evidence with the Project application that it is appropriate to waive mineral right owners' signatures because in accordance with BMC Section 16.20.060 A.1., the party's right of surface entry has been expressly waived by recorded document prior to recordation of any final map.
8. In accordance with BMC 16.28.170 H, Stockdale Highway and Stockdale Ranch Drive function as major streets as shown on the Project, therefore the abutting double frontage lots are reasonable due to controlling factors as traffic, safety, appearance, and setback, and are approved with construction of a 6-foot high masonry wall separating the residential lot and the major street.
9. The request for approved modification(s) is consistent with sound engineering practices or subdivision design features.
10. The conditions of approval are necessary for orderly development and to provide for the public health, welfare, and safety.



**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Bakersfield as follows:

1. The above recitals, incorporated herein, are true and correct.
2. The Stockdale Ranch EIR, certified by the City Council on June 30, 2010 in conjunction with Project No. GPA/ZC 09-0263, adequately addresses the potential environmental impacts of the Project. The addendum that was prepared with respect to noise impacts is appropriate by finding that no subsequent or supplemental EIR or negative declaration is necessary. Therefore, the addendum is hereby adopted.
3. Vesting Tentative Tract Map 7240 is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A".

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on December 19, 2013, on a motion by Commissioner Lomas and seconded by Commissioner Strong, by the following vote.

AYES: Commissioner Kirschenmann, Lomas, Dodgin, Strong Tkac,

NOES: None

ABSENT: Commissioner Wade

APPROVED



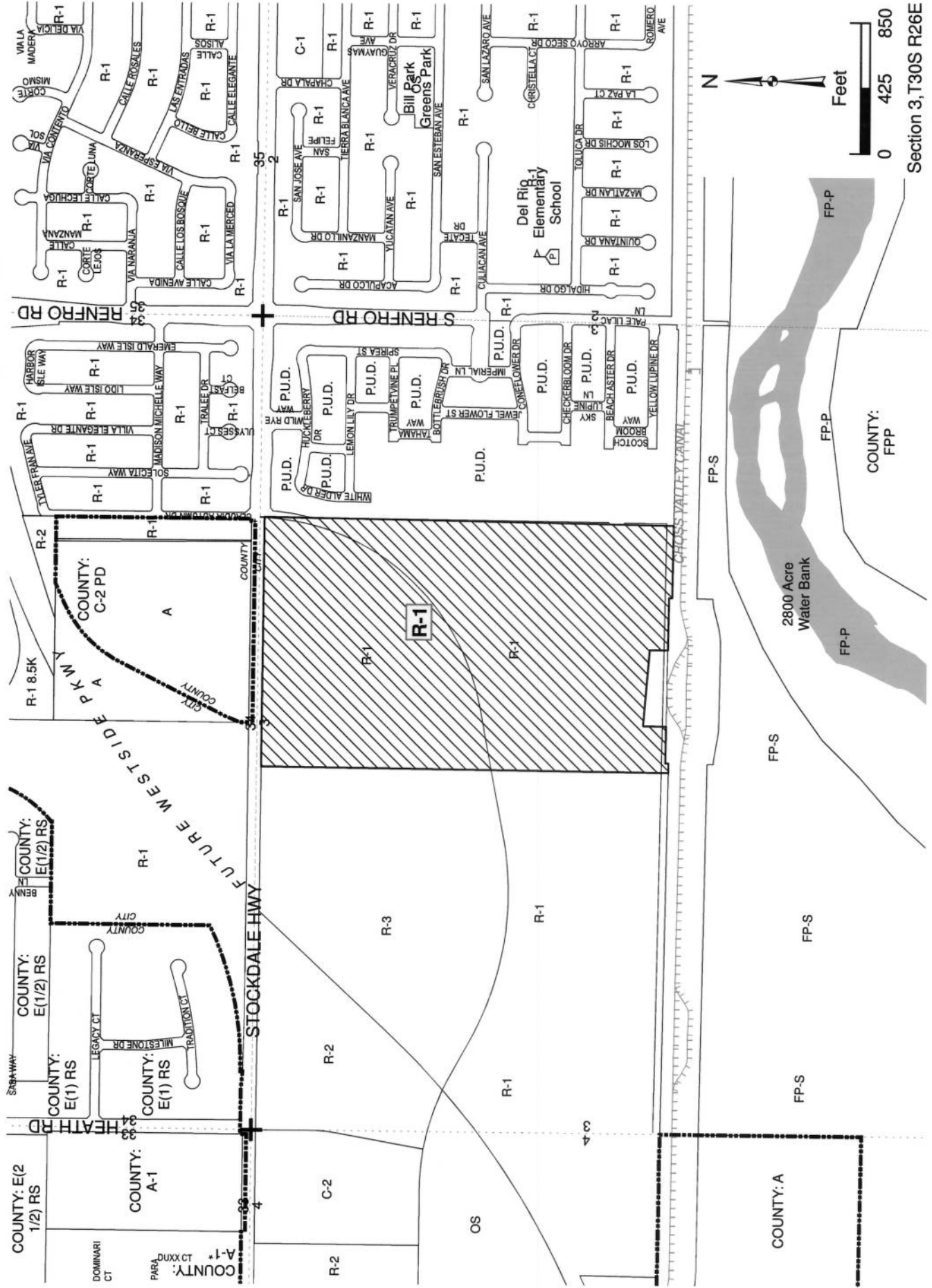
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Elliot Kirschenmann, CHAIR  
City of Bakersfield Planning Commission

**Exhibits (attached):**

Exhibit A: Conditions of Approval  
Exhibit B: Location Map  
Exhibit C: Tentative Map

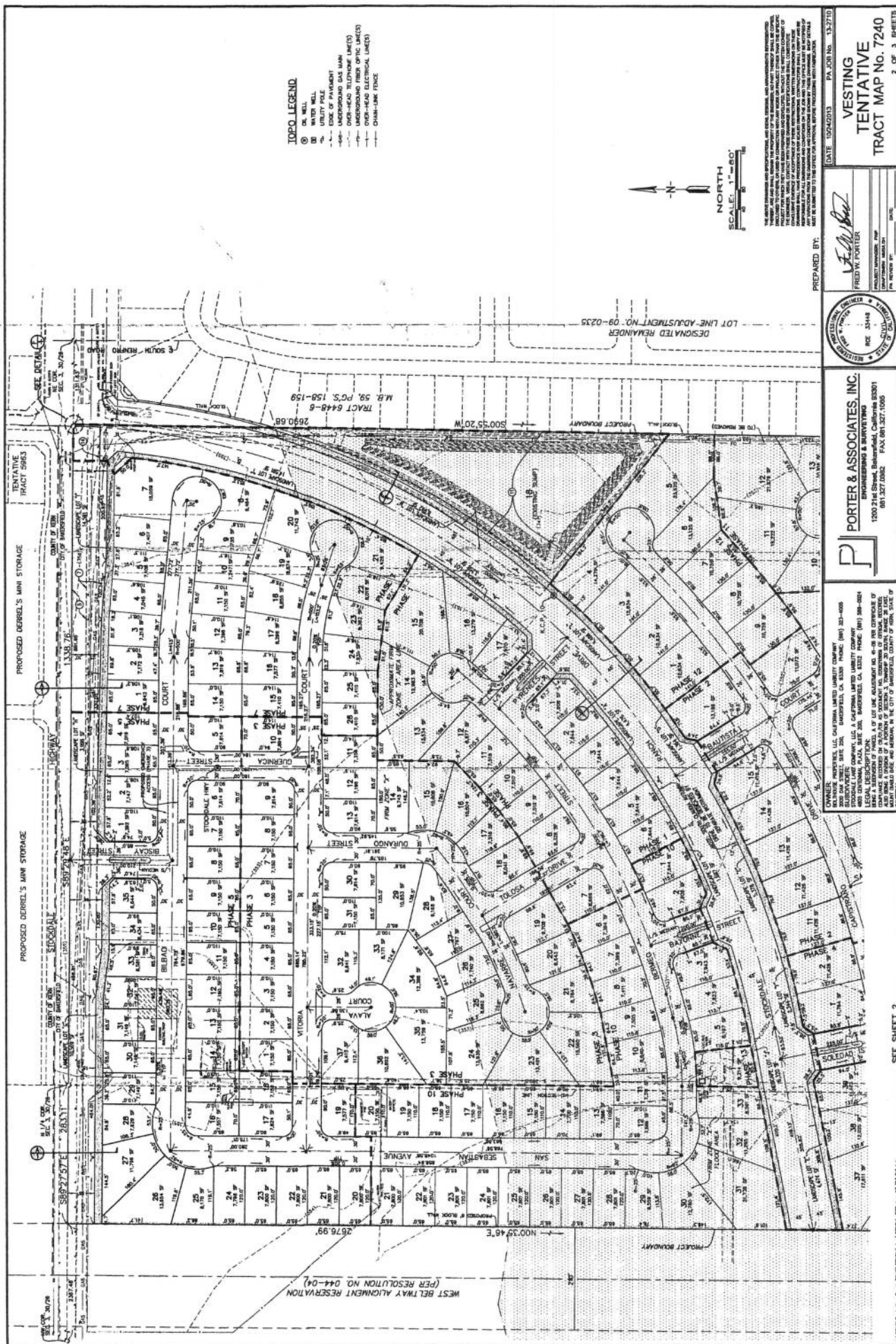
EXHIBIT "B"

VESTING TENTATIVE TRACT 7240 - ZONING



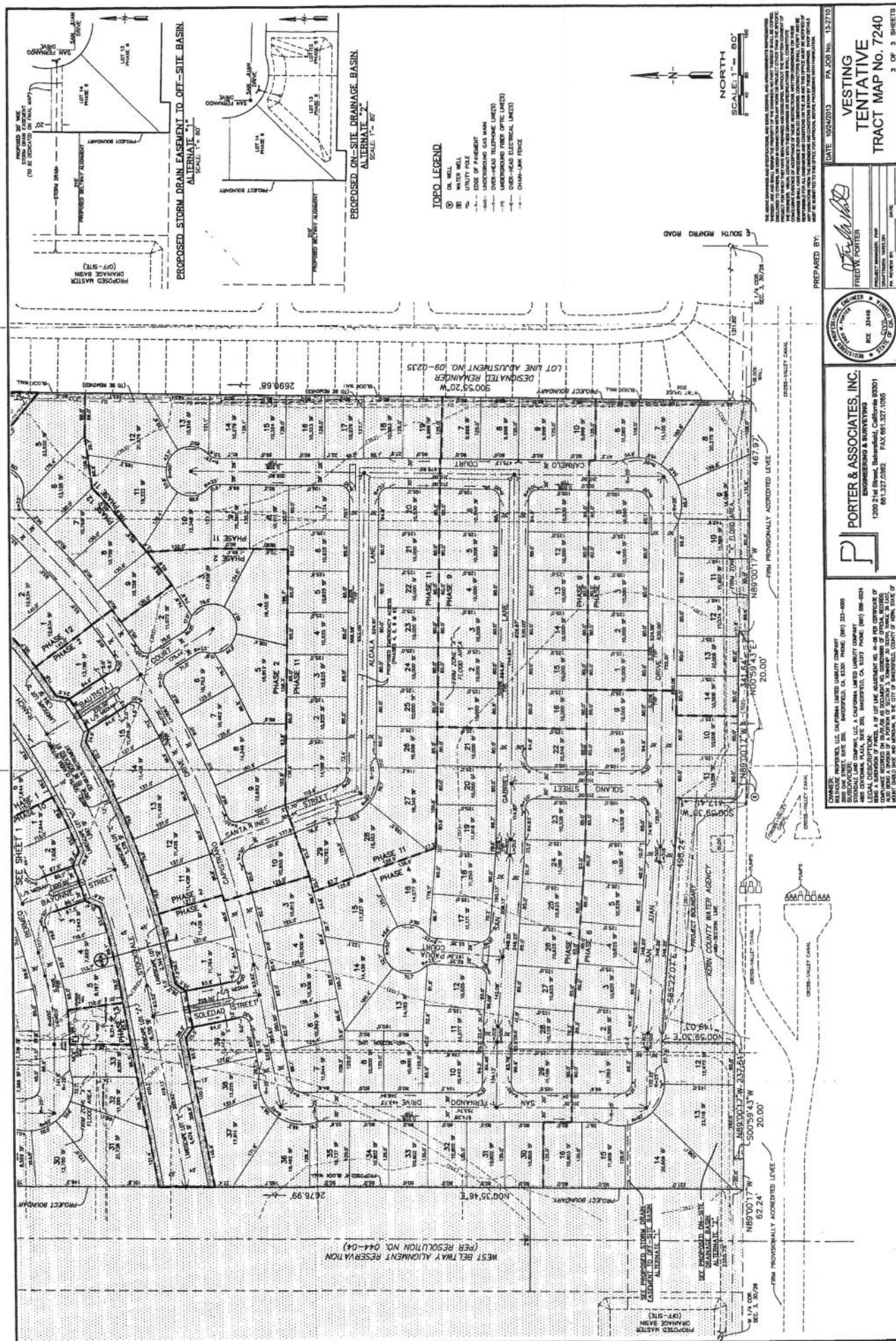


**EXHIBIT "C"**



SEE SHEET 2





DATE 10/24/2013 PA JOB No. 13-27110  
VESTING  
TENTATIVE  
TRACT MAP No. 7240  
3 OF 3 SHEETS

REPAIRED BY:	<i>Fred W. Porter</i>	DATE
PROJECT MANAGER: PMP		
SUBMITTER: NARS ON		
REVIEW BY:		

**PORTER & ASSOCIATES, INC.**  
ENGINEERING & SURVEYING  
1200 21st Street, Bakersfield, California 93301  
861.327.0382 FAX 861.327.1065

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**OWNER:**  
KELHOUSE INDUSTRIES, LLC, CALIFORNIA UNITED LIABILITY COMPANY  
18000 HIGHWAY 99, SUITE 200, BAKERSFIELD, CA 93311 PHONE: (805) 333-6095  
SURRENDERED SURETY

**STANDARD COMPANY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY**  
4000 CENTINALE PLAZA, SUITE 300, BAKERSFIELD, CA 93312 PHONE: (805) 598-0000

**LEGAL DESCRIPTION:**  
BEING A SUBDIVISION OF PARCEL A OF LOT LINE ADJUSTMENT NO. 4-88 FOR CERTIFICATE OF  
CONVEYANCE RECORDED IN 87/010 AS DOCUMENT NO. 100220001, OFFICIAL RECORDS  
SECTION 10, VOLUME 100, COUNTY OF KERN, STATE OF CALIFORNIA, THE PART THEREOF  
DESCRIBED AS BEING AND MORE PARTICULARLY DESCRIBED AS BEING



S-Valley Canal

8263

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EXHIBIT "A"  
VESTING TENTATIVE TRACT 7240  
CONDITIONS OF APPROVAL

**NOTE to Subdivider/Applicant: It is important that you review and comply with requirements and deadlines listed in the "FOR YOUR INFORMATION" packet that is provided separately. This packet contains existing ordinance requirements, policies, and departmental operating procedures as they may apply to this subdivision.**

PUBLIC WORKS

Approval of this tentative map does not indicate approval of grading, drainage lines and appurtenant facilities shown, or any variations from ordinance, standard, and policy requirements which have neither been requested nor specifically approved.

1. In a letter dated August 28, 2013 the applicant requested deviations from the following ordinance and policy requirements:
  - 1.1. BMC 1628.170F Request modification to allow non-radial and non-perpendicular lot lines. Recommendation-- APPROVE the request.
2. This map shall conform to the requirements and conditions of GPA/ZC 13-0005, and GPA/ZC 09-0263 (Stockdale Ranch).
3. Approval of this tentative map does not indicate approval of grading, drainage lines and appurtenant facilities shown, or any variations from ordinance, standard, and policy requirements which have neither been requested nor specifically approved.
  - 3.1 Sewer service to this tract may be restricted. Provide a comprehensive sewer study and verify that sewer line capacity is available, or wait for the result of the sewer study that the City has contracted. This development will be responsible for its pro rata share of any improvements required to increase sewer line capacity. The developer shall aid in the formation of a Planned Sewer Area (PSA).
4. Alternate 2 for the drainage basin is approved and will be required to be constructed. Once the west beltway is constructed and if site conditions allow, Alternate 1 may be allowed.
5. Prior to grading plan review submit the following for review and approval:
  - 5.1. A drainage study for the entire subdivision.
  - 5.2. A sewer study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions.
  - 5.3. If the tract is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal shall have a mechanical device in the storm drain system to remove or minimize the introduction of oil, grease, trash, and sediments. This device shall be reviewed and approved by the City Engineer, and shall provide the greatest benefit to the storm drain system with the least maintenance cost.

6. The following conditions must be reflected in the design of the improvement plans:
  - 6.1. Final plan check fees shall be submitted with the first plan check submission.
  - 6.2. Per Resolution 035-13 the area within the Tract shall implement and comply with the "complete streets" policy.
  - 6.3. The subdivider shall either construct the equivalent full width landscaped median island in Stockdale Highway for the site's frontage or pay his proportionate share of the cost for the future construction of the median. Median islands shall be designed by the first tract to be approved on a side. The medians may be constructed by the first tract on a side, or the median island fees shall be paid  
NOTE: MEDIAN CONSTRUCTION AND LANDSCAPING COSTS SHALL NOW BE ACTUAL COSTS, NOT COUNTY ESTIMATES AND SHALL BE INCLUDED IN THE ENGINEERS ESTIMATE. The median estimate shall include line items for curb, stamped concrete, landscaping, irrigation piping and controllers. The estimate shall be reviewed and approved by Public Works. If the median island is not constructed, the second tract across the street shall construct and landscape the median island. Construction or payment shall be for the full width of the land being subdivided. The total cost may be apportioned between the phases and paid prior to recordation of each phase if he elects to pay his share of the costs for the future construction. Left turn median restrictors shall be constructed by the first tract in.
  - 6.4. Install traffic signal interconnect conduit and pull rope for the frontage in all arterials and collectors. Install conduit and pull ropes in future traffic signal locations.
  - 6.5. In addition to other paving requirements, on and off site road improvements may be required from any collector or arterial street to provide left turn channelization into each street (or access point) within the subdivision (or development), where warranted and as directed by the City Engineer. Said channelization shall be developed to provide necessary transitions and deceleration lanes to meet the current CalTrans standards for the design speed of the roadway in question.
  - 6.6. Right turn deceleration lanes are required on arterials at local streets.
  - 6.7. Turning movements at Biscay Street shall be limited to right in, right out, and left in only. Construct a median island 100 feet on each side of the intersection to ensure the turning movements are restricted to those cited above.
  - 6.8. The phasing map as submitted may be unbalanced with respect to the required improvements along the tract frontages. Therefore, in order to promote orderly development, each phase shall be responsible for an equal dollar amount of frontage improvement. Prior to recordation of each final map for any phase that does not construct its share of the improvements, the difference between the cost of the frontage improvements constructed and the phase share shall be placed into an escrow account. The money deposited in this account would be for the use of the developer of any future phase responsible for more than its share of improvements. The final per lot share will be based upon an approved engineer's estimate. In lieu of the use of an escrow account, the developer may choose to construct with each phase its proportionate share of the frontage improvements, with approval of the City Engineer.

- 6.9. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Phase 1 first, then Phase 2, then Phase 3, etc. If recordation does not occur in that normal progression, then, prior to recordation of each final map, the City Engineer shall determine the extent of improvements to be done with that particular phase.
- 6.9.1. The following shall occur with Phase 1:
- 6.9.1.1. Construct Stockdale Ranch Drive for the full extent of the street lying within the tract's boundary from Stockdale Highway to the phase 1/10 boundary.
- 6.9.2. The following shall occur with Phase 2:
- 6.9.2.1. Construct Stockdale Ranch Drive for the full extent of the street lying within the tract's boundary from the phase 1/10 boundary to the 2/4 boundary.
- 6.9.3. The following shall occur with Phase 4:
- 6.9.3.1. Construct Stockdale Ranch Drive for the full extent of the street lying within the tract's boundary from the phase 2/4 boundary to the western boundary of phase 4.
- 6.9.4. The following shall occur with Phase 5:
- 6.9.4.1. Construct Stockdale Highway for the full extent of the street lying within the tract's boundary from the western boundary of phase 5 to Stockdale Ranch Drive.

If the number of phases or the boundaries of the phases are changed, the developer must submit to the City Engineer an exhibit showing the number and configuration of the proposed phases. The City Engineer will review the exhibit and determine the order and extent of improvements to be constructed with each new phase. The improvement plans may require revision to conform to the new conditions.

Or, if the number of phases and phase boundary lines are not shown on the tentative map, then prior to the submission of improvement plans, the developer shall supply to the City Engineer an exhibit showing the proposed phases and phase boundary lines. The City Engineer will review the exhibit and determine the order and extent of improvements to be constructed with each phase.

- 6.10. The subdivider is responsible for verifying that existing streets within the boundary of the tract are constructed to city standards and he will reconstruct streets within the boundary if not to standard.
- 6.11. Where streets do not have curb and gutter, construct a minimum section of 36 feet wide consisting of 2-12' lanes, 2-4' paved shoulders and 2 additional feet per side of either AC or other dust proof surface.
- 6.12. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 24, 1997.
- 6.13. In order to preserve the permeability of the sump and to prevent the introduction of sediments from construction or from storm events, Best Management Practices for complying with the requirements of the Clean Water Act, are required.
- 6.14. All lots with sumps and water well facilities that front arterial or collector streets will have wall and landscaping to the appropriate street standards, and those

that front local streets will have a slatted chain link fence with landscaping as approved by the Public Works and Parks Directors.

- 6.15. Install blue markers in the street at the fire hydrants per the Fire Department requirements.
7. The following must be reflected in the final map design:
  - 7.1. A waiver of direct access shall be required for all lots abutting any arterials and collectors.
8. Prior to recording the first final map:
  - 8.1. The City Council must have taken final action for inclusion of this tract within the Consolidated Maintenance District.
  - 8.2. The developer is required to construct an improvement which is on the facilities list for the Metropolitan Bakersfield Transportation Impact Fee; Stockdale Highway. The developer shall receive credit against his traffic impact fees for constructing this project. The developer must submit an appraisal, to be approved by the City Engineer, verifying the cost of the right-of-way to be acquired. This credit is not available until the improvement has been constructed by the developer and accepted for maintenance by the City. Any building permit issued prior to this acceptance shall pay the full impact fee.
  - 8.3. if it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.
9. Prior to recording each final map:
  - 9.1. all facilities within the boundaries of this subdivision identified by the approved master drainage study shall be constructed in accordance with the plans approved by the City Engineer, and all easements required shall be provided.
  - 9.2. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map which will prohibit occupancy of any lot until all improvements have been completed by the subdivider and accepted by the City.
  - 9.3. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. Said covenant shall also contain information pertaining to the maximum anticipated annual cost per single family dwelling for the maintenance of landscaping associated with this tract. Said covenant shall be provided to each new property owner through escrow proceedings. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents, including a Proposition 218 Ballot and Covenant, which shall be signed and notarized.
10. Prior to Notice of Completion:
  - 10.1. the storm drain system, including the sump, shall be inspected and any debris removed



WATER RESOURCES

11. Prior to construction of in-tract water facilities, plans and specifications shall be approved by the City Water Resources staff.
12. Lot(s) are necessary within the subdivision for the purposes of drilling and equipping domestic water well facilities. Minimum lot size required is 13,000 sq. ft. Before acceptance of the lot(s), a full environmental and hazardous materials review (surface and subsurface soils) must be conducted and lot lines adjusted to meet minimum 13,000 sq. ft. area. Property for the deepwell site(s) is to be shown on the plans as a well lot reserved for purchase by the City. The lands may be included as part of other City facilities, such as City of Bakersfield parks, storm drain sumps, etc.
13. Prior to recordation of each final map, subdivider shall submit a water will serve letter and confirmation from the City of Bakersfield Water Resources Department that water fees have been paid to the Water Resource's satisfaction. (The water will serve letter will not be issued until water availability fees have been paid in full)
14. Prior filing of final map for Phase 12 of the development the owner will have entered into a purchase agreement with the City of Bakersfield for domestic water facility site to be located on Lot 4, Phase 12 (or any other lot acceptable to the City Water Resources Department). The developer/owner will provide conduit and substructure necessary for electric service to be provided to the domestic water well site at the time the adjacent subdivision improvements are constructed. The City Water Resources Department shall be responsible for contracting with the electric utility to provide service to the well site.
15. Prior to construction of in-tract drainage basin facilities, plans and specifications shall be approved by the City Water Resources staff.

RECREATION AND PARKS -NOR

16. Prior to recordation of a final map, the subdivider shall dedicate land with free and clear title to North of the River Recreation and Park District based on a park land dedication requirement of 2.5 acres per 1,000 population in accordance with Chapter 15.80 of the Bakersfield Municipal Code or a combination of land and in lieu fees in consultation between the Client and the District. If the number of dwelling units increases or decreases upon recordation of a final map(s), the park land requirement will change accordingly. Prior to recordation of a final map, the subdivider shall enter into an agreement with North of the River Recreation and Park District to implement and satisfy this condition. This subdivision is located within the boundaries of North of the River Recreation and Park District. In accordance with Government Code Section 66020(d), you are hereby notified that the 90-day period in which you may protest the imposition of the fee has begun.
  - Subdivider shall dedicate a minimum of 2.37 acres and/or;



- pay in-lieu fees on the remaining portion of the park land requirement Refer to BMC Chapter 15.80 and Planning Information Sheet regarding calculation and payment of in-lieu fee.

*BMC Chapter 15.80 requires the Planning Commission to determine if a subdivider is to dedicate park land, pay an in-lieu fee, reserve park land or a combination of these in order to satisfy the City's park land ordinance for North of the River Recreation and Park District. Staff is recommending this condition in accordance with BMC Chapter 15. 80.*

17. Prior to recordation of each final map, the subdivider shall provide the Planning Department written proof/ verification from North of the River Recreation and Park District that said project is within the North of the River Recreation and Park District maintenance district.

*North of the River Recreation and Park District requested condition for orderly development.*

18. All residential development within the North of the River Recreation and Park District jurisdiction shall pay a development fee to help provide park facilities within the District area in accordance with Chapter 15.80 to Title 15 of the Bakersfield Municipal Code. Fees are paid directly to the City of Bakersfield and set up as a separate trust account for North of the River Recreation and Park District Park Development. All fees shall be paid at the time of building permit issuance, not later than the earliest date of the certificate of occupancy or the final inspection. Fees required shall be the applicable amount in effect at the time a building permit is obtained.

*BMC Chapter 15.80 requires the City to collect a park development, improvement and enhancement fee for each new dwelling unit within City boundaries, except for those dwelling units exempted under Section 15.82.070 in order to satisfy the City's fee for park development and improvement ordinance for North of the River Recreation and Park District. Staff is recommending this condition in accordance with BMC Chapter 15.80.*

19. Upon the development of the property adjacent to the future park site or prior to recordation of a final tract map adjacent to the future park site, whichever occurs first, subdivider/developer shall enter into an agreement with North of the River Recreation and Park District for the responsibility to provide improved streets adjacent to the future park site to City standards.

*North of the River Recreation and Park District requested condition for orderly development.*

#### CITY ATTORNEY

20. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the

applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

#### PLANNING

21. This subdivision shall comply with all provisions of the Bakersfield Municipal Code, and applicable resolutions, policies and standards in effect at the time the application for the subdivision map was deemed complete per Government Code Section 66474.2.
22. Modification Requests:
  - 22.1 The request reverse corner lots is approved.
  - 22.2 The request for double frontage lots along Stockdale Highway and Stockdale Ranch Drive is approved subject to construction of masonry wall and landscape in accordance with City arterial collector street standards.
  - 22.3 The request for lot depths less than 120 feet adjacent to a freeway (future West Beltway) is approved subject to no further modification requests for further reduction of required structure setbacks for Lot 25 - Phase 5, and Lot 29 - Phase 10.
  - 22.4 The request to provide additional landscape lot width along the north side of Stockdale Ranch Drive, the south side of Stockdale Highway, and 5 landscaped median islands at entrance local streets is approved subject to providing a standard 6-foot meandering sidewalk along the north side of Stockdale Ranch Drive.
  - 22.5 The request for lot depths less than 100 feet is approved for Lots 34 and 35, Phase 5.

*Orderly development*

23. Prior to recordation of any final map south of Stockdale Ranch Drive, a sound wall shall be constructed along the entire southern property line of the tract or along the north line of the Kern County Water Agency access easement, whichever is furthest north, as shown in Figure 4 of the Acoustical Analysis – Tentative Tract 7240 dated November 21, 2013. The sound wall or berm/sound wall combination should be constructed at a height of 12-feet along the southwest portion of the project site, and may transition down to a relative height of 7-feet as it approaches lots 7 and 11 of Phase 6. In order for the sound wall to effectively shield backyards, the sound wall will need to be continuous and solid without gaps or openings, except a 24-foot wide solid-face access double gate (12-feet high) shall be constructed near the northeast corner of the Kern County Water Agency property adjacent to San Juan Drive. Suitable construction materials include concrete blocks, masonry or stucco on both sides of a wood or steel stud wall. Wall plans are subject to approval by the Building Department and Planning Director prior to construction.

*Noise mitigation as recommended by Acoustical Analysis - Tentative Tract 7240 dated November 21, 2013.*

24. Lots 12 and 13 - Phase 6 are not allowed and shall be developed as the on-site drainage basin "Alternate 2" as shown on the approved tentative tract map.

*Noise mitigation as a result of the quantitative findings in Acoustical Analysis - Tentative Tract 7240 dated November 21, 2013.*

25. Air conditioning or mechanical ventilation should be installed in all homes so that it will be possible for windows and doors to remain closed for sound insulation purposes.

*Noise mitigation as recommended by Acoustical Analysis - Tentative Tract 7240 dated November 21, 2013.*

26. Prior to recordation of any final map, provide proof of demolition of structures as shown in Phase 5 of the approved tentative tract map.

*For orderly development and for health, safety and welfare.*

27. Prior to recordation of any final map within 200 feet of the agricultural irrigation well located within Phase 13 of the approved tentative map, a covenant shall be recorded on lots located within 200 feet of the water well site disclosing the location and nature of activities on the well site. The covenant shall be reviewed and receive approval by the City Attorney and Planning Director prior to recordation.

*For orderly development and for health, safety and welfare.*

28. Prior to recordation of any final map, the agricultural irrigation well located within Phase 13 of the approved tentative map shall be secured from public access by a chain link

fence with redwood slats/ and/or masonry block wall combination, as approved by the Planning Director.

*For orderly development and for health, safety and welfare.*

29. Prior to recordation of Phase 13 as shown on the approved tentative map, the subdivider shall have properly abandoned the agricultural irrigation well and associated irrigation facilities. Subdivider shall submit a letter from the Kern County Environmental Health Department verifying such abandonment.

*For public health, welfare and safety.*

30. Prior to recordation of each final map, the subdivider shall provide written confirmation from the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR) to the Planning Director stating that all oil wells are accurately depicted on the proposed final map (map to be attached to letter) and have been leak tested and abandoned to the satisfaction of DOGGR.

*Police power based on public health, welfare and safety.*

31. In the event a previously undocumented well is uncovered or discovered on the project site, the subdivider is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The subdivider is responsible for any remedial operations on the well required by DOGGR. Subdivider shall also be subject to provisions of BMC Section 15.66.080 (B.)

*Police power based on public health, welfare and safety.*

32. Prior to, or concurrent with, recordation of each final map of this map and all subsequent subdivisions, a covenant shall be recorded which discloses Provisional Flood Zone X, as designated by the Federal Emergency Management Agency (FEMA), affects the subject property. The covenant shall be submitted to the Planning Director for review and approval by the Planning Director and City Attorney prior to recordation. The covenant shall include a description/text similar to the following:

As of September 26, 2008, the Federal Emergency Management Agency (FEMA) determined that some areas within this subdivision are affected by Provisional Flood Zone X. Provisional Flood Zone X indicates that the levee providing protection from the 1-percent-annual-chance flood has been provisionally accredited. The Kern County Water Agency (KCWA) levee south of the subdivision provides protection from flooding, and KCWA is responsible for submitting documentation to FEMA and for maintaining the levee. Flood insurance should be considered by the property owner because of the risk of overtopping, failure of the structure or floodwater backflow where no levee exists.

If FEMA removes or changes the flood zone designation, the developer may request that the Planning Director approve the recordation of a covenant to reflect the designation change.

*For public health, welfare, and safety.*

**MITIGATION MEASURES FROM ENVIRONMENTAL IMPACT REPORT  
For General Plan Amendment/Zone Change No. 09-0263:**

Aesthetics

33. With submittal of a grading plan for each development phase, the Project Applicant shall provide the location of on-site temporary construction equipment staging areas within the proposed Project site. Appropriate screening (e.g., temporary opaque fencing [six feet in height]) shall be used to buffer views of construction equipment materials, where feasible. Staging locations shall be indicated on final grading plans and be reviewed and approved by the City Planning Department. All construction activities shall be consistent with the *Bakersfield Municipal Code* requirements and conditions of approval. *Mitigation for potentially significant aesthetics (light and glare) impacts.*
34. With submittal of a grading permit application, the Project Applicant shall provide a construction safety lighting plan, if construction occurs at night. All lighting would be located and aimed away from adjacent residential areas and roadways and would consist of minimal wattage necessary to provide safety to the construction site. All construction lighting shall be consistent with the *Bakersfield Municipal Code* requirements and conditions of approval. *Mitigation for potentially significant aesthetics (light and glare) impacts.*
35. With submittal of a site plan for commercial areas and consistent with the City's design review by the Planning Director, all public signage throughout the proposed Project shall be designed to have consistency in fixture type, lettering, colors, symbols, and logos. *Mitigation for potentially significant aesthetics (light and glare) impacts.*
36. With submittal of a tentative tract map and consistent with the City's design review by the Planning Director, the Project Applicant shall verify that all landscaping, both commercial frontage and street landscaping, are in accordance with the *Metropolitan Bakersfield General Plan* and *Bakersfield Municipal Code*. This should follow City requirements per Chapter 17.61 of the *Zoning Code*. *Mitigation for potentially significant aesthetics (light and glare) impacts.*
37. During the installation of lighting standards the Project Applicant shall ensure that any exterior lighting does not spill over onto the adjacent uses. All exterior light fixtures, including street lighting, shall be shielded or directed away from adjoining uses, pursuant to all applicable lighting standards and requirements of the *Bakersfield Municipal Code* and *Zoning Code*. *Mitigation for potentially significant aesthetics (light and glare) impacts.*



Agricultural Resources

38. Prior to issuance of a grading or building permit for urban development, or support facilities as contemplated in the Project, whichever occurs last, the applicant shall mitigate the loss of net acreage of agricultural lands, on a one-to-one basis, by selecting one or more of the items described below. Net acreage is to be calculated based on the exclusion of existing roads, lands within the proposed Westside Parkway alignment, proposed Nord Road arterial alignment, and proposed West Beltway alignment, and related areas, as such alignments may be from time to time amended, and areas already developed with structures. The applicant shall submit written verification of the applicant's compliance with this mitigation measure to the Planning Director's satisfaction. Compliance with this condition may be phased as the project is developed. The net acreage of agricultural land to be mitigated shall be equal to the amount of land being developed as each phase is developed.

- a. Funding and/or purchase of agricultural conservation easements. Such easements shall be accepted or purchased and monitored and enforced by a land trust or another appropriate entity. Funds may be used for easement purchases, ongoing monitoring and enforcement, transaction costs, and reasonable administrative costs.
- b. Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California. Funds may be used for purchases, ongoing monitoring and enforcement, transaction costs, and reasonable administrative costs.
- c. Purchase of credits from an established agricultural farmland mitigation bank approved by applicable governmental authority.
- d. During the life of the project, if the City of Bakersfield or other responsible agency adopts an agricultural land mitigation program that provides equal or more effective mitigation than measures listed above, the applicant may choose to participate in that alternate program to mitigate loss of agricultural land impacts. Prior to participation in the alternate program, the applicant shall obtain written approval from the City of Bakersfield agreeing to the participation, and the applicant shall submit written verification of compliance with the alternate program at the same time described above in the first paragraph.

Agricultural land used for mitigation shall be of at least equal agricultural classification as the land being converted or be capable of being developed as such; that is, mitigation land shall be classified or developed as Prime Farmland, Farmland of Statewide Importance, etc., (as established by the California Department of Conservation in the Farmland Mapping and Monitoring Program), the mitigation acreage being at least equivalent in classification to the converted land, or being capable of producing the same or equivalent crops as the land being converted.

Completion of the selected mitigation measure, or with the Planning Director's approval, a combination of the selected mitigation measures, can be on qualifying agricultural land

within the San Joaquin Valley (San Joaquin, Stanislaus, Merced, Fresno, Madera, Kings, Tulare, Kern), or outside the San Joaquin Valley with written evidence that the same or equivalent crop can be produced on the mitigation land. *Mitigation for potentially significant agricultural impacts.*

39. Prior to subdivision approval, if the adjoining properties are still in agricultural uses and have not received entitlements for development, then prior to issuance of certificates of use and occupancy, the Project Applicant shall record a covenant on all lots within 300 feet of agricultural uses. The covenant shall provide notice that each resident is moving into an area located close to agricultural lands or within agricultural lands, and they may be subject to inconveniences or discomfort arising from agricultural operations. Such discomfort or inconveniences may include, but are not limited to noise, odors, dust, smoke, insects, operation of machinery during any 24-hour period, aircraft operation, storage and disposal of manure, and the application by spraying or other means of agricultural chemicals, such as pesticides and fertilizers. One or more of the inconveniences described above may occur even in the case of an agricultural operation, which is in conformance with existing laws and regulations and locally accepted customs and standards. *Mitigation for potentially significant agricultural impacts.*

#### Air Quality

40. The Project Applicant shall adhere to the terms of the 2006 Voluntary Emissions Reductions Agreement with the San Joaquin Valley Air Pollution Control District to reduce ROG, NOX, and PM10 impacts to zero. *Mitigation for potentially significant air quality impacts.*
41. Prior to grading plan approval, the Project Applicant shall submit documentation to the City of Bakersfield Planning Department that they will/have met all air quality control measures required by the SJVAPCD. *Mitigation for potentially significant air quality impacts.*
42. The Project Applicant shall adhere to the terms of the 2006 Voluntary Emissions Reductions Agreement, which includes reduction measures that will reduce Greenhouse Gas Emissions. *Mitigation for potentially significant air quality impacts.*

#### Biological Resources

43. During grading and construction, the Project Contractor shall ensure all trash and food waste is disposed of in closed containers and regularly removed from the proposed Project site during construction. Absolutely no deliberate feeding of wildlife shall be allowed. *Mitigation for potentially significant biological impacts.*
44. Prior to grading, the Project Applicant shall pay the habitat mitigation fee in accordance with section 15.78.030 of the *City of Bakersfield Municipal Code* and the MBHCP. If the MBHCP is not extended past the expiration date of 2014, then during the time when no applicable MBHCP is in place, the Project Applicant shall comply with such mitigation measures as shall be required by the U.S. Fish and Wildlife Service (USFWS) and the

California Department of Fish and Game (CDFG) including, but not limited to, the following:

- a) Fund, and/or purchase, the appropriate number of credits in a mitigation bank or conservation program for the San Joaquin kit fox, which is approved by the applicable regulatory oversight agency (i.e., USFWS or CDFG).
- b) Contribute the appropriate funding to an organization, which is approved by the appropriate regulatory oversight agency (i.e., USFWS, CDFG), that provides for the preservation of off-site San Joaquin kit fox habitat. Funds may be used for purchases, ongoing monitoring and enforcement, transaction costs, and reasonable administrative costs.
- c) Contribute the appropriate funding and follow the appropriate regulatory oversight agency (i.e., USFWS, CDFG) guidelines, including obtaining the required permits, to enable the relocation of any San Joaquin kit fox identified on-site.
- d) During the life of the project, if a HCP is adopted by the City of Bakersfield, or other responsible agency, that provides equal or more effective mitigation than measures listed above, the Project Applicant may choose to participate in that alternate program to mitigate loss of San Joaquin kit fox habitat impacts. Prior to participation in the alternate program, the Project Applicant shall obtain written approval from the appropriate regulatory oversight agency (i.e., USFWS, CDFG) agreeing to the participation, and the Project Applicant shall submit written verification of compliance to the City of Bakersfield with the alternate program at the same time described above in the first paragraph.

Completion of the selected mitigation measure, or with the Planning Director's approval, a combination of the selected mitigation measures, can be on qualifying San Joaquin kit fox habitat land within Kern County. Early payment or pre-payment of MBHCP fees shall not be allowed. *Mitigation for potentially significant biological impacts.*

- 45. Within 30 days of initial ground disturbance, preconstruction clearance surveys shall be conducted by a qualified biologist in accordance with the provisions of the MBHCP. Any potential, inactive or active kit fox dens identified as unavoidable, be monitored, excavated and backfilled in accordance with the recommendations of the MBHCP and all guidelines, protocols and other provisions of the CDFG, USFWS, Federal Endangered Species Act and California Endangered Species Act. Survey windows for the San Joaquin kit fox can occur at any time throughout the year. The survey shall be submitted to the City of Bakersfield Planning Department, prior to approval of a grading permit. *Mitigation for potentially significant biological impacts.*
- 46. Prior to earth disturbance phases of construction, all construction personnel shall be trained in sensitive species identification and avoidance techniques and be instructed to be on the lookout for kit fox dens during earth disturbance. Proof of training shall be submitted to the City of Bakersfield Planning Department. Any evidence, such as dens, observed at any time during construction, shall be promptly reported to the reviewing agencies for resolution. *Mitigation for potentially significant biological impacts.*

47. During construction, all pipes, culverts or similar structures with a diameter of four inches or greater shall be kept capped to prevent entry of the kit fox. If not capped or otherwise covered, the openings shall be inspected twice daily in the morning and evening and prior to burial or closure, to ensure no kit foxes or other wildlife become entrapped or buried in pipes. *Mitigation for potentially significant biological impacts.*

Prior to the commencement of grading activities, the Project Applicant shall retain a qualified biologist to verify the presence or absence of any previously unidentified protected species, which are not addressed in the MBHCP. If encountered, the USFWS and CDFG shall be notified of previously unreported protected species. Any take of protected wildlife shall be reported immediately to the CDFG and USFWS. No activities shall occur until Incidental Take authorization has been obtained from the CDFG and USFWS. *Mitigation for potentially significant biological impacts.*

48. Seven days prior to the onset of construction activities during the raptor nesting season (February 1 to June 30), a qualified biologist shall survey within 500 feet of the proposed Project's impact area for the presence of any active raptor nests (common or special status). Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFG.

If nesting activity is present at any raptor nest 500 foot buffer around any occupied nest, unless otherwise determined by a qualified biologist and 2) access and surveying shall be restricted within 300 feet of any occupied nest, unless otherwise determined by a qualified biologist. Any encroachment into the buffer area around the known nest shall only be allowed if the biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified biologist has determined that fledglings have left the nest.

If an active nest is observed during the non-nesting season, the nest site shall be monitored by qualified biologist, and when the raptor is away from the nest, the biologist will flush any raptor to open space areas. A qualified biologist, or construction personnel under the direction of the qualified biologist, will then remove the nest site so raptors cannot return to a nest. *Mitigation for potentially significant biological impacts.*

49. The Project Applicant shall conduct preconstruction surveys prior to ground disturbance to ensure that no burrowing owls are present on-site and to ensure avoidance of direct take or accidental entrapment of burrowing owls. If nests are encountered, the use of agency-approved buffer zones shall be implemented and full avoidance of nest shall occur until the young have fledged. Additionally, the following measures, taken from the *Staff Report on Burrowing Owl Mitigation* (CDFG 1995) shall be followed in order to minimize impacts, preserve habitat, and reduce potential impacts to burrowing owls to a level of less than significant.
- Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and



- incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. *Mitigation for potentially significant biological impacts.*
- If owls must be moved away from the disturbance area, passive relocation techniques as described in the *Staff Report on Burrowing Owl Mitigation* should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternative burrows. *Mitigation for potentially significant biological impacts.*
50. Prior to initial ground disturbance, it is recommended that a "tailgate" session relative to all environmental Federal, State, and local laws for all construction personnel be conducted by a qualified biologist. *Mitigation for potentially significant biological impacts.*
51. Any evidence, such as burrows or potential raptor nests, observed at any time during construction, shall be promptly reported to the reviewing agencies for resolution. *Mitigation for potentially significant biological impacts.*
52. Lighting shall be shaded or shielded and directed down and away from adjacent agricultural and open space areas to minimize increased predation of species that may be using the adjacent open space and agricultural fields. Refer to Section 5.4, AESTHETICS, LIGHT AND GLARE, regarding light spill over and glare mitigation measures. *Mitigation for potentially significant biological impacts.*

#### Cultural Resources

53. During excavation and grading activities, if archaeological resources are discovered on-site, the Project Developer/Contractor shall stop all work and shall retain a qualified archaeologist to evaluate the significance of the finding and appropriate course of action. Salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed and the treatment of discovered Native American remains shall comply with State codes and regulations of the Native American Heritage Commission. *Mitigation for potentially significant cultural impacts.*
54. If human remains are discovered as a result of the proposed Project during development, all activity shall cease immediately, the Project Developer/Contractor shall notify the Kern County Coroner's Office immediately under state law, and a qualified archaeologist and Native American monitor shall be contacted. Should the Coroner determine the human remains to be Native American, the Native American Heritage Commission shall be contacted pursuant to Public Resources Code § 5097.98. *Mitigation for potentially significant cultural impacts.*
55. If, during grading, paleontological resources are discovered, the Project Developer/Contractor shall stop all work and a qualified paleontologist shall be retained to evaluate the significance of the finding and the appropriate course of action. The qualified paleontologist shall then be retained to examine earthwork spoils generated from construction activities. *Mitigation for potentially significant cultural impacts.*



#### Geologic and Seismic Hazards

56. Prior to issuance of grading permits, a Storm Water Pollution Prevention Plan (SWPPP), which includes erosion control measures in order to comply with the National Pollution Discharge Elimination System (NPDES) requirements of the Federal Clean Water Act, shall be obtained. Temporary, construction-related and permanent erosion control measures may include but not be limited to the use of sandbags, hydro seeding, landscaping, and/or soil stabilizers. *Mitigation for potentially significant Geologic and Seismic Hazards.*
57. Engineering design for all future structures shall be based on the probability that the proposed Project will be subjected to strong ground motion during the lifetime of development. Future Project development plans shall be subject to the *Bakersfield Municipal Code* and shall include standards that address seismic design parameters. Seismic ground shaking shall be incorporated into design and construction in accordance with the CBC requirements and site-specific design. *Mitigation for potentially significant Geologic and Seismic Hazards.*

#### Hydrology and Water Quality

58. Prior to submittal of improvement plans for each phase or individual tentative tract map, the Project Applicant shall provide a drainage study in conformance with City of Bakersfield design guidelines, which shall include, but not be limited to the following requirements:
- Future on-site roadways shall be designed to accommodate adequate flow capacity;
  - Appropriate minimum storm drain pipe size diameter shall be specified by the City Engineer; and
  - Storm drain flow velocity limitations shall be specified by the City Engineer.
59. Prior to approval of individual development projects by the Director of Public Works or his/her designee, the Project Applicant shall confirm that the proposed Project plans stipulate that prior to issuance of any grading permits, the Project Applicant shall file a Notice of Intent (NOI) and pay the appropriate fees, pursuant to the NPDES program. *Mitigation for potentially significant hydrology impacts.*
60. Prior to grading plan approval, the Project Contactors shall incorporate storm water pollution control measures into a Storm Water Pollution Prevention Plan (SWPPP); Best Management Practices (BMPs) shall be implemented; and evidence that proper clearances have been obtained through the State Water Resources Control Board (SWRCB), including coverage under the National Pollutant Discharge Elimination System (NPDES) statewide General Storm water Permit for Construction Activities. *Mitigation for potentially significant hydrology impacts.*

61. Prior to commencing grading, the Project Applicant of future projects shall prevent any off-site impacts during the construction phase. Erosion control measures shall be in place, as approved by the Director of Public Works. The erosion control measures shall be shown and specified on the SWPPP plot plan attached to the grading plans and shall be constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. *Mitigation for potentially significant hydrology impacts.*

#### Mineral Resources

Abandoned oil wells shall be surveyed and accurately plotted on all future maps related to the proposed Project with a ten foot no-build radius. A legible copy of a map showing final Project design shall be submitted to the DOGGR. *Mitigation for potentially significant mineral resource impacts.*

62. Prior to tract recordation, DOGGR shall be contacted to obtain information on the requirements for and approval to perform remedial plugging operations if any other abandoned or unrecorded wells are uncovered or damaged during excavation or grading. *Mitigation for potentially significant mineral resource impacts.*
63. Prior to tract recordation, the on-site abandoned oil well, KCLG #1, shall be examined for contaminated soils. If such soils exist, the soil will be treated in place with best available technology, or capped in place. *Mitigation for potentially significant mineral resource impacts.*

#### Noise

64. Prior to issuance of grading permits, a note shall be put on the grading plan that the Project Contractor shall provide evidence acceptable to the City Planning Department that: (1) all construction equipment, fixed or mobile, operated within 1,000 feet of a dwelling unit shall be equipped with properly operating and maintained mufflers; and (2) construction activities shall be limited to the designated daytime hours as specified by the City of Bakersfield (currently 6:00 AM to 9:00 PM on weekdays and 8:00 AM and 9:00 PM on weekends). No construction is allowed on Federal holidays. These restrictions apply to all trucks, vehicles, and equipment that are making or involved with material deliveries, loading or transfer of materials, equipment service, and maintenance of any devices for or within the proposed Project's construction site. *Mitigation for potentially significant noise impacts.*
65. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from noise sensitive receptors, to the satisfaction of the Building Official. *Mitigation for potentially significant noise impacts.*
66. Prior to approval of the proposed Project plans and specifications by the City Building Department, a note shall be put on the plans that the Project Contractor shall incorporate feasible muffling features into all construction vehicles and equipment and into construction methods, and shall maintain all construction vehicles and equipment in efficient operating condition. *Mitigation for potentially significant noise impacts.*

67. Prior to approval of the proposed Project plans and specifications by the City Building Department, stockpiling and construction vehicle staging areas shall be located as far away as practical from noise sensitive receptors during construction activities. *Mitigation for potentially significant noise impacts.*
68. At the earliest of the following, (i) January 1, 2025, or (ii) at such time as Project build-out results in Project trip generation equal to 2,145 AM peak hour trips or 3,020 PM peak hour trips: a site-specific acoustical analysis shall be conducted by a qualified acoustical engineer to determine if existing homes located along the north side of Stockdale Highway (between Nord Avenue and South Claudia Autumn Drive) are located within the 65 dB CNEL contour for "2035 With Project" conditions (247 feet from the center of the roadway), and if such homes are not protected by an effective sound wall. Construction or replacement of sound walls shall be implemented to achieve an exterior noise exposure of 65 dB CNEL or less at the homes.

The site-specific acoustical analysis shall be the responsibility of the Project Developer, and shall include measures to maintain the 20 dB reduction between exterior and interior noise levels. If the homes located north of Stockdale Highway (between Nord Avenue and South Claudia Autumn Drive) are within the 65 dB contour and exterior noise cannot be reduced to 65 dB or below by use of a sound wall, then interior noise reduction measures shall be used. Interior noise reduction can be achieved by providing windows facing Stockdale Highway with assemblies having a minimum laboratory-tested sound transmission class (STC) rating of 35. *Mitigation for potentially significant noise impacts.*

69. An acoustical analysis (*Acoustical Analysis: Tentative Tract 7240* prepared by Brown-Buntin Associates on November 21, 2013) was prepared and identified that a minimum 6-foot high masonry wall along Stockdale Highway (measured from highest side) satisfies the following mitigation measure:

- 69.1 After the precise grading and plot plans have been developed and prior to the issuance of building permits, a site-specific acoustical analysis shall be conducted by a qualified acoustical engineer to determine the final height and location of any sound walls that would be required along Stockdale Highway. It is estimated that eight-foot high sound walls would be required along Stockdale Highway, to reduce traffic noise levels to below the City's 65 dB CNEL standard. The final design of sound walls will require a detailed acoustical analysis that takes into consideration site-specific factors including building setbacks and the relative elevations of the traffic noise source, sound wall, and receiver. The acoustical analysis shall be the responsibility of the Project Developer. The developer shall assume an 8 foot high block wall for bonding purposes if a map is recorded prior to design of wall(s) *Mitigation for potentially significant noise impacts.*

70. After the precise grading and plot plans have been developed and prior to the issuance of building permits, a site-specific acoustical analysis shall be conducted by a qualified acoustical engineer to determine the final height and location of any sound walls that

would be required within the Project site along Wegis Avenue. Should sound walls not be feasible or reasonable for Wegis Avenue (a collector roadway) within the Project site, then appropriate interior noise reduction measures shall be used for impacted receptors within the Project site along Wegis Avenue to achieve compliance with the City's 45 dB CNEL interior noise level standard. Such measures may include providing air conditioner or mechanical ventilation systems so that windows and doors may remain closed for noise reduction purposes. The developer shall assume an 8 foot high block wall for bonding purposes if a map is recorded prior to design of wall(s). *Mitigation for potentially significant noise impacts.*

71. As a condition of approval, when sites specific commercial uses are proposed that have the potential to cause significant noise impacts due to the nature of the business or the hours of operation, an acoustical analysis shall be conducted to the satisfaction of the City Planning Department, that quantifies proposed Project-related noise levels and recommends mitigation measures to achieve compliance with the City's noise standards for stationary noise sources (refer to Table 5.6-2, in EIR). *Mitigation for potentially significant noise impacts.*
72. In order to protect KCWA's full use and operations of their existing facilities, as part of the tentative tract process, future residents and tenants adjacent to and within 500 feet of the Pioneer Project and Cross Valley Canal shall be notified via recorded deed notices or real estate disclosure statements, that the following nuisances may occur during facility operating and maintenance: noise, aesthetic impairments including impairment of privacy, blowing dust and/or smoke. In an attempt to reduce complaints and unwarranted investigations undertaken by KCWA, and to assist in the long-term protection of the adjacent water facilities, the following disclosure shall be given via recorded covenant or similar instrument. Covenant shall be approved by Planning Director prior to recordation.

*Your real property is adjacent to or in the vicinity of property used for water delivery and/or groundwater recharge and recovery operations. You may be subject to inconveniences, annoyances, or discomforts arising from and associated with such operations on a 24-hour basis. Said discomforts may include, but shall not be limited to noise, aesthetic impairments including impairment of privacy, blowing dust and/or smoke. Mitigation for potentially significant noise impacts.*

73. Prior to the issuance of building permits, if noise-sensitive uses are proposed for construction adjacent to the KCWA pumping station, a detailed acoustical analysis shall be performed that quantifies the noise levels produced by the pumping station (by actual noise measurements) and takes into consideration site-specific factors including building setbacks and the relative elevations of the equipment noise source, sound wall and receiver. The acoustical analysis shall be the responsibility of the Project Developer. *Mitigation for potentially significant noise impacts.*



Public Health and Safety

74. Prior to issuance of grading permits, the Project Applicant shall conduct soil characterization and sampling of any observed stained soil within the proposed Project site as needed to determine the presence or absence of hazardous materials. If concentrations of materials are detected above regulatory cleanup levels during demolition or construction activities, the following mitigation measure shall include:
- Excavation and disposal at a permitted, off-site facility;
  - On-site treatment; or
  - Other measures as appropriate.
75. Prior to issuance of grading permits, the Project Applicant shall remediate all contaminated soils to the satisfaction of the Local Unified Program Agency (the Office of Environmental Services Bakersfield City Fire Department) in conjunction with the State Regional Water Quality Control Board, the California Department of Toxic Substances Control, and/or the California Department of Water Resources. *Mitigation for potentially significant public health and safety impacts.*
76. Prior to issuance of grading permits, all stained concrete/asphalt pads shall be removed and disposed of at an appropriate permitted facility. Once removed, exposed soils shall be visually observed to confirm the presence/absence of staining (an indication of contamination migration into the subsurface). If observed, stained soils shall be sampled to identify appropriate remedial activities. *Mitigation for potentially significant public health and safety impacts.*
77. Prior to issuance of grading permits, all sumps and stockpiled soil shall be removed from the proposed Project site and properly disposed of at an approved facility. All sumps and soils shall be sampled and tested for hazardous materials. The areas beneath and around the removed materials shall be visually inspected. Any stained soils observed underneath the removed materials shall be sampled pursuant to Mitigation Measure 5.3-1 a. *Mitigation for potentially significant public health and safety impacts.*
78. Prior to issuance of grading permits, the Project Applicant shall remove and properly dispose of the on-site debris, consisting of drums, containers, stained supplies and equipment and miscellaneous debris, at an approved landfill facility. The areas beneath and around the removed debris shall be visually inspected. Any stained soils observed underneath the debris shall be sampled pursuant to Mitigation Measure 5.3-1 a. *Mitigation for potentially significant public health and safety impacts.*
79. Prior to issuance of the grading permits, aboveground chemical or fuel storage tanks (ASTs) shall be removed and properly disposed of at a licensed tank destruction facility. Once removed, a visual inspection of the areas beneath and around the removed ASTs shall be performed. Any stained soils observed beneath the ASTs shall be sampled. If concentrations of materials are detected above regulatory cleanup levels during sampling activities, the mitigation measure shall include:
- Excavation and disposal at a permitted, off-site facility;

- On-site treatment; or
  - Other measures as appropriate.
80. Prior to recordation of a Final Map, Parcel Map Waiver, or Lot Line Adjustment, whichever occurs first, the downhole details of abandoned wells shall be reviewed by DOGGR engineers. Written verification from the DOGGR shall be provided to indicate that the wells have been properly abandoned or reabandoned, if necessary pursuant to current DOGGR regulations and requirements. *Mitigation for potentially significant public health and safety impacts.*
81. All future drilling, production, and construction activities shall also be subject to the following fire and safety regulations required by the City of Bakersfield Fire Department:
- No structures shall be built within 100 feet of any oil well unless the well has been properly abandoned per Uniform Fire Code 7904.3.2.3. *Mitigation for potentially significant public health and safety impacts.*
  - Prior to the issuance of a building permit for structures located within 100 feet of an oil well, the Project Applicant shall provide a letter of certification from the DOGGR to the City of Bakersfield Fire Department, Office of Prevention Services indicating that previously abandoned wells have been reabandoned to current DOGGR standards. *Mitigation for potentially significant public health and safety impacts.*
  - Prior to issuance of a building permit, the location of any well is to be surveyed, located, and marked by a licensed civil engineer or land surveyor. A map shall be furnished to the City of Bakersfield Fire Department, Office of Prevention Services showing the location and measurements of any well in relation to any existing and proposed structures per Bakersfield Municipal Code 15.66.080 B. *Mitigation for potentially significant public health and safety impacts.*
  - The Project Applicant shall notify the property owner of the structure (residence) of the existing abandoned oil well on their lot through the deed or other legal documents per Bakersfield Municipal Code 15.66.080 B. *Mitigation for potentially significant public health and safety impacts.*
82. The existing irrigation wells currently producing water on the proposed Project site shall not be utilized to provide water for human consumption. Prior to the approval of each individual tentative tract map, a note shall indicate that the irrigation wells within that phase that will not be utilized to supply water for future landscaping, on-going agricultural operations, or other non-consumptive purposes shall be destroyed per California Department of Water Resources and Kern County Environmental Health Services Department standards. *Mitigation for potentially significant public health and safety impacts.*
83. Prior to issuance of a grading permit, the Project Contractor shall obtain information on the location of underground gas transmission pipelines and any information regarding safety concerns of the pipelines. During grading activities, Pacific Gas and Electric

Company (PG&E) or any other utility company operating pipelines traversing the boundaries or within the boundaries of the proposed Project site shall be notified of the construction activity within the corresponding easement. *Mitigation for potentially significant public health and safety impacts.*

84. If during soil removal, evidence of petroleum products appears to continue below the ground surface, sampling shall be performed to characterize the extent of contamination and identify appropriate remedial measures. *Mitigation for potentially significant public health and safety impacts.*
85. If unknown wastes or suspect materials are discovered during construction by the contractor, which he/she believes may involve hazardous waste/materials, the contractor shall:
- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
  - Notify the Project engineer of the implementing agency;
  - Secure the areas as directed by the Project engineer; and
  - Notify the implementing agency's hazardous waste/materials coordinator.
86. If, during grading and construction, potential unknown buried hazardous materials are found, and/or unidentified materials are discovered in the prescribed soil testing, health and safety procedures shall be implemented immediately by the Contractor. Procedures shall include, at a minimum, emergency medical treatment, evacuation of the site and/or threatened area, and notification action. Notification shall be determined by the appropriate agency which may include but not be limited to the following agencies: Kern County Department of Environmental Health Services, City of Bakersfield Fire Department, San Joaquin Valley Air Pollution Control District, and the Regional Water Quality Control Board. Evacuation and determination regarding the type of contamination encountered and best course of action would be determined by the ranking official and any required remediation measures shall be implemented. Work shall stop immediately if any unknown soil or other hazardous materials concerns arise during any part of the testing, grading, and construction activities on the proposed Project site. *Mitigation for potentially significant public health and safety impacts.*
87. If any PG&E pipeline is ruptured during grading, PG&E shall be notified at (800) 743-5000, and 911 (Kern County Emergency Services) shall be called. The Pipeline Development Policies of the City of Bakersfield Fire Department are as follows:
- No habitable portion of a structure may be built within 50 feet of a gas main, or transmission line, or refined liquid product line with 36 inches of cover; *Mitigation for potentially significant public health and safety impacts.*
  - No structure may be built within 40 feet of a hazardous liquids pipeline bearing refined product, with 48 inches or more of cover; *Mitigation for potentially significant public health and safety impacts.*

- No habitable portion of a structure may be built within 30 feet of a crude oil pipeline operating at 20 percent or greater of its design strength; *Mitigation for potentially significant public health and safety impacts.*
- Prior to or concurrently with the filing of a final map, a covenant shall be recorded on all lots of this tract, or portion therefore, which are within 250 feet of any gas transmission lines. The covenant shall acknowledge proximity of pipeline easement to said property and describe the name, type and dimension of the pipeline. Prior to recordation, the Project Applicant shall submit and obtain approval of covenant wording with the City Attorney, City of Bakersfield Fire Department's Office of Prevention Service, and the City engineer. *Mitigation for potentially significant public health and safety impacts.*

88. If transite pipe is located on the site during construction activities, the San Joaquin Valley Air Pollution Control District (SJVAPCD) shall be contacted for proper disposal procedures and requirements. Transite pipe shall then be removed and properly disposed per the SJVAPCD guidelines. *Mitigation for potentially significant public health and safety impacts.*
89. Prior to any on-site construction activities, soils shall be sampled and analyzed by a licensed engineer or geologist, approved by the Director of Prevention Services, to determine the level of residue for pesticides, herbicides, chemicals, and associated metals. If residue is found to be within acceptable amounts per the Environmental Protection Agency (EPA) and Department of Toxic Substances Control (DTSC) standards, then grading and construction may begin. If the residue is found to be greater than acceptable level limits, all contaminated soils exceeding the acceptable limits shall be remediated and/or properly disposed of per DTSC requirements. An appropriate verification closure letter from DTSC shall be obtained and submitted to the City of Bakersfield. *Mitigation for potentially significant public health and safety impacts.*
90. Prior to issuance of grading permits, any removal or relocation of transformers shall be conducted under the purview of the local utility purveyor (i.e., Pacific Gas and Electric Company [PG&E]) to identify proper handling procedures regarding potential polychlorinated biphenyls (PCBs). If stained soils are observed underlying any of the pole-mounted electrical transformers, it shall be sampled and tested for the presence of PCBs. *Mitigation for potentially significant public health and safety impacts.*
91. Prior to the issuance of grading and building permits, if necessary, PCB affected soil shall be properly disposed per Federal, State, and local laws. Testing and disposal shall meet the regulations of the City of Bakersfield Fire Department, Office of Prevention Services. If such PCB soil testing and disposal are required, a verification closure letter shall be obtained from the City of Bakersfield Fire Department Office of Prevention Services. *Mitigation for potentially significant public health and safety impacts.*
92. Pursuant to the San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII-Fugitive PM10 Prohibitions, all areas with bare soil exposed as a result of the proposed Project's earthwork activities shall be landscaped at the earliest time possible or stabilized



by watering when winds exceed 20 miles per hour (mph) in order to reduce the potential inhalation of spores causing Valley Fever.

93. Prior to recordation of final tract map, the Project Developer shall construct a six-foot-high chain-link fence, or equivalent barrier as determined by the advisory agency, between any subdivision and the right-of way line of any irrigation canal within or adjacent to the subdivision, as specified in City of Bakersfield Subdivision and Engineering Design Manual Standard S-10. *Mitigation for potentially significant public health and safety impacts.*

#### Public Services and Utilities

94. With submittal of each final tract map, the proposed development shall be reviewed by the City of Bakersfield Fire Department to ensure Department requirements for access, fire flow, hydrants, or other fire and life safety requirements are adequately addressed. *Mitigation for potentially significant public service and utilities impacts.*
95. The Project Applicant shall be required to pay impact-based school fees at the statutory rate in effect at the time of issuance of building permits, in accordance with Education Code §17620 and Government Code §65995. *Mitigation for potentially significant public service and utilities impacts.*
96. Prior to recordation of a final map(s), the subdivider shall dedicate land and/or pay in-lieu fees for parkland dedication to the North of the River Recreation and Park District, in compliance with Government Code Section 66477 (Quimby Act), *Bakersfield Municipal Code* §15.80 (based on a parkland dedication requirement of 2.5 acres per 1,000 population), and North of the River (NOR) Recreation and Park District policies and standards. If the number of dwelling units increases or decreases upon recordation of a final map(s), the park land requirement will change accordingly. Refer to *Bakersfield Municipal Code* §15.80 and the Planning Information Sheet regarding calculation and payment of in-lieu fees. The NOR Recreation and Park District shall provide a certificate stating that this measure is satisfied. *Mitigation for potentially significant public service and utilities impacts.*
97. Prior to recordation of the first final map, the subdivider shall provide written proof/verification from North of the River (NOR) Recreation and Park District that the proposed Project site is/has been included within the NOR Park Maintenance District. Said verification shall be submitted to the City of Bakersfield Planning Director. *Mitigation for potentially significant public service and utilities impacts.*
98. Prior to proposed Project development, the Project Applicant shall coordinate with the City of Bakersfield Water Resources Department in regards to a will serve letter indicating its intention to serve as the water utility for providing water service to the proposed Project. *Mitigation for potentially significant public service and utilities impacts.*
99. Prior to issuance of any building permit, the Project Applicant shall submit, for review, a Construction and Demolition Recycling Plan to the Kern County Waste Management Department (KCWMD). The Recycling Plan shall include a plan to separate

recyclable/reusable construction debris. The Plan shall include the method the proposed Project Contractor will use to haul recyclable materials and shall include the method and location of material disposal. *Mitigation for potentially significant public service and utilities impacts.*

100. The Project Applicant shall comply with applicable City ordinances to waste collection within the proposed Project site, including such ordinances which require mandatory curbside recycling. *Mitigation for potentially significant public service and utilities impacts.*
101. Prior to approval of a tentative tract map, the Project Applicant shall coordinate with PG&E staff early in the planning stages to ensure that adequate facilities are incorporated in the proposed Project as soon as possible. In addition, the Project Applicant shall coordinate with PG&E staff prior to construction regarding any potential service of facility issues. *Mitigation for potentially significant public service and utilities impacts.*
102. All new dry utility lines adjacent to the roadways shall be placed in the ultimate location prior to Notice of Completion of each phase. In addition, Public utility easements shall be dedicated on the final tract map. *Mitigation for potentially significant public service and utilities impacts.*

#### Traffic and Circulation

103. Prior to grading permit issuance, a Traffic Management Plan (TMP) shall be submitted for review and approval to the City of Bakersfield Public Works Department, if there are lane closures on Stockdale Highway. Such plan shall consist of prior notices, adequate sign posting, detours (including for pedestrians and bicyclists), proper lighting (where appropriate), fencing and shielding, proper storage of equipment and supplies, and covering loose piles or soil or other earthen material. The TMP shall specify implementation timing of each plan element (prior notices, sign posting, detours, etc.) as determined appropriate by the city Engineer. Adequate access to and from adjacent residential areas shall be provided at all times. The TMP shall be reviewed and approved by the City Police and Fire Departments as it applies to emergency response or evacuation plans. *Mitigation for potentially significant traffic and circulation impacts.*
104. Any roadway segment improvements on Stockdale Highway between Enos Lane and Superior Road shall include railroad crossing safety measures such as proper warning signals, lights, striping, median separation, and parking restrictions, as outlined in the CPUC guidelines and the Phase IV RTIF Program. This mitigation measure shall be satisfied by the Project applicant's payment of RTIF fees. *Mitigation for potentially significant traffic and circulation impacts.*
105. Prior to the issuance of building permits, the Project Applicant shall participate in the City's RTIF Program. The Project Applicant shall submit funding calculations for all improvements associated with the RTIF Program pursuant to Tables 6 and 8 of the proposed Project's Traffic Impact Study (McIntosh and Associates, September 2009, [Appendix 15.4]) for approval. *Mitigation for potentially significant traffic and circulation impacts.*

106. For impacted intersections subject to fair share improvements (refer to Table 6, from September 2009 Traffic Impact Study [refer to Appendix 15.4]) and roadway segment improvements, prior to the issuance of building permits, the Project Applicant shall participate in the improvements required on a pro-rata, fair-share basis, as indicated the Recommended Improvements and Table 5.5-6. Mitigation for potentially significant traffic and circulation impacts.

ADDITIONAL CONDITIONS OF APPROVAL:

Planning

107. The applicant shall appoint a project manager to act as a liaison with city staff and track (monitor) all conditions of approval/mitigation measures. The project manager shall provide written evidence and documentation confirming the satisfactory completion and/or compliance with the list of conditions, including mitigation measures of the project. The project manager shall submit the entire list of conditions with said evidence/documentation and status of each condition with each subsequent development application and/or plans submitted to the Development Services Department and Public Works Department. The project manager shall coordinate with city departments and other agencies as needed to satisfy conditions/mitigation measures, and document compliance. Documentation from the project manager as to the compliance of the condition/mitigation measures are subject to review and acceptance by the Planning Director, or his designee. The name and contact information for the project manager shall be provided to city staff on all submittals. For orderly development.
108. A trail system is required for this project. The trail cross section shall mirror the trail design approved for the multi-use trail and combination trail system. Trail location and cross section diagram shall be depicted on tentative and final maps. For orderly development.

Public Works

109. Along with the submittal of any development plan, prior to approval of improvement plans, or with the application for a lot line adjustment or parcel merger, the following shall occur:
- 109.1. Show proposed dedication on the tentative maps and provide fully executed dedication on the final map for Stockdale Highway, Heath Road, Wegis Avenue and Nord Avenue to arterial standards; Claudia Autumn Drive to collector standards within the boundary of the tract, if necessary. Dedications shall include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer. Submit a current title report with the dedication documents. If a tentative subdivision map over the entire GPA/ZC area is submitted, dedication can be provided with the map. Developer shall reserve the right of way within the GPA/ZC area for the West Beltway per Specific Plan Line 03-1171 per Resolution 044-

04 and for the Kern River Freeway per Specific Plan Line to be adopted by the City of Bakersfield. For orderly development.

- 109.2. Submit a comprehensive drainage study to be reviewed and approved by the City Engineer. No more than seven (7) sumps may be utilized to serve this area; these sumps should be located so that they may be available to serve adjacent areas as they develop. If only one sump is utilized to serve this GPA/ZC area, it need not be so located. The study shall be approved and any required retention site and necessary easements dedicated to the City. For orderly development.
- 109.3. Sewer service must be provided to the GPA/ZC area. The developer shall be responsible for the initial extension of the sewer line to serve the property. This sewer line must necessarily be sized to serve a much larger area than the project area. The City is willing to aid the developer in the formation of a Planned Sewer Area to provide a mechanism for the reimbursement of over-sizing costs to the developer. For orderly development.
- 109.4. The project applicant shall provide the City of Bakersfield with a phasing plan of all onsite and required offsite infrastructure to be reviewed and approved by the City Engineer. For orderly development.
- 109.5. The developer is responsible for the construction of all infrastructures, both public and private, within the boundary of the tract. This includes the construction of any and all boundary streets to the centerline of the street, unless otherwise specified. The developer is also responsible for the construction of any off site infrastructure required to support this development, as identified in these conditions. The phasing of the construction of all infrastructures will be addressed at the subdivision map stage. For orderly development.
110. The GPA/ZC area is within and subject to the Western Rosedale Trails Plan. For orderly development.
111. The entire area covered by this General Plan Amendment shall be included in the Consolidated Maintenance District. The applicant shall pay all fees for inclusion in the Consolidated Maintenance District with submittal of any development plan, tentative subdivision map, Site Plan Review, or application for a lot line adjustment for any portion of this GPA area. For orderly development.
112. Payment of the proportionate share of the cost of the median for the arterial frontage of the property within the GPA/ZC request is required prior to recordation of any map or approval of any improvement plan for the GPA/ZC area. For orderly development.
113. The development is required to pay into the adopted Regional Traffic Impact Fee fixed rate program. For orderly development.
114. Prior to recordation of any final map, the developer shall record a covenant on all lots providing notice that the lot is located close to a nearby groundwater banking facility



and the Cross Valley Canal; and that they may be subject to inconveniences or discomfort arising from said use. Such discomfort or inconveniences may include, but not limited to:

- 114.1.1. Fluctuations in groundwater levels resulting in damage to stormwater disposal facilities, swimming pools and other (sub)surface structures;
  - 114.1.2. Periods of constant noise, as facilities may be operated twenty-four hours per day periods of time;
  - 114.1.3. The presence of vectors, such as mosquitoes, in response to standing water;
  - 114.1.4. The use of vector controls;
  - 114.1.5. Aesthetic impairments, including visible personnel, equipment, vehicle lights and any other activities associated with the facilities; and
  - 114.1.6. The presences of blowing dust or smoke.
115. Prior to recordation of any final map, the permanent 20 feet wide access easement running east-west along the southern boundary of the tract shall be deeded in fee to the Kern County Water Agency.