

Prepared For



City of Shafter  
2023 - 2031  
Housing Element  
Update Initial  
Study and  
Mitigated Negative  
Declaration

June 2023

Prepared By



This page has been intentionally left blank.

# TABLE OF CONTENTS

<b>DOCUMENT ORGANIZATION .....</b>	<b>vii</b>
<b>SECTION I. INTRODUCTION.....</b>	<b>1</b>
<b>SECTION II. PROJECT DESCRIPTION .....</b>	<b>4</b>
<b>SECTION III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED .....</b>	<b>9</b>
<b>SECTION IV. MITIGATED NEGATIVE DECLARATION .....</b>	<b>10</b>
<b>SECTION V. EVALUATION OF ENVIRONMENTAL IMPACTS .....</b>	<b>16</b>
<b>AESTHETICS .....</b>	<b>15</b>
Regulatory Setting.....	15
Affected Environment.....	16
Project Impacts .....	17
<b>AGRICULTURE AND FORESTRY RESOURCES .....</b>	<b>21</b>
Regulatory Setting.....	21
Affected Environment.....	21
Project Impacts .....	22
<b>AIR QUALITY .....</b>	<b>25</b>
Regulatory Setting.....	25
Affected Environment.....	27
Project Impacts .....	27
<b>BIOLOGICAL RESOURCES .....</b>	<b>34</b>
Regulatory Setting.....	34
Affected Environment.....	37
Project Impacts .....	37
<b>CULTURAL RESOURCES.....</b>	<b>45</b>
Regulatory Setting.....	45
Affected Environment.....	49
Project Impacts .....	50
<b>ENERGY .....</b>	<b>54</b>
Regulatory Setting.....	54
Affected Environment.....	55
Project Impacts .....	55
<b>GEOLOGY AND SOILS.....</b>	<b>58</b>
Regulatory Setting.....	58
Affected Environment.....	60
Project Impacts .....	60
<b>GREENHOUSE GAS EMISSIONS .....</b>	<b>67</b>
Regulatory Setting.....	67
Affected Environment.....	69
Project Impacts .....	70
<b>HAZARDS AND HAZARDOUS MATERIALS .....</b>	<b>72</b>
Regulatory Setting.....	72
Affected Environment.....	74

Project Impacts .....	74
<b>HYDROLOGY AND WATER QUALITY .....</b>	<b>81</b>
Regulatory Setting.....	81
Affected Environment.....	85
Project Impacts .....	85
<b>LAND USE AND PLANNING .....</b>	<b>91</b>
Regulatory Setting.....	91
Affected Environment.....	92
Project Impacts .....	92
<b>MINERAL RESOURCES .....</b>	<b>95</b>
Regulatory Setting.....	95
Affected Environment.....	95
Project Impacts .....	96
<b>NOISE .....</b>	<b>97</b>
Regulatory Setting.....	97
Affected Environment.....	99
Project Impacts .....	100
<b>POPULATION AND HOUSING .....</b>	<b>107</b>
Regulatory Setting.....	107
Affected Environment.....	109
Project Impacts .....	109
<b>PUBLIC SERVICES.....</b>	<b>112</b>
Regulatory Setting.....	112
Affected Environment.....	114
Project Impacts .....	115
<b>RECREATION .....</b>	<b>121</b>
Regulatory Setting.....	121
Affected Environment.....	121
Project Impacts .....	122
<b>TRANSPORTATION AND TRAFFIC .....</b>	<b>124</b>
Regulatory Setting.....	124
Affected Environment.....	125
Project Impacts .....	126
<b>TRIBAL CULTURAL RESOURCES .....</b>	<b>130</b>
Regulatory Setting.....	130
Affected Environment.....	131
Project Impacts .....	131
<b>UTILITIES AND SERVICE SYSTEMS.....</b>	<b>135</b>
Regulatory Setting.....	135
Affected Environment.....	137
Project Impacts .....	138
<b>WILDFIRE .....</b>	<b>145</b>
Regulatory Setting.....	145

Affected Environment.....	145
Project Impacts .....	146
<b>MANDATORY FINDINGS OF SIGNIFICANCE .....</b>	<b>148</b>
<b>REFERENCES .....</b>	<b>150</b>

## **LIST OF APPENDICES**

<b>APPENDIX A.....</b>	<b>1511</b>
------------------------	-------------

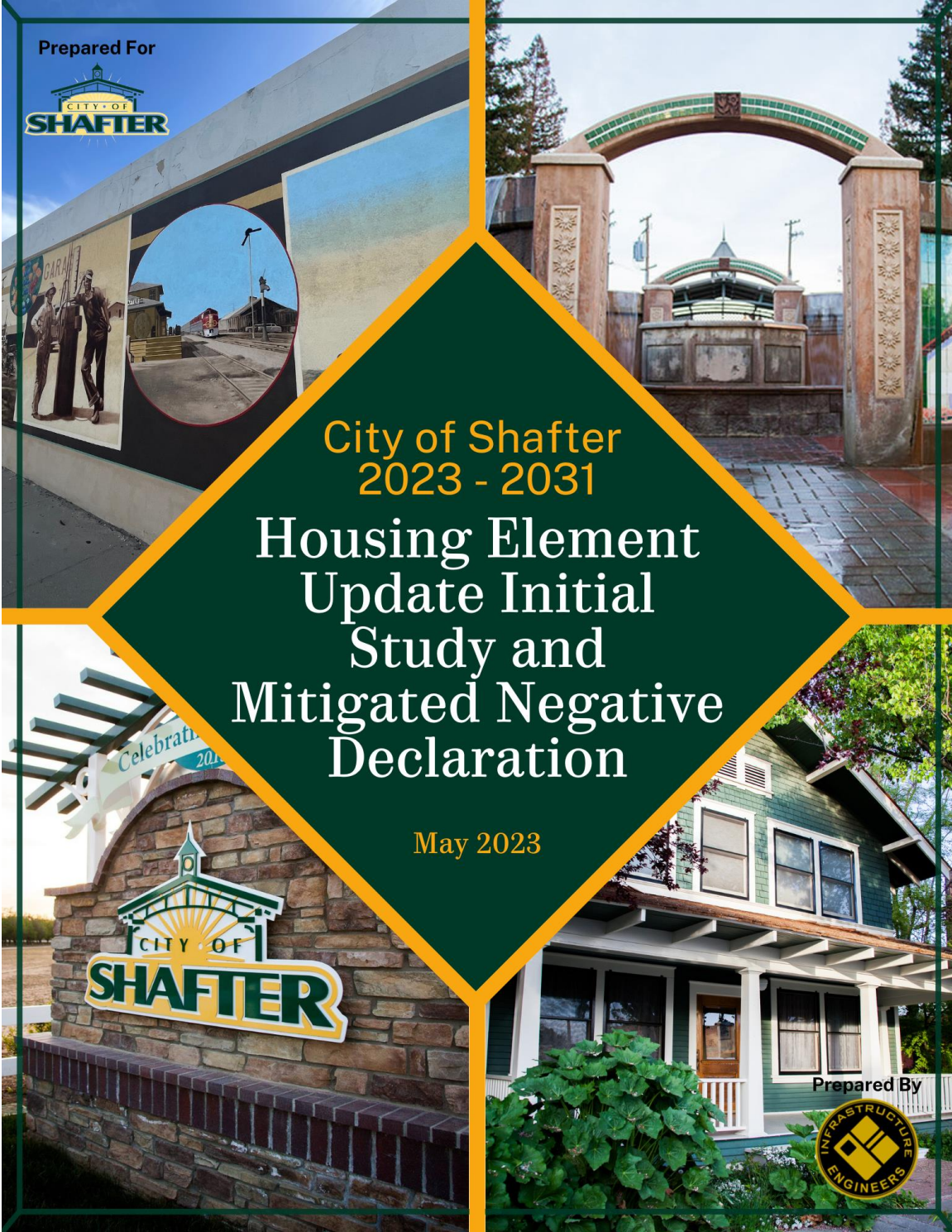
## **FIGURES**

<b>FIGURE 1. SHAFTER VICINITY MAP .....</b>	<b>12</b>
<b>FIGURE 2. SHAFTER AREA MAP .....</b>	<b>13</b>
<b>FIGURE 3. SPECIAL FLOOD HAZARD MAP .....</b>	<b>84</b>

## **TABLES**

<b>TABLE 1: SITES INVENTORY SUMMARY .....</b>	<b>6</b>
<b>TABLE 2: SITES INVENTORY SUMMARY TABLE 2023-2031 .....</b>	<b>8</b>
<b>TABLE 3: HEU CANDIDATE RESIDENTIAL SITES .....</b>	<b>93</b>
<b>TABLE 4: POPULATION DENSITY AND AMBIENT NOISE LEVELS .....</b>	<b>100</b>
<b>TABLE 5: CONSTRUCTION EQUIPMENT NOISE LEVELS .....</b>	<b>101</b>
<b>TABLE 6: VIBRATION LEVELS OF CONSTRUCTION EQUIPMENT .....</b>	<b>105</b>
<b>TABLE 7: SITES INVENTORY SUMMARY .....</b>	<b>110</b>
<b>TABLE 8: STUDENT GENERATION RATES.....</b>	<b>119</b>





Prepared For



City of Shafter  
2023 - 2031

# Housing Element Update Initial Study and Mitigated Negative Declaration

May 2023

Prepared By



## DOCUMENT ORGANIZATION

This document has been organized into the following sections:

**Section I - Introduction:** Describes the CEQA context and purpose of an Initial Study (IS).

**Section II - Project Description:** Provides background information on the Lead Agency and describes the project, in response to the *CEQA Environmental Checklist*.

**Section III - Environmental Factors Potentially Affected:** Identifies Potentially Significant Impacts, which are later explained in Section V.

**Section IV – Determination:** Presents the determination regarding the appropriate environmental document for the project.

**Section V – Evaluation of Environmental Impacts:** Provides discussions of the possible environmental impacts of the project for specific issue areas that have been identified in the *CEQA Environmental Checklist*. For each issue area, potential effects are discussed and evaluated.

## SECTION I. INTRODUCTION

**Project Title:**

City of Shafter 6<sup>th</sup> Cycle 2023-2031 Housing Element Update

**Lead Agency Name and Address:**

City of Shafter  
Planning Department  
336 Pacific Avenue  
Shafter, California 93263

**Project Location:** The City of Shafter is located in the San Joaquin Valley, within Kern County, approximately 18-miles west-northwest of the City Bakersfield in the State of California.

**Project Sponsor's Name, Phone Number and Address:**

City of Shafter  
Steve Esselman, Planning Director  
Planning Department  
336 Pacific Avenue  
Shafter, California 93263  
Email: [sesselman@shafter.com](mailto:sesselman@shafter.com)

**Legal Authority and Findings:** The City of Shafter has prepared this Initial Study (IS) in accordance with the *Guidelines for the Implementation of CEQA* (CEQA Guidelines) (California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000, et seq.). Although consultants assisted in the preparation of this IS, all analysis, conclusions, findings, and determinations presented in the Initial Study represent the findings of the City of Shafter, acting as the Lead Agency under CEQA. In accordance with the provisions of CEQA and the State and local CEQA Guidelines, as the Lead Agency, the City of Shafter is responsible for reviewing the potential environmental effects, and after consideration, approving or denying the project.

**Document Purpose:** Section 15063(c) of the CEQA Guidelines defines an Initial Study as In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, §15000 et seq.). This Initial Study has been prepared to evaluate the potential environmental effects associated with the City of Shafter 2023-2031 Housing Element Update (project or proposed project), which represents the City of Shafter’s policy program for the 2023-2031 6th Cycle planning period. The Housing Element is one of the State-mandated General Plan Elements and is included in the City of Shafter General Plan. The purpose of the Housing Element



is to identify and plan for the City's existing and projected housing needs over a specified time period (e.g., the 6<sup>th</sup> Cycle – 2023-2031). This Initial Study includes a description of the HEU; an evaluation of the project's potential environmental impacts; the findings of the environmental analyses; and recommended standard conditions and mitigation measures to avoid or lessen the HEU's significant adverse impacts on the environment. For the purposes of CEQA review and compliance, the City of Shafter (City) serves as the Lead Agency. In accordance with the State CEQA Guidelines, the City has the authority for environmental review and certification of the environmental documentation.

This Initial Study has evaluated each of the environmental issue areas contained in the checklist provided in Section V: Evaluation of Environmental Impacts. It provides decision-makers and the public with information concerning the potential environmental effects associated with the project implementation, and potential ways to reduce or avoid the potential environmental impacts. This Initial Study is intended to be used as a decision-making tool for the City in considering and acting on the HEU. Any responsible agency may elect to use this environmental analysis for discretionary actions associated with the HEU implementation. In each planning cycle, the California Department of Housing and Community Development (HCD) determines the Regional Housing Needs Assessment (RHNA) by income level for each region's Council of Governments (COG). The Kern County Association of Government (Kern COG) is the COG for Kern County and eleven incorporated cities within Kern County. Kern COG prepares the RHNA allocation for every city and county. The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA allocation.

**Terminology:** A "significant effect" is defined by Section 15382 of the CEQA Guidelines as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." An economic or social change by itself shall not be considered a significant effect on the environment but may be considered in determining whether the physical change is significant.

#### **Initial Study Public Review Process**

The Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration has been provided to the Kern County Clerk-Recorder and mailed to responsible agencies and others who expressed interest in being notified. A 30-day public review period has been established in accordance with Section 15073 of the State CEQA Guidelines. During the public review period, the Initial Study, including the technical appendices, can be accessed on the City's website and is available for review at the location identified below.

<https://shafter.com/386/Planning-Documents>

In reviewing the Initial Study, affected public agencies, and interested members of the public should focus on the adequacy of the document in identifying and analyzing the potential

---

environmental impacts and the ways in which the potentially significant effects of the HEU can be avoided or mitigated. Comments on the Initial Study and the analysis contained herein may be sent to: Steve Esselman, Planning Director, City of Shafter Email: [sesselman@shafter.com](mailto:sesselman@shafter.com). Comments sent via email should include the HEU title in the subject line and a valid mailing address in the email. Following receipt and evaluation of comments, the City of Shafter will determine whether any substantial new environmental issues have been raised. If so, further documentation may be required. If not or if the issues raised do not provide substantial evidence that the HEU will have a significant effect on the environment, the Mitigated Negative Declaration and the HEU will be considered for adoption and approval, respectively.

## SECTION II. PROJECT DESCRIPTION

### **Project Location:**

The City of Shafter is located in the southern portion of the San Joaquin Valley, in the northwest portion of Kern County. Shafter is central to many key metropolitan areas. To the north are the cities of Fresno (100 miles), Sacramento (270 miles), and San Francisco (265 miles). To the south are the cities of Bakersfield (12 miles), Los Angeles (130 miles), and San Diego (240 miles). Agricultural fields and open space, a typical characteristic of towns in the San Joaquin Valley, physically separate Shafter from these surrounding communities (reference **Figure 1: Shafter Vicinity Map** and **Figure 2: Shafter Location Map**). Irrigated agriculture is found throughout the Valley on its highly fertile alluvial soils; however, Kern County is now experiencing population growth and urbanization around existing cities. This urbanization is creating different circumstances regarding housing than have been experienced in the past.

### **The Housing Program:**

The City of Shafter Housing Element (currently termed the Housing Program) is a State-required General Plan Element. The intent of the Housing Program is to ensure the housing needs of all economic segments of the community will be met through December 31, 2031. The Housing Program includes Goals and Policies, actions that the City will undertake to meet its housing needs, identification of funding sources, responsible entities, and time frames for implementation. In evaluating the prior Housing Program, the City analyzed and evaluated the internally stated programs it undertook. Accordingly, the City has included in this Housing Program those actions it believes can successfully be implemented and that reflect the best use of City resources. Shafter's quantified housing objectives are presented below, along with housing Goals, Policies, Implementation Programs, and other information contained in the Housing Program.

The Shafter Housing Program provides an eight-year plan for the 6<sup>th</sup> Cycle reporting period that extends from 2023 to 2031. The Housing Program identifies strategies and programs that focus on the following:

- Conserving and improving existing affordable housing;
- Providing adequate housing sites;
- Assisting in development of affordable housing;
- Removing governmental and other constraints to facilitate housing development; and,
- Promoting equal housing opportunities.

The Shafter Housing Program consists of the following primary components:

- The geographic location of the City and the role of the Housing Program in the City (Chapter I);
- An analysis of the City's demographic and housing characteristics and trends (Chapter II);
- An evaluation of resources and opportunities available to address housing issues (Chapter III);
- A review of potential market, governmental, and environmental constraints to meeting the City's identified housing needs (Chapter IV);
- The Housing Action Plan for the 6<sup>th</sup> Cycle planning period (Chapter V);
- A review of the City's accomplishments during the previous planning period (Appendix A);
- A detailed inventory of the suitable sites for housing development (Appendix B); and,
- A record of community engagement activities and public participation (Appendix C).

Furthermore, the City of Shafter is expected to accomplish the following:

- Identify and analyze current and projected housing needs of all economic segments of the community based on the regional housing needs analysis;
- Assess current and anticipated constraints to meeting regional housing needs due to both marketplace and governmental operations;
- Determine the availability of land suitable for residential land use and seek opportunities for energy conservation in residential developments;
- Set forth Policies, Programs, and Objectives that create an eight-year schedule of actions to meet housing needs by way of removing governmental and non-governmental constraints on housing production, administration of land use and development controls by offering concessions and incentives, and utilizing Federal and State financing and subsidy programs; and,
- Assess and address emergency housing and homeless housing for the community.

The proposed Housing Element Update (HEU) includes the City's Housing Policy Plan, which addresses the City's identified housing needs and includes Goals, Policies, and Programs concerning housing and housing-related services, as well as the City's approach to addressing its share of the regional housing need for the 6th Cycle planning period. The HEU provides for five primary sites that, without being re-zoned to residential use, could accommodate 9,365 total units (37 Very-Low Income; 125 Low-Income; 5,023 Moderate Income; and 4,179 Above-Moderate Income). Also, the HEU indicates that other available properties within Shafter that could be re-zoned for residential use could accommodate an additional 19,135 residential units (949 Very-Low Income; 3,792 Low-Income; 7,113

Moderate Income; and 7,281` Above-Moderate Income), which in the City Center and potential re-zoned sites, reflects a realistic capacity of 80 percent of the allowable maximum residential density. The following Table 1 summarizes this data.

There is no shortage of vacant land available for development in Shafter. The RHNA assigned numbers can be accommodated in three areas of the City. The criteria for being included in the inventory is that the site was vacant (no foundation or dwelling unit built), and the site is zoned for residential use. One area is located in and around the City center and consists of small vacant lots suitable for one dwelling unit and larger sites that can accommodate more dwelling units. The second area is the specific plan areas along 7<sup>th</sup> Standard Road. The third area is east of the City-center owned by the Wonderful Company.

**Table 1 -Sites Inventory Summary**

PLANNING AREA	VERY LOW	LOW	MODERATE	ABOVE MODERATE
City Center (Realistic Capacity = Acres X Max Density X 0.8)	8	8	837	0
<b>Specific Plan Areas</b>				
Gossamer Grove	0	0	1,079	1,078
Marcona Preserve (formerly Heritage Ranch)	0	0	441	439
Mission Lakes	29	117	2,446	2,442
Orchard Hills	0	0	220	220
<b>Sites to be Rezoned</b>				
Rezone (Realistic Capacity = Acres X Max Density X 0.8)	949	3,792	7,113	7,281
<b>TOTAL 2023-2031</b>	<b>986</b>	<b>3,917</b>	<b>12,136</b>	<b>11,460</b>



The HEU states that “the inventory in Appendix B (of the HEU) shows that the City has sufficient vacant and rezone sites to accommodate the RHNA for this planning period in all income categories.”

The City is projecting that 42 of the 678 units allocated for Very Low-Income households will be constructed as non-rented accessory dwelling units affordable to Extremely Low-Income households.

**Table B-2 (2023-2031 Sites Inventory Summary Table)** in Appendix B of the Shafter HEU categorizes the proposed vacant land sites into six planning areas (PA) within Shafter. These PAs include the Gossamer Grove Specific Plan, Marcona Preserve (formerly Heritage Ranch) Specific Plan, Mission Lakes Specific Plan, and Orchard Parks Specific Plan, as well as locations adjacent to the City Center and sites identified by developers or City staff for future rezoning to accommodate residential development throughout the City (Rezone sites). The Summary Table provides the total number of potential units allocated to each income bracket within each respective PA, and demonstrates the City has the potential to far exceed the RHNA numbers within all income categories.

**Table 2- Sites Inventory Summary Table 2023-2031**

Planning Area (Site)	Very Low	Low	Moderate	Above Moderate	How to Calculate Income Level
City Center (80% of Realistic Capacity)	8	8	837	0	Low – 25% of Realistic capacity Very-Low - 20% of Realistic capacity
Gossamer Grove	0	0	1,079	1,078	50/50 split between Moderate-Income and Above Moderate-Income
Marcona Preserve (formerly Heritage Ranch)	0	0	441	439	50/50 split between Moderate-Income and Above Moderate-Income
Mission Lakes	29	117	2,446	2,442	Low-Income – 20% of maximum unit buildout Very Low-Income – 5% of maximum buildout
Orchard Hills	0	0	220	220	50/50 split between Moderate-Income and Above Moderate-Income
Re-Zone (80% of Realistic Capacity)	949	3,792	7,113	7,281	Low-Income – 20% of Realistic Capacity Very Low-Income – 5% of Realistic Capacity
<b>TOTAL 2023-2031</b>	<b>986</b>	<b>3,918</b>	<b>12,136</b>	<b>11,460</b>	

### SECTION III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a “Potentially Significant Impact” or a “Potentially Significant Unless Mitigation is Incorporated” as indicated by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics                           | <input type="checkbox"/> Greenhouse Gas Emissions                 | <input type="checkbox"/> Population & Housing                          |
| <input type="checkbox"/> Agriculture & Forestry Resources     | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Air Quality                          | <input type="checkbox"/> Hydrology & Water Quality                | <input checked="" type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Biological Resources      | <input type="checkbox"/> Land Use & Planning                      | <input type="checkbox"/> Transportation & Traffic                      |
| <input checked="" type="checkbox"/> Cultural Resources        | <input type="checkbox"/> Mineral Resources                        | <input type="checkbox"/> Utilities & Service Systems                   |
| <input checked="" type="checkbox"/> Geology & Soils           | <input checked="" type="checkbox"/> Noise                         | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Wildfire                                 |  |

#### DETERMINATION

On the basis of this initial evaluation:

- I find that the project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

---

Signature/Title

---

Date

## SECTION IV. MITIGATED NEGATIVE DECLARATION

### TO WHOM IT MAY CONCERN:

Pursuant to the California Environmental Quality Act of 1970 (CEQA) the State CEQA Guidelines for Implementation of CEQA and State CEQA Guidelines, the City of Shafter is the lead agency. The City of Shafter Planning Department has made an Initial Study of possible environmental impacts of the following-described project:

**APPLICANT:** City of Shafter, Planning Department  
Steve Esselman, Planning Director  
336 Pacific Avenue  
Shafter, California 93263  
Email: [sesselman@shafter.com](mailto:sesselman@shafter.com)

**APPLICATION:** City of Shafter 6th Cycle 2023-2031 Housing Element Update

**LOCATION:** The City of Shafter is located in the San Joaquin Valley within Kern County approximately 18-miles west-northwest of the City Bakersfield.

### DESCRIPTION OF PROPOSED PROJECT:

The City of Shafter Housing Element Update (HEU) for the 6<sup>th</sup> Housing Program Cycle (2023-2031) provides an assessment of housing needs within the City, identifies constraints that may impede building of housing, discusses current demographic data, and lists potential sites within the City where housing may be accommodated. The HEU is focused to satisfy the assigned City Regional Housing Needs Assessment (RHNA) numbers of 3,294 total residential units, allocated as follows: 678 Very Low-Income units; 431 Low-Income units; 604 Moderate-Income units; and 1,581 Above Moderate-Income units.

The intent of the Housing Program is to ensure housing needs of all economic segments of the community will be met through December 31, 2031. Housing Goals and Policies included in the Shafter Housing Element (Housing Program), as well as the actions that the City will undertake to meet its housing needs, are discussed in this section. A summary of actions, including identification of funding sources, responsible entities, and time frames for implementation, are also presented. In evaluating the prior Housing Program, the City analyzed the programs it undertook, and evaluated the success of the programs. Accordingly, the City has included in this Housing Program those actions it believes can successfully be implemented and that reflect the best use of the City's resources. Shafter's quantified housing objectives are presented below, along with housing Goals, Policies, and Implementation Programs.

**MITIGATION MEASURES:** (Included in the Proposed Project to Avoid Potentially Significant Effects) (if required): Reference Appendix A.

**INCLUSION OF MITIGATION MEASURES AS PART OF THE PROJECT:**

I, as applicant/authorized agent, have reviewed the mitigation measures noted above and agree to include said measures as part of this project.

**Signed:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**FINDINGS:** It has been found that this project, as described and proposed to be mitigated herein, will not have a significant effect on the environment that cannot be mitigated to a less than significant level and that an environmental impact report (EIR) is, therefore, not required.

**PUBLIC INQUIRY:** Any person may object to dispensing with such EIR or respond to the findings herein. Information relating to the proposed project is on file in the office of the Planning Department at the address shown below. Any person wishing to examine or obtain a copy of that information, or this document is seeking information as to the time and manner to so object or respond, may do so by inquiring at said office during regular business hours.

A copy of the Initial Study is attached hereto.

**PROPOSED MITIGATED NEGATIVE DECLARATION DATE:**

**MITIGATED NEGATIVE DECLARATION REVIEW PERIOD ENDS:** July 2, 2023

**AGENCY CONSULTATION REQUIRED:** (  Yes  No )

**AGENCIES CONSULTED:** None

**STATE CLEARINGHOUSE NUMBER (if required):**

**INITIAL STUDY PREPARED BY:** Infrastructure Engineers  
3060 Saturn Street, Suite 250  
Brea, CA 92821

**DATE POSTED:**

**DATE OF NOTICE TO PUBLIC:**



FIGURE 1. SHAFTER VICINITY MAP

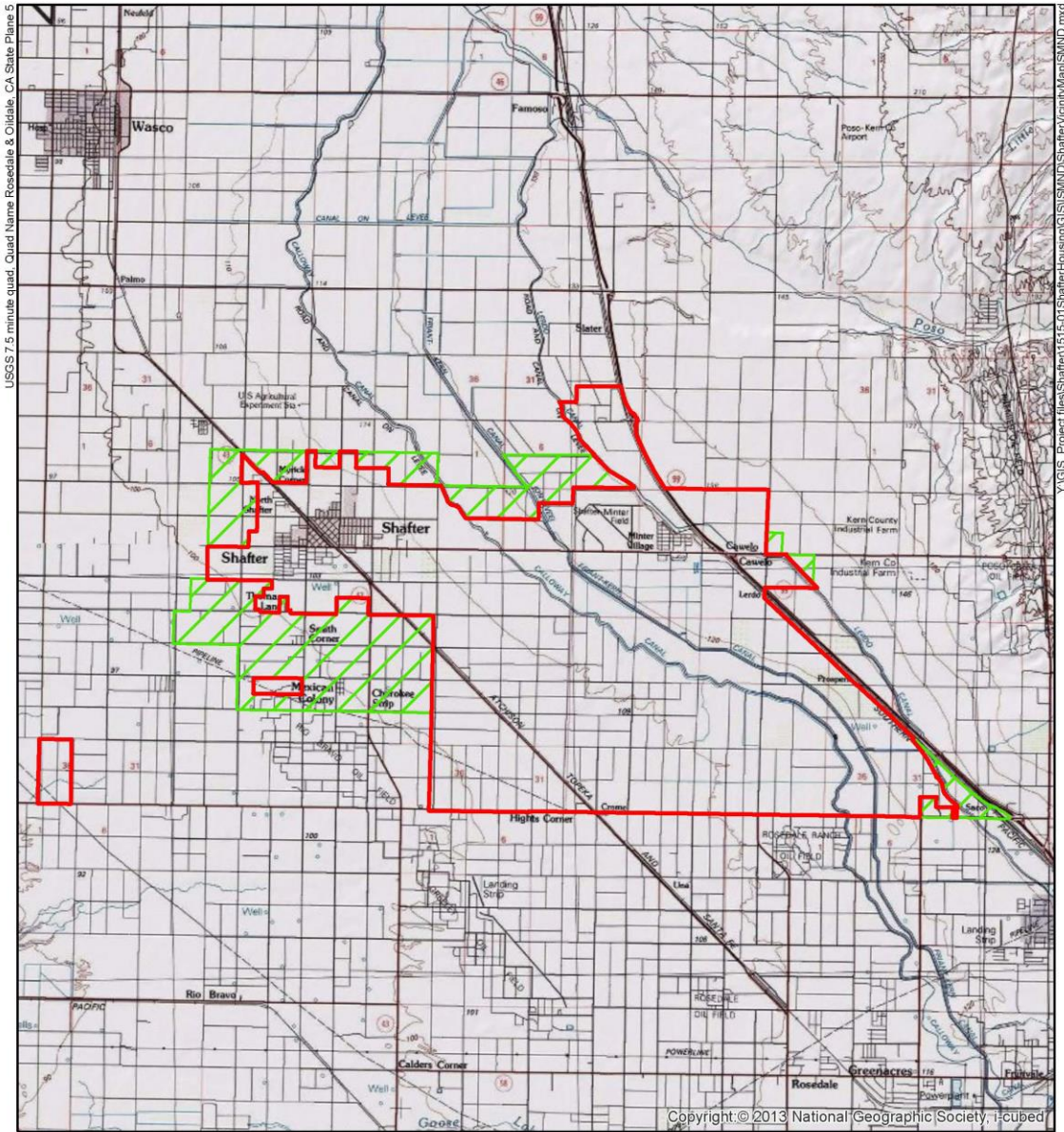




Figure 1 - Shafter Vicinity Map

City of Shafter Initial Study/Mitigated Negative Declaration

Legend

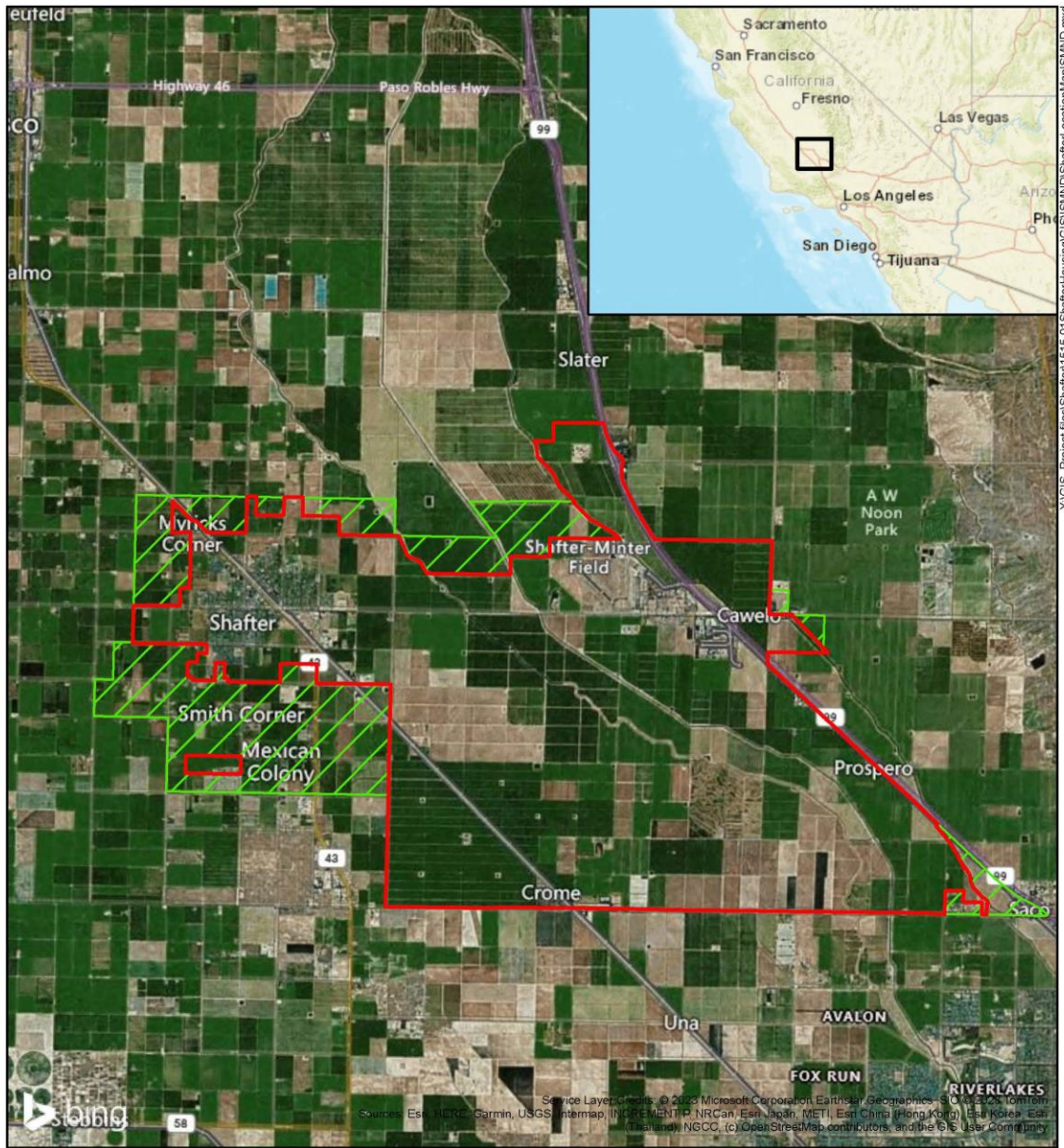
-  City Limits
-  Sphere of Influence



Map Date: 4/25/2023



**FIGURE 2. SHAFTER LOCATION MAP**



**Figure 2 - Shafter Location Map**

City of Shafter Initial Study/Mitigated Negative Declaration

**Legend**

- City Limits
- Sphere of Influence



Map Date: 4/25/2023

## SECTION V. EVALUATION OF ENVIRONMENTAL IMPACTS

Potential environmental effects of the project are classified and described within the *CEQA Environmental Checklist* under the following general headings:

**“No Impact”** applies where the project would not result in an impact in a category.

**“Less Than Significant Impact”** applies where the project would result in an impact, but the magnitude of the impact is considered insignificant or negligible.

**“Potentially Significant Unless Mitigation Incorporated”** applies where the incorporation of mitigation measures has reduced an impact from a “Potentially Significant Impact” to a “Less Than Significant Impact.”

**“Potentially Significant Impact”** applies where the project has the potential to result in a significant and unmitigable environmental impact.

## **AESTHETICS**

This section describes the existing aesthetics setting and the potential effects from HEU implementation. Information in this Section is derived primarily from the City of Shafter Draft General Plan Update (2005).

### **Regulatory Setting**

#### **State Regulations**

##### **California State Scenic Highway Program**

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), was created by the State Legislature in 1963. The purpose of the State Scenic Highway Program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment.

##### **California Green Building Standards Code**

Part 11, Title 124, of the California Code of regulations developed green building standards in an effort to meet the goals of California's landmark initiative AB 32, which established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020.

#### **Local Regulations**

##### **City of Shafter Municipal Code**

Section 10.140- Lighting, Municipal Zoning Ordinance identifies the following Development Codes for the provision of light for all types of land uses including residential land uses within the City:

- All single-family, duplex, and triplex residential dwelling units shall be equipped with security lighting affixed to the exterior of each garage and above the exterior of each front and rear door.
  - Lights shall be installed and shall be hard-wired into the electrical power source.
  - Lights shall be shielded and directed away from surrounding residential uses and shall not blink, oscillate or be of unusually high intensity.
- Outdoor light poles within residential areas, except for street lighting, shall not exceed 12 feet in height. such lighting shall be designed to project downward and shall not create glare on adjacent properties.

##### **City of Shafter General Plan**

The following are Policies pertaining to aesthetics that are applicable to the HEU.

- **Policy 3-Industrial Uses:** Require industrial development that is in proximity to residential areas to provide buffers, along with appropriate setbacks, landscaping, and screening to minimize noise, light, glare, and other impacts.

- **Policy 3-Energy Resources:** Encourage the installation of energy-efficient lighting, reduced thermostat settings, and elimination of unnecessary lighting in public facilities.

**City of Shafter Municipal Code**

Section 10.280 of the City of Shafter Development Code states that when a land use is proposed within a scenic area, the following criteria shall be used to evaluate the project compliance:

- **Building and Structure Placement:** The building and structure placement shall be compatible with and shall not detract from the visual setting or obstruct significant views.
- **Setbacks:** intensive land development proposals, including, but not limited to, residential facilities, commercial, and industrial activities shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of such development proposals shall also provide for maintenance of a natural open space parallel to the right-of-way. This represents the visible land area outside the highway right-of-way which may be described as the "view from the road."
- **Access Drives:** Right-of-way access drives shall be minimized. Developments involving concentrations of commercial activities shall be designed to function as an integral unit with common parking and right-of-way access drives when feasible.
- **Roads, Pedestrian Walkways, Parking and Storage Areas:** Large scale development shall restrict the number of access points by providing common access roads. Parking and outside storage areas shall be screened from view to the maximum extent feasible from adjacent scenic or recreational resources by placement of buildings and structures, or by landscaping and plantings.
- **Above Ground Utilities:** Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground routing or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where practical, above ground utilities shall be screened from view from adjacent scenic or recreational resources by placement of buildings and structures.
- **Grading:** The alteration of the natural topography of the site shall be minimized and shall, to the extent feasible and practical, avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system.
- **Storage Areas:** Outside storage areas associated with commercial or industrial activities shall be completely screened from view from the right-of way with landscaping and plantings.

**Affected Environment**

The City of Shafter is located in the high desert region of Kern County and is bound to the north by the City of Wasco, to the south by the City of Bakersfield, to the east and west by unincorporated Kern County. The City consists of primarily undeveloped land and agricultural lands, with distant views of the mountains and single-family residences. Land uses in the City include mostly scattered parcels developed with single-family residences, commercial land uses,



and an airport. Existing sources of light include nighttime street lighting from distant residential and commercial areas and schools.

## **Project Impacts**

**Would the project:**

**a) Have a substantial adverse effect on a scenic vista?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less Than Significant**

**Discussion a):** A scenic vista is a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. A substantial adverse effect on a scenic vista is one that would degrade the view from a designated scenic view spot. Structures within a viewer's line of sight of a scenic vista may interfere with a public view of a scenic vista, either by physically blocking or screening the scenic vista from view, or by impeding or blocking access to a formerly available viewing position. Those viewers may experience scenic areas prior to residential development but could have their views of the scenic vista blocked after completion of residential development indicated in the Housing Element Update.

The City's General Plan does not identify scenic resources, therefore, the HEU would not result in a substantial adverse effect on a scenic vista. The HEU would not result in direct housing construction but would facilitate future housing development on housing sites that are located throughout the City. All new development resulting from the HEU would be required to be consistent with the City of Shafter's Municipal Code Title 17, General Development Code 10.280 Scenic Resources which contains regulations intended to protect scenic vistas. Therefore, compliance with the City's Municipal Code would not result in adverse impacts to scenic vistas and a less than significant impact would occur.

### **MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**No Impact**

The City does not contain structures, rock outcroppings or historic buildings within a scenic highway. According to the California Department of Transportation (Caltrans) Highway Map, the nearest scenic highway to Shafter is State Route 65 (SR-65), located 41-miles North of the City. SR-65 is designated as eligible for listing as a scenic highway but has not yet been officially designated. The nearest officially designated highway is State Route 33 (SR-33), located 27-miles southwest of the City. <sup>1</sup> Based on this distance, views of the City from SR 33 and SR 65 are not visible, therefore, no impacts associated with State Scenic Highways will occur.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations?**

- Potentially Significant Impact
- Less Than Significant with Mitigation
- Less Than Significant Impact
- No Impact

**Less Than Significant**

**Discussion c):** The HEU would not directly result in construction of new housing but would facilitate new housing development on housing sites located throughout the City. The HEU would not conflict with applicable zoning and other regulations governing scenic quality. The City’s Development Standards under Municipal Code Title 17, 10.280 Scenic Resources, protects against degrading visual character or quality of public views through its development standards. Development standards are regulations, rules, or measures pertaining to land uses and zoning that establish how future development projects would be designed. Future housing development resulting from the HEU would be required to comply with the Municipal Code regarding design compatibility of housing facilitated by the HEU with the surrounding community. As a result, any viewsheds and view corridors would be preserved. Therefore, impacts to existing visual character and quality of public views would be less than significant and no mitigation is required.

**MITIGATION MEASURES**

No Mitigation Measures are required.

---

<sup>1</sup>  
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa>, accessed October 24, 2022.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion d):** New home construction resulting from implementation of the HEU could potentially add new sources of light and glare to the City. Potential new light sources would be primarily exterior nighttime lighting fixtures, parking area lighting, security lighting, light glow from windows, doors and skylights, and accent lighting. This concentration of new sources of nighttime lighting near low-density areas could result in potential impacts. Undeveloped areas of the City of Shafter identified in the Housing Element Update, redevelopment of underutilized residential properties, and replacement, refurbishment, or expansion of existing deteriorated residential structures also would introduce new sources of light and glare that may adversely affect daytime or nighttime views in Shafter or that may impact sensitive biological resources. However, future housing development resulting from implementation of the HEU would be required to comply with all applicable requirements related to light and glare which include the California Green Building Standards Code that provides guidelines on lighting design elements in order to reduce light pollution and Shafter Development Standards 12.80-Light and Glare and 10.140- Lighting that protects residential neighborhoods from excessive illumination by regulating lighting orientation (directed toward walkways and driveways, or shielding).

All future residential development projects contemplated by the Housing Element Update would be required to comply with the State of California Building Energy Efficiency Standards for Residential Buildings (Title 24, Part 6 of the California Code of Regulations), which includes mandatory provisions for lighting control devices and luminaries. In addition, all outdoor lighting is required to be designed and installed in compliance with the Shafter Zoning Ordinance (Section 17.90.040 – Lighting, as follows:

*“Except for residential light fixtures using less than a 75-watt bulb, the following shall apply to all outdoor lighting fixtures:*

- (a) All on-site lighting shall be energy efficient, stationary, and directed away from adjoining properties and public rights-of-way.*
- (b) Light fixtures shall be shielded so no light is emitted above the horizontal plane of the bottom of the light fixture.*
- (c) Light fixtures shall be shielded so no light above 0.5 footcandle spills over onto adjacent properties and rights-of-way. There shall be no spillover (0.0 footcandle) onto adjacent residential used or zoned properties.”*

Section 10.140 of the City Zoning Ordinance requires outdoor pole lights within residential areas, except for street lighting, shall not exceed 12 feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.

Compliance with City of Shafter regulations and implementation of General Plan Policies would ensure that light and glare from new development and redevelopment projects contemplated by the Housing Element Update would be minimized and that significant impacts would not result. Future housing development facilitated by the HEU would not create new sources of substantial light or glare. Therefore, impacts would be less than significant, and no mitigation is required.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **AGRICULTURE AND FORESTRY RESOURCES**

This section describes the existing agricultural setting and the potential effects from HEU implementation. Information in this Section is derived primarily from the City of Shafter General Plan/Zoning Map and from the California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program Map of Important Farmland.

### **Regulatory Setting**

#### **State Regulations**

##### ***The California Land Conservation Act***

The 1965 Land Conservation Act, commonly referred to as the Williamson Act, enables local governments to enter contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value (CDOC, 2015). The intent of the Williamson Act is to encourage voluntary land conservation, particularly conservation of agricultural land in California.

#### **Local Regulations**

##### ***City of Shafter General Plan***

The following policies contained in Section 2.4 of the General Plan are applicable to the HEU.

- Policy 1: Recognize that the agricultural land use designation indicates the intended long-term developed use of land in the same manner as other General Plan land use designations, and not as a temporary “holding zone.”
  - c. Ensure that adequate land is designated for urban and rural development to meet long-term needs for housing, employment, shopping, recreation, and other non-agricultural activities.
  - d. Recognize that the Shafter General Plan land use map is a plan for the ultimate build out of the community, and not a projection of land use needs for a particular date. Thus, it is not intended that, in the future, as build out approaches, the General Plan be modified to provide for further expansion of lands designated for urban and rural uses.

### **Affected Environment**

Agricultural fields and open space are typical characteristic of towns in the San Joaquin Valley that physically separate Shafter from these neighboring communities. Irrigated agriculture, the signature characteristic of the Valley, is found throughout the Valley on its highly fertile alluvial soils. Prime farmland and Farmland of Statewide Importance exist in various areas within and adjacent to the City.

## **Project Impacts**

Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?**

Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less than Significant**

**Discussion a):** The HEU would not directly result in construction of new housing but would facilitate new housing development on housing sites located throughout the City. The California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program’s Map of Important Farmland (2018), designates sections of the City of Shafter as Urban and Built-Up Land which is primarily residential land with a density of at least six units per ten-acre parcel. Other land uses include areas of prime farmland, semi-agricultural and rural commercial land, and other land.<sup>2</sup> HEU implementation could therefore convert lands specifically designated by the Department of Conservation for agricultural purposes. Site-specific analyses would need to be conducted as part of the City development process. For the purpose of this programmatic analysis, the resultant level of impact would be less than significant.

### **MITIGATION MEASURES**

No Mitigation Measures are required.

- b) **Conflict with existing zoning for agricultural use, or a Williamson Contract Act?**

Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less than Significant**

**Discussion b):** Properties in the City of Shafter or within its Sphere of Influence are designated by the California Department of Conservation as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The City of Shafter does not contain any land within its jurisdictional boundaries or within its unincorporated Sphere of Influence that the California Department of Conservation designates Important Farmland. Therefore, implementation of the 6th Cycle Housing Element Update could result in impacts pertaining to Prime Farmland, Unique Farmland,

---

<sup>2</sup> <https://maps.conservation.ca.gov/DLRP/CIFF>, Accessed March 6, 2023.

or Farmland of Statewide Importance. Other land uses include areas of prime farmland, semi-agricultural and rural commercial land, and other land.<sup>3</sup> HEU implementation could therefore convert lands specifically designated by the Department of Conservation for agricultural purposes. Site-specific analyses would need to be conducted as part of the City development process. For the purpose of this programmatic analysis, the resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**No Impact**

**Discussion c):** California Public Resources Code Section 12220(g) defines forest land as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Section 4526 of the California Public Resources Code defines timberland as land, other than land owned by the federal government or land designated by the State as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

According to the USDA Forestry Map Finder, there are no forest or timberlands in the City of Shafter, the nearest forest is located approximately 26-miles east in the Sequoia National Forest.<sup>4</sup> Implementation of the HEU would not conflict with existing zoning and not require the re-zoning of designated forest or timberland lands to accommodate the project. Therefore, implementation of the HEU would not have an impact on forest lands or timberlands during any phase of the project and no impact would occur.

**MITIGATION MEASURES**

No Mitigation Measures are required.

---

<sup>3</sup> <https://maps.conservation.ca.gov/DLRP/CIFF>, Accessed March 6, 2023.

<sup>4</sup> <https://www.fs.usda.gov/mapfinder>. Accessed March 7, 2023.

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**No Impact**

**Discussion d):** There are no forest resources within the City of Shafter. Rather, the United States Department of Agriculture classifies Shafter as “Non-Forest,” as indicated by California Forest Inventory and Analysis survey information. In addition, there are no timberland resources or timberland zoned “Timberland Production” areas within the City of Shafter or within its Sphere of Influence. Therefore, no impact would result from implementation of the 6th Cycle Housing Element Update.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**No Impact**

**Discussion e):** As discussed above, the candidate sites do not contain any Farmland or forest lands which would be converted to either non-agricultural or non-forest use. Therefore, there are no Farmlands or forests which would be converted to either non-agricultural or non-forest use and no impact would occur during any phase of implementation of the 6th Cycle Housing Element Update.

**MITIGATION MEASURES**

No Mitigation Measures are required.



## **AIR QUALITY**

This section describes the existing air quality setting and potential effects from implementation of the HEU. Descriptions and analysis in this section are provided in part by the San Joaquin Valley Air Pollution Control District. <https://www.community.valleyair.org> and the City of Shafter General Plan.

### **Regulatory Setting**

#### **Federal and State Regulations**

##### **Federal Clean Air Act**

The United States Environmental Protection Agency (U.S. EPA) is responsible for national and interstate air pollution issues and policies. The U.S. EPA sets national vehicle and stationary source emission standards, oversees approval of all State Implementation Plans (SIP), provides research and guidance for air pollution programs, and sets National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act (FCAA) for criteria pollutants, which are Ozone (O<sub>3</sub>), Particulate Matter (PM<sub>10</sub>), Fine Particulate Matter (PM<sub>2.5</sub>), carbon monoxide (CO), Nitrogen Dioxide (NO<sub>2</sub>), Sulfur Dioxide (SO<sub>2</sub>), and Lead.

##### **State Implementation Plan**

A State Implementation Plan (SIP) is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain federal standards. The SIP for the State of California is administered by the California Air Resources Board (CARB), which has overall responsibility for statewide air quality maintenance and air pollution prevention. California's SIP incorporates individual Federal Attainment Plans for regional air districts – these air districts prepare their federal attainment plans, which are sent to CARB to be approved and incorporated into the California SIP. Federal Attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms.

##### **California Clean Air Act**

Under the California Clean Air Act (CCAA), CARB requires that each local air district prepare and maintain an air quality management plan to achieve compliance with California Ambient Air Quality Standards (CAAQS). These standards are generally more stringent and apply to more pollutants than the NAAQS (i.e., visibility reducing particulates, hydrogen sulfide, and sulfates). CARB also has passed numerous regulations to reduce the public's exposure to air emissions. For example, the In-Use Off-Road Diesel Vehicle Regulation includes enforceable elements, such as limits on vehicle idling to no more than five consecutive minutes, and equipment reporting and labeling.

## **Local Regulations**

### **San Joaquin Valley Air Pollution Control District**

Shafter is located within the San Joaquin Valley Air Basin and is monitored by the San Joaquin Valley Air Pollution Control District (District). The District is comprised up of eight counties in California's Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the San Joaquin Valley Air Basin portion of Kern county. The District's mission is to improve the health and quality of life for all Valley residents through efficient, effective, and entrepreneurial air quality management strategies. The District operates and maintains an expansive network of air monitoring sites throughout the eight counties of the San Joaquin Valley. A total of 24 sites are currently operated directly by the District or in collaboration with the California Air Resources Board (ARB). Several air monitoring platforms throughout Shafter were set up at various locations including an air monitoring platform at Golden Elementary School, Sequoia Elementary School, Grimmway Elementary School, and the Shafter Department of Motor Vehicles.

### **City of Shafter Municipal Code**

The City of Shafter Municipal Code, Title 17, Ordinance 472, discusses air quality regulations and requirements of the San Joaquin Valley Unified Air Pollution Control District that have been adopted by the City.

- Code 12.30: No operation or activity shall cause the emission of any smoke, fly ash, dust, fumes, gases, or other forms of air pollution which can cause material damage to health, or which can cause excessive dirt on any other lot. No emission shall be permitted which exceeds the requirements of the San Joaquin Valley Unified Air Pollution Control District and/or the requirements of any Air Quality Plan adopted by the City.

### **City of Shafter General Plan**

The following air quality policies discussed in *Section 6.7-Air Quality* relevant to this HEU are listed below:

- Policy 1: Require development projects to minimize the generation of particulate emissions during construction by implementing appropriate dust abatement actions.
- Policy 2: Promote land use patterns that provide close proximity between residential neighborhoods and employment/shopping areas to reduce vehicular trip lengths and facilitate walking and the use of bicycles.
- Policy 3: Encourage developers of large residential and non-residential projects to participate in programs and to take measures to improve traffic flow and/or reduce vehicle trips resulting in decreased vehicular emissions. Examples of such efforts may include, but are not limited to, the following: Development of mixed-use projects that provide housing and employment in close proximity and that facilitate pedestrian and bicycle transportation to work and permit consolidation of vehicular trips.

- Policy 7: Provide physical separations between (1) proposed new industries having the potential for emitting toxic air contaminants and (2) existing and proposed sensitive receptors (e.g., residential areas, schools, and hospitals).

**Affected Environment**

**Local Climate and Meteorological Conditions**

The City of Shafter is located within the boundaries of the San Joaquin Valley Air Pollution Control District (District) which is the second largest air basin in California, stretching 250 miles north from the Tehachapi Mountains to the San Joaquin-Sacramento Delta in the north. The basin averages 35 miles in width between the Coast Ranges to the west and the Sierra Nevada Mountains to the east. The entire Air Basin, including Kern County, is designated as a severe non-attainment area for Ozone. Particulate matter finer than ten microns, “PM10,” (Oildale-Manor Street station) also exceeds the State and Federal standards. Carbon Monoxide (Bakersfield-Golden State Highway station) and Nitrogen Dioxide (Shafter-Walker Street station) do not equal or exceed relevant State and Federal standards.

**Ambient Air Quality Attainment Status**

Local monitoring data are used to designate areas as nonattainment, maintenance, attainment, or unclassified for the NAAQS and CAAQS. The four designations are defined as follows.

- Nonattainment: assigned to areas where monitored pollutant concentrations consistently violate the standard in question.
- Maintenance: assigned to areas where monitored pollutant concentrations exceeded the standard in question in the past but are no longer in violation of that standard.
- Attainment: assigned to areas where pollutant concentrations meet the standard in question over a designated period of time.
- Unclassified: assigned to areas where data are insufficient to determine whether a pollutant is violating the standard in question.

**Project Impacts**

**Would the project:**

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

- Potentially Significant Impact     
  Less Than Significant with Mitigation     
  Less Than Significant Impact     
  No Impact

**Less than Significant**

**Discussion a):** The City of Shafter is located within the San Joaquin Valley Air Pollution Control District. Under the Federal Clean Air Act, the District has adopted a variety of Air Quality Management Plans for a variety of non-attainment pollutants. The District is responsible for

maintaining and ensuring compliance with the Air Quality Management Plans. State CEQA Guidelines and the Federal Clean Air Act (Sections 176 and 316) contain specific references on the need to evaluate consistencies between the proposed project and the applicable Air Quality Attainment Plan (AQAP) for the project site. To accomplish this, the California Air Resources Board (CARB) has developed a three-step approach to determine project conformity with the applicable AQAP:

1. Determination that an AQAP is being implemented in the area where the project is being proposed. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has implemented the current, modified AQAP as approved by CARB.
2. The proposed project must be consistent with the growth assumptions of the applicable AQAP. The proposed project land use type was not anticipated in the current growth assumptions. Therefore, growth assumptions in the City of Shafter General Plan Update will be modified with the approval of the HEU.
3. The project must contain in its design all reasonably available and feasible air quality control measures. The proposed project incorporates various policy and rule-required implementation measures that will reduce related emissions.

The California Clean Air Act (CCAA) and AQAP identify transportation control measures as methods to further reduce emissions from mobile sources. Strategies identified to reduce vehicular emissions such as reductions in vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, and traffic congestion, to reduce vehicular emissions, can be implemented as control measures under the CCAA as well. Additional measures may also be implemented through the building process such as providing electrical outlets on exterior walls of structures to encourage use of electrical landscape maintenance equipment or measures such as electrical outlets for electrical systems on diesel trucks to reduce or eliminate idling time.

As the growth represented by the HEU will be updated in the City of Shafter General Plan and incorporated into the AQAP, conclusions may be drawn from the following criteria:

- That, by definition, the proposed emissions from the project are below the SJVAPCD's established emissions impact thresholds and
- That the primary source of emissions from the project will be motor vehicles that are licensed through the State of California and whose emissions are already incorporated into CARB's San Joaquin Valley Emissions Inventory.

Based on these factors, HEU implementation is consistent with the AQAP.

The Kern Council of Governments (Kern COG) Regional Conformity Analysis determination demonstrates that the regional transportation expenditure plans (Destination 2042 Regional Transportation Plan and Federal Transportation Improvement Program) in the Kern County portion of the San Joaquin Valley air quality attainment areas would not hinder the efforts set out in CARB's SIP for each area's nonattainment pollutants [carbon monoxide (CO), ozone (O3), and particulate matter less than 10 microns (PM10)]. The analysis uses an adopted regional growth forecast, governed by both the adopted Kern COG Policy and Procedure Manual and a Memorandum of Understanding between the County of Kern and Kern COG (representing itself and outlying municipal member agencies).

The Kern COG Regional Conformity Analysis considers General Plan Amendments (GPA) and Zone Changes that were enacted at the time of the analysis as projected growth within the area based on land use designations incorporated within the City of Shafter General Plan. Land use designations that are altered based on subsequent GPAs that were not included in the Regional Conformity Analysis were not incorporated into the Kern COG analysis. Consequently, if a proposed project is not included in the regional growth forecast using the latest planning assumptions, it may not be said to conform to the regional growth forecast.

Item 2 under Section 3 – Model Maintenance Procedure, of the Kern COG Regional Transportation Modeling Policy and Procedure Manual states “Land Use Data – General Plan land capacity data” or “Build-out capacity” is used to distribute the forecasted County totals, and may be updated as new information becomes available, and is revised in regular consultation with local planning departments.”

Under current policies, only after a GPA is approved, can housing and employment assumptions be updated to reflect the capacity changes. Since the proposed development does require a GPA and Zone Change, the existing growth forecast will be modified to reflect these changes. To determine whether the forecasted growth for the project area is sufficient to account for the projected increases in employment, an analysis based on Kern COG regional forecast was conducted.

As the HEU implementation would be completed in compliance with SJVAPCD Regulation VIII, dust control measures would be taken to ensure compliance specifically during grading and construction phases. Therefore, the HEU would not conflict with or obstruct implementation of the applicable air quality plan.

These Plans address multiple federal PM2.5 standards. Preparing a single plan instead of three separate plans allows for the development of a more robust and health protective plan that incorporates stronger control measures over a more expeditious timeframe than may otherwise be required. Furthermore, a focused public process provides greater opportunity for public engagement and participation in the PM2.5 attainment planning process. These Plans addresses the following standards: 1997 PM2.5 Standard (24-hour 65  $\mu\text{g}/\text{m}^3$  and Annual 15  $\mu\text{g}/\text{m}^3$ ).

- Plan focus on annual standard – San Joaquin Valley has already attained 24-hour portion of the standard, based on monitoring data from the three-year period from 2014 to 2016.
- Attainment deadline of December 31, 2015
- Serious area 5% Plan with attainment deadline of December 31, 2020, 2006 24-hour PM2.5 standard of 35  $\mu\text{g}/\text{m}^3$
- Serious area Plan with attainment deadline of December 31, 2024, with 5-year extension request 2012 annual PM2.5 standard of 12  $\mu\text{g}/\text{m}^3$ :
- Attainment deadline under “Serious” classification of December 31, 2025
- This Plan would be submitted three years ahead of the 2022 federal submission deadline.

The HEU does not propose development. Instead, the HEU identifies policies and programs that could be implemented to provide additional capacity for future development of dwelling units consistent with State Housing Law. The City can accommodate some of the future housing needs based on sites currently zoned for or permitting residential uses. However, rezones may be required to accommodate the RHNA allocation. The HEU would not result in direct housing

construction but would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City. A total potential development capacity of 3,492 housing units is assumed. As such, future housing on these sites would be developed with greater density than assumed in the General Plan and Kern KOG's growth projections.

### **Construction Emissions**

The City of Shafter 6th Cycle Housing Element Update provides opportunities for implementing the City's required affordable housing. Future development of affordable housing would entail emissions from construction activities. Potential emissions due to future construction activities would be assessed in conjunction with City review of site-specific air quality and greenhouse gas emissions data and studies, with inclusion of appropriate Mitigation Measures. Such review would occur during the project planning process and culminate prior to approval of the relevant projects subject to review under the California Environmental Quality Act. The reviews will provide an adequate mechanism to require specific measures to mitigate potentially significant air quality and greenhouse gas emissions impacts for the City of Shafter 6th Cycle Housing Element Update.

### **Operational Emissions**

The City of Shafter 6th Cycle Housing Element Update provides opportunities for implementing the City's required affordable housing. Operational emissions will depend on future residential densities and associated vehicle miles traveled, in addition to such adjunct operations as building heating and air conditioning. Site-specific analysis of operational air emissions will be performed upon submission of individual development applications.

### **MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Discussion b):**

#### **Less than Significant**

Future residential development would result in an increase in criteria pollutants during construction activities, such as excavation and grading, and operational activities. However, residential developments are not considered a source of emission, such as odors, which would adversely affect a substantial number of people.

Operational emissions generated by both stationary and mobile sources would result from normal daily activities as part of the occupation of future residential development. Stationary area source

emissions would be generated by the consumption of natural gas for space and water heating devices, the operation of landscape maintenance equipment, generators, and the use of consumer products. Mobile emissions would be generated by motor vehicles traveling to and from future residential development.

The SJVAPCD has currently adopted CEQA significance thresholds for criteria pollutant emissions for projects during construction and operation based on its Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The District has established thresholds of significance for criteria pollutant emissions, which are based on the District's New Sources Review (NSR) offset requirements for stationary sources. Using the project type, size and number of vehicle trips, the District has pre-quantified emissions and determined values below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance criteria for pollutants.

The U.S. Environmental Protection Agency (EPA) periodically reviews and establishes health-based national air quality standards also referred to as NAAQS for ozone, particulates, and other criteria air pollutants guided by the Clean Air Act. The District has adopted several air quality attainment plans over the years that identify measures needed in the Valley to attain EPA's increasingly stringent NAAQS. The District has implemented these plans and adopted nearly 650 rules that have resulted in significant emissions reductions. Therefore, projects that do not exceed NAAQS emissions thresholds would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts. As a result of the District's stringent and comprehensive air quality management strategy along with significant investments made by Valley business and residents, PM<sub>2.5</sub> and ozone levels are now at historically low levels and providing Valley residents with the associated health benefits.

The 2022 Plan for the 2015 8-hour Ozone Standard (2022 Ozone Plan or Plan) uses extensive science and research, state of the art air quality modeling, and the best available information in developing a strategy to attain the federal 2015 national ambient air quality standard (NAAQS) for ozone of seventy parts per billion (ppb) as expeditiously as practicable. Building on decades of developing and implementing effective air pollution control strategies, this Plan demonstrates that the reductions being achieved by the San Joaquin Valley Air Pollution Control District (District) and the California Air Resources Board (CARB) strategy (72% reduction in NO<sub>x</sub> emissions by 2037) ensures expeditious attainment of the 2015 8-hour ozone standard by the 2037 attainment deadline. Over the years, the District and CARB have adopted numerous attainment plans (State Implementation Plans, or SIPs), which serve as the primary vehicles for improving air quality in the San Joaquin Valley. Each SIP builds upon the work of prior plans, while establishing the path for continued air quality improvements. Following the adoption of each attainment plan, the District implements plan strategies through regulatory development, outreach, continued research, and incentive programs. Each attainment plan is just one milestone in the District's continued effort to improve air quality in the San Joaquin Valley.

The District and CARB are now conducting a public process to develop an updated Plan for the 2012 PM2.5 standard, to submit required components by the June and December 2023 deadlines. This updated Plan will build on existing air quality strategies, and the comprehensive NOx emissions reduction strategies included in existing ozone and PM2.5 attainment plans will greatly contribute to meeting the federal PM2.5 standard.

In addition to SJVAPCD air quality standards are protected through a number of General Plan policies. In particular, implementing Policy 1 that requires projects to minimize the generation of particulate emissions during construction by implementing appropriate dust abatement actions; Policy 3 that encourages developers of large residential and non-residential projects to participate in programs and to take measures to improve traffic flow and/or reduce vehicle trips resulting in decreased vehicular emissions and Policy 7 that provides physical separations between (1) proposed new industries having the potential for emitting toxic air contaminants and (2) existing and proposed sensitive receptors (e.g., residential areas, schools, and hospitals).

Future residential development would also be required to meet SJVAPCD thresholds during construction and operation. Measures such as dust control and equipment type are applied to grading or clearing permits.

Future development associated with the project would also be subject to environmental review pursuant to CEQA, as applicable, and the City's local procedures to determine if any long-term air quality impacts would occur from the operation of a specific new development. As such, future implementation of the project would not result in a cumulative net increase of any criteria pollutant in which the project region is in nonattainment under federal and state ambient air quality standards.

Therefore, the project would not directly violate air quality standards or cause cumulatively considerable air pollutants, and impacts would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion c):** Sensitive receptors are places where people who are more susceptible to air pollution than the general population, including children, athletes, the elderly, and the chronically ill are located. Typical land uses where substantial numbers of sensitive receptors are often found are schools, daycare centers, parks, recreation areas, medical facilities, nursing homes, and

---



convalescent care facilities. Residential areas are also considered to be sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to pollutants. Future development would result in an increase in criteria pollutants that would impact sensitive receptors during construction activities, such as excavation and grading, and operational activities. However, residential developments once operational are not considered sources of emissions, such as odors, which would adversely affect a substantial number of people. Future development would be required to comply with local regulations such as the General Plan policies related to air quality, conform with the California Clean Air Act (CCAA) and AQAP thresholds during construction and operation. Compliance with these policies and regulations is part of the construction rather than entitlement process. Measures such as dust control and equipment type are applied to grading or clearing permits. Therefore, the project would not directly expose sensitive receptors to pollutant concentrations or create objectionable odors, and there would be less than significant impact.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion d):** As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities, and transfer stations. No such uses would occupy the candidate sites or the project area. Therefore, HEU implementation would not create objectionable odors that would affect a substantial number of people and impacts would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **BIOLOGICAL RESOURCES**

This section describes the existing biological resources setting and potential effects from implementation of the HEU. Descriptions and analysis in this section are based primarily on information provided in the City of Shafter General Plan and Shafter Municipal Code.

### **Regulatory Setting**

#### **Federal Regulations**

##### ***Federal Endangered Species Act***

Section 7 of the Federal Endangered Species Act (FESA) requires Federal agencies to ensure that actions they engage in, permit, or fund do not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for these species.

##### ***Migratory Bird Treaty Act***

The Migratory Bird Treaty Act (MBTA) (50 Code of Federal Regulations (CFR) Part 10 and Part 21) protects migratory birds, their occupied nests, and their eggs from disturbance or destruction. “Migratory birds” include all nongame, wild birds found in the U.S., except for the house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), and rock pigeon (*Columba livia*).

#### **State Regulations**

##### ***California Fish and Game Code***

The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) may list species as threatened or endangered under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA), respectively. The USFWS can designate critical habitat that identifies specific areas that are essential to the conservation of a listed species. Sections 3503, 3513, and 3800 of the California Fish and Game Code prohibit the take of birds protected under the MBTA and protects their occupied nests. On September 22, 2020, Section 2074.2 of the California Fish and Game Code accepted for consideration the petition submitted to list the western Joshua tree (*Yucca brevifolia*) as threatened or endangered under the California Endangered Species Act. Based on that finding and the acceptance of the petition, the Commission determined that western Joshua tree is a candidate species as defined by Section 2068 of the Fish and Game Code.

State-listed species and those petitioned for listing are protected under the California Endangered Species Act (CESA). Under Section 2080.1 of the California Fish and Game Code, if a species is both Federally and State listed, a consistent determination with the protections of FESA permits (if there would be take of listed species) is required. Under Section 2081, if a species is state-listed only, consultation with the California Department of Fish and Wildlife (CDFW) is required in order to obtain an incidental take permit if the project could result in take of a state-listed species.

Because the project is expected to result in impacts on state-listed species, consultation with the CDFW is anticipated.

### ***Invasive Species***

Executive Order 13112 directs all Federal agencies to refrain from authorizing, funding, or carrying out actions or projects that may spread invasive species. This Order further directs Federal agencies to prevent the introduction of invasive species, control and monitor existing invasive species populations, restore native species to invaded ecosystems, research and develop prevention and control methods for invasive species, and promote public education on invasive species. As the project proponent, the City, or its designee, would be responsible for complying with Executive Order 13112 and ensuring that HEU implementation would not contribute to the spread of invasive species. Plants listed in the Pest Ratings of Noxious Weed Species and Noxious Weed Seed (California Department of Food and Agriculture, 2003) would not be used as part of the project.

### ***Federal Protection and Classifications***

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as “any species that is in danger of extinction throughout all or a significant portion of its range.” Threatened species are defined as “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” It is unlawful to “take” any listed species. “Take” is defined as follows “...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Also, the USFWS, through regulation, has interpreted the terms “harm” and “harass” to include certain types of habitat modification as forms of a “take.” These interpretations generally are considered and applied on a case-by-case basis and often vary from species to species. In the case where a property owner seeks permission from a Federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with the USFWS.

### ***State of California Protection and Classifications***

The California Endangered Species Act (CESA) defines an endangered species as “... a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” The State defines a threatened species as “... a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter...” Candidate species are defined as “... a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either

list.” Candidate species may be afforded temporary protection as though they already were listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the Federal FESA, the CESA does not include listing provisions for invertebrate species.

CESA addresses the taking of threatened or endangered species by stating “no person shall import into this state, export out of this state, or take, possess, or sell within this state, any species, or any part of product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided....” CESA defines “take” as “...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The State has authorized exceptions to all “take” that require “...permits or memorandums of understanding...” and can be authorized for “...endangered species, threatened, species, or candidate species for scientific, educational, or management purposes.”

In addition, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds. California Species of Special Concern listings include special status species, including all State and Federal protected and candidate taxa, Bureau of Land Management and United States Forest Service sensitive species, species considered to be declining or rare by the CNPS or National Audubon Society, and a selection of species considered to be under population stress but not formally proposed for listing.

Nesting birds, including raptors, and passerines and non-passerine land birds are protected under the California Fish and Game Code. The CDFW typically recommends surveys for nesting birds that potentially could be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW.

### ***California Native Plant Society***

The CNPS is a private plant conservation organization dedicated to monitoring and protecting sensitive species in California. The organization has compiled an inventory comprised of information focused on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California. The list serves as the candidate list for listing as threatened and endangered by the CDFW.

Threat rank is an extension added onto the California Rare Plant Rank (CRPR) and designates the level of endangerment by a 1 to 3 ranking with one being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B, 2, 4, and the majority of California Rare Plant Rank 3. California Rare Plant Rank 4 plants are seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California. However, certain conditions exist to make the plant a species of concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A (presumed extinct in California), and some California Rare Plant

Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension.

### Local Regulations

#### *City of Shafter General Plan*

The following goals and policies applicable to the HEU are contained in Section 6.4-Biological Habitats and Wildlife Resources of the Conservation Element of the City of Shafter’s General Plan:

- **Policy 1-** Ensure that development proposals, including City-sponsored projects, are analyzed for short- and long-term impacts to biological resources.
- **Policy 2-** Direct development projects away from lands with sensitive biological resources to the extent feasible. Where alternative sites are infeasible, unavailable, or otherwise undesirable, require the implementation of appropriate mitigation measures.
- **Policy 3-** Whenever a biological resources survey is undertaken to determine the presence or absence of a threatened or endangered species, or of a species of special concern identified by the U.S. Fish and Wildlife Service or the California Department of Fish and Game, require the survey to follow established protocols for the species in question prior to any final determination that the species is absent from the site.

### Affected Environment

The Shafter HEU Planning area has been developed with agricultural, urban, and petroleum production uses. Native vegetation that is present within the area consists of widely scattered remnants of grassland and saltbush scrub. Habitat for “Species of Special Concern” may remain in the Rio Bravo Oil Field outside the high-intensity production area. The canals that cross the Planning Area have little or no marsh or riparian cover. Agricultural ponds that exist within the Planning Areas are primarily kept clear of vegetation and do not have significant habitat value for breeding or foraging wildlife.

### Project Impacts

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

#### **Less Than Significant with Mitigation**

**Discussion a):** The HEU does not propose construction of housing or other development; rather, it provides capacity for future housing development for six primary candidate housing sites.

However, future housing development could potentially impact candidate, sensitive, or special status wildlife or plant species through direct or indirect disturbance or elimination of essential habitat, if located near such resources. According to the City General Plan, the burrowing owl (*Athene cunicularia hypugea*), San Joaquin kit fox (*Vulpes macrotis*), badger (*Taxidea taxus*), and spadefoot toad (*Scaphiopus hammondi*) are known to persist within agricultural areas in the southern San Joaquin Valley.

Future housing development facilitated by the HEU would comply with Federal, State, and local regulations. Compliance with the regulatory framework would ensure that no habitat would be impaired during development, construction, or operations. Future housing development would be subject to General Plan Conservation Element Policies 1 and 3, which require applicants proposing development within biologically sensitive areas to determine short and long-term impacts to biological resources and to consult with the California State Department of Fish and Wildlife. Compliance with Policy 1 would identify areas for special protection and create protection measures for specified habitat and sensitive species.

Future housing development facilitated by the HEU would have the potential to impact nesting birds which may be located on any of the candidate sites and have acclimated to urban life and nest and forage in local trees and shrubs. Potentially impacted bird species are protected under the Migratory Bird Treaty Act (MBTA). If vegetation clearing associated with contemplated residential development would occur during the bird breeding season (February 1 to July 15 for raptors and January 15 to August 31 for other birds), direct impacts to nesting birds could occur. All future housing development facilitated by the HEU would be subject to the City's development review process per City of Shafter Municipal Code, Title 17, Chapter II, Section 2 (Planning Application Requirements and Forms). Future housing developments facilitated by the HEU would require implementing mitigation measures MM BIO-1 and MM BIO-2, which would reduce any residential project impacts to a less than significant level.

#### **MITIGATION MEASURES**

**MM BIO-1:** Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, may at the discretion of the City, be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites that contain the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A Biological Resources Report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) methods used to determine presence of sensitive biological resources; (2) vegetation mapping all vegetation communities and/or land cover types; (3) locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed site-specific project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate Project Design Features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impact level to less than significant.

**MM BIO-2:** If it is determined that potential impacts to nesting birds may occur as a result of an individual project, then housing development activities contemplated in the HEU shall avoid the

bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the site-specific applicant shall be responsible for retaining a qualified biologist who will conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?**

- Potentially Significant Impact     
  Less Than Significant with Mitigation     
  Less Than Significant Impact     
  No Impact

**Less Than Significant with Mitigation**

**Discussion b):** While the HEU does not specifically propose residential development and resulting alteration of a known or potential riparian habitat, it is possible that potential future housing development projects resulting from implementation of the HEU could directly or indirectly impact riparian habitats or sensitive natural areas. However, future site-specific housing development facilitated by the HEU would comply with General Plan Policy 1 which ensures that development proposals, including City-sponsored projects, are analyzed for short- and long-term impacts to biological resources. Additionally, future housing development facilitated by the HEU would be subject to the City’s development review process and comply with General Plan policies. Further, future housing development facilitated by the HEU would be required to comply with MM BIO-1 for avoiding and minimizing construction and operations impacts to riparian habitat or other sensitive vegetation communities. Therefore, resultant impacts would be less than significant level with implementation of specified mitigation.

**Mitigation Measures**

**MM BIO-1:** Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites that contain the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A Biological Resources Report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1)

methods used to determine presence of sensitive biological resources; (2) vegetation mapping all vegetation communities and/or land cover types; (3) locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed site-specific project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate Project Design Features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impact level to less than significant.

**MM BIO-2:** Housing development activities contemplated in the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the site-specific applicant shall be responsible for retaining a qualified biologist who will conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

**c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

- Potentially Significant Impact     
  Less Than Significant with Mitigation     
  Less Than Significant Impact     
  No Impact

**Less Than Significant with Mitigation**

**Discussion c)** While the HEU does not specifically propose alteration of a known or potential jurisdictional wetland or other waters of the U.S. or State, it is possible that potential future site-specific housing development projects resulting from implementation of the HEU could directly or indirectly impact jurisdictional waters or wetlands. According to the City’s General Plan, the canals that cross the City’s Planning Areas have little or no marsh or riparian cover. Agricultural ponds that exist within the Planning Areas are primarily kept clear of vegetation and do not have significant habitat value for breeding or foraging wildlife. Regardless, future housing development would be required to implement **Mitigation Measure MM BIO-1** which would require a site-specific biological study to be conducted in order to determine what impacts could be had on



riparian habitat or other sensitive vegetation communities through consultation with the appropriate agencies. If necessary, development on specific sites will need to incorporate design to mitigate effects. Implementation of **MM BIO-1** would reduce the potential for future housing development to result in substantial adverse effect, either directly or indirectly, on any known wetlands or other waters of the U.S. and State. Therefore, potential impacts related to wetland resources would be less than significant level with implementation of specified mitigation.

### **Mitigation Measures**

**MM BIO-1:** Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites that contain the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A Biological Resources Report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) methods used to determine presence of sensitive biological resources; (2) vegetation mapping all vegetation communities and/or land cover types; (3) locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed site-specific project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate Project Design Features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impact level to less than significant.

**MM BIO-2:** Housing development activities contemplated in the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the site-specific applicant shall be responsible for retaining a qualified biologist who will conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

- Potentially Significant Impact     
 Less Than Significant with Mitigation     
 Less Than Significant Impact     
 No Impact

**Less Than Significant with Mitigation**

**Discussion d):** The City consists of developed and urbanized areas including rural desert and agricultural areas. According to the City’s General Plan, there are no natural corridors that wildlife can use to move freely through the Shafter HEU Planning Area, although, common and sensitive wildlife is known to utilize and move through agricultural lands and cross highways. Future housing development contemplated in the HEU has the potential to impact nesting birds which have acclimated to urban life and nest and forage in the local trees and shrubs. Regardless, future housing development facilitated by the HEU would be required to adhere to all Federal, State, and local requirements for avoiding and minimizing interference with the movement of any native resident or migratory fish and wildlife species, migratory wildlife species, or migratory wildlife corridors. Applications for future housing development stemming from the HEU, where the City has determined a potential for impacts to a wildlife corridor, would be required to implement the **Mitigation Measures MM BIO-1** and **MM BIO-2**. Compliance with **Mitigation Measures MM BIO-1** and **MM BIO-2**, future housing development would reduce impacts to any identified wildlife corridor to a less than significant level.

**Mitigation Measures**

**MM BIO-1:** Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites that contain the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A Biological Resources Report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) methods used to determine presence of sensitive biological resources; (2) vegetation mapping all vegetation communities and/or land cover types; (3) locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed site-specific project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate Project Design Features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impact level to less than significant.

**MM BIO-2:** Housing development activities contemplated in the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the site-specific applicant shall be responsible for retaining a qualified biologist who will conduct a pre-construction nesting bird

survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

- Potentially Significant Impact     
  Less Than Significant with Mitigation     
  Less Than Significant Impact     
  No Impact

**Less Than Significant**

**Discussion e):** Implementation of residential development contemplated in the HEU would not be expected to conflict with the adopted 2005 City of Shafter General Plan Update and is not subject to any local ordinances. Regardless, future housing development facilitated by the HEU would be required to adhere to all Federal, State, and local requirements for protecting biological resources. All future housing development facilitated by the HEU would be subject to the City’s development review process per City of Shafter Municipal Code, Title 17, Chapter II, Section 2 (Planning Application Requirements and Forms). Therefore, impacts would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

- Potentially Significant Impact     
  Less Than Significant with Mitigation     
  Less Than Significant Impact     
  No Impact

**Less than Significant**

**Discussion f):** The Shafter HEU Planning area has been developed with agricultural, urban, and petroleum production uses. Native vegetation that is present within the area consists of widely

scattered remnants of grassland and saltbush scrub. Habitat for “Species of Special Concern” may remain in the Rio Bravo Oil Field outside the high-intensity production area.

Sensitive upland wildlife species of the San Joaquin Valley are known to persist in the saltbush scrub and grassland areas in the oil fields, since these parcels are usually relatively undisturbed, although typically grazed, compared to the surrounding agricultural areas. Regardless, future housing development facilitated by the HEU would be required to adhere to all Federal, State, and local requirements for protecting biological resources. All future housing development facilitated by the HEU would be subject to the City’s development review process per City of Shafter Municipal Code, Title 17, Chapter II, Section 2 (Planning Application Requirements and Forms). Therefore, impacts would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **CULTURAL RESOURCES**

This section describes the existing cultural resources setting and potential effects from implementation of the 6<sup>th</sup> Cycle HEU. Descriptions and analysis in this section are based on information provided in the City of Shafter General Plan.

### **Regulatory Setting**

#### **Federal Regulations**

##### ***National Historic Preservation Act***

The National Historic Preservation Act (NHPA) is legislation intended to preserve historical and archaeological sites in the U.S. Section 106 of the NHPA requires Federal agencies to consider effects of their undertaking on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.

#### **State Regulations**

##### ***California Environmental Quality Act (CEQA)***

CEQA (PRC Chapter 2.6, Section 21083.2 and CCR Title 145, Chapter 3, Article 5, Section 15064.5) calls for evaluation and recordation of historic and archaeological resources. The criteria for determining the significance of impacts to cultural resources are based on Section 15064.5 of the CEQA Guidelines and Guidelines for the Nomination of Properties to the California Register. Properties eligible for listing in the California Register and subject to review under CEQA are those meeting the criteria for listing in the California Register, National Register, or designation under a local ordinance. CEQA requires public agencies and private interests to identify potential adverse impacts or environmental consequences of their projects on any object or site of significance with respect to history. CEQA also provides protection for paleontological remains.

##### ***California Register of Historical Resources***

The California Register criteria are based on National Register criteria. For a property to be eligible for inclusion on the California Register, one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of people important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation. In addition to meeting one or more of the above criteria, the California Register requires that sufficient time has passed since a

resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). The California Register also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association. Finally, CEQA requires that significant effects on unique archaeological resources be considered and addressed. CEQA defines a unique archaeological resource as any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
2. Has a special quality such as being the oldest of its type or the best
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

### ***California Public Resources Code***

PRC 21083.2, 5097.5, 30244, and 21084.1

According to PRC 21083.2 (a), if archaeological resources are determined to be significant, then the impacts on that resource should be addressed. PRC 5097.5 prohibits the excavation and/or the removal of a "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands." PRC 30244 requires reasonable mitigation of adverse impacts on paleontological resources resulting from development on public land.

PRC 21084.1 gives the lead agency power to determine **if** a resource is a historical resource, even if the resource is not listed or eligible for listing in the California Register of Historical Resources or a local register of historical places. In addition, the lead agency can **also** determine that a resource is a historical resource, even if it is not deemed significant in a historical resource survey.

### ***Native American Heritage Act***

The Native American Heritage Act, passed by California in 1976, established the Native American Heritage Commission (NAHC) for protecting Native American religious values on state property. The NAHC not only protects the heritage of Native Americans, but also ensures their participation in matters concerning heritage sites. The Commission's duty is to assist both Federal and State agencies in protecting Native American sacred places and provide recommendations concerning Native American heritage in accordance with environmental law and policy. The Act protects burials from disturbance, vandalism, and accidental destruction. It also stipulates which specific procedures laid out in the California Health and Safety Code

must be implemented if a Native American burial is uncovered during project construction or archaeological data recovery.

**California Assembly Bill 52**

(PRC 21080.1, 21080.3.1, and 21080.3.2)

As of July 1, 2015, Assembly Bill (AB) 52 requires public agencies to consult with California Native American tribes identified by the NAHC for the purpose of mitigating impacts on tribal cultural resources. The specific directives of the bill are as follows:

“Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section (PRC Section 21080.1(d)).”

The legislation imposes new requirements for consultation regarding projects that may affect a tribal cultural resource, includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures.

Assembly Bill 52 added Tribal Cultural Resources to the categories of Cultural Resources in CEQA. “Tribal resources” are defined as either (1) sites, features, places cultural landscapes, sacred places and objects with cultural value to a California Native American tribe” that are included in the State register of historical resources or a local register of historical resources, or that are determined to be eligible for inclusion in the State register; or, (2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the State register. Under this legislation, a project that may cause a substantial adverse change in the significance of a tribal cultural resource is defined as a project that may have a significant effect on the environment. Where a project may have a significant impact on a tribal cultural resource, the lead agency’s environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact.

Assembly Bill 52 further requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If a tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe. Consultation may include discussing the type of environmental review necessary, significance of tribal cultural resources, and significance of project impacts on tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The parties must consult in good faith, and consultation is considered concluded when either the parties agree to measures to mitigate or avoid a significant

effect on a tribal cultural resource (if such a significant effect exists) or when a party concludes mutual agreement cannot be attained.

The legislation also identifies Mitigation Measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include the following:

- Preservation in place;
- Protecting the cultural character and integrity of the resource;
- Protecting the traditional use of the resource;
- Protecting the confidentiality of the resource; and,
- Permanent conservation easements with culturally appropriate management criteria.

***California Senate Bill 18 (Traditional Tribal Cultural Places Act – 2004)***

California State law provides for limited protection of Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places, such as the following: sanctified cemeteries; religious ceremonial sites, shrines; burial grounds; prehistoric ruins; archaeological sites; and sacred sites.

California Senate Bill 18 (2005) placed new requirements on local governments for developments in or near a Traditional Tribal Cultural Place (TTCP). Local jurisdictions must provide opportunities for involvement of California Native American tribes in the land planning process to preserve traditional tribal cultural places. The Final Tribal Guidelines recommends the Native American Heritage Commission provide written information within 30 days to inform the Lead Agency if a proposed project is determined to be near a TTCP and another 90 days for tribes to respond to a local government if the tribes want to consult to determine whether the project would have an adverse impact on the TTCP. If the Native American Heritage Commission, the tribe(s) and interested parties agree upon mitigation measures necessary for the proposed project, the mitigation measures would be included in the project EIR. If the City and tribe agree adequate mitigation or preservation measures cannot be implemented, neither party is obligated to act.

SB 18 also amended California Civil Code Section 815.3 to add California Native American tribes to the list of entities that can acquire and hold conservation easements to protect their cultural places.

***California Health and Safety Code Section 7050.5***

California Health and Safety Code Section 7050.5 requires that if human remains are discovered during ground disturbing activities, the County Coroner must be notified, and no further disturbance is authorized to occur until the County Coroner has decided of origin and disposition of the remains. If the human remains are determined to be prehistoric, the coroner must notify the NAHC, who will determine and notify a Most Likely Descendant (MLD). The MLD then inspects the site and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.



## **Local Regulations**

### ***City of Shafter General Plan***

The following goals and policies applicable to the project are contained in Section 6.6-Cultural Resources of the General Plan:

- Policy 1: Require new developments to analyze, and therefore avoid or mitigate impacts to archaeological, paleontological, and historic resources in accordance with applicable CEQA guidelines and provisions of the California Public Resources Code
- Policy 2: Require that areas found to contain significant artifacts or fossils be examined by a qualified consulting archaeologist or paleontologist for recommendations concerning protection and preservation, implementing those recommendations as part of the mitigation measures required for the project.
- Policy 3: As a standard condition of approval for new development projects, require that if cultural or paleontological resources are encountered during grading, alteration of earth materials in the vicinity of the find be halted until a qualified expert has evaluated the find and recorded identified cultural resources.
- Policy 4: Preserve historic structures and ensure that alterations to historic buildings and their immediate settings are compatible with the character of the surrounding neighborhood. Ensure that specific rehabilitation projects follow the Secretary of the Interior's Standards for Rehabilitation.
- Policy 5: Preserve significant historic structures. Consider various alternatives to demolition of these structures, including adaptive reuse of historic buildings for contemporary uses.
- Policy 6: Preserve sites that are eligible for the National Register of Historic Places and pursue listing eligible sites in the register.
- Policy 7: Through the development review process, ensure that projects with street frontage adjacent to the Green Hotel, Shafter Depot, or Santa Fe Foreman's Home be designed to be sensitive to the character of historic buildings. The project review may consider: Scale, height, and massing; Fenestration; Architectural details; Building materials; and Site Planning.

## **Affected Environment**

Agricultural activities have occurred in the City of Shafter and in its vicinity has been cultivated since the late 1800s. Along with mining activities and urban development, these activities have disturbed much of the surface of the land in the Planning Area. There may remain, however, subsurface archaeological sites that are undisturbed. There are several remaining historical structures and/or sites in the Shafter area. The City has received sediments from the Coast Ranges to the west, the Sierra Nevada Mountains to the east, and to a lesser degree from activity on the

San Andreas Fault system. These sediments contain different species of fossils, reflecting the different periods of deposition. Vertebrate fossils found in these formations are significant as defined under State and Federal citations.

## **Project Impacts**

**Would the project:**

**a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less than Significant with Mitigation**

**Discussion a):** Historical resources are buildings, structures, objects, sites, and districts of significance in history, archaeology, architecture, and culture. These resources include intact structures of any type that are 50 years or more of age and can include houses, structures such as irrigation works and engineering features.

Although the HEU does not propose any specific development, future residential development in Shafter contemplated and facilitated by the HEU potentially could result in direct or indirect impacts to historical resources through physical demolition, destruction, relocation, or alteration of potential historic resources. The likelihood of encountering historical resources on developed properties is greater than the corresponding likelihood on vacant properties. Most of the area comprising the candidate sites identified in the HEU are vacant.

The Shafter Planning Area has been cultivated since the late 1800s. Along with mining activities and urban development, these activities have disturbed much of the surface of the land in the HEU Planning Area. There may however remain subsurface archaeological sites that are undisturbed. There are several remaining historical structures and/or sites in the Shafter area, including the following:

Shafter Cotton Research Station. The 120- acre center was established in 1922. The cotton variety developed at the station resulted in the widespread cultivation of premium cottons in the San Joaquin Valley for a worldwide market. The Station is listed in the National Register of Historic Places and is a California Point of Historical Interest.

Shafter/Minter Field Airport. This air facility was built and maintained to train military pilots during World War II. It was originally registered by the state as a historical site for the role it played in the War. An air museum has been established to preserve artifacts from World War II.

Site of the Flight of the Gossamer Condor. A plaque at Shafter Airport commemorates the occasion of the world’s first man-powered flight to complete the “Kremer Circuit,” a figure-eight around two pylons one-half mile apart. Shafter Depot. This structure, located at the corner of

State Route 43 and Lerdo Highway, was erected in 1917, and has been restored to its original state. Many pieces of Shafter's history, including a railroad office complete with furniture and equipment and pre-World War II farm machinery, are on display.

The Green Hotel was built in 1913 by the Kern County Land Company to accommodate prospective buyers. It is the oldest commercial building in Shafter and has been restored. The Hotel is listed in the National Register of Historic Places and is a California Point of Historical Interest.

Santa Fe Foreman's Home. This structure, constructed in 1889 by the Santa Fe Railroad to house railroad foremen, was the first home built in Shafter. It is located at the corner of Central Avenue and Santa Fe Way. The Shafter Historical Society has been responsible for preserving the Green Hotel and the Shafter Depot.

Paleontological resources are recognized as nonrenewable resources significant to our culture, and are afforded protection by Federal, State, and local environmental guidelines. The Planning Area has received sediments from the Coast Ranges to the west, the Sierra Nevada Mountains to the east, and to a lesser degree from activity on the San Andreas Fault system. These sediments contain different species of fossils, reflecting the different periods of deposition. The vertebrate fossils found in these formations are significant as defined under State and Federal citations. They are also important because they help provide dates concerning rates and frequency of fault activity, and the timing and rates of rise on such major mountain ranges as the Sierra Nevada.

Future residential development on the HEU candidate sites would be subject to development review and be required to comply with all Federal, State, and local requirements pertaining to avoiding impacts to historical resources. Furthermore, all future residential development contemplated and facilitated by the HEU would be subject to the City's development review process and may include CEQA review, as well as compliance with City General Plan Policies addressing historical resources. If the City determines it likely that future development on identified candidate housing sites could impact unidentified historical resources, implementation of **Mitigation Measure MM CR-1** below would be required. Such implementation, together with compliance with Federal and State regulations and City General Plan Policies would ensure any resultant impact to historical resources would be reduced to a less than significant level.

#### **MITIGATION MEASURES**

**MM-CR-1:** Applications for future development contemplated and facilitated by the HEU, where the City of Shafter has determined a potential for impacts to historic resources may exist, may be required to comply with the following mitigation framework: For any building or structure older than 50 years of age having its original structural integrity intact, the Applicant shall retain a qualified professional historian to determine if said building/structure is historically significant. The evaluation shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines Section 15064.5. The Applicant shall submit a Historical Resource Assessment to the

City of Shafter that shall include methods used to determine presence or absence of historical resources, identification of potential impacts from the proposed development, and evaluation of the significance of any identified historical resources.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less than Significant with Mitigation**

**Discussion b):** The HEU does not directly propose any future residential development and does not propose any related grading or excavation. Future residential development contemplated and facilitated by the HEU would involve grading or excavation activities, some of which might impact previously unknown archaeological resources on the candidate sites. There is a potential likelihood of finding archaeological resources on identified vacant candidate sites. If such resources are encountered, implementation of **Mitigation Measure MM CR-2**, in combination with compliance with the State- and City-established regulatory frameworks, would ensure any resultant impacts to archaeological resources would be reduced to a less than significant level.

**MITIGATION MEASURES**

**MM CR-2:** Applications for future development contemplated and facilitated by the HEU, where the City of Shafter has determined a potential for impacts to archaeological resources, shall be required to comply with the following mitigation framework: Prior to issuance of any permit future residential development on an undisturbed site, the Applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other method(s). The Applicant shall submit an Archaeological Resource Assessment to the City of Shafter that shall include methods used to determine presence or absence of archaeological resources, identification of potential impacts from the HEU, and evaluation of the significance of any identified archaeological resources. If there are potentially significant impacts to an identified archaeological/cultural resource, the Assessment also shall recommend appropriate mitigation required by the Applicant to reduce impacts to a less than significant level.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less than Significant with Mitigation**

**Discussion c):** Residential development contemplated in the HEU would not occur on any land containing a cemetery. There are no known formal cemeteries located within the contemplated residential development sites. If human remains are discovered during Project grading or other ground disturbing activities, the project would be required to comply with applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. and to comply with **Mitigation Measure MM CR-1** below. The resultant impact would be reduced to a less than significant level.

### **MITIGATION MEASURES**

**MM-CR-1:** Applications for future development contemplated and facilitated by the HEU, where the City of Shafter has determined a potential for impacts to historic resources may exist, shall be required to comply with the following mitigation framework: For any building or structure older than 50 years of age having its original structural integrity intact, the Applicant shall retain a qualified professional historian to determine if said building/structure is historically significant. The evaluation shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines Section 15064.5. The Applicant shall submit a Historical Resource Assessment to the City of Shafter that shall include methods used to determine presence or absence of historical resources, identification of potential impacts from the proposed development, and evaluation of the significance of any identified historical resources.

## **ENERGY**

### **Regulatory Setting**

This section describes the existing energy resources setting and generalized potential effects from implementation of the HEU. Information in this section is based primarily on information contained in the Shafter General Plan and the Shafter Municipal Code.

#### **State Regulations**

##### ***California Energy Commission***

The regulations directly applicable to the project are Building Energy Efficiency Standards, Title 24, Part 6, and CALGreen Title 24, Part 11. These regulations include but are not limited to the use of energy efficient heating and cooling systems, water conserving plumbing and water-efficient irrigation systems. Residential development contemplated in the HEU would be required to demonstrate compliance with these regulations as part of the building permit and inspection process.

#### **Local Regulations**

##### ***City of Shafter General Plan***

The following Goals and Policies are applicable to the contemplated residential development are contained in Section 6.8-Energy Resources of the General Plan:

- Policy 1: Continue to implement Title 24 of the State Building Code and provide incentives to new development to exceed its energy efficiency standards through increased use of passive solar design and daylighting.
- Policy 2: Promote the use of site design, landscaping, and solar orientation to decrease the need for summer cooling and winter heating.
- Policy 3: Encourage the installation of energy efficient lighting, reduced thermostat settings, and elimination of unnecessary lighting in public facilities.
  - Encourage the incorporation of recycled materials in new construction, where feasible.
  - Promote the use of solar, wind, and other alternative energy generation systems as part of new planned development.
- Policy 4: Encourage the incorporation of recycled materials in new construction, where feasible.

**City of Shafter Municipal Code**

Residential projects contemplated by the HEU must comply with the City’s Development Code includes Development Codes that encourage use of energy conservation techniques in all new developments.

**Affected Environment**

Pacific Gas and Electric provides electrical and natural gas services to Shafter.

**Project Impacts**

**Would the project:**

**a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project**

- Potentially Significant Impact
- Less Than Significant with Mitigation
- Less Than Significant Impact
- No Impact

**Less Than Significant**

**Discussion a:** The HEU would not directly result in residential construction. Rather, the HEU would facilitate and provide a policy context for future residential development on the six identified candidate sites. However, residential development contemplated in the HEU would require use of construction equipment including power tools, earth moving equipment, construction vehicles, and material handling equipment. Use of energy resources during grading and construction activities would be temporary in nature and could be expected to last throughout the 6<sup>th</sup> Cycle time frame. Temporary impacts during grading and construction would not represent a significant demand for available supplies.

This future residential development would result in direct consumption of electricity and natural gas. Grading and construction equipment would use diesel fuel. Vehicles and vehicle trips associated with workers’ commutes also would result in fuel and energy use. During grading and construction activities some incidental energy conservation would occur through compliance with State requirements. Construction equipment also would be required to comply with current United States Environmental Protection Agency and California Air Resources Board engine emissions standards. All grading and construction-related activities would be subject to project level review and approval by appropriate City staff.

San Joaquin Valley Air Quality Management District regulations pertaining to energy conservation would require the compliance of each individual residential development. Future residential developments would be subject to project-specific review and approval to ensure compliance with applicable City of Shafter General Plan Goals and Policies, and with City of Shafter Municipal Code requirements. HEU buildout would not foreseeably result in inefficient, wasteful, or

unnecessary consumption of energy during grading and construction activities contemplated by the HEU.

Therefore, HEU-related development activities fuel consumption would not be more inefficient, wasteful, or unnecessary than other similar residential projects.

During operation of each residential project, occupancy of the HEU-contemplated residences would result in consumption of electricity and natural gas. According to the U.S. Energy Information Administration, in 2015, households on average, in the western U.S consumed about 10,330 kilowatt hours (kWh) of electricity annually which averages to about 867 (kWh) per month. The State of California averages about 557 (kWh) per month, which is far below the national average (867 kWh). The average annual energy use per home has been declining over the recent past due in part to improvements to building insulation and materials; improved efficiencies in heating and cooling equipment, water heaters, refrigerators, lighting, appliances, energy conserving designs and operational programs. In addition, new residential development will be required to accommodate solar energy connections or sources of on-site renewable energy, per the latest 2019 California Energy Code requirements. The Energy Code requires all new residential construction to achieve net-zero emissions associated with electricity usage using on-site renewable sources. This analysis has conservatively assumed 80% of electricity usage will be captured via on-site renewable sources (i.e., solar panels), as part of the project design.

New residential development would not propose uses that are inherently energy intensive and the energy demands in total would be comparable to other single-family land use projects of similar scale and configuration. Therefore, individual project-related operational impacts due to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**No Impact**

**Discussion b:** Implementation of residential development contemplated and facilitated by the HEU would be required to comply with California State Building Energy Efficiency Standards, green building standards, and appliance efficiency regulations. The residential development would not cause inefficient, wasteful, or unnecessary energy consumption; therefore, no adverse impact would result. Contemplated residential development therefore would not conflict with or



obstruct a state or local plan for renewable energy or energy efficiency. Future residential development contemplated and facilitated by the HEU would be required to be consistent with City of Shafter Municipal Code requirements related to renewable energy and energy efficiency and with all existing California Building Code (CMMC Title 5, Chapter 1, Section 5-1 [Construction Codes Adopted]) energy requirements. Such compliance with the existing regulations and CMMC would reduce any identified impacts to a less than significant level.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **GEOLOGY AND SOILS**

This section describes the existing geology and soil setting and the potential effects from residential implementation on the identified six candidate sites. Descriptions and analysis in this section are based on information provided in part by the City of Shafter General Plan.

### **Regulatory Setting**

#### **State Regulations**

##### ***Alquist-Priolo Earthquake Fault Zoning Act***

The Alquist-Priolo Earthquake Fault Zoning Act (AP Act) (PRC Sections 2621 to 2630) was passed in 1972 to provide a statewide mechanism for reducing the hazard of surface fault rupture to structures used for human occupancy. The main purpose of the AP Act is to prevent siting of buildings used for human occupancy across the traces of active faults. It should be noted that the AP Act addresses the potential hazard of surface fault rupture and is not directed toward other earthquake hazards, such as seismically induced ground shaking or landslides.

The law requires the State Geologist to identify regulatory zones (known as Alquist-Priolo (AP) Fault Zones) around surface traces of active faults, and to depict these zones on topographic base maps, typically at a scale of one inch to 2,000 feet. AP Fault Zones vary in width, although they are often 0.75 mile wide. Once published, the maps are distributed to affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. Except for single-family wood-frame and steel-frame dwellings that are not part of a larger development (i.e., four units or more), local agencies are required to regulate development within the mapped zones. In general, construction within 50 feet of an active fault zone is prohibited.

##### ***Seismic Hazards Mapping Act***

The Seismic Hazards Mapping Act (SHMA) (PRC Sections 2690 to 2699.6), which was passed in 1990, addresses earthquake hazards other than surface fault rupture. These hazards include strong ground shaking, earthquake-induced landslides, liquefaction, or other ground failures. Much like the AP Act discussed above, the State Geologist maps these seismic hazard zones to assist local government in the land use planning process. SHMA states, "It is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety." SHMA also states, "Cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard."

##### ***California Building Code***

The State of California provides minimum standards for building design through the California Building Standards Code (CBC) (CCR, Title 24). Where no other building codes apply, Chapter 29 regulates excavation, foundations, and retaining walls. The CBC applies to building design and construction in the state and is based on the Federal Uniform Building Code (UBC) used widely throughout the country (generally adopted on a state-by-state or district-by-district basis). The

CBC has been modified for California conditions with more detailed and/or more stringent regulations.

The State Earthquake Protection Law (California Health and Safety Code Section 19100, et seq.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and Appendix Chapter A33 regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction. The CBC is updated every three years, and the current 2013 CBC took effect January 1, 2014.

## **Local Regulations**

### ***City of Shafter General Plan***

The following goals and policies that are relevant to the proposed project are contained in Section 7.0-Environmental Hazards Program of the Shafter General Plan:

- Policy 1: Require that all new developments comply with the most recent Uniform Building Code's seismic design standards.
- Policy 2: Promote earthquake survival and ability to function after a major earthquake as the primary objective in the siting, design, and construction of emergency services facilities (e.g., fire stations, police stations, and medical facilities).
- Policy 3: Encourage the retrofitting of emergency services and high occupancy structures which could be vulnerable to seismic activity to meet existing code requirements.
- Policy 4: Require geologic and soils reports to be prepared for proposed development sites (including specialized soils reports in areas suspected of having problems with potential bearing strength, expansion, settlement, or subsidence), and incorporate the findings and recommendations of these studies into project development standards.
  - The objective of these studies is to ensure that the standards of the Uniform Building code are met, and that structures designed for human occupancy are not in danger of collapse or significant structural damage with corresponding hazards to human occupants.
  - Where structural damage can be mitigated through structural design, ensure that potential soils hazards do not pose risks of human injury or loss of life in outdoor areas of a development site.
- Policy 5: Provide information and establish incentives for property owners to rehabilitate existing properties.
- Policy 6: Encourage the purchase of earthquake insurance by residents and businesses.
- Policy 7: Work with PG&E, pipeline companies, and industrial uses to implement measures to safeguard the public from seismic hazards associated with high voltage transmission lines, caustic and toxic gas and fuel lines, and flammable storage facilities.

- Policy 8: Encourage continued investigation by State agencies of geologic conditions within the area to promote public awareness of potential geologic and seismic hazards.

***City of Shafter Municipal Code***

Section 10.320-Soils Reports of Shafter’s Municipal Codes Development Standards requires the following:

1. A preliminary soils report, prepared by a civil engineer registered in the State of California, based upon adequate test borings, shall be required for every subdivision for which a final tract map is required, and may be required by the City Engineer for other development applications. The preliminary soils report requirement may be waived if the City Engineer finds that sufficient knowledge exists as to the quality of the soils located on the development site.
2. In the event the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, could lead to structural defects, a soils investigation of each lot, parcel, or building site in the subdivision or development may be required. Such soils reports must be performed by a civil engineer, registered in the State of California, who shall recommend a corrective action likely to prevent structural damage to each structure proposed to be constructed in the area where such an identified soils problem exists.
3. The subdivision, or other type of development, or any portion thereof where soil problems exist, may be approved by the City Engineer if it is determined that a recommended action would prevent an occurrence of damage to any structure to be constructed and that the issuance of a building permit be subject to the inclusion of such recommended action(s) for the construction of each structure involved.
4. All soils reports prepared specifically for subdivisions shall be kept on file for public inspection by the City, pursuant to the provisions of Section 66434.5 of the Subdivision Map Act.
5. Final soils reports shall certify that all soils meet engineering requirements prior to issuance of any building permit.

**Affected Environment**

The primary candidate sites occupy approximately 24,000 acres in the northwesterly and the southeasterly portions of the City. Many of the candidate sites are undeveloped.

**Project Impacts**

**Would the project:**

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Potentially Significant Impact     
 Less Than Significant with Mitigation     
 Less Than Significant Impact     
 No Impact

**Less Than Significant**

**Discussion a) i):** The HEU would not result in direct residential construction but would facilitate future residential development on identified candidate sites. The candidate housing sites are not located within a State-designated Alquist-Priolo Earthquake Fault Zone. No known surface expression of fault traces is thought to cross the sites. Therefore, HEU contemplated and facilitated residential development would not directly or indirectly cause potential substantial adverse effects involving rupture of a known earthquake fault. However, the City of Shafter is surrounded on three sides by active fault systems. Several of these systems are less than 10 miles from the City limits. In addition, there are faults outside the San Joaquin Valley that are sufficiently near Shafter that a major earthquake could affect the City. No impact would result.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**ii) Strong seismic ground shaking?**

Potentially Significant Impact     
 Less Than Significant with Mitigation     
 Less Than Significant Impact     
 No Impact

**Less Than Significant**

**Discussion a) ii):** The potential severity of ground shaking depends on many factors, including distance from the originating fault, the earthquake magnitude, and the nature of the subsurface materials. Seismic ground shaking is not expected to materially affect construction of the proposed project because the event would be short-term, and construction would immediately cease upon experiencing an earthquake. The potential for seismic ground shaking in the vicinity of the candidate sites during operation is unavoidable. However, the City of Shafter is surrounded on three sides by active fault systems. Several of these systems are less than 10 miles from the City limits. In addition, there are faults outside the San Joaquin Valley that are sufficiently near Shafter that a major earthquake could affect the City. All residential development contemplated and facilitated by the HEU would be designed to conform with all relevant building codes and with City General Plan Goals and Policies that, among other things, require geologic and soils reports to be prepared for all development sites. The resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**iii) Seismic-related ground failure, including liquefaction?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less than Significant with Mitigation**

**Discussion a) iii):** Liquefaction in soils and sediments occurs during earthquake events when soil material is transformed from a solid state to a liquid state generated by an increase in pressure between pore space and soil particles. The HEU would not result in direct residential construction but would facilitate future residential development on identified candidate sites. However, all future residential construction could be subject to liquefaction. The City-required geologic and soils reports for all development sites would identify potential ground failure hazards. All future housing would be subject to the City of Shafter’s development review process and would be required to comply with all City, State, and Federal requirements. As a result, any identified impacts related to potential hazards from soil failure, including liquefaction, would be reduced to a less than significant level.

**MITIGATION MEASURES**

**MM GEO-1**      During HEU implementation, each residential development shall prepare a Geotechnical Investigation Report as described in the Shafter Municipal Code (Chapter 15-28.070). Successful incorporation of these specifications shall be verified by the City of Shafter Building Official prior to the issuance of a Grading Permit.

**iv) Landslides?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**No Impact**

**Discussion a) iv):** The HEU would not result in direct residential construction but would facilitate future residential development on identified candidate sites. The identified candidate sites are relatively flat and are not located in the vicinity of slopes or hillsides that could potentially be susceptible to landslides. Therefore, no impact would occur from residential development contemplated or facilitated in the HEU.

**MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant with Mitigation**

**Discussion b):** The HEU would not result in direct residential construction but would facilitate future residential development on identified candidate sites. Much of the candidate sites area is vacant and thereby could be subject to wind-caused soil erosion. Developers of the future residential units will be required to comply with specific City requirements that govern wind and water erosion during site preparation (grading; excavation) and construction activities to control soil erosion. The City of Shafter Municipal Code (Chapter 15-28.070) specifies requirements needing to be satisfied prior to issuance of a Grading Permit for any applicable project. In addition, following residential development, each development site would be paved over and landscaped, which would minimize soil erosion. Therefore, the resultant level of impact would be less than significant. Implementation of **Mitigation Measure MM GEO-1** would ensure any related impact would be reduced to a less than significant level.

**MITIGATION MEASURES**

**MM GEO-1** During HEU implementation, each residential development shall prepare a Geotechnical Investigation Report as described in the Shafter Municipal Code (Chapter 15-28.070). Successful incorporation of these specifications shall be verified by the City of Shafter Building Official prior to the issuance of a Grading Permit.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant with Mitigation**

**Discussion c):**

*Landslide/Lateral Spreading*

The Shafter HEU would not result in direct residential construction but would facilitate future residential development on identified candidate sites. The identified candidate sites are relatively flat with minor grade variation for drainage purposes. Most of the areas surrounding the

development sites are similarly level and lack prominent geological features typically associated with landslides such as hillsides or riverbanks. Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. Because failure tends to propagate as block failures, it is difficult to analyze and estimate where the first tension crack will form. The City-required Soils Engineering Report and Engineering Geology Report will determine if, and where, such conditions exist on the identified candidate development sites. The level of impacts associated with lateral spreading on the candidate residential development sites likely would be less than significant.

#### *Subsidence*

Land subsidence is a gradual settling or sudden sinking of the Earth's surface owing to subsurface movement of earth materials. Subsidence is most often attributed to human activity, mainly from the removal of subsurface water. Other principal causes of subsidence are aquifer groundwater pumping, system compaction, drainage of organic soils, underground mining, hydro compaction, natural compaction, sinkholes, and thawing permafrost. Groundwater pumping or soil compaction is not considered a substantial problem in the broader project area. As a result, land subsidence, which is often a byproduct of the exploitation of groundwater, would also not be considered a substantial issue in the project area. The HEU would not result in direct residential construction but would facilitate future residential development on identified candidate sites. The City-required Soils Engineering Report and Engineering Geology Report will determine groundwater depths on each individual candidate site. Shafter and its vicinity are subject to moderate to severe ground shaking as a result of alluvial soils that underlie the City and the City's proximity to active faults. In addition, thick sedimentary deposits in Shafter create a likelihood that a strong earthquake or other geological disturbance in the area could cause ground subsidence on properties within the City limits. Impact levels associated with the HEU are less than significant.

#### *Liquefaction or Collapse*

Liquefaction describes a phenomenon in which cyclic stresses, produced by earthquake-induced ground motion, create excess pore pressures in relatively cohesionless and some low-plastic silt and clay soils. These soils may thereby acquire a high degree of mobility, which can lead to lateral movement, sliding, settlement of loose sediments, sand boils and other damaging deformations. This phenomenon occurs only below the water table, but, after liquefaction occurs, the liquefied soil/water matrix can propagate upward into overlying non-saturated soil as excess pore water dissipates. The HEU would not result in direct residential construction but would facilitate future residential development on identified candidate sites. The City-required Soils Engineering Report and Engineering Geology Report will determine site-specific conditions and likelihood of liquefaction or soil collapse. Therefore, the level of impacts related to the HEU that are associated with collapse would be less than significant.



**MITIGATION MEASURES**

**MM GEO-1** During HEU implementation, each residential development shall prepare a Geotechnical Investigation Report as described in the Shafter Municipal Code (Chapter 15-28.070). Successful incorporation of these specifications shall be verified by the City of Shafter Building Official prior to the issuance of a Grading Permit.

**d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant with Mitigation**

**Discussion d):** Expansive soils generally have a significant amount of clay particles, which can give up water (shrink) or take on water (swell). According to the Natural Resources Conservation Service, United States Department of Agriculture, Web Soil Survey, the proposed project site primarily consists of soils classified as Lavic Loamy Fine Sand.<sup>5</sup> Lavic Loamy Fine Sand are not a clay soil and is generally not susceptible to expansion.

Shafter and its vicinity are subject to moderate to severe ground shaking as a result of alluvial soils that underlie the City and the City’s proximity to active faults. In addition, thick sedimentary deposits in Shafter create a likelihood that a strong earthquake or other geological disturbance in the area could cause ground subsidence on properties within the City limits.

Notwithstanding, the project would be required to comply with Shafter Municipal Code (Chapter 15-28.070) which sets forth the procedures governing the requirements for Soils Engineering Reports and Engineering Geology Reports, which are required in support of discretionary project applications.

To reduce the any potential impacts related to expansive soils, a Geotechnical Investigation shall be implemented during construction of the proposed project through the incorporation of **Mitigation Measure MM GEO-1** below. With the incorporation of this Mitigation Measure, impacts associated with residential development contemplated and facilitated by the HEU pertaining to expansive soils would be less than significant.

---

<sup>5</sup> Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: <http://websoilsurvey.sc.egov.usda.gov/>. Accessed October 4, 2022.

**MITIGATION MEASURES**

**MM GEO-1** During HEU implementation, each residential development shall prepare a Geotechnical Investigation Report as described in the Shafter Municipal Code (Chapter 15-28.070). Successful incorporation of these specifications shall be verified by the City of Shafter Building Official prior to the issuance of a Grading Permit.

**e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion e):** The HEU would not result in direct residential construction but would facilitate future residential development on identified candidate sites. Associated residential development would not require septic tanks or any other alternative wastewater disposal system but would connect directly to City-operated wastewater treatment facilities. Therefore, the level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **GREENHOUSE GAS EMISSIONS**

This section describes the existing greenhouse gas emissions setting and potential effects from implementation of residential development contemplated and facilitated by the HEU. Information in this section is based on information provided in the City of Shafter General Plan and by Federal and State regulations and programs.

### **Regulatory Setting**

#### **Federal Regulations**

##### ***Greenhouse Gas Endangerment***

On December 7, 2009, the United States Environmental Protection Agency (U.S. EPA) signed two distinct findings regarding greenhouse gases (GHG) under Section 202(a) of the FCAA:

- The U.S. EPA finds that the current and projected concentrations of the mix of six key GHGs—Carbon Dioxide (CO<sub>2</sub>), Methane (CH<sub>4</sub>), Nitrous Oxide (N<sub>2</sub>O), Hydrofluorocarbons (HFC), Perfluorocarbons (PFC), and Sulfur Hexafluoride (SF<sub>6</sub>)—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the endangerment finding.
- The U.S. EPA finds that the combined emissions of CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, and HFCs from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key GHGs and hence to the threat of climate change. This is referred to as the cause or contribute finding.

#### **State Regulations**

There are numerous state plans, policies, regulations, and laws related to GHGs and global climate change that 1) establish overall state policies and GHG reduction targets; 2) require state or local actions that result in direct or indirect GHG emission reductions for the project; 3) require CEQA analysis of GHG emissions; and 4) provide generally accepted guidance in performing GHG analyses. The major components of California’s climate change policy are reviewed below.

##### ***Assembly Bill 32, the California Global Warming Solutions Act of 2006***

AB 32 was signed by former Governor Arnold Schwarzenegger in September 2006 and is now codified as Sections 38500–38599 of the California Health and Safety Code. Assembly Bill 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020.

##### ***Senate Bill 97 and Amendments to the State CEQA Guidelines***

As directed by Senate Bill 97, the California Natural Resources Agency adopted amendments to the State CEQA Guidelines on December 30, 2009, adding a new Section 15064.4, “Determining the Significance of Impacts from Greenhouse Gas Emissions,” and a new Section 15126.4(c), “Mitigation Measures Related to Greenhouse Gas Emissions.” The amendments became effective on March 18, 2010.

### ***CARB GHG Emissions Data and Scoping Plan***

AB 32 requires CARB to develop a scoping plan to lower the state's GHG emissions to meet the 2020 limit. The AB 32 Scoping Plan was approved at the December 2008 CARB meeting, and the First Update to the AB 32 Scoping Plan was approved in May 2014 (CARB, 2014). Key elements of the scoping plan include expanding and strengthening existing energy efficiency programs and building and appliance standards; achieving a statewide renewable energy mix of 33 percent; developing a California cap and trade program linked with other similar programs; establishing targets for transportation-related GHG emissions for regions throughout California, and pursuing policies and incentives to achieve those targets; implementing existing laws and standards, such as California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and issuing targeted fees to fund the state's long-term commitment to AB 32 administration.

### ***2017 Climate Change Scoping Plan Update (November 2017)***

The 2017 Scoping Plan Update identifies California's post-2020 reduction strategy and reflects the 2030 target of a 340 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by Senate Bill 32. Key programs the proposed Second Update builds upon include the Cap-and-Trade Regulation, the Low Carbon Fuel Standard, and much cleaner cars, trucks, and freight movement, utilizing cleaner, renewable energy, and strategies to reduce methane emissions from agricultural and other wastes. Major elements of the 2017 Scoping Plan framework include the following:

- Implementing and/or increasing the standards of the Mobile Source Strategy, which include increasing ZEV buses and trucks;
- Low Carbon Fuel Standard (LCFS), with an increased stringency (18 percent by 2030);
- Implementing Senate Bill 350, which expands the Renewables Portfolio Standard (RPS) to 50 percent RPS and doubles energy efficiency savings by 2030;
- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology and deployment of ZEV trucks;
- Implementing the proposed Short-Lived Climate Pollutant Strategy (SLPS), which focuses on reducing methane and hydrofluorocarbon emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030;
- Continued implementation of Senate Bill 375;
- Post-2020 Cap-and-Trade Program that includes declining caps;
- Twenty percent reduction in greenhouse gas emissions from refineries by 2030; and,
- Development of a Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

The 2017 Scoping Plan also identifies local governments as essential partners in achieving California's long-term greenhouse gas reduction goals and identifies local actions to reduce greenhouse gas emissions.

### ***2022 Climate Change Scoping Plan Update***

The Update assessed progress toward achieving the Senate Bill 32 2030 target and lay out a path to achieve carbon neutrality by 2045. Achieving carbon neutrality will require the State of California to consider engineered carbon removal at the source of emissions and directly from the atmosphere. The California Air Resources Board and the California natural Resources Agency have assembled expert to discuss recent market trends, potential applications, environmental factors,

---

and community considerations for engineered (technical solutions) carbon removal. The term “engineered” is inclusive of, but not limited to, projects that capture carbon emissions from industrial facilities, filter carbon emissions directly from the atmosphere, and safely store carbon in geologic formations.

Achieving carbon neutrality will bring several changes to California, including moving the State away from fossil fuel combustion in a manner that supports job retention and creation as California makes a just transition toward a clean energy economy.

### **Local Regulations**

No goals or policies regarding Greenhouse Gases are included in Shafter’s General Plan or Municipal Code.

### **Affected Environment**

According to climate scientists, the earth’s climate has been warming for the past century; 97 percent of climate scientists believes that this warming trend is related to the release of certain gases into the atmosphere by human activities (NASA, 2015). The most recognized GHGs include CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, water vapor, ozone, aerosols, HFCs, chlorofluorocarbons (CFCs), PFCs, and SF<sub>6</sub>. Emissions of GHGs contributing to global climate change are largely attributable to human activities associated with industrial/manufacturing, utility, transportation, residential, and agricultural sectors. About 75 percent of human emissions of CO<sub>2</sub> to the global atmosphere during the past 20 years are a result of fossil fuel burning. Atmospheric concentrations of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O have increased 31 percent, 151 percent, and 17 percent, respectively, since the year 1750 (Intergovernmental Panel on Climate Change, 2001).

Worldwide, California is ranked as the 12th largest emitter of GHGs. Based on the most recent GHG emissions inventory, California’s gross annual emissions of GHGs in 2013 totaled 459.3 million metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e) (CARB, 2013). Most of California’s emissions, approximately 81 percent, consist of CO<sub>2</sub> produced from fossil fuel combustion. The transportation sector is the single largest category of California’s GHG emissions, accounting for approximately 37 percent of the state’s total GHG emissions, followed by electricity consumption (from both in-state and out-of-state providers), which accounts for a total of roughly 23 percent of the state’s total GHG emissions, and then the industrial sector accounting for approximately 20 percent of the state’s total GHG emissions. The contribution from each of the various other use sectors contribute roughly one to eight percent each to the total GHG emissions inventory (CARB, 2013).

## **Project Impacts**

Would the project:

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less than Significant**

**Discussion a):** The HEU does not propose any specific residential development, however, residential development contemplated and facilitated by the HEU would be subject to permits and City of Shafter plan check processes. Future residential development would occur according to market conditions and at the discretion of individual property owners/developers. The HEU does identify six primary candidate sites that would more than meet the 6<sup>th</sup> Cycle RHNA requirements for the City. The new housing would induce population growth in the City. United States Census data indicates that the number of persons per household in Shafter is 3.84. Therefore, at full build out of the RHNA required number of units for Shafter, the increase in population would be 12,649 persons. The increased population would lead to an increase in Vehicle Miles Traveled, construction activities, stationary area sources (e.g., space and water heating, landscape maintenance equipment, consumer products use), energy consumption, water supply, and solid waste generation. Increased greenhouse gas emissions would incrementally contribute to global climate change. Future residential development contemplated and facilitated by the HEU would comply with Title 24 green building standards for new development. Such compliance would result in lower emissions from the City overall and would support greenhouse gas reduction efforts. In addition, future residential development would be subject to Shafter’s development review process, CEQA evaluation, and plan check process. Future applicants would be required to prepare air quality and GHG emissions studies using the California Emissions Estimator Model (CalEEMod), which relies upon project-specific land use data to calculate emissions. Site-specific details are not available for this analysis of the HEU, which is programmatic in nature. Future residential projects such as those contemplated and facilitated by the HEU, would be required to demonstrate compliance with all State and City regulations pertaining to lessening of greenhouse gas emissions. Therefore, the HEU’s potential impact pertaining to GHG generation, either directly or indirectly, with compliance with State and Federal regulations, would be less than significant.

### **MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less than Significant**

**Discussion b):** The use of heavy mobile construction equipment, delivery of construction materials, hauling of construction debris, and worker commutes would result in the generation of GHGs. Future residential projects such as those contemplated and facilitated by the HEU, would be required to demonstrate compliance with all State and City regulations pertaining to lessening of greenhouse gas emissions. Therefore, the HEU's potential impact pertaining to GHG generation, and conflict with an applicable plan, policy or regulation would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **HAZARDS AND HAZARDOUS MATERIALS**

This section describes the existing hazards and hazardous materials setting and potential effects from HEU implementation. Descriptions and analysis in this section are based on information provided in the City of Shafter General Plan and by the Hazardous Waste and Substances Sites (Cortese) List.

### **Regulatory Setting**

#### **Federal Regulations**

##### ***U.S. Environmental Protection Agency***

The U.S. EPA's purpose is to protect human health and the environment by writing and enforcing regulations based on laws passed by Congress. The U.S. EPA relies on the National Priorities List (NPL), which is a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the U.S. and its territories. The NPL is intended primarily to guide the U.S. EPA in determining which sites warrant further investigation.

The Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) is a database used by the U.S. EPA to track activities conducted under its Superfund program. Specific information is tracked for each individual site. WasteLAN is the name of the regional version of this database.

##### ***Resource Conservation and Recovery Act (RCRA)***

RCRA Subtitle C addresses hazardous waste generation, handling, transportation, storage, treatment, and disposal. RCRA establishes a system that uses hazardous waste manifests to track the movement of hazardous waste from generation to disposal (cradle-to-grave). The 1984 amendments to RCRA created a national priority for waste minimization. Subtitle D establishes national minimum requirements for solid waste disposal sites and practices and requires States to develop plans for the management of wastes within their jurisdictions. Subtitle I require monitoring and containment systems for underground storage tanks (USTs) that hold hazardous materials. Owners of USTs must demonstrate financial assurance for the cleanup of a potential leaking tank.

#### **State Regulations**

##### ***Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)***

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by state and local agencies and developers to comply with CEQA requirements by providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency to develop an updated Cortese List at least annually. The California Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other state and local government



agencies are required to provide additional hazardous material release information for the Cortese List.

***Department of Toxic Substances Control (EnviroStor/Haznet)***

The mission of the Department of Toxic Substances Control (DTSC) is to provide the highest level of safety, and to protect public health and the environment from toxic harm. DTSC provides a listing of all existing information on permits and corrective action at hazardous waste facilities, as well as site cleanup projects on the EnviroStor/Haznet database.

***California Hazardous Waste Control Law***

The California Hazardous Waste Control Law (HWCL) is the primary hazardous waste statute in California. The law states that generators have the primary duty to determine whether their waste is hazardous and to ensure their proper management. HWCL also establishes criteria for the reuse and recycling of hazardous waste. The law exceeds RCRA requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. The law also regulates several types of waste and waste management activities that are not covered by RCRA.

***California Code of Regulations***

Most state and federal regulations and requirements that apply to generators of hazardous waste are spelled out in CCR, Title 22, Division 4.5. Title 22 contains detailed compliance requirements for hazardous waste generators and transporters, and treatment, storage, and disposal facilities. Most RCRA regulations have been duplicated and integrated into Title 22. However, because DTSC regulates hazardous waste more stringently than the U.S. EPA, Title 22 contains fewer exemptions and exclusions than RCRA, and regulates a wider range of waste types and waste management activities. To make regulatory requirements more accessible and easier to follow, California compiled the hazardous materials, waste, and toxics-related regulations into CCR, Title 26, "Toxics."

**Local Regulations**

***City of Shafter General Plan***

The following goals and policies applicable to the project are contained in Section 7.5-Hazardous Materials section of the City of Shafter General Plan:

- Policy 1: Implement the provisions of the Kern County Integrated Waste Management Plan and the Household Hazardous Waste component of the City's Source Reduction and Recycling Element, including, but not limited to, provisions for pretreatment and disposal, storage, handling, and emergency responses.
- Policy 2: Promote the reduction, recycling, and safe disposal of household hazardous wastes through public education and awareness.

## **Affected Environment**

Most of the candidate residential sites identified in the HEU consist of vacant undeveloped land with very sparse vegetation. There may have been previous agriculture activities that resulted in contamination of the identified candidate sites.

## **Project Impacts**

**Would the project:**

**a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less Than Significant**

**Discussion a):**

#### ***Short-Term Construction Impacts***

Environmental exposure to hazardous materials can occur through the following:

- transportation accidents;
- environmentally unsound disposal methods;
- improper handling of hazardous materials or hazardous wastes; and/or,
- emergencies such as explosions or fires.

Severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors.

Although the HEU does not directly propose housing development, hazardous materials would be handled at each project site during construction of the residential units contemplated and facilitated by the HEU. These hazardous materials would include gasoline, diesel fuel, lubricants, and other petroleum-based products used to operate and maintain construction equipment and vehicles. This handling of hazardous materials would be a temporary activity coinciding with the short-term construction phase of residential units expected to last during the duration of the 6<sup>th</sup> Cycle. These materials would be transported, used, stored, and disposed of according to County, State, and Federal regulations. Even though hazardous materials associated with the operation and maintenance of construction equipment and vehicles may be stored on each project site, it is expected that only the amounts needed would be kept onsite, and any handling of such materials will be limited in both quantities and concentrations. Removal and disposal of hazardous materials

from the project site would not be required as the project site is currently vacant with no structures. The resultant level of impact would be less than significant.

**Long-Term Operation Impacts**

Future residential development contemplated and facilitated by the HEU would not involve ongoing or use of substantial quantities of hazardous materials during occupancy of housing units. Because of the nature of the project, hazardous materials used onsite may vary, but would likely be limited to fertilizers, herbicides, pesticides, solvents, cleaning agents, and similar materials used for daily residential operations and maintenance activities. These types of materials are common and represent a low risk to people and the environment when used as intended. Therefore, long-term operational impacts associated with hazardous materials would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant with Mitigation**

**Discussion b):** The HEU would not directly result in residential construction; rather, the HEU would facilitate future housing development in Shafter. This residential development would involve excavation and grading activities that could expose construction employees and the public to unknown hazardous material in soil or groundwater. Each future discretionary application for residential development on the identified candidate residential sites would be reviewed by City staff to confirm compliance with all City regulations. In addition, implementation of **Mitigation Measure MM HAZ- 1**, which requires preparation and submittal of a Phase I Environmental Site Assessment in accordance with the latest STM protocol be made for each residential project facilitated by the HEU. The Phase I Environmental Site Assessment would identify specific Recognized Environmental Conditions (REC) that may require further sampling or remediation by a qualified hazardous materials specialist. Implementation of **Mitigation Measure MM HAZ-2** provides instructions for contractors to identify and rectify suspected hazardous wastes inadvertently discovered during grading or construction activities. These assessments would include a review of local, State, Tribal, and Federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps, and physical setting sources. Although future residential development could accidentally release hazardous materials into the

environment, the City of Shafter discretionary and plan review processes, together with compliance with **Mitigation Measure MM HAZ- 1** and **Mitigation Measure MM HAZ-2**, would ensure no significant hazard would result. Following compliance with the established regulations, all Federal, State, and local regulations, and implementation of **Mitigation Measure MM HAZ- 1** potential impacts involving accidental discovery of unknown wastes or hazardous materials during grading and construction activities would be reduced to a less than significant level.

#### **MITIGATION MEASURES**

**MM HAZ-1:** Each Applicant for a new residential project contemplated by the HEU that will require City of Shafter discretionary approval may be required to prepare a Phase I Environmental Site Assessment in accordance with the latest ASTM protocol for such assessments and shall submit said Environmental Site Assessment to the appropriate City Department for review and approval. If the Phase I Environmental Site Assessment indicates evidence that contamination exists on the individual site that could require cleanup to avoid danger to people or damage to the environment, the Applicant shall complete a Phase II level review that will fully characterize the nature and extent of such contamination and the scope of required cleanup procedures. The City of Shafter shall consider the results of the Phase II Assessment as part of the CEQA compliance process prior to taking any discretionary action on the identified residential project.

**MM HAZ-2:** If an Applicant or Applicant's contractor for any residential project/development contemplated in and facilitated by the HEU discovers unknown wastes or suspect materials during grading and construction activities that are thought to involve hazardous waste or materials, the Applicant or Applicant's contractor may be required to do the following:

- Immediately cease work in the suspected contaminant's vicinity, remove workers and the public from the suspected contaminated area, and secure said area;
- Notify the Applicant's Environmental Professional and immediately implement proper remedial activities that are recommended; and,
- Notify the Shafter City Engineer and Planning and Community Development Director and implement measures to further secure the area.

In addition, the Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if any required.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion c):** Activities associated with the construction and operation of housing generally would not include the use of hazardous materials that would emit hazardous emissions. However, any future residential development facilitated by the HEU must comply with mandatory requirements and regulations pertaining to emissions or handling of hazardous materials, substances, or wastes near schools. Compliance with the California Hazardous Waste Control Law, California Health, and Safety Code, and RCRA regulations that regulate how to transport and handle hazardous and non-hazardous materials and waste would reduce potential impacts associated with accidental release of hazardous materials within one-quarter mile of an existing or planned school to a less than significant level.

**MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less than Significant Impact with Mitigation**

**Discussion d):** Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List. The Cortese List is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. A search was conducted through the California Department of Toxic Substances Control (DTSC) Envirostor website to identify whether any candidate site is listed in the database as a Cortese site. There are twenty listings in the EnviroStor list in the Cortese site data base for the City of Shafter.<sup>6</sup> As a

---

<sup>6</sup> <https://www.envirostor.dtsc.ca.gov/>. Accessed March 2023

result, specific development proposals on any of the HEU-identified candidate sites would need to be accompanied by a Phase I Hazards Assessment with appropriate recommendations, as specified in **Mitigation Measure MM HAZ-1**. Implementation of **Mitigation Measure MM HAZ-1** would reduce the potential impact to a less than significant level.

**MITIGATION MEASURES**

**MM HAZ-1:** Each Applicant for a new residential project contemplated by the HEU that will require City of Shafter discretionary approval shall prepare a Phase I Environmental Site Assessment in accordance with the latest ASTM protocol for such assessments and shall submit said Environmental Site Assessment to the appropriate City Department for review and approval. If the Phase I Environmental Site Assessment indicates evidence that contamination exists on the individual site that could require cleanup to avoid danger to people or damage to the environment, the Applicant shall complete a Phase II level review that will fully characterize the nature and extent of such contamination and the scope of required cleanup procedures. The City of Shafter shall consider the results of the Phase II Assessment as part of the CEQA compliance process prior to taking any discretionary action on the identified residential project.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

Kern County adopted the Airport Land Use Compatibility Plan which includes incorporated cities in the County including the City of Shafter. The purpose of the Plan was to establish procedures and criteria by which the County of Kern and affected cities can address compatibility issues when making planning decisions regarding airports and the land uses around them. The Plan is used as a reference and guide in evaluating impact and designing mitigation. Minter Field Airport is located in the northeastern region of the City, therefore, the HEU would be located within the boundary of the adopted Airport Land Use Plan for Minter Airport (Shafter 2005). The airport provides services such as flight training; supporting area agricultural and business operations; and aircraft fueling, storage, and maintenance. As is typical of most general aviation airports, the dominant type of aircraft based at Shafter Airport/Minter Field is the single-engine, propeller-driven, airplane, comprising 87% of the total (Shafter 2005). A potential housing site is located approximately 0.5 miles west of the airport. Proposed residential developments, including land division consisting of five or more dwellings shall be subject to compatibility review by the City. Therefore, based on City review of housing development prior to construction, the project would

not result in a safety hazard for people residing or working in the project area because of a public airport or public use airport and impacts would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**No Impact**

**Discussion f):** HEU-contemplated and facilitated residential development would include construction of new roadways that would provide new access to the development sites, as necessary. The development would therefore not establish any barrier that would interfere with any adopted emergency response or evacuation plan and would be required to meet City of Shafter codes to provide emergency exits. Furthermore, City and County Fire officials will review the associated discretionary applications to ensure adequate fire service and safety because of project implementation. Therefore, no impact will result.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

Potentially  
Significant Impact

Less Than  
Significant with  
Mitigation

Less Than  
Significant Impact

No Impact

**No Impact**

**Discussion g):** The City of Shafter does not contain any lands that are in a “Very High, High, or Moderate” Fire Hazard Zone. Therefore, future residential development contemplated and facilitated by the HEU would not directly or indirectly expose people or structures to a risk of loss, injury or death involving wildland fires. No impact would result.

**MITIGATION MEASURES**

No Mitigation Measures are required.



## **HYDROLOGY AND WATER QUALITY**

This section describes the hydrology and water quality setting and the potential related effects from HEU implementation. Descriptions and analysis in this section are based in part on information provided in the City of Shafter General Plan and City of Shafter Municipal Code.

### **Regulatory Setting**

#### **Federal Regulations**

##### ***Federal Emergency Management Agency (FEMA)***

FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to jurisdictions that comply with FEMA regulations to limit development within floodplains. FEMA also prepares Flood Insurance Rate Maps (FIRMs) to identify areas subject to flooding. These FIRMs provide flood information and identify flood hazard zones. FEMA's minimum level of flood protection for new development is the 100-year flood event, also described as a flood having a one percent chance of being equaled or exceeded in any given year with an average recurrence interval of one hundred years.

##### ***Clean Water Act (CWA)***

U.S. EPA serves as the lead federal agency responsible for water quality management. The CWA of 1972 is the primary federal law that governs and authorizes water quality control activities by the U.S. EPA and individual states. Section 303 of the CWA requires individual states to adopt water quality standards for all surface waters of the U.S.

The NPDES permit program was established under Section 402 of the CWA to regulate municipal and industrial discharges to surface waters of the U.S. from municipal separate storm sewer systems (MS4s). Federal NPDES permit regulations have been established for a broad range of discharges, including point source municipal waste discharges and non-point source storm water runoff.

##### ***Safe Drinking Water Act***

Under the Safe Drinking Water Act (Public Law 93-523), passed in 1974, the U.S. EPA regulates contaminants of concern to domestic water supply. Contaminants of concern relevant to domestic water supply are defined as those that pose a public health threat or that alter the aesthetic acceptability of the water. These types of contaminants are regulated by the U.S. EPA's primary and secondary maximum contaminant levels (MCLs), which are applicable to treated water supplies delivered to a distribution system.

The U.S. EPA has delegated to the California Department of Public Health (CDPH) the responsibility for administering California's drinking-water program. The CDPH is accountable to the U.S. EPA for program implementation and for adopting standards and regulations that are at least as stringent as those developed by the U.S. EPA. The applicable state primary and secondary MCLs are set forth in CCR, Title 22, Division 4, Chapter 15, Article 4.

## **State Regulations**

### ***Porter-Cologne Water Quality Control Act***

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) of 1969 is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of its residents. The Porter-Cologne Act requires the State Water Resources Control Board (SWRCB) and its Regional Water Quality Control Boards (RWQCB) to adopt and periodically update water quality control plans (Basin Plans). Basin Plans are the regional water quality control plans required by both the CWA and Porter-Cologne Act, in which beneficial uses, water quality objectives, and implementation programs are established for each of the RWQCBs. The Porter-Cologne Act also requires waste dischargers to notify the RWQCBs of their activities through the preparation of Reports of Waste Discharge and authorizes the SWRCB and its RWQCBs to issue and enforce waste discharge requirements, NPDES permits, Section 401 water quality certifications, and other approval actions.

In California, the SWRCB has broad authority over water quality control issues for the state. The SWRCB is responsible for developing statewide water quality policy and exercises the powers delegated to the State by the federal government under the CWA. Other state agencies with jurisdiction over water quality regulation in California include the California Department of Health Services for drinking water regulations, the California Department of Pesticide Regulation, the California Department of Fish and Wildlife, and the Office of Environmental Health and Hazard Assessment.

### ***NPDES Permit System and Waste Discharge Requirements for Construction***

The 1972 amendment to the CWA established the NPDES permit program. The NPDES permit program outlined in the CWA contains effluent limitation guidelines, water quality requirements, and permit program requirements for discharges to waters of the United States. The EPA has overall responsibility for the NPDES program, but administration of the program in California has been delegated to the SWRCB and the nine RWQCBs.

## **Local Regulations**

### ***City of Shafter General Plan***

The following policies relevant to the proposed project are included in Section 4.5-Drainage and Flooding section of the City's Development Standards:

- Policy 1: Require dedication and improvement of stormwater detention, retention, and conveyance facilities as a condition of approval for new development where needed to protect on-site and downstream development from flooding.
- Policy 2: Require adequate infrastructure to be in place and operational prior to occupancy of new development, such that new development will not negatively impact the performance of drainage facilities serving existing developed areas.

The following policies relevant to the proposed project are included in Section 7.3-Flooding and Drainage section of the City's Development Standards:

- Policy 1: Ensure that structures designed for human occupancy are constructed outside of the 100-year floodplain as specified by FEMA, unless a special study has been conducted to ensure that the base floor elevation of the structure is located above the 100-year floodplain, and that the structure is flood-proofed below that level.
- Policy 2: Through the development review process, require construction and dedication of needed drainage and flood control facilities.
- Policy 3: On a regular basis, review and update the City's Storm Drain Master Plan to ensure that street and storm drain flood control systems are designed to accommodate identified storm flows.
- Policy 4: Where construction of a retention or detention basin is needed to support new development, require the development to provide for its construction and maintenance.

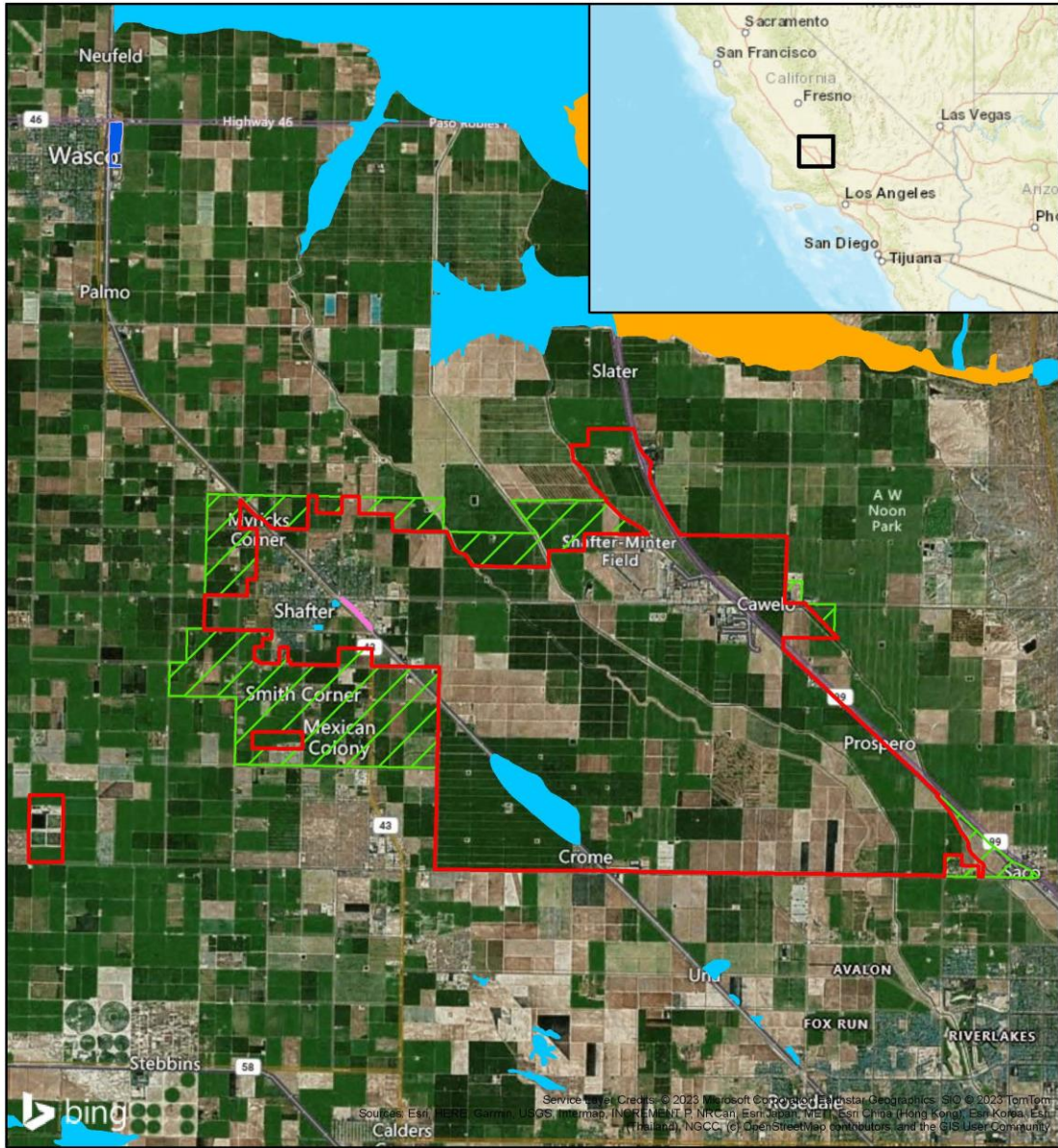
#### ***City of Shafter Municipal Code***

During design review, the Development Standards of the City's Municipal Code encourage improved drainage from lots directly to a street storm drain, or through public or privately maintained easements.

#### ***Special Floods Area***

The Federal Emergency Management Agency (FEMA) created flood maps to assist mortgage lenders to determine insurance requirements and assist communities in developing strategies to reduce their flood risk. These identified areas are known as Special Flood Hazard Areas (SFHA). An SFHA is defined as the area that will be inundated by a flood event having a one percent chance of being equaled or exceeded in any given year. The one percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas are labeled Zone B or Zone X (shaded) and are also shown on Flood Insurance Rate Maps (FIRM) and are the areas between the limits of the base flood and the 0.2%-annual-chance (500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2%-annual-chance flood, are labeled Zone C or Zone X (unshaded) Figure 3.

FIGURE 3. SPECIAL FLOOD HAZARD MAP



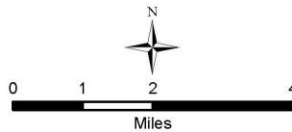
**Legend**

- City Limits
- Sphere of Influence

**Flood Zone**

- A - Area inundated by the Base Flood with no Base Flood Elevations
  - AE - Area inundated by the Base Flood with Base Flood Elevations
  - AH - Area inundated by the Base Flood with flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
  - AO - Area inundated by the Base Flood with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
  - D - Areas in which flood hazards are undetermined, but
- Map Date: 4/25/2023

**Figure 3 - Special Flood Hazard Map**  
City of Shafter Initial Study/Mitigated Negative Declaration



## **Affected Environment**

The City of Shafter has very few areas that are flood hazard areas. However, there are four areas that are considered flood hazard areas. Three such areas are labeled as Zone A and one such area is labeled as Zone AO. Two of the Zone A areas are directly on, or next to, the railroad. The other Zone A area is a detention basin built near a residential community to protect it from flooding. The area labeled AO is also directly along the railroad.

## **Project Impacts**

**Would the project:**

**a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less Than Significant**

**Discussion a):** The Shafter HEU does not propose any specific residential development. Future residential development contemplated and facilitated by the HEU would be subject to City discretionary permits and plan check processes. In addition, future residential development would occur according to housing market conditions and at the discretion of affected individual property owners. Future residential development could result in potential impacts to water quality, as follows:

- During the grading and construction activities where the potential for erosion, siltation, and sedimentation would be greatest.
- Subsequently to residential construction and before establishment of ground cover, when the potential for erosion may remain high; and,
- After completion of residential development when impacts pertaining to sedimentation would decrease markedly but those associated with urban runoff would increase.
- Urban runoff discharges into storm drains, which will be constructed as part of said residential development. Polluted runoff can include a wide assortment of environmental, storm water characteristics depend on site conditions (e.g., land use; impervious cover; pollution prevention practices), rain events (rate and duration of rainfall; intensity; time between rain events), soil type and particle sizes, vehicular traffic, and atmospheric deposition.

Construction of housing units associated with implementation of the HEU has the potential to result in short-term impacts to water quality. Activities such as utility installation, grading, ground

clearing, landscaping, and building construction could result in generating potential water pollutants such as chemicals, paints, silt, debris that may affect the water quality. During grading and construction activities, the potential for erosion, siltation, and sedimentation would be greatest. In addition, impacts could occur prior to establishment of ground cover when the erosion potential may be relatively high. Future HEU residential development projects would be subject to compliance with the established regulatory framework pertaining to water quality maintenance. Future residential development that disturbs more than one acre of land surface would be required to obtain coverage under the National Pollution Discharge Elimination System (NPDES) storm water program. The NPDES Construction General Permit Program requires implementation of Best Management Practices (BMP) to reduce or prevent pollutant discharge from development activities to the Maximum Extent Practicable for urban runoff and meeting the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology standards for construction-related storm water. Construction activities would be required to comply with a project specific Stormwater Pollution Prevention Program (SWPPP) that identifies erosion control and sediment control BMP that would meet or exceed measures required by the Construction Activity General Permit to control potential construction-related pollutants. Erosion controls are intended and designed to prevent erosion, whereas sediment controls are intended and designed to trap sediment once it has been mobilized. In addition, future residential development projects would be subject to City of Shafter Municipal Code (Section 15.28) regulations governing grading and erosion control.

Upon full build out, residential buildings, concrete walkways, ac pavement, sidewalks and streets would create impervious surfaces that would contribute to stormwater runoff. Future residential development would be required to comply with existing State Water Quality Control Board water quality standards and waste discharge regulations. Future HEU-facilitated residential development would comply with these regulations and waste discharges would be connected to the existing or new public wastewater system. Thereby, future residential development contemplated and facilitated by the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The resultant level of impact would be less than significant.

#### **MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that project may impede sustainable groundwater management of the basin?**

Potentially Significant Impact

Less Than Significant with Mitigation

Less Than Significant Impact

No Impact

**Less Than Significant**

**Discussion b):** Increased impervious surfaces reduce the amount of surface water available for infiltration to groundwater sources. Future residential development on the mostly vacant candidate sites contemplated and facilitated by the HEU would increase impervious surfaces, decrease water infiltration into the groundwater basin, and reduce groundwater recharge.

Future HEU-facilitated residential development would be required to incorporate design features that would reduce impervious areas as feasible and thereby promote water infiltration. Treatment control and hydromodification management facilities would promote stormwater retention and infiltration. Also, future residential development on candidate residential sites would comply with water quality standards intended to reduce runoff, increase infiltration, and improve water quality. In addition, future residential development contemplated and facilitated by the HEU would be required to comply with all Federal, State, and local requirements for avoiding and minimizing construction and operational impacts to groundwater supplies. Compliance with these requirements thereby would not decrease groundwater supplies and would not interfere with groundwater recharge. The resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?**

Potentially  
Significant Impact

Less Than  
Significant with  
Mitigation

Less Than  
Significant Impact

No Impact

**Less Than Significant**

**Discussion c):** Future HEU-facilitated residential development would be required to incorporate design features that would reduce impervious areas as feasible and thereby promote water infiltration. Treatment control and hydromodification management facilities would promote stormwater retention and infiltration. Also, future residential development on candidate residential sites would comply with water quality standards intended to reduce runoff, increase infiltration, and improve water quality. In addition, future residential development contemplated and facilitated by the HEU would be required to comply with all Federal, State, and local requirements for avoiding and minimizing construction and operational impacts to groundwater supplies. Compliance with these requirements thereby would not alter the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site. The resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.



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

Potentially Significant Impact

Less Than Significant with Mitigation

Less Than Significant Impact

No Impact

**No Impact**

**Discussion d):** According to the Federal Emergency Management Agency (FEMA), portions of the City of Shafter are located within a flood hazard zone. Residential development would be subject to provisions in the City Municipal Code (Section 15.44 – Floodplain Management). None of the candidate sites are located within a tsunami inundation zone. In addition, housing resulting from implementing the HEU would not be at risk from seiche because there is no water body around any of the candidate sites capable of producing as seiche. No impact would result from residential development contemplated by or facilitated by the HEU.

**MITIGATION MEASURES**

No Mitigation Measures are required.

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

Potentially Significant Impact

Less Than Significant with Mitigation

Less Than Significant Impact

No Impact

**No Impact**

**Discussion e):** The California Sustainable Groundwater Management Act (2014) provides authority for agencies to develop and implement groundwater sustainability plans or alternative plans that demonstrate water basins are being managed sustainably. The City of Shafter Municipal Code and other regulations are designed to protect water resources and improve water quality. Future HEU-facilitated residential developments would be required to prepare a stormwater management plan and to incorporate stormwater standards manual requirements into design plans to minimize potential impacts to water quality. In addition, dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres are required to comply with discharge standards. All future housing development contemplated and facilitated by the HEU would be subject to the City of Shafter’s development review process, which may include review pursuant to CEQA, and would be required to comply with all Federal, state, and local requirements for avoiding and minimizing conflicts with or obstruction of implementation of a Water Quality Control Plan. Thereby, future residential development contemplated and facilitated by the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **LAND USE AND PLANNING**

This section describes the existing land use and planning setting and potential effects from HEU implementation. The narrative in this section is informed by the City of Shafter General Plan and City of Shafter Municipal Code.

### **Regulatory Setting**

#### **State Regulations**

California Government Code Section 65300, et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan is a comprehensive, long-term, and general document that describes plans for the physical development of a city or county and of any land outside its boundaries that, in the City's or County's judgment, bears relation to its planning. The general plan addresses a broad range of topics, including at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the City's or county's vision for the area.

The State Zoning Law (California Government Code Section 65800, et seq.) establishes that zoning ordinances, which are laws that define allowable land uses within a specific zone district, are required to be consistent with the general plan.

#### **Local Regulations**

##### ***City of Shafter General Plan***

Section 2.5-Residential Uses of the City's General Plan identify the following policies applicable to the proposed project:

- Policy 1: Promote the development of rural residential areas and rural communities that provide for and protect rural lifestyles and are compatible with nearby agricultural uses.
- Policy 2: Maintain and promote suburban density, single-family areas that will accommodate a range of densities from small lot subdivisions in a planned community setting to traditional subdivisions to large lot equestrian-oriented developments.
- Policy 3: Broaden the range of housing types and encourage innovation in available housing types. In addition to traditional single-family housing, provide:
  - Move-up and executive housing opportunities.
  - Housing for those desiring amenities not typically found in small town subdivisions (e.g., common open space and recreational areas).
  - Opportunities for those not desiring a dwelling on an individual lot or a mobile home lifestyle; and
  - Appropriate housing for active seniors and those requiring some degree of assistance or care.

- Ensure that multifamily projects fit the scale of the community, are consistent with Shafter’s small town community character, are of high quality, and are well maintained.
- Promote the development of residential projects that provide semi-private and private open space and recreation facilities.
- Support efficient management of local agricultural production activities by encouraging the provision of adequate farm worker and farm family housing within and adjacent to agricultural areas.
- Design new residential development with identifiable neighborhood units. Street design should route through traffic around, rather than through new neighborhoods. Neighborhood streets should be quiet, safe, and amenable to bicycle and pedestrian uses.

**Affected Environment**

Most of the built environment in the City of Shafter is residential, with varying types of densities.

**Project Impacts**

**Would the project:**

**a) Physically divide an established community?**

- Potentially Significant Impact     
  Less Than Significant with Mitigation     
  Less Than Significant Impact     
  No Impact

**No Impact**

**Discussion a):** The largest of the identified candidate residential sites in the HEU are in the extreme southeasterly portion of the City. Other candidate residential sites are in the extreme northwesterly portion of the City and within the City Center. The following Table 3 provides the six primary candidate sites and the units that can be accommodated on those sites. As demonstrated, the candidate sites can accommodate far more units than the City RHNA requirement of 3,294 units.

**Table 3-HEU Candidate Residential Sites**

<b>PLANNING AREA</b>	<b>VERY LOW</b>	<b>LOW</b>	<b>MODERATE</b>	<b>ABOVE MODERATE</b>
City Center (Realistic Capacity = Acres X Max Density X 0.8)	8	8	837	0
<b>Specific Plan Areas</b>				
Gossamer Grove	0	0	1,079	1,078
Marcona Preserve (formerly Heritage Ranch)	0	0	441	439
Mission Lakes	29	117	2,446	2,442
Orchard Hills	0	0	220	220
<b>Sites to be Rezoned</b>				
Rezone (Realistic Capacity = Acres X Max Density X 0.8)	949	3,792	7,113	7,281
<b>TOTAL 2023-2031</b>	<b>986</b>	<b>3,917</b>	<b>12,136</b>	<b>11,460</b>

Sufficient vacant land is available to accommodate the required new residential units, particularly within the specific plan areas. No existing communities or neighborhoods would be divided because of the contemplated and facilitated residential development. Thus, development of the project site is a logical continuation of the development pattern in the area as proposed by the General Plan and will not divide an established community. Therefore, no impacts would occur that would divide an established community.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

Potentially  
Significant Impact

Less Than  
Significant with  
Mitigation

Less Than  
Significant Impact

No Impact

**Less Than Significant**

**Discussion b):** Only candidate properties near the City Center would need to be rezoned to accommodate the residential density indicated in Table 3 and no other candidate sites would need to be rezoned. The HEU is required to comply with applicable state housing laws. Thereby, the HEU would be consistent with applicable land use and planning policies in the state, regional, and local context necessary to comply with that legislation and includes HEU consistency with the City General Plan. As a result, future residential development contemplated and facilitated by the HEU would be consistent with all applicable land use and planning policies and regulations intended to minimize environmental effects. Therefore, residential development contemplated and facilitated by the HEU would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Less than significant impact would result.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **MINERAL RESOURCES**

This section describes the existing mineral resources setting and potential effects from implementation of the HEU-identified candidate residential sites.

### **Regulatory Setting**

#### **Federal**

##### ***Surface Mining and Reclamation Act (SMARA)***

SMARA was enacted in 1975 for the purpose of establishing mineral resource management policies within the general plan by local agencies. (SMARA) has developed mineral land classification maps and reports to assist in the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are identified:

- Mineral Resource Zone 1 (MRZ-1): This land use classification refers to areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- Mineral Resource Zone 2 (MRZ-2): This land use classification refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.
- Mineral Resource Zone 3 (MRZ-3): This land use classification refers to areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about the quality of material in these areas could either upgrade the classification to MRZ-2 or downgrade it to MRZ-1.
- Mineral Resource Zone 4 (MRZ-4): This land use classification refers to areas where available information is inadequate for assignment to any other mineral resource zone.

#### **State**

##### ***California Department of Conservation***

The State Mining and Geology Board (SMGB) serves as a regulatory, policy, and appeals body representing the State's interests in the reclamation of mined lands, geology, geologic and seismologic hazards, and the conservation of mineral resources.

### **Affected Environment**

No land within the candidate sites is designated for mineral use extraction or processing.

## **Project Impacts**

**Would the project:**

**a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **No Impact**

**Discussion a):** No land within the candidate sites is designated for mineral use extraction or processing. Therefore, residential development contemplated and facilitated by the HEU would not reduce the availability of any minerals that could be of value to the region or state. No impact would occur.

### **MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **No Impact**

**Discussion b):** No land within the candidate sites is designated for mineral use extraction or processing. Therefore, residential development contemplated and facilitated by the HEU would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would result.

### **MITIGATION MEASURES**

No Mitigation Measures are required.



## **NOISE**

This section describes the existing noise setting and potential effects from HEU residential implementation on the identified candidate residential sites. The primary sources for the following narrative and analysis are the City of Shafter General Plan and the City of Shafter Municipal Code.

### **Regulatory Setting**

#### **State**

##### ***Building Standards Administrative Code***

The State of California has established regulations that help prevent adverse impacts to occupants of buildings located near noise sources. Referred to as the “State Noise Insulation Standard,” it requires buildings to meet performance standards through design and/or building materials that would offset any noise source in the vicinity of the receptor. State regulations include requirements for the construction of new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings that are intended to limit the extent of noise transmitted into habitable spaces. These requirements are found in the California Code of Regulations, Title 24 (known as the Building Standards Administrative Code), Part 2 (known as the California Building Code), Appendix Chapters 12 and 12A. For limiting noise transmitted between adjacent dwelling units, the noise insulation standards specify the extent to which walls, doors, and floor ceiling assemblies must block or absorb sound. For limiting noise from exterior noise sources, the noise insulation standards set an interior standard of 45 dBA  $L_{dn}$  in any habitable room with all doors and windows closed. In addition, the standards require preparation of an acoustical analysis demonstrating the way dwelling units have been designed to meet this interior standard, where such units are proposed in an area with exterior noise levels greater than 60 dBA  $L_{dn}$ .

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise and land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable.

#### **Local**

##### ***City of Shafter General Plan***

The following policies contained in Section 7.7-Noise, of the General Plan are applicable to the HEU:

- Policy 3: Minimize motor vehicle noise in residential areas through proper route location and sensitive roadway design.
- Policy 4: Provide planned industrial areas with truck access routes that are separated from residential areas to the maximum feasible extent.

- Policy 5: Where new development (including construction and improvement of roadways) is proposed in areas exceeding the General Plan Noise Objective, or where the development of proposed uses could result in an increase in noise, require a detailed noise attenuation study to be prepared to determine appropriate mitigation needed to meet the City's noise objectives, and incorporate such mitigation in too provide a safe and comfortable living environment for new residential, business, and commercial developments in Shafter which are minimally affected by noise.
- Policy 6: When new development proposes a potentially significant noise source, require a noise analysis to be prepared. Require appropriate noise mitigation when the proposed project will exceed General Plan noise objectives or cause an audible (3.0 dBA) increase in noise in areas where General Plan noise objectives are already exceeded as the result of existing development.
- Policy 7: Utilize site and architectural design features to mitigate noise impacts, where feasible. In addition to sound barriers, consider:
  - Increasing building setbacks to further separate the noise-sensitive use from the noise source.
  - Locating uses that are the most tolerant of noise closer to the noise source and use the buildings housing these uses as noise barriers.
  - Orient delivery, loading docks, and outdoor work areas away from noise sensitive uses.
  - Place noise-tolerant uses, such as parking areas, and noise-tolerant structures, such as garages, between the noise source and sensitive receptor.
  - Cluster office, commercial, or multifamily residential structures to reduce noise levels within interior open space areas.
  - Provide double-glazed and double paned windows on the side of the structure facing a major noise source, and place entries away from the noise source to the extent possible.
- Policy 8: Where feasible, use noise barriers (walls, berms, or a combination thereof) to reduce significant noise impacts. Where noise barriers are constructed, require appropriate landscaping treatment to be provided.
- Policy 9: Continue enforcement of California Noise Insulation Standards (Title 25, Section 1092, California Administrative Code).
- Policy 10: Regulate the hours of construction activities in order to avoid or mitigate noise impacts on adjacent noise-sensitive land uses.

The following policy contained in Section 3.0-Transportation Program of the General Plan applicable to the HEU:

---

- Policy 3: Support efforts at Minter Field/Shafter Airport to minimize negative effects of air transportation, such as air pollution, noise, and safety hazards.

### ***City of Shafter Municipal Code***

Section 10.180-Noise Hazards, of the City's Development Code identifies the following relevant to the proposed project:

a. When a land use application or development permit is proposed within the 65 dB CNEL noise contour and such a proposed use or noise associated with such a use is adjacent to a residential one district or residential use, the following standards shall apply:

- (1) Noise levels shall be identified. An acoustical report shall be performed to identify noise impacts and any recommendation for noise attenuation or other mitigation measures to be incorporated into the design standards or conditions of approval as applicable.
- (2) interior noise levels in residences dwelling units and educational institutions shall not exceed 45 dB(A) CNEL emanating from sources outside of the affected building.
- (3) Exterior noise levels in residential land use areas shall not exceed 65 dB(A) CNEL.
- (4) Ability to mitigate exterior noises to the levels of 65 dB(A) CNEL shall be considered by the reviewing authority when determining the actual CNEL level with which the land uses must comply.
- (5) In areas where noise exceeds the noise standard, steps shall be taken to mitigate noise levels. An acoustical report identifying mitigation measures shall be required and reviewed by the Environmental Health Services Department prior to issuance of any required development permits or approval of land use applications.

### **Affected Environment**

Noise is defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, and sleep.

Several noise measurement scales exist which are used to describe noise in a particular location. A *decibel* (dB) is a unit of measurement which indicates the relative intensity of a sound. The zero point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3.0 dB or less are only perceptible in laboratory environments. Audible increases in noise levels refer to a change of 3.0 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense, 30 dB is 1,000 times more intense. Each 10-dB increase in sound level is perceived as approximately a doubling of loudness. Sound intensity is normally measured through the A-weighted sound level (dBA). The candidate sites are vacant or in a partially developed area of the City with mostly residential uses. The existing noise environment within the City of Shafter is characterized by the area's general level of development. Ambient noise levels are therefore increased because of roadway traffic, industrial activities, and other human

activities. Table 4 - Population Density and Associated Ambient Noise Levels summarizes typical ambient noise levels based on level of development.

**Table 4-Population density and Ambient Noise Levels**

Population Density	dBA, Ldn
Rural 40-50	40-50
Small town or quiet suburban residential	50
Normal suburban residential	55
Urban residential	60
Noise urban residential	65
Very noisy urban residential	70
Downtown, major metropolis	75-80
Area adjoining freeways or near major airport	80-90
Notes: dBA=A weighted decibels Ldn=day-night level	

Source: Draft Initial Study/Mitigated negative Declaration, Silver Peak Solar Project, February 24, 2011

Given the rural nature of the City, baseline ambient noise levels are assumed to be approximately 40-50 Ldn.

**Project Impacts**

**Would the project result in:**

**a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

- Potentially Significant Impact     
  Less Than Significant with Mitigation     
  Less Than Significant Impact     
  No Impact

**Less Than Significant with Mitigation**

**Discussion a):**

### **Existing Ambient Noise Levels**

Most of the candidate sites are in rural areas of Shafter or are in areas partially developed with single-family residences and residential streets. The existing noise environment is primarily characterized by roadway traffic and other human activities. Based on the character of the candidate sites, baseline ambient levels would be estimated to be approximately 4-50 Ldn.

### **Noise Impacts Construction**

The HEU would not result in direct residential construction but would facilitate and provide a policy framework for future residential construction in Shafter. Construction activities for the future residential development could result in short-term and intermittent increases in noise levels in the candidate sites vicinity. Noise levels would vary depending on construction activity, equipment type, duration of use, and the distance between noise source and receiver. Typical sound emission characteristics of construction equipment that may be used during residential grading and construction are provided in Table 5. The noise levels are described in terms of Lmax, which is the maximum sound level of a particular noise event measured at 50 feet.

**Table 5- Construction Equipment Noise Levels**

Equipment Type	Maximum Noise Level (Lmax) of Equipment at 50 Feet (in A-weighted decibels (dBA))
Dump Truck	76
Front End Loader	79
Air Compressor	78
Pneumatic Tools	85
Concrete Mixer Truck	79
Concrete Pump Truck	81
Bulldozer	85

*Source: U.S. Department of Transportation, Federal Highway Administration, 2011*

*Notes: The noise levels shown above are actual, measured noise levels based on measurements performed for the Central Artery/Tunnel Project. Noise measurements were averaged to compute the actual emission level.*

Noise levels will be loudest during the grading phase from the use of a bulldozer, which at 50 feet, ranges from 85 to 90 dBA. For every doubling of distance, the sound level reduces by six dBA. Construction noise will have a temporary or periodic increase ambient noise level above the existing within the project vicinity. Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Noise generation related to construction activities is addressed in Section 8.24.030 of the City of Shafter Municipal Code which states as follows:

“Within a residential zone, or within a radius of five hundred feet therefrom, no person shall operate equipment, for the construction or repair of buildings, structures or projects, which creates noise exceeding the ambient noise level beyond fifty feet from the source between the hours of seven p.m. and seven a.m.”

Implementation of residential development contemplated and facilitated by the HEU would not result in direct construction of housing; rather, it would facilitate and provide a policy framework for future housing development in Shafter. This future housing development would result in construction noise generated from grading and construction activities. Construction would involve the following general sequence: (1) site preparation and/or demolition of any existing structures on the candidate site; (2) grading and utilities construction; (3) building construction; (4) paving; and (5) application of architectural coatings. Typical construction equipment would include backhoes, excavators, graders, loaders, compactors, cranes, trucks, pavers, pneumatic tools, generator sets, and air compressors. With the possible exception of pile-driving activities, construction equipment with substantially higher noise-generation characteristics would not be anticipated to be used for construction of typical residential developments. Typical construction equipment generates maximum noise levels at 50 feet from the noise source that ranges from 80 dBA for backhoes and loading trucks to 85-90 dBA for graders and excavators.

Construction noise can vary from day to day, depending on the level of activity and the specific type of equipment used. Also, residential construction activities associated with future housing development facilitated by the HEU are anticipated to occur in incremental phases over time and based on market demand, economic, and planning factors. Thereby, construction-related noise would not be concentrated in any one constant area in Shafter.

Future residential development facilitated by the HEU would be required to comply with the City's noise restrictions indicated above. Furthermore, the City Planning Department may require an acoustical analysis for future residential development projects that may be in a noise environment that may affect future residents. The acoustical analysis would ensure development and operation of future residential projects would meet City standards.

### ***Noise Impacts During Operation***

Future residential development contemplated and facilitated by the HEU would result in additional noise sources from housing, people, pets, and automobiles in the new communities. Noise also would be generated from stationary operation related sources such as heating,

ventilation, and air conditioning (HVAC) units, tankless water heaters, generators, and lawn maintenance equipment. Specific information about HVAC units for the new residential units is not now known. Typically, acoustical enclosures around the HVAC units decrease audible noise. Also, increased vehicular traffic accompanying the increased number of residential units would add to traffic noise on Shafter roadways. Future HEU-facilitated residential development would be subject to the City of Shafter discretionary application review process.

Implementation of **Mitigation Measures MM NOI-1, MM NOI-2, and MM NOI-3** would reduce noise impacts from grading and construction activities and from operation of future residential development facilitated by the HEU to a less than significant level.

## **MITIGATION MEASURES**

**MM NOI-1:** To reduce potential grading and construction noise impacts, each Applicant for a specific project the City may require construction contractors to implement a site-specific Noise Reduction Program that shall include the following measures, ongoing through any demolition, grading, and/or construction.

- Equipment and trucks used for residential development shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- Impact tools (e.g., jack hammers, pavement breakers, rock drills) used for residential development shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used. External jackets on the tools shall be used where feasible. Quieter procedures shall be used, whenever feasible.
- Stationary construction-related noise sources shall be located as far from adjacent receptors as possible and shall be muffled and incorporate insulation barriers or other measures to the extent feasible.

**MM NOI-2:** Prior to any demolition or construction activities that may be necessary, in order to obtain a grading permit, or building permit approval, each applicant proposing a specific project shall submit to the City of Shafter Planning Department for approval, a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction activities. At a minimum, these measures shall include the following:

- A procedure for notifying the City Code Enforcement Officer and Police Department about regular construction hours and off-hours.
- A requirement for a sign to be posted by the Applicant on-site that specifies the permitted construction days and hours, and notification procedure, and whom to notify

in the event of a noise-related concern. The sign also shall include the construction contractor's telephone numbers during regular construction hours and off-hours.

- A requirement for a pre-construction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices are completed.

**MM NOI-3:** All noise-generating residential construction activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Implementation of the above Mitigation Measures would ensure any noise-related impacts associated with future residential development facilitated by the HEU will be reduced to a less than significant level.

**b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion b):** Groundborne vibration results from sound waves radiating through the ground. The sound caused by groundborne vibration is called groundborne noise. The ground motion caused by groundborne vibration is measured as peak particle velocity (PPV) in inches per second, and groundborne noise is measured as vibration decibels (Vdb). Typical outdoor sources of perceptible groundborne vibration and noise are construction equipment and traffic on rough roads.

The Federal Transit Administration (FTA) has published standard vibration level and peak particle velocities for construction equipment operations. The calculated root mean square (RMS) velocity level expressed in Vdb and PPV for construction equipment at distances of 25, 50, and 100 feet are listed on Table 6.



**Table 6-Vibration Levels of Construction Equipment**

Equipment	PPV at 25 feet (ft.) in inches per second (in/sec)	RMS at 25 ft. (Vdb)	PPV at 50 ft. (in/sec)	RMS at 50 ft. (Vdb)	PPV at 100 ft. (in/sec)	RMS at 100 ft. (Vdb)
Loaded Truck	0.0760	86	0.0269	77	0.0095	68
Jackhammer	0.0350	79	0.0124	70	0.0044	61
Small Bulldozer	0.0030	58	0.0011	49	0.0004	40

Source: Federal Transit Administration, 2006

Notes: PPV = peak particle velocity; in/sec = inches per second; RMS = root mean square; Vdb = vibration decibels

The FTA uses a PPV of 0.2 inch per second as the vibration damage threshold for fragile buildings and a PPV of 0.12 inch per second for extremely fragile historic buildings. The FTA criterion for infrequent groundborne noise events (fewer than 30 events per day) that may cause annoyance is 80 Vdb for residences and other buildings where people normally sleep. While this project is not a transit project being proposed by the FTA, these FTA thresholds are being used for this analysis as a comparison to the FTA-published vibration levels for construction equipment. According to the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018,<sup>7</sup> while ground vibrations from construction activities do not often reach the levels that can damage structures, construction vibration may result in building damage or prolonged annoyance from activities such as blasting, piledriving, vibratory compaction, demolition, and drilling or excavation near sensitive structures. Residential development contemplated and facilitated by the HEU does not require these types of construction activities. Therefore, the impacts would be less than significant.

#### **MITIGATION MEASURES**

No Mitigation Measures are required.

---

<sup>7</sup> <https://www.transit.dot.gov/research-innovation/transit-noise-and-vibration-impact-assessment-manual-report-0123>.

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

Potentially  
Significant Impact

Less Than  
Significant with  
Mitigation

Less Than  
Significant Impact

No Impact

**Less Than Significant**

**Discussion c):** A potential candidate HEU housing site is located approximately 0.5 miles west of the airport. Proposed residential developments, including land division consisting of five or more dwellings shall be subject to compatibility review by the City. Therefore, based on City review of housing development prior to construction, the project would not result in a safety hazard for people residing or working in the project area because of a public airport or public use airport and impacts would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **POPULATION AND HOUSING**

This section describes the existing population and housing setting from implementation of residential development contemplated and facilitated by the HEU. Descriptions and analysis in this section are based on information contained in the City of Shafter General Plan, California State Housing Laws, and United States Census Bureau data.

### **Regulatory Setting**

#### **State**

##### ***Housing Requirements of the Sustainable Community Strategy***

In accordance with Senate Bill (SB) 375, the Sustainable Community Strategy must accommodate regional housing needs allocations on the California side of the region with the goal of consistency between future land use and transportation plans. Each jurisdiction must provide for Very Low, Low, Moderate, and Above Moderate-income categories in its Housing Element with the land use allocations governed by the City of Shafter.

##### ***Regional Housing Needs Allocation (RHNA)***

Housing Element regulations require local jurisdictions to plan for the construction of a share of the region's projected housing needs. This share is called the RHNA. The specific RHNA number for a jurisdiction is important because state law mandates that each jurisdiction provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community to meet or exceed this number of housing units. The Kern Council of Governments (Kern COG), as the regional planning agency, calculates the RHNA for individual jurisdictions within Kern County, including the City of Shafter.

##### ***Kern Council of Governments (Kern COG)***

Kern COG is the official comprehensive regional planning agency for the eleven incorporated cities in Kern County. Kern COG coordinates its transportation planning activities with adjacent areas through Caltrans Districts 6 and 9. The region is adjacent to Caltrans Districts 5, 7 and 8 as well. Land use planning, including analysis of present land uses and projections of future uses, analysis of population trends and projections of future populations and their distribution is carried out.

Kern COG is designated to prepare the Regional Housing Allocation Plan in accordance with California Government Code Section 65584. The plan addresses all housing needs from all income levels in the Kern region. The need is based on available census data, market demand for housing, employment opportunities, the availability of suitable sites, public facilities, commuting patterns, and population projections. Kern COG evaluates these criteria and determines the existing and projected housing needs for the region.

## Local

### ***City of Shafter General Plan***

The following policies contained in *Section 2.5-Residential Uses*, of the City's General Plan are applicable to the HEU:

- Policy 1: Promote the development of rural residential areas and rural communities that provide for and protect rural lifestyles and are compatible with nearby agricultural uses.
- Policy 2: Maintain and promote suburban density, single-family areas that will accommodate a range of densities from small lot subdivisions in a planned community setting to traditional subdivisions to large lot equestrian-oriented developments.
- Policy 3: Broaden the range of housing types and encourage innovation in available housing types. In addition to traditional single-family housing, provide:
  - a) Move-up and executive housing opportunities;
  - b) Housing for those desiring amenities not typically found in small town subdivisions (e.g., common open space and recreational areas);
  - c) Opportunities for those not desiring a dwelling on an individual lot or a mobile home lifestyle; and
  - d) Appropriate housing for active seniors and those requiring some degree of assistance or care.
- Policy 4: Ensure that multifamily projects fit the scale of the community, are consistent with Shafter's small town community character, are of high quality, and are well maintained.
- Policy 5: Promote the development of residential projects that provide semi-private and private open space and recreation facilities.
- Policy 6: Support efficient management of local agricultural production activities by encouraging the provision of adequate farm workers and farm family housing within and adjacent to agricultural areas.
- Policy 7: Design new residential development with identifiable neighborhood units. Street design should route through traffic around, rather than through new neighborhoods. Neighborhood streets should be quiet, safe, and amenable to bicycle and pedestrian use.

## **Affected Environment**

According to the 2020 census, the City of Shafter had approximately 19,964 residents which comprised of 84.2% Hispanic or Latino followed by 12.8% white and 12.5% two or more races. There were approximately 5,109 households with 57.3% of households owner-occupied.

## **Project Impacts**

**Would the project:**

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Potentially  
Significant Impact

Less Than  
Significant with  
Mitigation

Less Than  
Significant Impact

No Impact

### **Less Than Significant**

**Discussion a):** The HEU would not result in direct residential construction; rather, the HEU would facilitate and provide a policy framework for future residential development in the City of Shafter. To meet the City's 6<sup>th</sup> Cycle RHNA allocation of 3,492 dwelling units, the HEU identifies six candidate sites that could accommodate the RHNA allocation which would induce population growth in Shafter. The development would occur according to market conditions and at the discretion of individual property owners. United States Census data indicates that the number of persons per household in Shafter is 3.84. Therefore, at full build out of the RHNA required number of units for Shafter, the increase in population would be approximately 12,649 persons. The United States Census Bureau estimated Shafter's population on April 1, 2020, to be 19,953 and the number of households in the City on July 1, 2021, to be 4,981. Full buildout of the RHNA allocation for Shafter would increase the City population by 61 percent, a significant increase. However, all new residential development would be accompanied by development of infrastructure required to serve the new housing. Furthermore, there is more than sufficient land in Shafter to accommodate the contemplated new development and to exceed the RHNA allocation by a substantial number.

**Table 7** provides the total number of potential units allocated to each income bracket within each respective Planning Area (PA), and demonstrates the City has the potential to far exceed the RHNA numbers within all income categories. The Housing Element Update provides for five primary sites that, without being re-zoned to residential use, could accommodate 9,365 total units (37 Very-Low Income; 125 Low-Income; 5,023 Moderate Income; and 4,179 Above-Moderate Income). Also, the HEU indicates that other available properties within Shafter that could be re-zoned for residential use could accommodate an additional 19,135 residential units (949 Very-Low Income; 3,792 Low-Income; 7,113 Moderate Income; and 7,281 Above-Moderate Income), which in the

City Center and potential re-zoned sites, reflects a realistic capacity of 80 percent of the allowable maximum residential density.

**Table 7- Sites Inventory Summary**

PLANNING AREA	VERY LOW	LOW		MODERATE	ABOVE MODERATE
City Center (Realistic Capacity = Acres X Max Density X 0.8)	8	8		837	0
<b>Specific Plan Areas</b>					
Gossamer Grove	0	0		1,079	1,078
Marcona Preserve (formerly Heritage Ranch)	0	0		441	439
Mission Lakes	29	117		2,446	2,442
Orchard Hills	0	0		220	220
<b>Sites to be Rezoned</b>					
Rezone (Realistic Capacity = Acres X Max Density X 0.8)	949	3,792		7,113	7,281
<b>TOTAL 2023-2031</b>	<b>986</b>	<b>3,917</b>		<b>12,136</b>	<b>11,460</b>

The resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Potentially Significant Impact

Less Than Significant with Mitigation

Less Than Significant Impact

No Impact

**No Impact**

**Discussion b):** Table 7 provides the total number of potential units allocated to each income bracket within each respective PA, and demonstrates the City has the potential to far exceed the RHNA numbers within all income categories. The Housing Element Update provides for five primary sites that, without being re-zoned to residential use, could accommodate 9,365 total units (37 Very-Low Income; 125 Low-Income; 5,023 Moderate Income; and 4,179 Above-Moderate Income). Also, the HEU indicates that other available properties within Shafter that could be re-zoned for residential use could accommodate an additional 19,135 residential units (949 Very-Low Income; 3,792 Low-Income; 7,113 Moderate Income; and 7,281 Above-Moderate Income), which in the City Center and potential re-zoned sites, reflects a realistic capacity of 80 percent of the allowable maximum residential density. No substantial numbers of existing housing would occur, and no impacts would result.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **PUBLIC SERVICES**

This section describes the public services setting and the potential effects from HEU implementation on public services. Information for this section was provided by the City of Shafter General Plan and the City of Shafter Municipal Code.

### **Regulatory Setting**

#### **State**

##### ***California Building Standards Code***

The 2022 California Building Standards Code (CBC), contained in Part 2 of Title 24 of the California Code of Regulations (CCR), identifies building design standards, including those for fire safety. The CBC is based on the 1997 Uniform Building Code but has been modified for California conditions. It is adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in multi-family buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

##### ***California Fire Code***

The California Fire Code, contained in Part 9 of CCR Title 24, incorporates by adoption the International Fire Code of the International Code Council, with California amendments. The California Fire Code regulates building standards set forth in the CBC, fire department access, fire protection systems and devices, fire and explosion hazards safety, hazardous materials storage and use, and standards for building inspection. The California Fire Code is updated and published every 3 years by the California Building Standards Commission.

##### ***Mitigation Fee Act***

Enacted as AB 1600 on January 1, 1989, the Mitigation Fee Act (California Government Code 66000-66008) requires a local agency that is establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency also must demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied.

##### ***California Government Code, Section 65995(b) and Education Code, Section 17620***

SB 50 amended Section 65995 of the California Government Code, which contains limitations on Section 17620 of the Education Code, the statute that authorizes school districts to assess development fees within school district boundaries. Section 65995(b)(3) of the Government Code requires the maximum square footage assessment for development to be increased every 2 years, according to inflation adjustments.



## ***Quimby Act***

The Quimby Act sets a standard park space to population ratio of up to 3 acres of park space per 1,000 persons. Cities with a ratio of higher than three acres per 1,000 persons can set a standard of up to five acres per 1,000 persons for new development. The calculation of a City's park space to population ratio is based on a comparison of the population count of the last federal Census to the amount of City-owned parkland. A 1982 amendment (Assembly Bill [AB] 1600) requires agencies to clearly show a reasonable relationship between the public need for a recreation facility or park land and the type of development project on which the fee is imposed.

## **Local**

### ***City of Shafter General Plan***

The following policies contained in the City's General Plan area applicable to implementation of the HEU:

#### **Section 4.2-Water Facilities**

- Policy 1: Ensure that adequate infrastructure is in place and operational prior to occupancy of new development, such that new development will not negatively impact the performance of water facilities serving existing developed areas.

#### **Section 4.3-Sewer Facilities**

- Policy 1: Ensure that adequate infrastructure is in place and operational prior to occupancy of new development, such that new development will not negatively impact the performance of sewer facilities serving existing developed areas.

#### **Section 4.6-Schools**

- Policy 2: Require new development to provide necessary funding and/or capital improvements to mitigate projected impacts on school facilities, as determined by the responsible school district.
- Policy 3: Require new development to pay all legally established fees, participate in land-based financing districts established by local school districts for the acquisition and development of school sites with adequate, permanent classroom space, or provide equivalent capital improvements, as required.

#### **Section 4.7-Parks**

- Policy 2: Require new development to provide land and improvements to meet the City's parks and recreation objective or pay fees in lieu of the provision of improved parkland.

#### **Section 4.8-Fire Protection**

- Policy 1: Work with the Kern County Fire Department to site new fire stations such that all of the area planned for urban development will be within a two-mile response distance of a fire station.
- Policy 2: Prior to approval of discretionary development projects, require written verification from the Kern County Fire Department that a five-minute response time can

be maintained for 80 percent of emergency fire, medical, and hazardous materials calls on a citywide basis.

- Policy 5: Through the development review process, ensure that adequate water for fire flows can be provided to individual projects.

#### **Section 4.9-Police Protection**

- Policy 2: Provide basic requirements and incentives for the provision of design features in new development to reduce the potential for crime. These include, but are not limited to:
  - Providing well-lighted and visible streets and street names, entrances, addresses, recreation areas, and parking areas;
  - Limiting access into and between buildings to reduce escape routes and make undetected entry difficult;
  - Providing landscaping that permits surveillance of open areas and entryways, and does not create places for concealment;

### **Affected Environment**

#### **Fire Protection**

The City of Shafter contracts with the Kern County Fire Department (KCFD) for fire protection services. The KCFD provides response to all fire and life safety emergencies including, but not limited to, fires, hazardous materials, vehicle accidents, rescues, airplane crashes, bomb threats, and medical aid. Fire prevention services are provided from Station 32, located at 325 Sunset Avenue in Shafter. This station operates three shifts, each staffed full-time by paid personnel, consisting of one captain, one engineer, and one firefighter. Station 61, located at 6400 Fruitvale Avenue, is currently and would continue to be the station serving the southeastern portion of the City. This station contains both an engine company and a ladder company, each with a full-time captain, engineer, and firefighter.

#### **Police Protection**

Law enforcement and public protection services are provided by the City of Shafter Police Department, located at 201 Central Valley Highway, and provided by the Kern County Sheriff's Department, and the California Highway Patrol. Police protection services within the incorporated limits of the City of Shafter are provided by the Shafter Police Department, which maintains a force of uniformed officers and a police supervisor on a 24 hour per day, seven days per week basis. Police protection services within unincorporated areas are provided by the Kern County Sheriff's Department from its Buttonwillow Substation, which provides service to unincorporated County areas south and west of the City and its McFarland Substation, which serves unincorporated areas north and east of the City. Unincorporated County areas south of 7th Standard Road are patrolled by officers from the Sheriff's "Rosedale Substation." The California Highway Patrol (CHP) provides traffic enforcement on major roads, State highways, and freeways within the City.

## **Schools**

Shafter is home to the Richland School District which oversees operation of four schools: Golden Oak Elementary School (K-6), Redwood Elementary School (K-6), Sequoia Elementary School (K-6) and Richland Junior High School. Class sizes in grades K-3 average 20 students, while grades 4-8 average 30 students. Shafter is also home to Shafter High School, a member of the Kern High School District, both Districts are part of the Shafter Education Partnership. The Kern High School District serves grades 9-12. The Norris School District (grades K-8) serves the southeastern portion of Shafter. The Maple Elementary School District serves an area in the western portion of the City. Other school districts serve portions of the City along the southern boundary, including Rio Bravo-Greeley Union Elementary School District and Rosedale Union Elementary School District.

## **Parks**

Park and recreation facilities within the City of Shafter are provided by four entities: the City of Shafter, the Shafter Recreation and Park District, North Bakersfield Recreation and Park District, and the Kern County Park and Recreation Department. The North Bakersfield Recreation and Park District covers the southeastern portion of the City along a ½-mile wide strip north of 7th Standard Road. Kern County provides regional park facilities. The City of Shafter has seven parks totaling over 30-acres which include: Mannel Park; Kirschenmann Park; Stringham Park; Rodriguez Park; Town Square; Veteran Park; Flight Park. The City of Shafter's Veteran Building Facility is available for commercial and/or private events.

## **Other Public Facilities**

The Shafter Public Library located at 236 James Street provides library services and summer events and activities to residents in the City.

## **Project Impacts**

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**
  - i) Fire protection?**
  - ii) Police protection?**
  - iii) Schools?**
  - iv) Parks?**
  - v) Other public facilities?**

- Potentially Significant Impact     
 Less Than Significant with Mitigation     
 Less Than Significant Impact     
 No Impact

**Less than Significant**

**Discussion a)** The HEU would not result in direct residential construction; rather, the HEU would facilitate and provide a policy framework for future residential development in the City of Shafter. To meet the City’s 6<sup>th</sup> Cycle RHNA allocation of 3,492 dwelling units, the HEU identifies six candidate sites that could accommodate the RHNA allocation. The development would induce population growth in Shafter. The development would occur according to market conditions and at the discretion of individual property owners. The HEU does identify six primary candidate sites that would more than meet the 6<sup>th</sup> Cycle RHNA requirements for the City. New housing would induce population growth. United States Census data indicates that the number of persons per household in Shafter is 3.84. Therefore, at full build out of the RHNA required number of units for Shafter, the increase in population would be 12,649 persons. The United States Census Bureau estimated Shafter’s population on April 1, 2020, to be 19,953 and the number of households in the City on July 1, 2021, to be 4,981. A Full buildout of the RHNA allocation for Shafter would increase the City population by 61 percent, a significant increase. However, compliance with required development act fees would ensure the resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**Less Than Significant**

**Fire Protection**

The Kern County Fire Department (KCFD) provides fire protection and emergency services to the City of Shafter. The KCFD provides response to all fire and life safety emergencies including, but not limited to, fires, hazardous materials, vehicle accidents, rescues, airplane crashes, bomb threats, and medical aid. Fire prevention services are provided from Station 32, located at 325 Sunset Avenue in Shafter. This station operates three shifts, each staffed full-time by paid personnel, consisting of one captain, one engineer, and one firefighter. Station 61, located at 6400 Fruitvale Avenue, is currently and would continue to be the station serving the southeastern portion of the City. This station contains both an engine company and a ladder company, each with a full-time captain, engineer, and firefighter.

Implementation of the HEU would not directly result in new residential construction but would guide and provide a policy framework for future residential development within the City. Future residential development facilitated by the HEU would result in an estimated population growth

of 12,649 persons, which would incrementally increase demand for fire protection and emergency service in the City. It is possible that new fire stations would be necessary to serve the new development. However, future residential development would be required to provide adequate infrastructure and access to the development and will be required to contribute a fair share toward funding provision of appropriate fire and emergency medical service as determined necessary to adequately serve the new development. As a result, each new residential project would not result in physical impacts associated with provision or construction of fire protection and emergency service facilities.

Future residential development facilitated by the HEU would be subject to the City of Shafter's development review process and the 2019 California Fire Code, which requires new construction projects to comply with fire safety standards and fire prevention measures such as smoke and carbon monoxide sensors, fire extinguishers, and sprinkler systems to reduce the burden to fire service providers. City-required fees also would apply to new residential development facilitated in the HEU. Payment of such fees would assist funding construction and operation of new fire protection and emergency service facilities and thereby minimize future residential project operational impacts to such services. Also, future residential developers would be required to submit a will-serve letter or service questionnaire to the Fire Department in conjunction with development project applications to ensure fire protection and emergency service are available to serve future residential developments. Compliance with the established regulatory framework would minimize impacts to fire protection and emergency services to a less than significant level.

#### **MITIGATION MEASURES**

No Mitigation Measures are required.

#### **Police Protection**

##### **Less Than Significant**

Law enforcement and public protection services are provided by the City of Shafter Police Department, located at 201 Central Valley Highway, and provided by the Kern County Sheriff's Department, and the California Highway Patrol. Police protection services within the incorporated limits of the City of Shafter are provided by the Shafter Police Department, which maintains a force of uniformed officers and a police supervisor on a 24 hour per day, seven days per week basis. Police protection services within unincorporated areas are provided by the Kern County Sheriff's Department from its Buttonwillow Substation, which provides service to unincorporated County areas south and west of the City and its McFarland Substation, which serves unincorporated areas north and east of the City. Unincorporated County areas south of 7th Standard Road are patrolled by officers from the Sheriff's "Rosedale Substation." Future residential development facilitated by the HEU would result in an estimated population growth of 12,649 persons, which would incrementally increase demand for police protection service in the City. It is possible that new police stations would be necessary to serve the new development.

However, future residential development would be required to provide adequate infrastructure and access to the development and would be required to contribute a fair share toward funding provision of appropriate police protection service as determined necessary to adequately serve the new development. As a result, each new residential project would not result in physical impacts associated with provision or construction of police protection facilities.

The City collects a Development Impact Fee to assist the City in providing capital improvement costs for police protection facilities. Payment of the Development Impact Fee would be applied to police facilities and/or equipment, to offset the incremental increase in the demand for police protection services that would be created by the Project. Therefore, the new residential development would not result in the need to construct new or physically altered police facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for police protection. Impacts would be less than significant.

#### **MITIGATION MEASURES**

No Mitigation Measures are required.

#### **Schools**

##### **Less Than Significant**

The HEU would not result in direct residential construction; rather, the HEU would facilitate and provide a policy framework for future residential development in the City of Shafter. To meet the City's 6<sup>th</sup> Cycle RHNA allocation of 3,492 dwelling units, the HEU identifies six candidate sites that could accommodate the RHNA allocation which would induce population growth in Shafter. United States Census data indicates that the number of persons per household in Shafter is 3.84. Therefore, at full build out of the RHNA required number of units for Shafter, the increase in population would be 12,649 persons. The United States Census Bureau estimated Shafter's population on April 1, 2020, to be 19,953 and the number of households in the City on July 1, 2021, to be 4,981. Therefore, full buildout of the RHNA allocation for Shafter would increase the City population significantly by 61 percent.

Table 8 depicts the anticipated number of students the proposed project would generate based on single-family households.

**Table 8-Student Generation Rates**

School Level	Student Generation Factor		Number of Students
Elementary School	0.6239		2,563
Middle School	0.1651		822
High School	NA		NA
Total	-----		3,385
Notes:			
1) Elementary and Junior High School generation rates are based upon the Richland School District School Facilities Needs Analysis Report, September 10, 2020.			
2) High School student generation rates for Shafter High Schools are not available.			

According to State law (Government Code § 65995-6), school districts have the authority to levy a new construction fee per square foot of industrial construction for the purpose or funding the reconstruction or construction of new school facilities. Pursuant to Section 65995(3) (h) of the California Government Code, the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities.” Therefore, the payment of school impact fees for residential development would offset the potential impacts of increased student enrollment related to the implementation of the project resulting in less than significant impacts.

Future residential development facilitated by the HEU would be required to comply with State Senate Bill 50, which allows school districts to collect impact fees from developers of new residential and non-residential projects. These fees are evaluated on an annual basis and would be collected at the time of issuance of a Building Permit for each residential project. Pursuant to California Government Code Section 65995(3)(h), “payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property....” Payment of such fees would provide an adequate financial base to construct new and to equip existing schools in Shafter. Therefore, impacts pertaining to construction of school facilities would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **Parks**

### **Less Than Significant**

The HEU would facilitate and provide a policy framework for future residential development on six primary candidate sites in Shafter. Future residential growth and population increase (12,649 persons) would increase the demand incrementally for park facilities in the City. This topic is discussed in more detail in Section 16 (Recreation) of this document and the level of impact would be less than significant.

### **MITIGATION MEASURES**

No Mitigation Measures are required.

## **Other Public Facilities**

### **Library and Churches**

#### **Less Than Significant**

The HEU does not propose specific construction of new or physically altered public facilities. Future HEU-facilitated residential development could warrant construction of new library facilities or physically altered existing facilities. Any future expansion of existing facilities for construction of new facilities, if required, would be subject to environmental review. Demand would be partially offset by funding generated by an increased residential population. In addition, payment of the Development Impact Fee would ensure that the Project provides a fair share of funds for additional public services. The resultant level of impact would be less than significant.

### **MITIGATION MEASURES**

No Mitigation Measures are required.



## **RECREATION**

This section describes the recreation facilities setting and the potential effects from HEU implementation on recreation in the City of Shafter. This narrative is primarily provided by the City of Shafter General Plan and the City of Shafter Municipal Code.

### **Regulatory Setting**

#### **State**

##### ***Quimby Act***

The Quimby Act sets a standard park space to population ratio of up to three acres of park space per 1,000 persons. Cities with a ratio of higher than three acres per 1,000 persons can set a standard of up to five acres per 1,000 persons for new development. The calculation of a City's park space to population ratio is based on a comparison of the population count of the last federal Census to the amount of City-owned parkland. A 1982 amendment (Assembly Bill [AB] 1600) requires agencies to clearly show a reasonable relationship between the public need for a recreation facility or park land and the type of development project on which the fee is imposed.

#### **Local**

##### ***City of Shafter General Plan***

The following policies contained in Section 4.7-Parks and Recreation of the General Plan are relevant to the implementation of the proposed project:

- Policy 2: Require new development to provide land and improvements to meet the City's parks and recreation objective or pay fees in lieu of the provision of improved parkland.
- Policy 8: In addition to the provisions of the Quimby Act, pursue use of park fees through grants and land-based financing districts.

### **Affected Environment**

Park and recreation facilities within the City of Shafter are provided by four entities: the City of Shafter, the Shafter Recreation and Park District, North Bakersfield Recreation and Park District, and the Kern County Park and Recreation Department. The North Bakersfield Recreation and Park District covers the southeastern portion of the City along a ½-mile wide strip north of 7th Standard Road. Kern County provides regional park facilities. The City of Shafter has seven parks totaling over 30-acres which include: Mannel Park; Kirschenmann Park; Stringham Park; Rodriguez Park; Town Square; Veteran Park; Flight Park. The City of Shafter's Veteran Building Facility is available for commercial and/or private events.

## **Project Impacts**

**Would the project:**

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

Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less Than Significant with Mitigation**

**Discussion a):** The HEU would facilitate and provide a policy framework for future residential development on six primary candidate sites in Shafter. Future residential growth and population increase (12,649 persons) would increase the demand incrementally for parks and other recreation facilities in the City such that substantial physical deterioration could occur or be accelerated. All future residential development facilitated by the HEU would be subject to the City development review process and must comply with Shafter Municipal Code requirements. The City may in the future require payment of fees to help fund park improvements or park land acquisition. Payment of such fees would assist funding acquisition and development of new or rehabilitation of existing park and recreational facilities necessary to accommodate recreational demands created by addition of new residential units and concomitant residential population. Most of the vacant candidate sites identified in the Shafter HEU are within Specific Plan areas, which can provide additional park and recreation facilities as needed or required. Thereby, the HEU-facilitated residential development could not result in substantial physical deterioration of existing neighborhood or regional parks. However, with implementation of **Mitigation Measure MM REC-1** and **Mitigation Measure MM REC-2**, the resulting impacts would be reduced to less than significant.

### **MITIGATION MEASURES**

**MM REC-1:** Prior to issuance of a Building Permit for any individual residential project for which the City of Shafter park land dedication requirements would not be met, the Applicant of said project shall pay park fees the City of Shafter shall establish and assess to provide park and recreational facilities to serve future residents of the proposed new HEU-facilitated residential units.

**MM REC-2:** Every developer of residential projects contemplated and facilitated by the HEU, at the discretion of the City may I be required to dedicate a portion of the project site, pay a fee in lieu thereof, or do a combination of both, as the City of Shafter may require., for the purpose of providing park and recreational facilities to serve future residents of each individual residential development. In determination of whether a developer shall dedicate land, pay a fee in lieu of land dedication, or a combination of both, the following procedures may be used:

- (a) Applicant required to or desiring to dedicate property for park and recreational purposes shall, upon filing a tentative map for approval, check with the City of Shafter to determine whether the subject property has been designated for a park site. If an Applicant's property is designated, the Applicant/developer shall coordinate with the necessary City departments to incorporate the park site(s) into the development plan for the respective residential development.
- (b) If the Applicant's property is not so designated, and a school site is proposed within, or in proximity to, the development site, a park site adjacent to the school site, the City may require the Applicant/developer shall coordinate with the appropriate City departments to incorporate the park site(s) into the respective residential development plan.

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

- Potentially Significant Impact     
  Less Than Significant with Mitigation     
  Less Than Significant Impact     
  No Impact

**Less than Significant**

**Discussion b):** Residential development contemplated and facilitated by the HEU would not result in direct housing construction but enable residential development on the identified candidate sites. This future residential development would increase demand for parks and recreational facilities in the future. Greater demands on parks and recreational facilities would potentially result in the need to provide new or expanded facilities to maintain an acceptable level of recreational service in Shafter. The HEU does not propose construction of new or physically altered parks or recreational facilities. Therefore, HEU implementation would not result in substantial environmental impacts in this regard. However, future residential development could warrant construction of new or physically altered parks and/or recreational facilities. Any future expansion of existing facilities or construction of new facilities would be subject to environmental review and must comply with any applicable City development review actions related to expansion of recreational facilities. The resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## TRANSPORTATION AND TRAFFIC

### Regulatory Setting

#### Federal Regulations

##### *Federal Highway Administration's Highway Safety Improvement Program (HSIP)*

The goal of the program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads.

#### State Regulations

##### *California State Transportation Agency*

The mission of the California State Transportation Agency (CalSTA) is to develop and coordinate the policies and programs of the state's transportation entities to achieve the state's mobility, safety, and air quality objectives from its transportation system.

#### Local Regulations

##### *City of Shafter General Plan*

The following policies contained in *Section 3.2-Streets and Highway's*, of the City's General Plan are relevant to implementation of the proposed project:

- Policy 2: C Maintain design standards and protect the primary purpose of the roadways shown in the Circulation Plan (previously referenced Figure 3-1) consistent with the following guidelines:
  - Local Streets (52' to 66' right-of-way) provide access to abutting properties and are designed to discourage through traffic within residential neighborhoods. Within residential neighborhoods, local streets will have 52' to 60' rights-of-way, depending upon the amount of traffic the road is intended to accommodate. Within commercial, business park, and industrial areas, local streets would have larger rights-of-way, up to 66'.
- Policy 7: Pursue the establishment of traffic impact mitigation fees on new development to ensure that transportation improvements are constructed in a timely manner.

- Policy 10: Design and reconfigure collector and local roadways to improve circulation within and connections to residential, commercial, and industrial areas.
  - Implement appropriate measures to mitigate speeding and other traffic impacts in residential areas. –
  - Implement roadway patterns that limit through traffic on local residential streets. If cul-de-sacs are proposed, encourage the cul-de-sac’s design to be open ended as a method to increase pedestrian and bicycle connectivity.
- Policy 11: Require the design of new developments to focus through traffic onto arterial streets.
- Policy 13: Locate driveways on corner parcels as far away from the intersection as is possible.
- Policy 17: Require new development to construct all on-site roadways, including Transportation Program routes, and provide a fair share contribution for needed off-site improvements. Contributions for off-site improvements may be in the form of fees and/or physical improvements, as determined by the City Engineer.

***City of Shafter Municipal Code***

For specific plan areas, a circulation plan showing existing and proposed public and private streets, pedestrian ways, trails, and related transportation access or circulation features required to serve the proposed development. The circulation plan shall be supported by schematic designs of principal traffic and circulation improvements and such traffic engineering data as required by the City to demonstrate that existing and proposed facilities, both within and outside the zone, shall be adequate to serve land uses proposed by the Development Plan.

**Affected Environment**

**Transportation Network**

In the City of Shafter, regional roadways include State Routes 99 and 43, as well as 7th Standard Road and Lerdo Highway. State Route 99 is a limited access freeway that runs from northwest to southeast along the eastern edge of the General Plan study area. It is currently constructed with four travel lanes and interchanges at Lerdo Highway and 7th Standard Road. State Route 43 runs from the northwestern portion of the General Plan study area southeast through central Shafter and then turns in a southerly direction at Beech Avenue. It is currently constructed as a four-lane divided highway through the central portion of the City, and as a two-lane facility where it continues in a southerly direction. Lerdo Highway is the main east-west roadway connecting central Shafter to State Route 99 and Interstate 5. It is currently constructed as a four-lane divided highway from Interstate 5 (west of the study area) to Mannel Avenue in central Shafter, and then as a two-lane undivided highway east to State Route 99. 7th Standard Road forms the southerly

boundary of the City of Shafter and its planning area. It is currently being improved from a two-lane roadway to a divided four-lane highway between State Route 99 and Santa Fe Way.

## **Project Impacts**

**Would the project:**

**a) Conflict with an applicable plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **Less than Significant**

**Discussion a):** Residential development contemplated and facilitated by the HEU would total at least 3,492 units to comply with Shafter’s 6<sup>th</sup> Cycle RHNA allocation. However, the HEU would not result in direct housing construction but would facilitate and provide a policy framework for future residential development on the identified candidate sites in the City. The HEU does not include any goals or policies that would conflict with plans or other regulations that address Shafter’s vehicular circulation system. The City will review future residential projects on a case-by-case basis to verify consistency with applicable City regulations that pertain to the circulation system. All future development projects facilitated by the HEU would be subject to the City development review process, which may include review pursuant to CEQA and be required to comply with General Plan Policies indicated above and with Municipal Code requirements. Thereby, future HEU-facilitated residential projects would not conflict with an adopted program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities. Therefore, the resultant level of impact would be less than significant.

### **MITIGATION MEASURES**

No Mitigation Measures are required.

**b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### **No Impact**

**Discussion b):** Changes to California Environmental Quality Act (CEQA) Guidelines were adopted in December 2018, which require all lead agencies to adopt Vehicle Miles Traveled (VMT) as a

replacement for automobile delay-based level of service (LOS) as the new measure for identifying transportation impacts for land use projects. This statewide mandate took effect July 1, 2020. Impacts related to LOS will be evaluated through the City's development review process apart from CEQA. A project is considered to have a less than significant impact related to VMT if it is in a low VMT generating traffic analysis zone (TAZ).

CEQA Guidelines Section 15064.3 subdivision (b)(2) focuses on impacts that result from certain transportation projects. The HEU is not a transportation project, as a result, no impacts on this issue will result. CEQA Guidelines Section 15064.3 subdivision (b)(3) and (b)(4) focuses on the evaluation of a project's VMT. The HEU will not create a significant amount of traffic in the surrounding area because the HEU does not propose specific residential development. As a result, the HEU will not result in a conflict or be inconsistent with Section 15064.3 subdivision (b) of the CEQA Guidelines and no impacts will occur.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less than Significant**

**Discussion c):** The HEU would not result in direct residential construction but would facilitate future residential development in the City of Shafter. The candidate residential sites are concentrated in the northwest and southeast portions of the City. Site-specific details for future residential development on the candidate housing sites are not known presently. Future HEU-facilitated residential development, on a case-by-case basis, will be reviewed and be required to comply with the Shafter General Plan, Shafter Municipal Code, and State of California requirements pertaining to circulation design.

City of Shafter General Plan Section 3.0 – Transportation Program Policy 1 in part requires the following:

- Promote the design of roadways to optimize safe traffic flow within established roadway configurations by minimizing driveways and intersections, uncontrolled access to adjacent parcels, on-street parking, and frequent stops.

- Provide adequate capacity at intersections to accommodate future traffic volumes by installing intersection traffic improvements and traffic control devices, as needed, as development occurs.
- Facilitate the synchronization of traffic signals.

Transportation Program Policy 10 provides for the following:

- Design and reconfigure collector and local roadways to improve circulation within and connections to residential, commercial, and industrial areas.
  - Implement appropriate measures to mitigate speeding and other traffic impacts in residential areas.
  - Implement roadway patterns that limit through traffic on local residential streets.

The City of Shafter Engineering Division will review project traffic circulation needs and design issues during the plan check review process. Future residential development facilitated by the HEU would be required to comply with applicable building and fire safety regulations mandated for design of new housing and emergency access. Thereby, residential development facilitated by the HEU will not increase hazards due to a geometric design feature or incompatible uses. The resultant level of impact would be less than significant.

#### **MITIGATION MEASURES**

No Mitigation Measures are required.



**d) Result in inadequate emergency access?**

Potentially  
Significant Impact

Less Than  
Significant with  
Mitigation

Less than  
Significant Impact

No Impact

**Less than Significant**

**Discussion d):** The City Engineering Division will review project traffic circulation needs and design issues during the plan check review process. Future residential development facilitated by the HEU would be required to comply with applicable building and fire safety regulations mandated for design of new housing and emergency access.

In addition, California Building Code standards apply to new construction and development of emergency access issues associated with earthquakes, flooding, climate/strong winds, and water shortages. Future HEU-facilitated residential development would be required to comply with current, applicable building and fire safety regulations pertaining to design of new housing and emergency access. Compliance with the City of Shafter General Plan, City of Shafter Municipal Code, California Fire Code, and California Building Code standards would ensure future residential development facilitated by the HEU will provide adequate emergency access. Thereby, the resultant level of impacts would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## **TRIBAL CULTURAL RESOURCES**

This section describes the Tribal Cultural Resources setting and the potential effects from HEU implementation on Tribal Cultural Resources. The information in this section is primarily obtained from the City of Shafter General Plan and by results of Tribal Consultations.

### **Regulatory Setting**

#### **State Regulations**

##### ***California Senate Bill 18***

California State law provides for limited protection of Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places, such as the following: sanctified cemeteries, religious, ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological sites; and sacred sites. California Senate Bill 18 placed new requirements on local governments for developments in or near a Traditional Tribal Cultural Place (TTCP). Local jurisdictions must provide opportunities for involvement of California Native American tribes in the land planning process to preserve traditional tribal cultural places. The Final Tribal Guidelines recommends the Native American Heritage Commission provide written information within 30 days to inform the Lead Agency if a proposed project is determined to be near a TTCP and another 90 days for tribes to respond to a local government if the tribes want to consult to determine whether the project would have an adverse impact on the TTCP. SB 18 also amended California Civil Code Section 815.3 to add California Native American tribes to the list of entities that can acquire and hold conservation easements to protect their cultural places.

##### ***Assembly Bill 52 CEQA Tribal Consultation***

Assembly Bill 52 (AB 52) took effect July 1, 2015, and requires consultation with California Native American tribes and consideration of tribal cultural resources in the CEQA process. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and tribal governments, public agencies, and Applicants would have information available early in the proposed Project's planning process, to identify and address potential adverse impacts to tribal cultural resources.

##### ***California Native American Graves Protection and repatriation Act (CalNAGPAR)***

California State Assembly 978 (AB 978), requiring all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items to provide a process for the identification and repatriation of these items to the appropriate tribes. The bill also created a Repatriation Oversight Commission with oversight authority.

##### ***California Native American Heritage Commission***

The Native American Heritage Commission (NAHC) identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native

Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties.

## **Local Regulations**

### ***City of Shafter General Plan***

Section 6.6-Cultural Resources of the City's General Plan consist of the following policies relevant to implementation of the proposed project:

- Policy 1: Require new developments to analyze, and therefore avoid or mitigate impacts to archaeological, paleontological, and historic resources in accordance with applicable CEQA guidelines and provisions of the California Public Resources Code. Identify, protect, and minimize impacts to archaeological and paleontological resources.
- Policy 2: Require that areas found to contain significant artifacts or fossils be examined by a qualified consulting archaeologist or paleontologist for recommendations concerning protection and preservation, implementing those recommendations as part of the mitigation measures required for the project. Review proposed development for the possibility of cultural resources and for compliance with the cultural resources program.
- Policy 3: As a standard condition of approval for new development projects, require that if cultural or paleontological resources are encountered during grading, alteration of earth materials in the vicinity of the find be halted until a qualified expert has evaluated the find and recorded identified cultural resources.

## **Affected Environment**

The City of Shafter has received sediments from the Coast Ranges to the west, the Sierra Nevada Mountains to the east, and to a lesser degree from activity on the San Andreas Fault system. These sediments contain different species of fossils, reflecting the different periods of deposition. The vertebrate fossils found in these formations are significant as defined under State and Federal citations. They are also important because they help provide dates concerning rates and frequency of fault activity, and the timing and rates of rise on such major mountain ranges as the Sierra Nevada.

## **Project Impacts**

**Would the project:**

**a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is**

**geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

- i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
- ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less than Significant with Mitigation.**

**Discussion a):** Chapter 532 Statutes of 2014, known as California Assembly Bill 52 (AB 52) requires lead agencies evaluate a project’s potential impact on “tribal cultural resources.” These resources include “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources.” Also, AB 52 gives lead agencies discretion to determine, based on substantial evidence, whether a resource qualifies as a “tribal cultural resource.”

In compliance with California Public Resources Code Section 21080.3.1(b), the City of Shafter has provided formal notification to California Native American tribal representatives identified by the California Native American Heritage Commission. Native American groups may have knowledge about cultural resources in the Shafter vicinity and may have concerns about adverse effects on tribal cultural resources from development, such as the effects defined in California Public Resources Code Section 21074. The City of Shafter contacted the following tribal representatives:

- Big Pine Paiute Tribe of the Owens Valley
- Chumash Council of Bakersfield
- Kitanemuk & Yowlumne Tejon Indians
- Santa Rosa Rancheria Tachi Yokut Tribe
- Tejon Indian Tribe
- Tule River Indian Tribe

The 30-day AB 52 Tribal consultation period ended on June 19, 2023, no requests for consultation were received from any of the tribes contacted.

Although the HEU does not propose any specific development or ground disturbing activities, it is reasonable to assume that future residential development on the identified candidate housing

sites facilitated by the HEU could directly or indirectly impact undiscovered subsurface tribal cultural resources during grading and/or construction activities. The possibility of encountering such resources is greater on vacant, undeveloped properties than on developed sites. Most of the candidate sites identified in the HEU are vacant and thereby the likelihood of discovering tribal cultural resources is greater on these candidate sites.

The HEU proposes no specific grading or construction activities. Therefore, details pertaining to future residential development on the candidate sites facilitated by the HEU are unknown at present. No site-specific cultural resource surveys were conducted for this programmatic level of analysis.

Future HEU-facilitated residential development on the identified candidate sites would be subject to Shafter's development process and would be required to comply with Federal, State, and local requirements for protection of tribal cultural resources. This includes compliance with State CEQA Guidelines Section 21074 and with Shafter General Plan Environmental Management Program Policies 1 and 2, as stated above. Also, implementation of **Mitigation Measure MM TR-1** would require Applicants/Developers to immediately cease any ground-disturbing activities upon discovery of any tribal, cultural, or archaeological resources, which would reduce any potential future impacts to such cultural resources to a less than significant level.

#### **MITIGATION MEASURES**

**MM TR-1:** Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities, the Applicant/Developer shall immediately cease such activities in the immediate vicinity. The finding then will be assessed by a qualified archaeologist retained by the Applicant/Developer and a tribal monitor/consultant approved by the consulting Tribal Group. The Applicant/Developer shall promptly notify the City of Shafter Director of Planning about the discovery of resources. If the resources are Native American in origin, the consulting tribe shall coordinate with the landowner pertaining to treatment and curation of such resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the City of Shafter Planning Department, work may continue other parts of the affected site while evaluation, and if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines Section 15064.5(f). If the qualified archaeologist determines a resource to constitute a "historical resource" or "unique archaeological resource," time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archaeological resources (Public Resources Code Section 21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution, with a research interest in the materials. Acceptance

and curation of the historic archaeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, the material shall be offered to the consulting tribe or the Shafter Historical Society for educational purposes.

## **UTILITIES AND SERVICE SYSTEMS**

This section describes the utilities and service systems setting and potential effects from implementation on of the HEU. Descriptions and analysis in this section are based on information provided in part by the City of Shafter May 2021 Final Draft 2020 Urban Water Management Plan.

### **Regulatory Setting**

#### **Federal Regulations**

##### ***Water***

##### **Federal Safe Drinking Water Act**

The Safe Drinking Water Act authorizes the Environmental Protection Agency (EPA) to establish national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than twenty-five people. In California, the State Department of Health Services conducts most enforcement activities.

##### ***Wastewater***

##### **Clean Water Act**

The Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the nation. Under the CWA, the EPA implements pollution control programs and sets wastewater standards.

##### **National Pollutant Discharge Elimination System (NPDES)**

The NPDES permit program was established within the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

#### **State Regulations**

##### ***Water***

### **Porter-Cologne Water Quality Control Act**

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne) of 1969, the State Water Resources Control Board (SWRCB) has the ultimate authority over state water rights and water quality policy. Porter-Cologne also establishes nine RWQCBs to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in several water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. The City of Shafter is overseen by the Lahontan Regional Water Quality Control Board.

### **Water Conservation Act of 2009**

This Act was drafted to protect statewide water sources. The Act called for a 20 percent reduction in water use in California by the year 2020. Failure to comply with interim and final targets (20% reduction) make each non-complying jurisdiction ineligible for grants and loans from the State needed to attain water self-sufficiency.

## **Local Regulations**

### ***City of Shafter General Plan***

*Section 6.8-Energy Resources* of the City's General Plan contains the following policies applicable to implementation of the proposed project:

- Policy 1: Continue to implement Title 24 of the State Building Code and provide incentives to new development to exceed its energy efficiency standards through increased use of passive solar design and daylighting.
- Policy 2: Promote the use of site design, landscaping, and solar orientation to decrease the need for summer cooling and winter heating.
- Policy 3: Encourage the installation of energy efficient lighting, reduced thermostat settings, and elimination of unnecessary lighting in public facilities.
- Policy 4: Encourage the incorporation of recycled materials in new construction, where feasible.

### ***City of Shafter 2020 Urban Water Management Plan***

The California Urban Water Management Planning Act (1983 and subsequently amended several times) requires "every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, to prepare and adopt, in accordance with prescribed requirements, an Urban Water Management Plan." The Urban Water Management Plans (UWMP) must be filed with the California Department of Water Resources (DWR) every five years and must describe and evaluate reasonable and practical efficient water uses, reclamation, and conservation activities. UWMPs are considered a foundation document and source of information for Water Supply Assessments (Senate Bill 610) and Written Verifications of Water Supply (SB 221). Also, a UWMP may serve as a long-range



planning document for water supply, a source of data for development of a regional water plan, and a source document for jurisdictions as they prepare their General Plans.

One primary object of the Urban Water Management Planning Act is the assessment of demands and supplies over a 20-year or 25-year planning horizon under normal rainfall conditions and under various drought conditions. The Act also requires water shortage contingency planning and drought response actions be included in a UWMP.

The 2020 City of Shafter Urban Water Management Plan (UWMP) provides a framework for long-term water planning and informs the public of the City's plans for long-term resource planning to ensure adequate water supplies for existing and future demands. The UWMP documents the availability of an appropriate level of reliability of water service sufficient to meet the needs of the City's customers during normal, single dry and multiple dry years. The sections of the UWMP are the following: Introduction/ Service Area Description; Water Sources and Supplies; Recycled Water Opportunities; Water Quality; Water Use; Reliability Planning; Contingency Planning; Conservation Measures; and Appendices. The Shafter UWMP includes background information pertaining to the City's history, water system, and water supplies. Also, the UWMP analyzes recent water demands and projects future water supply capacity and water demands through 2045. In addition, the Shafter UWMP analyzes the effects of water quality, drought, and emergencies on the City water supply reliability.

## **Affected Environment**

### **Water**

The City of Shafter owns and operates its own public water system, including groundwater wells, above-ground water storage tanks with booster stations, an above-ground tank and booster plant, and water distribution lines. Treatment of the City's water supply is achieved by chlorination. Shafter's water service area comprises approximately 75 percent of the City limits, as well as additional areas outside the City limits. Three-fourths of the City's growth is outside the water service area and is serviced by the Oildale Mutual Water Company (OMWC). On average, commercial, and industrial users account for approximately one-third of total City water usage. The City currently uses only potable water to meet the needs of its water service area.

### **Sewer**

Shafter's Department of Public Works is responsible for the operation and maintenance of the City's public sewer system. Wastewater treatment service within the City is accomplished through a co-ownership of the Shafter/North of the River Sanitation District (NORSRD) regional treatment plant that guarantees a set share of the treatment plants to the City of Shafter. The North of the River Sanitary District owns two-thirds of the wastewater treatment plant, and the City of Shafter owns one-third of the plant. Wastewater generated within the Planning Area is transported through several miles of gravity sewer lines and several lift stations to the Shafter/NORSRD Wastewater Treatment Facility, located on a 160-acre site on 7th Standard Road within the City of Shafter.

**Solid Waste**

Two franchise haulers, American Refuse and Varner Brothers, serve newly annexed territories in the City of Shafter. The City owns collection equipment and operates residential, commercial, and industrial trash pickup services within the core community. Solid waste that is collected within the City is typically delivered and disposed of at the Shafter/Wasco Landfill and the Bakersfield Metropolitan (Bena) Landfill. These landfills are owned and operated by the Kern County Waste Management Department. The Shafter/Wasco Landfill is the City’s primary landfill, while the Bena Landfill accepts some refuse from industrial uses within the City. Both facilities are designated as Class III landfills and have the capacity to serve projected solid waste disposal needs through January 2030.

**Electricity**

The Pacific Gas and Electric Company (PG&E) provides electricity to the City.

**Natural Gas**

The Pacific Gas and Electric Company (PG&E) provides natural gas to the City.

**Project Impacts**

**Would the project:**

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

Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion a):** The City of Shafter receives 100% of its water supply from groundwater produced from the San Joaquin Valley Basin, Dern County Sub Basin of the Tulare Lake Hydrologic Region. Currently, the City operates six active groundwater production wells that have a combined nominal capacity of 8,600 gallons per minute (gpm). The City maintains five operating above-ground storage tanks with a combined storage capacity of 5.45 million gallons and is planning to construct a new 850,000-gallon storage and booster station in the southeast Shafter Service Area in 2023. The City also plans to replace the storage and booster station of Tank 1 by 2024; the new storage facility will have an 850,000-gallon capacity. The City maintains and operates five booster stations, each of which are located at one of the five storage tanks. The City distributes water to residential, commercial, and other customers through approximately 4,800 service connections using an approximate 87-mile network of distribution mains that range in size from 4 to 18 inches.

Although the residential build out facilitated by the HEU would eventually add 12,649 residents to the City, HEU implementation would not require the relocation or construction of new utility infrastructure which could cause a significant environmental effect. The new residential units contemplated and facilitated by the HEU will be constructed over time on a combination of the six identified candidate sites. Each development on a specific candidate site will require analysis of the existing and any planned water conveyance system.

The Shafter UWMP indicates the City does not expect to have a water supply shortage through 2045 under normal or under drought conditions. The City's overall water supplies (wells) are resilient to water droughts and to water quality issues. Furthermore, the 2020 Shafter UWMP states that "if the water consumption rates per resident in the City decrease as this UWMP projects, the City can expect to meet water demands through the year 2045, in spite of a growth of 50% (2% annually)." The UWMP also recommends conservation tools that will enable the City's residents to conserve water and maximize water use efficiency.

It should be noted that the UWMP indicates that the City currently does not utilize the entire capacity of all its groundwater wells but is expected to increase pumping by approximately 13 percent within 10 years. The UWMP indicates "total production should continue to increase through...2045. Therefore, it can be expected that the City will construct new groundwater wells to meet projected demands. In the interim, the City will maximize the production of its existing wells, but also maximize conservation efforts and programs." Groundwater pumping volume for 2045 is expected to be 25% greater than the 2020 volume, "...despite a projected population growth of nearly 70 percent. "Furthermore, alternative water sources (e.g., recycled water; recycled stormwater; greywater) may be accessible. The UWMP states that "Senate Bill 1087 requires that water use projections of a UWMP include the projected water use for single-family and multi-family residential for lower income households as identified in the housing element of any city, county, or city and county in the service area of the supplier. The residential sector projections [for the City of Shafter] include projected low-income housing per the City's [5<sup>th</sup> Cycle] Housing Element." The City's projected water use for 2020-2045 indicates the residential sector will account for 72.7% of water demand in Shafter.

Projected water demands and supplies in Shafter are based on the following assumptions:

- Consumption rate of 217 gallons per capita day beginning in 2020.
- Decreasing consumption rate, starting from 217 gallons per capita day in 2020 with a passive savings of 0.5% annually (due to an increase in water-use efficiency)

For drought-time demands, a small degree of increase is expected.

Compliance with existing regulations and with UWMP recommendations and findings will ensure the resultant level of impact from implementation of residential development contemplated and facilitated by the HEU would be maintained at less than significant.

## **Sewer Service**

The City provides wastewater collection services within its service area and provides wastewater collection to a few small unincorporated communities south of the City's core area and north of 7<sup>th</sup> Standard Road. Municipal wastewater in the wastewater service area is generated from a combination of residential, commercial, institutional, and industrial sewer discharges. The City wastewater collection system drains primarily from north to south, and from east to west. Wastewater discharged from the City is collected from a network of approximately eighty-five miles of gravity sewer mains.

Currently, Kern County manages a collection system for the Mexican Colony portion of South Shafter and pays the City to convey sewer flows to the Shafter Avenue outfall pipeline. The UWMP states that "within two years, it is anticipated that State grant funds will construct additional conveyance systems to allow all unincorporated South Shafter water customers to receive sewer service." After this grant project is completed, the City will assume all sewer collection systems in South Shafter, including the Mexican Colony.

Improvements to the City Wastewater Treatment Plant (the only treatment facility serving the City) were estimated to begin in 2022 to accommodate additional generated wastewater. Development facilitated by the HEU would connect to the existing waterlines in public right-of-way in the immediate vicinity.

Compliance with existing regulations and with UWMP recommendations and findings will ensure the resultant level of impact from implementation of residential development contemplated and facilitated by the HEU would be maintained at less than significant.

## **Storm Drainage**

Implementation of the HEU would include storm water drainage improvements. However, housing resulting from the HEU would connect to the existing storm drains in the public right-of-way in the immediate vicinity of the candidate residential sites and would not require the relocation of water facilities or connections. The resultant level of impact from implementation of residential development contemplated and facilitated by the HEU would be maintained at less than significant.

## **Electricity**

Southern California Edison (SCE) is the main provider of electricity to the City of Shafter. The HEU is in a built-up community with existing infrastructure and would therefore connect to the existing electrical transmission infrastructure.

The resultant level of impact from implementation of residential development contemplated and facilitated by the HEU would be maintained at less than significant.

**Natural Gas**

Southwest Gas Corporation (SGC) is the main per of natural gas to the City. The HEU is in a built-up community with existing infrastructure and would therefore connect to the existing natural gas transmission infrastructure.

The resultant level of impact from implementation of residential development contemplated and facilitated by the HEU would be maintained at less than significant.

**Telecommunications**

Cable TV, internet, telephone service, cellular service would connect to existing facilities that are maintained by various service providers.

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

- Potentially Significant Impact
- Less Than Significant with Mitigation
- Less Than Significant Impact
- No Impact

**Less Than Significant**

**Discussion b):** The Shafter UWMP indicates the City does not expect to have a water supply shortage through 2045 under normal or under drought conditions. The City’s overall water supplies (wells) are resilient to water droughts and to water quality issues. Furthermore, the 2020 Shafter UWMP states that “if the water consumption rates per resident in the City decrease as this UWMP projects, the City can expect to meet water demands through the year 2045, in spite of a growth of 50% (2% annually).” The UWMP also recommends conservation tools that will enable the City’s residents to conserve water and maximize water use efficiency.

It should be noted that the UWMP indicates that the City currently does not utilize the entire capacity of all of its groundwater wells but is expected to increase pumping by approximately 13% within 10 years. The UWMP indicates “total production should continue to increase through 2045. Therefore, it can be expected that the City will construct new groundwater wells to meet projected demands. In the interim, the City will maximize the production of its existing wells, but also maximize conservation efforts and programs.” Groundwater pumping volume for 2045 is expected to be 25% greater than the 2020 volume, “...despite a projected population growth of nearly 70%. “Furthermore, alternative water sources (e.g., recycled water; recycled stormwater; greywater) may be accessible. The UWMP states that “Senate Bill 1087 requires that water use projections of a UWMP include the projected water use for single-family and multi-family residential for lower income households as identified in the housing element of any city, county, or city and county in the service area of the supplier. The residential sector projections [for the City of Shafter] include projected low-income housing per the City’s [5<sup>th</sup> Cycle] Housing Element.”

The City’s projected water use for 2020-2045 indicates the residential sector will account for 72.7% of water demand in Shafter.

Projected water demands and supplies in Shafter are based on the following assumptions:

- Consumption rate of 217 gallons per capita day beginning in 2020.
- Decreasing consumption rate, starting from 217 gallons per capita day in 2020 with a passive savings of 0.5% annually (due to an increase in water-use efficiency)

For drought-time demands, a small degree of increase is expected.

Compliance with existing regulations and with UWMP recommendations and findings will ensure the resultant level of impact from implementation of residential development contemplated and facilitated by the HEU would be maintained at less than significant.

The resultant level of impact from implementation of residential development contemplated and facilitated by the HEU would be maintained at less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion c):** The UWMP states that “within two years, it is anticipated that State grant funds will construct additional conveyance systems to allow all unincorporated South Shafter water customers to receive sewer service.” After this grant project is completed, the City will assume all sewer collection systems in South Shafter, including the Mexican Colony.

Improvements to the City Wastewater Treatment Plant (the only treatment facility serving the City) were needed to begin in 2022 to accommodate additional generated wastewater. Development facilitated by the HEU would connect to the existing waterlines in public right-of-way in the immediate vicinity.

Compliance with existing regulations and with UWMP recommendations and findings will ensure the resultant level of impact from implementation of residential development contemplated and facilitated by the HEU would be maintained at less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact
- Less Than Significant with Mitigation
- Less Than Significant Impact
- No Impact

**Less Than Significant**

**Discussion d):** Two franchise haulers, American Refuse and Varner Brothers, serve newly annexed territories in the City of Shafter. The City owns collection equipment and operates residential, commercial, and industrial trash pickup services within the core community. Solid waste that is collected within the City is typically delivered and disposed of at the Shafter/Wasco Landfill and the Bakersfield Metropolitan (Bena) Landfill. These landfills are owned and operated by the Kern County Waste Management Department. The Shafter/Wasco Landfill is the City’s primary landfill, while the Bena Landfill accepts some refuse from industrial uses within the City. Both of these facilities are designated as Class III landfills and have the capacity to serve projected solid waste disposal needs through January 2030.

The City will continue to implement a variety of solid waste reduction, recycling, and re-use measures to meet its obligation under AB 939 and HEU-facilitated residential development will be required to comply with all City General Plan Policies and Municipal Code regulations pertaining to solid waste reduction. The resultant level of impact would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

**e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

- Potentially Significant Impact
- Less Than Significant with Mitigation
- Less Than Significant Impact
- No Impact

**Less Than Significant**

**Discussion e):** Two franchise haulers, American Refuse and Varner Brothers, serve newly annexed territories in the City of Shafter. The City owns collection equipment and operates residential,

commercial, and industrial trash pickup services within the core community. Solid waste that is collected within the City is typically delivered and disposed of at the Shafter/Wasco Landfill and the Bakersfield Metropolitan (Bena) Landfill. These landfills are owned and operated by the Kern County Waste Management Department. The Shafter/Wasco Landfill is the City's primary landfill, while the Bena Landfill accepts some refuse from industrial uses within the City. Both of these facilities are designated as Class III landfills and have the capacity to serve projected solid waste disposal needs through January 2030.

The City will continue to implement a variety of solid waste reduction, recycling, and re-use measures to meet its obligation under AB 939. The following General Plan Policies are applicable to the HEU:

- Provide the best possible service for the collection of solid waste, recyclables, and green waste at the lowest possible cost.
- Provide and promote opportunities to reduce solid waste generation at home and in businesses and public facilities; make possible the safe disposal of hazardous materials.
- Require builders to incorporate appropriate storage areas for recyclables in new commercial, industrial, and public developments.
- Support the identification and selection of new landfill sites in remote locations of the County, where such sites would not impact existing or proposed parks or water storage facilities.
- Limit the location of solid waste transfer stations to areas where heavy industrial uses would be appropriate, avoiding traffic, odor, and other environmental impacts on the community.

Under any circumstance, solid waste must be disposed of in accordance with Federal and State laws. Impacts related to solid waste disposal methods and regulations would be less than significant.

#### **MITIGATION MEASURES**

No Mitigation Measures are required.



## **WILDFIRE**

### **Regulatory Setting**

#### **State Regulations**

##### ***California Department of Forestry and Fire Protection (CAL FIRE)***

CAL FIRE is responsible for providing wildland fire protection, fire prevention, and resource management on more than thirty-one million acres of State Responsibility Area (SRA) lands throughout California. In addition, CAL FIRE provides emergency services to 115 local government cooperators through agreements with districts, cities, and counties.

##### ***California Senate Bill 1241 (SB 1241)***

The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with, among other things, wildland, and urban fires. The safety element includes requirements for state responsibility areas, as defined, and very high fire hazard severity zones, as defined.

#### **Local Regulations**

##### ***City of Shafter General Plan***

##### ***Section 4.8-Fire Protection***

- Policy 1: Work with the Kern County Fire Department to site new fire stations such that all of the area planned for urban development will be within a two-mile response distance of a fire station.
- Policy 2: Prior to approval of discretionary development projects, require written verification from the Kern County Fire Department that a five-minute response time can be maintained for 80 percent of emergency fire, medical, and hazardous materials calls on a citywide basis.
- Policy 5: Through the development review process, ensure that adequate water for fire flows can be provided to individual projects.

### **Affected Environment**

The City of Shafter contracts with the Kern County Fire Department (KCFD) for fire protection services. The KCFD provides response to all fire and life safety emergencies including, but not limited to, fires, hazardous materials, vehicle accidents, rescues, airplane crashes, bomb threats, and medical aid. Fire prevention services are provided from Station 32, located at 325 Sunset Avenue in Shafter. This station operates three shifts, each staffed full-time by paid personnel, consisting of one captain, one engineer, and one firefighter. Station 61, located at 6400 Fruitvale Avenue, is currently and would continue to be the station serving the southeastern portion of the City. This station contains both an engine company and a ladder company, each with a full-time captain, engineer, and firefighter.

## **Project Impacts**

Would the project:

### **a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

#### **Less Than Significant**

**Discussion a):** According to Cal Fire’s Fire Hazard Severity Zone Map, the City of Shafter is not located within a very high fire hazard severity zone for a Local Responsibility Area. No candidate housing sites are near a fire hazard severity zone. The HEU-identified candidate sites are mostly vacant properties in the extreme northwest and southeast portions of the City. Residential development contemplated and facilitated by the HEU would not involve the closure or alteration of any existing evacuation routes or emergency access road to the candidate sites, unless the City of Shafter approves an alternate circulation plan to be in effect at time of residential development occurring. Prior to All HEU-facilitated residential development will be reviewed by City and County Fire officials to ensure adequate fire service and safety as a result of project implementation. Future residential development facilitated by the HEU would not substantially impair an adopted emergency response plan or emergency evacuation plan because no part of Shafter is within a very high fire hazard severity zone. As a result, potential impacts to adopted emergency response plan or emergency evacuation will be less than significant.

#### **MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

#### **No Impact**

**Discussion b):** According to the November 21, 2022, CALFIRE “State Responsibility Area – Fire Hazard Zones” Map for Kern County, no portion of Shafter is located within a very high fire hazard severity zone. Therefore, future HEU-facilitated residential development would not exacerbate

wildfire risks and would not expose future housing occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impact would result.

**MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**No Impact**

**Discussion c):** No portion of Shafter is located within a very high fire hazard severity zone. Therefore, future residential development facilitated by the HEU would not require installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impact to the environment. No impact would result.

**MITIGATION MEASURES**

No Mitigation Measures are required.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant**

**Discussion d):** No portion of Shafter is located within a very high fire hazard severity zone. Therefore, future HEU-facilitated residential development would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes associated with a very high fire hazard severity zone. No impact would result.

The HEU candidate sites are relatively flat consisting of natural occurring desert landscape and is not located in the vicinity of slopes or hillsides that could potentially be susceptible to landslides or downstream flooding. Therefore, the impacts would be less than significant.

**MITIGATION MEASURES**

No Mitigation Measures are required.

## MANDATORY FINDINGS OF SIGNIFICANCE

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

Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

### Less Than Significant

**Discussion a):** The foregoing analysis indicates HEU implementation does not have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten or eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

The HEU would not result in direct housing construction but would facilitate and provide a policy framework for future housing development on identified candidate residential sites throughout Shafter. All future housing development facilitated by the HEU would be subject to the City of Shafter's development review process and required to adhere to all federal, state, and local requirements. HEU implementation would not result in any direct environmental impacts that would substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

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

Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant with Mitigation**

**Discussion b):** State CEQA Guidelines Section 15065(a)(3) defines “cumulatively considerable” as times when “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” This document provides a programmatic analysis of the effects of implementation of the 6<sup>th</sup> Cycle Housing Element Update.

HEU implementation would facilitate and provide a policy framework for future housing development on the six identified candidate residential sites in Shafter, most of which are vacant property. Future residential development facilitated by the HEU would occur as market conditions allow and at the discretion of the individual property owners; be subject to the City development review process; be subject to environmental review under CEQA. Only one of the candidate sites, which would not be necessary to accommodate the 6<sup>th</sup> Cycle RHNA allocation for Shafter, would require a change of zone to accommodate residential development. Based on these factors, and since all future housing development facilitated by the HEU would be subject to the City development review process, the HEU implementation would not result in environmental effects that are individually limited through implementation of specified Mitigation Measures, but cumulatively considerable.

Mitigation Measures are contained in Appendix A to this document.

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

- Potentially Significant Impact       Less Than Significant with Mitigation       Less Than Significant Impact       No Impact

**Less Than Significant with Mitigation**

**Discussion c):** There are no known substantial adverse effects on human beings that would be caused by implementation of the 6<sup>th</sup> Cycle Shafter HEU. The HEU would facilitate future residential development on six identified candidate sites, generally in the extreme northwestern and extreme southeaster areas of the City but would not result in direct residential construction. The HEU provides physical capacity for future residential development consistent with California State Housing Law. The candidate housing sites are dispersed such that adverse changes in City neighborhoods would be avoided and aesthetic impacts would not occur. The dispersion also would reduce adverse environmental impacts. HEU implementation would create adequate housing availability for households of all income levels, especially for lower-income households, as mandated by Shafter’s RHNA allocated units. Impacts of HEU implementation would be less than significant after incorporation of identified Mitigation Measures contained in Appendix A.

## REFERENCES

USGS-Science for a Changing World <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper>  
Accessed August 31, 2022.

Your EnviroStor-Department of Toxic Substances Control <https://www.envirostor.dtsc.ca.gov/>. Accessed  
August 23, 2022

California Department of Conservation <https://maps.conservation.ca.gov/mol/index.html>. Accessed  
August 23, 2022.

California Department of Conservation

<https://maps.conservation.ca.gov/doggr/wellfinder/#opemmodal/-117.41448/34.56284/14>. Accessed  
August 24, 2022.

State of California Department of Finance <https://dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>.  
Accessed August 24, 2022.

Public School Review <https://www.publicschoolreview.com>. Accessed August 25, 2022.

PERC Water Corporation. Accessed August 26, 2022.

Cal Recycle <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1870?siteID=2652>. Accessed  
August 29, 2022.

CAL FIRE-FRAP <https://egis.fire.ca.gov/FHSZ>. Accessed August 29, 2022.

United States Census data (2020)

City of Shafter General Plan

City of Shafter Municipal Code

City of Shafter 6<sup>th</sup> Cycle Housing Element Update

## APPENDIX A

### MITIGATION MEASURES

---

#### **BIOLOGICAL RESOURCES**

**MM BIO-1:** Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, may at the discretion of the City, be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites that contain the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A Biological Resources Report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) methods used to determine presence of sensitive biological resources; (2) vegetation mapping all vegetation communities and/or land cover types; (3) locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed site-specific project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate Project Design Features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impact level to less than significant.

**MM BIO-2:** If it is determined that potential impacts to nesting birds may occur as a result of an individual project, then housing development activities contemplated in the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the site-specific applicant shall be responsible for retaining a qualified biologist who will conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

**MM-CR-1:** Applications for future development contemplated and facilitated by the HEU, where the City of Shafter has determined a potential for impacts to historic resources may occur, at the discretion of the City, the Applicant may be required to comply with the following mitigation framework: For any building or structure older than 50 years of age having its original structural

---

integrity intact, the Applicant shall retain a qualified professional historian to determine if said building/structure is historically significant. The evaluation shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines Section 15064.5. The Applicant shall submit a Historical Resource Assessment to the City of Shafter that shall include methods used to determine presence or absence of historical resources, identification of potential impacts from the proposed development, and evaluation of the significance of any identified historical resources.

**MM CR-2:** Applications for future development contemplated and facilitated by the HEU, where the City of Shafter has determined a potential for impacts to archaeological resources, shall be required to comply with the following mitigation framework: Prior to issuance of any permit future residential development on an undisturbed site, the Applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other method(s). If deemed necessary, by the City, the Applicant may be required to submit an Archaeological Resource Assessment to the City of Shafter that shall include methods used to determine presence or absence of archaeological resources, identification of potential impacts from the proposed project, and evaluation of the significance of any identified archaeological resources. If there are potentially significant impacts to an identified archaeological/cultural resource, the Assessment also shall recommend appropriate mitigation required by the Applicant to reduce impacts to a less than significant level.

**MM GEO-1:** During HEU implementation, each residential development shall prepare a Geotechnical Investigation Report as described in the Shafter General Plan and the Municipal Code (Chapter 15-28.070, Sections D and E). Successful incorporation of these specifications shall be verified by the City of Shafter Building Official prior to the issuance of a Grading Permit.

**MM HAZ-1:** Each Applicant for a new residential project contemplated by the HEU that will require City of Shafter discretionary approval, if deemed necessary by the City, the Applicant may be required to prepare a Phase I Environmental Site Assessment in accordance with the latest ASTM protocol for such assessments and shall submit said Environmental Site Assessment to the appropriate City Department for review and approval. If the Phase I Environmental Site Assessment indicates evidence that contamination exists on the individual site that could require cleanup to avoid danger to people or damage to the environment, the Applicant shall complete a Phase II level review that will fully characterize the nature and extent of such contamination and the scope of required cleanup procedures. The City of Shafter shall consider the results of the Phase II Assessment as part of the CEQA compliance process prior to taking any discretionary action on the identified residential project.

**MM HAZ-2:** If an Applicant or Applicant's contractor for any residential project/development contemplated in and facilitated by the HEU discovers unknown wastes or suspect materials during grading and construction activities that are thought to involve hazardous waste or materials, the Applicant or Applicant's contractor may be required to do the following:

- Immediately cease work in the suspected contaminant's vicinity, remove workers and the public from the suspected contaminated area, and secure said area;



- Notify the Applicant’s Environmental Professional and immediately implement proper remedial activities that are recommended; and,
- Notify the Shafter City Engineer and Planning and Community Development Director and implement measures to further secure the area.

In addition, the Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if any required.

**MM NOI-1:** If deemed necessary by the City to reduce project development (grading and construction) noise impacts, the Applicant will require construction contractors to implement a site-specific Noise Reduction Program that shall include the following measures, ongoing through any demolition, grading, and/or construction.

- Equipment and trucks used for residential development shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- Impact tools (e.g., jack hammers, pavement breakers, rock drills) used for residential development shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used. External jackets on the tools shall be used where feasible. Quieter procedures shall be used, whenever feasible.
- Stationary construction-related noise sources shall be located as far from adjacent receptors as possible and shall be muffled and incorporate insulation barriers or other measures to the extent feasible.

**MM NOI-2:** Prior to any demolition activities that may be necessary, Grading Permit, or Building Permit approval, each Applicant for a specific project shall submit to the City of Shafter Planning Department for approval a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction activities. At a minimum, these measures shall include the following:

- A procedure for notifying the City Code Enforcement Officer and Police Department about regular construction hours and off-hours.
- A requirement for a sign to be posted by the Applicant on-site that specifies the permitted construction days and hours, and notification procedure, and whom to notify in the event of a noise-related concern. The sign also shall include the construction contractor’s telephone numbers during regular construction hours and off-hours.
- A requirement for a pre-construction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices are completed.

Implementation of the above Mitigation Measures would ensure any noise-related impacts associated with future residential development facilitated by the HEU will be reduced to a less than significant level.

**MM NOI-3:** All noise-generating residential construction activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

**MM REC-1:** Prior to issuance of a Building Permit for any individual residential project for which the City of Shafter park land dedication requirements would not be met, the Applicant of said project shall pay park fees the City of Shafter shall establish and assess to provide park and recreational facilities to serve future residents of the proposed new HEU-facilitated residential units.

**MM REC-2:** Every developer of residential projects contemplated and facilitated by the HEU, at the discretion of the City may be required to dedicate a portion of the project site, pay a fee in lieu thereof, or do a combination of both, as the City of Shafter may require., for the purpose of providing park and recreational facilities to serve future residents of each individual residential development. In determination of whether a developer shall dedicate land, pay a fee in lieu of land dedication, or a combination of both, the following procedures may be used:

- (c) Applicant required to or desiring to dedicate property for park and recreational purposes shall, upon filing a tentative map for approval, check with the City of Shafter to determine whether the subject property has been designated for a park site. If an Applicant's property is designated, the Applicant/developer shall coordinate with the necessary City departments to incorporate the park site(s) into the development plan for the respective residential development.
- (d) If the Applicant's property is not so designated, and a school site is proposed within, or in proximity to, the development site, a park site adjacent to the school site, the City may require the Applicant/developer shall coordinate with the appropriate City departments to incorporate the park site(s) into the respective residential development plan.

**MM TR-1:** Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities, the Applicant/Developer shall immediately cease such activities in the immediate vicinity. The findings will then be assessed by a qualified archaeologist retained by the Applicant/Developer and a tribal monitor/consultant approved by the consulting Tribal Group. The Applicant/Developer shall promptly notify the City of Shafter Director of Planning about the discovery of resources. If the resources are Native American in origin, the consulting tribe shall coordinate with the landowner pertaining to treatment and curation of such resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the City of Shafter Planning Department, work may continue on other parts of the affected site while evaluation, and if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines Section 15064.5(f). If the qualified archaeologist determines a resource to constitute a "historical resource" or "unique archaeological resource," time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archaeological resources (Public Resources Code Section 21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with

subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution, with a research interest in the materials. Acceptance and curation of the historic archaeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, the material shall be offered to the consulting tribe or the Shafter Historical Society for educational purposes.