



Meeting Held Via Zoom and Livstream on YouTube.

**AGENDA
SPECIAL MEETING
SHAFTER CITY COUNCIL
TUESDAY, AUGUST 18, 2020**

CORONAVIRUS DISEASE (COVID-19) ADVISORY

To protect our constituents, City officials and City staff, the City requests all members of the public to follow the California Department of Health Services' guidance and the County of Kern Public Health Officer Order for the Control of COVID-19 restricting group events and gatherings and maintaining social distancing. Additional information regarding COVID-19 is available on the City's website at www.shafter.com.

Consistent with Executive Order N-29-20, in-person participation by the public will not be permitted and no physical location from which the public may observe the meeting will be available. **Remote public participation is allowed in the following ways, please see attached supplement for instructions.**

TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20 Issued by Governor Gavin Newsom on March 17, 2020 and, to the extent applicable, Government Code Section 54953(b), the August 18, 2020 City Council Meeting may include teleconference participation by the City Council Members and City staff. Consistent with Executive Order N-29-20, teleconference locations utilized by City Council Members shall not be accessible to the public and are not subject to special posting requirements.

CALL TO ORDER: 5:00 p.m.

ROLL CALL: Mayor Alvarado
Mayor Pro Tem Lopez
Council Member Garcia
Council Member Givens
Council Member Prout

APPROVAL OF AGENDA:

PUBLIC COMMENT:

This portion of the meeting is reserved for persons wanting to address the Council only on matters listed on this agenda. Speakers are limited to five minutes unless additional time is needed for translation. Please state your name and address for the record before making your presentation.

MANAGEMENT REPORTS:

COUNCIL STUDY SESSION: Discussion to review various topics within the City of Shafter. Receive report. No action requested.

Topics of Discussion

1. Presentation of KernCOG Kern Regional Goods-movement Operations (KARGO) Sustainability Study Phase 1.
2. Report of Recreational Vehicle Storage in Residential Districts: Current Ordinance, Proposed Ordinance Amendment and Regulation.
3. Update of Current Shafter's 2030 General Plan and Zoning Ordinance

ADJOURNMENT:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 prior to the meeting or time when special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 24 hours prior to the meeting is available for public inspection in the City Clerk's Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and the Police Dept. by 5:00 p.m., August 17, 2020. Yazmina Pallares, S/S, City Clerk



**AGENDA SUPPLEMENT
SPECIAL MEETING
SHAFTER CITY COUNCIL
TUESDAY, AUGUST 18, 2020**

**THE AUGUST 18, 2020 MEETING WILL BE CONDUCTED PURSUANT TO THE
PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-25-20**

In order to minimize the spread of the COVID 19 virus, please do the following:

1. You are strongly encouraged to observe the City Council meetings live via YouTube <https://www.youtube.com/user/CityofShafter/>
2. If you wish to make a comment on a specific agenda item or public comment, please submit your comment via email by **12:00 P.M. on Monday, August 17, 2020** to the City Clerk at CityClerk@shafter.com
3. If you wish to make a written comment to the City Clerk, 336 Pacific Avenue, Shafter, CA 93263.
4. If you wish to make a comment during the live meeting, callers must first register with the City Clerk at 661-746-5012 before the meeting begins to receive instructions and the call-in number and code. Please call by 12:00pm on the day of the Council meeting to allow ample time for sign up. You will need to provide your name, phone number and the item number you wish to address.
5. All public comments are provided to the City Council and applicable Staff, for review and consideration by the Board prior to taking action on any matters listed on the agenda and are incorporated into the official record of the Council meeting.

The City of Shafter thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.



Meeting Held Via Zoom and Livestream on YouTube.

**NOTICE OF
SPECIAL MEETING OF THE SHAFTER CITY COUNCIL**

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Shafter will be held on Tuesday, August 18, 2020. The meeting will convene at 5:00 p.m., via teleconference. Said special meeting shall be for the following purpose:

MANAGEMENT REPORTS:

COUNCIL STUDY SESSION: Discussion to review various topics within the City of Shafter. Receive report. No action requested.

Topics of Discussion

1. Presentation of KernCOG Kern Regional Goods-movement Operations (KARGO) Sustainability Study Phase 1
2. Report of Recreational Vehicle Storage in Residential Districts: Current Ordinance, Proposed Ordinance Amendment and Regulation
3. Update of Current Shafter's 2030 General Plan and Zoning Ordinance

Yazmina Pallares, City Clerk

Affidavit of Posting Special Meeting Notice

This is to certify that this Special Meeting Notice was posted at City Hall and the Police Department by 5:00 p.m., August 17, 2020. Further information regarding this Agenda Notice is available at City Hall, 336 Pacific Ave., Shafter, CA.

Yazmina Pallares, S/S, City Clerk

Dated: August 17, 2020



City of Shafter COUNCIL AGENDA REPORT

Meeting Date: August 18, 2020

FROM: Gabriel A. Gonzalez, City Manager
Prepared By: Wayne Clausen, Planning Director

SUBJECT: PRESENTATION OF KERNCOG KERN REGIONAL GOODS-MOVEMENT OPERATIONS (KARGO) SUSTAINABILITY STUDY PHASE 1

RECEOMMENDATION

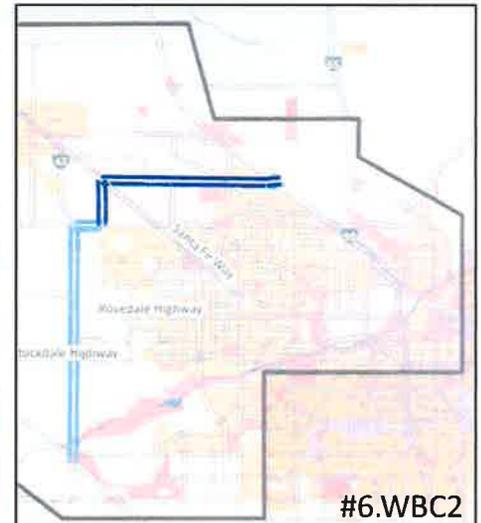
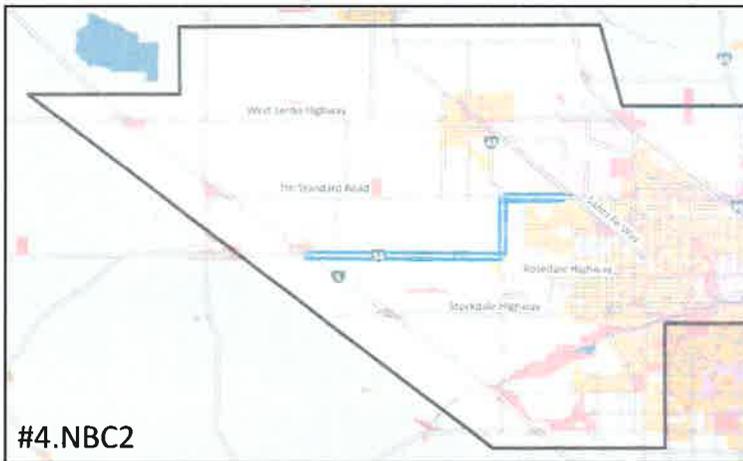
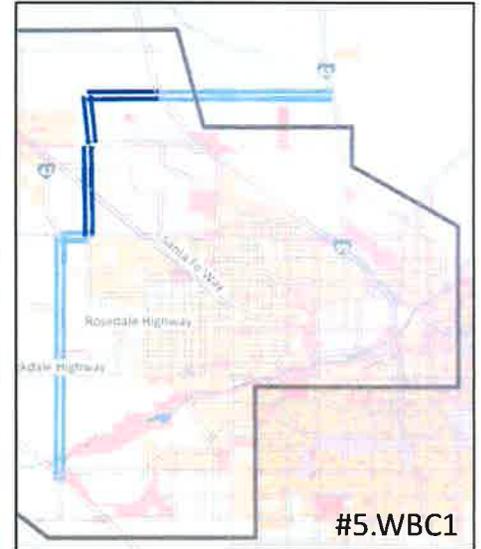
Receive Report.

BACKGROUND

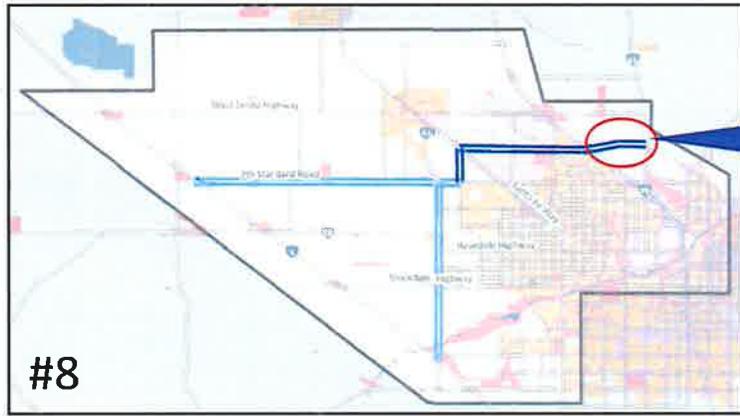
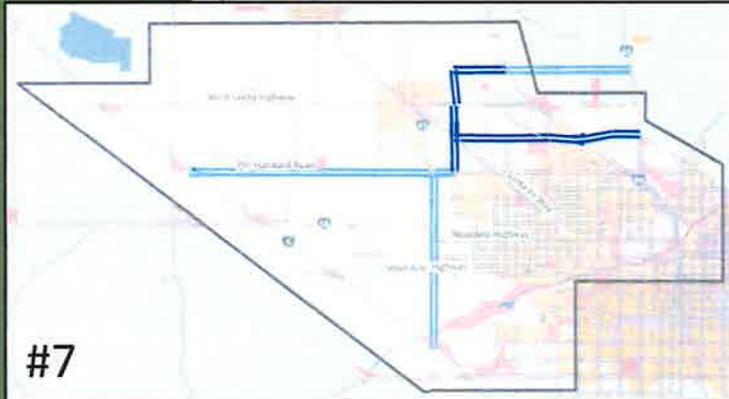
The growing industrial and warehousing industries occurring at the boarder of Shafter, Kern County, and Bakersfield along 7th Standard Road requires a new effort to establish circulation cohesion between the three jurisdictions. Kern COG has obtained funding to study goods movement corridors that could connect the trade hub on 7th Standard Road. The program's purpose is to create an integrated circulation study that incorporates input from multiple agencies so cohesion can be achieved by the circulation elements of each jurisdiction. Rob Ball with the Kern Council of Governments will provide the City Council a presentation on the purpose and latest achievements of the study.

Staff from Kern COG, County of Kern, City of Bakersfield, and the City of Shafter have been reviewing and considering a number of corridor alternatives and system scenarios to choose a preferred alignment for the study. The group chose System Scenario #7, as illustrated in Exhibit A, on July 15th. Scenario #7 provides a Cherry Avenue corridor from 7th Standard Road north to Merced Avenue and connects with Hwy 99 at Merced Avenue. It provides a Burbank Avenue corridor from Cherry Avenue to Hwy 99 and extends further east to the County's new Amazon Distribution Center. It also connects to I-5 west and State Route 43 south. The Cherry Avenue portion of the corridor is east of Shafter's core area and provides many land use and circulation opportunities for the future. The HSR alignment traverses over Cherry Avenue by providing an undercrossing. City staff supports preferred System Scenario #7. Transportation modeling for Scenario #7 shows it will significantly reduce the number of trucks traveling though the core area of Shafter. The final goal of the KARGO study is to coordinate Shafter, Bakersfield, and County in amending their respective Circulation Elements to align and support the same 7th Standard Road Trade Hub Corridor.

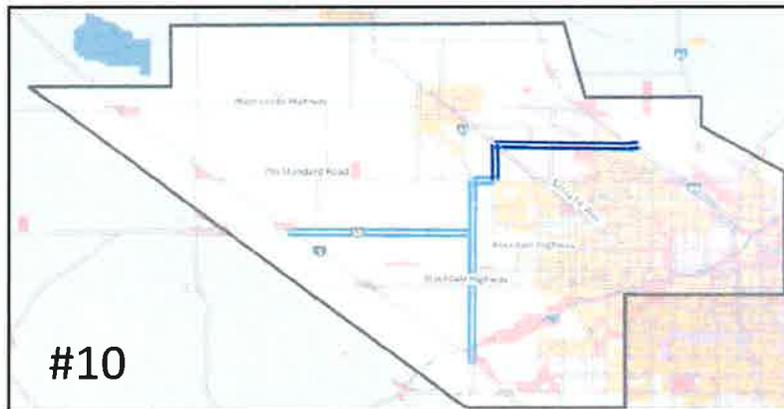
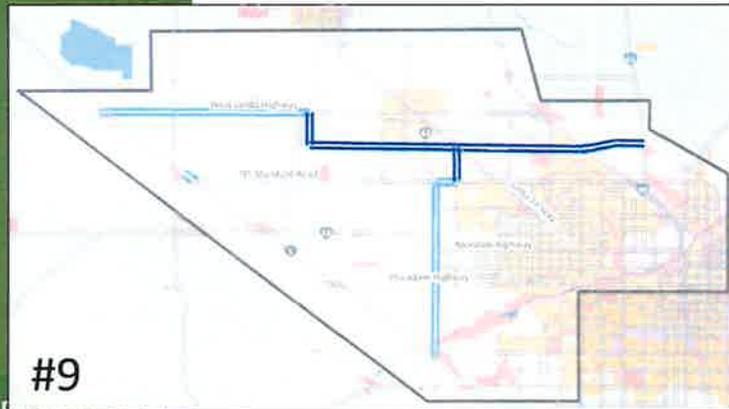
Corridor Alternatives



System Scenarios



#11 is similar to #8 without this improvements between SR99- SR 65





City of Shafter COUNCIL AGENDA REPORT

Meeting Date: August 18, 2020

FROM: Gabriel Gonzalez, City Manager
Prepared By: Wayne Clausen, Planning Director

SUBJECT: RECREATIONAL VEHICLE STORAGE IN RESIDENTIAL DISTRICTS

RECOMMENDATION

Receive Report.

BACKGROUND

The City has recently received numerous complaints regarding the storage of travel trailers and boats in the front yards of single-family homes. Section 10.350 of the City of Shafter Zoning Ordinance (Title 17 of the Shafter Municipal Code) prohibits the storage of any motor vehicle, trailer, boat, loose rubbish, garbage, junk, or building materials in any front yard or street side yard for 72 or more consecutive hours. Section 415 (a) of the California Vehicle Code defines a “motor vehicle” as a vehicle that is self-propelled, including recreational vehicles as defined under Health and Safety Code Section 18010 (a). Thus, automobiles, recreational vehicles, travel trailers, trailers, boats, and truck campers (with or without motive power) are prohibited from being stored in any front yard or street side yard setback for more than 72 hours. Long-term storage is not prohibited on the interior side yard or rear yard unless the storage creates a nuisance. This staff report does not cover the regulation of abandoned vehicles on public and private property (Chapter 10.44 of the Municipal Code) or the prohibition of vehicles standing in the public right-of-way for more than 72 hours (Section 10.40.080 of the Municipal Code).

The language of Section 10.350 provides the following:

10.350 Storage

The following outdoor storage regulations shall apply in addition to any other standards and requirements of the various districts established by this Title:

- 1. No sales, rentals, long-term storage, repair work, dismantling, or servicing of any motor vehicle, trailer, airplane, boat, loose rubbish, garbage, junk, or building materials shall be permitted in any front or street side yard of any property, except where such property is an automobile dealership or an automobile rental lot; in which case long term storage for purpose of sale or rental shall be permitted. Repair or servicing of any motor vehicle may occur**

provided that the work continues for a period not to exceed 72 hours. Long-term storage shall mean storage for a period of 72 or more consecutive hours.

The Shafter Zoning Ordinance has prohibited long term storage since 1996. The purpose of the regulation is to prevent blighted neighborhoods. Shafter's Zoning Ordinance was adopted to protect the physical, social, economic stability and vitality of private property in Shafter. A common theme of the Zoning Ordinance is to protect the residential character of Shafter's neighborhoods.

Shafter's single-family residential districts, e.g., Estate-10,800 sq. ft. lot minimum (E), Residential Estate (R-E), and Low Density Residential (R-1), require 25-foot front yard setbacks. The multi-family zones, e.g. Medium Density Residential (R-2) and Medium High Density Residential (R-3), require 20-foot front yard setbacks. The street side-yard setback for corner lots is 10 feet for the above, except the R-E Zone which requires 15 feet. The Estate-40,000 sq. ft. lot minimum requires a 40-foot front yard setback and 30-foot street side yard setback. Most of the developed single-family residential lots in Shafter are zoned R-1 (6,480 sq. ft. lot minimum) and E (10,800 sq. ft. lot minimum).

PROJECT ANALYSIS:

Building and Planning Department staff surveyed numerous local jurisdictions on the matter. The survey found that several cities in Kern County have the same storage prohibition, i.e., Wasco, Taft, and Delano. All three indicate the regulation is enforced but sporadically. Kern County, City of Bakersfield, City of Tulare, and City of Visalia have no such regulation. The cities of Gilroy, Orange, and Glendora allow recreational vehicles to be stored in the front yard with administrative permits. Each require certain findings and standards to issue permits.

To quantify the problem, each residential front yard setback in the City was surveyed utilizing the City's GIS mid-day aerial from January 2020. The survey found a total of **40** non-motive recreational vehicles located in front yard setbacks. One motive recreational vehicle was identified. Travel trailers totaled - **23**; boats - **7**; and utility trailers - **10**. Using Shafter Avenue as the east-west division line and Lerdo Hwy as the north-south division line, **14** non-motive recreational vehicles were identified in the northeast (NE) quadrant, **5** in the southeast (SE), **12** in the northwest (NW), and **9** in the southwest (SW). One motive recreational vehicle was identified in Gossamer Grove. Approximately a third of the homes had automobiles parked on driveways in the front yard setback. The January 2020 aerial provides a fair measurement for the issue because travel trailers and boats are less likely to be moved or used during winter months. The problem appears to be minor in reference to the approximately 4,500 residential homes surveyed.

The above survey indicates there is not a significant problem regarding the issue. Enforcement appears practical for the number of violations identified. Exhibit A identifies eight existing recreational vehicle storage facilities near Shafter. However, under the current ordinance, hardship circumstances are prohibited from being addressed. A disabled person needing to park their recreational vehicle in the driveway would violate the current ordinance if parked for more than three days. Short term stays for a month or two to assist family with health issues or someone needing to quarantine in their recreational vehicle for COVID-19 on a temporary basis would violate the restriction. An amendment to Section 10.350 is needed to address these circumstances.

Recreational Vehicle Storage In Residential Districts

No unusual parcel size or configuration needing such a permit process was identified in the aerial survey.

CEQA

If an amendment to the Zoning Ordinance is proposed, the City will have to determine if the project is subject to the California Environmental Quality Act.

FISCAL IMPACT

There are no fiscal impacts regarding the subject. The City is currently enforcing the Zoning Ordinance. Adoption of a permitting process may require a fee for processing applications.

ALTERNATIVES

Staff could prepare a draft permitting process for permanent or temporary recreational vehicle storage based on identified hardship circumstances, subject to the following conditions:

- 1.) The recreational vehicle will be stored on a paved or alternative all-weather material surface.
- 2.) No part of the recreational vehicle extend will extend into the public sidewalk or public right-of-way.
- 3.) No more than one (1) recreational vehicle is stored in the front yard setback.
- 4.) The vehicle is stored at least three (3) feet from any side and rear property lines.
- 5.) The storage is permanent or temporary with a specified time period related to the hardship.

Other alternatives include making no change to the existing ordinance, thereby continuing the prohibition, or removing the terms “motor vehicle”, “trailer”, and “boat” from Section 10.350 to allow motor vehicles and recreational vehicles in front yards without limitation.

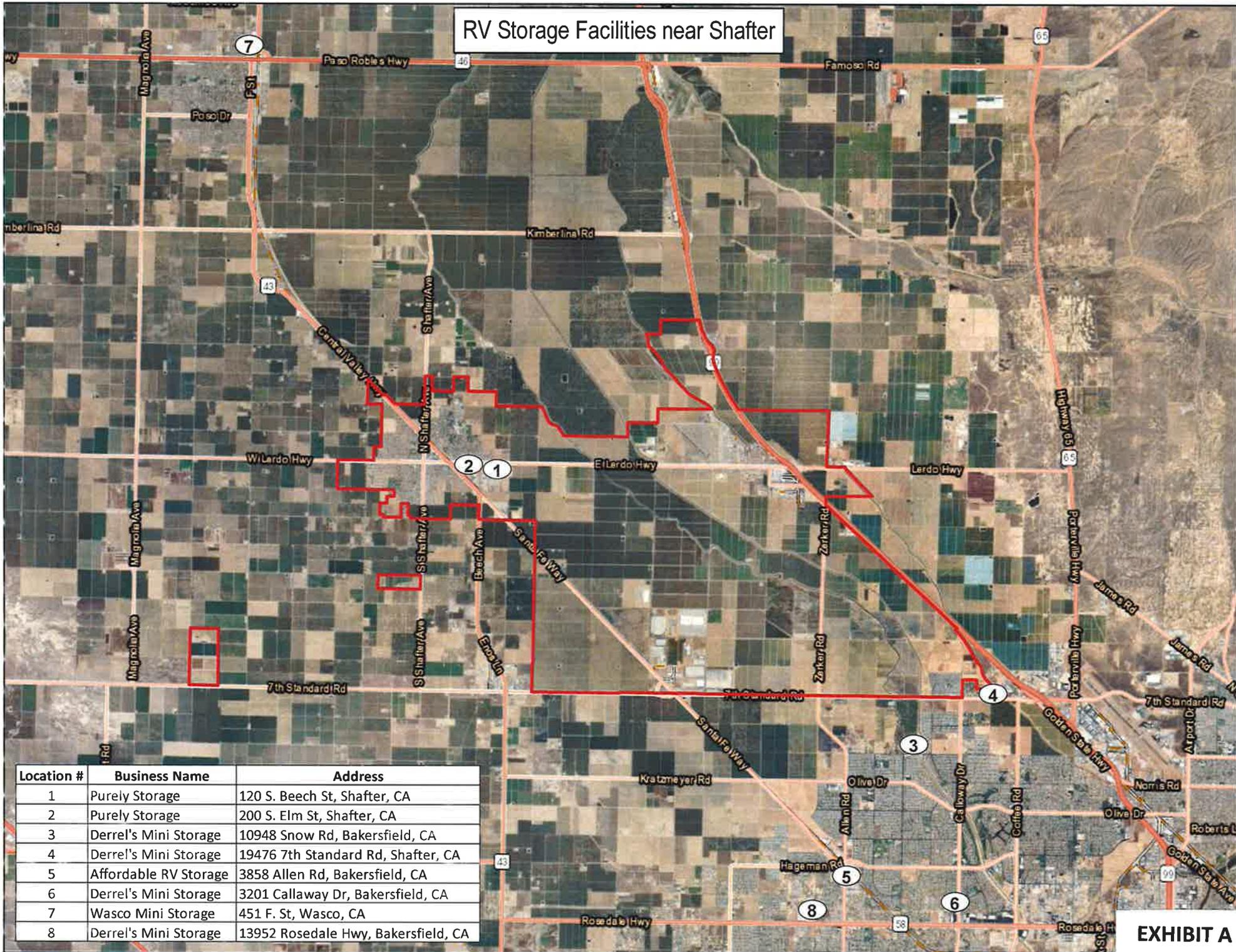
ATTACHMENTS

RV Storage Facilities Location Map

EXHIBIT

A

RV Storage Facilities near Shafter



Location #	Business Name	Address
1	Purely Storage	120 S. Beech St, Shafter, CA
2	Purely Storage	200 S. Elm St, Shafter, CA
3	Derrel's Mini Storage	10948 Snow Rd, Bakersfield, CA
4	Derrel's Mini Storage	19476 7th Standard Rd, Shafter, CA
5	Affordable RV Storage	3858 Allen Rd, Bakersfield, CA
6	Derrel's Mini Storage	3201 Callaway Dr, Bakersfield, CA
7	Wasco Mini Storage	451 F. St, Wasco, CA
8	Derrel's Mini Storage	13952 Rosedale Hwy, Bakersfield, CA



City of Shafter COUNCIL AGENDA REPORT

Meeting Date: August 18, 2020

FROM: Gabriel A. Gonzalez, City Manager
Prepared By: Wayne Clausen, Planning Director

SUBJECT: GENERAL PLAN AND ZONING ORDINANCE UPDATE REVIEW

RECOMMENDATION

Receive Report.

BACKGROUND

Shafter General Plan:

The Shafter General Plan, as required by state law, was updated on June 21, 2005. All seven mandated elements, including Housing, were adopted as Programs. Two Specific Plans on the north side of 7th Standard Road were also adopted in conjunction with the Update, i.e., Coberly West (renamed Gossamer Grove) and Mission Lakes. The General Plan Update projected development to 2030. The Land Use Map identifying planned industrial, commercial, residential, and agricultural land use has been amended only a few times in the last 15 years. The amendments were minor. Two additional Specific Plans have been adopted since 2005: Heritage Ranch on 7th Standard Road and Orchard Park at the northeast corner of E. Tulare Avenue North Beech Avenue.

The Housing Element was updated in 2010 and 2015 as required by state law. The next update is required by 2023. The Housing Element Update will need to address new State Housing laws regarding Accessory Dwelling Units and Density Bonus Incentives. Preparation for the Update should begin in 2021 for adoption in 2023.

Shafter is currently preparing updates for an Environmental Justice Element (SB 1000) and Vehicle Miles Traveled (VMT) thresholds for future development pursuant to SB 743. The City's consultant, Lloyd Zola, has prepared drafts for both efforts. Work continues and the drafts will be presented to the Council in workshops beginning in January 2021. The Environmental Justice Element will identify health risks to Shafter area residents and provide goals, objectives, and policies to address those risks. The SB 743 update will establish VMT thresholds for development and maintain the City's existing General Plan level of service (LOS) standards for intersections and roadways.

MANAGEMENT REPORT

Shafter Zoning Ordinance:

The last comprehensive update for the Shafter Zoning Ordinance was in 1996. There have only been a few minor text changes to the Zoning Ordinance in the last 15 years. The most notable being the prohibition of medical marijuana and cannabis.

UPDATE ANALYSIS:

Shafter General Plan:

State law requires the General Plan to be updated periodically. The State Office of Planning and Research recommends general plans be updated every 5 years, but most local governments update every 15 or 20 years. Since the Land Use Plan has not required any significant change in the last 15 years and the Environmental Justice Element will be adopted within the next year, any future comprehensive update to the General Plan may only require an update to the Housing Element and preparation of a Climate Action Plan to address greenhouse gas emissions pursuant to AB 32. The top three categories for greenhouse gas emissions are 1.) Transportation, 2.) Commercial and Industrial, and 3.) Residential.

Shafter Zoning Ordinance:

The Shafter Zoning Ordinance is most notably out of date with the recent enacted State laws for housing. It needs to be updated to address Accessory Dwelling Unit requirements and to codify the new Density Bonus Incentive for 100 percent affordable housing projects. The Zoning Ordinance and Housing Element should be updated at the same time for consistency purposes. Definitions, types of permitted uses, and development standards for Shafter's Residential, Commercial, and Industrial Zone Districts need to be updated regarding new business and technological innovations.

California's law regarding the creation of accessory dwelling units (ADU) and junior accessory dwelling units (JADU) became effective on January 1, 2020. The new law voids Shafter's existing Second Dwelling Unit Ordinance (Section 11.200, Title 17, Shafter Municipal Code). ADU means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and located on a lot with a proposed or existing primary residence. The ADU must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. JADU means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. JADUs may include separate sanitation facilities, or may share sanitation facilities with existing structure. The City must approve ADUs and JADUs ministerially pursuant to the following criteria:

- 1.) No minimum lot size is required for an ADU or JADU. Shafter's current second dwelling standard is 10,800 sq. ft. minimum lot size.
- 2.) ADUs at least 800 sq. ft. in size with a height limitation of 16 feet and 4-foot side and rear setback minimum.
- 3.) Attached ADUs are limited in size to 50 percent of the existing primary dwelling.

- 4.) No off-street parking space is required for ADUs or JADUs.
- 5.) JADUs require 500 sq. ft. within the walls of a proposed or existing single-family residence.
- 6.) An existing single-family residence is permitted one detached ADU and one JADU, thus a single-family residential lot may contain three dwelling units.
- 7.) Owner-occupancy requirement is prohibited until 2025.
- 8.) ADU and JADU applications must receive ministerial approval in 60 days.
- 9.) Connection fees for water and sewer are prohibited unless the ADU is constructed with a new single-family residence.
- 10.) Impact fees are prohibited unless such fees have been adopted pursuant to Government Code Section 66000 *et seq.*, and, if so, are still prohibited for ADUs smaller than 750 square feet. They're allowed for larger ADUs, but only proportional to the primary dwelling.
- 11.) The new law provides a narrow exemption for ADUs to be sold or otherwise conveyed separate from the primary dwelling by allowing deed-restricted sales to occur. To qualify, the primary dwelling and the ADU are to be built by a qualified non-profit corporation whose mission is to provide units to low-income households (Government Code Section 65852.26).
- 12.) ADUs are allowed on lots with multifamily dwellings (not just single-family residences). Minimum size must be 220 square feet, or as low as 150 square feet if the city has adopted a lower efficiency unit standard by local ordinance.
- 13.) Two detached ADUs are allowed on lots with a multifamily dwelling, subject only to a 16 foot height limit and 4 foot side and rear setback.
- 14.) Through an ordinance, ADUs and JADUs may be restricted to certain areas based on findings for inadequate water and sewer service and impacts on traffic flow and public safety.

The City can now identify ADUs or JADUs as adequate sites to satisfy RHNA housing needs as specified in Gov. Code Section 65583.1(a) and 65852.2(m). Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).

The new law requires housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Government Code Section

65583 and Health and Safety Code Section 50504.5). This requirement will be addressed in the next Housing Element Update.

If ADUs and JADUs are developed by a substantial number of property owners in Shafter, the development will adversely impact City services, traffic, air pollution, greenhouse gas emissions, off-site parking, and stormwater drainage capacity. An ADU and JADU ordinance should be pursued to address these issues while meeting the purposes of the law. To date, the City has issued one building permit for an ADU.

CEQA

Updating the General Plan and Zoning Ordinance as outlined above will require preparation of an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

FISCAL IMPACT

Updating the General Plan as outlined above may cost up to \$100,000. The update to the Zoning Ordinance would cost approximately \$50,000. Preparation of an EIR for both will cost approximately \$100,000.

ALTERNATIVES

The General Plan Update can be pursued comprehensively addressing both an update for the Housing Element and preparation of a Climate Action Plan. However, Climate Action Plans are not mandated for General Plans so the City could pursue just an update for the Housing Element. There is no alternative for the Zoning Ordinance. It needs to be updated to address new Housing laws and other out-of-date matters mentioned.