

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SUBSECTION E.
OF SECTION 16.32.060 OF THE BAKERSFIELD
MUNICIPAL CODE RELATING FEES FOR
CONSTRUCTION OF PLANNED SEWER
FACILITIES PURSUANT TO ADOPTED PLANS,
OR CONNECTIONS TO SANITARY SEWER
FACILITIES, AND ADDING REFERENCE TO
PLANS ADOPTED FOR GOSFORD ROAD
PLANNED SEWER AREA.**

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Section 16.32.060 of the Bakersfield Municipal Code is hereby amended to read as follows:

16.32.060 Tract map improvements—In subdivisions for which final tract map is required.

A. Improvements required in a subdivision for which a final tract map is required shall be installed to permanent line and grade and to the satisfaction of the city engineer in accordance with the requirements of the advisory agency, in accordance with standard specifications of the city on file in the office of city engineer and in accordance with all applicable provisions of Chapter 16.28 of this code.

B. The minimum improvements which the subdivider makes or agrees to make prior to acceptance and approval of the final tract map by the city council shall be:

1. Grading, curbs and gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways, alleys and ways and to the public safety;
2. Installation and surfacing of streets, highways, alleys and ways;
3. Sidewalks, except where sidewalks are premature in relation to the public needs of the present and immediate future;
4. Sanitary sewer facilities and connections for each lot, except as such requirement may be waived by the city engineer and building director in accordance with policies established by them therefor. Dry sewer lines shall

be installed wherever outfall sewer lines are not available unless the city engineer, with the approval of the State Regional Water Quality Control Board, determines an exception to such requirement to be appropriate;

5. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate domestic water supply for each lot of the subdivision and to provide adequate fire protection to meet local neighborhood needs;

6. Services from public utilities, including cable television, and services from sanitary sewers shall be made available for each lot, and in such manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb, when service connections are made; provided, however, as to cable television service, that the requirement for installation of such service to any industrial tract may be waived if, based upon a waiver requested by a subdivider supported with proof of satisfaction of the following conditions, the advisory agency finds that the omission of such requirement will not create a break in cable television service (to properties in the vicinity of the tract map) or, even if such omission would result in a break in cable television service, the closest available connection to existing cable television facilities is more than five hundred feet from the closest point in the tract map to the point of such connection (measured along existing or proposed utility easements);

7. Street name signs;

8. a. A chain-link fence six feet in height, as specified in city of Bakersfield Subdivision and Engineering Design Manual Standard S-10, or an equivalent barrier as determined by the advisory agency, between any subdivision and the right-of-way line of any irrigation canal within or adjacent to the subdivision,

b. A chain-link fence six feet in height, as specified in city of Bakersfield Subdivision and Engineering Design Manual Standard S-10, or equivalent barrier as determined by the advisory agency between any subdivision and any concrete lined canal or open conduit waterway, within one-quarter mile of the subdivision,

c. At the discretion of the advisory agency, a chain-link fence six feet in height, as specified in city of Bakersfield Subdivision and Engineering Design Manual Standard S-10, or equivalent as determined by the advisory agency between any subdivision and any unlined canal within one-quarter mile of the subdivision,

d. Based upon a waiver request and supporting evidence submitted by the subdivider as part of the subdivision application, canal fencing requirements may be waived, conditionally waived, modified or conditionally modified by the advisory agency. Evidence submitted with

the request for waiver should identify circumstances or characteristics such as canal lining and built-in safety features, water depth, water velocity, existing fencing or barriers, topography, intervening land uses, improvements, agricultural operations, future land uses or project timing that mitigate the need for canal fencing,

e. Subject to approval by the planning director, temporary fencing may be used in lieu of permanent fencing to address changing circumstances when it can be demonstrated by the subdivider that the intent of the canal fencing requirement will be satisfied;

9. Street lighting;

10. Final soil report shall have been completed and approved by the building director and city engineer prior to the beginning of construction of any buildings or structures;

11. All utility distribution facilities, including cable television, shall be placed underground, except that pre-existing utility distribution facilities on the periphery of the subdivision and located on an arterial or collector street may remain above ground. Where applicable, installation of underground utility distribution facilities shall be in accordance with the rules and regulations of the Public Utilities Commission of the state;

12. All subdividers are required to furnish fire hydrants, hydrant buries and necessary bury extensions and all necessary bolts and gaskets, which shall be purchased from the city;

13. Walls, fences and landscaping as required by ordinance, city standard or the advisory agency, to be maintained by a maintenance district or by an association of property owners pursuant to a declaration of covenants approved by the city engineer.

Exceptions to the above-stated minimum requirements may be allowed in tracts having private streets with the approval of the advisory agency at the time of approval of the tentative map.

C. Supplemental Improvements—Reimbursement Agreements.

1. The subdivider of a subdivision for which a final tract map or final parcel map is required may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a tentative subdivision map and thereafter to dedicate such improvements to the public.

2. In the event such supplemental improvements are required by the advisory agency as authorized in this subsection, the city shall enter into an agreement with the subdivider to reimburse the subdivider, upon collection

of moneys from owners of other property benefited thereby and within a specified time period, for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.

3. In order to pay the costs as required by the reimbursement agreement, the city may:

- a. Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use;
- b. Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefited to reimburse the city for such cost together with interest thereon, if any, paid to the subdivider;
- c. Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefited.

D. *Drainage Facilities—Payment of Fees Required.* Prior to filing any final map or parcel map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from the following local and neighborhood drainage areas pursuant to drainage plans adopted by the council therefor in accordance with Article 5 of Chapter 4 of Division 2 of Title 7 of the California Government Code Section 66483 et seq.:

1. Pioneer planned drainage area;
2. Fairview planned drainage area;
3. Breckenridge planned drainage area;
4. Shalimar planned drainage area;
5. Orangewood planned drainage area;
6. Tevis Ranch planned drainage area;
7. Brimhall planned drainage area;
8. Golden Valley planned drainage area.

Notwithstanding the foregoing, payment of fees for planned drainage area facilities may be postponed if the planning commission finds, based on all evidence presented, that payment of the fees is premature to ultimate development of the property in question. Such postponement may occur until further subdivision of the property.

E. *Sewer Facilities—Payment of Fees Required.* Prior to approval of any development entitlement including, but not limited to, any general plan land use designation amendment, rezoning, the filing of any final map or parcel map, the granting of a conditional use permit, or after the cancellation of a Williamson Act contract within an assessment district, the subdivider/property owner shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned sanitary sewer facilities for local sanitary sewer areas pursuant to sanitary sewer plans adopted by the council, or connection to sanitary sewer facilities therefor in accordance with Article 5 of Chapter 4 of Division 2 of Title 7 of the California Government Code Section 66483 et seq.

In cases where a subdivider/property owner pays greater than its proportionate cost of sewer construction, reimbursement may occur through a reimbursement agreement or, where an assessment district has been formed, credit against assessments previously paid.

The following sanitary sewer areas presently exist:

1. Pierce Road-Oak Street planned sanitary sewer area;
2. Allen Road planned sewer area;
3. Brimhall Road planned sewer area;
4. Mohawk planned sewer area;
5. McDonald planned sewer area (existing residential infill sewer area);
6. McAllister Ranch planned sewer area;
7. Verdugo Lane planned sewer area;
8. Allen Road II planned sewer area;
9. Panama and Union planned sewer area;
10. Curnow planned sewer area;
11. Hooper Avenue and Kimberly Avenue planned sewer area;
12. Panama and Cottonwood planned sewer area.
13. Gosford Road planned sewer area;

F. *Bridge Crossings and Major Thoroughfares.*

1. Prior to filing any final tract or parcel map or issuance of a building permit, fees may be assessed and collected pursuant to Section 66484 of the California Government Code for the purpose of defraying the actual or estimated costs of constructing the following bridge crossings or major

thoroughfares identified in the transportation or flood control provisions of the circulation element of the Metropolitan Bakersfield 2010 General Plan:

- a. Ashe Road planned bridge and major thoroughfare area;
- b. Hageman Road planned major thoroughfare area;
- c. Miramonte Drive—Chase Avenue planned major thoroughfare area;
- d. Panama—Buena Vista Bridge and major thoroughfare area;
- e. West Beltway planned major thoroughfare area;
- f. West Ming—Kern River Canal Bridge district;
- g. Taft Highway—Farmer's Canal Bridge district;
- h. East Panama Lane—Central Canal (North Half) Bridge district;
- i. Eastside Canal crossings planned major thoroughfare area;
- j. Arvin/Edison Canal crossing planned major thoroughfare district.

2. In order for such fees to be assessed and collected, the following requirements must be met:

- a. The bridge or thoroughfares for which costs are to be assessed are identified in the transportation or flood control provisions of the circulation element of the Metropolitan Bakersfield 2010 General Plan. The primary purpose of the major thoroughfares is to carry through traffic and provide a network connecting to the state highway system.
- b. A public hearing pursuant to Government Code Section 66484(a)(2) and (3) shall be held by the council for each area benefited, and the boundaries of each such area, costs, and method of fee apportionment shall be set forth in a resolution to be adopted by the council.
- c. Payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.
- d. Payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. The fees shall not be expanded to reimburse the cost of existing bridge facility construction.
- e. The city clerk shall receive written protests and endorse on each protest the date and time it was filed.

- i. No protest received after the time fixed for the public hearing shall be timely;
- ii. If a written protest is filed by owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the council shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section;
- iii. Any protests may be withdrawn by the owner protesting, in writing, at any time prior to the conclusion of a public hearing held pursuant to subsection [\(F\)\(2\)\(b\)](#) of this section;
- iv. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the council may commence new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section prohibits the council, within that one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

3. Fees paid pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Money in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the city for the cost of constructing the improvement.

SECTION 2.

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

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I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on _____, by the following vote:

AYES:	COUNCILMEMBER: ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR
NOES:	COUNCILMEMBER: _____
ABSTAIN:	COUNCILMEMBER: _____
ABSENT:	COUNCILMEMBER: _____

JULIE DRIMAKIS, CPMC, MMC
CITY CLERK and Ex Officio Clerk of the
Council of the City of Bakersfield

APPROVED:

By: _____
KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: _____
VIRIDIANA GALLARDO-KING
Deputy City Attorney

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