KERN COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Board of Supervisors

STAFF REPORT

Date: September 1, 2015

FILE: Parcel Map 12054
S.D.: #1 – Gleason

TITLE: Request for Exception to Requirement for Connection to Public Sewer

PROPOSAL: Request of Noble Howze Family Trust by Patrick & Henderson, Inc. for an Exception to the Requirement for Connection to Public Sewer for Tentative Parcel Map No. 12054, located on the East side of Enos Lane (State Highway Route 43), approximately 500 feet north of Seventh Standard Road, Southwest of Shafter Area

APPLICANT: Noble Howze Family Trust by Patrick & Henderson, Inc.

PROJECT SIZE: 15.7 acres

LOCATION: East side of Enos Lane (State Highway Route 43), approximately 500 feet north of Seventh Standard Road, Southwest of Shafter Area

PROJECT ANALYSIS: Policies contained within the Public Services and Facilities Element of the Western Rosedale Specific Plan require that, exclusive of County Service Area 71, a developer is required to install sewer lines in streets and connections thereto for parcels less than six (6) acres (gross) in size. In 2007 your Board authorized changes that provide for an exception to those policies, provided that specific findings can be made. If approved by your Board, the exception may allow the use of septic systems or a package treatment plant or other equivalent community treatment/disposal system.

On February 18, 2014, a tentative parcel map (Tentative Parcel Map No. 12054) was approved which proposed the subdivision of a 15.7-acre site, currently developed with a single-family residence, mobile home, shed, shop and storage barn, into a 3.93-acre parcel for industrial use and a 11.77-acre designated remainder in the M-2 PD (Medium Industrial - Precise Development Combining) District. The purpose of the parcel map is to subdivide the property in order to create one (1) parcel to contain the existing storage barn and to maintain the existing single-family residence, mobile home, shed and shop on the designated remainder parcel.

As part of the process of demonstrating compliance with the conditions of approval for Tentative Parcel Map No. 12054, the applicant filed a request for an exception to the sewer policies with what was then the Kern County Engineering, Surveying and Permit Services Department (ESPS). Staff subsequently received a letter dated June 25, 2015, from ESPS (copy attached) recommending an exception to the public sewer requirement for the project and to allow the use of an engineered septic system to be designed based upon soil samples in the area of the disposal field. ESPS, now known as the Kern County Public Works Department, stated the recommendation was based on:

- The project land use is consistent with Western Rosedale Specific Plan;
• The project is located within CSA-71 with sewer greater than 1000 feet away. However, the designated remainder portion of the map is approximately 490 feet from an available sewer and is currently developed; and
• The purposed use would not negatively impact the environment.

Staff has subsequently reaffirmed with the Public Works Department/Building Inspection and Flood/Drainage/Grading/CSA that the closest available sewer is located at 7th Standard Road and Enos Lane, approximately 490 feet south of the designated remainder portion of the map and approximately 1,990 feet south of the subdivision portion of the map.

In processing the request, Staff has considered the applicable provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of project which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. This includes Class 3 projects which consist of water main, sewage, electrical, gas, and other utility extension, including street improvements, of reasonable length to serve such construction. Based on the information contained in the record to date, it is Staff’s conclusion that the project qualifies as one that can be found to be categorically exempt from the requirement for preparation of environmental document pursuant to Section 15303(d) of the State CEQA Guidelines.

As previously noted, your Board can approve an exception to the sewer connection policy, subject to the following findings:

1. An exception is reasonably necessary due to special circumstances;
2. An exception will not negatively impact the ability to provide sewer infrastructure within the planning area;
3. An exception will be in the public interest;
4. An exception will provide protection to the public health and the environment; and
5. An exception will be in conformity with the goals of the adopted specific or general plan.

Based on the information in the record to date and on the foregoing evaluation, Staff concludes that approval of this request is consistent with the required findings specified by Sewer Service Implementation Measure No. 2 of Chapter IV – “Public Services and Facilities Element” of the Western Rosedale Specific Plan.

Therefore, it is recommended that your Board concur with the recommendation of the Kern County Public Works Department/Building and Development Director and approve an exception to the Western Rosedale Specific Plan sewer service policies.

FISCAL IMPACT: None

CEQA ACTION: Environmental Review: Categorically Exempt, Section 15303(d)

STAFF RECOMMENDATION: Approve exception to the Western Rosedale Specific Plan sewer service policies
BASIS FOR APPROVAL AND RECOMMENDED FINDINGS:

(1) The sewer exception is reasonably necessary due to special circumstances in that the site is currently developed with a single-family residence and mobile home that utilizes a private septic systems and that sewer is not available in the area at this time.

(2) The sewer exception will not negatively impact the ability to provide sewer infrastructure within the planning area as there is no information in the record to date to substantiate that approval of the exception would preclude the ability to provide future sewer infrastructure in the area.

(3) The sewer exception will be in the public interest in that sewage disposal for the existing on-site development and area is presently accommodated through private septic systems and approval of the request will allow the applicant to satisfy requirements relating to Tentative Parcel Map No. 12054 and facilitate the map’s recordation.

(4) The sewer exception will provide protection to the public health and the environment in that any future on-site septic disposal systems will be engineered designs based upon soil samples in the area of the disposal field.

(5) The sewer exception is in conformity with the goals and policies contained within the Public Services and Facilities Element of the Western Rosedale Specific Plan as it includes provisions for the Board of Supervisors to grant an exception to the requirement for urban development to be serviced by regional sewage collection, treatment, and disposal facilities, provided that specific findings can be made.

(6) This Board has found the project to be categorically exempt from the requirement for preparation of environmental documents pursuant to Section 15303(d) of the State CEQA Guidelines.
TENTATIVE PARCEL MAP 12054

IN THE COUNTY OF KERN

BEING A SUBDIVISION OF DESIGNED REMAINDER PER DOC NO. 21207733 (U.I.) SHOWN ON PARCEL MAP NO. 11878 RECORDED IN BOOK 58 OF PARCEL MAPS AT PAGE 175 IN THE OFFICE OF THE KERN COUNTY RECORDER, ALSO BEING A PORTION OF THE 0.674 ACRES OF SECTION 35, T86S, R19W, M.D.A.S., COUNTY OF KERN, STATE OF CALIFORNIA.

CONSISTING OF 1 PARCEL CONTAINING 3.93 GARO Acres.

DESCRIPTION OF PARCEL:

ALL BEARINGS AND DISTANCES SHOWN ARE TRUE AND MEASURED PER PARCEL MAP 11878 PER BK 58 PG 175 IN THE KERN COUNTY RECORDE

DESCRIPTION OF PARCEL IS SUGGESTED TO BE APPROXIMATELY 399 FT. X 595 FT.

STATISTICS

OWNER:
NOBLE HONERE FAMILY TRUST

ENGINEER:
Bakersfield, CA 93312

PATRICK AND HENDERSON, INC.

ALLAN P. HENDERSON

EXP. 12/21/15

1963 AIRPORT DRIVE

Bakersfield, CA 93301

SITE ADDRESS:
10474 ENOS LANE

ASSESSOR'S NO.
090-340-35, 54, & 56

WATER SUPPLY:
SUPERIOR MUTUAL WATER

SEWERAGE DISPOSAL:
N/A (STORAGE ONLY)

EXISTING ZONING:
M-2 PD & M-3 PD

PROPOSED ZONING:
SAME AS EXISTING

EXISTING GENERAL PLAN DESIGNATION:
SI & IM WESTERN RESIDENCE SPECIFIC PLAN

EXISTING USE:
LANDSCAPE STORAGE

PROPOSED USE:
LANDSCAPE STORAGE

IMPROVEMENT AREA:
TYPE "A"

ACCESS TO SITE:
ENDS LANE (STATE HIGHWAY 43)

EXISTING PHASING:
NONE

EXISTING NO. OF PARCELS:
1

PROPOSED NO. OF PARCELS:
1 & DESIGNATED REMAINDER

TOTAL PROJECT AREA GROSS:
3.93 AC

TOTAL PROJECT AREA NET:
3.71 AC GROSS

MIN. PARCEL AREA ALLOWED:
NONE

POWER:
PG&E (EXISTING)

PHONE:
517-2150

STREET GRACES:
MINIMUM 0.25 / MAXIMUM 2"
TO: Planning Department
    Holly Nelson
DATE: June 25, 2015

cc: Amy Rutledge EH

FROM: Greg Fenton, P.E., C.B.O., Director
    By: Robert C. Downs, P.E.
    Special Districts Engineer

SUBJECT: ESS Recommendation for Exception to Metro Sewer Policies - Revised

Applicant/Engineer: Patrick & Henderson, Inc. for Noble Howze
Project Location: Eastside of Enos Lane, 1350’ north of 7th Standard Road (APN 090-340-35, 54 & 56)
Tentative Tract/Parcel Map/PD Plan Number if appropriate: TPM 12054
Project Description: Creation of a 3.93 acre parcel in SI & LI land use site.

The 2005 Metropolitan Bakersfield sewer policies require public sewers for all commercial or industrial development and residential development at a density greater than one dwelling unit per 6 gross acres, which requires any discretionary action for approval.

Changes to the policies in 2007 provide that an exception to those policies may be recommended if the following findings can be made. The exception may allow the use of septic systems or a packaged treatment plant or other equivalent community treatment/disposal system, which will be subject to Waste Discharge Requirements for commercial or industrial development or an isolated residential development, subject to all the following findings:

1) An exception is reasonably necessary due to special circumstances;
2) An exception will not negatively impact the ability to provide sewer infrastructure within the planning area;
3) An exception will be in the public interest;
4) An exception will provide protection to the public health and the environment; and
5) An exception will generally be in conformity with the goals of the adopted Specific or General Plan.

Based upon the information provided and available at the time of this review, the ESS Department makes the following recommendations for sewer requirements for the project:

☐ Require connection to public sewers in accordance with Sewer Policies
☐ Exception to Sewer Policies - recommend use of a Septic System
    (System to be engineered designed based upon soil samples in area of disposal field)
☐ Exception to Sewer Policies – recommend requirement of packaged treatment plant with WDRs

See next page for additional requirements.
Additional requirements: This recommendation is based on the project land use is consistent WRSP and within CSA-71 with sewer is greater than 1000 feet away. However, the designated remainder portion of the map is approximately 490 feet from an available sewer. Additionally, the designated remainder portion is currently developed. The propose use would not negatively impact the environment.