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ORDINANCE NO. 377

**AN ORDINANCE OF THE CITY OF ARVIN APPROVING ZONE
CHANGE NO. 2006-1 PRE-ZONING PROPERTY MENTIONED HEREIN
FROM THE COUNTY'S LIMITED AGRICULTURAL (A-1) TO THE CITY
OF ARVIN ONE-FAMILY DWELLING ZONE (R-1) IN CONJUNCTION
WITH ANNEXATION NO. 17**

WHEREAS, a Vesting Tentative Tract Map was submitted by Michael F. Hair/Le Ora, LLC. 6752 Iron Oak Drive, Bakersfield, CA 93312, for property identified as North Half of the North East Quarter of the Southeast Quarter of Section 23, Township 31 South, Range 29 East, M.D.B.M. in the Unincorporated Area, County of Kern, State of California, also identified as Assessor Parcel Numbers: 190-030-05, -06, -07, and -13; and

WHEREAS, the applicant has also submitted applications for a General Plan Amendment from the County's General Plan Land Use designation of Mineral and Petroleum (8.4) to the City of Arvin General Plan Designation of Low Density Residential 1.2 m (1 to 6 units/acre) and a concurrent Zone change to pre-zone the property from the County's Limited Agricultural (A-1) to the City of Arvin One Family Dwelling Zone (R-1); and

WHEREAS, the subject property is within the Sphere of Influence, in the unincorporated areas of Kern County, the applicant has applied for the Annexation of said lands into the City; and

WHEREAS, the proposed Tentative Tract Map consists of a plan to subdivide approximately 20.37 Gross Acres of land into 98 buildable single-family lots and one lot for the construction of the storm drainage pond; and

WHEREAS, a public hearing on the matter was heard by the Planning Commission at its meeting on February 5, 2008, notice of which showing the date, time and place of hearing was duly given; and

WHEREAS, a public hearing on the matter was heard by the City Council at its meeting on February 26, 2008, notice of which showing the date, time and place of hearing was duly given; and

WHEREAS, the Zone Change complies with the concurrent General Plan Amendment and the policies of the Arvin General Plan and its Spheres of Influence; and

WHEREAS, after considering the record as a whole and proposed mitigation measures, in compliance with the California Environmental Quality, it has been determined that there is no evidence that the proposed project will have any significant effect on the environment, and will not have any potential to adversely affect wildlife resources or the habitat upon which the wildlife depends;

WHEREAS, the City Council hereby finds:

1. That a need for the pre-zone of One Family Dwelling Zone (R-1) does exist within the area of the project site so the site can be annexed in to the City of Arvin and so the site's

zoning designations would be consistent with the existing development in the annexation area and the adjacent residential neighborhoods.

2. That the subject property is a proper location for the proposed zoning designation because the site will be developed in compliance with the development standards for the proposed zone and is adjacent to areas with the similar and compatible zoning designations and similar type of development.
3. That public necessity, convenience, general welfare and good planning practice justifies the pre-zone classification proposed because the development will be consistent with the surrounding development and consistent with the City's development standards.
4. That the proposed pre-zoning designation is consistent with existing land uses in the area and would not result in a substantive change to the existing zoning of the project site, as the area and the adjacent developed area is developed in compliance with the proposed zone's development standards.
5. That the project site consists of approximately 20.37 Gross Acres of land, contiguous to the corporate limits of the City of Arvin and is planned to contain 98 buildable single family lots and one lot for the construction of the storm drainage pond.

NOW, THEREFORE, the Arvin City Council does hereby adopt a Mitigated Negative Declaration; Approve Zone Change No. 2006-1; and ordain the Change of Zone to pre-zone property identified herein from the County's Limited Agricultural (A-1) to the City of Arvin One Family Dwelling Zone (R-1).

PASSED, APPROVED AND ADOPTED this 11th day of March, 2008.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Arvin City Council on the 11th day of March 2008 by the following vote:

AYES: CM Stoner, CM Ojeda, CM Brar, MPT Flores

NOES: _____

ABSTAIN: _____

ABSENT: Mayor Tarver

CITY OF ARVIN

By: _____
TIM TARVER, Mayor

ATTEST:

Cecilia Vela
CECILIA VELA, City Clerk

APPROVED AS TO FORM:

By: *Laura K. Meier*
LAURA MEIER, City Attorney