

SUMMARY OF PROCEEDINGS
KERN COUNTY PLANNING COMMISSION

Chambers of the Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, California

Regular Meeting

Thursday, **July 27, 2006** - 7:00 p.m.

COMMISSION CONVENED

4 Present
1 Ab/Pi

ROLL CALL: Commissioners: Babcock, Belluomini, Sprague, Wayne

Both Present

Advisory Members: Schuett, Assistant Deputy County Counsel
James, Director, Planning Department

NOTE: Ba, Be, Pi, Sp, and Wa are abbreviations for Commissioners Babcock, Belluomini, Pitts, Sprague, and Wayne, respectively. For example, Ba/Pi denotes Commissioner Babcock made the motion and Commissioner Pitts seconded it. The abbreviation "Ab" means absent and "Abd" abstained.

* CONSENT AGENDA: Items Approved by Roll Call Vote on One Motion

Ba/Sp

APPROVAL OF MINUTES: July 13, 2006. UNANIMOUSLY APPROVED.

PUBLIC HEARINGS:

NEW CASES:

Ba/Wa
1 Ab/Pi
4 Ayes

1. GENERAL PLAN AMENDMENT #4, MAP #71-11; ZONE CHANGE CASE #12, MAP #71-11 - (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 5.7 (Residential - Minimum 5 Gross Acres/Unit), 5.7/2.5 (Residential - Minimum 5 Gross Acres/Unit - Flood Hazard), and 5.7/2.1 (Residential - Minimum 5 Gross Acres/Unit - Seismic Hazard) to Map Code(s) 5.5 (Residential - Maximum 1 Unit/Net Acre), 5.5/2.5 (Residential - Maximum 1 Unit/Net Acre - Flood Hazard), and 5.5/2.1 (Residential - Maximum 1 Unit/Net Acre - Seismic Hazard) or more restrictive map code designations; (b) A change in zone classification from E (10) RS (Estate - 10 acres - Residential Suburban Combining) to E (1) (Estate - 1 acre) or a more restrictive district - Northwest of the intersection of Saratoga Avenue and San Bernardino Boulevard, Ridgecrest area - **STAFF RECOMMENDATION: RECOMMEND BOARD OF SUPERVISORS TO DISAPPROVE** - CEQA Guideline: Negative Declaration (**MMMP**) - (SD #1) - Millionaire Mom II, LLC by Cornerstone Engineering, Inc. (PP06278) HEARING OPENED; THIS CASE WAS CONTINUED TO SEPTEMBER 28, 2006.

Ba/Wa
1 Ab/Pi
4 Ayes

2. **SPECIFIC PLAN AMENDMENT #13, MAP #232; SPECIFIC PLAN AMENDMENT #2, MAP #233; AGRICULTURAL PRESERVE #24 - INCLUSION** - (a) Amend the Willow Springs Specific Plan from Map Code(s) 5.3/4.4/2.85 (Residential - Maximum 10 Units/Net Acre - Comprehensive Planning Area - Noise/Military Flight Operations) to Map Code(s) 8.1/4.4/2.85 (Intensive Agriculture - Comprehensive Planning Area - Noise/Military Flight Operations) on approximately 320 acres; and from Map Code(s)

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7.1/4.4 (Light Industrial - Comprehensive Planning Area) to Map Code(s) 8.1 (Intensive Agriculture) on approximately 320 acres; and from Map Code(s) 8.5/2.85 (Resource Management - Noise/Military Flight Operations) to Map Code(s) 8.1/2.85 (Intensive Agriculture - Noise/Military Flight Operations) on approximately 300 acres; and from Map Code(s) 8.5/2.85/2.6 (Resource Management - Noise/Military Flight Operations - Erosion Hazard) to Map Code(s) 8.1/2.85/2.6 (Intensive Agriculture - Noise/Military Flight Operations - Erosion Hazard) on approximately 50 acres or more restrictive map code designations; (b) Amend the Circulation Element of the Willow Springs Specific Plan to eliminate arterial and collector alignments within the 640 acres of the project site; (c) Inclusion of approximately 640 acres within the boundaries of an Agricultural Preserve - Bounded by Rosamond Boulevard to the north, Avenue A to the south (Kern County/Los Angeles County lines), 170th Street West to the west, and 100th Street West to the east, west of Rosamond - **STAFF RECOMMENDATION: RECOMMEND BOARD OF SUPERVISORS TO APPROVE - CEQA Guideline: Environmental Impact Report (MMMP) - (SD #2) - *Antelope Valley Water Bank by Western Development and Storage, LLC (PP05283)* HEARING OPENED; LORELEI OVIATT SUBMITTED LATE CORRESPONDENCE WHICH WAS RECEIVED AND FILED. ANDREW WARNER OF WESTERN DEVELOPMENT AND STORAGE, LLC WAS IN ATTENDANCE AND STATED HE WAS THE PROJECT LEAD AND HAD PREVIOUSLY WORKED WITH WATER STORAGE, TRANSFERS, AND CONSERVATION PROJECTS. HE ALSO STATED HE HAS WORKED WITH SEMI TROPIC WATER STORAGE DISTRICT ON A WATER BANK PROJECT. MR. WARNER STATED HIS COMPANY HAS RESEARCHED FOR FIVE YEARS AND FOUND THIS PROJECT SITE A SUPERIOR AREA TO CONSTRUCT THE WATER BANK AND THAT THE NEED WAS ACUTE. HE STATED HIS COMPANY FELT OUTREACH TO THE COMMUNITY WAS IMPORTANT AND HAS CONDUCTED MORE THAN 30 PRESENTATIONS REGARDING THE PROJECT WHERE THEY LISTENED TO CONCERNS AND TOOK THEM INTO CONSIDERATION. JOHN GOID OF SUNDALE MUTUAL WATER COMPANY SPOKE IN FAVOR OF THE PROJECT. HE STATED HIS COMPANY RELIES 100 PERCENT ON GROUNDWATER AND THAT THE NEED FOR THE PROJECT WAS CRITICAL FOR THE AREA. WILL POSHEM OF SEMI TROPIC WATER STORAGE DISTRICT AND PART OWNER OF KERN WATER BANK SPOKE IN FAVOR OF THE PROJECT STATING IT WAS A GOOD SOLUTION FOR WATER SHORTAGES IN CALIFORNIA. PUBLIC TESTIMONY WAS CLOSED. COMMISSIONER BABCOCK STATED HE AND OFFICIALS FROM EDWARDS AIR FORCE BASE CONDUCTED A SITE VISIT AND WAS IMPRESSED WITH THE PROJECT AND COMPLEMENTED STAFF ON THEIR EFFORTS IN REGARD TO THE PROJECT. COMMISSONERS SPRAGUE AND WAYNE STATED THEY FELT THE PROJECT WAS WONDERFUL FOR THE AREA AND VOICED THEIR SUPPORT. HEARING CLOSED.**

COMMISSIONER BABCOCK MADE A MOTION TO APPROVE THE PROJECT. THE MOTION WAS SECONDED BY COMMISSIONER WAYNE, AND THE MOTION CARRIED.

Ba/Sp
1 Ab/Pi
4 Ayes

- *3. GENERAL PLAN AMENDMENT #21, MAP #213; ZONE CHANGE CASE #54, MAP #213 - (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.5 (Resource Management) to Map Code(s) 5.6 (Residential - Minimum 2.5 Gross Acres/Unit) or a more restrictive map code designation on approximately 40 acres and from Map Code(s) 5.7 (Residential - Minimum 5 Gross Acres/Unit) to Map Code(s) 5.6 (Residential - Minimum 2.5 Gross Acres/Unit) or a more restrictive map code designation on approximately ten acres; (b) A change in zone classifi-

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cation from E (5) (Estate - 5 acres) to E (2 1/2) (Estate - 2 1/2 acres) or a more restrictive district on approximately ten acres to facilitate up to twenty 2 1/2-acre parcels for residential development on approximately 50 acres - South of Backus Road, west of State Route 14, at the southeast corner of 20th Street West and Gibbs Avenue, Mojave area - **STAFF RECOMMENDATION: RECOMMEND BOARD OF SUPERVISORS TO APPROVE** - CEQA Guideline: Negative Declaration (MMMP) - (SD #2) - Terence Pierce, et al. (PP06257) HEARING OPENED; THE APPLICANT WAS IN ATTENDANCE; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; RESOLUTION ADOPTED RECOMMENDING BOARD OF SUPERVISORS TO APPROVE THE APPLICATION.

Ba/Sp
1 Ab/Pi
4 Ayes

Res. #139-06

- *4. VESTING TRACT #6829 - Vesting Tentative Tract 6829 proposing to divide an 8.4-acre site into 36 lots ranging in size from 6,054 square feet (net) to 12,228 square feet (net) for single-family and multifamily residential use; three limited design variations - West side of Myer Road at the terminus of Victor Avenue, Mojave area - **STAFF RECOMMENDATION: APPROVE WITH CONDITIONS** - CEQA Guideline: Section 15182 - (SD #2) - Colletto Family Revocable Trust by Delmarter and Deifel HEARING OPENED; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; RESOLUTION ADOPTED APPROVING APPLICATION SUBJECT TO THE RECOMMENDED CONDITIONS.

Ba/Sp
1 Ab/Pi
4 Ayes

Res. #147-06

5. CONDITIONAL USE PERMIT #10, MAP #165-34 - To allow an equestrian facility (Section 19.16.030.C) in an E (2 1/2) RS (Estate - 2 1/2 acres - Residential Suburban Combining) District - Southeast corner of Highline Road and Easy Street, Tehachapi - **STAFF RECOMMENDATION: APPROVE WITH CONDITIONS** - CEQA Guideline: Section 15061(b)(3) - (SD #2) - Pete and Terri Sturn HEARING OPENED; PETE STURN WAS IN ATTENDANCE AND WANTED TO PUBLICLY THANK MATT HALL FOR HIS HELP WITH THIS PROJECT. MR. STURN WENT ON TO EXPLAIN THAT R.I.S.E. (RIDING INSTRUCTIONS FOR SPECIAL EQUESTRIANS) IS A NONPROFIT ORGANIZATION WHICH HELPS CHILDREN WITH DISABILITIES THROUGH THERAPY SESSIONS INVOLVING HORSES, SIMILAR TO THAT OF THE M.A.R.E. ORGANIZATION. MR. STURN STATED R.I.S.E. WAS ORIGINALLY LOCATED SOMEWHERE ELSE, HOWEVER, HAD TO LEAVE THAT LOCATION, AND HE WANTS TO RE-ESTABLISH THE OPERATION TO CONTINUE TO HELP CHILDREN. STEVE GILBERT, AN ADJACENT PROPERTY OWNER, SPOKE IN SUPPORT OF THE PROJECT AND STATED THE PROJECT WAS GOOD FOR THE COUNTY, AS WELL AS THE CHILDREN. PUBLIC TESTAMONY WAS CLOSED. COMMISSIONER BABCOCK QUESTIONED IF A DUST PALLIATIVE WAS REQUIRED TO CONTROL DUST. MR. ELLIS STATED A CONDITION WAS RECOMMENDED (CONDITION (2)(e)) REQUIRING A DUST PALLIATIVE. COMMISSIONER WAYNE STATED SHE WAS IN SUPPORT OF THE PROJECT, HOWEVER, REQUESTED THAT CONDITIONS (2)(a) AND (2)(b) BE REVISED TO NAME KERN COUNTY ENVIRONMENTAL HEALTH SERVICES DEPARTMENT BE THE APPROVING AGENCY. HEARING CLOSED.

COMMISSIONER BABCOCK MADE A MOTION TO APPROVE THE PROJECT WITH THE CHANGE TO CONDITION (2)(a) and (2)(b) REQUIRING KERN COUNTY ENVIRONMENTAL HEALTH SERVICES DEPARTMENT BE THE APPROVING AGENCY. THE MOTION WAS SECONDED BY COMMISSIONER SPRAGUE, AND THE MOTION CARRIED.

Ba/Sp
1 Ab/Pi
4 Ayes

- *6. GENERAL PLAN AMENDMENT #3, MAP #203; ZONE CHANGE CASE #18, MAP #203 - (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.1 (Intensive Agriculture) to Map Code(s) 7.1 (Light Industrial) or a more restrictive map code designation; (b) A change in zone classification from A-1 (Limited Agriculture) to M-1 PD (Light Industrial - Precise Development Combining) or a more restrictive district - Approximately 1,300 feet west of Interstate 5 on the north side of Highway 166, west of Mettler - **STAFF RECOMMENDATION: RECOMMEND BOARD OF SUPERVISORS TO APPROVE** - CEQA Guideline: Negative Declaration - (SD #4) - Reynold Mettler Farms by R.L. Abbott and Associates (PP06275) HEARING OPENED; THE APPLICANT WAS IN ATTENDANCE; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; RESOLUTION ADOPTED RECOMMENDING BOARD OF SUPERVISORS ADOPT NEGATIVE DECLARATION AND TO APPROVE THE APPLICATION.

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Wa/Ba
1 Ab/Pi
4 Ayes

7. GENERAL PLAN AMENDMENT #10, MAP #102-1; ZONE CHANGE CASE #34, MAP #102-1 - (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) MC (Major Commercial) to Map Code(s) HMR (High Medium Density Residential - Less Than 17.42 Dwelling Units/Net Acre) or a more restrictive map code designation; (b) A change in zone classification from C-2 PD H (General Commercial - Precise Development Combining - Airport Approach Height Combining) to R-2 PD H (Medium-density Residential - Precise Development Combining - Airport Approach Height Combining) or a more restrictive district - Southeast corner of Airport Drive and Seventh Standard Road, north Bakersfield - **STAFF RECOMMENDATION: RECOMMEND BOARD OF SUPERVISORS TO APPROVE** - CEQA Guideline: Negative Declaration (MMMP) - (SD #1) - Denela, LLC by DeWalt Corporation (PP06245) HEARING OPENED; COMMISSIONER SPRAGUE REQUESTED THIS CASE BE REMOVED FROM THE CONSENT AGENDA IN ORDER TO ADDRESS HEIGHT LIMITS, AIRPORT FLIGHT PATHS, OVERFLIGHT NOISE AND VIBRATIONS, AND THE EXISTING HIGH DENSITY OF APARTMENT COMPLEXES. MR. SPRAGUE STATED THE AREA SHOULD REMAIN COMMERCIAL AND THAT THERE ARE CURRENTLY TOO MANY APARTMENTS IN THE AREA. HE ALSO STATED THAT IF TWO-STORY APARTMENTS ARE BUILT, THEY WILL BE LOOKING DOWN INTO THE BACK YARDS OF THE NEIGHBORING PROPERTY OWNERS. THERE WAS SOME DISCUSSION BETWEEN STAFF REGARDING THESE ISSUES. MR. JAMES STATED THE PROJECT WAS IN COMPLIANCE AND THAT DEVELOPMENT STANDARDS REQUIRE ALL TWO-STORY WINDOWS TO BE OPAQUE, AND LANDSCAPING WILL BE REQUIRED IN THE DEVELOPMENT PROCESS. JEFF GUTIERREZ OF DEWALT CORPORATION WAS IN ATTENDANCE AND STATED THE PROPERTY WAS IN ESCROW, AND THE ZONE CHANGE WAS A DETERMINING FACTOR TO THE SALE OF THE PROPERTY. HEARING CLOSED.

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COMMISSIONER WAYNE MADE A MOTION TO APPROVE THE PROJECT. THE MOTION WAS SECONDED BY COMMISSIONER BABCOCK, AND THE MOTION CARRIED.

Wa/Ba
1 Ab/Pi
4 Ayes

8. GENERAL PLAN AMENDMENT #11, MAP #102-1; ZONE CHANGE CASE #35, MAP #102-1 - (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) MC (Major Commercial) to Map Code(s) HMR (High Medium Density Residential - Less Than 17.42 Dwelling Units/Net Acre) or a more restrictive map code designation; (b) A change in zone classification from C-2 PD (General Commercial - Precise Development Combining) to R-2 PD (Medium-density Residential - Precise Development Combining) or a more restrictive district - Southwest corner of North Chester Avenue and Seventh Standard Road,

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north Bakersfield - **STAFF RECOMMENDATION: RECOMMEND BOARD OF SUPERVISORS TO APPROVE** - CEQA Guideline: Negative Declaration (**MMMP**) - (SD #1) - Denela, LLC by DeWalt Corporation (PP06247) HEARING OPENED; JEFF GUTIERREZ OF DEWALT CORPORATION WAS IN ATTENDANCE AND STATED THE PROPERTY WAS IN ESCROW AND THAT THE ZONE CHANGE WAS A DETERMINING FACTOR TO THE SALE OF THE PROPERTY. MR. GUTIERREZ STATED HE AGREED WITH THE STAFF RECOMMENDATIONS. WALT HARPER, A NEIGHBORING PROPERTY OWNER, SPOKE IN OPPOSITION TO THE PROJECT. MR. HARPER VOICED CONCERNS REGARDING DECREASED PROPERTY VALUES AND AN INCREASE IN CRIME AND GRAFFITI DUE TO AN INFLUX OF LOW-INCOME FAMILIES. MR. HARPER STATED THE PROJECT WAS NOT IN THE BEST INTEREST TO SURROUNDING SINGLE-FAMILY HOMES. MR. GUTIERREZ STATED A SIGNIFICANT NUMBER OF RENTALS ALREADY EXIST IN THE AREA AND THAT THE PROJECT POISED NO SIGNIFICANT CONCERNS. PUBLIC TESTIMONY WAS CLOSED. COMMISSIONER WAYNE STATED SHE FELT THE PROJECT WAS A GOOD USE FOR THE AREA AND WAS IN SUPPORT. HEARING CLOSED.

COMMISSIONER WAYNE MADE A MOTION TO APPROVE THE PROJECT. THE MOTION WAS SECONDED BY COMMISSIONER BABCOCK, AND THE MOTION CARRIED.

Ba/Wa
1 Ab/Pi
4 Ayes

9. GENERAL PLAN AMENDMENT #6, MAP #102-15; ZONE CHANGE CASE #25, MAP #102-15; PRECISE DEVELOPMENT PLAN #17, MAP #102-15 - (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) OC (Office Commercial) to Map Code(s) GC (General Commercial) or a more restrictive map code designation; (b) A change in zone classification from CO PD (Commercial Office - Precise Development Combining) to C-2 PD (General Commercial - Precise Development Combining) or a more restrictive district; (c) A Precise Development Plan for a general commercial retail development in a C-2 PD (General Commercial - Precise Development Combining) District - Southeast corner of Olive Drive and Victor Street, Bakersfield - **STAFF RECOMMENDATION: RECOMMEND BOARD OF SUPERVISORS TO DISAPPROVE** - CEQA Guideline: Negative Declaration (**MMMP**) - (SD #3) - Central Valley Investors II, LLC by McMillian Commercial (PP06239) HEARING OPENED; THIS CASE WAS CONTINUED TO AUGUST 10, 2006.

Ba/Sp
1 Ab/Pi
4 Ayes

- *10. CONDITIONAL USE PERMIT #23, MAP #103-7 - To allow a duplex on each of two abutting parcels (Section 19.32.030.A) in a C-2 (General Commercial) District - 108 Warren Avenue, Oildale - **STAFF RECOMMENDATION: APPROVE WITH CONDITIONS** - CEQA Guideline: Section 15303 - (SD #3) - CH&L Development, Inc. HEARING OPENED; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; RESOLUTION ADOPTED APPROVING APPLICATION SUBJECT TO THE RECOMMENDED CONDITIONS.

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Ba/Wa
1 Ab/Pi
4 Ayes

11. CONDITIONAL USE PERMIT #12, MAP #124-12; ZONE VARIANCE #19, MAP #124-12 - (a) A Conditional Use Permit to allow a secondary dwelling unit exceeding maximum size requirements (Section 19.90.060); (b) A Zone Variance to allow a secondary dwelling unit (mobilehome) not meeting construction requirements (Section 19.90.030.I) in an E (2 1/2) RS MH (Estate - 2 1/2 acres - Residential Suburban Combining - Mobilehome Combining) District - 7153 East Wilson Road, Bakersfield - **STAFF RECOMMENDATION: REFER BACK TO STAFF** - CEQA Guideline: Sections 15303 and 15305 -

(SD #5) - Michael Brink HEARING OPENED; THIS CASE WAS REFERRED BACK TO STAFF.

Ba/Sp
1 Ab/Pi
4 Ayes

Res. #143-06

- *12. VESTING TRACT #6650; WAIVER OF SIGNATURES - (a) Vesting Tentative Tract 6650 proposing to divide a 43.81-acre site into 166 lots ranging in size from 6,004 square feet (net) to 15,253 square feet (net) for residential use and a 4.37-acre drainage basin; seven limited design variations; a development variation to the Land Division Ordinance to allow an intersection skew greater than 15 degrees; (b) A request to waive the requirements for signatures of mineral rights owners with right of surface entry on the final map pursuant to Section 18.15.030.K of the Kern County Land Division Ordinance - North side of Edison Highway and south of Breckenridge Road, between Morning Drive and Vineland Road, east Bakersfield area - **STAFF RECOMMENDATION: APPROVE VESTING TRACT WITH CONDITIONS; REQUEST FOR WAIVER OF MINERAL RIGHTS OWNER WITHDRAWN** - CEQA Guideline: Negative Declaration (MMMP) - (SD #3) - Paul Andre by DeWalt Corporation HEARING OPENED; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; REQUEST FOR WAIVER OF MINERAL RIGHTS OWNER WITHDRAWN; ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM AND RESOLUTION ADOPTED APPROVING APPLICATION SUBJECT TO THE RECOMMENDED CONDITIONS.

COMMISSION MEMBER ANNOUNCEMENT OR REPORTS

COMMISSIONER WAYNE ANNOUNCED SHE HAD ATTENDED A SEMINAR REGARDING LAND USE FOR PLANNERS. COMMISSIONER WAYNE STATED SHE FOUND IT VERY HELPFUL AND WAS WILLING TO SHARE THE INFORMATION BY MAKING COPIES FOR THE COMMISSIONERS AND THE PLANNING DEPARTMENT.

MEETING ADJOURNED AT 8:27 p.m.

Respectfully submitted,

TED JAMES, Secretary
KERN COUNTY PLANNING COMMISSION

Attest:

PETER BELLUOMINI, Vice Chairman

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