

**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, **March 25, 2004** - 7:00 p.m.

COMMISSION CONVENED

5 Present                      ROLL CALL: Commissioners:      Babcock, Pitts, Sprague, Strong, Zimmerman  
  
Both                              Advisory Members:              Divelbiss, Chief Deputy County Counsel  
present                              James, Director, Planning Department

NOTE: Ba, Pi, Sp, St, and Zi are abbreviations for Commissioners Babcock, Pitts, Sprague, Strong, and Zimmerman, 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

Zi/Sp                              APPROVAL OF MINUTES: March 11, 2004. UNANIMOUSLY APPROVED.

**PUBLIC HEARINGS:**

- Sp/Pi                              1.    **CONDITIONAL USE PERMIT #14, MAP #141** – To allow a greenwaste composting  
All Ayes                              facility (Section 19.12.030.H) in an A (Exclusive Agriculture) District – One mile south  
of State Route 119 (Taft Highway) and 1/2 mile west of Interstate 5, south of Bakersfield  
– **STAFF RECOMMENDATION: CONTINUE TO APRIL 8, 2004** – CEQA  
Guideline: Negative Declaration (**MMMP**) – (SD #4) – Responsible Compost  
Management (PP02251). HEARING OPENED; THIS CASE WAS CONTINUED TO  
APRIL 8, 2004.
- Pi/Zi                              2.    **ZONE CHANGE CASE #75, MAP #123-1** – A change in zone classification from  
All Ayes                              E (1/2) RS (Estate - 1/2 acre - Residential Suburban Combining) to C-2 (General  
Commercial) or a more restrictive district – 812 Wible Road, Bakersfield – **STAFF  
RECOMMENDATION: ADVISE BOARD OF SUPERVISORS TO APPROVE**  
Res. #44-04                              – CEQA Guideline: Section 15303 – (SD #2) – Kamlesh Shihora. 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.
- Sp/Zi                              3.    **ZONE CHANGE CASE #138, MAP #101** – A change in zone classification from  
All Ayes                              A (Exclusive Agriculture) to E (1/2) (Estate - 1/2 acre) or a more restrictive district –  
Res. #45-04                              Southwest corner of Rosedale Highway and Renfro Road, Bakersfield – **STAFF  
RECOMMENDATION: ADVISE BOARD OF SUPERVISORS TO APPROVE  
AS RECOMMENDED BY STAFF** – CEQA Guideline: Negative Declaration

(MMMP) – (SD #4) – *Delfino Bakersfield, LLC by The Lusich Company (PP04212)*. ROBERT LUSICH, REPRESENTING THE APPLICANT, STATED HE HAD RECEIVED THE STAFF REPORT AND HAD AGREED WITH STAFF RECOMMENDATIONS. JIM WALLER SPOKE IN OPPOSITION TO THE PROJECT. HE STATED HE IS IN SUPPORT OF THE DEVELOPMENT OF 1/2-ACRE LOTS, HOWEVER, HE VOICED CONCERNS REGARDING TRAFFIC. HE STATED THE TRAFFIC WILL BE ROUTED TO HIS STREET AND THE PLAN HAS INADEQUATE ACCESS TO THE DEVELOPMENT. HE STATED HE LIVES IN A QUIET NEIGHBORHOOD WITH HORSE TRAFFIC AND CHILDREN AND THAT RUDD ROAD SHOULD BE DEVELOPED WITH ACCESS TO THE NEW DEVELOPMENT. ROBERT TATUM SPOKE IN OPPOSITION TO THE PROJECT AND VOICED CONCERNS REGARDING INCREASED TRAFFIC AS A RESULT OF THE PROPOSED PROJECT. HE STATED PALM AVENUE IS A MAJOR ROAD, AND HENDERSON AVENUE IS A LITTLE TWO-LANE ROAD AND CANNOT HANDLE THE HEAVIER TRAFFIC. MR. TATUM STATED THAT THE TRACT SHOULD HAVE AN ENTRANCE OFF OF RUDD ROAD. ARTHUR UNGER SPOKE IN OPPOSITION AND VOICED CONCERNS REGARDING THE LOSS OF AGRICULTURAL LAND AND WATER. HE FELT SEPTIC TANK ISSUES AND THE POSSIBILITY OF CONTAMINATED WATER WELLS SHOULD HAVE BEEN ADDRESSED MORE FULLY IN THE NEGATIVE DECLARATION. MR. JAMES CLARIFIED THE ACCESS ISSUE REGARDING RUDD ROAD AND STATED IT IS DESIGNATED TO BE THE WEST BELTWAY. MR. LUSICH STATED TRACTS 6122 AND 6126 WERE DESIGNATED FOR 1/4-ACRE LOTS; HOWEVER, THEY CHOSE 1/2-ACRE LOTS BECAUSE THERE IS NO ACCESS TO RUDD ROAD DUE TO THE WEST BELTWAY, AND CALTRANS SAID THEY COULD NOT HAVE ACCESS FROM ROSEDALE HIGHWAY. HE STATED THAT, BY REQUEST, THEY INCLUDED AN EQUESTRIAN EASEMENT BEHIND TRACTS 6122 AND 6126. HE POINTED OUT THAT THE APPLICANT IS SENSITIVE TO NEIGHBORING PROPERTY OWNERS ISSUES AND DESIRES TO ENHANCE THE NEIGHBORHOOD AND HOMES IN THE AREA WITH THE PROJECT. HE ALSO STATED THAT THE TRAFFIC STUDY INDICATED AVERAGE DAILY TRIPS OF 6,000 PER DAY WHICH WOULD ALLOW HIM TO DEVELOP 600 LOTS; HOWEVER, THE APPLICANT IS DEVELOPING THE PROPERTY INTO 200 LOTS WITH A LEVEL OF SERVICE B OR A. HE STATED THE PROPERTY IS NOT IN A FLOOD ZONE AND THEY ARE IN COMPLIANCE WITH THE MITIGATION MEASURE MONITORING PROGRAM. THE APPLICANT HAS ABANDONED ALL WELLS AND THERE IS NO CONTAMINATION OF GROUNDWATER. HE STATED THE APPLICANT PLANS TO CONSTRUCT A WALL BEHIND THE HOMES ALONG ROSEDALE HIGHWAY. THERE WAS A DISCUSSION REGARDING CONNECTION TO SEWER LINES THAT ARE TO BE EXTENDED TO THE TRACT IN THE FUTURE.

COMMISSIONER SPRAGUE MADE A MOTION TO RECOMMEND APPROVAL. COMMISSIONER ZIMMERMAN SECONDED THE MOTION. THE MOTION CARRIED.

Zi/Sp  
All Ayes

- \*4. GENERAL PLAN AMENDMENT #18, MAP #124; ZONE CHANGE CASE #69, MAP #124; AGRICULTURAL PRESERVE #13 - EXCLUSION – (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) ER (Estate Residential - Minimum 1 Net Acre/Unit) to Map Code(s) GC (General Commercial) or a more restrictive map code; (b) A change in zone classification from A (Exclusive Agriculture) to E (1) RS FPS (Estate - 1 acre - Residential Suburban Combining - Floodplain

Res. #39-04  
Res. #40-04  
Res. #41-04

Secondary Combining) and C-2 PD FPS (General Commercial - Precise Development Combining - Floodplain Secondary Combining) or more restrictive districts; (c) Exclusion of approximately 19.07 acres from the boundaries of an Agricultural Preserve – Approximately 1/2 mile south of Mountain View Road, west side of Weedpatch Highway, Lamont area – **STAFF RECOMMENDATION: ADVISE BOARD OF SUPERVISORS TO APPROVE AS RECOMMENDED BY STAFF** – CEQA Guideline: Negative Declaration (MMMP) – (SD #5) – Miguel and Maria Sanchez by Cannon Associates (PP04232). 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 MITIGATION MEASURE MONITORING PROGRAM AND TO APPROVE THE APPLICATION.

**REQUEST FOR MODIFICATION OF CONDITIONAL USE PERMIT:**

Sp/Zi

All Ayes

Res. #46-04

5. CONDITIONAL USE PERMIT #12, MAP #165-25 – A Modification of a Conditional Use Permit for an expansion to an existing private school (Section 19.16.030.K) and to allow the installation of cargo containers (Section 19.16.030.L) for this permit (Resolution 190-89; approved December 14, 1989) which allowed the construction of a church with a school (Section 19.16.030.J) in an E (5) RS (Estate - 5 acres - Residential Suburban Combining) District – 20915 Schout Road, Tehachapi – **STAFF RECOMMENDATION: APPROVE MODIFICATION OF CONDITIONAL USE PERMIT SUBJECT TO ORIGINAL CONDITIONS, WITH AMENDMENT OF CONDITION (10) AND ADDITION OF FOUR CONDITIONS** – CEQA Guideline: Negative Declaration (MMMP) – (SD #2) – Country Oaks Baptist Church by Glenn Hartzell (PP04211). GLENN HARTZELL WAS PRESENT AND STATED THE CHURCH WANTS TO BRING IN FIVE MODULAR UNITS TO USE AS CLASSROOMS FOR EXISTING STUDENTS OF THE SCHOOL AND THAT THEY PLAN TO SET THEM ON CONCRETE FOUNDATIONS WHICH HAVE ALREADY BEEN APPROVED BY THE BUILDING DEPARTMENT. HE STATED THE MODULARS WILL BE PAINTED TO MATCH THE CHURCH AND THAT A SIX-FOOT-HIGH FENCE WILL BE BUILT TO SCREEN THE BUILDINGS AND TO BE USED AS A SOUND BARRIER. MR. HARTZELL STATED THE EXISTING STORAGE CONTAINERS HAVE BEEN RELOCATED AND PAINTED AS REQUESTED BY THE PLANNING DEPARTMENT. HE THEN STATED THAT ONLY THREE MODULARS WILL BE CONNECTED TO THE SEWER SYSTEM AND THAT THE OTHER TWO MODULARS WILL HAVE NO PLUMBING AT ALL. CHANCY WILLIAMS SPOKE IN OPPOSITION TO THE PROJECT AND SUBMITTED WRITTEN COMMENTS WHICH WERE RECEIVED AND FILED. MR. WILLIAMS VOICED CONCERNS OF DECREASED PROPERTY VALUES, TRAFFIC, AND THE SEPTIC SYSTEM. HE STATED THE CHURCH IS THE LARGEST IN TEHACHAPI AND WAS CONCERNED ABOUT THE INCREASED TRAFFIC DUE TO PARENTS DROPPING OFF AND PICKING UP THEIR CHILDREN. HE ALSO VOICED A CONCERN THAT THE NEW MODULARS WILL BE CLEARLY VISIBLE AND IN DIRECT VIEW OF NEARBY RESIDENTS. HE ALSO STATED THE SEPTIC SYSTEM RUNS ALONG THE PROPERTY LINE AND THAT THE SYSTEM CANNOT ACCOMMODATE 150 STUDENTS. HE VOICED CONCERNS REGARDING ODOR AND OVERFLOW DRAINING ONTO HIS PROPERTY. CHUCK STOWELL SPOKE IN OPPOSITION TO THE PROJECT STATING CONCERNS OF LIGHTING DURING OUTDOOR ACTIVITIES, DEBRIS

ON PROPERTY BEING IN PLAIN VIEW, DECREASED PROPERTY VALUES HAVING A NEGATIVE IMPACT TO THE UPSCALE NEIGHBORHOOD, AND AN INADEQUATE SEPTIC SYSTEM. HE STATED THE SEPTIC SYSTEM WAS NEXT TO A DEPRESSION AREA FOR NATURAL RUNOFF AND THAT IF OVERFLOW OCCURRED DUE TO THE HEAVY BURDEN ON THE SYSTEM, THE ODOR AND RUNOFF COULD FLOW INTO THE NEARBY RESIDENTIAL NEIGHBORHOOD. HE ALSO REQUESTED THE SIX-FOOT-HIGH WOODEN BE A 12-FOOT-HIGH SOLID BLOCK WALL TO HIDE THE VIEW OF THE CHURCH PROPERTY. RICH ENGEL, THE SCHOOL ADMINISTRATOR, SPOKE IN FAVOR OF THE PROJECT. HE STATED THE SCHOOL HAS ONLY 62 STUDENTS AND THAT THE CHURCH WILL NOT ADVERTISE FOR MORE. HE STATED THAT ONLY CHURCH MEMBERS CAN ENROLL THEIR CHILDREN, AND AN 18-WEEK PARENTING CLASS IS REQUIRED BEFOREHAND. HE STATED THE CHURCH JUST WANTS NICER CLASSROOMS FOR THEIR STUDENTS WITH A CLASS SIZE OF ONLY 15 STUDENTS PER BUILDING. MR. ENGEL STATED THE PARENTS WILL DROP OFF AND PICK UP THEIR CHILDREN IN THE CHURCH PARKING LOT, NOT IN THE STREET. JOHN ROMER SPOKE IN FAVOR OF THE PROJECT STATING THE SEPTIC SYSTEM HAS A 3,250 GALLON TANK WITH THREE 100-FOOT LEACH LINES THAT ARE BURIED 12 TO 15 FEET DEEP. MR. ROMER STATED THERE IS A STORAGE AREA ADJOINED TO THE CHURCH BUILDING THAT IS TO BE CONVERTED TO A RESTROOM. WES AND BRENDA UNFREE SPOKE IN FAVOR OF THE PROJECT STATING THAT OF THE 62 CURRENT STUDENTS, ONLY 21 SECONDARY STUDENTS WILL ACTUALLY BE USING THE NEW MODULARS AND NEW SEPTIC SYSTEM. MR. HARTZEL STATED THE CHURCH CURRENTLY HAS THREE SEPTIC SYSTEMS AND THAT ONLY A 2,700 TO 2,900 GALLON TANK IS THE REQUIREMENT FOR THE CURRENT CHURCH MEMBERSHIP. HE STATED THE NEW TANK IS 3,200 GALLONS AND CAN HANDLE 100 TO 115 FULL-TIME STUDENTS. MR. HARTZEL ALSO STATED THE ONLY EXISTING LIGHTING ARE BACK DOOR LIGHTS THAT FACE TO THE WEST AND ARE SELDOM USED. PUBLIC TESTIMONY WAS CLOSED.

COMMISSIONER SPRAGUE MADE A MOTION TO APPROVE MODIFICATION OF THE CONDITIONAL USE PERMIT WITH THE AMENDMENT OF CONDITION (10) AND CONDITION (12) TO READ AS FOLLOWS:

- (10) A SIX-FOOT-HIGH SOLID MASONRY WALL SHALL BE CONSTRUCTED AND CONTINUOUSLY MAINTAINED BETWEEN THE DEVELOPED PORTION OF THE PROJECT SITE AND THE EAST PROPERTY LINE.
- (12) PRIOR TO THE ISSUANCE OF BUILDING OR GRADING PERMITS, THE APPLICANT/OWNER SHALL SUBMIT AND OBTAIN APPROVAL OF A COMPREHENSIVE LANDSCAPING PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 19.86 OF THE ZONING ORDINANCE, INCLUDING PROVISIONS FOR MAINTENANCE IRRIGATION, FOR APPROVAL BY THE DIRECTOR OF THE PLANNING DEPARTMENT. TREES AND/OR VEGETATIVE SCREENING SHALL BE SHOWN ADJACENT TO THE INTERIOR SIDE OF THE MASONRY WALL REQUIRED BY CONDITION (10). LANDSCAPING SHALL BE INSTALLED, OR SHALL BE BONDED FOR, PRIOR TO OCCUPANCY OF THE BUILDING SITE.

THE MOTION WAS SECONDED BY COMMISSIONER ZIMMERMAN. THE MOTION CARRIED.

Zi/Sp  
All Ayes

Res. #42-04  
Res. #43-04

- \*6. CONDITIONAL USE PERMIT #83, MAP #103-26; ZONE VARIANCE #44, MAP #103-26 – (a) A Modification of Conditional Use Permit to allow the expansion of an existing mortuary (Section 19.30.030.F) for this permit (Resolution 45-00; approved April 13, 2000) which allowed a mortuary; (b) A Zone Variance to allow a portion of the required off-street parking spaces for a mortuary to be located within the ultimate right-of-way for Niles Street (Section 19.82.090.G) in a C-1 (Neighborhood Commercial) District – 3312 Niles, east Bakersfield – **STAFF RECOMMENDATION: APPROVE MODIFICATION OF CONDITIONAL USE PERMIT SUBJECT TO THE ORIGINAL CONDITIONS, WITH AMENDMENT TO CONDITION 2(c) AND ADDITION OF TWO CONDITIONS; APPROVE ZONE VARIANCE WITH CONDITIONS** – CEQA Guideline: Section 15301 – (SD #3) – *John Basham (PP04241)*. HEARING OPENED; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; RESOLUTION ADOPTED APPROVING MODIFICATION OF CONDITIONAL USE PERMIT SUBJECT TO THE ORIGINAL CONDITIONS, WITH AMENDMENT TO CONDITION (2)(c) AND ADDITION OF TWO CONDITIONS; APPROVE ZONE VARIANCE WITH CONDITIONS.

**MISCELLANEOUS:**

Zi/Sp  
All Ayes

- \*7. A three-year extension of time to record final map for Tract 5900 - North side of Panama Lane, west of Allen Road and Pensinger Road, southwest of Bakersfield – **RECOMMENDATION: APPROVE THREE-YEAR EXTENSION OF TIME TO RECORD FINAL MAP FROM JUNE 14, 2004, TO JUNE 14, 2007, SUBJECT TO CONDITIONS APPROVED BY THE PLANNING COMMISSION ON JUNE 14, 2001** – CEQA Guideline: Section 15268 – (SD #4) - *Jasman Development*. HEARING OPENED; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; APPROVED THREE-YEAR EXTENSION OF TIME TO RECORD FINAL MAP FROM JUNE 14, 2004, TO JUNE 14, 2007, SUBJECT TO CONDITIONS APPROVED BY THE PLANNING COMMISSION ON JUNE 14, 2001.
8. Planning Department will present a workshop for the Commissioners on the Update to the Kern County General Plan.. STAFF PRESENTED A SHORT WORKSHOP FOR THE COMMISSIONERS REGARDING THE UPDATE TO THE KERN COUNTY GENERAL PLAN.

MEETING ADJOURNED AT 9:07 p.m.

Respectfully submitted,

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TED JAMES, Secretary  
KERN COUNTY PLANNING COMMISSION

Attest:

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CHRIS A. BABCOCK, Chairman  
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