

**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, **October 9, 2003** - 7:00 p.m.

COMMISSION CONVENED

5 Present                      ROLL CALL: Commissioners:     Pitts, Babcock, 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

Ba/Zi                              APPROVAL OF MINUTES: September 25, 2003. UNANIMOUSLY APPROVED.

**PUBLIC HEARINGS:**

**CONTINUED CASES:**

Zi/St  
5 Ayes  
Res. #189-03

1.    **CONDITIONAL USE PERMIT #26, MAP #183** – To allow the retention of a private motorcycle motocross track for a temporary three-year period of time (Section 19.12.030.D) in an A (Exclusive Agriculture) District – Southwest corner of Banducci Road and Pellisier Road, southwest of Tehachapi – **STAFF RECOMMENDATION: APPROVE WITH CONDITIONS** – Categorically Exempt, Section 15304(e) – (SD #2) – *Raymond and Marie Memoli* (Continued from 7/10/03; 8/28/03). HEARING OPENED; RAYMOND MEMOLI STATED HE HAD FURNISHED ALL NECESSARY INFORMATION AND THE MOTORCROSS TRACK WAS FOR HIS SON'S USE ONLY AND WAS NOT INTENDED AS A PUBLIC ENTITY. HE FURTHER STATED HE HAS STARTED CONSTRUCTION OF A HOME AND INTENDS TO LIVE ON THE PROPERTY. JOANN HUGGINS, PRESIDENT OF THE CUMMINGS VALLEY PROTECTIVE ASSOCIATION, WAS PRESENT AND STATED THE TRACK WAS AN ILLEGAL MOTORCROSS TRACK. MS. HUGGINS ALSO STATED OF THE 19 SUPPORT LETTERS, 11 WERE OF LITTLE MEANING BECAUSE THEY WERE FORM LETTERS WITH SIGNATURES AND THE PEOPLE WHO SIGNED THEM DID NOT FEEL STRONGLY ENOUGH ABOUT THE PROJECT TO WRITE A LETTER THEMSELVES. MS. HUGGINS STATED SHE FELT IF THIS PROJECT WAS APPROVED ADDITIONAL ILLEGAL TRACKS COULD BE APPROVED IN THE FUTURE. SHE STATED IF THE PROJECT WAS APPROVED, THE APPLICANT SHOULD BE REQUIRED TO PROVIDE SCREENING OF THE TRACK FROM

BANDUCCI ROAD. MR. MEMOLI STATED HE FELT THE CONDITIONS AND MITIGATION MEASURES WERE APPROPRIATE AND THAT SCREENING THE TRACK WAS A REQUIRED CONDITION AND WOULD COMPLY WITH THAT CONDITION. TESTIMONY WAS CLOSED.

TO THE PUBLIC AND OPENED FOR COMMISSIONER COMMENT. COMMISSIONER ZIMMERMAN MADE A MOTION TO APPROVE THE PROJECT. THE MOTION WAS SECONDED BY COMMISSIONER STRONG, AND THE MOTION CARRIED.

Zi/St  
5 Ayes

- \*2. GENERAL PLAN AMENDMENT #4, MAP #124-31; ZONE CHANGE CASE #23, MAP #124-31; PRECISE DEVELOPMENT PLAN #6, MAP #124-31 – (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) LR (Low Density Residential - Less Than or Equal to 7.26 Dwelling Units/Net Acre) to Map Code(s) GC (General Commercial) or a more restrictive map code designation; (b) A change in zone classification from A-1 (Limited Agriculture) to C-2 PD (General Commercial - Precise Development Combining) or a more restrictive district; (c) A Precise Development Plan for a church, in a C-2 PD (General Commercial - Precise Development Combining) District – North side of Taft Highway (State Highway 119), approximately 1/4 mile east of South "H" Street, Bakersfield – **STAFF RECOMMENDATION: ADVISE BOARD OF SUPERVISORS TO APPROVE** – Negative Declaration (MMMP) – (SD #5) – Truth Tabernacle of Bakersfield, Inc. by Patrick and Henderson, Inc. (PP03260) (Continued from 9/11/03). 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.

Res. #179-03  
Res. #180-03  
Res. #181-03

Ba/Sp  
All Ayes

3. CONDITIONAL USE PERMIT #25, MAP #237-34 – To allow a contractor's storage yard (Section 19.32.030.D) in a C-2 PD FPS GH (General Commercial - Precise Development Combining - Floodplain Secondary Combining - Geologic Hazard Combining) District – Southeast corner of Lebec Road and Landfill Road, Lebec – **STAFF RECOMMENDATION: CONTINUE TO NOVEMBER 13, 2003** – General Rule, Section 15061(b)(3) – (SD #4) – Harold and Rosalie Johnson by French and Associates (Continued from 8/14/03; 9/25/03). HEARING OPENED. THIS CASE WAS CONTINUED TO NOVEMBER 13, 2003.

Ba/St  
All Ayes

4. GENERAL PLAN AMENDMENT #1, MAP #191; GENERAL PLAN AMENDMENT #1, MAP #191-18; GENERAL PLAN AMENDMENT #4, MAP #191-30; GENERAL PLAN AMENDMENT #4, MAP #192; GENERAL PLAN AMENDMENT #2, MAP #192-26; ZONE CHANGE CASE #5, MAP #192; CONDITIONAL USE PERMIT #5, MAP #191; CONDITIONAL USE PERMIT #4, MAP #191-18; CONDITIONAL USE PERMIT #4, MAP #191-19; CONDITIONAL USE PERMIT #3, MAP #191-29; CONDITIONAL USE PERMIT #3, MAP #191-30; CONDITIONAL USE PERMIT #14, MAP #192; CONDITIONAL USE PERMIT #1, MAP #192-26 – (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 1.1 (State and Federal Land), 4.1 (Accepted County Plan Areas), and 8.4 (Mineral and Petroleum) to Map Code(s) 8.3 (Extensive Agriculture), 8.4 (Mineral and Petroleum), 8.5 (Resource Management), and 7.3 (Heavy Industrial) or more restrictive map code designations; amend the Circulation Element of the Kern County General Plan

to eliminate future road reservations on section and midsection lines within the property as major highway and secondary highway alignments; and rescind the Jay Hubbard Specific Plan; (b) A change in zone classification from A-1 (Limited Agriculture) to M-3 (Heavy Industrial) or a more restrictive district; (c) Conditional Use Permits to allow the expansion of an existing surface mining operation and development of a reclamation plan in accordance with the Surface Mining and Reclamation Act (SMARA) of 1975 (Sections 19.14.030.G; 19.16.030.H; 19.40.030.G; and 19.18.030.E) in A-1 (Limited Agriculture), E (20) (Estate - 20 acres), M-3 (Heavy Industrial), A-1 MH (Limited Agriculture - Mobilehome Combining), and R-1 (Low-density Residential) Districts – Approximately two miles northwest of Boron, eastern Kern County – **STAFF RECOMMENDATION: ADVISE BOARD OF SUPERVISORS TO APPROVE** – Environmental Impact Report (MMMP) – (SD #2) – *U.S. Borax, Inc. (PP03220)* (Continued from 8/28/03; 9/25/03). GREG WAGNER, ENVIRONMENTAL ENGINEER FOR BORAX, INC., STATED THAT THE BORAX PLANT PRODUCES 50 PERCENT OF THE WORLD'S BORATES. MARY ANN MILLER, REGISTERED PEDIATRICS NURSE, PRESENTED MAPS AND DOCUMENTS WHICH WERE RECEIVED AND FILED. THE MAPS SHOWED THE LOCATION OF THE BORAX PLANT IN RELATION TO NEIGHBORING RESIDENTIAL PROPERTIES. MS. MILLER ASKED WHERE THE TOXINS ARE GOING TO BE DUMPED AND PRESENTED A LIST OF POLLUTION FEES. SHE STATED THE EFFECTS OF PM<sub>10</sub> EMISSIONS CAUSE CANCER IN HUMANS AND ANIMALS AND THAT HER TORTOISE CURRENTLY SUFFERS FROM RESPIRATORY PROBLEMS. MS. MILLER ALSO SPOKE OF WASTEWATER ISSUES DUE TO A JULY 30, 1990, RUPTURE OF AN EIGHT- TO TEN-INCH PIPE WHICH LOST 300 GALLONS PER MINUTE OF WASTEWATER. ROBERT MILLER, OF THE HEALTHY LUNG ASSOCIATION, SUBMITTED PHOTOS WHICH WERE RECEIVED AND FILED. MR. MILLER REFERENCED DUST CONTROL MEASURES FROM THE ENVIRONMENTAL IMPACT REPORT STATING THE BORAX PLANT IS NOT COMPLYING WITH THE MITIGATION MEASURES WITH THE EXISTING CONDITIONAL USE PERMIT. THE PHOTOS PRESENTED SHOWED DUST FROM THE OVERBURDEN AND EXHAUST EMISSIONS FROM HAUL TRUCKS. MR. MILLER STATED HE HAS WATCHED THE SITE FOR TWO HOURS AND SAW NO WATER TRUCKS WATERING AFTER THE HAUL TRUCKS WHICH WAS A CLEAR VIOLATION. HE STATED AIR SAMPLING IS NOT BEING DONE AND WANTED TO KNOW WHAT WAS IN THE OVER-BURDEN PILES. HE STATED THE ABUSES NEED TO STOP. ROBERT TUBB WAS PRESENT AND STATED HE LIVES ON CHERRY HILL DRIVE AND IS 2,600 FEET FROM AN OVERBURDEN SITE. HE STATED THE PARK KNOLLS COMMUNITY HAS 43 HOUSES WITH EVAPORATIVE COOLING SYSTEMS WHICH HAVE TO BE CLEANED THREE TO FOUR TIMES PER SEASON AND A COMMUNITY SWIMMING POOL THAT REQUIRES HIGHER MAINTENANCE DUE DUST AND POLLUTANTS IN THE AIR. MR. TUBB ALSO STATED RESIDENTS WITH ALLERGIES AND RESPIRATORY PROBLEMS HAVE INCREASED MEDICAL EXPENSES AND HAVE TO INSTALL HUMIDIFIERS, AIR PURIFIERS, AND AIR CONDITIONERS. HE STATED AS A RESULT THERE IS AN INCREASE IN ELECTRICITY BILLS, DOCTOR VISITS, AND MEDICINES AND FELT THE BORAX PLANT NEEDED TO GIVE SOMETHING BACK TO THE COMMUNITY. LINDA PETRIE WAS PRESENT AND STATED HER HUSBAND WORKS AT THE BORAX PLANT. SHE STATED SHE HAS FOUR CHILDREN, ONE WITH ALLERGIES AND INCREASING MEDICAL PROBLEMS, INCLUDING NOSE BLEEDING OF AN UNKNOWN CAUSE. SHE STATED THE BORAX PLANT

WAS THEIR LIVELIHOOD AND DID NOT WANT IT TO CLOSE AND THAT THE CONDITIONAL USE PERMIT NEEDED TO BE REVISED. BRAD PETRIE WAS PRESENT AND STATED HE WORKS AT THE BORAX PLANT, HOWEVER, HE IS TORN BETWEEN HIS WORK AND THE HEALTH OF HIS FAMILY SINCE DISPOSAL OF MATERIAL AND OVERBURDEN IS OCCURRING SOUTH OF THE PIT AND SO CLOSE TO THE RESIDENTIAL COMMUNITY. HE STATED THE DISPOSAL IS HARMING LIVES AND THE QUALITY OF LIFE OF THE RESIDENTS OF THE COMMUNITY. MR. PETRIE STATED CONCERNS OF NOISE FROM THE TRUCKS AND FELT THE CONDITIONAL USE PERMIT NEEDED TO BE REVISED TO MOVE THE DISPOSAL SITE TO THE NORTH SIDE OF THE PIT. CAROLINE FARRELL, AN ATTORNEY REPRESENTING THE HEALTHY LUNG ASSOCIATION, WAS PRESENT AND SUBMITTED INFORMATION THAT WAS RECEIVED AND FILED. SHE THEN STATED THE BORAX PLANT IS NOT IN COMPLIANCE AND THE ENVIRONMENTAL IMPACT REPORT DOES NOT COMPLY WITH CEQA. SHE STATED THE COUNTY FAILED TO ADDRESS AIR QUALITY WITH THE PREVIOUS CONDITIONAL USE PERMIT, NEGATIVE DECLARATION, AND MITIGATION MEASURE MONITORING PROGRAM AND THAT THE IMPACTS WERE FLAWED. MARY JANE WILSON OF WZI, INC. WAS PRESENT ON BEHALF OF THE APPLICANT AND STATED CONSERVATIVE CUMMULATIVE ON-SITE MONITORING WAS DONE FOR A CONSIDERABLE NUMBER OF YEARS AND FOUND IMPACTS TO BE LESS THAN SIGNIFICANT. PUBLIC TESTIMONY WAS CLOSED. MR. JAMES ASKED THE BORAX CONSULTANT TO ADDRESS THE OPPOSING ISSUES. MS. WILSON EXPLAINED THE TESTING PROCEDURES AND STATED THE OVERBURDEN PILES ARE TO BE REVEGETATED. KIRK WAGNER FURTHER EXPLAINED PROCEDURES FOR THE TESTING OF TOXINS, WATER, AND AIR POLLUTION AND THAT THE OVERBURDEN PILES WILL BE MOVED FARTHER AWAY FROM RESIDENTS AND REVEGETATED; HOWEVER, HE HAD NO COMMENT ON THE ROSAMOND CANCER CLUSTER. MS. WILSON STATED THE AIR EMISSION FEES ARE STANDARD AND DUST WAS QUANTIFIED BY THE EPA; WATER CONTAMINATION HAS BEEN IN COMPLIANCE AND UNDER THE REGIONAL WATER QUALITY CONTROL BOARD SINCE 1925; POSSIBLE CHRONIC HEALTH EFFECT WERE CONSIDERED TO BE BELOW STANDARDS; PROPERTY VALUES WERE NOT QUANTIFIED; SOUTH SIDE PIT ACTIVITY WILL BE MOVING AWAY FROM THE COMMUNITY; NOISE DOES NOT EXCEED LEVELS UNDER PREVIOUS CONDITIONAL USE PERMIT; AND COMPLIANCE AND CURRENT PERMIT RATIOS ARE NOT EXCEEDED. MR. JAMES SUGGESTED THE CASE BE CONTINUED TO ENABLE BORAX TO REVIEW CAROLINE FERRELL'S LETTER. COMMISSIONER ZIMMERMAN ASKED IF ANY MATERIALS IN THE OVERBURDEN PILES CAN BE REUSED AT THE PLANT. MS. WILSON STATED ORE IS SEPARATED BUT IS NOT REPROCESSED AT THE PLANT. COMMISSIONER ZIMMERMAN THEN ASKED IF BORAX, INC. WOULD BE WILLING TO SET UP A FREE MEDICAL CLINIC IN BORON. MS. WILSON AND MR. WAGNER STATED IT COULD BE CONSIDERED. COMMISSION SPRAGUE ASKED IF CONDITIONS WERE APPLIED TO KEEP DUST EMISSIONS ON SITE. MR. ELLIS STATED THESE CONDITIONS ARE ALREADY A REQUIREMENT AND BORAX IS IN COMPLIANCE AND SUGGESTED A 30-DAY CONTINUANCE.

COMMISSIONER BABCOCK MADE A MOTION TO CONTINUE THE PROJECT TO NOVEMBER 13, 2003. THE MOTION WAS SECONDED BY COMMISSIONER ZIMMERMAN, AND THE MOTION CARRIED.

Zi/St  
5 Ayes

Res. #182-03

- \*5. CONDITIONAL USE PERMIT #4, MAP #1 – To allow a cellular communication facility (Section 19.12.030.F) in an A (Exclusive Agriculture) District – 10300 East Highway 41, Cholame – **STAFF RECOMMENDATION: APPROVE WITH CONDITIONS** – Categorically Exempt, Section 15303 – (SD #4) – Cingular Wireless by WFI (Continued from 9/25/03). HEARING OPENED; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; RESOLUTION ADOPTED APPROVING APPLICATION SUBJECT TO THE RECOMMENDED CONDITIONS.

#### NEW CASES:

Ba/Zi  
5 Ayes

Res. #190-03

6. CONDITIONAL USE PERMIT #38, MAP #237 – To allow a church with an accessory cemetery (Section 19.14.030.I) in an A-1 (Limited Agriculture) District – Lebec Oaks Road and Lance Drive, Lebec – **STAFF RECOMMENDATION: APPROVE WITH CONDITIONS** – Negative Declaration (**MMMP**) – (SD #4) – Isaac Martin (PP04202). HEARING OPENED; ISAAC MARTIN, PASTOR AND CONTRACTOR, STATED HE WISHED TO BUILD A DECENT PLACE TO WORSHIP AND TO LIVE PEACEFULLY. HE STATED A BUS STOP IN THE PARKING LOT OF THE CHURCH WAS NOT A PROBLEM AND HE WAS WILLING TO HELP MAINTAIN THE ROAD. HE WANTS TO HELP PEOPLE AND FEELS THE CHURCH WILL BE AN ASSET TO THE COMMUNITY. CHUCK McDANIEL WAS PRESENT AND STATED LEBEC ROAD WAS NARROW WITH SOME AREAS ONLY 18 FEET WIDE. HE STATED CONCERNS REGARDING TRAFFIC AND ACCIDENTS DUE TO ICY ROADS, AS WELL AS LEBEC ROAD BEING THE ONLY WAY OUT OF O'NEIL CANYON, AND THE NEED FOR THE ROAD TO BE WIDENED. HE ALSO VOICED CONCERNS REGARDING THE WATER SUPPLY AND THE WELLS GOING DRY. LORI POTTER WAS PRESENT AND STATED CONCERNS REGARDING EVACUATIONS IN CASE OF FIRE. SHE STATED LEBEC ROAD IS THE ONLY INGRESS AND EGRESS AND IS IN BAD CONDITION BECAUSE HEAVY EQUIPMENT HAS DETERIORATED THE ROAD. MS. POTTER EXPRESSED THE AVAILABILITY OF WATER SHOULD BE REVIEWED. BRIAN PARK WAS PRESENT AND SUBMITTED PICTURES AND A PETITION WITH 100 SIGNATURES IN OPPOSITION WHICH WAS RECEIVED AND FILED INTO RECORD. MR. PARK STATED POSSIBLE FLOOD HAZARDS DUE TO PREVIOUS FIRES AND THAT DRAINAGE NEEDS TO BE REVERTED BACK TO THE ORIGINAL CREEK. HE ALSO STATED EVACUATION CONCERNS DUE TO FIRE BECAUSE THE ROAD IS HAZARDOUS. HE MENTIONED CONCERNS OF TREE REMOVAL, MUD SLIDES, AND FLASH FLOODING. HE STATED ENGINEERING INSIDE A CANYON WAS DIFFERENT AND THAT THE APPLICANT WAS CONDUCTING A PRIVATE SCHOOL INSIDE A HOME. COMMISSIONER BABCOCK QUESTIONED THE ISSUE OF THE SCHOOL AND MR. ELLIS STATED A SCHOOL WAS NOT ALLOWED WITH THIS CONDITIONAL USE PERMIT AND THE APPLICANT MUST APPLY FOR A MODIFICATION FOR THE SCHOOL. RON FROST WAS PRESENT AND VOICED CONCERNS REGARDING TRAFFIC, EVACUATION, AND ROAD HAZARDS DUE TO LARGE CONSTRUCTION EQUIPMENT AND BECAUSE NO OTHER EXITS EXIST. HE STATED WATER WELLS ARE DRY, AN ENVIRONMENTAL

IMPACT REPORT WAS NOT DONE, AND 95 PERCENT OF THE PROPERTY WAS ALREADY BUILT ON. ART BENZ OF THE LOS PADRES HOMEOWNERS ASSOCIATION WAS PRESENT AND VOICED HIS CONCERN FOR THE PROTECTION OF THE PEOPLE IN THE CANYON. HE REFERENCED A 2002 STAFF REPORT AND STATED THE FIRE DEPARTMENT WOULD NOT ISSUE PERMITS UNTIL THE ROAD WAS WIDENED, AND THERE ARE 50 OR MORE TRIPS A DAY FROM THE APPLICANT'S HOUSE. HE STATED NO VEGETATION OR SOIL EROSION CONTROLS WHICH CAUSE MUD TO FLOW ONTO HIS PROPERTY. TAMARA FROST WAS PRESENT AND STATED TRAFFIC CONCERNS DUE TO FIRE AND NOT BEING ABLE TO GET INTO THE CANYON IN CASE OF EVACUATION DUE TO HEAVIER TRAFFIC RESULTING FROM THE CHURCH MEMBERS. SHE WAS ALSO OPPOSED TO THE SCHOOL BUS STOP ON THE CHURCH PROPERTY DUE TO ADDED TRAFFIC FROM PARKING LOT AND THAT SHE DID NOT WANT HER CHILDREN SEEING A CEMETERY EVERYDAY. FREDERICK HART OF BIBLE FELLOWSHIP WAS PRESENT AND SPOKE IN FAVOR OF THE PROJECT. HE STATED THE ENTIRE CHURCH MEMBERSHIP WAS AT THE APPLICANT'S HOUSE DURING A FIRE EVACUATION AND HAD NO PROBLEMS GETTING OUT. HE DESCRIBED THE CHURCH AND CEMETERY WHICH HE STATED WAS OUTSIDE THE DRAINAGE AREA. ANN WREN WAS PRESENT AND SPOKE IN SUPPORT OF THE PROJECT AND STATED THE PEOPLE WHO ATTEND THE CHURCH ALREADY LIVE IN THE CANYON AND WILL BE ON THE ROAD ANYWAY IN CASE OF FIRE. MS. WREN STATED SHE HAD NO OBJECTIONS TO THE CHURCH BEING BUILT ACROSS THE STREET FROM HER. EDWARD AND PAT WILKERSON WERE PRESENT AND STATED THEY HAD NO PROBLEMS WITH THE CHURCH, SCHOOL, OR CEMETERY. MR. WILKERSON STATED IT WILL BE AN IMPROVEMENT TO THE ROAD AND THAT A FIRE HAD PREVIOUSLY JUMPED THE ROAD BECAUSE IT WAS NOT MANICURED. HE ALSO STATED HE HAD TWO WELLS AND DID NOT HAVE A SHORTAGE OF WATER IN EITHER WELL. MRS. WILKERSON SUGGESTED THAT EACH PROPERTY OWNER BE ASSESSED WITH A TAX FOR ROAD MAINTENANCE. BOB MILLS WAS PRESENT AND STATED HE DID NOT SEE A TRAFFIC PROBLEM AND THERE WERE FEWER TRUCKS ON THE ROAD NOW. HE DID STATE, HOWEVER, THAT LEBEC ROAD DOES NEED ANOTHER EXIT AND THAT FIRE IN THE AREA WAS A CONCERN. HE THEN STATED THAT THE SOIL EROSION WAS NOT THE APPLICANT'S FAULT. HE FELT THE CHURCH WOULD BE AN ASSET TO THE COMMUNITY AND THE SCHOOL BUS COULD USE THE PARKING LOT AS A SAFER PLACE TO TURN AROUND, AND RELOCATING THE BUS STOP TO THE CHURCH WAS BETTER PLACE THAN WHERE IT CURRENTLY EXISTS. JIM WAINWRIGHT WAS PRESENT AND SPOKE IN SUPPORT OF THE PROJECT STATING THE CHURCH WOULD BE AN ASSET TO THE COMMUNITY. HE ALSO STATED THE CANYON ROAD WAS NARROW, THE SURROUNDING AREA HAD BEEN MOSTLY BUILT OUT, AND THE WATER DRAINAGE PATTERN IS WELL DEFINED IN THE AREA. KAREN JARVIS WAS PRESENT AND SPOKE OF HER SUPPORT FOR THE PROJECT STATING THERE IS AN INCREASE IN THE VALUE OF THE COMMUNITY AND THAT PROPERTY VALUES ARE UP. SHE ALSO STATED THERE WAS NO SHORTAGE OF WATER AND THAT THE APPLICANT IS GRACIOUS AND A GOOD RESIDENT. MS. JARVIS ALSO STATED THE CHURCH AND PARKING LOT WITH LANDSCAPING WILL BENEFIT THE COMMUNITY. MR. MARTIN STATED HE MISUNDERSTOOD ABOUT THE SCHOOL AND WILL GO

THROUGH THE PROCESS NEEDED TO INCLUDE THE SCHOOL. MR. MARTIN ALSO STATED HE HAS ALREADY HAD AN EROSION CONTROL INSPECTION. PUBLIC TESTIMONY WAS CLOSED. COMMISSIONER SPRAGUE INQUIRED ABOUT A TRAFFIC STUDY FOR LEBEC OAK ROAD. MR. ELLIS AND MR. MARTIN STATED A STUDY HAD PREVIOUSLY BEEN COMPLETED AND THE FINDINGS WERE LESS THAN SIGNIFICANT. MR. TURKAL CONFIRMED MR. ELLIS' AND MR. MARTIN'S STATEMENT. COMMISSIONER PITTS INQUIRED ABOUT A WATER STUDY AND MR. ELLIS STATED THE WATER STUDY PERFORMED SHOWED NO ADVERSE IMPACTS. MR. JAMES STATED THAT MITIGATION MEASURE (4) NEEDED TO BE INCORPORATED AS A CONDITION OF APPROVAL.

COMMISSIONER BABCOCK MADE A MOTION TO APPROVE THE PROJECT WITH THE ADDITION OF MITIGATION MEASURE (4) AS A CONDITION OF APPROVAL. THE MOTION WAS SECONDED BY COMMISSIONER ZIMMERMAN, AND THE MOTION CARRIED.

Zi/St  
5 Ayes

Res. #183-03

- \*7. ZONE CHANGE CASE #7, MAP #156-24 – A change in zone classification from MP (Mobilehome Park) to E (2 1/2) (Estate - 2 1/2 acres) or a more restrictive district – West side of State Highway 33, approximately 200 feet south of Main Street, Taft – **STAFF RECOMMENDATION: ADVISE BOARD OF SUPERVISORS TO APPROVE** – General Rule, Section 15061(b)(3) – (SD #4) – Westside Believers Fellowship, Inc. by Alta Engineering/Hughes Surveying. 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.

Zi/St  
5 Ayes

Res. #184-03

Res. #185-03

- \*8. ZONE CHANGE CASE #23, MAP #52; PRECISE DEVELOPMENT PLAN #19, MAP #5 – (a) A change in zone classification from A-1 PD (Limited Agriculture - Precise Development Combining) to C-2 PD (General Commercial - Precise Development Combining) or a more restrictive district; (b) A Precise Development Plan for a drive-thru truck wash facility in a C-2 PD (General Commercial - Precise Development Combining) District – West side of Aloma Street, approximately 600 feet south of State Route 46, Lost Hills – **STAFF RECOMMENDATION: ADVISE BOARD OF SUPERVISORS TO APPROVE** – Categorically Exempt, Section 15303 – (SD #4) – James Darr and Michael Pitcairn by Cornerstone Engineering, Inc.. 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/Zi  
All Ayes

9. ZONE CHANGE CASE #11, MAP #140; PRECISE DEVELOPMENT PLAN #2, MAP #140; AGRICULTURAL PRESERVE #10 - EXCLUSION – (a) A change in zone classification from A (Exclusive Agriculture) to NR (20) PD (Natural Resource - 20 acres - Precise Development Combining) or a more restrictive district; (b) A Precise Development Plan for the conversion of two existing agricultural buildings into contractor office/warehouse buildings with associated storage yards in an NR (20) PD (Natural Resource - 20 acres - Precise Development Combining) District; (c) Exclusion of approximately 80.33 acres from the boundaries of an Agricultural Preserve – Southwest corner of Enos Lane and Olen Avenue, approximately two miles southwest

of the intersection of Taft Highway (State Route 119) and Interstate 5, south of Bakersfield – **STAFF RECOMMENDATION: ADVISE BOARD OF SUPERVISORS TO APPROVE** – Negative Declaration (MMMP) – (SD #4) – *Larry Jenkins by Delmarter and Deifel (PP03218)*. HEARING OPENED; WAYNE DEIFEL WAS PRESENT REPRESENTING THE APPLICANT AND STATED NO CONCERNS REGARDING STAFF RECOMMENDATION. ARTHUR UNGER OF THE SIERRA CLUB WAS PRESENT AND VOICED OPPOSITION TO THE PROJECT DUE TO AIR POLLUTION AND THAT ELECTRICITY CONSUMES WATER AND POLLUTES THE AIR, AS WELL AS BIOLOGICAL AND VEGETATION CONCERNS DUE TO THE BIOLOGICAL STUDY HAVING BEEN DONE IN SEPTEMBER WHEN SOME INHABITANTS ARE UNDERGROUND AND THE VEGETATION HAS DIED DUE TO LACK OF RAIN. MR. UNGER STATED THE PROPERTY NEEDS TO RESTORE ITSELF BEFORE THE SURVEY IS DONE DUE TO THE APPLICANT DISCING THE PROPERTY BEFORE THE SURVEY AND THE TIME OF YEAR THE SURVEY WAS DONE. CRAIG SMITH OF THE ENVIRONMENTAL CRIME DIVISION OF THE DEPUTY DISTRICT ATTORNEY'S OFFICE, WAS PRESENT AND PRESENTED PHOTOS SHOWING THE SITE BEFORE DISTURBED BY LASER LEVELING IN SEPTEMBER OF 2002. MR. SMITH STATED THE PROJECT NEEDED TO BE BROUGHT INTO LEGAL USE WITHIN 60 DAYS FROM APPROVAL AND THAT THE APPLICANT HAS HAD PLENTY OF TIME TO CONFORM TO THE CONDITIONS, BUT HAS NOT. HE ALSO STATED ENDANGERED SPECIES ARE IN THE AREA AND THE APPLICANT HAS DONE INTENSE DISCING FOR NO OBVIOUS PURPOSE. COUNTY COUNSEL SUGGESTED THE CASE BE CONTINUED TO REVIEW POSSIBLE VIOLATIONS. PHIL KRISE, A NEIGHBORING PROPERTY OWNER, WAS PRESENT AND STATED LAWS HAVE BEEN VIOLATED REGARDING DISCING OF THE PROPERTY BY RON BURGESS, THE FORMER OWNER WHO HAS BEEN IN VIOLATION FOR YEARS, AND CLAIMED HAZARDOUS MATERIALS WERE MIXED WITH ASPHALT ON THE PROPERTY AND THAT TEXACO HAD TO DO AN ENVIRONMENTAL IMPACT REPORT THAT TOOK TWO YEARS TO COMPLETE. HE FELT THE APPLICANT SHOULD BE HELD TO THE SAME STANDARD. YVONNE SNEIDER WAS PRESENT AND STATED CONCERNS FOR ENDANGERED SPECIES DUE TO THE PROPERTY BEING DISCED SIX WEEKS BEFORE THE BIOLOGICAL STUDY WAS PERFORMED. MS. SNEIDER ASKED IF THE PROPERTY WAS SOLD WOULD THE CONDITIONS REMAIN WITH THE LAND. MR. DEIFEL STATED HE KNEW RON BURGESS, HOWEVER, HE DID NOT KNOW IF HE WAS INVOLVED IN A LAWSUIT. HE STATED B&L TONGS WOULD OCCUPY THE PROPERTY AND WOULD STORE LIGHT COMMERCIAL COACHES FOR OILFIELD USE. PUBLIC TESTIMONY WAS CLOSED.

COMMISSIONER BABCOCK MADE A MOTION TO CONTINUE THE PROJECT TO NOVEMBER 13, 2003. THE MOTION WAS SECONDED BY COMMISSIONER ZIMMERMAN, AND THE MOTION CARRIED.

Zi/St  
5 Ayes

- \*10. TENTATIVE TRACT #6093; ZONE VARIANCE #11, MAP #144-6 – (a) Tentative Tract 6093 proposing to divide a 7.04-acre portion of a 13.75-acre parcel into 36 residential lots ranging from 5,000 square feet to 15,668 square feet and a 6.71-acre designated remainder; three limited design variations; a development variation to allow 50-foot-wide interior lots and 85-foot-deep lots, where 55 feet wide and 100 feet deep, respectively, are required; (b) A Zone Variance to allow a minimum lot size of 5,000

Res. #186-03  
Res. #187-03

square feet, where 6,000 square feet is required (Section 19.18.050), in an R-1 FPS (Low-density Residential - Floodplain Secondary Combining) District – East side of Habecker Road, south of Hall Road, Lamont – **STAFF RECOMMENDATION: APPROVE WITH CONDITIONS** – Negative Declaration (MMMP) – (SD #5) – *Self Help Enterprises by Dee Jaspar and Associates, Inc.* HEARING OPENED; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM AND RESOLUTION ADOPTED APPROVING APPLICATION SUBJECT TO THE RECOMMENDED CONDITIONS.

Ba/Zi  
5 Ayes

Res. #191-03  
Res. #192-03

11. VESTING TENTATIVE TRACT #6069; ZONE MODIFICATION #4, MAP #124-12 – (a) Vesting Tentative Tract 6069 proposing to divide a 9.4-acre site into 15 residential lots ranging from 19,900 square feet to 28,600 square feet for single-family residential development; two limited design variations; (b) A Zone Modification to allow an 18,513-square-foot minimum lot size, where 21,780 square feet are required (Section 19.16.050 and Section 19.54.050.A.3), in an E (1/2) RS (Estate - 1/2 acre - Residential Suburban Combining) District – East side of Cindy Drive, approximately 200 feet south of Bonanza Drive, southeast Bakersfield area – **STAFF RECOMMENDATION: APPROVE WITH CONDITIONS** – Negative Declaration – (SD #5) – *Carriage Homes by Moreland Consulting, Inc.* HEARING OPENED; CARL MORELAND OF MORELAND CONSULTING, INC., WAS PRESENT REPRESENTING THE APPLICANT. HE STATED HE HAD NO CONCERNS WITH STAFF RECOMMENDATION. LINDA PALMIER WAS PRESENT AND STATED THERE WAS A STEADY INCREASE IN WATER CONTAMINATION AND GAVE STATISTICS ON THE DEL ORO WATER WELL. MS. PALMIER SUBMITTED A PETITION AND DOCUMENTS WHICH WERE RECORDED AND FILED. BEVERLY COPELAND WAS PRESENT AND STATED CONCERNS OF INADEQUATE WATER LEVELS FOR RESIDENTS, FIRE SUPPRESSION DUE TO LOW WATER PRESSURE, AND CORROSION OF PIPELINES. LINDA AMOUR WAS PRESENT AND SUBMITTED WATER BILLS WHICH WERE RECORDED AND FILED. MS. AMOUR STATED CONCERNS ABOUT RATE INCREASES FOR WATER, TYPE OF DEVELOPMENT IN THE TRACT, REDUCED PROPERTY VALUES, INCREASE IN TRAFFIC, AND NO STREET LIGHTING WHICH WAS UNSAFE FOR CHILDREN AND FAMILIES IN THE NEIGHBORHOOD. ANGEL NEWMAN WAS PRESENT AND STATED CONCERNS OF GROUNDWATER CONTAMINATION DUE TO SEPTIC SYSTEMS. SHE STATED SEWERS WERE NEEDED BEFORE DEVELOPMENT SHOULD BE ALLOWED. MR. RICKELS MADE A REFERENCE TO THE MAYFAIR SPECIFIC PLAN AND EXPLAINED A COMMUNITY SERVICE DISTRICT AND/OR COUNTY SERVICE AREA. DEAN BURNS WAS PRESENT AND VOICED CONCERNS REGARDING HIGH ALKALI LEVELS IN WATER, INGRESS AND EGRESS PROBLEMS, HAVING ACCESS TO WEEDPATCH HIGHWAY, NO STREET LIGHTING, AND WOULD LIKE THE TRACT TO DRILL THEIR OWN WELL TO EASE THE WATER DEMANDS ON THE EXISTING WELL. KEN TOWERY WAS PRESENT STATING THERE WAS A 1991 DEVELOPMENT AGREEMENT TO ENLARGE THE EASEMENT AND TIE INTO WEEDPATCH HIGHWAY. HE STATED THE BOARD OF SUPERVISORS AGREED THAT THE TRACT WAS PHASE III AND SHOULD BE DEVELOPED AS THE REST OF THE TRACT. JERRY PRESSON WAS PRESENT AND STATED CONCERNS REGARDING WATER PRESSURE, FLOODING, AND MOBILE HOMES WERE TO BE BUILT, WOULD THEY BE USING PROPANE TANKS. DALE FLESNER WAS PRESENT AND STATED CONCERNS

REGARDING CINDY DRIVE FLOODING EVERY YEAR, INADEQUATE WATER SUPPLY FOR FIRE SUPPRESSION, INCREASED TRAFFIC WHEN PARCELS ARE DEVELOPED, AND PROBLEMS WITH LARGE TRUCKS THAT SUPPLY PROPANE TO MOBILEHOMES. HE ALSO STATED THAT THE BOARD OF SUPERVISORS SAID BUILDING COULD NOT COMMENCE UNTIL ACCESS TO WEEDPATCH HIGHWAY WAS SUPPLIED. CAROL PENFIELD WAS PRESENT AND STATED CONCERNS REGARDING INADEQUATE WATER LEVELS AND HOW THEY HAVE BEEN WITHOUT WATER NUMEROUS TIMES. MS. PENFIELD ALSO STATED THE WATER SYSTEM ITSELF IS INADEQUATE AND CAUSES PLUMBING TO DETERIORATE BECAUSE OF CONTAMINATIONS IN THE WATER. SHE ALSO REFERENCED THE 1992 MAYFAIR SPECIFIC PLAN WHICH SAYS THE NEXT PHASE SHOULD MATCH THE EXISTING COMMUNITY. MR. MORELAND GAVE A HISTORY OF THE WATER COMPANY AND STATED THEY PLAN TO UPGRADE AND IMPROVE THE EXISTING SYSTEM. HE STATED HE FELT THE SYSTEM HAS ADEQUATE CIRCULATION AND IF THE NEIGHBORHOOD ESTABLISHES A COUNTY SERVICE AREA, HE IS WILLING TO PAY HIS FAIR SHARE TO EXTEND THE SEWER LINE, WHICH IS 1/2 MILE AWAY, IN ORDER FOR CURRENT RESIDENTS TO CONNECT. PUBLIC TESTIMONY WAS CLOSED. COMMISSIONER SPRAGUE INQUIRED ABOUT ACCESS TO THE REAR OF LOTS AND DISCUSSED ACCESS FOR UTILITY SERVICING. COUNTY COUNSEL STATED THAT THE PLANNING COMMISSION CANNOT REQUIRE SEPTIC ACCESS ON THE EQUESTRIAN EASEMENT. DON TURKAL STATED THAT QUESTIONS REGARDING FLOODING ON CINDY DRIVE SHOULD BE DIRECTED TO KERN COUNTY ENGINEERING AND SURVEY SERVICES DEPARTMENT/FLOODPLAIN MANAGEMENT SECTION.

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

Ba/Sp  
All Ayes

12. GENERAL PLAN AMENDMENT #112, MAP #500 – Adoption of the Kern County General Plan Update. The General Plan Update will combine the Land Use, Open Space, Conservation, Circulation, Noise, Safety, and Energy Elements into one consolidated document. The Housing Element (adopted 2002) will remain as a freestanding document. Update of the General Plan will include changes to various policies and implementation, the addition of new land use Map Codes 2.10 (Nearby Waste Facilities), 2.11 (Burn Dumps), 3.4.1 (Solid Waste Disposal Facility Buffer), 3.7 (Other Waste Facilities - Nonhazardous/Nondisposal), and 3.7.1 (Other Waste Facility Buffer) and the inclusion of a Military Readiness Element. Full formulation of goals, policies, and implementation for the Military Readiness Element will be developed after guidelines are developed by the California Office of Planning and Research. Existing land use and circulation maps will be readopted as part of the General Plan Update with no intensification of land use or circulation. – Unincorporated area of Kern County outside Metropolitan Bakersfield General Plan area – **STAFF RECOMMENDATION: REFER BACK TO STAFF** – Environmental Impact Report – (All Districts) – *Kern County Planning Department (PP98036)*. HEARING OPENED; THIS CASE WAS REFERRED BACK TO STAFF.

Ba/Sp  
All Ayes

13. GENERAL PLAN AMENDMENT #124, MAP #500; ZONE CHANGE CASE #6, MAP #124-4; ZONE CHANGE CASE #11, MAP #124-5; ZONE CHANGE CASE #19,

MAP #124-6; ZONE CHANGE CASE #15, MAP #124-7; ZONE CHANGE CASE #7, MAP #124-16; ZONE CHANGE CASE #14, MAP #124-17; ZONE CHANGE CASE #13, MAP #124-18 – (a) Rescind the Casa Loma Specific Plan (adopted by Ordinance G-4268; August 25, 1986) and replace existing land use map codes with equivalent land use map codes of the Metropolitan Bakersfield General Plan; replace existing Specific Plan circulation designations with equivalent designations of the Metropolitan Bakersfield General Plan; amend the Land Use, Open Space and Conservation Element to delete the Casa Loma Maximum Allowed Land Use Density Table; (b) Amend the existing zoning classifications of the Casa Loma Specific Plan to equivalent zoning classifications of the Kern County Zoning Ordinance – South of Brundage Lane to Pacheco Road, east of Chester Avenue to Mount Vernon Avenue, Bakersfield – **STAFF RECOMMENDATION: CONTINUE TO NOVEMBER 13, 2003** – Special Situation – (SD #5) – *Kern County Planning Department (PP03002)*. HEARING OPENED; THIS CASE WAS CONTINUED TO NOVEMBER 13, 2003.

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

Sp/Zi  
All Ayes

14. CONDITIONAL USE PERMIT #12, MAP #165-25 – A Modification of a Conditional Use Permit to allow the installation of five commercial coaches to be used as classrooms in conjunction with an existing private school (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 WITH CONDITIONS** – Negative Declaration (**MMMP**) – (SD #2) – *Country Oaks Baptist Church by Glenn Hartzell (PP04211)*. HEARING OPENED; GLENN HARTZELL WAS IN ATTENDANCE REPRESENTING THE APPLICANT AND STATED THE SCHOOL PURCHASED THE COACHES TO USE AS CLASSROOMS. HE STATED THE 30-FOOT BY 32-FOOT COACHES WERE ORIGINALLY BUILT AS CLASSROOMS FOR A SCHOOL AND THEY LOOK LIKE A CONTINUOUS WING AND NOT INDIVIDUAL TRAILERS. HE STATED THE APPLICANT PLANS TO LANDSCAPE AS WELL. WILLIAM NELSON WAS PRESENT AND SPOKE NOT IN OPPOSITION TO THE PROJECT, BUT IN OPPOSITION TO HOW THE COUNTY REVIEWED THE PROJECT. MR. NELSON STATED THE REVIEW WAS INCOMPLETE, STAFF DID NOT VISIT THE SITE, THE ROADS DEPARTMENT NEEDED TO ADDRESS CIRCULATION, AND STATED HE WAS TOLD THE COACHES WERE NEW. MR. NELSON REQUESTED A THREE-YEAR LIMITED EXTENSION OF THE CASE AFTER THE FIVE-YEAR TIME PERIOD. HE FELT THERE WAS A FAILURE TO MEET ALL CONDITIONS OF THE ORIGINAL CONDITIONAL USE PERMIT AND LACK OF CULTURAL RESOURCES, TRAFFIC, CIRCULATION, PLANNING, AND PEDESTRIAN ISSUES. MR. HARTZELL STATED THE COACHES WERE APPROVED BY THE STATE IN 1992. RON BRUNNER, A CIVIL ENGINEER AND CHAIRMAN OF THE SCHOOL BOARD, WAS PRESENT AND STATED HE INVESTIGATED THE MODULAR EXTENSIVELY AND THE STATE FOUND THE BUILDINGS TO BE ADEQUATE. PUBLIC TESTIMONY WAS CLOSED. MR. ELLIS INQUIRED AS TO THE TYPE OF CONSTRUCTION OF THE UNITS AND STATED THERE MAY HAVE TO BE CHANGES MADE TO THE RECOMMENDATION.

COMMISSIONER SPRAGUE MADE A MOTION TO CONTINUE THE CASE TO NOVEMBER 13, 2003. THE MOTION WAS SECONDED BY COMMISSIONER ZIMMERMAN, AND THE MOTION CARRIED.

**REQUEST FOR DELETION OF CONDITION:**

Zi/St  
5 Ayes

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- \*15. CONDITIONAL USE PERMIT #10, MAP #46 – Deletion of Condition (2)(a), which required the applicant to conduct a preconstruction biological survey and submit written verification from the State of California Department of Fish and Game and the U.S. Fish and Wildlife Service that the preconstruction survey has been review by those agencies, for this Conditional Use Permit (Resolution 66-97; approved August 14, 1997), which allowed the construction of a public golf course (Section 19.14.030.C) in an A-1 MH (Limited Agriculture - Mobilehome Combining) District – Approximately 1/2 mile north of Inyokern Road and 1/2 mile west of Inyokern Airport, Inyokern – **STAFF RECOMMENDATION: APPROVE DELETION OF CONDITION (2)(a) AND THE ADDITION OF TWO ADDITIONAL CONDITIONS AS RECOMMENDED BY STAFF** – Negative Declaration (MMMP) – (SD #1) – *Robert Daniels (PP03266)*. HEARING OPENED; THERE BEING NO ONE WISHING TO BE HEARD IN OPPOSITION, HEARING CLOSED; ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM AND RESOLUTION ADOPTED APPROVING DELETION OF CONDITION (2)(a) AND THE ADDITION OF TWO ADDITIONAL CONDITIONS AS RECOMMENDED BY STAFF.

MEETING ADJOURNED AT 12:25 a.m.

Respectfully submitted,

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TED JAMES, Secretary  
KERN COUNTY PLANNING COMMISSION

Attest:

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KAY L. PITTS, Chair

paw:pd