



# CITY OF RIDGECREST

100 West California Avenue  
Ridgecrest, CA 93555

## MINUTES

### MEETING OF THE CITY OF RIDGECREST PLANNING COMMISSION

City Council Chambers

Tuesday, April 14, 2009 at 7:00 p.m.

**Commissioners:** Chairman Nellavan Jeglum, Vice Chairman Lois Beres, Commissioners Eric Kauffman, Jason Patin, and Craig Porter

**1. CALL TO ORDER**

The meeting was called to order at 7:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Present: Chairman Jeglum, Vice-Chairman Beres, Commissioners Kauffman, Porter & Patin  
Staff Present: Public Services Director Jim McRea, City Planner Matthew Alexander, Administrative Secretary Danielle Valentine, Acting City Engineer Jerry Helt

**4. APPROVAL OF AGENDA**

Vice-Chairman Beres raised a motion and Commissioner Kauffman seconded a motion to approve the Agenda as written. The Agenda was unanimously approved as written.

**5. APPROVAL OF MINUTES**

Commissioner Patin raised a motion and Vice-Chairman Beres seconded a motion to approve the Minutes of March 24<sup>th</sup>, 2009 as written. The Minutes of March 24<sup>th</sup>, 2009 was unanimously approved as written.

**6. PUBLIC COMMENTS OF ITEMS NOT ON THE AGENDA**

None.

**7. PUBLIC HEARINGS**

**7.a Pre-Abatement Hearing – Nuisance Abatement**

*Property located at 1000 W. Langley Ave; APN: 0812522300*

A hearing to determine whether property constitutes a public nuisance, fire hazard; and or an attractive nuisance, which endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof.

Code Enforcement Officer, Bob Smith, addressed the Commission providing a briefing on the property located at 1000 W. Langley Avenue saying that the case was opened December 19, 2008 though earlier cases existed in March of 2005 after the property had been burned down. He noted the house had been boarded up and the areas visible from public right of way cleaned up. Further, he said in May of 2008 another case had been opened to ask the property owner to re-board the house and clean up debris from the front yard. Mr. Smith said this latest case had been opened due to a report received regarding the house being open to vagrants and children, the back yard falling apart and falling into the easement – this allowed Code Enforcement to see the contents of the back yard. He said initial photos had been taken and provided graphics of such. He also provided photos of overgrown dead vegetation in the front yard. Slides of initial photos also included graphics showing the burnt inside of the home and burnt debris along the side of the house. Mr. Smith provided background information on the abatement basis used for this case including lack of sound and effective exterior walls or roof covering to provide weather protection, lack of structural integrity and sub-standard building conditions. As well as referring to Ridgecrest Municipal Code violations Mr. Smith also referred to California Health and Safety Code violations established as basis for abatement.

Mr. Smith advised that the house had been posted and provided updated photos taken on April 1, 2009 showing that dead vegetation was still in place as was debris from the fire and showing that the building was starting to deteriorate to the point where it appeared to be almost toppling over. Mr. Smith advised

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that an inspection on the day of the hearing revealed no action or an appearance of an attempt to abate the nuisances had taken place. He then asked the Planning Commission to open a Public Hearing and determine an order of abatement.

Chairman Jeglum asked for Commissioner comments. Commissioner Kauffman asked for clarification of the date of the original fire – it was confirmed that the fire was in October 2004. Commissioner Kauffman then asked why the process had taken so long. Mr. Smith explained that previous cases had effected clean up of the property and said that the City was not in the business of making property owners demolish their homes. Commissioner Kauffman then asked if the property was unsound now, why was it not declared unsound upon the original complaint in 2004. Mr. Smith explained that he did not have access/sight line to the property and explained the process for gaining access to the property including that a warrant might be needed in order to gain access with cause needing to be established.

Commissioner Kauffman said he didn't think it was appropriate that properties in which safety is of concern, be able to continue as such for long periods of time – he emphasized that he was not saying this was necessarily the fault of the Code Enforcement Officer. There was discussion amongst the Commissioners in regards to the abatement process and how this process is carried out. Commissioner Porter said he had spoken with several of the neighbors and had driven by the property and felt the property needed to be abated as it was blight to the community. Vice-Chairman Beres asked what instructions Mr. Smith was asking the Commission to make. Mr. Smith explained the abatement process including that part which the Commissioners were being asked to undertake.

Commissioner Kauffman asked Public Services Director Jim McRea if there were any regulations in place in an instance where a property might burn and timelines for that property to be cleaned up. Mr. McRea explained that there was no definitive window for Code Enforcement and that this was available to the Fire Department – he went on to mention insurance and other issues that might or might not lengthen the process.

Chairman Jeglum opened the Public Hearing at 7:22 p.m. Mr. Smith read an email he had received from Dick & Bev Reymore (neighbors), which he had been asked to communicate to the Planning Commission. A copy of this email was given to Commissioners.

Mark Brother – 1004 W Langley – west side of the property – said he had dealt with numerous nuisances during the past four years, and mentioned that police logs would substantiate this comment. He said that children were entering the home and knocking down the walls. He cited feral cats, rodents, and cockroaches. He asked that Mr. Matthews not be given another 30 days as he had already had four years to clean up the property.

Claire Godell – previous owner of 942 W. Langley – east side of the property said she had been in contact with Mr. Smith and the Fire Department several times. She said she had moved as she had witnessed vagrants in the home, and given she lived alone, had moved away out of fear.

Chairman Jeglum closed the Public Hearing at 7:29 p.m.

Commissioner Patin asked if Mr. Smith had to wait the 30 days. Mr. Smith responded that he was required to give the property owner one last chance ordered by the Commission. He said the length of time was up to the Commission and should be reasonable as it could be cited in the instance of an appeal – therefore his recommendation for 30 days. Mr. Smith said he had asked for 15, 30 and 45 days in the past depending on the responsiveness or absence thereof from the owner.

Commissioner Kauffman said that he thought 15 days would be appropriate and asked that staff research other cities for regulations in regards to timelines for abating properties burned down.

Commissioner Porter asked for clarification on the 7 items listed on the resolution. Mr. Smith explained that he was seeking items 1 through 6 or alternatively item 7, he further explained that the City Manager would declare abatement according to process.

Chairman Jeglum read into the record, a petition received from residents in close proximity seeking abatement of the property at 100W. Langley Avenue.

Commissioner Patin asked if there was any chance for the property to be reconstructed. Mr. Smith said he was not a builder or building inspector and he would not hazard a guess.

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Commissioner Kauffman made a motion recommending that the property be abated and recommending Option 7 from the resolution and that a requirement for 15 day abatement be stipulated, this was seconded by Commissioner Patin.

AYES: Chairman Jeglum, Vice-Chairman Beres, Commissioners Kauffman Porter and Patin  
NAYES: None  
Absent: None

Mr. Smith was then asked to provide an update on previous cases brought before the Commission. He stated that his understanding was that Commissioners would stipulate which properties and what actions were being enquired about. He said that the property at St. George had been re-posted according to the request of the City Manager saying he was seeking bids on the demolition.

Commissioner Patin asked what was happening with Dr Jansen's office. Mr. Smith said the case had been closed as trailers had been removed and building plans submitted.

#### **CONTINUED PUBLIC HEARING ITEM**

**7.b PZC-09-01 and TTM 6731 (120) lot proposed pre-zone E-2 project subject to proposed annexation of 40 acres located north of the NE corner of S. Norma St. and Kendall Ave. APN 510-010-06, 07 (Taft Corp.)**

(This item was continued from the March 10, 2009 Planning Commission meeting)

City Planner Matthew Alexander briefed the Commission, advising that the site was in the County surrounded by properties zoned typically 5 acres to 20 acres. He listed the objections of the Planning Commission at a previous hearing including traffic exacerbation and no onsite drainage detention. He listed the staff's major concerns of the tentative tract map as being drainage and access. He advised the recommendation of the Police Department that the property have two accesses and said that TAFT Corporation had objected to the two accesses and had met with the City previous to this evening. Mr. Alexander said that since the last Commission meeting the City had received notification from the Kern County Fire Department that this property would require two accesses. He went on to list possible options for access. Further, he said that Kern County Pollution Control District required two accesses for dust mitigation. Therefore, he said that staff felt it had been clearly established that two accesses should be required. He advised that Mr. Jerry Helt (Acting City Engineer) was present to provide further information to the Commission which he believed would establish that the Planning Commission could not make a decision this evening on where those accesses should be.

Mr. Alexander asked the Commission to consider the size and scope of the slope of the proposed sump citing, he further noted that the Parks and Recreation Director in Lancaster requires that a sump slope for a park sump be at least a 5 to 1 slope. He referred Commissioners to sumps within the City listing their measurements (in general terms) and explaining that the proposed sump at 3 to 1 would be quite steep.

Jerry Helt, Acting City Engineer spoke to access saying that the secondary access he had provided at a previous Commission meeting, came from the County's recommendation and said that other options had come about since that time and as far as which access to include would be determined with ability for right of way and other topographical issues for development. He said the developer would address the Commission after him and perhaps had some further information to share but that at this time which access would provide secondary access was undetermined.

He then spoke about rights-of-way, saying that he believed there would be issues with rights-of-way as they developed. He had advised that since the last Commission meeting he had contacted property owners and been told right-of-ways would be difficult. Mr. Helt went on to say that the developer could not acquire right of way and this option was only available to the City.

Further, Mr. Helt spoke about the development of roads with half width streets, stating this was another concern for this project. He said that on this particular project, his recommendation had been according to Kern County standards. He went on to say that it was his understanding that the developer wanted to present further information on this issue.

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Vice-Chairman Beres asked for clarification that street width was according to Kern County standards – this was provided.

Commissioner Porter asked if Springer Ave would ultimately be one of the main arterials and Mr. Helt said this would be the case.

Chairman Jeglum asked if Cities ever annexed a larger area than just the area of the project. Mr. Helt said this was very common. Chairman Jeglum said she felt it would be an issue if areas were annexed, more specifically saying that it could potentially cause problems for surrounding areas and it would be her recommendation that the annexed land be more uniform and planned and therefore encompass more area than just the project area. Mr. Alexander said this was an excellent point and it would be incumbent upon staff to contact property owners to discover their desires, and if there were an agreement, it would most likely work to everyone's advantage to annex a larger portion of land.

Commissioner Patin asked for clarification that the developer had contacted property owners and had been met with concern – this was confirmed. He then asked if it was therefore the City's responsibility to acquire the property via eminent domain. Mr. Helt said it was his understanding that the City would need to acquire the property via purchase at fair market value and the typical process to do so would be eminent domain. He said the Commission could not approve a project knowing that it could not go ahead (sic i.e. that no right-of-ways had been established). Mr. Helt then spoke to the cost that would be incurred by the City, unless an agreement was reached that the developer would reimburse the City.

Commissioner Porter asked for clarification in regards to sewer. Mr. Helt advised the schematic plans for location of the trunk lines. Mr. Porter asked if this was along the utility easement. Mr. Helt said there was no existing utility easement and this would also need to be acquired. Commissioner Porter asked who would acquire that land and Mr. Helt said typically developers would be required to do so, however if a problem arose where the developer could not attain them, then it would be a decision of the City to acquire the right-of-way for successful implementation of the project.

Chairman Jeglum asked for clarification of the process for approval and the necessary acquisition of rights-of-way and utility easements.

Mr. Alexander asked which Cities existed in California where picking up the cost for a developer was common practice – Mr. Helt said he was unaware of any. Mr. Alexander said he felt it was misleading to say the City would pick up this cost, and Mr. Helt responded that this was not what he said – rather the arrangement would need to be made for any reimbursement of those costs.

Commissioner Porter asked for clarification on street width. Mr. Helt provided such.

Mr. Helt then made the recommendation the item be continued to the next hearing to allow for further research of the issues, and said he understood that the applicant would like to speak to the Commission this evening.

Chairman Jeglum opened the Public Hearing at 8:12 p.m. and asked the applicant to present to the Commission.

Kamyar Lashgari addressed the Commission, saying that he saw two issues – firstly, the secondary access routing and the requirement of additional pavement beyond center line. He said the developer's position in regards to additional pavement was that what was proposed was consistent with other jurisdictions and extended beyond the needs of emergency vehicles for a total width of 24 feet of pavement with 6 feet of extra paving beyond center line. He said that since it appeared that this was the first time that the Commission was asking for additional paving it was important that the Commission consider that this would now be a standard for all future projects. Mr. Lashgari went on to address secondary access saying the legal requirement was according to state law and that the developer's perspective was that the secondary access should be to the satisfaction of the City Engineer or the Public Works Engineer versus being required to satisfy the Planning Staff and Planning Commission. He cited the example of City Manager Mr. Avery indicating in a previous meeting that his concern was to limit the number of turns for safety reasons as one of many different angles that could be looked at in terms of where the secondary access might be and therefore make the process complicated. He asked the Commission to remember that this was a tentative map – a

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conceptual idea which was for the betterment of the community and other possible procedures that might be employed for the final tract map.

Commissioner Patin asked what had been identified as a concern of the property owner who had been approached for acquisition of land for improvement in front of their property. Mr. Lashgari said that this property owner was opposed to development and whilst owners might get improvement in front of their property- some did not want this improvement/development.

Chairman Jeglum asked if the applicant had any further comments – he did not.

Chairman Jeglum asked for comments from the public.

David Hazelwood -1652 S Rademaker – said that prior to one hour ago, he had no contact from the developer, City staff, nor Planning Commissioners. He said the letter he had submitted listed his concerns with the project and addressed mitigation of those issues. He spoke about the 44 feet between the utility poles and his property line and addressed other possible options for paved access. He asked if the will-serve letter had been updated – Mr. Alexander said staff had indicated that the will-serve letter had expired December 2008. He asked if drainage had been addressed and summarized- saying he was not against the development, but wanted the Commission to “get it right” and know he was available and wanted to be involved.

Chairman Jeglum closed the Public Hearing at 8:25 p.m.

Mr. Helt commented that the expired will-serve letter would need to be updated and addressed.

Mr. Alexander recommended that the item be continued to May 12<sup>th</sup>, 2009. This was motioned by Vice-chairman Beres and seconded by Commissioner Kauffman – and agreed to unanimously.

Chairman Jeglum asked that staff consider possible annexation of land (listed) to square off the area.

Commissioner Porter asked for a confirmation of reasoning for the continuation.

Mr. Helt clarified that he needed further direction from the developer as to their preferred alternative for secondary access. Commissioner Porter then asked about the sump. Mr. Helt said that the sump addressed on-site drainage issues and the conditions asked for flood studies. He said typically a pump would not be required, rather a requirement for 7 day percolation and that he would not want water to be pumped onto the streets.

## **8. DISCUSSION ITEMS**

### **8.a Discussion of Landscape Plan for Desert Willows Apartments, (SPR 06-09)**

Planner Alexander spoke about the previous approval of the Desert Willow Apartments and its conditions. He displayed the site plan presented to the Commission at the time of approval and said that approximately three weeks ago, Chuck Cordell had asked the City to sign off on the landscape plan and upon inspection he could not in good faith sign off on the landscaping in place. He said that to this day, despite making enquiries, he had not received any reasoning for changing the landscaping plans. He said he had asked Susan Phipps-Carr to come before the Commission to present reasoning.

Susan Phipps-Carr addressed the Commission saying that the project had started back in 2004 and stated that when they came before the Commission in 2006, plans had been for grass in the main area and that construction had started in 2007 with a local contractor and said she was pleased to say that 1.8 million dollars had been paid to a local contractor and sub-contractors in the City. She said the project was completed in November 2008 with residents moving in December of 2008. Ms. Phipps-Carr said that prior to construction, the Board of Directors had been presented with a plan to provide Xeriscape landscaping and being cognizant of the drought the Board found it prudent to investigate the cost of water service to a much more lush property and the cost of maintenance of that type of property. She said that a local landscaper, Peter Brown, had been brought into present an alternative plan. She said that during the construction phase, the County Fire Department had come in and stopped the project saying that the developer needed to provide a sprinkler system inside the community building and had reported the developer to the Building and Safety department. She said therefore the developer had to use \$50,000 of the \$90,000 budgetted for landscaping for the sprinkler system, and went on to list other costs that had to be paid for out of that same

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\$90,000 planned for landscaping. Ms. Phipps-Carr said that the developer should have come back to staff and presented the issues, but unfortunately the architect had not advised that this action should have been taken. She apologized and respectfully requested a time extension to increase the volume of covered space. She spoke in general about some plans being discussed, but said she was seeking further time to allow for the sourcing of funding. Ms. Phipps-Carr said the Board asked to convey their apologies for not coming to the Commissioner earlier to explain the problems they were experiencing.

Janet Mulvihill said as a family member with five loved ones who might one day need accommodation in the complex, neither she nor any of those family members would allow any less than the vision created by Peter Brown. She said that fund-raising was under way and that recent door-to-door fund raising had resulted in contributions of \$1,700.

Chairman Jeglum asked how much time was needed – Mr. Phipps-Carr indicated 6 months. Janet Mulvihill said that as the project developed they had found that every projected cost increased substantially as an actual cost. She indicated the plan she had presented to the Commission was phase one and that subsequent phases were planned. She also noted that the grant allowed for a part-time groundskeeper for 40 years.

Chairman Jeglum said that what was needed was a plan to the City presenting what intentions were and advice to the City.

Commissioner Patin thanked and commended both ladies for the work they did.

## **9. COMMISSIONER ITEMS**

### **9.a Planning Commissioner attendance at Town Hall Meetings and 9.b Discussion of Planning**

#### **Commission meeting time**

There was general discussion and agreement to wait for advice as to whether these meetings would be held on the third or fourth Wednesday of each month. Vice-Chairman Beres asked if the Commission could go ahead and set meeting time at 6:00 o'clock dependent upon the change the following evening. Commissioner Kauffman then made a motion that meeting time be changed to 6:00 p.m., pending all other relative changes falling into place – this was seconded by Commissioner Patin and unanimously agreed upon.

#### **9.c Commissioner Contacts**

Chairman Jeglum said that she had learned at her recent attendance at the Planning Conference in regards to Commissioner contact with developers that provided Commissioners disclosed any contact with developers or potential developers - no regulations had been broken. She then went on to say that she had contacted Derrill Whitten after his last attendance at the Planning Commission and detailed her conversation with Mr. Whitten.

Chairman Jeglum said she would keep Commissioner Contacts as a regular item on the agenda.

Commissioner Porter said he had met with TAFT Corporation. Chairman Jeglum said she too had met with TAFT. Commissioner Patin said he had also met with TAFT as well as Wild Pointe Attorney Tom Fallgatter.

Planner Alexander said that staff would keep the item "Commissioner Contacts" under Commissioner Items- but that his understanding was that the best time to disclose such information would be when the relevant Item was discussed (if it was discussed) during the regular meeting.

### **9.d Chairman's Report of Planning Commissioners' Institute proceedings**

#### **9.e Recommendation to cancel April 28<sup>th</sup> meeting**

Mr. Alexander said that due to his planned absence and no pending items, he recommended cancelling the meeting. A minute order was made to cancel the meeting by general agreement.

## **10. ADJOURN**

The meeting was adjourned at 9:02 p.m.

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