



# CITY OF RIDGECREST

100 West California Avenue  
Ridgecrest, CA 93555

## MINUTES

### MEETING OF THE CITY OF RIDGECREST PLANNING COMMISSION

City Council Chambers  
Tuesday, October 9, 2007 at 7:00 p.m.

**Commissioners:** Chair, Mike Biddlingmeier, Vice-Chair, Jerry Taylor, Commissioners, Lois Beres; Howard Laire, and Nellavan Jeglum

*Next Resolution # 07 - 16*

**1. CALL TO ORDER**

The meeting was called to order at 7.00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

PRESENT: Jerry Taylor (Vice-Chairman/acting Chairman), Commissioner Lois Beres, Commissioner Nellavan Jeglum, Commissioner Howard Laire.

ABSENT: Chairman Mike Biddlingmeier

**4. APPROVAL OF AGENDA**

A motion was moved by Commissioner Laire and seconded by Commissioner Jeglum to approve the agenda. The agenda was approved as submitted.

AYES: Taylor, Jeglum, Laire, Beres

NAYES: None

ABSENT: Biddlingmeier

**5. APPROVAL OF MINUTES**

A motion was moved by Commissioner Jeglum and seconded by Commissioner Laire to approve the minutes of September 25<sup>th</sup>, 2007. Commissioner Beres noted an error in Item no. 6 "Public Comments" – bottom line should have read "November 13<sup>th</sup>" – not "October".

AYES: Taylor, Jeglum, Laire, Commissioner Beres requested the change as noted above be made prior to approval.

ABSENT: Biddlingmeier

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

Darrel Whitten from Cornerstone Engineering in Bakersfield spoke to the Commission. Mr. Whitten said that in the last two years Cornerstone Engineering had brought approx 12 tentative tract maps before the Planning Commission and on occasion these maps had been rejected. Mr. Whitten said that in hindsight he wished Cornerstone Engineering had have been able to come to the Planning Commission to get the Commissioners' input.

He then referred to property located at the north-west corner of Mahan and handed out a schematic design of the proposed project for that site. Mr. Whitten referred to the last page of his handout saying that in late 2005 Cornerstone had begun a layout of a project. He explained that the project had previously been submitted to the Planning Department and studies had been commenced. However Cornerstone had decided after becoming aware of "Carole Vaughan's experience" that their project would not be welcomed. Mr. Whitten said Cornerstone had been

waiting to see the outcome of the AICUZ and JLUS and now has a new proposal.

Mr. Whitten briefed the Commission on the new proposal of approximately 50 10,000 sq foot lots along Mahan. He said the proposal included 180 lots 20,000 sq. ft. or larger, feature a 6 acre park site at the north end of Las Flores and a depressed area serving as a storm water area. Mr. Whitten said the center would have an 8 acre equestrian facility stating “we hope to develop a horse friendly area with riding trails – hoping to satisfy the Navy’s concerns around their flight paths”. Mr. Whitten said that the surrounding county lots were 2 acre parcels and therefore this development would be compatible. He said that the development would have paddle shaped cul-de-sacs featuring guest parking and alleys to facilitate horse trailers and rear access. Mr. Whitten told the Commission that the layout of the streets was designed so that they were put in the bottom of the drainage areas with the hope of having a less intensive grading intent. “We are trying to leave at least ½ of the lots natural and make the streets follow the train”, he said. He also noted that the project included a change to the zoning area – adding a new zone – Zone 1.5 a 20,000 sq ft lot.

Mr. Whitten thanked the Commission for their time and said he would be pleased if the development would be added to the next Planning Commission agenda so that he could receive comments from the Commissioners and the Planning Staff.

## 7. PUBLIC HEARINGS

### **CONTINUED ITEMS:**

**7a. CUP-07-07** Conditional Use Permit for a Verizon Cell Tower. A request to build a 150’ cell tower facility consisting of a 1,480 sq. ft lot located at the northwest corner of 151 N. Downs St. adjacent to the Salvation Army in a General Commercial zone. APN 456-090-04 Applicant: Verizon Wireless

Planner Alexander provided a super-imposed graphic of the pole on a site photograph. He reported that Verizon are proposing a driveway and said staff had asked that Verizon consider the curb-cuts already in place to minimize curb-cuts.

Planner Alexander noted that this item was continued from 25<sup>th</sup> September, 2007. He explained that Ridgecrest was not a City when the properties shown on the Official Street Plan Map (presented to Commissioners at 25<sup>th</sup> September meeting) were sub-divided. However in 1978 after the City had incorporated the Planning Commission at the time had adopted the street plan shown on the Map. Planner Alexander provided a graphic and handout showing what had been dedicated since the Street Master Plan was adopted (in yellow) and what had not (in green).

Planner Alexander explained that land relative to this project had not been dedicated to a street at the time of the sub-division and now would be the time to make that dedication as the cell tower proposed would be considered an “improvement” and a relatively “permanent fixture”. He said that staff was asking for 30 ft on the French Ave extension as well as an additional 30 ft and a cul-de-sac to the south of French Ave.

Planner Alexander noted that Mr. James had submitted a new plan taking his requests for dedication into consideration. He said Mr. James (on behalf of Verizon) and the Salvation Army was not interested in making a dedication for the future streets but would modify the plan so as to not encroach on land for future street dedication.

Planner Alexander told Commissioners that the City Engineer, Mr. Joe Pollock was in attendance to answer any questions from Commissioners.

Commissioner Jeglum asked Mr. Pollock if the street plan adopted by the Planning Commission in the 70’s was based on the area developing with 6,000 sq foot lots. City Engineer Joe Pollock responded stating that was correct, the assumption at the time. Commissioner Jeglum then said she did recall there were 33 foot BLM easements and they had been abandoned. Mr. Pollock responded saying the easements were still in place – they had not been abandoned. He

explained that he had tried to get the 33 foot easements adjusted by BLM without success when he undertook work associated with the Auto Club development in the 70's.

Mr. Pollock then went on to say that because the easements could not be abandoned he was left with a quandary in that section of land as the easements are conserved on all 4 sides of these 2 ½ acre parcels. He explained the effect of this was a requirement of more roads than the city needs and noted it also caused problems for title companies and financial institutions.

Mr. Pollock went on to say that towards the end of trying to resolve these problems he and Ron Brummett, former Ridgecrest Planning Director, were told to come up with a street plan that would address public access and drainage. The Official Street Plan Map presented to the Commission was the map produced as a result of this request – he said that since that map was created development in the area had closely conformed to the map. He acknowledged that this was an ongoing problem however not one the City could fix. Therefore the City had continued planning based on the map.

Commissioner Jeglum asked if the map reflected actual parcels as they exist currently and Planner Alexander responded saying that there have been additional sub-divisions (as shown on another map provided). Mr. Pollock explained that those parcels shown on the Official Street Plan map were as per 1977. He went on to say that another constraint is that a building permit has a condition that the site is served by a dedicated and maintained City street explaining that the 33 foot BLM right-of-ways are not streets.

Commissioner Jeglum said it was her concern that even if access were gained it would go nowhere. Mr. Pollock responded stating that as each parcel is developed the developers would be required to provide access. Commissioner Jeglum then asked if Verizon are required to grant the right-of-way would they also be required to make improvements. Mr. Pollock responded in the negative explaining that he did not believe that any traffic would be generated by the Verizon development.

Commissioner Taylor stated that it was his concern that allowing access through another property because the Salvation Army owns it. Planner Alexander responded stating that Verizon wanted to put the driveway in parcel 2 – that both parcels 2 & 3 are owned by Salvation Army - and that staff believed the logical thing to do would be to put the driveway into part of the dedicated future driveway. He suggested that instead of having to take a driveway easement into a very developable part of parcel 2, they instead utilize what is deemed to be future right-of-way.

Commissioner Taylor also said he was concerned that an undeveloped road (i.e. dirt road) would cause problems – as he had seen in dirt roads in the City in the past. Commissioner Jeglum asked Mr. James if Verizon had talked about using the Salvation Army access given that Verizon would be entering into a lease for the project.

Mr. Ron James of Ridge Communications – representing Verizon spoke to the Commission saying that Charles Griffin of the Salvation Army was also in attendance. He expressed it was Verizon's objective to get the project done and improve the cell service in the Ridgecrest area. He explained that Verizon was legally obliged to show the public utilities commission that we have the ability to get to the site from the nearest right-of-way. He said it was his understanding that the Salvation Army has thoughts and plans about using their parcels and therefore Verizon preferred not to depend on access through those areas. He went on to say that the idea of using the BLM easements for access - in practical terms sounded okay - but he wasn't sure how he would get anything in written form to satisfy the Public Utilities Commission. Mr. Pollock indicated that the BLM easement would show on the title work as a reservation in favor of the Federal Government. Mr. James responded saying that he would need to be able to document Verizon's legal right to use the easement for access. Further, he said that the frequency of travel on the road would be maybe one person once a month. He indicated that Verizon would be happy to work with the Salvation Army on an alternative access if it could be documented without having an adverse aspect on the Army's plans.

Commissioner Taylor said it was his opinion that there was a problem because Verizon is proposing a curb-cut onto another piece of property and onto a major arterial. He asked if the

fence-line of the property to the west was on the right-of-way. Mr. Pollock responded in the affirmative.

Mr. James said that Verizon is already working around the 33 foot easements by designing the site to be outside of those areas and asked if the idea of a radius curb would be well-received.

Commissioner Beres asked for further clarification of the facts of the case as she said she was "confused".

Mr. Pollock explained that the Federal Government dedicated the areas - referred to as BLM easements - in favor of themselves (and these remained in effect), the Planning Commission of the time then approved the Official Street Plan (previously referred to). The Official Street Plan included street dedications and in order to effect these street dedications the current Planning Commission could choose to include a street dedication as a condition of approval of this project.

Commissioner Beres then asked Mr. James if Verizon/Salvation Army was willing to dedicate that part of his property to street access. Mr. James said he was unsure as he had not been asked to consider that previously and therefore had not researched that option. He suggested that a condition could be added to abandon the curb-cut at the time a street is put through. Mr. Taylor asked if Lot 2 was owned by the Salvation Army and this was confirmed by Mr. James.

Commissioner Jeglum asked Mr. Pollock if a 33 foot easement was located on the property targeted for the project. Mr. Pollock responded stating there were - one on the north and one on the west side of the property. Commissioner Jeglum then suggested that a dedication be allocated on Lot 2 and on the targeted lot.

Acting Chairman Taylor opened the floor to public comment at 7.39 p.m.

Charles Griffin – Lt of the Salvation Army spoke to the Commission. He said he was a native of Ridgecrest and had watched the area in question as a "kid growing up" and there isn't a whole lot going on out there. He told the Commission that when he negotiated the purchase of the property there was "absolutely nothing going on there". He said he had spoken with the owners of Lots 11, 8 and 13 about purchasing their property and determined it was attainable. He said he had also spoken to BLM about obtaining their piece of property and they had indicated that if Salvation Army were to use it for a "suitable purpose" BLM had indicated they would donate the land to the Salvation Army. He went on to say that the Army owned parcel no. 1 where their building now sits and that they owned a total of 7 ½ acres and that in the last 7 years he had not seen anything built around their facility. He concluded therefore that if any building was to go on in the area it would be by the Salvation Army. He said the easements would always be there, the streets would always be there whether or not they were put into effect that evening or not. He concluded by saying it was his opinion that the future would bring about re-design and re-zoning of the whole area as he felt things had changed since the Master Street Map had been approved. Therefore he felt that any requirements for street development would be a "whole lot extra work for little result". Finally, he said the Salvation Army's plan for the area was a ball field and the tower fit with those plans.

Bud Klampf of 221 N. Gold Canyon Drive told the Commission that he didn't see a problem with what Verizon was asking to do but agreed that the curb-cut should be made where the current street dedication is.

Public Comment closed at 7.44 p.m.

Commissioner Laire commented that he liked the idea of making the street access where the easement currently existed. Commissioner Taylor agreed and suggested that a barrier be included to keep people other than Verizon from using the dirt road. Commissioner Jeglum indicated that she did not have a problem with the BLM easement or a dedication to the City but she was not in favor of the cul-de-sac proposal from staff. Mr. Pollock indicated that this still left the public right-of-way problem and the cul-de-sac proposal addressed that problem. Commissioner Jeglum said she didn't like the idea of a cul-de-sac because it seemed an unfair burden to Verizon as the rest of the cul-de-sac would never come together in one piece. Planner

Alexander said that he thought that over time the City had made some major improvements in the area and had they not had a Master Street Plan the situation could be a lot worse.

Commissioner Taylor said he agreed with Commissioner Jeglum and had a problem with the easement on the west of the property. He asked Mr. Pollock what the process would be if the street was not dedicated that evening and a developer came in next week to develop Lot 13. Mr. Pollock responded stating that the Lot 13 Developer would dedicate what property they owned to finish the cul-de-sac and if the Salvation Army had not made a dedication there would be further problems. Commissioner Jeglum asked if the Salvation Army would be protected from having to make off-site improvements. Mr. Pollock responded in the affirmative saying "like I said it is your call, we do have this plan and we are trying to implement it".

Commissioner Jeglum asked if once the dedication was made the applicant would be protected from making the improvements. There was further discussion back and forth regarding the merits or otherwise of making a future street dedication and the implications of that dedication.

Public Services Director Jim McRea spoke to the Commission and made them aware of an option of the developer offering the dedication of a future street, the dedication not being accepted by the City until development occurs and if development does not occur within 25 years the land ownership reverts back to the owner. He did note however that Mr. Pollock may not approve of this option given he also had to consider other factors such as subdivisions, lot line adjustments etc. Mr. Pollock responded saying that the City has a procedure that has been used for at least the last 26 years. That procedure was that whenever development occurs, rights-of-ways are required for any planning process. He said it was not his decision to make, he could present the facts and he did comment that making the street dedication did fit with the process the City had followed in the past.

Commissioner Beres commented that it seemed like "we are muddying the waters" given that the developers were willing to work with staff. She also said that she thought it appropriate however to minute or record in some way the concerns raised by Commissioner Jeglum in regard to undue burden in regards to street development.

Commissioner Taylor spoke to the Commission stating that it had been pointed out by staff that conditions listed on page 11 at Item No. 6 were that dedications of street right-of-ways shall be made prior to grading:

- (a) French Avenue to a width of 30 feet.
- (b) Nevada Street to a width of a 30 feet cul-de-sac

Commissioner Taylor then asked staff if the right-of-ways were dedicated and then at a later point did not fit with street master plan could they be deeded back to the owner. Mr. Pollock responded in the affirmative stating that it would be a simple abandonment.

Commissioner Taylor then said it was his inclination to "stick with the plan" otherwise lots 11 and 13 may be land-locked.

Commissioner Beres moved and Commissioner Laire seconded a motion to approve Resolution 07-16 as written.

AYES: Commission Beres, Commissioner Laire  
NAYES: Commissioner Taylor, Commissioner Jeglum  
ABSENT: Chairman Biddlingmeier

Therefore the Resolution failed.

Commissioner Taylor said that he wanted to add a variation that access to the property be given either from the West side or the North side with a preference to the North and the access to Downs be through the dedication as listed by staff in Item 6 of Draft Resolution 07-16.

Commissioner Jeglum moved and Commissioner Laire seconded a motion to approve Resolution 07-16 as written with an added condition that the applicant not be required to make street improvements at this time and that improvements for a driveway would be sufficient and that the

cell tower driveway would be along the dedication listed in Item 6 (a). It was then further clarified that there was an assumption that access to Lot 2 would be gained via the BLM easements.

AYES: Commissioner Jeglum, Commissioner Laire, Commissioner Taylor, Commissioner Beres

NAYES: None

ABSENT: Chairman Biddlingmeier

**8. DISCUSSION ITEMS:**

None.

**9. FUTURE AGENDA ITEMS:**

October 23, 2007

a. **SIGN CUP SGN-07-20** Conditional Use Permit

Application: A request to relocate an existing billboard from 555 S. China Lake Blvd to 545 S. China Lake Blvd. The property at 555 S. China Lake will develop soon and the sign company has requested to relocate the billboard and upgrade the base from a double poled sign to a single pole. Applicant: Lamar Advertising Billboard

Planner Alexander noted that a discussion item should also be added to next agenda regarding proposed development on the corner of Mahan and Ridgecrest as per the presentation made earlier in the evening.

**10. ADJOURN**

The meeting was adjourned at 8.05 p.m.