

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

December 21, 2009

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### CALL TO ORDER

Chairman Vose called the meeting to order at 6:00 p.m.

### INVOCATION

Pastor Joe Sweet, Shekinah Worship Center, did the invocation.

### PLEDGE OF ALLEGIANCE

Vice Chair Smith led the Pledge of Allegiance to the flag of the United States of America.

### ROLL CALL

Present: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith, and Chairman Vose.

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), City Engineer (Carlyle Workman), and Recording Secretary (Joy Reyes).

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Burkey and seconded by Vice Chair Smith to approve the Minutes from the Regular Meeting of November 16, 2009. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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## CONTINUED PUBLIC HEARINGS

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### 2. Conditional Use Permit No. 09-06

Chairman Vose opened the public hearing at 6:04 p.m. to hear a request by Insite Development for a Conditional Use Permit for an incidental off-sale alcoholic beverage establishment (Alcohol Beverage Control Type 20, Off-Sale Beer and Wine) in a 1,620 square-foot convenience market located at 45024 10<sup>th</sup> Street West, Suite 103.

Staff Report was presented by Brian Ludicke referencing the Commission's concerns of the types of alcohol products that may be sold out of the establishment, as well as the method of packaging and the Sheriff's Department input on this matter. Mr. Ludicke stated that Staff contacted the Sheriff's Department who presented a list of conditions, and indicated no objections to the approval of the conditional use permit. The applicant was also contacted by Staff providing a set of revised conditions, specifically in regards to the alcohol sales for a complete restriction on single container sale of beer or malt liquor products (Condition No. 9). The Sheriff's Department list of conditions included Condition No. 11, indicating not having beer or wine displayed within five feet of the cash register or front door; Condition No. 12, requirement to prohibit sale of alcohol via drive-through window or a pass-out tray; Condition No. 15, prohibits the sales or rentals of any adult magazines, videos, tapes, discs, films or any other harmful matter described in the Penal Code Section 313; Condition No. 17, on-site security must be provided if it is determined necessary by the Planning Director, which would require consultation with the Sheriff's Department after the operation begins; and Condition No. 18, delivery vehicles are prohibited to park, stop, or unload on either Jackman Street or 10<sup>th</sup> Street West, and cannot interfere with emergency access ADA designated parking or ADA pedestrian path of travel. All these conditions are subject to annual review at the discretion of the Commission. Mr. Ludicke concluded that he had been contacted via email by the applicant who would not be in attendance because of illness. The applicant also informed him that all conditions were accepted.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:09 p.m.

It was moved by Commissioner Jacobs and seconded by Commissioner Malhi to adopt Resolution No. 09-31 approving Conditional Use Permit No. 09-06 with added Condition Nos. 9-17. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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**NEW PUBLIC HEARINGS**

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**3. One-Year Extension****a. Conditional Use Permit No. 07-15**

Chairman Vose opened the public hearing at 6:10 p.m. to hear a request by May Centers, for construction of a 109,739 square-foot commercial retail center and subdivide the property into eight parcels in the CPD Zone, located on 13.30± gross acres at the southwest corner of Avenue K and 30<sup>th</sup> Street East.

Staff Report was presented by Brian Ludicke stating that the project was previously approved by the Planning Commission in December 2007, and that this is the first real extension that has come before the Commission after the City Council adopted the revised Design Guidelines. He stated the City Council voted in August 2009 to allow further extensions on conditional use permits and site plan reviews, and under Ordinance No. 924, a requirement was added whereby any type of extension would be conditioned so that the project was brought into conformance and consistency with the Design Guidelines.

Mr. Ludicke expounded on several conditions that dealt with specific issues. He explained that Condition No. 67 indicated the applicant would be required to submit revised site plans and elevations at least 90 days prior to any kind of building permit being issued. The intent that anything being retrieved for building permits would be consistent with the Design Guidelines. He further stated Condition No. 71 speaks specifically to an issue brought forth by the City Council, which has been applied to a west side commercial development that has been approved, indicating the requirement for meandering sidewalk with a parkway system. Mr. Ludicke added that as a result of conversation between staff, the applicant, and the City's legal counsel, Condition No. 70, in relation to water supply, has been revised to reflect a previous agreement concerning payment of assessments for the completion of water system improvements. The City has previously committed a portion of its water allocation from Los Angeles County Waterworks District to this project. He concluded that all applicants are placed on notice, and Staff does advise that it is the applicant's responsibility to contact the Los Angeles County Waterworks District, so that the applicant understands the conditions or requirements that may exist in regards to the project. Therefore, with the recommended conditions, Mr. Ludicke requested that the one-year extension be granted for the project.

Chairman Vose stated a letter was received from applicant dated December 14, 2009, and asked if there were any speakers present.

The applicant, Tim May, approached the podium to address the Commission. He stated he had questions concerning Condition No. 71, regarding meandering sidewalk. Mr. May directed his question to the City Engineer asking if the right-of-way was being extended further now that the City's conditionings are being requested. Mr. May expressed that if the right-of-way was expanding, it changes the whole dynamic dealing with setbacks, which in turn could ultimately affect how the parcels would be located in a buildable area, and would basically require a new set of plans. He stated in reference to meandering sidewalks in viewing other areas, as an example, in the City of Rancho Santa Margarita which has them along the thoroughfares, the area between the sidewalk and the curb mostly has grass. He stated that with the water

situation here in the High Desert, not being able to plant grass when building a shopping center and sidewalk on the curb line gives a cleaner look. He also stated that sidewalks causes one to deal with pylon signs, monument sign areas, fire detector checks, and other different issues that he felt had not been addressed in reference to meandering sidewalks. Mr. May commented on the 90-day working drawings, and stated it should be “worked out” prior to submitting the drawings to prevent setbacks.

Chairman Vose stated Staff would respond to the applicant’s questions as appropriate, and reminded the applicant that the City Council has adopted the Design Guidelines for the entire community, including commercial projects. He stated that all commercial, industrial, and residential projects coming before the Planning Commission are being conditioned to conform to the requirements notwithstanding the City Council’s previous approval, and that has been the policy of the Commission since its inception. He added that this project is not being treated any differently than any other project presented before the Commission or City Council. Chairman Vose concluded by stating the City Council has adopted the Design Guidelines and the Commission and Staff are thereby obliged to conform. He then directed responses to Staff.

Brian Ludicke agreed with Chairman Vose and stated it was a valid point. He stated that the some of the issues raised by the applicant were debated as it went through the Architectural and Design Commission, specifically regarding residential areas, at the City Council’s approval of the Design Guidelines. He expressed the point that was made from the City Council that the intent of doing the sidewalk the way as directed is a long-term goal to create a better walking environment. He stated that Staff does not have all the technical details as far as implementing those guidelines. He added that there are also other commercial projects that are under same requirements, and Staff will figure out a way to implement them. He emphasized the intent was to provide the meandering sidewalk. He stated the development codes would be revised within the next couple of years according to the Design Guidelines.

Carlyle Workman added that it was his understanding that the sidewalk area that is part of the right-of-way and area to be landscaped would not change in size, but would be utilized together to incorporate the meandering sidewalk into that same area. Responding to Mr. May’s question, he stated there is no widening of the right-of-way; it would be utilized as described in the plan for sidewalk and landscaping, while incorporating meandering. He also agreed that Staff does not have the details, but will move forward as directed by the City Council for the Design Guidelines.

Chairman Vose stated the issues would be fully reviewed, and public hearings would be held before this Commission and potentially before the City Council, if necessary. Brian Ludicke responded that with a certainty any developments affecting the ordinance, such as street standards, would have to come through the Planning Commission, because of the Commission’s responsibility to make a recommendation to the City Council.

Chairman Vose recommended correction to change Condition No. 67-71 to 67-72.

Vice Chair Smith asked Mr. Workman if his response meant that the existing sidewalks would not affect parking. Mr. Workman responded that his understanding was there would not be a change to the amount of area, but rather the area would be utilized differently.

Speaker Felipe Sambrano approached the podium, and stated he had been at previous meetings about other cases concerning how streets and homes are built in that particular area. He stated from 27<sup>th</sup> Street West and Santa Rosa, there are five to six houses facing Avenue K, and there are no street sweepers anymore, only on the main street; therefore, his house and those of others in the area are getting all the trash. He asked if this development were to happen, would the residents be ignored. He stated the five to six houses are the only ones facing the main street, and there is no traffic control, no trash control; everything blows in their yards. He stated the speed limit is 50 mph for his area on Avenue K, and drivers speed up to 70 mph. He again questioned when this project is developed, what would happen to the residents in that area.

Chairman Vose stated that Staff would give a response, and added that street maintenance is under the purview of the Department of Public Works and not the Planning Commission. He stated as far as the street design and the lots being on a main thoroughfare, this was how it was developed and approved 25 years ago, which today would not be approved under the current regulations.

Mr. Workman continued that he wanted to point out in response to the statements made of no sweeping on the arterial streets are no longer valid. He stated the City has recently reinstated the sweeping of arterials; it may take some time to get to all of the areas, but this service has been restarted due to other issues. He added the street design is an issue that could not be dealt with at this time. However, he stated that as a part of the development, there would be a median installed, and a design of the street would be looked at in that regard. He stated speed limits would be based upon traffic studies which are done every 5-7 years. Chairman Vose added that speed limits are not set by the Planning Commission, but by the City Council, and are not an arbitrary setting. He concluded the speed limits are based on a study set up by experts in traffic analysis. He reassured Mr. Sambrano that the Commission understood his concerns, but unfortunately did not have the power or authority to address his concerns.

Mr. Sambrano expressed that 27<sup>th</sup> Street West to Santa Rosa are considerate neighbors, and the streets should be swept and maintained. Chairman Vose re-emphasized that the arterials are now being maintained by the City as explained.

Speaker Roy Cook addressed the Commission by stating his concern was traffic. He stated that at times it takes him five minutes to leave his driveway. He stated that the shopping center being developed will depreciate his home, and he did not want his community looking like a trash bin. He questioned how the traffic would be handled because of the high speed in that area, and whether his house facing the main street was being considered for purchase.

Chairman Vose stated that May Centers has developed a number of properties in the community, and do not reflect what has been described as South Central. He stated the traffic issues are what they are, and added his personal opinion that when someone purchases a residential property with a driveway that has access off a major thoroughfare, traffic would always be an issue. He stated the Commission does not make those determinations as it relates to solutions to those existing conditions.

Brian Ludicke stated that is the way it was designed back in the 1980's, and the City tried several ways to approach the issues on what can be done on residential against arterial streets. He stated again that today, this would not be allowed by the City, but unfortunately in the past,

this type of development was allowed by City and County requirements. He expressed if the project is approved, it will actually provide a break on the traffic. He added the downside would be a median that would restrict turning in to the driveways, but a signal at 27<sup>th</sup> Street East, to be provided by the developer, would slow the traffic which would make exiting and entering the driveways easier.

Chairman Vose added that this development of the traffic signal would tend to slow traffic down.

Public hearing closed at 6:36 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Haycock to grant a one-year extension to December 17, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 67-72, and all other previously approved conditions. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

#### **4. Tentative Parcel Map No. 66115**

Chairman Vose opened the public hearing at 6:37 p.m. to hear a request by Carlo Bondanelli for a subdivision for 45 industrial lots in the LI (Light Industrial) Zone, located on 49.15± gross acres at the southeast corner of future Avenue L-4 and future 5th Street West.

Brian Ludicke presented the staff report, stating that each of the sites would have to be reviewed individually under the Light Industrial Zone classification at the time the development is proposed, to meet typical setbacks and the Design Guidelines. He stated there were questions the Commission had concerning environmental studies, and Staff contacted the applicant's representative who was present to answer any questions.

Chairman Vose stated a modified initial studies and a letter had been received from Barry Munz of A.V. Engineering on December 18, 2009, agreeing to all conditions of approval.

Barry Munz approached the podium to address the Commission. He stated he was representing the applicant, and had received a call from Brian Ludicke in regards to some questions in reference to environmental studies. He stated he was accompanied by Sub-Consultant Bruce Hicke from Earth Systems who can address any questions on the environmental studies which they prepared.

Speaker Mario Grossi approached the podium to address the Commission. He stated his home was in the southeast corner of the project. He questioned who would be in charge of the improvements and in the future, who could he contact from the City if he had any questions.

Carlyle Workman responded with regards to improvements, he or Barry Munz of A.V. Engineering could be contacted.

Speaker Robert Tebow stated his property is a 10-acre parcel northwest of the project that he bought 50 years ago where he would someday retire. He stated when he first moved to California in the San Fernando Valley area, first there were about three houses built followed by improvements made, then three more houses built, and so on; it was not very well planned. He expressed he understood there are several phases to the development, but is worried that lots will sit vacant and making it difficult to find buyers at the sight of vacant lots.

Chairman Vose inquired about the revisions of the initial study by Staff. Brian Ludicke stated the initial study given to the Commission was the draft and the actual initial study provided had been circulated. Chairman Vose stated some of the issues were the potential of burrowing owls on the site. He stated after reading the biological report, which is over 3-years-old, there are some indications of burrowing owls in the Amargosa Creek located 400 feet west of the project site, and random indications to the north of project site, but nothing on the actual site. He added however, the site contains suitable habitat for burrowing owls. Therefore, mitigation is required 30-days prior to development for each phase to perform a burrowing owls study.

Chairman Vose stated after further review of the three studies that have been provided to the Commission, a Phase 1 Environmental Report, a Biological Report, and a Historical Analysis of the Site Cultural Resource Investigation, there seemed to be inconsistencies in what was found on the site. He stated the Phase 1 study indicates in the conclusion that no obvious recognized environmental conditions have been identified in the study of subject property, and hazardous material was located on the site; however, this was in a report from December 2005. He added in January 2006, the cultural resource study talks about dumping of all sorts on site in a shallow gully in the northwest area. He stated in the photographs, two to three locations showed materials such as asphalt, shingles that appeared to be 20-30 years old, possibly containing asbestos, asphalt concrete, paint cans, and all sorts of potentially hazardous materials. He stated in viewing the January 2006 report on burrowing owls, there is extensive dumping in stream channels. He concluded there is an inconsistency in the report, and, therefore, clarification is requested from the applicant and/or consultant on the analysis before a decision can be made by the Commission.

Barry Munz responded that upon reading the cultural resource study, it basically identified two focused areas of primary dumping to determine if there was anything of historical value. He stated they found one jar that had a 1951 or 1952 date, and the remaining items found were newer trash with debris in some of the dump piles. He stated in the biological study they noticed there was also debris and trash that had been dumped, and through the forces of nature much of the trash had been migrating along the small stream channel that dissects through the property. He stated that neither one of the two studies identified anything significant other than the two main dumping piles that were found. He stated in Phase 1 Environmental Site Assessment, it was noted there was no hazardous waste encountered on site. Mr. Munz stated the old clay tiles, broken-up asphalt, and concrete in the pictures are not considered waste; it is debris and does not fall under the category of waste material. Chairman Vose interjected the question of the asphalt shingles and roofing materials. Mr. Munz responded if it were asphalt shingles from 30-40 years ago as stated, there is a possibility it contained asbestos. He stated he

could not tell specifically from the pictures. He had gone by the site but had not done any field investigation; however, what he did see in the photographs clearly was a bunch of clay tiles that had been dumped.

Chairman Vose responded there were surely up to 20 piles of shingle material that is badly deteriorated and appears to have been on site for at least 20 years, which would be reviewed as hazardous according to the Phase 1 study.

Consultant Bruce Hick, Sr. Engineer of Earth Systems, stated that with regards to the material that is on site, broken asphalt, broken concrete, and household trash, are not considered waste product, it is material that can be recycled and used in aggregate base products. He stated that asbestos comes in two forms, friable and non-friable; those materials or piles were non-friable manufacture, meaning it does not dissipate in the air. He stated asbestos becomes free form in a mist particle, which would be a concern. He stated when they walked the site they looked for those items and debris piles, and all concerns are noted in the Phase 1 report. He added as with any debris of such material, it would be removed from the site prior to any grading and development.

Chairman Vose responded that the Commission understood that process, and stated that Phase 1 does not mention the asphalt roofing material when in fact it is there on site. He stated there are qualifications in the report that could have been missed, and due to the fact the report is four years old, the material is still there; there are more potential hazardous material that are clearly visible, such as containers of motor oil found on the property. He stated another Phase 1 or an amendment to the study should be conducted to confirm or deny information so that the Commission can make a proper decision. He added that there are clearly materials that are not included on the report that could cause contamination that needs to be addressed.

Vice Chair Smith stated she would like the opportunity to review the reports. Commissioner Haycock added that she would like to postpone or continue discussion in 30 days to allow review of the reports

Barry Munz stated that due to the holiday season, they could not accomplish the review during the 30-day period, and would need more time.

Chairman Vose responded that today was the last day for public review of environmental documents, and the Commission had to certify the document and approve the project. He added to make that certification with the requirements set before the Commission, whatever the outcome, it may require recirculation of the document and may possible take two months before the project comes back before the Commission. Chairman Vose directed question to Staff concerning the 30-day review.

Brian Ludicke responded that it depended on what the Commission planned to do with the continuance. He stated if continuance was to allow the Commission more time to review the information circulated through the State Clearinghouse and the item comes back before the Commission in the January meeting, the Commission decides at that point whether to certify the document as proposed based on the information it has at that time. He added if the Commission chooses at that time to not accept it because additional information is required, then Staff would require the applicant to complete those additional studies. He stated once that information is



available, Staff would make a determination as to whether that information raises new issues or require mitigation measure that were not in the original document circulated through the environmental process. He stated if it becomes necessary to revise the document because of new potential impacts or new mitigation measures to be considered, Staff would have a statutory obligation to re-circulate the document through the State Clearinghouse, which is a 45-day review. He stated those would be the basic options; other options would be if the Commission decided there is enough concern whether a negative declaration is adequate, it may direct the applicant to prepare an Environmental Impact Report for the project. He stated that the report would have its course of circulation, which would take approximately six to seven months to complete.

Chairman Vose questioned that when the project originally started prior to 2005, if it was the policy of the City to allow the applicant to select their consultants and perform their studies. Brian Ludicke responded that for the types of studies submitted, it was allowed. He stated Staff expects and allows the applicant to submit Phase 1, Archaeological, Biological, and Traffic Studies, and it is reviewed by Staff. He added, however, if an Environmental Report is required, or if it is a complicated mitigated negative declaration, the City has a set of contracts, one with the applicant and one with an environmental consultant. He stated the City hires an environmental consultant that works directly for Staff to prepare the environmental documents, and the applicant bears the cost.

Chairman Vose asked Staff, taking into consideration all the questions raised, the reports to be reviewed, and the testimonies heard, does the recommendation still stand to adopt the resolution. Brian Ludicke responded that Staff's recommendation is based upon technical reports; therefore, their recommendation would stand. He added, however, if the Commission did not agree with the level of information presented, Staff would complete what the Commission directed.

Vice Chair Smith suggested continuing for 30-days to review the reports to the January 19<sup>th</sup>, 2010, meeting.

Public hearing closed at 7:07 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Malhi to continue Tentative Parcel Map No. 66115 to the January 19, 2010, Planning Commission meeting. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

##### **5. Conditional Use Permit No. 09-08**

Chairman Vose opened the public hearing at 7:09 p.m. to hear a request by Brothers Pena, Inc., for a Conditional Use Permit for on-site sale and consumption of alcohol (Type 47,

sale of beer, wine and distilled spirits for a bona fide restaurant) for an existing restaurant, located at 814 West Lancaster Boulevard.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 7:09 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Haycock to continue Conditional Use Permit No. 09-08 to the January 19, 2010, Planning Commission meeting. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

## **NEW BUSINESS**

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### **6. Modification to Zoning Ordinance: Renewable Energy**

Chairman Vose opened the public hearing at 7:10 p.m. to hear a request by the City of Lancaster for Amendment to Title 17 (Zoning Ordinance) of the Municipal Code to regulate Co-located Small Wind Energy Systems (CSWES) in the commercial and industrial zones, and to allow Solar Electrical Generating Plants in rural residential zones subject to a conditional use permit to initiate zoning ordinance modifications city-wide.

Brian Ludicke stated the amendment has two issues Staff would present. He stated the first issue would allow and establish conditions for the co-location of small scale wind turbines with light poles within the parking areas in commercial and industrial areas of the City. He commented the ordinance is similar to the ordinance adopted by the City of Palmdale. The adoption of this ordinance would provide consistency with the cities in the Antelope Valley area, particularly retail establishments that may have presence in both communities. He stated the second issue addressed is that Staff has received some interest from applicants in outlying rural designated areas for a potential solar energy plant production facility. Staff is recommending that the Commission make a recommendation to the City Council to add solar energy only electrical generating plants as a use, subject to conditional use permit within the rural zones of the City. He stated that this tends to be in the areas located in better proximity of transmission facilities. He added that most of the solar energy facilities that Staff has seen are proposed within the areas of Kern and Los Angeles Counties, and there are some potential sites within the City limits that could be used. He stated that this would offer an opportunity for landowners who may not otherwise have usable potential for their property. The conditional use permit process would allow Staff to review on an individual basis if there are impacts or concerns on a particular project, and the Commission would review and impose conditions if deemed necessary. Staff recommends that the Commission adopt the resolution that recommends both of these above-stated changes to the City Council.

Chairman Vose stated that the Commission had attended a news conference on vertical access wind turbine system installed on a residential property. He asked Staff to explain how the co-located small energy wind turbine systems compare.

Brian Ludicke replied that the small scale commercial system would be taller, since many of the standard light poles in the commercial or industrial areas are 35 feet or higher. He stated the CSWES would be horizontal access as opposed to vertical, meaning it would have to face proper direction into the wind. It is indicated in the requirements that the poles cannot be located any closer than 150 feet to any residential zones, with the concerns of visual pollution or noise; it would have to meet noise requirements at the property line. He stated that the Palmdale Walmart located on 10<sup>th</sup> Street West originally looked into this type of project.

Chairman Vose stated the staff report calls out a blade height in a vertical position would be 60 feet; therefore, questioned if the center point structure would be 30 feet. Brian Ludicke responded the maximum diameter on the blade is limited to 16 feet, meaning the top of the pole would be at approximately 52 feet. He added the reasoning for the varying height is to ensure the system is at a height where it able to receive the maximum amount of wind energy. In some cases, it may be lower, depending on other structures that are in the vicinity of the area.

Speaker Robert Crawford stated he had mailed information to Brian Ludicke in reference to his items of discussion. He stated in the Mojave Desert near Baker 50 miles northwest of Needles, California, a solar plant source will be built in 2010 on over 4,000 acres that will eventually power 120,000 homes. He stated he drove four hours in the Lancaster outback, and was astonished at the extreme amount of vast land that can be utilized to gather and generate solar energy, and do the work of numerous windmills. He stated Antelope Valley could benefit from the use of the property, and that other countries were far advanced and have systems in place gathering energy from the sun. He hoped to see his property, purchased in 1968, engaged in this type of activity.

Public hearing closed at 7:22 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Burkey to adopt Resolution No. 09-37 recommending to the City Council approval of an amendment to the Zoning Ordinance, Title 17 of the Lancaster Municipal Code, in order to provide regulations for co-location of small wind energy systems in commercial and industrial zones with the addition of Sections 17.12.070.W, 17.16.060.A, and Section 17.40.690, and Section 17.08.070.Z to allow solar electrical generating plants in rural residential zones subject to a conditional use permit. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

**DIRECTOR'S ANNOUNCEMENTS**

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Brian Ludicke stated that Staff is preparing for a study session on trails to coincide with the next Planning Commission meeting agenda review on January 11, 2010. The three departments participating are Planning, Public Works, and Parks and Recreational Arts departments contributing three different aspects.

Chairman Vose inquired regarding the status of the zoning information and signage. Brian Ludicke responded that information would be released in January at 30-days prior to the Commission's scheduled February meeting. He added more information will be provided on signage to the Commission at the January 11 study session or the regular meeting on January 19, 2010.

**COMMISSION AGENDA**

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None.

**PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS**

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None.

**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 7:26 p.m., to Monday, January 11, 2010, at 5:30 p.m., in the Planning Large Conference Room, City Hall.

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster