

AGENDA ITEM: 4.

DATE: 06-21-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-03

DATE: June 21, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: TA – High Desert, LLC

LOCATION: 216± acres bounded by 100th Street West, 97th Street West, Avenue H and Lancaster Boulevard

REQUEST: Construction of a 20-megawatt solar photovoltaic electric generation facility in the Rural Residential 2.5 Zone

RECOMMENDATION: Adopt Resolution No. 10-27 approving Conditional Use Permit No. 10-03

BACKGROUND: There have been no prior hearings before the City Council or the Planning Commission concerning this property.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject location is designated NU (Non-Urban Residential; 0.4 – 2.0 dwelling units per acre) by the General Plan and is zoned RR-2.5 (Rural Residential 2.5; one dwelling unit per 2.5 acres), and is currently vacant. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	UR UR	CPD R-7,000	Vacant Vacant
EAST	Los Angeles County- Heavy Agriculture	A-2-1	Single Family Residence/ Vacant
SOUTH	Los Angeles County- Heavy Agriculture	A-2-2	Vacant

WEST	UR	R-7,000	Vacant
	NU	RR-2.5	Single Family Residence/Vacant
	Los Angeles County- Light Agriculture	A-1-1	Vacant

PUBLIC IMPROVEMENTS: The site is bounded to the north by Avenue H, Lancaster Boulevard to the south, 100th Street West to the west, and 97th Street West to the east, which are unimproved. Avenue I is improved with one travel lane in each direction. All utilities are available to serve the site.

ENVIRONMENTAL REVIEW: Review of pertinent environmental documents has disclosed no significant adverse impacts resulting from the proposed project after mitigation measures have been applied. Potential effects are discussed more fully in the attached Initial Study. The Initial Study prepared for the proposed project was sent to the State Clearinghouse (SCH # 2010051027) for public review. This 30-day public review period ended on June 9, 2010. Based on this information, staff had determined that a mitigated Negative Declaration is warranted. Notice of intent to prepare a mitigated Negative Declaration has been legally advertised.

Effective January 1, 1991, applicants whose projects have the potential to result in the loss of fish, wildlife, or habitat through urbanization and/or land use conversion are required to pay filing fees as set forth under Section 711.4 of the Fish and Game Code. Pursuant to Section 21089(b) of the Public Resources Code, the approval of a project is not valid, and no development right is vested, until such fees are paid.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 1,500-foot radius of the project, posted in three places, posted on the subject property, and noticed in the newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant, TA – High Desert, is requesting a conditional use permit for a 20- megawatt solar photovoltaic (PV) electric generation facility in the Rural Residential Zone. According to Section 17.08.070.DD of the Lancaster Municipal Code, a conditional use permit is required for the construction and operation of a solar plant in the Rural Residential Zone.

The proposed project would operate year-round, producing up to 20 megawatts (MW) of renewable electric power during daytime hours. TA – High Desert has a 20-year agreement with Southern California Edison to supply electricity generated by the proposed project. The proposed facility would consist of the following:

- a solar field of approximately 1,680 rows of crystalline or thin film PV panels, mounted on single-axis tracking systems on steel support structures;
- an electrical collection of inverter systems that aggregates the output from the PV panels and converts the electricity from direct current (DC) to alternating current (AC);

- a switchyard where all of the facility output is combined and transformed to a voltage of 66 kV;
- a meteorological data collection system configured to collect meteorological information at the height of the PV panels; and
- civil infrastructure including driveways, drainage design, and fencing.

The proposed project has the potential to impact the views from the surrounding roads and nearby rural residence. The photovoltaic panels are low profile of six (6) feet with a maximum height of eight (8) feet depending on the position of the sun, therefore, visual impact would be minimal. In order to further reduce any impacts, the applicant would install a line of trees along Avenue I, Avenue H, Lancaster Boulevard, 100th Street West, and 97th Street West that would provide additional screening of the site from residences and individual driving down these roads. The panels and tracker are silent, and would further reduce any impacts to nearby residence.

Two biological resources surveys were conducted for the proposed project by ICF International and documented in the following reports: “Biological Reconnaissance Survey for TA – High Desert’s Antelope Project in Lancaster, California” dated January 26, 2010, and “TA – High Desert’s Antelope Solar Project Biological Resources Report” dated April 2010. There is approximately 160,749 acres of potential foraging habitat within 10 miles of the hawk’s nest. Removal of the 216 acres of potential foraging habitat by the proposed project would be minimal, and is considered to be a less than significant impact. However, a preconstruction survey, as identified below, would be conducted prior to the start of project construction activities to ensure any potential impacts remain less than significant.

Mitigation measures are required to ensure that impacts to biological resources remain less than significant. With these mitigation measures, potential impacts to any candidate, sensitive, or special status species would be less than significant.

A cultural resource survey was conducted for the project site by ICF International, and the results were in a report entitled “Archaeological Survey Report for TA – High Desert’s Antelope Project, City of Lancaster, Los Angeles County, California” dated February 2010. Development of the site would not directly or indirectly destroy a unique paleontological resource, site, or geologic feature. No human remains, including those interred outside of formal cemeteries, were discovered on the site. Therefore, no impacts to cultural resources would occur. However, in the event that cultural resources are encountered during the course of construction activities, all work shall cease until a qualified archaeologist determines the proper disposition of the resource.

A Phase I Environmental Site Assessment was prepared for the proposed project by ICF International. The findings of the study are documented in a report entitled “Phase I Environmental Site Assessment Report Proposed Antelope Photovoltaic Project Site Avenue I West/100th Street West, Lancaster, California”, and dated February 2010. In addition to the site visit, a regulatory database search was conducted for the project site and the surrounding area (up to a one mile radius) by EDR. Neither the project site nor the adjoining properties were identified in any regulatory database. No sites were identified within a quarter mile of the project site. Therefore, the site is not

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included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5; thus, no significant hazardous impacts to the public or the environment would result from the project.

Therefore, staff is recommending that the Commission approve the project subject to the proposed conditions, based on the site having sufficient area to accommodate the proposed development, adequate access and services being available for the use, and the lack of significant adverse effects on the surrounding areas.

Respectfully submitted,

Randie Davis, Assistant Planner

cc: Applicant

RESOLUTION NO. 10-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-03

WHEREAS, a conditional use permit has been requested by TA - High Desert, LLC, to allow Construction of a 20 megawatt solar photovoltaic electric generation facility in the Rural Residential 2.5 Zone; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of chapter 17.32 and chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intention to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby finds that the initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of mitigation measures as detailed in Exhibit "A"; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resource Code, that the Mitigated Negative Declaration prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information contained in the Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Quality Act prior to taking action; and

WHEREAS, public notice was provided as required by law and a public hearing was held on June 21, 2010; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of this application:

1. The proposed use would be located on 216± acres bounded by 100th Street West, 97th Street West, Avenue H and Lancaster Boulevard and will be in conformance with the General Plan land use designation of Non-Urban Residential Zone.

2. The proposed project is a 20-megawatt solar photovoltaic electric generation facility with a conditional use permit, which is consistent with the General Plan Policy 3.6.6. that states, “consider and promote the use of alternative energy such as wind energy and solar energy.”
3. The requested use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area, because the propose use will be screened with trees from surrounding residential zones and the panels and tracker are silent.
 - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because City development standards will be met and adequate parking is provided. The proposed panels are a maximum height of 8 feet, which are under the maximum height regulations of the Rural Residential zones and are designed with adequate setbacks from the adjacent street.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and improvements will be part of the project.
4. That the proposed use will not adversely affect nearby residents because the proposed use would be screened by trees, the maximum height of the panels are 8 feet, the panels and trackers are not noise generators, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed 20 megawatt solar photovoltaic electric generation facility shall conform to all factors outlined in Article XI Wind Energy Conversion Systems of the Municipal Code.
6. The proposed site is adequate in size and shape that accommodate the solar photovoltaic electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.
7. The proposed site is adequately served:
 - a. By 100th Street West, 97th Street West, Avenue H, and Lancaster Boulevard which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
 - b. By other public or private service facilities, including sewer, water, fire, and police services are required.

8. The proposed use will not result in a significant effect on the environment because all potential impacts have been found to not be significant as noted in the environmental review section of the staff report prepared for this project.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby approves the Mitigated Negative Declaration prepared for this project with the finding that although the proposed Conditional Use Permit could have a significant effect on the environment, there will not be a significant effect on the environment after mitigation measures have been applied to the project.

2. This Commission hereby adopts the Mitigation Monitoring Program, Exhibit "A".

3. This Commission hereby approves Conditional Use Permit No. 10-03, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21st day of June 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ATTACHMENT TO PC RESOLUTION NO. 10-27
CONDITIONAL USE PERMIT NO. 10-03
CONDITION LIST
June 21, 2010

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 47, 48, 49, and modified Condition No. 45 (see under “Environmental” below).
2. All drainage facilities are to be constructed and approved prior to occupancy of any structures within the project per the Director of Public Works. If the project is phased, all drainage facilities for each phase will be constructed and approved prior to occupancy of any buildings within that phase.
3. Per the direction of the Planning Director, no unscreened outdoor storage of any kind would be allowed on the site or on the undeveloped portion of the site.
4. Contact the Los Angeles County Waterworks District to determine if there are additional off-site improvements or conditions which would be required. The proposed development will also be required to pay all applicable Waterworks District fees.
5. Use of on-site septic systems is subject to approval of the Lahontan Regional water Quality Control Board (LRWQCB). Should the LRWQCB not approve the use of the on-site septic systems, the project would be required to connect to sanitary sewer.

ADDITIONAL CONDITIONS

6. Per the direction of the Director of Public Works, grant an irrevocable offer of dedication for the following easements:
 - Avenue “H” at a 96-foot right-of-way;
 - Avenue “H-8” at an 80-foot right-of-way;
 - Lancaster Boulevard at an 80-foot right-of-way;
 - 100th Street West at a 96-foot right-of-way.
7. Per the direction of the Director of Public Works, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
8. Per the direction of the Director of Public Works, dedicate Avenue I at a 96-foot right-of-way and improve with 40 feet of asphalt pavement along the project.
9. Per the direction of the Planning Director, applicant shall be required to install additional landscaping as needed along Avenue H, 100th Street West, Lancaster Boulevard and 97th Street West for screening purposes.

10. The applicant shall provide restroom facilities as required by the building code.

ENVIRONMENTAL

11. The applicant shall, prior to or concurrent with the approval of a grading permit, pay a fee to the City of Lancaster in the sum of \$770.00 per gross acre, to be held in the biological mitigation fund as established by the City Council. Additionally, should the applicant be required to pay mitigation fees under the California Department of Fish and Game, these fees can be deducted from the amount collected by the City of Lancaster. (Modified Standard Condition No. 45 of PC Resolution No. 10-23)

MITIGATION MEASURES:

12. A pre-construction burrowing owl survey shall be conducted within 30 days prior to the start of construction/ground disturbing activities. If burrowing owls or sign thereof are discovered during the survey, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management requirements for the species.
13. A pre-construction nesting bird survey shall be conducted within 30 days prior to the start of construction/ground disturbing activities. If nesting birds are encountered, all work in the area shall cease until either the young birds have fledged or the appropriate permits are obtained from the California Department of Fish and Game.
14. A Swainson's hawk survey shall be conducted on the project site prior to the start of construction/ground disturbing activities. If Swainson's hawks are identified using the site during the survey, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management requirements for the species.