

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

March 21, 2011

CALL TO ORDER

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

INVOCATION

Sanah Burhan of Islamic Center of North Valley did the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Harvey led the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL

Present: Commissioners Elihu, Hall, Harvey, Malhi, Terracciano, and Vice Chairman Jacobs.

Absent: Chairman Vose.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), City Engineer (Carlyle Workman), Environmental Planner (Jocelyn Swain), Recording Secretary (Joy Reyes), Recording Secretary (Marion Coleman), and an audience of approximately 10 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to approve the Minutes from the Regular Meeting of February 28, 2011. Motion carried with the following vote (6-0-0-1):

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Terracciano, and Vice Chairman Jacobs.

NOES: None.

ABSTAIN: None.

ABSENT: Chairman Vose.

NEW PUBLIC HEARINGS

2. Zone Change 10-03 and Conditional Use Permit No. 10-23

Vice Chairman Jacobs opened the public hearing at 6:05 p.m. to hear a request by Sunlight Partners, (1) to rezone the property from SRR (Semi-Rural Residential) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres); and (2) to construct a 1.5 MW photovoltaic solar electric generating facility in the Rural Residential 2.5 (RR-2.5) Zone, 20± gross acres located at the northwest corner of 40th Street East and Avenue K-8.

Brian Ludicke presented the staff report. There were two speaker cards in opposition to the request.

Applicant Mark Roberts expressed that Sunlight Partners are very excited to be working with the City of Lancaster, has had discussions with staff and Jason Caudle, and looking forward to additional projects and a successful completion of the present project. The initial study has been reviewed and all the issues that the citizens may be concerned about, for example, noise and pollution, have been addressed in the study, and the applicant is in agreement with the mitigation measures and was available to respond to the concerns of the project.

First speaker, Brian Mills, pointed out on posted map his residence on five-acres near the project area. He stated that if he backed out of his drive-way too far, his concern would be hitting an 8-foot chain link fence. He stated when his family moved to the area, it was zoned rural and has since changed to semirural. He understood that the City could change the zoning as seen fit for planning, but approaching his home the scenery appears as if living next to a prison. He expressed concern with the installation of specific wiring, shrubbery, and an irrigation system. He stated the main concern was what the property value on his home would be if he planned to move in the future. Another concern was health issues, how much study has been done into living very near a facility of this magnitude. He concluded that when he stands on the front porch of his home, he does not want to see high fences during the day, or spotlights, cameras, and five trucks each week performing service.

Second speaker, Jim Caron, stated he lived next door to Brian Mills, and shared the same concerns. He suggested moving the project to another area that is not in close proximity to residential, for example, the soccer fields. He mentioned there was a sign for a facility to be placed at Avenue M and 4th Street East, and questioned why both facilities could not be placed on that property. He concluded this site would be the wrong area for such a facility.

Mark Roberts responded to clarify that the facility would require minor maintenance, primarily to wash the panels twice each year, and keep the vegetation at appropriate levels. The applicant plans to accept appropriate vegetation from the list of City approved desert plants, that will provide some element of beauty for the area, and screening along the residents' neighboring fence lines. There is adequate distance for Brian Mills to back out of his garage, and the City has approved the site plan with appropriate setbacks and distances. He stated that in terms of electromagnetic issues, any type of solar facility takes and creates energy on a direct current basis. EMF's (electromagnetic fields) are created by alternating current so there will be no appreciable EMF coming from the facility. He stated that the utility line that runs down Avenue K-8 behind the resident's home creates more EMF than the solar plant would. He concluded that, as distributive developers, the reason this area was chosen was to develop a smaller plant so

that it can serve needs of the surrounding community. Additionally, this site provides connection capacity, in terms of locating appropriate connections to the site grid.

Commissioner Hall expressed concern about the EMF and the type of noise the facility would make. He also suggested that less trips a year for trucks providing cleaning service should occur. Mark Roberts responded that the noise, described as the sound of a refrigerator (in the home), coming from the motors of the solar panels that track the sun, and as addressed in the initial study, there is no noise that could be heard from the solar plant. There is slight noise that may be heard from the converters, but dissipates rapidly and cannot be heard from outside the solar plant.

Commissioner Harvey inquired, with the concern for the residents in the project area, if there was any data to support the applicant's statement of no health risks by having a solar plant in a residential area.

Mark Roberts stated that it was common knowledge that direct current does not create EMF, and a report by the Environmental Health Services of 1991 (available on website www.emfservices.com/article.htm) which concludes that there is no cause of EMF with this generation. Commissioner Harvey asked if there was a time period (i.e., increments of 10-year periods) of when the report was conducted. Mark Roberts responded that he did not know. Commissioner Hall inquired if the EMF generation would be equal to, or less than, a five-horsepower well motor. Mark Roberts stated that an EMF is either electrical or magnetic radiation, and the radiation comes from the electrons moving through the line, not from the motor. The alternating current dissipates within five to ten feet.

Commissioner Terracciano stated that on the initial layout the applicant pointed out an access to be at the northeast corner of the development away from the neighbors, and inquired if that was the location of access. Mark Roberts affirmed, and stated that it would be very unusual for the neighbors to hear a vehicle entering the site, and the activities associated with the traffic is not a noise-generating activity.

Commissioner Terracciano asked how often maintenance would be performed. Mark Roberts reiterated that the panels are washed twice each year, and performed during the daylight hours by water trucks. He added that because the solar panels are tracking the sun, it is only operating during the daylight hours and settles in "stow" position at night.

Commissioner Hall asked staff to explain the meaning of rural residential (RR 2.5) zone to semirural residential (SRR) zone, and if both zones are allowed to have the same types of solar panels. Brian Ludicke responded that the panels could be placed in the SRR or RR 2.5 zone. The differences are: In SRR Zone, the panels would have to be developed for the specific use of the site, for example, someone operating a farm or their own residence at that location. The RR-2.5 Zone does allow for the development of a commercial facility that is intended to generate electricity into the grid for sale. The SRR Zone, RR-1 Zone, and RR-2.5 Zone, are acceptable zoning classifications for the non-urban area of the City under the General Plan. The basic difference, outside of use variations, is the density of a residential development, if the site is to be used for residential development. In an SRR Zone, there would be development of houses on minimum 20,000 square-foot lots. In an RR-2.5 Zone for residential uses, there would have to be lot sizes of 100,000 square-feet minimum. The other major difference is that RR-1 and

RR-2.5 Zones allow for a greater range of agricultural types of uses if a property is used for that purpose, and an SSR Zone is more restricted.

Commissioner Hall stated that either property, if someone purchased the property and their neighbor had solar panels, the Commission would not need to make a decision. Brian Ludicke affirmed, and added that where there is an installation of solar panels for private use, the Commission is limited to what can be reviewed, according to State law.

Vice Chairman Jacobs asked Mark Roberts to locate the converters on the map, and point out how many were on the plant. Mark Roberts pointed out that the three converters were in the center of the plant. Vice Chairman Jacobs stated, therefore, the converters would be the only noise contributors on the property during daylight hours. Mark Roberts affirmed.

Public hearing closed at 6:31 p.m.

It was moved by Commissioner Hall and seconded by Commissioner Malhi to adopt Resolution No. 11-03 recommending to the City Council approval of Zone Change No. 10-03. Motion carried with the following vote (6-0-0-1):

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Terracciano, and Vice Chairman Jacobs.
NOES: None.
ABSTAIN: None.
ABSENT: Chairman Vose.

It was moved by Commissioner Harvey and seconded by Commissioner Hall to adopt Resolution No. 11-04 approving Conditional Use Permit No. 10-23. The approval of CUP No. 10-23 is not valid until the effective date of Zone Change No. 10-03. Motion carried with the following vote (6-0-0-1):

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Terracciano, and Vice Chairman Jacobs.
NOES: None.
ABSTAIN: None.
ABSENT: Chairman Vose.

Brian Ludicke stated the earliest scheduling for Zone Change No. 10-03 to be heard before the City Council, would be at the meeting of April 12, 2011.

NEW BUSINESS

4. Conditional Use Permit No. 10-28

Vice Chairman Jacobs opened the public hearing at 6:34 p.m. to hear a request by Crystal Neal, for a banquet facility for private catered events, and to allow alcohol (beer, wine, spirits) to be served or sold on the premises, in the Downtown Lancaster SP 08-01 Zone, located at 731 West Lancaster Boulevard.

Vice Chairman Jacobs noted that an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. Brian Ludicke informed the Commission that the applicant was not present.

Vice Chairman Jacobs stated he had questions for the applicant, and felt that the conditional use permit would need to be continued to the April 18, 2011, meeting. Several other Commissioners concurred.

It was moved by Commissioner Hall and seconded by Commissioner Malhi to continue Conditional Use Permit No. 10-28 to the April 18, 2011, Planning Commission Meeting. Motion carried with the following vote (6-0-0-1):

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Terracciano, and Vice Chairman Jacobs.
NOES: None.
ABSTAIN: None.
ABSENT: Chairman Vose.

Brian Ludicke asked the Commissioners if there were specific areas of concern that staff could pass on to the applicant.

Commissioner Terracciano stated there appeared to be possible loopholes in the analysis of the staff report stating "If beer, wine, or spirits is served without charge, a permit from the ABC (Alcoholic Beverage Control) is not necessary."; and the proposed finding could be interpreted to permit alcoholic beverages to be served or sold on-or-off the premises with a conditional use permit.

Commissioner Hall stated his concerns were crowd control, parking, serving of alcoholic beverages, and the type of security to be provided.

Vice Chairman Jacobs stated his basic concern was alcoholic beverage control.

DIRECTOR'S ANNOUNCEMENTS

None.

COMMISSION AGENDA

None.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Vice Chairman Jacobs declared the meeting adjourned at 6:39 p.m., to Monday, April 11, 2011, at 5:30 p.m., in the Planning Conference Room, City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster