

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

September 19, 2011

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### CALL TO ORDER

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

### INVOCATION

Bishop Don Sather, Church of Jesus Christ of Latter-Day Saints, did the invocation.

### PLEDGE OF ALLEGIANCE

Chairman Vose led the Pledge of Allegiance to the flag of the United States of America.

### ROLL CALL

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

Absent: Commissioner Harvey.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Traffic Engineer (Michelle Cantrell), Recording Secretary (Joy Reyes), and an audience of approximately 35 people.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Hall and seconded by Commissioner Malhi to approve the Minutes from the Regular Meeting of August 15, 2011. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Harvey.

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**NEW PUBLIC HEARINGS**

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**2. Amendment to Lancaster Municipal Code (Title 17) for Compliance with Fair Housing and Disability Laws**

Chairman Vose opened the public hearing at 6:04 p.m., to hear a request by the City of Lancaster, to amend various sections of Title 17 in the Lancaster Municipal Code (LMC) for compliance with the fair housing and disability laws located city-wide.

Brian Ludicke read the staff report.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:07 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Elihu to adopt Resolution No. 11-12, recommending to the City Council approval of an ordinance to amend the Zoning Code (Title 17 of the Lancaster Municipal Code (LMC)) for compliance with the fair housing and disability laws, including provisions addressing therapy animals for persons with disabilities (Section 17.08.310), parking pursuant to the Americans with Disabilities Act (ADA) (Section 17.08.140), and an ordinance for reasonable accommodation (Section 17.08.400). Motion carried with the following vote (6-0-0-1):

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

**3. Conditional Use Permit No. 08-10**

Chairman Vose opened the public hearing at 6:09 p.m. to hear a request by Rami Darghalli, to locate a convenience market within an existing commercial building, and the incidental off-sale of alcoholic beverages (Type 21) in the Commercial Zone, located at 45232 10<sup>th</sup> Street West Suite 101.

An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. There were three speaker cards, one from the applicant, and two in favor of the project. Brian Ludicke read the staff report.

Commissioner Hall inquired if it was a new requirement because of the high crime area, for the applicant to provide a silent alarm. Brian Ludicke stated that the condition of requirement of the silent alarm was added by recommendation from the Sheriff's Department due to businesses in the project area that have been targeted.

Speaker Rami Darghalli (applicant) stated he had been working on the project since 2008, the Vallarta Store moved and a vacancy was left in that location. He stated that was the reason a

convenience store was decided upon and felt it was needed in the area. He has three other stores in three different cities, and expressed his desire to get the project started.

Chairman Vose inquired what type of business is currently being operated at the location of his request. Applicant responded that the business is a tobacco store owned by someone else; it was not his business. Chairman Vose asked how the applicant proposed to operate this business if someone else owned the existing business. Applicant stated they were in the process of assuming a lease from the landlord to change the use to another business. Chairman Vose asked if the applicant reviewed and agreed to the conditions of the proposed conditional use permit, and applicant affirmed. Chairman Vose stated the applicant previously operated under a Type 21 alcohol beverage license in Lancaster, and inquired of the locations of the businesses. Applicant noted of two locations: (1) on Avenue K and Challenger (a convenience liquor store), and (2) on Beech Street and Avenue I. Chairman Vose asked if the Type 21 alcohol beverage license was suspended for the Beech Street location, to which the applicant affirmed and stated the store has been closed for one year. Chairman Vose asked the applicant to explain why the proposed convenience store requires a Type 21 alcohol beverage license. Applicant responded that it was all about convenience; products to accommodate the sales and requests of the customers. Chairman Vose reiterated to the applicant the conditions limiting of the sale of liquor products, sizes, and containers. The applicant stated the smallest size of liquor that would be sold is 200-milliliters. Chairman Vose asked the applicant what his reaction would be if the Commission limited the size of containers to larger than 200-milliliters. The applicant responded that what is to be considered is the location of the project; larger sizes of liquor may not be affordable for this low-income area, and the liquor would have to be serviced (handled, obtained) by one of the store clerks. He added that the intention is for a convenience store not a liquor store.

Commissioner Hall expressed his concern about the security of the store with the silent alarm, and inquired if there would be other types of security. Applicant stated there would be cameras in and outside of the store and 24-hour video recordings.

Speaker Barbara Newsome, applicant's administrative assistant, stated that these types of businesses have been successful because of the convenience to the neighborhoods. The convenience stores are a "win-win" for any city because it creates jobs, convenience for the elderly, unemployed or under-employed, and it provides different types of services (purchase money orders, breakfast, stamps, etc.) to the community. She informed the Commission that the applicant has employed many people, and has been a help to the community in that he has purchased and renovated many homes to create affordable housing.

Chairman Vose commented that he remembered those types of markets in his younger years, but did not recall the purveyors in those circumstances selling alcoholic beverages in very small containers. He asked Barbara Newsome if she recalled the sale of alcoholic beverages in small containers. Speaker Barbara Newsome responded that she could recall the small containers; some stores did and some did not sale alcoholic beverages in small containers. When she lived in the North Hollywood area, there was a situation very similar to the current proposal of the convenience store. On Saturday mornings, the store would be crowded because customers were coming to the meat market; on Sundays, customers were purchasing a six-pack of beer to take home and watch the football games. This was all due to having a convenience store in their area.

Speaker Itaska Dheini, representing the applicant, stated she had been a member of the community since 1985, and has watched the community survive approximately three recessions. She has also watched businesses come and go, and come again. Often in the process of businesses going much needed tax revenue is lost for the city, and portions of the neighborhoods are being affected as a whole. Convenience of products and services are lost, and the costs of these losses are often trickled down to the economically disadvantaged. Seniors and low income individuals and families are hit the hardest. Speaking from personal experience, she stated that 10 of the 26 years that she has lived in the area, she was one of those low income individuals, single mother of four, and head of household. To go an extra two or three miles from where she was living would just be a hardship; money was tight, and transportation was not exactly what she desired it to be; therefore, having a market in the area where she and her children could walk was very convenient. She concluded that even though she is not living in that type of community now, she has not forgotten the needs of her peers, fellow constituents, and the need of good business; business that offers good service and convenience for all the constituents equally. The convenience market should be supported because it is needed; there are no markets in the area, and she felt that all of the neighborhoods within a three-mile radius surrounding the market can go to purchase produce or, on occasion, a bottle of wine with dinner at various other stores in the city, and why not at this convenience store.

Public hearing closed at 6:32 p.m.

Chairman Vose stated that the Commission had recently approved a convenience market located on 10<sup>th</sup> Street West and Avenue I. Brian Ludicke stated at the location was approval for a mini-market, and the store did not supply meat and produce as proposed in the current project.

Commissioner Hall asked if it was normal for convenience markets to have small containers of alcoholic beverage for sale. Brian Ludicke responded that he did not know.

Chairman Vose stated that the standard conditions for conditional use permits (Resolution 10-23) require trash enclosures, and the proposed condition (No. 1) does not include that requirement. He recalled that the location, in the past, has had problems with trash disposal and accumulation of trash, particularly in the alleyway, and inquired of staff on how the Commission would address the issue.

Brian Ludicke responded that a trash enclosure in and of itself would not address the issue of the project. There is no location adjacent to the market where an enclosure could be put. The site has numerous trash containers/bins that are located in the area, with the exception of the IHOP Restaurant and a small restaurant; none of the other businesses have an exclusive trash container located in the northeast corner, and none immediately adjacent to the site building. In the alley area east in the center area is a bin.

Chairman Vose recommended to the Commission that the size of distilled spirit beverage containers be modified to be larger than 200 milliliters.

It was moved by Commissioner Hall and seconded by Commissioner Elihu to adopt Resolution No. 11-13 approving Conditional Use Permit No. 08-10 with added Condition No. 22, as follows: "Distilled spirits shall not be sold in any of the following container sizes:

a) Metal containers, which have the general shape and design of a can and have a closure that is an integral part of the container that cannot be readily reclosed after opening, in sizes of 355 milliliters, 200 milliliters, 100 milliliters, 50 milliliters, or smaller; b) Containers other than cans in sizes of 375 milliliters, 200, milliliters, 100 milliliters, 50 milliliters, or smaller.” Motion carried with the following vote (5-1-0-1):

AYES: Commissioners Elihu, Hall, Malhi, Terracciano, and Chairman Vose.

NOES: Vice Chairman Jacobs.

ABSTAIN: None.

ABSENT: Commissioner Harvey.

#### **4. Conditional Use Permit No. 11-02**

Chairman Vose opened the public hearing at 6:43 p.m., to hear a request by Absolutely Solar, Inc., to construct a 3.4 megawatt (MW) photovoltaic solar electric generating facility in the Rural Residential 2.5 (RR-2.5) Zone, 17.74± gross acres located on the east side of 90th Street West between Avenue K-8 and Avenue K-12.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:44 p.m.

It was moved by Vice Chairman Jacobs and seconded by Commissioner Malhi to adopt Resolution No. 11-14 approving Conditional Use Permit No. 11-02. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Harvey.

#### **5. Conditional Use Permit No. 11-03**

Chairman Vose opened the public hearing at 6:45 p.m. to hear a request by Silverado Power, LLC, to construct a 10 megawatt (MW) photovoltaic solar electric generating facility in the Rural Residential 2.5 (RR-2.5) Zone, 67± gross acres located at the southwest corner of 90th Street West and Avenue H.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report; applicant requested to conduct presentation to address the three projects, CUP Nos. 11-03, 11-05, and 11-06 respectively.

Applicant provided a PowerPoint presentation conducted by representatives, Hans Isern, CEO, and Chris Wiedemann, Manager of Permitting and Land Acquisitions. Hans Isern stated the company is very excited about doing business in the City of Lancaster. Silverado Power is a solar photovoltaic (PV) development company, has financed over 50 projects over the world, and is constructing over 150 megawatt projects this year (2011). He stated that the company applauds the City's goals of becoming the solar capital of the United States. Projects are a great step to achieving this goal. Two years have been spent to find the absolute best sites for solar with low impact, and they are bringing major investment to the area culminating in over 100 jobs, and very minimal impact to water usage or city services. Chris Wiedemann presented the development process, site strategy, permitting, and local outreach efforts.

Chairman Vose informed the Commission and audience that the presentation addresses the three projects, CUP Nos. 11-03, 11-05, and 11-06 respectively (Agenda Item Nos. 5, 6, and 7 herein). Uncontested letters were also received for the three projects, with letters of support from Two Chambers Partnering (Lancaster and Rosamond Chambers of Commerce); Greater Antelope Valley Economic Alliance (GAVEA); and Arrow Transit Mix, Inc., and two letters opposing CUP 11-06 (Item No. 7), from the Board of Directors for Aqua-J-Mutual Water Company in Lancaster, and Morris and Virginia Redding (property owners in the Desert Sun Ranch area).

Chairman Vose again clarified with the applicants that they agreed to the conditions of approval as stated in the staff report. Applicants affirmed. Chairman Vose inquired if there were cultural resource issues concerning some potential historical significance, and Swainson's hawk survey to be performed; applicant affirmed. Chairman Vose asked applicants to discuss the sensory receptors adjacent to CUP 11-03, Del Sur School to the north, and existing mini-ranch single-family dwellings to the west; the process for installation of the pipes and use of pneumatic techniques, similar to hydraulic pile driving, and noise impact as implied in the applicant's report. Chairman Vose stated he had concerns relative to the Del Sur School site while construction is underway, and asked the applicants if 2014 was the anticipated commencement date; the applicants affirmed. Hans Isern responded that the deadline to bring the project on line as a condition of the power sales contract is 2014, but the plan is to begin construction the summer of 2013, and completing by the end of 2013. Chairman Vose asked the applicants to clarify the proposal for a fixed structure, and not an actuated structure; in reference to the presentation, what were the applicants requesting the Commission to approve. Hans Isern responded that the intent is to construct a fixed-tilt system, and requests the flexibility to choose single- or dual-axis tracking system as the technologies change over the years. Chairman Vose stated the request, therefore, is to approve as recommended; the applicants affirmed. Chairman Vose questioned how the noise impact during construction would be dealt with concerning the Del Sur School while school is in session. Chris Wiedemann responded that they have met with Del Sur School principal and superintendent to discuss and address the concerns that have been raised for the project regarding construction traffic and construction noise. Chairman Vose asked if the scheduling of work would be before or after school hours; applicant stated the schedule for construction is during the summer months.

Brian Ludicke stated there were three speakers. Speaker Dennis Swanson stated he is half-owner of the property since 1980, and the whole area is under transition. He stated the property has not been farmed since 1965, and nothing else is going on, with the exception of the housing tract. He expressed that he was in favor of the project; he felt the project would be

clean, and some people may not be in favor of the project in their backyard, but they do want it as a general good thing for the community.

Speaker Mel Layne stated he is the President of the Greater Antelope Valley Economic Alliance (GAVEA) that was organized approximately 10 years ago to bring, retain, and grow businesses to, and in, the Antelope Valley. GAVEA has worked hard to bring renewable energy companies in the area, and have brought in approximately 150 developers to observe the 540 MW project at Edwards, California. The total project value that GAVEA have assisted with is approximately six and one-half billion dollar (\$6,500,000,000) investment. The three projects being discussed are 50 MW which will produce enough electricity for 10,000 homes. Overall, the projects that GAVEA has worked with will produce over 8,000 MW. He stated that 8,000 MW is enough to produce enough electricity for the single-family houses within Los Angeles County. The organization feels that the project is good for the area, a reliable source and proven technology, and will help the State of California as well as the City of Lancaster meet their renewable energy goals. Many people have lost jobs in the area of construction, and hope that this project will bring about some employment to bridge the gap as the housing market increases in time. A large percentage of employees for the proposed project will be hired in the Antelope Valley area, therefore, it will be great for businesses in Lancaster. The land has been unproductive for many years, and it is the opinion of GAVEA that this project is the highest and best use of the property rather than farming, which causes a high use of water.

Speaker Leroy Mealancon stated he has concerns about the project, because his home built in 1935 sits on five acres adjacent to the project area. The major concern is the grading; he stated when the wind blows the dust will affect the house. The drilling will create too much noise, which may bring damage to the aged home, decrease the value, and he will not be able to sell the home in the future because of the location. He stated that an offer of \$30,000 per acre was made for the home, and the balance owed on the home is \$240,000; he did not think this was being "friendly to your neighbor". He stated the project can do good, but felt the applicants must be considerate of the residents that have lived in that area for most of their lives, or make a fair offer to the residents who live in very close proximity of the project. In summation, the main opposition to the project was the grading, along with the high winds and drilling that could destroy his home.

In rebuttal, applicant representative, Chris Wiedemann, addressed comments concerning dust during site construction, and stated these types of project consist of minimal grading, and is not similar to a solar project where the whole site has to be laser leveled. The process is called grubbing, which is removing all vegetation and creating access roads for fire access; this would be the extent of the grading process. Native vegetation would be able to return to the site after the installation is complete. During construction, according to the plans, water will be used to control or minimize dust and other particles. He stated that he met with Rick Truckee, owner of the house, to discuss the project at length, and the owner's major concerns were the visual impact the project would have on the owner's home, in which the applicants are making adjustments they hope will be to the owner's satisfaction. The value of the home was discussed, to which the owner was not interested. Applicant strongly emphasized that they were not trying to "low ball" the owner on the property; they were simply discussing property values in general. In reference to property values, there are many infrastructures that go along with the sites; road improvements, landscaping, and creating real estate activity in the area, which typically improves rather than decreases property values.

Commissioner Terracciano asked the applicant the size of the property that the single-family residence was located. Applicant responded that it was five acres each on two different parcels, totaling ten acres.

Public hearing closed at 7:09 p.m.

It was moved by Commissioner Hall and seconded by Commissioner Malhi to adopt Resolution No. 11-15 approving Conditional Use Permit No. 11-03. Motion carried with the following vote (5-1-0-1):

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

NOES: Commissioner Elihu.

ABSTAIN: None.

ABSENT: Commissioner Harvey.

## **6. Conditional Use Permit No. 11-05**

Chairman Vose opened the public hearing at 7:11 p.m., to hear a request by Silverado Power, LLC, to construct a 20 megawatt (MW) photovoltaic solar electric generating facility in the Rural Residential 2.5 (RR-2.5) Zone, 39± gross acres located approximately ¼ mile southeast of the intersection of 80<sup>th</sup> Street West and Avenue J.

An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. Jocelyn Swain presented the staff report.

Speaker James Petty opposes the project, and stated there are many homes near the project site. He has five acres of property located 320 feet northeast of the project site, and has considered building on that site. There are houses approximately 600 feet from the project site, and is concerned with property value dropping. With the development in the surrounding area, he feels that the appearance of the area will go down. He stated that he was not opposed to solar; he worked for a solar power company, and knows it is quite efficient, good for the earth and Lancaster in general. He stated that it was not so much the project that he opposes, but the area of the project is too close to the homes. He concluded that he had not been approached or given an offer for his property, which may have been an incentive in making a decision to keep the property to develop.

Chairman Vose inquired if the mitigation for the 300+ alkali mariposa lily cash contribution was in the trust. Jocelyn Swain affirmed. Chairman Vose further stated it was the appropriate mitigation that is imposed on any project impacted by the alkali mariposa lily. Brian Ludicke affirmed and stated the process was established approximately in 2005, and has been the standard since. Chairman Vose stated the land use is rural residential 2.5, and inquired if 37 units could be developed on the property. Brian Ludicke responded if everyone did a 100,000 square-foot lot, it would be possible. Chairman Vose stated with 37 families and related infrastructure, including roads, street lights, curbs, gutters, sidewalks, and walls. Brian Ludicke



affirmed and stated that it would be somewhat limited in rural areas. Chairman Vose commented that some would describe photovoltaic almost as a holding use with a shelf life of 20 to 35 years, depending on the technology. He inquired if it were possible, if the project was developed and in the future the land use stayed the same, that it could cycle back into some form of residential development. Brian Ludicke responded that this is possible.

Commissioner Hall inquired if rural residential zoning allow homeowners to install photovoltaic paneling on their own in a manner similar to the present project. Brian Ludicke responded that homeowners can install solar projects for their own use. The difference with the conditional use application is that these projects are intended for commercial power generation.

Chairman Vose asked if the uses under the current regulations can be in rural residential zones, certain industrial zones, and certain commercial zones. Brian Ludicke stated that it cannot be in commercial zones; commercial would allow the installation of “behind the meter project” solar shade structures of that type, but not intended to be commercial generating projects. Chairman Vose stated the example was similar to the Kaiser project. Brian Ludicke affirmed.

Public hearing closed at 7:22 p.m.

It was moved by Commissioner Malhi and seconded by Vice Chairman Jacobs to adopt Resolution No. 11-16 approving Conditional Use Permit No. 11-05. Motion carried with the following vote (6-0-0-1):

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

## **7. Conditional Use Permit No. 11-06**

Chairman Vose opened the public hearing at 7:23 p.m. to hear a request by Silverado Power, LLC, to construct a 20 megawatt (MW) photovoltaic solar electric generating facility in the Rural Residential 2.5 (RR-2.5) Zone, located on 60± gross acres bounded by East Avenue J, 95<sup>th</sup> Street East, East Avenue J-8, and 93<sup>rd</sup> Street East.

An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. Letters in opposition to the proposed project were received from Doug Mead, President of the Board of Directors for Aqua-J-Mutual Water Company, and Morris and Virginia Redding, property owners in the project area. Jocelyn Swain presented the staff report.

Commissioner Hall inquired about the statement in the report that there are active agricultural fields to the south of the project. Commissioner Hall stated the green area to be an active farmland. Jocelyn Swain affirmed.

Chairman Vose inquired if the biological survey requires the nesting bird survey or just the burrowing owls. Jocelyn Swain responded that only a preconstruction burrowing owl survey is required.

Applicant Chris Wiedemann stated the project property is formerly a farmland as mentioned; it is currently not being farmed and is heavily disturbed. The same improvements would apply as presented in Agenda Item Nos. 5 and 6. He recalled a comment concerning projects being viewed as placeholders, and stated he agreed in that the use of the site is not altered permanently the impact is very low, pile driven racking systems that can be inserted and then pulled out after the life of the project very easily for return to an agricultural or residential use. The current zoning is not going to change for the project, and there will not be any chemicals used on the brush for the site clearing. He re-addressed the concerns of the effect on property value, and reiterated that it is the applicant's hope that the infrastructure improvements and activity in the real estate market will cause increase in the property value.

Commissioner Hall inquired if the construction techniques on this project would have less impact on the land than the farm to the south. Applicant responded that during the life of the project the impact would be less. Grading is not required because the land is flat. The only real disturbance will be the access roads for maintenance vehicles. The areas between the roads will remain intact and will not be disturbed for the life of the project. Commissioner Hall asked about the dust control during and after construction. Applicant stated that during construction water trucks will be used on the site for the roads and grading, conforming to all dust control measures. Post construction, land will not be loose but compacted and should not create much dust. The traffic in this area will be very low, and a panel truck will service the site every six months.

There were three speakers in opposition to the proposed project.

Speaker Douglas Mead stated he represents 98 families and landowners in the capacity as President of the Board of Directors of the Aqua-J-Mutual Water Company, servicing in the neighborhood bounded by 90<sup>th</sup> Street East on the west, Lancaster Boulevard on the north, 95<sup>th</sup> Street East on the east, and East Avenue J on the south. The neighborhood is directly across Avenue J from the proposed 60-acre project. Of utmost importance is the dilution of their rural way of life. Once industry is permitted into the area, it is almost axiomatic additional will be allowed. None of residents moved out to their neighborhoods to be closer to where they work or be part of an industrial neighborhood. The introduction of industry to the area will most assuredly have an adverse effect on their property values. The neighborhood properties have dropped fifty five percent (55%) in value since October 2005. Applicants are now proposing a project contiguous to the neighborhood that will cause property values to be further negatively impacted. Additionally, the proposed project is directly over the aquifer supplying potable water to the landowners and many downstream. The current project may not directly tap the aquifer but future projects may; landowners are united in their opposition to the proposed solar project. The land, as recently as 2010, has been farmed and is traditional farming land, had been graded off, and flat for many years (since the 1950's). As a group of neighbors, the landowners strongly believe in the concept of renewable energy, however, they are opposed to the site selection.

Speaker Sharon Griffing stated she is a resident and lives approximately one-half mile on the north side of East Avenue J. She has a small farm that is surrounded by alfalfa fields and other farms; an ecosystem in the desert. She has Joshua trees, hawks, ravens, kangaroo rats, desert hares, coyotes, fruit bats, all types of lizards and snakes. As a resident of unincorporated Los Angeles County, she cannot vote in Lancaster elections; however, she does business, work, and shop in Lancaster, and would like her opinions and concerns to be considered. She requests an environmental and biological survey be done, because of the fact that it is a beautiful ecological area with many sources; colleges bring many students out to study the area. She is concerned about possible chemical use; however, Jocelyn Swain did inform her that the grounds would neither have chemicals nor be graded in that area. She is trusting this information is correct, because the wind blows from the west to the east. She stated that the dirt is very fine; there is tumbleweed and trash, all of which will build up into an area surrounded by fences and will need maintenance. She would like to know how the land will be graded and cleared, what is going to happen, and if anything will disrupt her well, which are on most properties in that area. She concluded that she loves the area, and has lived there for six years, and agreed that in 2010 the area was being farmed.

Chairman Vose informed Sharon Griffing that she could review the staff report in the binder (located on table upon entry to the council chambers), or go on website, which contains the environmental report and biological survey that was conducted in the project area.

Speaker Jeremy Chisholm stated he understood that poles would be placed in the ground, he is not aware of the procedures, but indicated that any poles placed in the ground in that area, after five years the poles would rust and rot. He stated that going into the ground ten feet as mentioned, there would be a possibility of two feet of the pole coming out. He questioned what would happen if there is an attempt to build, and have to pull thirteen (13) feet of pipe out of the ground. He also stated concerns of the trash being carried by the wind; what will be done.

Applicant Chris Wiedemann stated he would address the issues of dust control in general as previously discussed, construction water trucks will be used on the site for the roads and grading, dirt will be compacted and should not create much dust; the traffic in this area will be minimal. In response to Sharon Griffing, bio-cultural studies have been conducted on the site, and have not identified any biological subjects largely to the fact the site was recently farmed. He concluded the applicants are confident that there will not be a disruption of the ecosystem, and there will be a follow-up of the surveys. The site is very low maintenance and will be maintained regularly. There will not be traffic build-up, there will be removal of tumbleweed that blows against the fences to keep the site completely clean and refuse free. In response to Jeremy Chisholm, the piles that will be driven consist of different types of alloy, and certainly not a type that would corrode for the life of the project.

Chairman Vose asked applicant to address comments made by Speaker Douglas Mead's on identifying project as an industrial project. Chris Wiedemann stated as discussed, the zoning of the site is not going to change. The project is very low impact, and hard to compare to a warehouse or other industrial uses. Because of the low impact, the sites will be able to return to their previous use without disturbance. Chairman Vose inquired of how many acre feet of water would be used to farm the project site. Applicant estimated approximately 100 acre feet of water per year.

Commissioner Hall inquired where the purchase of the water source would be obtained to service maintenance on the project site. Applicant responded that issue was being investigated and there has not been a contract established. Commissioner Hall asked if there was contact information if a resident was concerned about other matters that had not been discussed or that could occur on the site. Applicant responded they had not reached that point logistically, and if there was an eyesore it would be taken care of immediately. Commissioner Hall recalled the subject of the alfalfa fields and its beautiful scenery, and asked if the PV farm will have an adverse affect as compared to an alfalfa field. Applicant responded that he was not sure if the scenery would look exactly the same, but with regards to the visual impact, the intent is to blend with the local scenery as much as possible; therefore, the visual intrusion will not be significant. Commissioner Hall asked about the landscaping and water wells. Applicant responded that the difference in the landscaping of the alfalfa fields would be the fences surrounding the project site. The wells would need to be capped a maximum of approximately 14 to 15 feet below the surface; there would not be any blasting.

Commissioner Elihu inquired about statement by applicant that for this project, the impact of the property value will be in a positive way. Applicant stated that studies had not been conducted with regards to the impact on the properties, but it is their belief that the improvements to the roads, infrastructure, and creating a clean site are also creating marketing activity in the area, thus causing the property value to increase.

Public Hearing closed at 7:51 p.m.

It was moved by Commissioner Hall and seconded by Commissioner Terracciano to adopt Resolution No. 11-17 approving Conditional Use Permit No. 11-06. Motion carried with the following vote (6-0-0-1):

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

## **COMMISSION DISCUSSION**

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Chairman Vose informed the audience that at the work study conducted on September 12, 2011, on sign regulation, by consensus the Commission directed Staff to evaluate signs and further investigate/review sign regulations. Review will take one year or longer, with input from community members.

## **DIRECTOR'S ANNOUNCEMENTS**

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None.

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**COMMISSION AGENDA**

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Commission discussed meetings of January 16 and February 20, 2012, to be rescheduled to January 23 and February 27, 2012, due to the Martin Luther King, Jr., Day and President's Day holidays, respectively.

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to reschedule Planning Commission Regular Meeting dates to January 23 and February 27, 2012, due to the Martin Luther King, Jr., Day and President's Day holidays, respectively. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Harvey.

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

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None.

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**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 7:56 p.m., to the Special Meeting for Agenda Review on Monday, October 10, 2011, at 5:30 p.m., in the Planning 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