

AGENDA ITEM: 5.

DATE: 05-21-12

STAFF REPORT

DEVELOPMENT AGREEMENT NO. 89-01 AM

DATE: May 21, 2012

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Del Sur Greenworks, LLC

LOCATION: 664± gross acres generally bounded by Avenue H, Avenue G, 93rd Street West and 105th Street West

REQUEST: Amend various sections of Development Agreement No. 89-01 AM to allow for the development of commercial scale photovoltaic solar facilities with a Conditional Use Permit

RECOMMENDATION: Adopt Resolution No. 12-12, recommending to the City Council approval of an ordinance amending Development Agreement No. 89-01 AM to allow for the development of commercial scale photovoltaic solar facilities with a Conditional Use Permit.

BACKGROUND: The Del Sur Ranch project was originally approved by the City of Lancaster in February 1990. Development Agreement 89-01 became effective on April 17, 1990, and established certain time frames and requirements for the development of the project. This Development Agreement has been amended several times to incorporate changes in the project description, General Plan designations, zoning, and the subdivision map. Currently, the Development Agreement on the subject property has an expiration date of October 17, 2018.

PUBLIC IMPROVEMENTS: There are minimal public improvements in the area. Avenue G, 90th Street West and 110th Street West are paved with two travel lanes in the vicinity of the project site. Avenue H is paved from 90th Street West eastward; however, along the southern boundary of the project site it exists as an unimproved dirt road. Urban services and utility systems are currently very limited in the vicinity of the project site.

ENVIRONMENTAL REVIEW: The amendment to the Development Agreement is covered by the Final Environmental Impact Report for the City of Lancaster General Plan (SCH#2007111003). In the event that a Conditional Use Permit application is filed for a solar development on the subject property, additional environmental review subject to the California Environmental Quality Act (CEQA) shall be conducted.

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 a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant, Del Sur Greenworks, LLC, is requesting an amendment to Development Agreement 89-01 AM to allow for the development of photovoltaic (PV) solar generating facilities on the subject property with a conditional use permit. The existing approvals and Development Agreement on the subject property allow for the construction of approximately 1,925 single family residential dwelling units, park facilities (including a lake), schools, and a fire station. The General Plan designation on the property is predominantly Urban Residential (UR) with minimal amounts of Open Space (O), P (Public Use), and C (Commercial). The corresponding zoning is a mix of R-10,000 (single family residential, minimum lot size 10,000 square feet) and R-7,000 (single family residential, minimum lot size 7,000 square feet), PK (Park), S (School), and CPD (Commercial Planned Development). The existing general plan designations and zoning do not allow for the construction of photovoltaic (PV) solar electric generating facilities.

The proposed amendment to the Development Agreement would establish solar power generating facilities as an allowable use with a conditional use permit without changing the existing zoning. A solar power generating facility is defined by the proposed amendment as “use of the Property for the commercial production, generation, and sale of energy derived from solar resources, and uses incidental or ancillary thereto ...” This includes but is not limited to “constructing, reconstructing, erecting, installing, improving, replacing, relocating and removing from time to time, and maintaining, repairing, using and operating, any new, existing, additional or repowered (i) buildings and parking areas; (ii) solar power generating equipment, inverters, mounting and tracking systems, monitoring systems, solar collectors, and solar energy conversion systems of any type or technology; (iii) transmission facilities, including without limitation, overhead and underground transmission, distribution or collector lines, circuit breakers, conduits, foundations, footings, towers, poles, crossarms, guy lines, anchors and wires; (iv) overhead and underground control, communications and radio relay systems; (v) substations, power blocks, interconnection and/or switching facilities and electric transformers; (vi) energy storage facilities; (vii) sunlight measurement, research or development equipment; (viii) water pipelines and pumping facilities; (ix) control, maintenance and administration buildings; (x) utility installations; (xi) safety protection facilities; (xii) laydown areas and maintenance yards; (xiii) roads, road-related structures and erosion control facilities; (xiv) signs and fences; and (xv) other improvements, facilities, machinery and equipment in any way related to or associated with any of the foregoing on the Property.”

In the event that a solar application (CUP) is filed and approved for the subject property, the Development Agreement amendment would also allow the City to unilaterally redesignate and rezone the subject property once construction has started. The property would be redesignated and rezoned to Non-Urban Residential (NU) and RR-2.5 (rural residential, minimum lot size 2.5 acres). This designation and zoning would be the same as the surrounding properties, and compatible with the designations in the adjacent unincorporated areas.

The City of Lancaster has determined that the development and use of alternative energy is

beneficial to the community, and this determination is evident in the decisions made by the City Council. This is evident in City's solar/wind energy programs and ordinances. Additionally, the City's General Plan has several objectives/policies pertaining to alternative energy. These objectives/policies address the need to develop new sources of energy as well as reduce energy consumption. The proposed amendment to the Development Agreement is consistent with the City's goals as addressed in Policy 3.6.6, "Consider and promote the use of alternative energy such as wind energy and solar energy" and Specific Action 3.6.6(a), "Work with utility companies and private enterprises in their efforts to incorporate alternative energy resources including...solar energy".

The subject property is located in an area that has many proposed and approved alternative energy projects due to the availability of large amounts of undeveloped, fallow agricultural land and proximity to existing and planned transmission lines. Additionally, future development of the subject with solar facilities would help to achieve the City's and State's goals with respect to renewable energy. Therefore, staff is recommending that the Planning Commission recommend to the City Council adoption of an ordinance amending Development Agreement 89-01 AM to allow solar electric generating facilities.

Respectfully submitted,

Jocelyn Swain, Associate Planner - Environmental

cc: Del Sur Greenworks, LLC
Larwin

RESOLUTION NO. 12-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO DEVELOPMENT AGREEMENT NO. 89-01 AM

WHEREAS, pursuant to Section 65864 et. seq. of the Government Code of the State of California, the City of Lancaster and Del Sur Ranch, LLC previously entered into Development Agreement 89-01 for the Del Sur Ranch project; and

WHEREAS, solar power generating facilities are not an allowable use under the current zoning of the subject property; and

WHEREAS, notice of intention to consider the amendment of the development agreement for the subject property was given as required in Section 65867 of the Government Code of the State of California; and

WHEREAS, public hearing was held before the Lancaster Planning Commission on May 21, 2012, regarding the proposed development agreement amendment; and

WHEREAS, the Planning Commission reviewed and concurred that the amendment to the development agreement is covered by the Final Environmental Impact Report for the City of Lancaster General Plan (SCH #2007111003), and recommended to the City Council approval of this development agreement; and

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

1. The proposed development agreement amendment is consistent with the adopted General Plan, because it will facilitate implementation of the following objective and policy of the General Plan:

“Encourage efficient use of energy resources through the promotion of efficient land use patterns and the incorporation of energy conservation practices into new and existing development, and appropriate use of alternative energy.” (Objective 3.6)

“Consider and promote the use of alternative energy such as wind energy and solar energy.” (Policy 3.6.6)

2. The proposed development agreement amendment is consistent with the surrounding rural residential land uses and zoning designations.
3. The proposed development agreement amendment will not be detrimental to the public health, safety, and general welfare, because any future solar development

on the subject property would be less intensive than the uses (residential, commercial) currently approved for the subject property.

4. The potential environmental effects of the development agreement amendment are adequately identified in the certified Final EIR for the Lancaster General Plan. Any future solar application on the subject property would undergo environmental review per the requirements of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby recommends to the City Council approval of the amendment to Development Agreement No. 89-01 AM as shown in Exhibit "A".

PASSED, APPROVED and ADOPTED this 21ST day of May 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER,
CALIFORNIA, AMENDING DEVELOPMENT AGREEMENT
NO. 89-01 BETWEEN THE CITY OF LANCASTER AND DEL
SUR RANCH, LLC, TO INCLUDE SOLAR POWER
GENERATING FACILITIES

WHEREAS, pursuant to Section 65864 et. seq. of the Government Code of the State of California, the City of Lancaster and Del Sur Ranch, LLC previously entered into Development Agreement No. 89-01 for the Del Sur Ranch project; and

WHEREAS, solar power generating facilities are not an allowable use under the current zoning of the subject property; and

WHEREAS, notice of intention to consider the amendment of the development agreement for the subject property was given as required in Section 65867 of the Government Code of the State of California; and

WHEREAS, public hearing was held before the Lancaster Planning Commission on May 21, 2012, regarding the proposed development agreement amendment; and

WHEREAS, the Planning Commission reviewed and concurred that the amendment to the development agreement is covered by the Final Environmental Impact Report for the City of Lancaster General Plan (SCH #2007111003), and recommended to the City Council approval of this development agreement amendment; and

WHEREAS, the City Council hereby makes the following findings in support of the Development Agreement Amendment:

1. The proposed development agreement amendment is consistent with the adopted General Plan, because it will facilitate implementation of the following objective and policy of the General Plan:

“Encourage efficient use of energy resources through the promotion of efficient land use patterns and the incorporation of energy conservation practices into new and existing development, and appropriate use of alternative energy.” (Objective 3.6)

“Consider and promote the use of alternative energy such as wind energy and solar energy.” (Policy 3.6.6)

2. The proposed development agreement amendment is consistent with the surrounding rural residential land uses and zoning designations.

3. The proposed development agreement amendment will not be detrimental to the public health, safety, and general welfare, because any future solar development on the subject property would be less intensive than the uses (residential, commercial) currently approved for the subject property.
4. The potential environmental effects of the development agreement amendment are adequately identified in the certified Final EIR for the Lancaster General Plan. Any future solar application on the subject property would undergo environmental review per the requirements of the California Environmental Quality Act.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby approves Development Agreement No. 89-01 AM as contained in Exhibit "A".

Section 2. That the City Clerk shall certify to the passage of this Ordinance, and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the ____ day of _____, 2012, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. _____, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of the _____, _____.

(seal)