

STAFF REPORT
City of Lancaster

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10/23/12
MVB

Date: October 23, 2012

To: Mayor Parris and City Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Appeal of Planning Commission Approval of Conditional Use Permit No. 11-07 (A Conditional Use Permit for the Construction of a 10-megawatt (MW) photovoltaic solar electric generating facility at the southeast corner of 110th Street West and Avenue J)**

Recommendation:

Adopt **Resolution No. 12-64**, upholding the Planning Commission decision by denying the appeal for Conditional Use Permit No. 11-07, a request to construct a 10-megawatt (MW) photovoltaic solar electric generating facility in the Rural Residential 2.5 (RR-2.5) Zone.

Fiscal Impact:

None.

Discussion:

On September 17, 2012, the Planning Commission adopted Resolution No. 12-14 approving Conditional Use Permit No. 11-07 for the development of a 10-megawatt (MW) photovoltaic solar electric generating facility on 40 acres at the southeast corner of Avenue J and 110th Street West. On October 1, 2012, Citizens for Rural Open Space (CROS) filed an appeal to the Planning Commission's decision.

Citizens for Rural Open Space stated that the grounds for the appeal were "Inadequate MND, including but not limited to insufficient assessment of habitat and special status species and failure to provide adequate cumulative impact analysis. An EIR is necessary." No other information was provided by the appellant. As part of the processing of the CUP application, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project, including the preparation of a biological report by a qualified biologist. The biological report was prepared in accordance with industry standards, and included searches of the appropriate State databases and a field survey to identify the plant and animal species on the site. No sensitive plant or animal species were identified on-site; however, there is suitable habitat for burrowing owls and coast horned lizards, and mitigation measures were incorporated to ensure that impacts to these species would be less than significant in the event they were to move onto the site prior to construction commencing.

A cumulative analysis was done as part of the IS/MND, and it was determined that the project would not have a cumulatively considerable impact, and, therefore, cumulative impacts would be less than significant. The preparation of an Environmental Impact Report (EIR) is only required when a project would have significant impacts. Staff does not believe that the impacts associated with this project (project specific or cumulative) reach the level necessary for the preparation of an EIR.

JS:BSL/jr

Attachments:

Resolution No. 12-64

PC Staff Report from the September 17, 2012, Planning Commission Meeting