

ORDINANCE NO. 983

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA, REZONING THE SUBJECT PROPERTIES, KNOWN AS ZONE CHANGE NO. 12-02, FROM A COMBINATION OF R-7,000 (SINGLE FAMILY RESIDENTIAL, ONE DWELLING UNIT PER 7,000 SQUARE FEET) AND R-10,000 (SINGLE FAMILY RESIDENTIAL, ONE DWELLING UNIT PER 10,000 SQUARE FEET) TO RR-2.5 (RURAL RESIDENTIAL, ONE DWELLING UNIT PER 2.5 ACRES)

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by Silverado Power, LLC, to change the zoning designation on a total 216± acres of land bounded by Avenue G-8, 90<sup>th</sup> Street West, Avenue H, and 350 feet west of 93<sup>rd</sup> Street West and located at the southwest corner of Avenue H and 100<sup>th</sup> Street West from R-7,000 (single family residential, minimum lot size 7,000 square feet) and R-10,000 (single family residential, minimum lot size 10,000 square feet) to RR-2.5 (Rural Residential, minimum lot size 2.5 acres); and

WHEREAS, notice of intention to consider the zone change of the subject property was given as required in Section 17.24.110 of the Municipal Code and Section 65854 and 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended that the zone change request be approved; and

WHEREAS, public hearings on the zone change request were held before the Planning Commission on September 17, 2012, and the Commission recommended to the City Council approval of the zone change request; and

WHEREAS, the Planning Commission reviewed and approved the Initial Study/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 Environmental Quality Act prior to taking action, and recommended to the City Council approval of this zone change; and

WHEREAS, the Planning Commission adopted the mitigation measures contained in Exhibit "A"; and

WHEREAS, the City Council hereby makes the following findings in support of the Ordinance:

1. The proposed Zone Change from R-7,000 and R-10,000 to RR-2.5 will be consistent with the proposed General Plan land use designations of NU requested by the applicant.

2. Modified conditions including a change in the sites' General Plan use designation to provide for a suitable alternative energy sites, warrant a revision in the zoning for the subject property which would allow the development of a photovoltaic electric generating facility.
3. A need for the proposed zone classification of RR-2.5 exists within such area in order to allow for the development of larger scale solar energy facilities. Property zoned as RR-2.5 exists in the surrounding area; however, it is in smaller parcels with different owners making it difficult to develop with a solar energy project of this scale.
4. The particular properties under consideration are a proper location for said zone classification within such area, because they are surrounded by similar zoning and are served by adequate public access and necessary services.
5. Placement of the proposed RR-2.5 zone at such locations will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because adequate services, access, and electrical infrastructure exist to accommodate the proposed type of development, and the zoning designation will not result in the development of incompatible uses.

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

Section 1. That the subject property is reclassified from R-7,000 and R-10,000 to RR-2.5.

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 23<sup>rd</sup> day of October, 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. 983, 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)

| Mit. /<br>Cond.<br>No.      | Mitigation Measure/<br>Conditions of Approval  | Monitoring Milestone<br>(Frequency)   | Method of<br>Verification  | Party Responsible<br>for Monitoring                                | VERIFICATION OF COMPLIANCE |      |
|-----------------------------|--|---|--|--|----------------------------|------|
|                             |  |   |  |  | Initials                   | Date |
| <b>BIOLOGICAL RESOURCES</b> |  |   |  |  |                            |      |
| 1.                          | 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 Department of Fish and Game to determine the appropriate mitigation/management requirements for the species.  | Prior to final approval of grading plan, issuance of a stockpile permit, or any ground disturbing activities. | Prior to vegetation removal, grubbing, grading, stockpile, or construction, the City must receive a report from a biologist advising that the site is free of burrowing owls.  | Planning Department responsible for reviewing report.              |                            |      |
| 2.                          | A Swainson's hawk survey shall be conducted on the project site prior to the start of construction/ground disturbing activities in accordance with established Swainson's hawk protocols. If Swainson's hawks are identified using the project site during the survey, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management requirements. | Prior to final approval of grading plan, issuance of a stockpile permit, or any ground disturbing activities. | Prior to vegetation removal, grubbing, grading, stockpile, or construction, the City must receive a report from a biologist advising that the site is free of Swainson's hawk. | Planning Department responsible for reviewing report.              |                            |      |
| <b>GEOLOGY AND SOILS</b>    |  |   |  |  |                            |      |
| 3.                          | A Dust Control Plan in accordance with Antelope Valley Air Quality Management District (AVAQMD) Rule 403 shall be submitted prior to the start of grading/construction activities.   | Prior to final approval of grading plan, issuance of a stockpile permit, or any ground disturbing activities. | Prior to vegetation removal, grubbing, grading, stockpile, or construction, the City must receive a copy of the Dust Control Plan.   | Planning Department/ Engineering responsible for reviewing report. |                            |      |

| Mit. /<br>Cond.<br>No.                 | Mitigation Measure/<br>Conditions of Approval   | Monitoring Milestone<br>(Frequency)  | Method of<br>Verification  | Party Responsible<br>for Monitoring                                   | VERIFICATION OF COMPLIANCE |      |         |
|--|---|--|--|---|----------------------------|------|---------|
|  |   |  |  |   | Initials                   | Date | Remarks |
| <b>HAZARDS AND HAZARDOUS MATERIALS</b> |   |  |  |   |                            |      |         |
| 4.                                     | Prior to any demolition activities on Site 1, an asbestos survey shall be conducted to determine the presence or absence of asbestos and the results shall be submitted to the City of Lancaster. If asbestos containing-materials are located, abatement of asbestos shall be completed prior to any demolition activities. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with Antelope Valley Air Quality Management District Rule 1403. | Prior to any demolition of the existing structures or issuance of a grading/building permit. | The City shall receive a report from a certified asbestos contractor detailing the results of the asbestos survey/ sampling and any abatement that was required.           | Planning Department/<br>Engineering responsible for reviewing report. |                            |      |         |
| 5.                                     | Prior to any demolition activities on Site 1, a lead-based paint survey shall be conducted to determine the presence or absence of lead-based paint and the results shall be submitted to the City of Lancaster. If lead-based paint is located, abatement shall be completed prior to any demolition in accordance with California Code of Regulations Title 8, Section 1532.1.  | Prior to any demolition of the existing structures or issuance of a grading/building permit. | The City shall receive a report from a certified lead-based paint contractor detailing the results of the lead paint survey/ sampling and any abatement that was required. | Planning Department/<br>Engineering responsible for reviewing report. |                            |      |         |
| 6.                                     | In the event that the existing well(s) on the project sites will not be utilized during project operation or other wells are found on-site, the applicant shall abandon the wells in accordance with all existing rules and regulations.  | Prior to completion of construction activities.  | The City shall receive a closure letter from the appropriate agency for each well that is abandoned.   | Planning Department responsible for reviewing closure letter(s).      |                            |      |         |
| 7.                                     | Prior to the removal of the transformers located on the northern portion of Site 1, confirmation must be obtained as to the presence or absence of PCBs. In the event that PCBs are present, the transformers will be removed and disposed of in accordance with all rules and regulations.   | Prior to the removal of any transformers from the project site.                              | The City shall receive a report documenting the presence or absence of PCBs in the transformer(s) onsite. If PCBs are determined to be present and the                     | Planning Department/<br>Engineering responsible for reviewing report. |                            |      |         |

**MITIGATION MONITORING PLAN (Exhibit A)  
Conditional Use Permit (CUP) 12-08**

| Mit. /<br>Cond.<br>No. | Mitigation Measure/<br>Conditions of Approval   | Monitoring Milestone<br>(Frequency) | Method of<br>Verification  | Party Responsible<br>for Monitoring | VERIFICATION OF COMPLIANCE |      |  |
|------------------------|---|-------------------------------------|--|-------------------------------------|----------------------------|------|--|
|                        |   |                                     |  |                                     | Initials                   | Date |  |
|                        |   |                                     | transformer is removed, the report shall provide evidence of the PCBs proper disposal. |                                     |                            |      |  |
| <b>NOISE</b>           |   |                                     |  |                                     |                            |      |  |
| 8.                     | Construction operations shall not occur between 8 p.m. and 7 a.m. on weekdays or Saturday or at any time on Sunday. The hours of any construction-related activities shall be restricted to periods and days permitted by local ordinance.  | During construction                 | Field inspection   | Building and Safety                 |                            |      |  |
| 9.                     | The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor. | During construction                 | Field inspection   | Building and Safety                 |                            |      |  |
| 10.                    | Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.   | During construction                 | Field inspection   | Building and Safety                 |                            |      |  |
| 11.                    | Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far away as practicable from noise-sensitive receptors.  | During construction                 | Field inspection   | Building and Safety                 |                            |      |  |
| 12.                    | The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.  | During construction                 | Field inspection   | Building and Safety                 |                            |      |  |
| 13.                    | No project-related public address or music system shall be audible at any adjacent receptor.  | During construction                 | Field inspection   | Building and Safety                 |                            |      |  |
| 14.                    | All noise producing construction equipment and vehicles using internal combustion engines shall be  | During construction                 | Field inspection   | Building and Safety                 |                            |      |  |

| Mit. /<br>Cond.<br>No. | Mitigation Measure/<br>Conditions of Approval  | Monitoring Milestone<br>(Frequency) | Method of<br>Verification | Party Responsible<br>for Monitoring | VERIFICATION OF COMPLIANCE |      |         |
|------------------------|--|-------------------------------------|---------------------------|-------------------------------------|----------------------------|------|---------|
|                        |  |                                     |                           |                                     | Initials                   | Date | Remarks |
|                        | <p>equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating conditions that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise control features that are readily available for the type of equipment.</p> |                                     |                           |                                     |                            |      |         |