

RESOLUTION NO. 2018-10

A RESOLUTION OF THE CITY COUNCIL DENYING A CONDITIONAL USE PERMIT TO CONSTRUCT A SOLAR FARM ON APPROXIMATELY 4.7 GROSS ACRES LOCATED ON THE EAST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 4,000 FEET SOUTH OF HESPERIA LAKE PARK (CUP17-00008)

WHEREAS, Lake Arrowhead Community Services District (District) has filed an application requesting approval of CUP17-00008 described herein (hereinafter referred to as "Application"); and

WHEREAS, the property that is the subject of the Application consists of 4.7 gross acres within the General Plan Land Use Designation of Rural Residential with a minimum lot size of 2.5 acres (RR-2 1/2) located on the east side of Arrowhead Lake Road, approximately 4,000 feet south of Hesperia Lake Park, Assessor's Parcel Numbers 0397-013-22; and

WHEREAS, the Application, as contemplated, proposes to construct a solar farm on approximately 4.7 gross acres located on the east side of Arrowhead Lake Road, approximately 4,000 feet south of Hesperia Lake Park; and

WHEREAS, the District also filed an application requesting approval of a General Plan Amendment GPA17-00001 from RR-2 ½ to Public (P-GOVT) on 350 acres; and

WHEREAS, the subject site is vacant and used by the District to percolate effluent treated at its water reclamation facilities in Lake Arrowhead. Hesperia Lake Park is located to the north. Residences and open space uses exist to the south and west of the property which is currently designated RR-2 ½, and proposed to be changed to P-GOVT. The Mojave River is located to the east; and

WHEREAS, the land to the south is within the City's Sphere of Influence and is designated General Agricultural (A2) by the Hesperia General Plan. The land to the west is designated Rural Residential (Special Development) [RR(SD)]. The land to the east is outside the City's boundaries; and

WHEREAS, the District performed an initial study and prepared a mitigated negative declaration (IS & MND) in December 2015 for a solar farm project on the site. To comply with City zoning requirements, the project was moved 660 feet to the north from the location analyzed in the prior IS & MND. Because the impacts of the new location are similar, an Addendum was prepared and was adopted by the District on August 9, 2017. The City Council has considered the environmental effects of the project as shown in the IS & MND and Addendum; and

WHEREAS, on November 9, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date. The Planning Commission recommended approval of the General Plan Amendment and Conditional Use Permit; and

WHEREAS, on January 16, 2018, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, at the conclusion of the public hearing, having considered public testimony, written, and oral staff reports, the City Council voted to deny the proposed application, CUP17-00008.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the City Council during the above-referenced January 16, 2018 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) The proposed use will have a substantial adverse effect on abutting property for the following reasons: (1) the proposed use is inconsistent with the surrounding uses of public recreational/park and rural residential; (2) the proposed site lacks onsite water or a fire control plan, increasing fire risks for the surrounding neighbors and community; (3) the proposed project lacks street improvements; and (4) the proposed solar farm is unattractive and will blemish the surrounding high desert landscape, and sightlines for the surrounding residential properties, and the nearby recreational facilities.
- (b) The proposed use is inconsistent with the objectives, policies, general land uses and programs of the General Plan and Development Code. A solar farm is not allowed in a RR-2 ½ designated area. The applicant concurrently sought with its application a General Plan Amendment to change the RR-2 ½ designation to Public Government (P-GOVT). Even if that General Plan Amendment were approved, a 4.7 acre solar farm is not an appropriate use on P-GOVT designated property. Within the General Plan “[t]ables LU-27 through LU-29 detail intensity, intent, and allowable uses on property with these public designations.” Table LU-28 defines public properties and uses, as follows: “P-GOVT designation includes city, county, state, and federal properties and uses such as City Hall, county, state, and federal administrative offices and other facilities, fire stations, police stations, and animal control offices.” (Hesperia General Plan, Table LU-28.) A 4.7 acre solar farm is not within the scope of the intended use of P-GOVT designated property.
- (c) The proposed use is not a permitted use within a Public designation, because a solar farm is not a listed use under Development Code section 16.16.430 (D)(1). Electrical, gas, water and sewage transmission facilities are permitted, but solar farms are not a permitted use on a parcel of land designated for public use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Council hereby DENIES Conditional Use Permit CUP17-00008.

Section 4. City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 5. The documents and materials that constitute the record of proceedings on which these findings and conclusions are based are located with the City Clerk at the City of Hesperia City Clerk's office at 9700 Seventh Avenue, Hesperia, CA 92345, unless otherwise located within the custody of the General Manager of the Lake Arrowhead Community Services District, 27307 State Highway 189, Blue Jay, California 92317, related to the District's approval of the project.

Section 6. Any challenge to this Resolution, and the findings set forth therein, must be filed within the 90 day statute of limitations set forth in Code of Civil Procedure Section 1094.6.

Section 7. A copy of the Resolution No. 2018-10 shall be delivered to the applicant by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing.

ADOPTED AND APPROVED this 20th day of March 2018.

Bill Holland, Mayor Pro Tem

ATTEST:

Melinda Sayre
City Clerk