

RESOLUTION NO. 2018-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, DENYING GENERAL PLAN AMENDMENT APPLICATION TO AMEND THE OFFICIAL GENERAL PLAN LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY FROM RURAL RESIDENTIAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (RR-2 1/2) TO PUBLIC (P-GOVT) ON 350 ACRES LOCATED ON THE EAST SIDE OF ARROWHEAD LAKE ROAD, SOUTH OF HESPERIA LAKE PARK (GPA17-00001)

WHEREAS, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

WHEREAS, Lake Arrowhead Community Services District (District) filed an application requesting approval of GPA17-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the property that is the subject of the Application consists of 350 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 0397-013-04, 05, 17 thru 22; and

WHEREAS, the Application, as contemplated, proposes to change the General Plan Land Use designation of the subject property from RR-2 1/2 to Public (P-GOVT); and

WHEREAS, the District also filed an application requesting approval of Conditional Use Permit CUP17-00008 to construct a solar farm on approximately 4.7 gross acres on the east side of Lake Arrowhead Road, approximately 4,000 feet south of Hesperia Lake Park (APN: 0397-013-22); 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 1/2, 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 City limits; 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 the 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 January 16, 2018, hearing the City Council voted to deny GPA17-00001.

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 land use within the proposed General Plan Amendment is inconsistent with the goals and policies of the General Plan. The amendment would change a large parcel of land from Rural Residential (RR-2 ½) to Public Government (P-GOVT) in order to allow a public agency a project that does not serve the community of Hesperia.
- (b) The proposed use, and the uses allowed in the P-GOVT zone in general, would have a substantial adverse effect on abutting property. The relationship to and impact on adjacent property is as follows: (1) To the north the property is designated P-PARK/REC, the Public land use designation that supports Hesperia Lake Park. The character of a solar farm, and the uses allowed in the P-GOVT zone in general, conflict with the use of the Park property by diminishing the rural recreational character; (2) To the east, the property is classified for RR (SD) use, which generally provides for 2.5 acre or larger residential lots. The SD (Special Development) designation is intended to ensure that utility/public service, topographic, environmental sensitivity and other developmental constraints are prudently considered. P-GOVT use in general and a solar farm in particular are incongruent with the nature and purpose of RR (SD) land use. (3) To the south, the property is designated for A2 or General Agricultural use. This land use provides areas for commercial agricultural operations, agricultural support services, livestock keeping, rural residential uses, and similar uses. 350 acres of P-GOVT use(s) and a 4.7-acre solar farm in particular are not compatible with the nature of A2 uses. The property to the east is not within Hesperia.
- (c) The proposed use is not consistent with City policy regarding solar farms, the General Plan and the Development Code. Solar farms

are specifically prohibited in Residential and Agricultural zones. The subject property's current RR-2 1/2 land use designation properly reflects the rural/residential/agricultural character of the area. The P-PARK/REC designation to the north complements the existing RR-2 1/2 land use with the park and recreation use limitations. Hence, the P-GOVT designation here would be incompatible with the character of the area and is pursued to place a solar farm use in an area that specifically violates the prohibition in residential and agricultural areas.

- (d) The proposed General Plan Amendment is overly broad for the proposed land uses permitted within the proposed Land Use designation. The proposed P-GOVT designation is inappropriate for the entirety of the 350 acre site, because the solar farm, as presently proposed, will occupy only 4.7 acres of the site.
- (e) The proposed General Plan Amendment is inconsistent with the goals, policies, standards and maps of the adopted General Plan and Zoning Development Code, and all applicable codes and ordinances adopted by the City of Hesperia, including but not limited to General Plan Goal LU-5, because the proposed amendment seeks to designate land as P-GOVT when the intended use on the land will not serve the needs of the community for schools, parks, community facilities, open space, utilities, or infrastructure.
- (f) Even if the P-GOVT designation was proper for the subject property, a solar farm is not a permitted use in P-GOVT.
- (g) The property that is the subject of the application is more appropriate, in the City Council's legislative judgment, for the uses permitted in the current RR-2 ½ designation rather than the uses permitted in the proposed P-GOVT designation.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby DENIES General Plan Amendment GPA17-00001.

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, 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. 2018-09 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