

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, June 5, 2013

#### CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for June 5, 2013, was called to order by Chairman Lamoreaux.

#### ROLL CALL

##### Planning Commission

Roll call was taken with the following members present: Commissioner Doug Qualls, Commissioner Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Bruce Kallen, and Chairman Jason Lamoreaux.

#### STAFF PRESENT

Lori Lamson, Community Development Director; Carol Miller, Senior Planner; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

#### PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

#### 1. APPROVAL OF MINUTES

- A. Minutes for the Regular Meeting of May 15, 2013.

Motion by Vice-Chairman Kallen, seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of May 15, 2013, 2013.

Motion carried by the following vote: Ayes: Commissioner Qualls, Commissioner Shoup, Vice-Chairman Kallen, and Chairman Lamoreaux. Noes: None. Absent: None. Abstain: B.R. "Bob" Tinsley.

#### PUBLIC HEARING ITEM

- 2. **Conditional Use Permit No. 2013-004.** The Applicant requests approval to allow the construction and operation of a 1.9 Megawatt solar power generation facility on approximately nineteen and one-half (19.5) acres.

**Applicant:** Navajo Solar Power Generation Station1, LLC

**Location:** The site is located on the southwest corner of Navajo and South Roads; APN 0440-085-07

Chairman Lamoreaux opened the public hearing at 6:01 p.m.

Ms. Carol Miller, Senior Planner, presented the staff report as filed by the Planning Division.

Vice-Chairman Kallen asked Staff if neighbors were notified of the solar power generation facility ("Project") and, Ms. Miller indicated that the public notification went beyond the required radius for property owner notification. Staff received several telephone calls with questions and was able to answer those questions with one resident expressing opposition to the project. Property owner Tina King called to express concern with property values and that solar was not compatible with a residential area.

Lengthy discussion ensued regarding the location and construction timeline of the project, the areas in Apple Valley that solar farms are allowed, and the CEQA analysis.

### **PUBLIC COMMENTS**

Mr. John Smith, Apple Valley, CA. informed the Commission that the project was four hundred-fifty (450) feet away from his residence. He asked the Commissioners if they would tolerate a solar farm close to their homes and believed they would not. He provided photographs to the Commission to show how close the project was to his home and again expressed opposition.

Mr. Randy Waitley, Apple Valley, CA. lives across the street from the project and told the Commission he believed there were plenty of other open spaces to place the project. In addition, he had concerns regarding how much the project would affect his property value, and how much his electric bill would increase.

Mr. Jeff Bento, Apple Valley, CA. owns the property where the project will be developed. He described the property's aesthetics and told the Commission that this ~~location~~ property is ideal for a development suitable for a 100-year flood area.

Chairman Lamoreaux asked the Applicant if he had reviewed the Conditions of Approval and if he agreed with them.

The Applicant stated he agreed with the Conditions of Approval.

Chairman Lamoreaux closed the public hearing at 7:14 p.m.

Commissioner Shoup stated he would prefer the project be secured with wrought iron fencing instead of chain-link fencing for aesthetic purposes. In addition, Commissioner Shoup would propose a height limit on the panels of eight and a half (8-1/2) feet .

Commissioner Tinsley believed the project to be good, as designed, and that chain link would be sufficient. He believed Staff and Applicant had done a great job on the project and would approve as submitted.

Vice-Chairman Kallen had concerns with only noticing the project in the Apple Valley News. He would have preferred additional advertising at the actual location of the project site. Secondly, he would like the project set back further from the roadway.

Commissioner Qualls would like to see wrought iron fencing running parallel to Navajo Road with the balance of the security fencing chain link.

Chairman Lamoreaux agreed that he would prefer wrought iron to chain link; however, he believed that it was the Applicant's option.

**MOTION**

Motion by Commissioner Shoup to amend the item to include use of wrought iron fencing in place of chain-link fencing. The motion failed for lack of a second.

Commissioner Shoup recommended limiting the height of the project's panels to no more than nine (9)-feet above ground.

The Applicant was in favor of limiting the solar panels to nine (9)-feet above ground.

**MOTION:**

Motion by Commissioner Tinsley, seconded by Vice-Chairman Kallen, that the Planning Commission move to:

1. Determine that the proposed project does not have a negative impact upon the environment and adopt a Mitigated Negative Declaration pursuant to the guidelines to implement the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 2013-004.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2013-004.
3. Approve Conditional Use Permit No. 2013-004, subject to the attached Conditions of Approval and impose a height restriction on the proposed project's solar panels to no more than nine (9)-feet above ground.
4. Direct Staff to file the Notice of Determination.

**ROLL CALL VOTE**

Ayes: Commissioner Qualls  
Commissioner Shoup  
Commissioner Tinsley  
Vice-Chairman Kallen  
Chairman Lamoreaux  
Noes: None  
Abstain: None  
Absent: None  
The motion carried by a 5-0-0-0 vote

**PUBLIC COMMENTS**

Mr. Tom Piper, Apple Valley, CA. informed the Commission of his attendance at the last Town Council meeting regarding the urgency ordinance on medical marijuana. He wanted to know when the first meeting would be scheduled and informed the Commission he would like to sit on the committee.

## **PLANNING COMMISSION COMMENTS**

Commissioner Tinsley welcomed Commissioner Qualls to the Commission and welcomed back Vice-Chairman Kallen.

Vice-Chairman Kallen recommended a workshop be held for existing tracts and subdivisions within Apple Valley. In addition, he would like to hold future discussion regarding the Development Code's setback requirements.

Chairman Lamoreaux would like to agendize a future item to discuss the Planning Commission meeting's public comment period.

It was the consensus of the Commission to agendize the Planning Commission meeting's public comment period.

Chairman Lamoreaux would like to agendize a future item to discuss Conditional Use Permit noticing requirements.

It was the consensus of the Commission to agendize the Conditional Use Permit noticing requirements.

## **OTHER BUSINESS**

None.

## **STAFF COMMENTS**

Ms. Lori Lamson, Community Development Director ,advised the Commission that the Town Council approved an urgency ordinance amending its Development Code to clarify the scope of the Town of Apple Valley's regulation of medical marijuana dispensaries in compliance with federal and state law and California case law. The ordinance would restrict any office land use that would provide any type of medical marijuana dispensing as well as prohibiting any mobile distribution. That forty-five (45) day period can be extended for a period of a little over ten (10) months. The Commission will have its first consideration on August 7, 2013, and it will take a couple of meetings to workshop and provide public comment.

**ADJOURNMENT**

Motion by Commissioner Tinsley, seconded by Chairman Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 7:48 p.m. to the Regular Meeting on July 17, 2013.

Respectfully Submitted by:

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Debra Thomas  
Planning Commission Secretary

Approved by:

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Chairman Jason Lamoreaux