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TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE:	November 20, 2013 (Continued from October 2, 2013 Meeting)
CASE NUMBER:	Development Code Amendment No. 2013-006 and Specific Plan (SP) No. 2005-001 Amendment No. 6
APPLICANT:	Town of Apple Valley
PROPOSAL:	<p>An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.29 "Specific Use Regulations For Residential Districts" of the Code by amending the development standards of photovoltaic solar farms within the Apple Valley Dry Lake area within the Town of Apple Valley; and,</p> <p>An amendment to the North Apple Valley Industrial Specific Plan (NAVISP) Section III "Development Standards and Guidelines" by amending the photovoltaic solar farms development standards.</p>
LOCATION:	North Apple Valley Industrial Specific Plan and the Apple Valley Dry Lake area
EXISTING GENERAL PLAN DESIGNATIONS:	Specific Plan and Very Low Density Residential
EXISTING ZONING:	Specific Plan and Residential-Very Low Density (R-VLD)
ENVIRONMENTAL DETERMINATION:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
PROJECT PLANNER:	Ms. Carol Miller, Senior Planner
RECOMMENDATION: <u>BACKGROUND</u>	Adopt Planning Commission Resolution No. 2013-012.

On July 9, 2013, the Town Council initiated an amendment to the North Apple Valley Industrial Specific Plan (NAVISP) and the Development Code to consider amending the Town's photovoltaic solar farm standards. Staff was directed by the Council, to work with the Planning Commission to review the existing standards for solar development and consider some revisions, including setbacks, height, and fencing.

On August 21, 2013, the Planning Commission discussed potential changes to the solar development standards. A mobile tour was conducted on September 12, 2013, whereby, the Commission had the opportunity to visit a completed solar project at Esaws and Joshua Roads and an approved solar site, not yet constructed, at Otoe and Navajo Roads.

DISCUSSION

The following changes reflect the comments received during the August 21, 2013 meeting and the September 12, 2013 mobile workshop. The standards discussed for amending, include setbacks, height, and fencing.

To summarize the changes to existing solar standards within the Development Code, are as follows:

- Maximum fence height was reduced from ten (10) to seven (7) feet
- Reduces the maximum solar panel height, regardless of if it is a fixed or rotating tilt system, the maximum height is ten (10) feet.
- Setback requirements increased to be consistent with the underlying R-VLD zoning setback requirements.

To summarize the changes to the solar standards not currently in the Development Code but are being added, are as follows:

- Allows for coated chain link and specifies the steel for wrought iron.
- Specifies a twenty (20)-foot setback for fencing along street frontages.
- Specifies a five hundred (500)-foot setback from any residentially zoned property outside of the Apple Valley Dry Lake.
- Establishes maximum solar panel height based on base flood elevation

Probably the most significant change proposed comes from concerns expressed regarding the setbacks between a residential development/subdivision and a solar project. The current code specifies a twenty-five (25)-foot setback from property lot lines developed with a single family residence regardless of zoning. A property developed with a single-family residence located in the dry lake will likely have sufficient acreage to minimize the impact of a solar project by virtue of lot size, whereas residential development/subdivisions consisting of half acre lots do not have the same luxury of separation. To address this, a provision is recommended that requires a five hundred (500)-foot setback from lot lines of residentially zoned properties outside of the Apple Valley Dry Lake. The rationale of the five hundred (500)-foot separation comes from the wireless telecommunication standards. The separation requirement of a tower in a preferred location and residential is five hundred (500) feet.

The changes proposed within the North Apple Valley Industrial Specific Plan address maximum solar panel height and fencing. For consistency purposes they are the same Development Code standards. No changes are proposed to the setback requirements given they are the same for any industrial development based on the underlying designation.

It is recommended that Section 9.29.200 be amended to add the following:

Development Code:

9.29.200 Photovoltaic Solar

C. Development Standards. All photovoltaic solar farms shall be fenced with coated chain link or wrought iron fencing (tubular or solid steel), or as approved by the Planning Commission, not to exceed a maximum height of ten (10) seven (7) feet high. Fencing along any street frontage shall be setback a minimum of twenty (20) feet. The use of barbed wire and outdoor lighting is prohibited. The ~~permanent~~ height of the solar panels at maximum tilt shall have a maximum height not to exceed thirty-five (35) feet and the moveable portion of the solar panel, which rotates with the sun, shall not exceed fifty (50) feet in height ten (10) feet as measured from base flood elevation (2909'). Street setbacks ~~from a major or secondary roadway shall be a minimum of twenty-five (25) fifty (50) feet. and street setbacks from local roadways shall be five (5) feet.~~ Interior setbacks shall be ~~zero~~ twenty-five (25) feet. Setbacks from lot lines of properties with existing single-family residences shall be twenty-five (25) fifty (50) feet. Setbacks from lot lines of residentially zoned properties outside of the Apple Valley Dry Lake shall be five hundred (500) feet. All buildings ancillary to the solar farm shall comply with the Residential-Very Low Density (R-VLD) development standards and shall be built on a pad with an elevation at or above 2,911 feet. Street improvements to secondary and major roadways shall be installed in accordance with the Town requirements. All other roadways providing access to the project may be improved with all weather materials as required by the Town Engineer and maintained in a dust-free manner and kept clear of any litter, trash or debris. There is no requirement for off-street parking.

It is recommended that Section III "Development Standards and Guidelines of the NAVISP be amended to add the following:

North Apple Valley Industrial Specific Plan (NAVISP):

III. DEVELOPMENT STANDARDS AND GUIDELINES

10. Photovoltaic Solar Farms

All photovoltaic solar farms within the I-SP, I-G and IA-SP Districts shall be fenced with coated chain link or wrought iron fencing (tubular or solid steel) a maximum of ~~ten (10) seven (7) feet high.~~ The use of barbed wire and outdoor lighting is prohibited. Solar panels shall have a maximum height of ten (10) feet. thirty-five (35) feet within the Airport Influence area (A-1) and fifty (50) feet in Airport Influence area (A-2), I-SP and I-G. Photovoltaic solar farms greater than ten (10) acres in size shall be located east of Navajo Road. Street setbacks shall be the minimum landscape setbacks as described in Table III-2 of this Section. Interior setbacks shall be zero. Setbacks from rock outcroppings shall be twenty-five (25) feet. All buildings ancillary to the solar farm shall comply with the development standards in Table III-2 of this Section. Decorative gravel/rock shall be placed along the street frontage from the back of curb to the setback line. There is no requirement for off-street parking. All adjacent roadways shall be improved to Town standards for industrial areas.

FINDINGS:

An Amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, it may be adopt and forward its recommendation to the Council for consideration of the Development Code Amendment. If the Commission wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

A. The proposed Amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State mandated Elements. The proposed Development Code Amendment amends the existing Photovoltaic Solar Farm standards. This change is consistent with the Goals and Objectives of the adopted General Plan Energy and Mineral Resources Element.

B. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The proposed Development Code Amendment will amend the development requirements for solar farm development to further minimize the potential impacts may have on adjacent properties within the Town of Apple Valley. Therefore, the Amendment will not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

ENVIRONMENTAL REVIEW

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2013-012, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code and North Apple Valley Industrial Specific Plan, as outlined within the staff report.

Prepared by:

Reviewed By:

Carol Miller
Senior Planner

Lori Lamson
Community Development Director

ATTACHMENTS:

1. Draft Planning Commission Resolution No. 2013-012

PLANNING COMMISSION RESOLUTION NO. 2013- 012

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2013-006 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.29.200 “PHOTOVOLTAIC SOLAR FARMS” AS IT RELATES TO SITE DEVELOPMENT STANDARDS FOR PHOTOVOLTAIC SOLAR FARMS WITHIN THE AREA DESIGNATED AS THE APPLE VALLEY DRY LAKE AND SPECIFIC PLAN NO. 2005-001 AMENDMENT NO. 6 THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN BY AMENDING SECTION III “DEVELOPMENT STANDARDS AND GUIDELINES” AS THEY RELATE TO SITE DEVELOPMENT STANDARDS FOR PHOTOVOLTAIC SOLAR FARMS.

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, a Specific Plan of Land Use was approved on October 10, 2006 by the town Council on the recommendation of the Planning Commission for lands generally located east of Dale Evans Parkway, south of Quarry Road, west of Central Road and north of Waalew Road, known as the North Apple Valley Industrial Specific Plan; and

WHEREAS, the North Apple Valley Industrial Specific Plan has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, Specific Plan No. 2005-001 Amendment No. 6 is consistent with the General Plan and Municipal Code of the Town of Apple Valley; and

WHEREAS, Specific changes to Chapters 9.29 “Specific Use Regulations For Residential Districts” of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to development standards for photovoltaic solar farms within the area identified as the Apple Valley Dry Lake within the Town of Apple Valley; and

WHEREAS, Specific changes are proposed to the North Apple Valley Industrial Specific Plan by amending Section III “Development Standards and Guidelines” as it relates to amending the photovoltaic solar farms development standards.

WHEREAS, On November 8, 2013, Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001 Amendment No. 6 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, On November 20, 2013, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001 Amendment No. 6, receiving testimony from the public and adopted Planning Commission Resolution No. 2013-012 recommending adoption of this Ordinance; and

WHEREAS, Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001 Amendment No. 6 is consistent with the Town's General Plan and Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, finds and determines as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001 Amendment No. 6 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001 Amendment No. 6 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend paragraph 10. of subsection E. "Land Use Regulations" of Section III "Development Standards and Guidelines" of the North Apple Valley Industrial Specific Plan to read as follows:

10. Photovoltaic Solar Farms

All photovoltaic solar farms within the I-SP, I-G and IA-SP Districts shall be fenced with coated chain link or wrought iron fencing (tubular or solid steel) a maximum of seven (7) feet high. The use of barbed wire and outdoor lighting is prohibited. Solar panels shall have a maximum height of ten (10) feet. Photovoltaic solar farms greater than ten (10) acres in size shall be located east of Navajo Road. Street setbacks shall be the minimum landscape setbacks as described in Table III-2 of this Section. Interior setbacks shall be zero. Setbacks from rock outcroppings shall be twenty-five (25) feet. All buildings ancillary to the solar farm shall comply with the development standards in Table III-2 of this Section. Decorative gravel/rock shall be placed along the street frontage from the back of curb to the setback line. There is no requirement for off-street parking. All adjacent roadways shall be improved to Town standards for industrial areas.

Section 4. Amend subsection 9.29.200 "Photovoltaic Solar Farms" of the Development Code to read as follows:

9.29.200 Photovoltaic Solar

C. *Development Standards.* All photovoltaic solar farms shall be fenced with coated chain link or wrought iron fencing (tubular or solid steel), or as approved by the Planning Commission, not to exceed a maximum height of seven (7) feet. Fencing along any street frontage shall be setback a

minimum of twenty (20) feet. The use of barbed wire and outdoor lighting is prohibited. The height of the solar panels at maximum tilt shall have a height not to exceed ten (10) feet as measured from base flood elevation (2909'). Street setbacks shall be a minimum of fifty (50) feet. Interior setbacks shall be twenty-five (25) feet. Setbacks from lot lines of properties with existing single-family residences shall be fifty (50) feet. Setbacks from lot lines of residentially zoned properties outside of the Apple Valley Dry Lake shall be five hundred (500) feet. All buildings ancillary to the solar farm shall comply with the Residential-Very Low Density (R-VLD) development standards and shall be built on a pad with an elevation at or above 2,911 feet. Street improvements to secondary and major roadways shall be installed in accordance with the Town requirements. All other roadways providing access to the project may be improved with all weather materials as required by the Town Engineer and maintained in a dust-free manner and kept clear of any litter, trash or debris. There is no requirement for off-street parking.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 20th day of November 2013.

Chairman Jason Lamoreaux

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 20th day of November 2013 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary