

TRANSCRIPTION OF VIDEO RECORDING

HESPERIA

CITY COUNCIL MEETING

JANUARY 17, 2012

AGENDA NO. 9

COUNCIL MEMBERS:

MAYOR BLEWETT

MAYOR PRO TEM HOLLAND

MR. LEONARD

MR. BOSACKI

MR. SMITH

STAFF REPRESENTATIVE: STAN LIUDAHL

APPLICANT: AREK NOWACK, SYBAC PHOTOVOLTAICS

APPELLANTS: ERIC ELKINS, AL VOGLER

TRANSCRIBED BY:

NATALIE FAGAN, CSR 13993

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MAYOR BLEWETT: Okay. We're on Item 9 now, public hearing. Would you -- Scott -- excuse me -- Stan you are the man.

MR. LIUDAHL: Good evening, Mayor and members of the council. Item 9 is an appeal, and I'm waiting for PowerPoint. There we go. Thank you.

This is an appeal of two solar farms and to note that they're addressed in the staff report together. However, we ask that you take separate actions on each this evening, and as much as we even have the request by one of the appellants to continue the item. We have a five acre and a ten acre.

UNIDENTIFIED MALE SPEAKER: Which one is asking for the time delay?

MR. LIUDAHL: I'm sorry.

UNIDENTIFIED MALE SPEAKER: Are you going to separate these? Which one is asking for the time delay? I guess --

MR. LIUDAHL: The one on the ten acres, on Rock

1 Springs Road.

2 UNIDENTIFIED MALE SPEAKER: Thank you.

3 MR. LIUDAHL: Those were approved by the
4 development and review committee in October and they
5 were appealed to the Planning Commission which made an
6 affirmative action on December 8 to uphold the DRC's
7 approval. Subsequently, both appellants have taken to
8 you and it is before you for that potential
9 determination. Looking at the -- it's not moving;
10 having a little problem here.

11 THE CLERK: Okay. It's working now.

12 MR. LIUDAHL: Thank you.

13 THE CLERK: Okay.

14 MR. LIUDAHL: We're going to go with the
15 five-day crew site first because this one has not been
16 requested to be continued. It's located in the western
17 part of the city at 11778 Cambria Road, and it's in the
18 real estate residential district of this quarter
19 specific plan, as are all the surround properties, the
20 properties of north and east being commercial industrial
21 business park. One on the west also real estate
22 residential, and the one to the south low density
23 residential.

24 Looking at the aerial, the property to the west
25 has another home on it. The house on the existing five

1 acres would be remaining, and the solar farm would
2 basically go in the rear and side yard of that
3 particular site.

4 This is the diagram -- I apologize, it's hard
5 to read. But this is a single-family residence here.
6 The street is actually right down here. What we have is
7 19 rows of solar panels about 20 by 23 feet, with a
8 26-foot emergency access aisle all the way around and
9 approximately ten, eleven feet between each row.
10 There's also two inverters and a transformer which will
11 be approximately in this location in the rear. And it
12 is proposed to be screened by six foot high chain-link
13 fence with smooth screwing slats.

14 Looking at the panel, it's approximately nine
15 feet in height, a little less, and it's tilted at a
16 slight angle in order to capture the southern exposure.
17 Just looking at how these particularly look from the
18 air. It kind of looks like field crops but not light
19 green but kind of the darkish blueish color that these
20 solar panels are made in.

21 Finally, staff supports the installation of the
22 solar farm at this location as opposed to commercial or
23 industrial locations, primarily because these don't
24 provide sales tax revenue and they don't create a
25 significant number of jobs. In fact, maintenance on

1 these is very irregular. Development of solar power is
2 promoted by the state, as I'm sure you are aware. We
3 have state laws which make it easier for these types of
4 facilities to be done, and it's also consistent with the
5 city's climate action plan.

6 Staff believes the proposed location is
7 suitable, given it's real estate residential designation
8 and location being in an area with very large lots;
9 therefore, reducing its impact as far as the number of
10 watts are concerned in the neighborhood, and that the
11 fencing of six feet with the slates would be suitable,
12 because if you went with a higher fence, you still see
13 approximately two feet of the panels.

14 We also feel that it would set a precedent
15 allowing for taller fencing in real estate residential
16 and other residential and agricultural zones as well.
17 The appellant has included some slides, which we've
18 included behind this presentation for the council's
19 pleasure, and at this time staff recommends that the
20 Planning Commission appealing the -- upholding the DRC's
21 approval be up held at the council level.

22 I'm available for any questions that you may
23 have, and the appellant and applicant are in the
24 audience and available for comment.

25 MAYOR BLEWETT: We have a number of people that

1 want to speak on this item, a number.

2 UNIDENTIFIED MALE SPEAKER: Excuse me, Mr.
3 Mayor.

4 Since we'll have speakers on both items, Stan,
5 are you asking just for the speakers --

6 MR. LIUDAHL: For the five-acres site at this
7 time.

8 UNIDENTIFIED MALE SPEAKER: Okay. So if you
9 can just as you call their name, if they're for the
10 five-acre site or not, Mr. Mayor. If not, maybe they
11 can hold up.

12 MAYOR BLEWETT: Okay. For the five-acre site,
13 I have --

14 UNIDENTIFIED MALE SPEAKER: Must
15 (indiscernible) --

16 UNIDENTIFIED MALE SPEAKER: Must
17 (indiscernible) -- yes.

18 UNIDENTIFIED MALE SPEAKER: Yeah. Three ninety
19 five and --

20 UNIDENTIFIED MALE SPEAKER: Can we just call
21 their name and ask them if they're here for --

22 MAYOR BLEWETT: Okay. Chris --

23 UNIDENTIFIED MALE SPEAKER: (Indiscernible) --

24 MAYOR BLEWETT: Which item are you here for?

25 Mr. Elvert: Ten acres.

1 MAYOR BLEWETT: Ten acre. Okay. Rory?

2 RORY WERNER: Ten acre.

3 MAYOR BLEWETT: Ten acre. Travis Johnson, are
4 you five acre or ten acre?

5 TRAVIS JOHNSON: Ten acre.

6 MAYOR BLEWETT: Okay. Paul Berger.

7 PAUL BERGER: Ten acre.

8 MAYOR BLEWETT: Al Vogler.

9 AL VOGLER: Ten acre.

10 MAYOR BLEWETT: Alex Nowak, who is the
11 applicant, are you number -- are you the five acre?

12 UNIDENTIFIED MALE SPEAKER: The applicant is on
13 both sites.

14 MAYOR BLEWETT: Okay. Lawrence Johnston.

15 LAWRENCE JOHNSTON: Ten acres.

16 MAYOR BLEWETT: And Joy Elkins.

17 JOY ELKINS: Decline.

18 MAYOR BLEWETT: She declines?

19 UNIDENTIFIED MALE SPEAKER: Yeah.

20 MAYOR BLEWETT: Okay. So we're talking about
21 the five acre. Well, Mr. Applicant, why don't you step
22 up to the -- step up here and tell us why.

23 MR. NOWACK: Good evening, everybody. Thank
24 you for the opportunity to speak. Arek Nowak and I'm
25 the president of the applicant, (indiscernible). We did

1 a lot of research on potential sites where we could put
2 up solar. California has this by-law, it's state law
3 that by 2030 California wants 33 percent of all
4 generated electricity in the state coming from
5 renewables.

6 With that said, there are two -- there's a
7 major program that allows electricity generating
8 stations to sell energy back to the utilities.
9 Currently, those programs are limited to 1.5 megawatts
10 in size. There is -- has been a new law signed, which
11 extends that to three megawatts. So that shows that the
12 state wants these kind of system but not only on small
13 system on residential lots.

14 We believe that the state doesn't do it because
15 they like solar. They -- the whole world, basically, is
16 behind renewables because it's needed for the planet and
17 it's needed for all of welfare. And then I look at the
18 Hesperia Municipal Codes and when I -- basically, we can
19 say that -- first of all, those solar systems cannot be
20 put in any place. There has to be enough capacity in
21 the grid to take the generated electricity, so limits
22 the selection. And section 16.16.060 of the Municipal
23 Code states that electrical generating stations is a use
24 that can be put in any zone or land use district.

25 We feel that we meet those conditions.

1 Obviously, it's an electrical generating stations. The
2 land use is deemed essential to the public convenience
3 of welfare. That's why the states wants renewables, and
4 also the location is determined by the location of raw
5 materials in the natural state, such as mineral
6 deposits, natural vegetation, and energy sources.
7 Obviously, by having the grid capacity at that point is
8 a major thing, and the energy source is obviously the
9 sun, not being shaded or anything at that property.

10 So we feel that we meet those conditions.
11 Therefore, we comply with all the Municipal Codes and
12 that applies also to the ten acre site. We did all the
13 studies that were asked for. We did the environmental
14 studies. We did cultural studies. We did surveys on
15 site by a license biologist. They all didn't show
16 anything that objects from having a solar system at this
17 site.

18 That's all I want to say. Thank you for
19 listening, and I'm here as well for questions.

20 MAYOR BLEWETT: Good. Is there anybody else
21 that wishes to testify on that item?

22 Then that hearing is closed on the five acre.

23 UNIDENTIFIED MALE SPEAKER: The applicant
24 (indiscernible) -- can you give us --

25 MAYOR BLEWETT: Oh, I'm sorry. Is there --

1 UNIDENTIFIED MALE SPEAKER: Yeah. He gets a
2 shot.

3 MAYOR BLEWETT: Oh, I apologize. Hearing is
4 reopened. You're the -- you're -- there's an appeal on
5 both of them? I thought there was an appeal only on
6 one?

7 UNIDENTIFIED MALE SPEAKER: There are two
8 different appellants. This is the appellant on the
9 five-acre site.

10 MR. ELKINS: Yeah. I'd like to thank the Mayor
11 and the Mayor Pro Tem, the council members, and the city
12 staff this opportunity to speak. My name is Eric
13 Elkins. I'm a professional -- electrical engineer and a
14 licensed general contractor. My office is here in
15 Hesperia.

16 This first slide here -- this shows the zoning,
17 and I and my partners, we own the parcel to the east of
18 the project and also the parcel to the south of the
19 project, and I also represent the property owner who
20 owns the 40 acres to the east with a total of 40
21 acres -- I'm sorry -- a total of 100 acres, I represent.
22 Our forty acres to the south is zoned rural residential,
23 up to eight homes per acre. We have completed a
24 tentative track map for over 100 homes. With the
25 applicant having a 25-year lease this solar lease will

1 at some point displace future single-family homes by
2 making our housing track undesirable and as a result
3 hurt future development and growth.

4 If I could have the next slide, please. This
5 is a picture of a solar farm the applicant built in
6 Gainesville, Florida in March of 2011. This is what the
7 actual solar farm -- an actual solar farm by Sybac Solar
8 looks like, because this is their solar farm. I want to
9 be clear that we're not asking for the project to be
10 denied on its appearance or the humming sounds it makes.
11 We're simply requesting that the investor -- that an
12 industrial project with enough solar panels to cover an
13 entire super Walmart not be allowed on residential
14 property next to established homes and future housing
15 track. Even cell towers are made to look like trees.

16 Solar panels belong on rooftops in industrial
17 areas, not residential properties next to homes.
18 Encouraging solar panels to be placed on rooftops will
19 save residential and industrial areas for future growth.
20 A solar farm with significantly increase property
21 taxes -- will not significantly increase property taxes
22 or generate fees for the city. While a housing track
23 requires city permits, development fees, property taxes,
24 infrastructure services, and the additional homeowners
25 will generate sales tax and increase city revenue.

1 Constructing a solar farm will create at best a
2 dozen temporary jobs for four months or less. All the
3 Sybac's solar panels and cells be manufactured in
4 Germany or overseas and new profits will be returned to
5 Germany. Once built, the only maintenance needed will
6 be to wash down the solar panels once or twice a year.
7 If I could have the last slide, please.

8 Can I have the next slide? That's it. You got
9 it. I'm sorry, Sam.

10 As mentioned during the Planning Commission and
11 invitee, applicant, there are two provisions that the
12 solar -- the solar farm is allowed in residential
13 property. But first in which the applicant didn't
14 mention tonight, though -- I guess maybe they've decided
15 to go away from -- but it -- they clearly don't meet
16 that because they're only allowed to have solar in the
17 rear yard and it's only allowed to cover ten percent of
18 the lot net acreage and they've seemed to gone away from
19 that strategy.

20 I'm just going to kind of skip -- skip by that.
21 If I could draw your attention to the middle of the
22 page, section 16.16.60, which is what the applicant was
23 referring to. This is -- and as you can see, an
24 electric generating station is clearly allowed. That's
25 Number H there at the bottom. It says (indiscernible)

1 bearing station, but it's only allowed under certain
2 conditions of use, and the only one that seems to apply
3 is this subsection D, which I have underlined about two
4 thirds of the way down. And it says this land is for
5 the community or regional infrastructure, as the
6 applicant has stated.

7 I think this might become a regional
8 infrastructure, but it's by no means essential and it
9 can go any number of places. And I can state that
10 there's electrical (indiscernible) plant places in the
11 (indiscernible) this can be put. There's plant places
12 with lots of sun with no shade. Also, Edison, you know,
13 they're a private company, so, you know, based on that,
14 I don't think this subsection applies; and therefore, I
15 don't believe this 16.16.60 applies. I don't really see
16 how, you know -- an industrial project should be putting
17 solar.

18 One last item, because the solar is a
19 residential property, I ask would the owner Mrs. Loomis
20 or the applicant, Sybac Solar be able to obtain a
21 business license to operate this business out of their
22 home, and if we look there at the last few -- at the
23 bottom of the page there's several items that they won't
24 be able to meet. There should be no change in the
25 outward appearance of the building at the premise or

1 other physical evidence and activity. And they clearly
2 will violate that and a few others -- items to get a
3 business license.

4 So I'd just like to conclude and say that -- I
5 ask of the thousands of places we could put a five acre
6 solar farm in the high desert, is this the place we
7 really put it where in the future that will potentially
8 be a zone for housing track and there should be a
9 housing track. I thank you for your time.

10 MAYOR BLEWETT: Would you -- I don't think you
11 filled out one of these, did you?

12 MR. ELKINS: I didn't think -- I'm sorry. I
13 didn't think I had to. I'll fill that one out.

14 MAYOR BLEWETT: I would prefer that you did,
15 sir. (indiscernible) --

16 MR. ELKINS: I'll make sure to do that. Thank
17 you.

18 MAYOR BLEWETT: Thank you. Anybody else?
19 Hearing closed. Okay. (Indiscernible), I'd like to
20 have the council -- I'd like to hear some of the
21 council's views on this.

22 UNIDENTIFIED MALE SPEAKER: Who is first?

23 MR. LEONARD: Well, I'll throw in there.

24 UNIDENTIFIED MALE SPEAKER: Okay.

25 MR. LEONARD: You know, when we adopted our

1 renewable energy policy, I guess you can call it, for
2 windmills, solar panels -- I think we're in a catch 22.
3 We have -- we have some people that want 85-foot tall
4 windmills on their property but they don't want solar
5 panels on the property behind their house or wherever it
6 may be. It's kind of -- what do we do with it, you
7 know? I mean, an 85 foot windmill as unsightly as five
8 acres of solar panels to me. If I had to have one next
9 to me, I think I would take the solar panels because
10 they're quiet. So I mean, it's -- it's a tough
11 decision. It's -- I kind of agree, I don't know if we
12 should have commercial -- I guess it would be considered
13 commercial property in the mid of our residential land.

14 UNIDENTIFIED MALE SPEAKER: Commercial use --

15 MR. LEONARD: So I mean, it's really -- it's
16 really a tough decision.

17 MAYOR BLEWETT: Smitty?

18 MR. SMITH: Okay. If you guys got a few
19 minutes, I have heartburn from this, but anyway, there's
20 a law AB 2473 and AB 1407, I think he referred to it,
21 and when we visited this last year for the wind and
22 solar -- my fault -- I assumed it was going to be for
23 your own house, your own solar needs to generate your
24 own electricity for your own needs, not to put it out
25 into the grid as it said. There's 16.16.064 allowed of

1 an accessory structure within the rear yard of a
2 developed lot if a roof-mounted system is deemed
3 infeasible. That means if you got 300 square feet on
4 your roof and it doesn't hit the sun the right way, that
5 allows you to put it in the rear yard. It doesn't say
6 you're going to take all five acres of your rear yard
7 and make it solar panels.

8 This came through the Planning Commission a few
9 months ago and I have a couple two and a half acres
10 behind me. Somebody can come and buy that land pretty
11 cheap in residential, create a solar farm, and it was
12 not intended -- my opinion -- in residential when we
13 approved that ordinance. You should be able to have
14 enough windmills, wind generators for enough electricity
15 for what you use, so enough solar panels on your
16 property on your roof for your own use, not to put back
17 into the grid. Otherwise, it is an industrial
18 commercial use, and it should be in an commercial
19 industrial area.

20 Now, this brought up -- I think the appellant
21 said it, there's 33 Joshua trees that are supposed to be
22 transplanted, and then another -- of course, we got
23 opinions -- most of those are going to be died and gone
24 because when you transplant a Joshua tree, if it ain't
25 exactly up rooted the right way and placed back in the

1 right way, it will not live. You can see out in the
2 washes from the previous developments that have not
3 lasted in the Joshua trees. I think there's a 600-foot
4 notification. The person that's 625 feet away can still
5 voice his concerns and opinion, but he's not really
6 heard for the numbers.

7 I think we need to look at the original intent
8 of the first ordinance for our wind and solar energy.
9 Stop this before it goes further, because we will set
10 precedent into the future, and I think with AB 2473 and
11 AB -- I think that was still meant and their intention
12 of the assembly for your own use of your own residence,
13 not to put it out for a solar farm. Another thing, I
14 talked to the engineers and different ones, I had a real
15 big problem with the not grading of it for flood and
16 flow and water, but I've been told it doesn't actually
17 work. It will go back in the ground because it's not
18 compacted. It's not like a roadway or a concrete
19 driveway that doesn't -- you know, it has no dirt
20 surface, even though it might be just on one edge of the
21 solar panel where the water will continuously run right
22 here.

23 Oh, and another one -- in the Planning
24 Commission and of course, their advice they give to us,
25 they only amended one site for the removal of these.

1 What kind of a policy do we have in place for removing
2 these or as 20 years -- 25 years after the life of this,
3 does he just walk away from the project, or does he have
4 to take it with him? Is it stuck with the property
5 owner, because I think on one of the -- he's just
6 leasing the land, he's not even purchasing the property.
7 It should be an industrial and commercial because we're
8 going to get the same tax dollars if it was in
9 industrial or commercial because it's not creating any
10 jobs as we are from residential. We would get more --
11 if we're talking tax dollars, we get more from an
12 improved lot with a house on it.

13 MAYOR BLEWETT: That's (indiscernible) --

14 MR. SMITH: And there was -- one of the
15 pictures on the five acres, the back lot -- right
16 there -- all that -- that is an approved subdivision in
17 the blue?

18 MR. ELKINS: No.

19 MR. SMITH: Why is it all marked up with
20 housing lots and streets and --

21 UNIDENTIFIED MALE SPEAKER: This is the
22 appellant's idea. He has not filed it with the city
23 yet.

24 MR. SMITH: Okay. But that is -- that is zoned
25 out there for low-density residential?

1 UNIDENTIFIED MALE SPEAKER: Yes.

2 (indiscernible) --

3 MR. SMITH: Some day in the future of the staff
4 and the city council, they said that's what we want out
5 there?

6 UNIDENTIFIED MALE SPEAKER: Right.

7 MR. SMITH: Not a solar farm in a backyard.
8 That's just my opinion. I'll let somebody else talk
9 before I go.

10 MAYOR BLEWETT: Council man Bosacki?

11 UNIDENTIFIED MALE SPEAKER: Not much more.

12 MR. BOSACKI: Absolutely. Again, you've got a
13 number of parties involved in this. You have the state
14 of California making these unfunded mandates. For the
15 audiences and for an explanation, the state of
16 California is not our favorite people up here tonight.
17 Their popularity is slightly below the Ebola virus, as
18 far as this council and councils all over California
19 are --

20 UNIDENTIFIED MALE SPEAKER: (Indiscernible)
21 everybody -- (indiscernible) --

22 UNIDENTIFIED MALE SPEAKER: Yes.

23 MR. BOSACKI: Especially anybody that had a
24 redevelopment agency that was following the rules and
25 improving their community and actually using it for what

1 was intended for. We don't have that now. So state of
2 California we don't hold them in high regard this
3 evening as far as their vision and their execution of
4 California law.

5 I talked to a Jennifer from Edison today, a
6 little bit about the process. I have solar panels on --
7 well, it's on my wife's house.

8 UNIDENTIFIED MALE SPEAKER: It's a rental?

9 MR. BOSACKI: Yeah. She charges me rent to
10 live there. I get the pay the lease on the solar
11 panels.

12 There's a lot of misconception perceptions
13 about this process on actually hooking into the grid
14 with Edison. Edison, as mentioned earlier, is a private
15 company. It's not subject to the laws of California, a
16 mandate that they would tell them to do. There was a LA
17 Times article on the 9th pertaining to at least 24,
18 probably more than that, state parks in the state of
19 California that have solar panels on their facilities in
20 the State Parks that have not been hooked into the grid
21 yet with Edison. Some of them have been in there for
22 years from federal grants, whatever they may be. Death
23 Valley is one of them I know. There's a number of state
24 parks up and down California that have solar waves that
25 have not yet been hooked into the grid because they

1 can't reach an agreement with Southern California
2 Edison.

3 With a process, the interconnection is a
4 six-step process. It takes a lot of agreement between
5 the parties in order for Edison to buy your electricity
6 and then put it into the their energy grid. Edison is
7 also a producer of energy, so you're in competition with
8 them as a company. Currently the cue -- it's a six-step
9 process and there's two processes. There's between
10 35000 and 40000 megawatts proposed right now with
11 applications going to and from Edison on a daily basis
12 being withdrawn and being applied. This is big business
13 for a lot of companies. As a council, it's not
14 disclosing anything that's secretive. We've been
15 approached on a number occasions by companies trying to
16 put solar panels up in Hesperia and every one of them
17 has fallen through so far. It's not a slam dunk, as
18 easy as it looks that you throw up solar panels and
19 Edison buys the energy from you, and you have some kind
20 of plug in and you plug the panels in there. It doesn't
21 work that way.

22 Edison is controlling this business
23 transaction, and if they don't want to buy your energy
24 at the price that they're going to pay you for it, they
25 don't have to. Regardless of what the state of

1 California's unfunded mandate is for a certain date.
2 Anyway, there's a lot of complications to this process,
3 and, again, I think -- I think my colleagues here are
4 correct in that assumption -- I believe our job as a
5 council is to represent the individuals in Hesperia who
6 live here and pay taxes, and those are all for --
7 probably 99 percent of them homeowners. The actions we
8 take up here pertain to homeowners, because that's our
9 constituency, that's who elects, that's who pays our
10 salary, that's who votes us out of office when we don't
11 listen to them.

12 This is a commercial application for a business
13 that is outside of what we normally do for our
14 constituency, which are homeowners. I think Smitty was
15 right. I think the assumption we made up here was on
16 our policies, these were for homeowners for regular
17 residential uses on our energy policy and we try to make
18 them as doable as we can for the individual homeowners
19 and their decision whether they want to put a windmill
20 up or put solar panels on their roof, because it is
21 their decision. It's there right. It's their property,
22 but not for a commercial enterprise in a residential
23 area that doesn't benefit the community. It doesn't add
24 or enhance to the neighborhood, whatever that may be, by
25 putting a commercial enterprise in a residential

1 neighborhood.

2 You can use your imagination and make up
3 anything you want, as far as a commercial enterprise in
4 a residential neighborhood; a junk yard, raising
5 livestock, whatever it may be where they're making money
6 in a residential neighborhood. It doesn't belong there.
7 It belongs in a commercial zoned area with
8 infrastructure and the buildings are all of the similar
9 type. That's my take on it. My understanding is --
10 we're just talking about the five acres on the west end
11 of town in the residential neighborhood.

12 The ten acres on rock springs will be coming
13 up --

14 MAYOR BLEWETT: Next.

15 MR. BOSACKI: In this meeting or later?

16 UNIDENTIFIED MALE SPEAKER: Next. Right after
17 this.

18 MR. BOSACKI: Okay. All right. That's it for
19 me.

20 MAYOR BLEWETT: Okay. Mayor Pro Tem Holland?

21 MAYOR PRO TEM HOLLAND: Absolutely.

22 MAYOR BLEWETT: After our long-winded friend
23 down here on this --

24 MAYOR PRO TEM HOLLAND: Clarification, is it
25 appropriate to ask the applicant and/or the person with

1 the appeal questions directly? Can we bring them back
2 up?

3 MAYOR BLEWETT: Yeah.

4 UNIDENTIFIED MALE SPEAKER: Sure can.

5 MAYOR PRO TEM HOLLAND: Okay. Mr. Applicant,
6 I've got some questions for you. I hate assuming. Are
7 you, in fact, a business or a corporation?

8 MR. NOWACK: Yes.

9 MAYOR PRO TEM HOLLAND: What is the name of it?

10 MR. NOWACK: Sybac Photovoltaics.

11 MAYOR PRO TEM HOLLAND: And are you based in
12 Hesperia?

13 MR. NOWACK: We are based in Murrieta,
14 California.

15 MAYOR PRO TEM HOLLAND: Okay. And so you pay
16 state taxes for your corporation?

17 MR. NOWACK: Uh-huh.

18 MAYOR PRO TEM HOLLAND: It's not based out of a
19 different state or a different country?

20 MR. NOWACK: It's a California corporation.

21 MAYOR PRO TEM HOLLAND: Okay. So the structure
22 that you guys propose on the property, does somebody
23 live in it?

24 MR. NOWACK: Excuse me -- I've --

25 MAYOR PRO TEM HOLLAND: I thought there was a

1 house on this structure.

2 MR. NOWACK: Yes. Yes.

3 MAYOR PRO TEM HOLLAND: Does somebody live
4 there?

5 MR. NOWACK: Yes.

6 MAYOR PRO TEM HOLLAND: Who.

7 MR. NOWACK: Mrs. Loomis.

8 MAYOR PRO TEM HOLLAND: And are they part of
9 the company?

10 MR. NOWACK: No.

11 MAYOR PRO TEM HOLLAND: Why pick their spot?

12 MR. NOWACK: Well, we looked at a couple of
13 sites. Like I said, there's capacity in the grid, and
14 we approached Mrs. Loomis if she would be willing to
15 lease us the property behind her house; explained what
16 we want to do and she agreed to it.

17 MAYOR PRO TEM HOLLAND: Okay. Brings up the
18 next question: Do you have a written in-hand agreement
19 with Edison for them to purchase your property -- or
20 your electricity?

21 MR. NOWACK: We started the interconnection
22 process and are in in-status right now.

23 MAYOR PRO TEM HOLLAND: But you don't have an
24 agreement?

25 MR. NOWACK: No.

1 MAYOR PRO TEM HOLLAND: So you want approval
2 before you actually have a written agreement for Edison
3 to purchase the power that apparently several locations
4 throughout the state have the same situation and they
5 haven't gotten an agreement with Edison either.

6 MR. NOWACK: Well, there are a lot of
7 properties that don't have an agreement, but, I mean,
8 you have -- it's a two-step process; one is the
9 interconnect and one is the building permit.

10 MAYOR PRO TEM HOLLAND: Okay. So hope is part
11 of the strategy here? You are hoping that Edison
12 complies here?

13 MR. NOWACK: Well, we have a couple of scoping
14 meetings and we have --

15 MAYOR PRO TEM HOLLAND: Okay. And I don't mean
16 to make this sound adversarial. I'm just confused,
17 because the way this sounded and every -- the intention
18 of the council was to make it so that if an individual
19 property owner wanted to further their electricity use,
20 they could do that by installing windmills or solar
21 panels not create a five, ten or hundred acre farm
22 that's an actual business entity. I mean, your company
23 makes money doing this; correct? I mean, you are not a
24 charity?

25 MR. NOWACK: Correct.

1 MAYOR PRO TEM HOLLAND: So you're not in this
2 for an altruistic ideal here; correct?

3 MR. NOWACK: Correct.

4 MAYOR PRO TEM HOLLAND: You folks make profit.
5 How much money does your company make last year,
6 ballpark?

7 MR. NOWACK: In revenue and profits?

8 UNIDENTIFIED MALE SPEAKER: Both.

9 MR. NOWACK: Well, we had a four hundred
10 million dollar revenue last year.

11 MAYOR PRO TEM HOLLAND: Okay. Did everybody --
12 did all of the projects -- did you stick them in the
13 middle of residential neighborhoods.

14 MR. NOWACK: We have a couple of projects next
15 to residential areas, yes.

16 MAYOR PRO TEM HOLLAND: If you had to give me a
17 guess percentage-wise, how many of them are in
18 residential neighborhoods and how many of them are in
19 industrial or business areas, ballpark?

20 MR. NOWACK: I would say 20 percent in
21 residential.

22 MAYOR PRO TEM HOLLAND: So 80 percent are --

23 MR. NOWACK: Agricultural mostly.

24 MAYOR PRO TEM HOLLAND: Okay.

25 MR. NOWACK: I will say 60 percent agricultural

1 and 20 percent commercial.

2 MAYOR PRO TEM HOLLAND: Okay. Is that because
3 the entities in that location said no to residential, or
4 was it -- I mean, my question is what's the driving
5 force in you folks picking this five acre spot, and if
6 this is approved, do you intend to bring more?

7 MR. NOWACK: Well, it's grid capacity. That's
8 the driving factor. There is a -- there is a limit to
9 what you can do. The grid can take so much and not
10 more. Although, we don't have an agreement with Edison
11 yet, I mean, that's a long process, we do have -- we are
12 in talks and we did initial studies with them. We had
13 scoping meetings, and right now the studies that are
14 being performed is basically not to find out if we can
15 connect, but what is needed in terms of interconnection
16 facilities; how are we going to do it, are there
17 operates maybe needed at the substation to accommodate
18 for that. That's the talks we're in right now.

19 MAYOR PRO TEM HOLLAND: You are the applicant
20 for both the five and the ten?

21 MR. NOWACK: Correct.

22 MAYOR PRO TEM HOLLAND: Okay. So the next
23 question is, are you saying that there's grid capacity
24 here but not in our industrial or business community --
25 business areas? Is there not the same grid capacity

1 there as there would be at the residential spots that
2 you've picked?

3 MR. NOWACK: There is a little bit of capacity
4 also in industrial in the middle of the city.
5 Obviously, where there's much usage there's capacity to
6 take more energy, but we were told by the city that the
7 city doesn't want solar in the middle of the city in
8 industrial areas; that they want it in --

9 MAYOR PRO TEM HOLLAND: Okay. And that
10 notwithstanding though, from what I heard before that
11 the game plan was for you folks that drove you to the
12 residential is that it was grid capacity, but if the
13 same capacity is available in the -- we'll call it in
14 the industrial park or the business area -- why choose
15 residential versus business or industrial? Is it
16 cheaper?

17 MR. NOWACK: That's one of the reasons, yes.
18 But like I said, the city -- we had -- prior to filing
19 any applications for permitting, we had talks --

20 MAYOR PRO TEM HOLLAND: But really doesn't have
21 as much to do with grid capacity as it does with cost?

22 MR. NOWACK: Oh, it's a combination. I mean,
23 the cost is really not a factor.

24 MAYOR PRO TEM HOLLAND: I'm confused, sir.

25 MR. NOWACK: It's not like it's extraordinary

1 to buy or to lease a property in the middle of the city.

2 MAYOR PRO TEM HOLLAND: Okay.

3 MR. NOWACK: Compares to the -- I mean, the
4 cost of the property is one or 2 percent of the whole
5 project cost, so it doesn't really matter if it's one
6 percent or three percent.

7 MAYOR PRO TEM HOLLAND: Okay.

8 MR. NOWACK: All the other major components --
9 I mean, the property -- you can buy property for \$200000
10 and the project costs us eight million. So it doesn't
11 really matter if it's 200- or \$150000.

12 MAYOR PRO TEM HOLLAND: Okay. So I guess that
13 would kind of lead me to my next question is, if it
14 doesn't matter, why not steer toward a place where you
15 are not going to get people that are going to stand up
16 on their hind legs and say we don't want it in our
17 backyard.

18 MR. NOWACK: Well, we have a lady that wants it
19 in her backyard. So...

20 MAYOR PRO TEM HOLLAND: Well, is she being paid
21 for that?

22 MR. NOWACK: Yeah.

23 MAYOR PRO TEM HOLLAND: So it's a business
24 decision for her, and not for the folks -- I mean,
25 nobody around her is getting paid for it; right?

1 MR. NOWACK: Correct.

2 MAYOR PRO TEM HOLLAND: Well,
3 (indiscernible) --

4 MR. NOWACK: Will I get paid if I own -- if I
5 own a property and someone next to my property builds a
6 Walmart, will I get paid from them? No.

7 MAYOR PRO TEM HOLLAND: But they generally
8 don't put Walmarts in the middle of a residential
9 neighborhood. I mean, generally.

10 MR. NOWACK: (Indiscernible) --

11 MAYOR PRO TEM HOLLAND: It's usually on the out
12 skirts, and it's still in the business district and it
13 still has to be zoned.

14 MR. NOWACK: Well, it is.

15 MAYOR PRO TEM HOLLAND: Correct?

16 MR. NOWACK: But, again -- I mean, Hesperia
17 Municipal Codes, in my opinion, stating electrical
18 generating stations can be put in any zone or
19 (indiscernible) district.

20 UNIDENTIFIED MALE SPEAKER: Fair.

21 MAYOR PRO TEM HOLLAND: Okay. Good enough. I
22 think that's all my questions.

23 MR. NOWACK: Thank you.

24 MAYOR PRO TEM HOLLAND: Thank you, sir.

25 One question for the -- the young man with the

1 appeal, if you don't mind.

2 MR. ELKINS: Yes?

3 MAYOR PRO TEM HOLLAND: Just a quick one
4 question.

5 MR. ELKINS: Sure.

6 MAYOR PRO TEM HOLLAND: Do -- have you or any
7 of the folks that live around -- I mean, you live in
8 this area where you're appealing this going in; correct?

9 MR. ELKINS: I actually live in Victorville.

10 MAYOR PRO TEM HOLLAND: Okay. So you represent
11 folks that live in this area?

12 MR. ELKINS: Well, I'm a property owner, and I
13 represent another property owner, yes.

14 MAYOR PRO TEM HOLLAND: Okay. So you own
15 property there?

16 MR. ELKINS: Yeah. I own sixty acres. I
17 surround it on the south and east side, and I represent
18 another property owner to the east.

19 MAYOR PRO TEM HOLLAND: Have they approached --
20 has anybody approached you this company or any others to
21 put solar farms in your property?

22 MR. ELKINS: Yes. That -- this Sybac did
23 approach me, maybe six months ago; that they wanted to
24 buy my land.

25 MAYOR PRO TEM HOLLAND: And what happened?

1 MR. ELKINS: I told him it was residential, and
2 I thought it was more valuable, and we just couldn't
3 come to an, you know -- didn't sell it to him.

4 MAYOR PRO TEM HOLLAND: Thank you.

5 MAYOR BLEWETT: Anything else?

6 MAYOR PRO TEM HOLLAND: No. Not for the -- not
7 for the person with the appeal. I hate to say this but
8 it sure seems as though in the interest of what it was
9 that we tried to do when we brought this up, and I was
10 one of the people that was actually for this, I know
11 some of my colleagues were not. I know my intention was
12 that this be strictly for somebody to offset their
13 utility bills, and at the same time, be more
14 environmentally friendly, reduce their costs. And if by
15 some strange chance they were able to generate even more
16 power or electricity than they can use, that they might
17 go back to the grid and offset something else. Maybe a
18 gas bill or a water bill. There's a folks on subsidies
19 or fixed income. It was certainly not for a corporation
20 who is not even from this area to dissect our Municipal
21 Code and come up with a reason or a loophole as to why
22 this should be allowed in an area that clearly I don't
23 think was ever intended for it.

24 MAYOR BLEWETT: Thank you.

25 MAYOR PRO TEM HOLLAND: Thank you.

1 MAYOR BLEWETT: We're going to have a little
2 quick primer here. By the way, I want to thank all my
3 colleagues for their comments. They were all very well
4 thought out. Council man Bosacki made the point that
5 the state was not real popular here, yeah, I'd say
6 they're about as popular as Osama bin Laden and Saddam
7 Hussein. That's how much we like the state around here.
8 To be blunt the state of California and their 33 percent
9 renewals is the biggest rip off of you if you'll ever
10 have, and I'm going to tell you exactly why because
11 you're going to get a quick primer here.

12 And I'm going to give you an example. I used
13 to be the county Planning Commissioner. San Bernardino
14 County has a project out toward state line called Bright
15 Source; two billion dollar loan guarantee that you and I
16 are on the hook for, federal loan guarantee. But guess
17 what, that's only -- that's only rip off Number one, and
18 I'm being gentle by calling it a rip off, by the way,
19 because I could refer to it as another thing.

20 Rip off Number two is that they have to
21 increase their power lines, Edison does, to service this
22 project, and so guess who gets to pay for that? We the
23 rate payers, and by the way, we as rate payers in
24 California pay twice as much for electricity as they do
25 in Nevada or Arizona. Yeah, and you know why? Because

1 we have a bunch of morons running the state legislature
2 and they -- who does 33 percent renewal ideas, and they
3 think you and I are stupid, and by the way, our Edison
4 rates -- Edison wants to go up 13 percent next year.
5 They told me. You know, people are worried about --
6 they're worried about our tiny little -- tiny little bit
7 for trash bill, when they should really be worrying
8 about their Edison bill because -- believe me, 13
9 percent is significant, and that's only the tip of the
10 iceberg.

11 And by the way, guess what rip off Number three
12 is? Rip off Number three is, as they buy this solar
13 power, that they buy it from anywhere from twelve to
14 twenty cents a kilowatt when if they used coal, nuclear,
15 or natural gas they can get it for five to six cents a
16 kilowatt. And so guess what, you get it in the neck, we
17 all get it in the neck. So I -- you know, that's one
18 thing, and the second thing is, these guys -- I have
19 no -- you know, it's a lousy land use for -- I went by
20 and looked at both of these projects, and I think solar
21 panels would be lousy next to residential. I really
22 truly do. And our intent originally when we put this
23 together -- all of us up here -- our intent was to help
24 homeowners. If the government had been smart, instead
25 of taking the two billion dollars and giving it to

1 bright source and five hundred million to Solyndra,
2 they'd be giving to you so you could put it on your
3 house. As these two gentleman pointed out, so that you
4 could reduce your rates instead of getting a rate
5 increase. You know, this is just a rip off for
6 insiders, bluntly. And it's the way it is and I'm
7 sorry, but we can't have that. And I -- I am not going
8 to support -- I'm frankly going to vote for the appeal
9 because I think it's a rip off, and I don't like the
10 land use, and I want to see us reaching. Look at our --
11 relook at our ordinances, by the way of our land use.

12 Any other comment?

13 UNIDENTIFIED MALE SPEAKER: Yeah. Can I -- a
14 quick addendum to your --

15 MAYOR BLEWETT: Yeah. Did I miss something?

16 UNIDENTIFIED MALE SPEAKER: Yeah, you did
17 actually.

18 MAYOR BLEWETT: Okay.

19 UNIDENTIFIED MALE SPEAKER: Because
20 California's mandate unfunded as Paul has --

21 MAYOR BLEWETT: Pointed out.

22 UNIDENTIFIED MALE SPEAKER: -- pointed out,
23 deals with 33 percent renewables thanks to -- I think
24 it's -- is it -- it would be 32 and --

25 UNIDENTIFIED MALE SPEAKER: Yeah, 375.

1 MAYOR BLEWETT: Yeah.

2 UNIDENTIFIED MALE SPEAKER: For those of you
3 that don't know, that's talking about the emissions from
4 fossil fuels. However, we must really not care about
5 Arizona and Nevada and Oregon, because Edison is
6 currently trying to buy all the power they can from
7 them --

8 UNIDENTIFIED MALE SPEAKER: That's exactly
9 right --

10 UNIDENTIFIED MALE SPEAKER: -- because guess
11 where they get their power source from? Coal, nuclear,
12 and natural gas. So we must really not care about our
13 neighbors that much in, you know -- from Arizona,
14 Nevada, and Oregon because it's okay if they poison
15 their folks as long as we don't poison ours. So
16 (indiscernible) where the winds don't change and they'll
17 never blow our way, and they don't buy it at a nickel a
18 kilowatt. It's probably closer to the 20 or 25 or 30
19 cents a kilowatt because they got -- it's got to load on
20 the grid and come this way. I'm not sure how all that
21 works, but that's part of it. So --

22 MAYOR BLEWETT: Anyway --

23 MAYOR PRO TEM HOLLAND: And just a quick piece
24 trivia, the volcano that erupted in Iceland for over a
25 year put out more greenhouse killing gasses than mankind

1 has put out since the industrial revolution, and that's
2 a fact. Google if you want because that's an include.
3 So we're worried about this infinitesimal smaller bit of
4 greenhouse gas emissions that we're worried about
5 putting fluorescent light bulbs in sockets and whether
6 or not we should have cold generating electricity, and
7 yet one volcano wipes that theory out in one failed
8 swoop, because eventually it will -- I don't think we
9 have the power to control a slipping volcano. Okay.

10 UNIDENTIFIED MALE SPEAKER: It will be okay.

11 UNIDENTIFIED MALE SPEAKER: So I'm a little bit
12 disturbed by this -- this ridiculousness of greenhouse
13 emission --

14 UNIDENTIFIED MALE SPEAKER: This calls for a
15 vote.

16 UNIDENTIFIED MALE SPEAKER: I have a
17 short-winded question.

18 MAYOR BLEWETT: Would somebody like to make a
19 motion to --

20 UNIDENTIFIED MALE SPEAKER: No. I.

21 UNIDENTIFIED MALE SPEAKER: What's your motion?

22 UNIDENTIFIED MALE SPEAKER: Let me ask the
23 question.

24 UNIDENTIFIED MALE SPEAKER: Go ahead, Mr. --

25 UNIDENTIFIED MALE SPEAKER: No. I just want to

1 know what -- it says mover council members, what's your
2 motion?

3 MAYOR BLEWETT: Is the motion either uphold the
4 appeal or deny the --

5 UNIDENTIFIED MALE SPEAKER: Well, it could be
6 either one. I'm going to ask Mr. Smith what his motion
7 is.

8 MR. SMITH: Hi, I'd like to make a motion that
9 we go with the appellant and appeal this project. We
10 stop all other projects until they come back. I know
11 we're going back to -- just on this one?

12 UNIDENTIFIED MALE SPEAKER: Yeah.

13 MR. SMITH: This is what we're doing. One at a
14 time.

15 UNIDENTIFIED MALE SPEAKER: One at a time.

16 MR. SMITH: This project, go with the
17 appellant.

18 UNIDENTIFIED MALE SPEAKER: (Indiscernible) --

19 MR. SMITH: Okay. I want to stress another
20 thing here. Okay. We'll stop there. That's --

21 UNIDENTIFIED MALE SPEAKER: So to clarify that
22 motion, I believe that's a motion to deny the project.

23 MR. SMITH: Deny the project and go with the --

24 MAYOR BLEWETT: And uphold the appeal.

25 MR. SMITH: And uphold the appeal.

1 UNIDENTIFIED MALE SPEAKER: Uphold the appeal.

2 MR. SMITH: And this is --

3 MAYOR BLEWETT: I have a motion to second.

4 Motion from council man Smith and Mayor Pro Tem Holland
5 to second. We'll now have a roll call vote.

6 UNIDENTIFIED MALE SPEAKER: Just cue it up on
7 the thing.

8 UNIDENTIFIED MALE SPEAKER: A roll call?

9 MAYOR BLEWETT: Call for a vote.

10 THE CLERK: Mayor pro tem Holland, your vote
11 please?

12 MAYOR PRO TEM HOLLAND: I want to make sure I
13 understand. It's to side with the motion to deny the
14 project?

15 UNIDENTIFIED MALE SPEAKER: Correct.

16 MAYOR BLEWETT: Which is yay.

17 MAYOR PRO TEM HOLLAND: So it's a yes?

18 MAYOR BLEWETT: Yes. Push a button.

19 MAYOR PRO TEM HOLLAND: It's dark.

20 UNIDENTIFIED MALE SPEAKER: Push the agenda.

21 MAYOR PRO TEM HOLLAND: Okay.

22 UNIDENTIFIED MALE SPEAKER: There you go.

23 So the appeal is up held and the project is
24 denied, the five acre only?

25 UNIDENTIFIED MALE SPEAKER: Yeah, the five acre

1 only.

2 MAYOR BLEWETT: Correct.

3 Now we're going to move on to Item 9 or 9A, I
4 guess you could call it which is the ten acre piece.

5 And I don't know if we need --

6 UNIDENTIFIED MALE SPEAKER: (Indiscernible) --
7 a request for a continuance --

8 MAYOR BLEWETT: We have a request for a
9 continuance, but we also have a lot of people that want
10 to speak. Frankly, I'm willing to deal with it tonight,
11 but we'll see what --

12 UNIDENTIFIED MALE SPEAKER: Do they want to
13 deal with it -- it was there request.

14 MAYOR BLEWETT: There's the appellant. Do you
15 want to deal with it tonight or do you want --

16 UNIDENTIFIED MALE SPEAKER: Yes.

17 MAYOR BLEWETT: He changed his mind. There it
18 is. So let's have a -- we're now -- we'll now take
19 testimony. This public hearing is now open. We've
20 already heard --

21 MR. LIUDAHL: I think we have a staff report
22 just to add --

23 MAYOR BLEWETT: Okay. (indiscernible) --

24 MR. LIUDAHL: Yeah. If we could continue the
25 staff report.

1 MAYOR BLEWETT: (Indiscernible) --

2 MR. LIUDAHL: Going back to screen. Council
3 members, this is the location of the ten acre site.
4 It's south of Rock Springs Road. Approximately 300 feet
5 east Of Glendale Avenue. It's in the limited
6 agricultural zone, A2. This is the site. It's
7 basically adjacent to field crops to the south and east
8 and vacant on the other sides. It's configured very
9 similar to the five acre site. The difference being
10 they were going to be doing full street improvements for
11 a better sidewalk along Rock Springs Road as well as a
12 landscape buffer and an estate fence.

13 This is a representation of how it would have
14 looked from the air, showing the additional landscaping
15 along the front, and here are the conclusions as per the
16 previous item. Staff has concluded this presentation
17 and is available for questions.

18 MAYOR BLEWETT: Yay. We'll declare the public
19 hearing open, and we'll start with Lawrence Johnston.

20 LAWRENCE JOHNSTON: My name was read before. I
21 thought I was going to be going last. Damn near switch
22 it to the top (indiscernible) --

23 Yes. My name is Lawrence Johnston, and I
24 reside at 19655 Rock Springs Road, which is one property
25 to the east of the proposed property. I attended each

1 of the planning meetings, including the first one which
2 they refused to record and make official even though
3 they came in pretty much telling us their minds were
4 made up, that this was going through. I attended the
5 second meeting, and we pretty much had the same things
6 again. Planning said, you know, we're all in favor of
7 this and it's going through.

8 Well, my concerns are there was EIR, there was
9 no grade plan pertaining to drainage off the property.
10 All these things are required of almost any project ever
11 done within the city, and yet they were not required for
12 this project. This project changes the zoning into an
13 industrial use in an area that is currently zoned for
14 low density residential or agricultural, either one, and
15 this changes that zoning. I brought up at that time my
16 concern that if they allow a zone change on this, what's
17 to keep any adjoining properties around that end of town
18 from also being changed to industrial? They said, oh,
19 no, that won't happen. I said, why? What's to stop it?
20 If you allow one, you've opened the door for any others
21 to come along.

22 That's a residential area. It's planned as
23 residential. It's in the general plan to be
24 residential. Even agricultural areas are with the idea
25 that eventually that that will also be residential. The

1 concerns that I also have on that property, it --
2 they -- they've not addressed the drainage off the
3 property. It drains to the north east off of about two
4 thirds of the property on to the Vogler property, which
5 is directly east of it and my property, which is east of
6 that with no on-site retentions.

7 The land itself is not that absorbent. They
8 claim, all water coming off of these panels will just
9 soak into the ground. That land has been farmed for
10 many years. Some say it fifty years or so. I don't
11 know exactly how long. I know it's been farmed for a
12 long time, and what happens when you farm and you plow
13 repeatedly? You create something called a plow pan,
14 which in that area is down about a foot to two feet and
15 that's -- it's a compaction of the soil, which keeps
16 water percolating any much deeper on -- in a quickly
17 time period. It would -- eventually does soak in, but
18 if there's added panels to that, keeping water from
19 soaking in that area, where's that water going to go?
20 It's going to run off to the adjoining neighbors.

21 There are a couple other things that I know
22 that have already somewhat been answered, but one of
23 them is that -- they brought up the state saying that on
24 agricultural land that these -- that any generation
25 plant can be allowed. Well, that law was written over

1 100 years ago by my understandings, and at that time,
2 generation plant was about the size of this room. Not
3 taking up ten acres. There was nothing, you know, even
4 with the forethought of the most futuristic people of
5 solar or anything like that that's taking up ten acres
6 or more. So I am opposed to this whole project. They
7 have not addressed other things. One of them is they
8 talk about that landscaping; that takes water. We're
9 trying to cut back on use of water here in Hesperia, and
10 that's a source that if they want to put in this
11 landscaping, only they've not addressed how is it going
12 to be irrigated. If they're putting in supposedly
13 Joshua trees and things like that that they're moving
14 from other sites, I can almost guarantee those Joshua
15 trees will be dead in about a year, because I've seen
16 other projects around town here where they move the
17 Joshua trees and little or none of them survived.

18 Thank you.

19 MAYOR BLEWETT: Thank you. Mr. Elkins, you
20 didn't want to speak on this issue too, did you?

21 MR. ELKINS: No.

22 MAYOR BLEWETT: Okay. You just put it in for
23 the other? Thank you.

24 UNIDENTIFIED MALE SPEAKER: For 9A.

25 MAYOR BLEWETT: You're nine -- nine without 9A.

1 Al Vogler?

2 AL VOGLER: Good evening, council members.
3 Mayor Blewett, I would like to establish the ground
4 rules first. This is the second appeal that I paid for,
5 and I be -- I believe by paying for an appeal, I get
6 additional speaking time, because if I attempt it to
7 compress in three minutes, what I've got here, it just
8 wouldn't work; is that correct?

9 UNIDENTIFIED MALE SPEAKER: Five.

10 MAYOR BLEWETT: Yeah, you get five.

11 AL VOGLER: I may not make it in five.

12 MAYOR BLEWETT: You know, I'll be blunt --

13 UNIDENTIFIED MALE SPEAKER: You better get
14 going.

15 AL VOGLER: I understand.

16 MAYOR BLEWETT: Okay.

17 AL VOGLER: Let me get going. We're here
18 tonight to appeal a decision by the DRC and Planning
19 Commission. I've asked a license civil engineer to be
20 here tonight, Mr. Paul Berger to make comments. That's
21 the reason why I want to proceed with the meeting. I've
22 already paid him. I can't continue it any longer.

23 The project would be on A two zone property in
24 a quiet residential area. It would be in an area where
25 community sentiment does favor the project location.

1 Suggesting that such an industrial-type project be in an
2 industrial area. The adjacent property to the east of
3 the project is a farm. The property west of the project
4 has an approved subdivision for approximately 16 homes
5 and has a plan for on-site water retention and
6 percolation well. Many of the surrounding property
7 owners represent 80 percent of the acreage.

8 I'm going to try to skip some of this and tell
9 you that at the suggestion of staff today, I went over
10 to Victor Valley College, and I observed and walked
11 around and inspected the solar panel project there. The
12 solar panel project has all of those requirements
13 attached to it that I was requesting and then some.
14 Everything drains, everything was graded. It just
15 works. In addition the project has the river on one
16 side and it has public lands around most of the rest of
17 it. You don't see the project.

18 By the way, I wanted to comment on the
19 excellence of the aerial photography, but when you are
20 on the ground that isn't what you see with one of those
21 projects. I'm most concerned, the technical aspect of
22 the water draining off of the panels. We've done some
23 computations. The water will hit the bottom of the
24 panel while it's facing the prevailing wind. In that
25 area, there is an abundance of rain fall. The water

1 will hit the ground. It will erode. It will create
2 channels, which then will interconnect with other
3 channels and water will flow north east, and that will
4 all happen because there has been no request for
5 drainage plan; no requirement. There is a drainage
6 study, but it does not address this issue.

7 There were a variety of, not only the panels
8 but concrete pile-ons would be in the ground. A
9 concrete slab for electrical. A storage container, a
10 long driveway that what we understood in the DRC meeting
11 was to be paved. And I simply wanted to add up the
12 cumulative affect of all of these, it relates to
13 ground -- it cannot percolate water. The ground will
14 not sheet in a normal flow. It's going to concentrate
15 and erode.

16 A second concern was a lack of water at the
17 site for firefighting and washing the panels. The
18 literature tells me that panels can catch on fire. The
19 electrical volts can catch on fire, and when these
20 panels have been damaged either by lightening or some
21 other source, they don't cease generating electricity,
22 and there are no individual switches at each panel to
23 shut this current off. And it means when firefighters
24 go into a fire like that, they are potentially at risk.

25 Getting close to summary here, during the

1 Planning Commission appeal I made reference to the
2 following: Hesperia Municipal Code 16.12.085 C and C5
3 were not met. Municipal Code 16.16.060A1 has not been
4 met. Ground lotted solar energy systems are allowed
5 within the rear yard of a developed lot; the project is
6 not developed. Solar energy systems means devices which
7 are a structural feature of a building; there are no
8 buildings going in there.

9 I'm short of time here. So let me say that
10 there are a variety of concerns that when another
11 project comes in front of you, you all should be
12 considering -- and there should be a great deal -- more
13 study on solar panel projects. There are potentially a
14 lot of effects from them. Thank you.

15 MAYOR BLEWETT: Thank you. I think -- I think
16 it's obvious that council has a feeling as to what
17 they -- what they refer to staff for a (indiscernible).
18 So thank you. Paul Berger?

19 PAUL BERGER: Good evening. As Al told you,
20 I'm a licensed civil engineer. I practice at 12061
21 Jacaranda Avenue in -- here in Hesperia, and I'm here
22 tonight because Al asked me to originally take a look at
23 the -- take a look at the project and see if it will
24 affect the drainage of water coming to my property, and
25 so I did. I looked at the plans. I also looked at the

1 drainage study that was done, and the thing that jumped
2 out at me in the drainage study was that it made the
3 assumption that these solar panels would have no affect
4 on the drainage at all. In order for that to happen,
5 the water would have to come down on the ground and
6 sheet flow off just in the same way that it would sheet
7 flow off now, and of course that's not going to happen.

8 If you take ten acres of property and fill it
9 up with umbrellas to say that it's not going to change
10 the flow pattern, I think that's a very naive
11 assumption. What is more likely to happen since this
12 property sits on a slope, the -- and the panels are
13 sloped, that the normal -- normal intensity of a hundred
14 year storm up here in the high desert, about an inch an
15 hour. Now you take that inch an hour and you put it on
16 a panel with 20-foot wide sleeping off, it's kind of
17 like water running of a roof and which you are going to
18 have happen over time. And remember a hundred year
19 storm happens every hundred years. In the meantime, we
20 get a whole lot of other rain, water running off.
21 Unless it's really maintained you are going to have
22 rivulets running between these panels and that is going
23 to change it, the flow pattern.

24 Now, I didn't do any hydrology studies. I did
25 not do any hydraulic study to determine exactly what

1 it's going to be, what the amount is, but to say that it
2 doesn't affect the flow pattern, doesn't affect -- it's
3 really naive. And so, you know, what --
4 (indiscernible) -- somebody would have to look at that
5 to determine what it would have to be. Thank you.

6 MAYOR BLEWETT: Thank you, Mr. Warner -- excuse
7 me. Mr. -- I --

8 UNIDENTIFIED MALE SPEAKER: Berger.

9 MAYOR BLEWETT: Mr. Berger. I apologize. Rory
10 Werner? Wow. Okay. Travis Johnson?

11 TRAVIS JOHNSON: I'm Travis Johnson. I live at
12 8888 Glendale Avenue, which is on the south west corner
13 of Glendale and Rock Springs Road. And I want to tell
14 you, I heard some good words tonight from all of you
15 guys on this. Individual homeowners and your
16 constituency, you know, we are Hesperia, and I really
17 appreciate the -- what I heard from Smitty there
18 concerning the difference between a solar farm and what
19 you want to put on your own residence there. Big
20 difference.

21 I'm a newcomer here in Hesperia. I'll be up
22 here about a year and a half now --

23 UNIDENTIFIED MALE SPEAKER: Welcome.

24 Travis Johnson: I really like it here, and I
25 talked to a lot of people about this project when I

1 first heard about it in November. And since I didn't
2 really know for sure, I talked to a lot of the people in
3 the neighborhood and I got to meet a lot of nice people
4 and I got a lot of feedback from them on what they
5 thought about it. I talked to people from Quincy, on
6 the west all the way down to Glendale on the east. I'm
7 sorry. Backwards there, Quincy on the --

8 UNIDENTIFIED MALE SPEAKER: (Indiscernible) --

9 Travis Johnson: Yeah, I'm sorry. Quincy on
10 the west and Glendale on the east and Rock Springs Road
11 all the way to Centennial from north to south. And I'm
12 telling you, those people do not want this project. I
13 think it would have a negative impact on our
14 neighborhood visually and any future uses that might
15 come up. I think it's a very negative thing. Right now
16 we have a desert rural atmosphere, and I know when I
17 bought my property there a year and a half ago, I knew
18 that it was zoned residential and agricultural. And I
19 know that right in front of me on the first ten acres on
20 the side of Glendale, they got a proposal or plans to
21 build homes on half acre lots, which is -- that's what
22 it's all about. I'm all for it. That's residential. I
23 think that a solar project there would totally change
24 the character of our neighborhood. What might come
25 along later, I don't know, but I think that this is just

1 not the place for a solar farm.

2 I have a feeling that these people may get
3 these -- pick out the residential areas because the land
4 is cheaper. I'm sure that it is compared to industrial/
5 residential, but anyway, in talking to the neighborhood
6 and looking at our neighborhood, I think that we like it
7 the way it is. And I would really appreciate it if you
8 guys would go back and take a second look at all of
9 these things that we talked about tonight. I definitely
10 think that it would have a negative impact on everything
11 in our neighborhood. Thank you very much.

12 MAYOR BLEWETT: Thank you, Mr. Johnson. Chris
13 Elvert, last but not least.

14 Chris Elvert: I'll make my way down here.

15 MAYOR BLEWETT: Do you want to borrow my
16 scooter?

17 UNIDENTIFIED MALE SPEAKER: I was going to say
18 we got a cart you could -- a go-cart you can borrow.

19 MAYOR BLEWETT: I'll ride you on my handlebars.

20 UNIDENTIFIED MALE SPEAKER: Unfortunately,
21 that's it.

22 UNIDENTIFIED MALE SPEAKER: You have surgery
23 again?

24 CHRIS ELVERT: Good evening. I'm Chris
25 Elvert. I live in the city of Hesperia. Good evening,

1 council members. I'm before you along with some of my
2 neighbors who are against the project and request that
3 you grant the appeal and stop these types of projects
4 inside of the residential zones. We the people request
5 that you consider the fact that we're not against
6 alternative energy, but we're against putting in an
7 industrial use in agricultural area right next to a
8 current longstanding residence. We believe this type of
9 use will lower the already low property values of our
10 home, which we have owned for a long period of time.

11 Currently being discussed in the Planning
12 Commission are the -- are what uses should be allowed
13 under the code staff is relying on. I do not believe
14 that a large scale electric generating station should go
15 in the middle of a residential area. There is no
16 ongoing tax that would benefit the city or its citizens
17 and one-time fee only which will affect the lives of
18 many who are present here today and will come in the
19 future.

20 It's interesting doing this (indiscernible)
21 under the code that such large projects can be approved
22 at the development review committee and that's forced to
23 the Planning Commission with your final approval. It
24 had to be appealed costing us the concerned citizens
25 before you tonight. The project was fast tracked

1 without a grading plan. We are at disagreement with
2 staff and believe that these panels would divert water
3 and cause more problems in a problem area already do to
4 flooding.

5 Prior to your comments, I will just tell Mr.
6 Mayor, since I wrote it -- I remember when you were
7 Planning Commissioner 2005, 2006 for the ten acres next
8 to this project was changed from agricultural to
9 residential half acre lots. You opposed the project at
10 that time because it was a perfect place for horse
11 property. That's germane rule because Hesperia was
12 losing those types of properties. I hope your view has
13 not changed, and I believe it has not.

14 I urge you to please consider the homeowners
15 present and in the future and deny the project. Send it
16 black to the Planning Commission for work on the code
17 and put this industrial use in the commercial,
18 industrial, or open spaces in the city. Thank you.

19 MAYOR BLEWETT: Thank you, Mr. Elvert. I'm
20 going to give the applicant one opportunity to speak
21 because he hasn't had an opportunity. Do you want some
22 time?

23 MR. NOWACK: I spoke before on that thing.

24 MAYOR BLEWETT: Okay. Then anybody else
25 wishing to speak on this item? Hearing is closed.

1 Gentleman, what's your pleasure?

2 MR. SMITH: I'm going to ask for legal opinion
3 here, because there's been some -- sometimes we take
4 campaign contributions and we're assuming we're taking a
5 vote by some. I'm going to put out in the public, I
6 have accepted a campaign donation in the past from Mr.
7 Vogler, do I have to abstain from his vote?

8 UNIDENTIFIED MALE SPEAKER: No.

9 MR. SMITH: Okay. I wanted to clarify that
10 action for everybody out there. Chris, you don't
11 matter. Another one -- a few years back, to the north
12 of that project around the loop right there, there was a
13 project that came to force and staff recommendation was
14 to take that A two zoning and make it commercial because
15 it was going to become the entrance of the east side of
16 Hesperia. Don't take it wrong, guys. I know you got a
17 job. I haven't done -- picked on you guys in five
18 years. But I think we're taking another A two zoning
19 and taking it into an industrial use not let alone a
20 commercial. You know my feelings on the last one, I'll
21 make a motion as soon as you are ready.

22 MAYOR BLEWETT: Well, I think somebody might
23 else want to say something, and then we'll
24 (indiscernible) --

25 MAYOR PRO TEM HOLLAND: Briefly.

1 UNIDENTIFIED MALE SPEAKER: Briefly.

2 MAYOR PRO TEM HOLLAND: Briefly. That will be
3 relief for tonight. Absolutely.

4 I want to clarify, I'm not against alternative
5 energy. In fact, I was one of the proponents who
6 brought it forward because like Smitty we thought it was
7 going to be used to help our residents defer some of
8 their utility bills. I also think it's a fabulous idea
9 to have it in this building or the county building or
10 the sheriff's department to help defer their costs and
11 make better use of taxpayer money to go to the actual
12 reason that they are there as opposed to put on the
13 lights or run the electricity or the air conditioner,
14 you know, what have you. With that said, I think it's
15 time and place sensitive, and I don't believe that this
16 has -- is either, and that was my feeling on the
17 original and same on this.

18 MAYOR BLEWETT: Thank you, sir. Anything over
19 here, Mr. Bosacki?

20 MR. BOSACKI: No.

21 MAYOR BLEWETT: Anything from you, Mr. Leonard?

22 Mr. Leonard: It's all been said?

23 MAYOR BLEWETT: Okay. How about a motion?

24 I'll just say one thing. My opinion hasn't changed on
25 the zoning down there. To be honest with you, I truly

1 honestly believe that that area is going to be a future
2 lovely residential area, and I don't think it would be
3 right to have solar panels in there because I think it's
4 going to be a primal residential area. Certainly not
5 until we get rid of the foreclosures and life changes,
6 but it -- things do change. But, anyway, with that
7 said, entertain a motion?

8 MAYOR PRO TEM HOLLAND: I second that.

9 UNIDENTIFIED MALE SPEAKER: Second --

10 MR. SMITH: I have a motion there to --

11 MAYOR BLEWETT: Deny.

12 MR. SMITH: -- to deny the project, go with the
13 appellant, being just been clarified that I can still do
14 this, but then after this I have another motion because
15 I think that they refunded their money, both applicants
16 for their appeals. But that's going to be a separate
17 one.

18 UNIDENTIFIED MALE SPEAKER: We have a second
19 also (indiscernible) --

20 UNIDENTIFIED MALE SPEAKER: The second --

21 MAYOR BLEWETT: Yeah. We have a second --

22 UNIDENTIFIED MALE SPEAKER: (Indiscernible) --

23 MAYOR BLEWETT: I have a motion to second, call
24 for the question.

25 UNIDENTIFIED MALE SPEAKER: (Indiscernible) --

1 denied.

2 MAYOR BLEWETT: Thank you.

3 MR. SMITH: Before we go forward, Mayor, I'd
4 like to make another motion that we refund both
5 appellants for their -- from the Planning Commission and
6 to the city council, the city refunds their money.

7 UNIDENTIFIED MALE SPEAKER: I'll second.

8 THE CLERK: I'm sorry, gentleman. I do not
9 have a section on the electronic agenda for that motion.
10 If you would like to make that motion, we can do that --

11 MAYOR BLEWETT: Give an oral motion by council
12 man Smith.

13 MAYOR PRO TEM HOLLAND: I'll second.

14 MAYOR BLEWETT: Second by Mayor Pro Tem
15 Holland. Call for the question, oral vote. Roll call.

16 THE CLERK: Mayor Blewett?

17 MAYOR BLEWETT: Yes.

18 THE CLERK: Mayor pro tem Holland?

19 MAYOR PRO TEM HOLLAND: Yes.

20 THE CLERK: Council member Bosacki?

21 MR. BOSACKI: Yes.

22 THE CLERK: Council member Leonard?

23 MR. LEONARD: Yes.

24 MAYOR BLEWETT: So ordered. Thank you.

25 THE CLERK: Council --

1 UNIDENTIFIED MALE SPEAKER: One more vote.

2 MR. SMITH: I still got to say yes even though
3 I made a motion. I might change my mind.

4 MAYOR BLEWETT: Oh, I'm sorry. I -- don't mind
5 me. I'm trying to hurry things up a little here.

6 MR. SMITH: Before we go much further, because
7 we still have an issue before coming back before staff,
8 but I want to look at 16.16.365, and I think Chris
9 Elvert might have alluded to it, Section E, which is
10 going to be the reviewing authority, and I think we need
11 to give it back in the Planning Commission, possibly
12 even in the one acre projects if we're going to start
13 seeing a lot of this solar. I know it's a lot of work,
14 and we try to eliminate all this work, but eliminating
15 this work, we're going to have these problems coming
16 back to us. But that section caught my eyes. I was
17 looking for it with this electronic stuff that we're
18 trying to do. Going on paperless, I can't shuffle back
19 and forth as quick as I did before.

20 UNIDENTIFIED MALE SPEAKER: Council member
21 Smith, my understanding is this has been agendized -- it
22 will be agendized for a future Planning Commission, so
23 this will be discussed -- this specific issue as well as
24 alternative energy.

25 MR. SMITH: Okay. Start back over. Put

1 that -- key number. Chris, remember that number then.
2 That's your job.

3 MAYOR BLEWETT: Okay.

4 (End of audio recording at 2:20:49)

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Dated: AUGUST 21, 2019

Natalie Fagan
CSR NO. 13993