

**HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HOUSING AUTHORITY
COMMUNITY DEVELOPMENT COMMISSION
FIRE PROTECTION DISTRICT
WATER DISTRICT
AGENDA**

Regular Joint Meetings
1st and 3rd Tuesday

Date: March 20, 2018
REGULAR MEETING

Time: 5:30 P.M. (Closed Session)
6:30 P.M. (Regular Meeting)
8:30 P.M. C.S.T.

CITY COUNCIL MEMBERS

Russ Blewett, Mayor

Bill Holland, Mayor Pro Tem

Larry Bird, Council Member

Paul Russ, Council Member

Rebekah Swanson, Council Member

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Nils Bentsen, City Manager

Eric L. Dunn, City Attorney



City of Hesperia

Council Chambers
9700 Seventh Avenue
Hesperia, CA 92345 and
Teleconference Locations:
5855 Citrus Blvd, Apt. 120,
Harahan, LA 70123 and
16850 Bear Valley Road, Room 282,
Victorville, CA 92395

City Clerk's Office: (760) 947-1007

**Agendas and Staff Reports are
available on the City Website
www.cityofhesperia.us**

Documents produced by the City and distributed less than 72 hours prior to the meeting, regarding items on the agendas, will be made available in the City Clerk's Office located at 9700 Seventh Avenue during normal business hours.



NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1007 or (760) 947-1056. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA FIRE PROTECTION DISTRICT
HESPERIA WATER DISTRICT**

**Meeting to be held at the following locations:
9700 Seventh Avenue, Hesperia, CA 92345 and
5855 Citrus Blvd, Apt. 120, Harahan, LA 70123 (teleconferencing location)
16850 Bear Valley Road, Room 282, Victorville, CA 92395 (teleconference location)**

As a courtesy, please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

Prior to action of the Council, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar.

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

CLOSED SESSION - 5:30 PM

Roll Call

*Mayor Russell Blewett
Mayor Pro Tem Bill Holland
Council Member Larry Bird
Council Member Paul Russ
Council Member Rebekah Swanson*

Conference with Legal Counsel - Potential Litigation:
Government Code Section 54956.9(d)2

1. One (1) case

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)1

1. City of Hesperia v. Lake Arrowhead Community Service District, et al., Court of Appeal Case No. E067679 (Superior Court Case No. CIVDS1602017)

Conference with Real Property Negotiators – Property Negotiations
Government Code Section – 54956.8

1. Negotiating Parties: Interstate Technologies and Community Development Commission

Location: 0410-061-01, -02, -03, -04; 0410-061-06 & -07; 0410-061-11; 0410-071-25 & -26; 0410-071-06 & -07 (Eleven parcels)

Under Negotiations: Price and Terms

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

*Mayor Russell Blewett
Mayor Pro Tem Bill Holland
Council Member Larry Bird
Council Member Paul Russ
Council Member Rebekah Swanson*

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Employee of the Month for March to Randy Horn, Maintenance Worker by Craig Godfrey, Maintenance Crew Supervisor Streets
2. Community Events Calendar

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

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- 1) City Council
- 2) Fire District
- 3) Water District

JOINT CONSENT CALENDAR

1. Page 9 Consideration of the Draft Minutes from the Regular Meeting held Tuesday, March 6, 2018

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, March 6, 2018.

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft CC Min 2018-03-06](#)
2. Page 15 Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Fire - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Warrant Run 3-20-2018](#)
[Attachment 1 - Warrant Runs](#)
3. Page 17 Treasurer's Cash Report for the unaudited period ended January 31, 2018

Recommended Action:

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Treasurer's Report 3-20-2018](#)
[Attachment 1 - Investment Reports](#)
4. Page 27 Purchase Piping and Material

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District authorize the City Manager to approve a one-time purchase from Core & Main for piping and materials needed for the Pipeline Water Line Replacement Program Construction Order #3406 in the not-to-exceed amount of \$101,405.

Staff Person: Public Works Manager Mark Faherty and Public Works Supervisor/Water Jeremy McDonald

Attachments: [SR Purchase Piping and Material 3-20-2018](#)
[Attachment 1 - Bid Comparison](#)
5. Page 29 Award Contract for FY 2017-18 CDBG Street Improvement Project Amend the Existing Professional Services Agreement with Geocon West, Inc. Adopt Resolution

2018-022 Amending the FY 2017-18 CIP Budget

Recommended Action:

It is recommended that the City Council:

- (1) Award a contract for the FY 2017-18 CDBG Street Improvement project to the lowest responsive and responsible bidder, Match Corporation for the Base Bid amount of \$982,000, plus Add Alternate A in the amount of \$214,000, plus Add Alternate B in the amount of \$222,000 for a total amount of \$1,418,000; approve an additional 10% contingency in the amount of \$142,000 for a total construction budget of \$1,560,000; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract, and
- (2) Amend the existing Professional Services Agreement (PSA) with Geocon West, Inc. for on-call geotechnical engineering services by increasing the PSA \$150,000 in order to have adequate funding to continue providing quality assurance and quality control on the City's capital improvement projects, and
- (3) Adopt Resolution 2018-022 amending the Fiscal Year 2017-18 Capital Improvement Program (CIP) Budget and appropriating an additional \$100,000 from the CDBG Housing Program to the FY 2017-18 CDBG Street Improvements project (C.O. No. 7142).

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Street Improvement Project 3-20-2018](#)
[Resolution 2018-22](#)

6. Page 33 Amendment to Earth Development Contract

Recommended Action:

It is recommended that the City Council authorize the City Manager to approve an amendment in the amount of \$15,000 to the contract with Earth Development. This will result in a total contract of \$65,000 for Earth Development to continue to conduct abatements as needed through the end of Fiscal Year 2017-18.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Earth Development Contract 3-20-2018](#)

7. Page 35 Uniform Services Contract

Recommended Action:

It is recommended that the City Council and the Board of Directors of the Hesperia Water District authorize the City Manager to approve a two-year agreement with Prudential Overall Supply to provide uniform services in the total not-to-exceed amount of \$52,139.

Staff Person: Assistant City Manager Michael Blay and Director of Finance Casey Brooksher

Attachments: [SR Uniform Services 3-20-2018](#)

8. Page 37 2017 Hazard Mitigation Plan Update

Recommended Action:

It is recommended that the Council adopt Resolution No. 2018-16, adopting the 2017 Local Hazard Mitigation Plan Update and authorize staff to make future non-substantive revisions to the Hazard Mitigation Plan.

Staff Person: Assistant to the City Manager Rachel Molina

Attachments: [SR 2017 Hazard Mitigation Plan 3-20-2018](#)

[Resolution 2018-16](#)

[Attachment 2 - FEMA Review Letter](#)

[Attachment 3 - Mitigation Plan \(available on the City's website\)](#)

9. Page 43 Resolution No. 2018-09 denying General Plan Amendment GPA17-00001 from Rural Residential with a minimum lot size of 2.5 acres (RR-2 1/2) to Public (P-GOVT) on 350 acres, and Resolution No. 2018-10 denying Conditional Use Permit CUP17-00008 to construct a solar farm on 4.7 gross acres located on the east side of Arrowhead Lake Road, south of Hesperia Lake Park (Applicant: Lake Arrowhead Community Services District; APNs: 0397-013-03, 04, 05, 17 thru 22).

Recommended Action:

It is recommended that the City Council adopt Resolution Nos. 2018-09 and 2018-10 denying GPA17-00001 from RR-2 1/2 to P-GOVT on 350 acres and CUP17-00008 to construct a solar farm on 4.7 gross acres.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [SR Lake Arrowhead Community Service District 3-20-2018](#)

[Resolution 2018-09](#)

[Resolution 2018-10](#)

10. Page 51 Excused Absence Request- Mayor Blewett

Recommended Action:

It is recommended that the City Council approve Mayor Blewett's absence at the January 16, 2018 and March 6, 2018 City Council Meetings due to illness.

Staff Person: City Clerk Melinda Sayre

Attachments: [SR Mayor Russ Blewett Absence Request 3-20-2018](#)

11. Page 53 Excused Absence Request- Council Member Russ

Recommended Action:

It is recommended that the City Council approve Council Member Russ's absence at the February 6, 2018 City Council Meeting due to illness.

Staff Person: City Clerk Melinda Sayre

Attachments: [SR Council Member Paul Russ Absence Request 3-20-2018](#)

CONSENT ORDINANCES

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

12. Page 55 Amendment to Ordinance 2017-15 and Ordinance 2017-16 related to Regulation of Commercial Cannabis Activity

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2018-01 (amending Ordinance No. 2017-16), which amends Chapter 5.50 of the Hesperia Municipal Code related to Commercial Cannabis activities, and which rescinds Ordinance No. 2017-22. The Planning Commission recommends that the City Council deny Ordinance No 2018-02, related to the removal of a distance requirement from residences within the cannabis zone. It is recommended that the City Council discuss and introduce, for first reading by title only and further reading waived, Ordinance No. 2018-03, (amending Ordinance No. 2017-15), which amends Chapter 16.16 of the Hesperia Municipal Code related to Commercial Cannabis activities.

Staff Person: Assistant City Manager Michael Blay and Administrative Analyst Tina Bulgarelli

Attachments: [SR Regulation of Commercial Cannabis Activity 3-20-2018](#)

[Ordinance 2018-01](#)

[Attachment 2 - Exhibit A \(Amendment to Title 5\)](#)

[Ordinance 2018-02](#)

[Attachment 4 - Exhibit B \(Amendment to Title 16-Distance Requirement\)](#)

[Ordinance 2018-03](#)

[Attachment 6 - Exhibit C \(Amendment to Title 16-License Types\)](#)

PUBLIC HEARINGS

Individuals wishing to comment on public hearing items must submit a speaker slip to the City Clerk with the numbered agenda item noted. Speaker slips should be turned in prior to an agenda item being taken up. Comments will be limited to five minutes for Public Hearing items.

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

PUBLIC HEARING

13. Page 87 Local Agency Management Program (LAMP)

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District introduce and place on first reading Ordinance No. 2018-04 amending Hesperia Municipal Code (HMC) Title 14, Chapter 14.08, Section 14.08.040 to include the City of Hesperia Local Agency Management Program (LAMP) regarding the use of onsite wastewater treatment systems (OWTS).

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Local Agency Management Program 3-20-2018](#)
[Ordinance 2018-04](#)
[Attachment 2 - Exhibit "A"](#)

NEW BUSINESS

14. Page 93

Support of the 2018 Victor Valley Bicycle Tour

Recommended Action:

It is recommended that the City Council provide direction to staff on supporting the 2018 Victor Valley Bicycle Tour.

Staff Person: Assistant to the City Manager Rachel Molina

Attachments: [SR Support of Victor Valley Bicycle Tour 3-20-2018](#)

15. Page 95

Resolution 2018-18 Establishing Performance Appraisals and Honors Program Policy

Recommended Action:

It is recommended that the City Council, Board of Directors and Board of Commissioners rescind Resolution Nos. 2004-65, HCRA 2004-07, HFPD 2004-23 and HWD 2004-14; and adopt Joint Resolution Nos. 2018-18, HWD 2018-11, HCDC 2018-03 and HHA 2018-03 Hesperia Performance Appraisals and Honors Program to clarify performance appraisal procedures and establish a system for exceptional employees at the top of their salary range to receive recognition.

Staff Person: Assistant City Manager Michael Blay, Assistant to the City Manager Rachel Molina and Human Resources Manager Rita Perez

Attachments: [SR Performance Appraisals and Honors Program 3-20-2018](#)
[Joint Resolution](#)
[Attachment 2 - Exhibit A \(Proposed Organizational Policy 42\)](#)
[Attachment 3 - Exhibit B \(Organizational Policy 15\)](#)

16. Page 141

Annexation to San Bernardino County Fire Protection District North Desert Service Zone and the Divestiture of the Functions of Fire, Emergency Medical Response and Ambulance from the Hesperia Fire Protection District

Recommended Action:

It is recommended that the City Council and Board Members of the Hesperia Fire Protection District Board adopt Joint Resolution 2018-20 and HFPD

2018-05 approving the annexation of the Hesperia Fire Protection District into the San Bernardino County Fire Protection District-North Desert Service Zone and the divestiture of the functions of Fire, Emergency Medical Response and Ambulance. This action approves the property tax sharing agreement and pass-through revenue sharing agreement between the City of Hesperia, the Hesperia Fire Protection District, the San Bernardino County Fire Protection District, and the County of San Bernardino.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Fire District Annexation 3-20-2018](#)

[Attachment 1 - Joint Resolution and attachments](#)

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Council may report on their activities as appointed representatives of the City on various Boards and Committees and/or may make comments of general interest or report on their activities as a representative of the City.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

The City Manager, City Attorney or staff may make announcements or reports concerning items of interest to the Council and the public.

ADJOURNMENT

I, Melinda Sayre, City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, March 15, 2018 at 5:30 p.m. pursuant to California Government Code §54954.2.

Melinda Sayre,
City Clerk

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding items on the agenda will be made available in the City Clerk's Office during normal business hours.



DATE: March 20, 2018

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Assistant City Manager
Jeff Codega, Principal Planner
Daniel Alcayaga, Senior Planner

SUBJECT: Resolution No. 2018-09 denying General Plan Amendment GPA17-00001 from Rural Residential with a minimum lot size of 2.5 acres (RR-2 1/2) to Public (P-GOVT) on 350 acres, and Resolution No. 2018-10 denying Conditional Use Permit CUP17-00008 to construct a solar farm on 4.7 gross acres located on the east side of Arrowhead Lake Road, south of Hesperia Lake Park (Applicant: Lake Arrowhead Community Services District; APNs: 0397-013-03, 04, 05, 17 thru 22).

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution Nos. 2018-09 and 2018-10 denying GPA17-00001 from RR-2 1/2 to P-GOVT on 350 acres and CUP17-00008 to construct a solar farm on 4.7 gross acres.

BACKGROUND

On January 16, 2018, the City Council voted to deny General Plan Amendment GPA17-00001 and Conditional Use Permit CUP17-00008. The attached resolutions support the Council decision to deny the General Plan Amendment and Conditional Use Permit (Attachments 1 and 2).

ISSUES/ANALYSIS

The Resolutions find that the proposed land use within the proposed General Plan Amendment is inconsistent with the goals and policies of the General Plan, and that the 4.7 acre solar farm is not an appropriate use on Public (P-GOVT) designated property. The amendment would change a large parcel of land from Rural Residential (RR-2 ½) to P-GOVT in order to permit a project on a portion of subject property. The proposed project would be more comparable to, and compatible with commercial and industrial uses. The proposed private solar farm is out of place and unsightly, which burdens present and future residents by negatively altering the surrounding high desert landscape, and impacting views from the surrounding residential and recreational properties.

ATTACHMENTS

1. Resolution No. 2018-09 (GPA17-00001)
2. Resolution No. 2018-10 (CUP17-00008)

RESOLUTION NO. 2018-09

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

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

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

WHEREAS, the property that is the subject of the Application consists of 350 acres within the General Plan Land Use Designation of Rural Residential with a minimum lot size of 2.5 acres (RR-2 1/2) located on the east side of Arrowhead Lake Road, approximately 4,000 feet south of Hesperia Lake Park, Assessor's Parcel Numbers 0397-013-04, 05, 17 thru 22; and

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

WHEREAS, the District also filed an application requesting approval of Conditional Use Permit CUP17-00008 to construct a solar farm on approximately 4.7 gross acres on the east side of Lake Arrowhead Road, approximately 4,000 feet south of Hesperia Lake Park (APN: 0397-013-22); and

WHEREAS, the subject site is vacant and used by the District to percolate effluent treated at its water reclamation facilities in Lake Arrowhead. Hesperia Lake Park is located to the north. Residences and open space uses exist to the south and west of the property which is currently designated RR-2 1/2, and proposed to be changed to P-GOVT. The Mojave River is located to the east; and

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

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

WHEREAS, on November 9, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing

on that date. The Planning Commission recommended approval of the General Plan Amendment and Conditional Use Permit; and

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

WHEREAS, at the January 16, 2018, hearing the City Council voted to deny GPA17-00001.

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

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

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

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

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

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

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

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

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

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

Section 7. A copy of the Resolution No. 2018-09 shall be delivered to the applicant by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing.

ADOPTED AND APPROVED this 20th day of March 2018.

Russ Blewett, Mayor

ATTEST:

Melinda Sayre, City Clerk

RESOLUTION NO. 2018-10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTED AND APPROVED this 20th day of March 2018.

Russ Blewett, Mayor

ATTEST:

Melinda Sayre
City Clerk