



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** January 28, 2014

From: Lori Lamson **Item No:** 4
Community Development Director
Community Development Department

Subject: ADOPT ORDINANCE NO. 458 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING SECTION 9.29 "SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS" OF THE CODE RELATED TO DEVELOPMENT STANDARDS OF PHOTOVOLTAIC SOLAR FARMS WITHIN THE APPLE VALLEY DRY LAKE AREA AND, AN AMENDMENT TO THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN (NAVISP) SECTION III "DEVELOPMENT STANDARDS AND GUIDELINES" BY AMENDING THE PHOTOVOLTAIC SOLAR FARMS DEVELOPMENT STANDARDS

Applicant: Town of Apple Valley

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 458

SUMMARY:

At its January 14, 2014 meeting, the Town Council reviewed and introduced Ordinance No. 458, amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code, amending Section 9.29.150 "Photovoltaic Solar Farms". Ordinance No. 458 also amends the North Apple Valley Industrial Specific Plan by amending Section III "Development Standards and Guidelines" relating to photovoltaic solar farms.

FISCAL IMPACT:

Not Applicable

Attachments:

Ordinance No. 458

ORDINANCE NO. 458

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING SECTION 9.29 "SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS" OF THE CODE RELATED TO DEVELOPMENT STANDARDS OF PHOTOVOLTAIC SOLAR FARMS WITHIN THE APPLE VALLEY DRY LAKE AREA AND, AN AMENDMENT TO THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN (NAVISP) SECTION III "DEVELOPMENT STANDARDS AND GUIDELINES" BY AMENDING THE PHOTOVOLTAIC SOLAR FARMS DEVELOPMENT STANDARDS.

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

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

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

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

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

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

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

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

WHEREAS, on November 20, 2013, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001 Amendment No. 6, receiving testimony from the public and adopting Planning Commission Resolution No. 2013-012 forwarding a recommendation to the Council; and

WHEREAS, on January 14, 2014, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001 Amendment No. 6, receiving testimony from the public.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

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

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

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

10. Photovoltaic Solar Farms

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

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

9.29.200 Photovoltaic Solar

C. *Development Standards.* All photovoltaic solar farms shall be fenced with coated chain link or wrought iron fencing (tubular or solid steel), or as approved by the Planning Commission, not to exceed a maximum height of seven (7) feet. Where proposed fencing is adjacent to existing fencing, continuity in fencing material shall be encouraged. Fencing along any local street frontage shall be setback a minimum of twenty-five (25) feet and fifty (50) feet along any major street. The use of barbed wire and outdoor lighting is prohibited. The height of the solar panels at maximum tilt shall have a height not to exceed ten (10) feet as measured from base flood elevation

(2909'). Street setbacks shall be a minimum of fifty (50) feet. Interior setbacks shall be twenty-five (25) feet. Setbacks from lot lines of properties with existing single-family residences shall be fifty (50) feet. Setbacks from lot lines of residentially zoned properties outside of the Apple Valley Dry Lake shall be five hundred (500) feet. All buildings ancillary to the solar farm shall comply with the Residential-Very Low Density (R-VLD) development standards and shall be built on a pad with an elevation at or above 2,911 feet. Street improvements to secondary and major roadways shall be installed in accordance with the Town requirements. All other roadways providing access to the project may be improved with all weather materials as required by the Town Engineer and maintained in a dust-free manner and kept clear of any litter, trash or debris. There is no requirement for off-street parking.

Section 5. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 7. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED and **ADOPTED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 14th day of January, 2014.

ATTEST:

Art Bishop, Mayor

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager