

INTEROFFICE MEMO

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TO: **THE HONORABLE PLANNING COMMISSION**

AGENDA ITEM #2

SUBJECT: **SYCAMORE PHYSICIANS PARTNERS, LLC; PROJECT #P201200220/CUP**

On August 8, 2013, the Planning Commission conducted a public hearing to consider the subject Conditional Use Permit (CUP) application to establish a 2.7-MW solar energy generation facility (Project) on 20 acres in the community of Oak Hills, just west of the city limit of the City of Hesperia. The site is located in the RL (Rural Living) land use district, bounded by Fir Street, El Centro Road, Fuente Avenue, and Bandicoot Trail. The RL land use district allows establishment of renewable energy generation facilities subject to approval of a CUP.

The CUP is a discretionary application that requires a finding of consistency with the General Plan and any applicable community plan, among other findings for approval. The proposed Project would provide a renewable source of energy for the surrounding community, consistent with several conservation policies of the General Plan. It also conforms to applicable design standards of the Development Code. In 2012, the City of Hesperia submitted a letter to the County, indicating inconsistencies with the City's ordinance containing renewable energy project location and development standards, but the letter did not formally oppose the Project. Based on what was considered to be its consistency with the General Plan, conformance to the County Development Code standards, and an analysis of the Project benefits and its potential impacts on the environment, staff recommended approval of the CUP application.

At the Planning Commission hearing, many speakers expressed concerns about land use compatibility, given the location of the Project site in an area surrounded by rural residential uses. Compatibility concerns included aesthetic qualities and a variety of potential impacts on the surrounding neighborhood. A Council member from the City of Hesperia also attended the meeting and submitted a position of formal opposition to the Project by the City of Hesperia. Based on evidence presented by various speakers and on their analysis of the Project, the Planning Commission found that the proposed Project would not be compatible with the rural character of the Oak Hills community, and would therefore not be consistent with the Oak Hills Community Plan. The Planning Commission also found that not enough evidence was presented in the visual analysis of the Project to conclude that the Project would have a less than significant impact on scenic resources. The Planning Commission adopted an intent to deny the Project, continued the public hearing to September 19, 2013, and directed staff to prepare findings for denial of the CUP application.

Based on the testimony provided in the August 8 Planning Commission hearing, including the opposition from the City of Hesperia, and the deliberative comments and conclusions of the Planning Commission, staff has revised the findings recommended for adoption by the Planning Commission. Testimony presented at the Planning Commission hearing brought up

potential conflicts with land use goals and policies of the General Plan. It also raised doubt about the conclusions in the environmental analysis concerning potential impacts on scenic resources. Section 85.06.040 (a) of the Development Code specifies that all findings required for approval of a CUP must be made in the affirmative in order to approve the application. Therefore, any required finding in the negative warrants denial of the application. The following proposed findings concerning consistency with the General Plan, the Oak Hills Community Plan, and compliance with the California Environmental Quality Act (CEQA) support a denial of the CUP application by Sycamore Physicians Partners, LLC.

Findings:

1. The proposed use and manner of development are not consistent with the goals, maps, policies, and standards of the General Plan and Oak Hills Community Plan. The Oak Hills Community Plan, in section OH 1.3.3 states the priorities of the community concerning preservation of the rural community character. Potential impacts of the proposed Project on the rural character of the community have been identified by residents of the area, the Planning Commission has found the Project to be incompatible with surrounding land uses, and the City of Hesperia has requested denial of the Project due to inconsistency with the city's plan for its sphere of influence. Therefore, approval of the Project would be inconsistent with the following goals and policies of the General Plan and Oak Hills Community Plan:

General Plan Goal LU 1:

The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

General Plan Policy LU 1.2:

The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.

General Plan Policy LU 1.4

Encourage preservation of the unique aspects of the rural communities and their rural character.

General Plan Policy LU 9.4

Ensure land use proposals in sphere of influence (SOI) areas receive appropriate review.

Oak Hills Community Plan Goal OH/LU1

Retain the existing rural desert character of the community.

Oak Hills Community Plan Goal)H/LU 2	Ensure that commercial and industrial development within the plan area is compatible with the rural desert character and meets the needs of local residents.
Oak Hills Community Plan Policy OH/LU 2.2	Encourage the development or expansion of commercial uses that are compatible with adjacent land uses and respect the existing positive characteristics of the community and its natural environment.
Oak Hills Community Plan Policy OH/LU 2.3	Limit future industrial development to those uses which are compatible with the Community Industrial District, are necessary to meet the service, employment and support needs of the Oak Hills community, and do not require excessive water usage, nor adversely impact the desert environment.
Oak Hills Community Plan Goal OH/LU 3	Establish locational criteria for future development within the plan area to ensure compatibility between uses.
Oak Hills Community Plan Goal OH/CO 1	Preserve the unique environmental features of Oak Hills, including native wildlife, vegetation and scenic vistas.
Oak Hills Community Plan Policy OH/CO 1.3	Require future land development practices to be compatible with the existing topography, vegetation and scenic vistas.

2. There is not sufficient evidence to conclude that the Project will not have a significant impact on the environment, specifically with regard to scenic resources. Although photo simulations of the site after development were included with the Project application and included in the Initial Study/Mitigated Negative Declaration (IS/MND), the Project does not have a complete visual impact analysis that evaluates proposed changes from the existing condition of the site to the post-development condition.

In light of the foregoing revised Project findings, staff has modified our recommendation concerning the Sycamore Physicians partners

Recommendation: Adopt the recommended findings and deny the Conditional Use Permit application to establish a 2.7-MW solar energy generation facility on 20 acres.