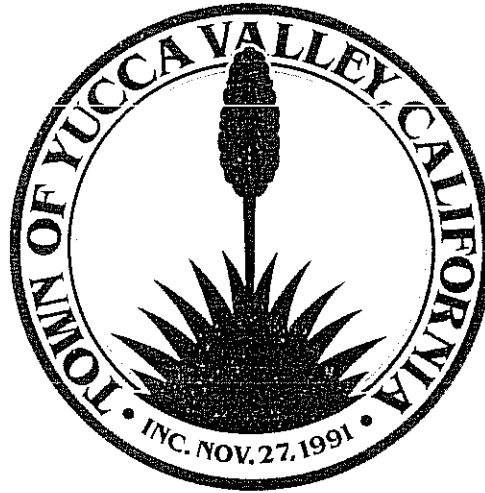


TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



*The Mission of the Town of Yucca Valley is to
provide a government that is responsive to the needs and
concerns of its diverse citizenry and
ensures a safe and secure environment
while maintaining the highest quality of life*

TUESDAY
MARCH 22, 2011
6:00 p.m.

YUCCA VALLEY COMMUNITY CENTER, YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

* * * *

PLANNING COMMISSION MEMBERS

*Robert Lombardo, Chairman
Mike Alberg, Commissioner
Gregory Graham, Commissioner
Tim Humphreville, Commissioner*

AGENDA

REGULAR MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, MARCH 22, 2011

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's office at (760) 369-7209 at least 48 hours prior to the meeting.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Planning Commission secretary. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

CALL TO ORDER:

ROLL CALL: Mike Alberg, Commissioner
Gregory Graham, Commissioner
Tim Humphreville, Commissioner
Robert Lombardo, Chairman

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Move by _____ 2nd by _____ Voice Vote _____.

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Planning Commission takes this time to consider your comments on items of concern, which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three minutes or less. Inappropriate behavior, which disrupts or otherwise impedes the orderly conduct of the meeting, will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda.

PERMIT HEARINGS:

P 1-74 1. **HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI**

A request for the approval of a home occupation permit for the purpose of assembling firearms that are purchased in kit form and for the buying and selling of firearms from and to the public from an existing single family residence.

Recommendation: That the Planning Commission approves the Home Occupation Permit, HOP 01-11 based upon the information contained within the staff report and findings.

Action: Moved by _____ 2nd by _____ Voice Vote _____

DEPARTMENT REPORTS:

P. 75-106 2. **DISCUSSION ON THE REGULATION OF WIND ENERGY GENERATORS AND PRESENTATION OF A DRAFT ORDINANCE.**

A request from staff that the Commission discuss and provide direction on regulations regarding wind energy generators

Recommendation: That the Planning Commission reviews the draft ordinance and information presented and provides direction to staff.

Action: Moved by _____ 2nd by _____ Voice Vote _____.

P. 102-242 3. **CONTINUATION OF DISCUSSION OF REVISED TENTATIVE TRACT MAP APPLICATION AND FOLLOW UP TO COMMISSION QUESTIONS**

A request from staff that the Commission receives and provides any additional feedback and comment on general timeframes for processing Tentative Tract Map applications and provide feedback and comment on the Standard Conditions of Approvals.

Recommendation: That the Planning Commission receives the report and provides any additional feedback on the application timelines or standard Conditions of Approval.

Action: Moved by _____ 2nd by _____ Voice Vote _____

CONSENT AGENDA:

All items listed on the consent agenda are considered to be routine matters and may be enacted by one motion and a second. There will be no separate discussion of the consent agenda items unless a member of the Planning Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the discussion. Public requests to comment on consent calendar items should be filed with the Deputy Town Clerk before the consent agenda is called.

4. MINUTES -

None

Action: Moved by _____ 2nd by _____ Voice Vote _____.

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

April 2011 – Conditional Use Permit, CUP 01-11, a request to install a roof mounted cell tower at the location of Hutchins Motor Sports.

Tentative Parcel Map 19288, a request to subdivide a 0.69 acre parcel containing three previously constructed residences into three residential lots

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Alberg
Commissioner Graham
Commissioner Humphreville
Chairman Lombardo

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, April 12, 2011 at 6:00 p.m.

ADJOURN

Planning Commission Hearing: March 22, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT

Case: HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI
EXEMPT FROM CEQA UNDER SECTION 15303, CLASS 1, EXISTING
FACILITIES

Request: THIS REQUEST IS FOR THE APPROVAL OF A HOME OCCUPATION
PERMIT FOR THE PURPOSE OF ASSEMBLING FIREARMS THAT ARE
PURCHASED IN KIT FORM AND FOR THE BUYING AND SELLING OF
FIREARMS FROM AND TO THE PUBLIC FROM AN EXISTING SINGLE
FAMILY DWELLING.

Applicant: JONATHAN ZORAWICKI
55990 SKYLINE RANCH RD
YUCCA VALLEY, CA 92284

Property Owner:
SAME

Representative:
SAME

Location: THE PROJECT IS LOCATED AT 55990 SKYLINE RANCH RD, CROSS
STREET OF REDDING DRIVE, AND IS IDENTIFIED AS ASSESSORS
PARCEL NUMBER 596-021-05.

Existing Land Use:
THE SUBJECT SITE IS CURRENTLY DEVELOPED WITH A SINGLE
FAMILY RESIDENCE OF 1750 SQUARE FEET AND A SMALL
STORAGE SHED OF APPROXIMATELY 100 SQUARE FEET.

Surrounding Land Use:

NORTH:	VACANT LAND
SOUTH:	SINGLE FAMILY RESIDENCE
WEST:	SINGLE FAMILY RESIDENCE
EAST:	SINGLE FAMILY RESIDENCE

Existing Zoning/General Plan Land Use Designation:
THE SITE IS CURRENTLY ZONED RURAL LIVING 5 ACRE MINIMUM
(RL-5).

Surrounding Zoning/General Plan Land Use Designation:

NORTH: SB COUNTY RURAL LIVING 5 ACRE MINIMUM (RL-5)
SOUTH: RURAL LIVING 5 ACRE MINIMUM (RL-5)
WEST: RURAL LIVING 5 ACRE MINIMUM (RL-5)
EAST: RURAL LIVING 5 ACRE MINIMUM (RL-5)

Notice of Exemption:

PURSUANT TO SECTION 15301, CLASS 1, EXISTING FACILITIES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE PROJECT IS DETERMINED TO BE CATEGORICALLY EXEMPT FROM FURTHER ENVIRONMENTAL ANALYSIS. A PRELIMINARY EXEMPTION ASSESSMENT IS ATTACHED TO THE NOTICE OF EXEMPTION FOR FILING. A NOTICE OF EXEMPTION WILL BE FILED IN ACCORDANCE WITH CEQA REGULATIONS.

Public Notification

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE HUNDRED (300) FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300-FOOT RADIUS OF THE PROJECT SITE ON MARCH 03, 2011.

RECOMMENDATIONS:

HOME OCCUPATION PERMIT, HOP 01-11: STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE THE HOME OCCUPATION PERMIT, HOP 01-11 BASED UPON THE INFORMATION CONTAINED WITHIN THE STAFF REPORT AND FINDINGS.

Project Manager: Diane Olsen, Planning Technician

Reviewed By: Robert Kirschmann, Associate Planner

Appeal Information:

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

I. GENERAL INFORMATION

REQUEST: This request is for the approval of a Home Occupation Permit for the purpose of assembling firearms that are purchased in kit form and for the buying and selling of firearms from and to the public from an existing single family dwelling.

LOCATION: The subject site is located at 55990 Skyline Ranch Rd, on the north side of Skyline Ranch Rd, cross street of Redding Rd and is identified as Assessors Parcel Number 596-021-05.

PROJECT SYNOPSIS:

PROJECT AREA:

SITE COVERAGE

5 Acres

BUILDING AREA:

Existing Residence	1,750 sq ft
Storage Shed	100 sq ft
Total Existing	1,850 sq ft

FLOOD ZONE:

Map 8115 Zone D (areas in which flood hazards are undetermined, but possible).

ALQUIST PRIOLO ZONE:

No

II. PROJECT ANALYSIS

ENVIRONMENTAL REVIEW: The project is Categorically Exempt under CEQA Section 15301, Class 1, Existing Facilities.

ADJACENT LAND USE/ZONING: The site is located within an area sparsely developed with single family residential structures. The properties to the east, west and south are zoned Rural Living, 5 acre minimum lot size (RL-5) and are developed with single family residences. The property to the north is an undeveloped lot located in San Bernardino County and has a zoning designation of Rural Living, 5 acre minimum lot size (RL-5).

SITE CHARACTERISTICS: The subject property is a five acre parcel that is developed with a single family residence of 1,750 square feet and a small storage shed of approximately 100 square feet. The structure is located approximately 175' from the roadway and is approximately 10 feet in elevation above Skyline Ranch Rd.

DISCUSSION: The Home Occupation Permit is generally recognized as a commercial use which is accessory to an established residential land use and will not alter the character of the neighborhood. The basic intent of the HOP is to provide the homeowner with a business activity within a residence as long as that activity does not conflict with the intent of the HOP Ordinance or the standard Conditions of Approval. Otherwise, it may be more appropriate to require a more suitable location that can accommodate the type of business proposed, such as a commercial district. The integrity of the ordinance is to consider the safety and welfare of the community and to provide minimal deviations from the atmosphere of the single family living environment.

Ordinance 178, Home Occupations, Section 84.0615 (d) of the Development Code states that in accordance with Section 83.010330 Notice of Pending Land Use Decision, notice shall be given, except that such notice shall be given at least fifteen (15) days prior to the scheduled hearing. Development Code Section 83.010330 (3) states that notice shall be given by first class mail or delivery to all surrounding property owners for land use decisions using the Public Hearing, Administrative Review or Development Review procedures. Pursuant to Section 65091 of the California Planning and Zoning Laws, "notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing". Pursuant to Section 83.010330, the project notice was mailed to all property owners within a 300 foot radius of the exterior boundaries of the project site on March 03, 2011.

The applicant is requesting approval for a Home Occupation Permit for the purpose of assembling firearms that are purchased in kit form and to buy and sell firearms to the public from the single family residence.

On February 22, 2011, the application was reviewed by the Deputy Town Manager at a staff level hearing. Based upon the amount of communication received from the public and the attendance at the permit hearing, the item is being forwarded to the Planning Commission for review.

Ordinance 178, Home Occupations, Section 84.0615 (f) of the Development Code provides the following standards for home based businesses:

- The monthly average trip count for customers shall not exceed ten trips per day. A trip is defined as a one way journey from an origin to a destination. This results in a maximum average of five (5) customers per day.
- Operating hours shall be between the hours of 7 AM and 8 PM
- Up to 35% of the floor area may be used for storage and supplies related to the use.

The applicant is proposing the following:

- There will be a maximum of three customers per day visiting the location. Those customers will be by appointment only. Any customers that show up without an appointment will not be permitted entrance.
- The hours of operation for the business will be 3PM to 6PM.
- The activity will be using only 297 sq ft (17%) of the residence.
- There will be no testing of firearms at the project location or on any surrounding properties. All testing of firearms will take place at a shooting range.

The applicant is proposing to purchase in kit form and assemble AR-15 type rifles. The primary method of the business activity will be special order. The applicant will receive an order for a firearm, will purchase the firearm in kit form, assemble the firearm and then transfer ownership to the buyer. The applicant anticipates selling approximately five AR-15 type rifles per year. There may be the occasional purchase or sale of other types of firearms. The applicant is not proposing the sale of ammunition or the supplying of ammunition for any of the weapons. The only storage of ammunition on the property will be the applicant's personal supply.

In order to purchase a firearm, all potential buyers must go through a screening process and a ten day waiting period prior to purchasing a firearm. This involves a preliminary safety test, an application process and a background check through State of California Department of Justice (DOJ).

The firearms that are proposed are purchased in kit form, which means that they are delivered as components and are assembled. There is no heavy equipment used in the assembly process, only hand tools are required. An individual who is not an FFL can purchase the firearm kit, but the lower receiver, which is the part of the firearm that accepts the magazine, is not included. Only an FFL dealer can purchase the lower receiver.

The applicant is required to have a gun safe on the premises for the storage of firearms. A yearly inspection of the property is also conducted by ATF. The applicant is also proposing to install an alarm system on the residence. There are no limitations or restrictions on the number of transaction for a licensed FFL.

On February 15, 2011, the application and related material was forwarded to the San Bernardino County Sheriff's Dept for review and comment and the Sheriff's Dept has no objection the proposed activity. A copy of that e-mail is attached to the staff report.

PUBLIC COMMENT:

Prior to the staff level hearing, the Town had received eleven responses in support of the project, fifteen responses in opposition to the project and one response requesting the application be forwarded to the Planning Commission. No additional responses have been received in support or opposition to the project.

FINDINGS:

Ordinance 178, Home Occupations, contains five (5) Findings that must be made in order for the Town to approve a Home Occupation Permit. The Findings are as follows:

1. That the proposed use is not permitted.

The proposed use is not listed as a prohibited use under Section 84.0615(f) of the Development Code.

2. That the proposed use will comply with all applicable standards.

The proposed use will comply with all applicable standards, such as limiting the number of customers to three per day and limiting the operating hours between 3 PM to 6 PM.

3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety and general welfare.

The issuance of the HOP will not be detrimental to public health, safety and general welfare in that any potential buyer is required to submit an application to the Department of Justice, Firearms Division and is subject to a background check.

4. That the proposed use will be consistent with any applicable specific plan.

There are no specific plans for the proposed location.

5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

The proposed use will not alter the character of the neighborhood. The residence will not be altered to indicate the presence of a home based business. Traffic patterns will not be affected as there will be a maximum of three customers per day. Further, Policy 6.A of the Circulation Element and Policy 4 of the Land Use Element of the General Plan further support the establishment of home based businesses.

Program 6.A of the Circulation Element of the General Plan states " In order to locate jobs and housing near each other to produce shorter work commutes, make a concerted effort to encourage mixed-use development with a residential component contiguous with employment centers, encourage relocation of appropriate industries, adopt a home occupation ordinance, and encourage major employers to evaluate telecommuting opportunities, either home-based or at local centers, as at least part-time options for employees".

Policy 4 of the Land Use Element of the General Plan states "As an essential part of land use planning, the Town shall continuously assess business and employment opportunities for an expanding economic base."

Attachments:

1. Application Material
2. Notice of Exemption
3. Permit Hearing Minutes from February 22, 2011
4. Planning Commission Notice of Hearing
5. Staff Level Review Notice of Hearing
6. Standard Exhibits
7. Ordinance 178, Home Occupations
8. Development Code Section 84.0320 Rural Living District
9. Policy 6.A, General Plan Circulation Element
10. Policy 4, General Plan Land Use Element, Goals, Policies and Programs
11. Notice of Exemption
12. Public Comments

**RECOMMENDED CONDITIONS OF APPROVAL
HOME OCCUPATION PERMIT, HOP 01-11
ZORAWICKI**

GENERAL CONDITIONS

1. This Home Occupation Permit, HOP 01-11 is a proposal to assemble firearms that are purchased in kit form and to buy and sell firearms to the public. The property is located at 55990 Skyline Ranch Rd and is further identified as assessor's parcel number 596-021-05.
Approval Date: March 22, 2011
Expiration Date: March 22, 2012
2. There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
3. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
4. The Applicant/owner shall ascertain and comply with requirements of all Federal, State, County, Town and local agencies and obtain any and all

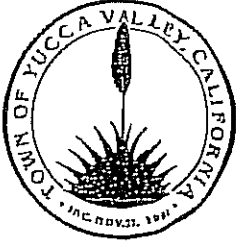
necessary approval and permits that are applicable to the project. These include, but are not limited to ATF, CA Dept. of Justice, Environmental Health Services, Transportation/Flood Control, Fire Department, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

5. All conditions are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. There shall be no displays, sale or advertising signs on the premises.
7. There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage.
8. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs.
9. The Home Occupation shall not encroach into any required parking, setback, or open space area.
10. There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited.
11. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.

12. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located.
13. No home occupation shall be initiated until a current business registration certificate is obtained.
14. A Home Occupation Permit shall not be transferable.
15. The garage shall not be altered externally.
16. No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances.
17. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.
18. Customers shall be limited to a maximum of three per day.
19. Hours of operation shall be limited to 3 PM to 6 PM.
20. Applicant shall submit a copy of Federal Firearms License prior to the commencement of any business operation.

Signature

Date



Date Received	01/19/11
By	DOLSEN
Fee	270 ⁰⁰
Case #	H01-01-11

HOME OCCUPATION PERMIT APPLICATION

(Print Legibly)

APPLICANT'S NAME JONATHAN R. ZORAWIECKI
ADDRESS 55990 SKYLINE RANCH ROAD, YUCCA VALLEY CA. 92284
TELEPHONE [REDACTED]
NAME OF BUSINESS (if applicable) N/A
ASSESSOR PARCEL NO. 59602105
REPRESENTATIVE (if other than applicant) _____
MAILING ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE _____

GENERAL LOCATION OF PROPERTY: (Include street address, property location from nearest street or intersection, and indicate which side of street the property is on). 55990 SKYLINE RANCH RD.,
PROPERTY IS ON RIGHT HAND, OR NORTH SIDE.

PROPERTY OWNER JONATHAN R. ZORAWIECKI
MAILING ADDRESS 55990 SKYLINE RANCH RD. YuccaV
CITY Yucca Valley STATE CA. ZIP 92284
TELEPHONE [REDACTED]

(Attach written permission from property owner, if applicable).

TYPE OF BUSINESS BUYING, SELLING & MANUFACTURING LEGAL FIREARMS.

NUMBER OF PEOPLE INVOLVED IN THE BUSINESS AND RELATIONSHIP TO OWNER: TWO, OWNER & WIFE.

TYPE OF ADVERTISING TO BE USED: WORD OF MOUTH.

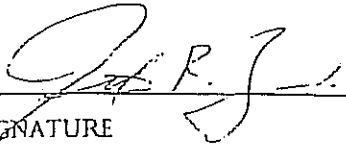
Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 F.P. 12 60 228-0084

HOME OCCUPATION PERMIT APPLICATION INFORMATION

1. APPROXIMATE VOLUME, UNITS SOLD, NUMBER OF CUSTOMERS RECEIVED PER DAY, YEAR, OR OTHER TIME INCREMENTS
NO MORE THAN THE LEGAL QUANTITIES, NO MORE THAN THREE CUSTOMERS PER DAY.
2. DESCRIPTION OF EQUIPMENT USED (HORSEPOWER, VOLTAGE, ETC.) NO EQUIPMENT WILL BE USED.
3. MATERIALS USED AND THEIR MANNER OF DELIVERY TO HOME OCCUPATION LOCATION:
~~WEAPONS~~, UPS, FED-EX & OWNER.
FIREARMS
4. HOW ARE CONTACTS MADE WITH CLIENTS OR CUSTOMERS? BY PHONE, AND FRIENDS & FAMILY, WORD OF MOUTH.
5. SQUARE FEET OF AREA USED FOR STORAGE AND WORK AREA, AND TOTAL SQUARE FEET OF RESIDENCE, INCLUDING GARAGE:
STORAGE: 32 SQ. FEET
WORK AREA: 297 SQ. FEET
TOTAL SQUARE FEET OF RESIDENCE: 1750 SQ. FEET
6. BRIEF SUMMARY OF BUSINESS BEING CONDUCTED:
THE BUYING, AND SELLING & MANUFACTURE OF LEGAL FIREARMS.
7. PROPERTY OWNERS LIST - WITH YOUR APPLICATION YOU MUST PROVIDE A LIST (ON A VERY LABELS, 33 PER 8 1/2 X 11" PAGE) OF ALL PROPERTY OWNERS AND THEIR ADDRESSES WITHIN 300 FEET OF THE EXTERIOR BOUNDARIES OF THE PROPERTY IN QUESTION. THIS LIST WILL BE USED FOR PUBLIC NOTIFICATION (See Attachment "A").

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND THAT I HAVE READ AND UNDERSTAND AND WILL ABIDE BY SAN BERNARDINO COUNTY CODE, SECTION 84.0615 (HOME OCCUPATIONS) AS AMENDED BY ORDINANCE NO 178.

I UNDERSTAND THAT MY PERMIT MAY BE VOIDED FOR NON-COMPLIANCE WITH THE CONDITIONS SET FORTH IN THE APPROVAL.



SIGNATURE

1-14-11

DATE

SIGNATURE

DATE

January 11, 2011

Owner

Jonathan Roscoe Zorawicki

**55990 Skyline Ranch Road
Yucca Valley, CA. 92284**

Phone [REDACTED]

Fax [REDACTED]

E-mail: dezratz2@skywayusa.net

January 11, 2011

The business that I plan to start will be in the buying and selling , also the manufacturing of legal firearms.

My business goals at first are to start small so as to have the business expand after I retire from my present employment as a retail manager in a major grocery chain.

My 28 plus years experience in the retail industry will give me the advantage to increase the business in the near future to a full time operation, possibly moving into a store front business.

By starting this business now will help to give myself the experience needed too increase into a more profitable, and revenue generating business.

I see this business as a growing industry in the near future. The need for the products that I intend to sell will appeal too many different individuals, including , hunters, sportsman, hobbyist, and those wanting personal protection.

The customer base I plan on selling to will be mostly family and friends, so the traffic generated to my residence will be no more than that of people visiting my home.

I have been in possession of my residence for over 15 years, and have built up a good relationship with my immediate neighbors as well as trust, as I watch their homes when they leave for extended periods.

So to recap, the customers that will be patronizing my place of business will be by appointment only, and the monthly average will be less than ten trips daily.

The only other person that will be involved will be my spouse as I plan on keeping the business very low key in the beginning. There will be no parking issues on site.

I believe that my dwelling falls under RL land use districts, so I feel that the amount of square footage that will be used will not exceed the amount provided in the standards required.

There will be no exterior signage or evidence of home occupation, the dwelling will continue to appear as a residence.

I also foresee no problem as to having the home occupation permit to be revoked as I will have no problem in complying with the requirements that are listed in the application.

Jonathan Roscoe Zorawicki

January 27, 2011

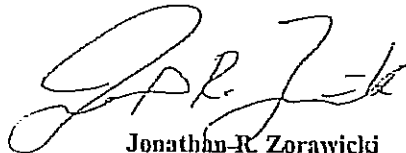
To Diane Olsen,

In my application for the home occupancy permit I stated no equipment would be used in the manufacturing process, what I meant by that was no heavy equipment would be used.

The firearms that I was referring too that I would be manufacturing are in kit form, requiring only basic hand tools to assemble possibly the use of some air tools, and then only the noise from an air compressor, and the tools themselves would be heard.

And as I stated in my application that I would be starting out small, and very low key so this will not be an everyday occurrence so as to be an annoyance to any of my neighbors.

I hope this information helps, if you need any more questions answered or more clarification please feel free to contact me at any time.



Jonathan R. Zorawicki
55990 Skyline Ranch Rd.
Yucca Valley, CA. 92284



Notice of Exemption

Form D

To: Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: (Public Agency) Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

County Clerk
County of San Bernardino
385 N. Arrowhead, 2nd Flr.
San Bernardino, CA. 92415

(Address)

Project Title: Home Occupation Permit, HOP 01-11

Project Location - Specific:

The project is located at 55990 Skyline Ranch Rd and is identified as APN 596-021-05.

Project Location - City: Yucca Valley

Project Location - County: San Bernardino

Description of Project:

This Home Occupation Permit is a request to assemble firearms that are purchased in kit form and to buy and sell firearms to the public from an existing single family residence.

Name of Public Agency Approving Project: Town of Yucca Valley

Name of Person or Agency Carrying Out Project: Jonathan Zorawicki

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
 Declared Emergency (Sec. 21080(b)(3); 15269(a));
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 Categorical Exemption. State type and section number: Section 15301, Class 01, Existing Faciliti
 Statutory Exemptions. State code number:

Reasons why project is exempt:

The project is exempt from CEQA due to the fact that the project is located on a site that is currently developed as a single family residence. The proposal is to operate a commercial use within the residence that will not alter the existing structure or the character of the neighborhood.

Lead Agency

Contact Person: Diane Olsen Area Code/Telephone/Extension: (760) 369-6575

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title:

- Signed by Lead Agency Date received for filing at OPR:
 Signed by Applicant

Revised May 1999

TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT

MINUTES
PERMIT HEARING
FEBRUARY 22, 2011

Home Occupation Permit, HOP 01-11 Zorawicki

Deputy Town Manager Shane Stueckle called the hearing to order at 9:00 am and explained the process of the administrative hearing.

With reference to the complete printed Staff Report preserved in the meeting and project files, Associate Planner Robert Kirschmann presented the staff report to the meeting.

A request for approval to of a home occupation permit for the purpose of assembling firearms purchased in kit form and to buy and sell firearms to the public from an existing single family residence. The property is located at 55990 Skyline Ranch Rd and is identified as APN 596-021-05

The property is currently developed with 1750 single family residence. Prop is surrounded on the north by vacant land and on the south, east and west by single family residences. Pursuant to 83.010330, the notice was mailed to all prop owners on February 03, 2011.

The applicant is proposing a max of 3 customers per day with an appointment, operating hours of 3 PM to 6PM, using approx 300 square feet (17 %) of residence and no testing of firearms at the project location or surrounding properties. All testing of firearms will take place at a shooting range.

Jonathan and Cheryl Zorawicki of Yucca Valley plan to purchase firearms kits by order only. There will be no factory or EPA impact on the neighborhood. The applicant stated that he has gone through all background checks by ATF and the Sheriff's Department.

Mr Stueckle and Mr Zorawicki had a discussion on the following items: volume of weapons permitted to be sold, types of weapons that are to be sold and other limitations imposed on firearms transactions, materials to be used in the operation of the business, special order business only or inventory be on hand, requirements for the storage of inventory, storage of ammunition storage and sales, explanation of the kit assembly process and the business level over the next five years.

Mr Stueckle opened the hearing to public comments.

Barbara Renton, Yucca Valley, spoke in opposition to the project

Joy Williams, Yucca Valley, spoke in favor

Linda Moffitt, Yucca Valley, spoke in favor

Margo Sturges, Yucca Valley, spoke in opposition

Cynthia Anderson, Yucca Valley would like the operating hours to be reconsidered to daylight only.

Donna Geeslin, Yucca Valley, spoke in favor

Roy Howard, Yucca Valley, spoke in favor

Courtney Vaughn, Yucca Valley, requested clarification on types of weapons

Janette Allen, Yucca Valley, spoke in favor

Mr Stueckle and Mr Zorawicki had a discussion on the following items: terminology of weapons, guns, firearms, on being open to the public vs appointment only, on the process and requirements of purchasing a firearm in CA, on advertising of the business, on hours of operation, on test firing of weapons, on an explanation of the kit type of firearm, on the categories of assault weapons and what can be sold in CA and the number limitations on the kit firearms and the excise tax that is to be paid after the purchase of fifty firearms kits,

Mr Kirschmann discussed the Conditions of Approval

Mr Stueckle re-opened the hearing to public comments

Tammy Roloff questioned what a receiver is

Ms Sturges questioned the terminology of guns, weapons, or firearms.

Ms Anderson questioned specific requirements on lighting or fencing

Mr Zorawiki defined what a receiver was

Mr Stueckle and Mr Zorawicki discussed the types of firearms that could be sold by a Federal Firearms Licensee (FFL) and lighting and fencing requirements.

Mr Stueckle discussed that land use is the focus of the permit application and is set up for staff level of approval but the hearing officer can forward the application to the Planning Commission for consideration. Based upon communication received and the attendance at the hearing, this item is being forwarded to the Planning Commission with a recommendation for approval.

Mr Stueckle closed the permit hearing

Respectfully submitted by

Diane Olsen
Planning Technician

ADVERTISING FOR
NOTICE OF PERMIT HEARING
YUCCA VALLEY PLANNING COMMISSION
YUCCA VALLEY COMMUNITY CENTER
57090 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

TUESDAY, MARCH 22, 2011, BEGINNING AT 6:00 P.M.

A PERMIT HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

CASE NUMBER: Home Occupation Permit, HOP 01-11 Zorawicki

APPLICANT: Jonathan Zorawicki
55990 Skyline Ranch Rd
Yucca Valley, CA 92284

PROPOSAL: This Home Occupation Permit is a request to assemble firearms that are purchased in kit form and to buy and sell firearms to the public.

LOCATION: The project is located at 55990 Skyline Ranch Rd, and is identified as APN 596-021-05.

ENVIRONMENTAL DETERMINATION: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to Implement same. The Town determined that the proposed project is exempt from CEQA under Section 15301, Class 1, Existing Facilities.


Any person affected by the application(s) may appear and be heard in support of or opposition to the proposal at the time of the hearing. The environmental findings, along the with proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Planning Commission in its deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Posted and mailed March 03, 2011.

March 02, 2011

Date



Janet Anderson
Town Clerk

ADVERTISING FOR
NOTICE OF PUBLIC PERMIT HEARING
TUESDAY, FEBRUARY 22, 2011,
BEGINNING AT 9:00 A.M.
COMMUNITY DEVELOPMENT DEPARTMENT
58928 BUSINESS CENTER DRIVE
YUCCA VALLEY, CALIFORNIA 92284

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY DEPUTY TOWN MANAGER TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

CASE NUMBER: Home Occupation Permit, HOP 01-11 Zorawicki

APPLICANT: Jonathan Zorawicki
55990 Skyline Ranch Rd
Yucca Valley, Ca 92284

PROPOSAL: This Home Occupation Permit is a request to assemble firearms that are purchased in kit form and buy and sell firearms to the public.

LOCATION: The property is located at 55990 Skyline Ranch Rd, and identified as APN 596-021-05.

ENVIRONMENTAL

DETERMINATION: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The Town determined that the proposed project is exempt from CEQA under Section 15301, Class 1, Existing Facilities.

Any person affected by the application(s) may appear and be heard in support or opposition to the proposal at the time of the hearing. **If no responses are received five (5) days prior to the hearing date and the applicant has no objections to the Conditions of Approval, staff may elect to not hold a formal hearing.**

The environmental findings, along with the proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7:30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Deputy Town Manager in his deliberation could recommend approval of the project, deny the project, approve the project in an alternative form, or forward the project to the Planning Commission for review.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

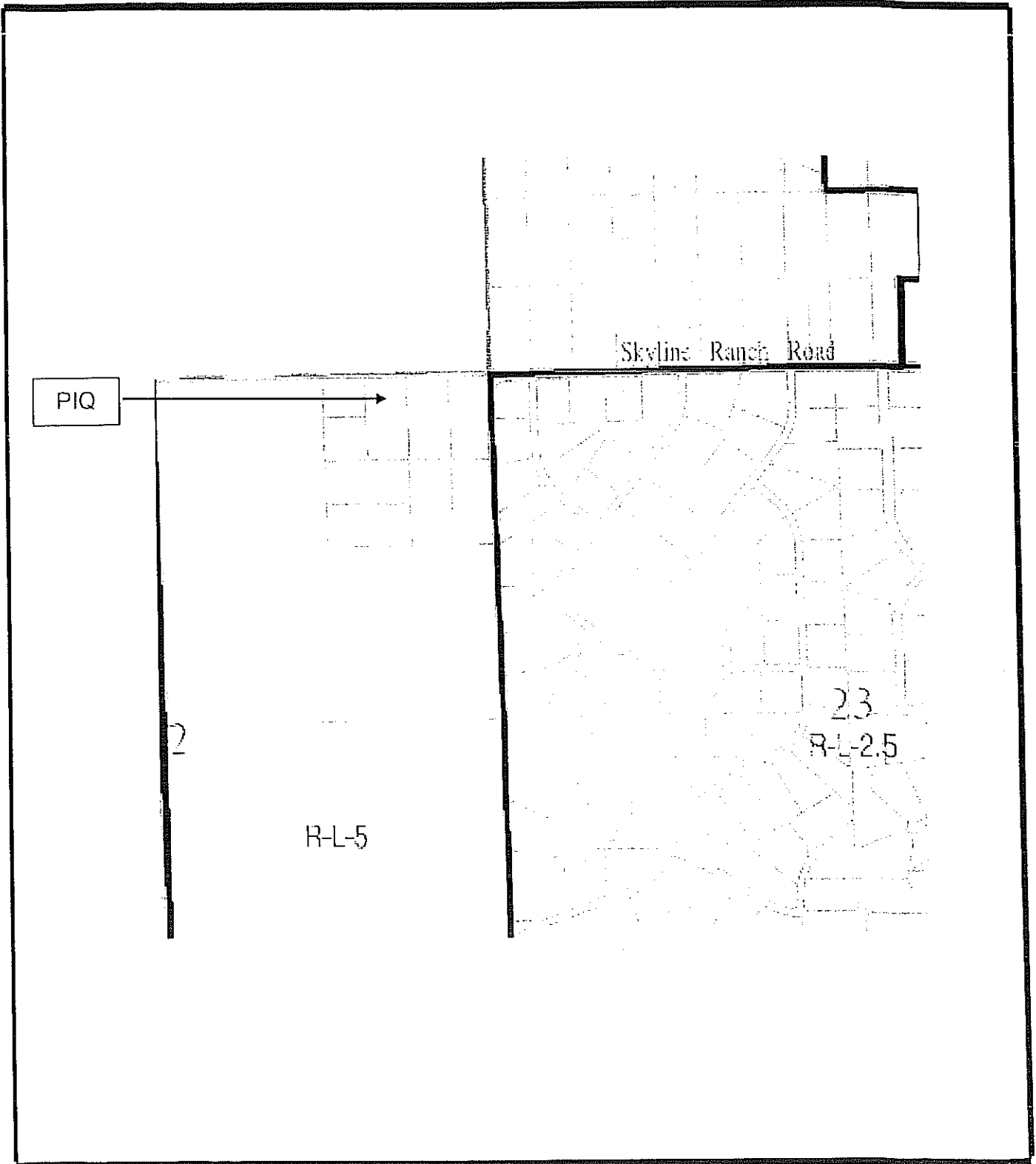
Publish Date: Posted and mailed Thursday, February 03, 2011

February 03, 2011
Date


Diane Olsen
Planning Technician

TOWN OF YUCCA VALLEY

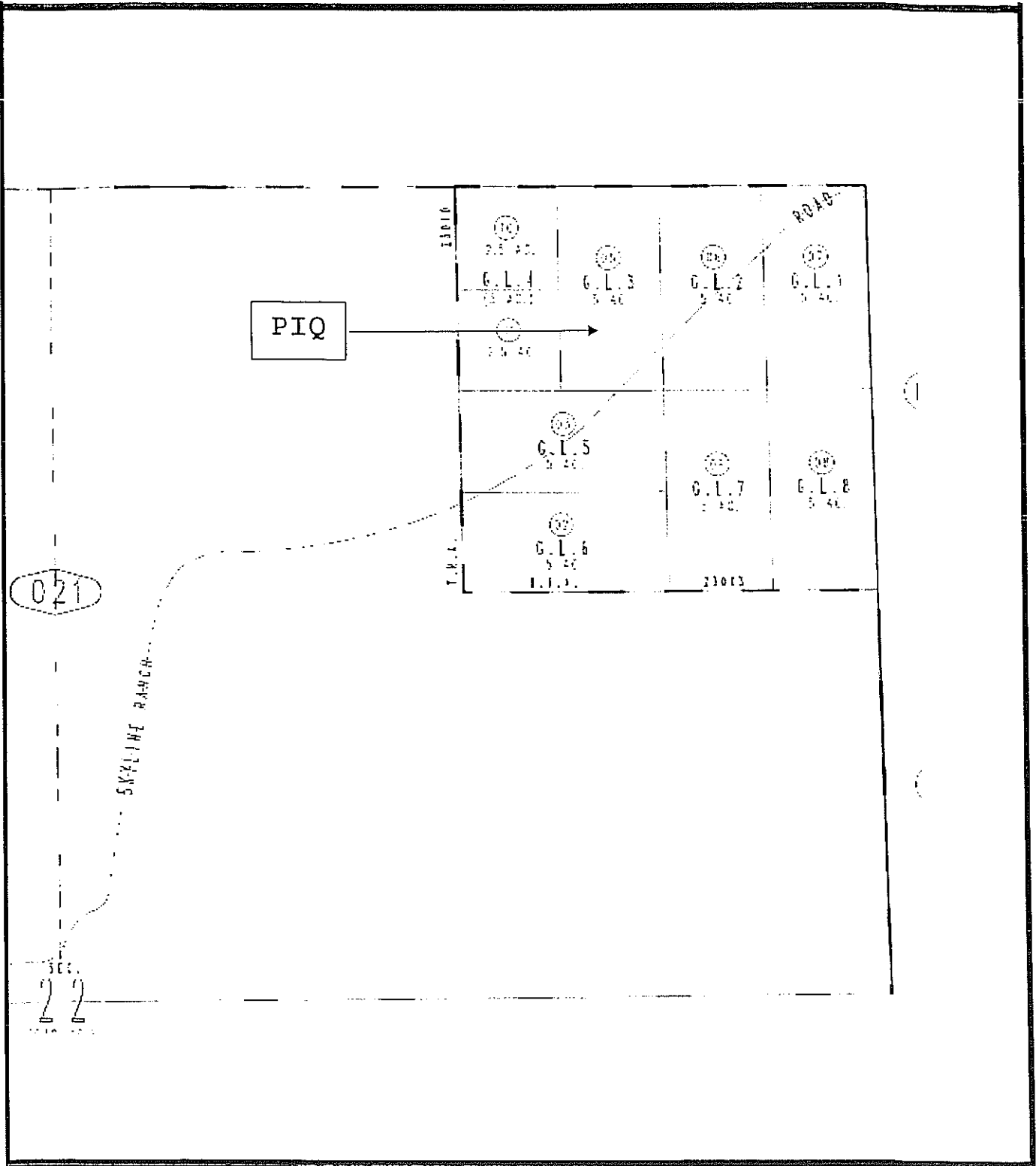
PROJECT NO.: HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI



ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

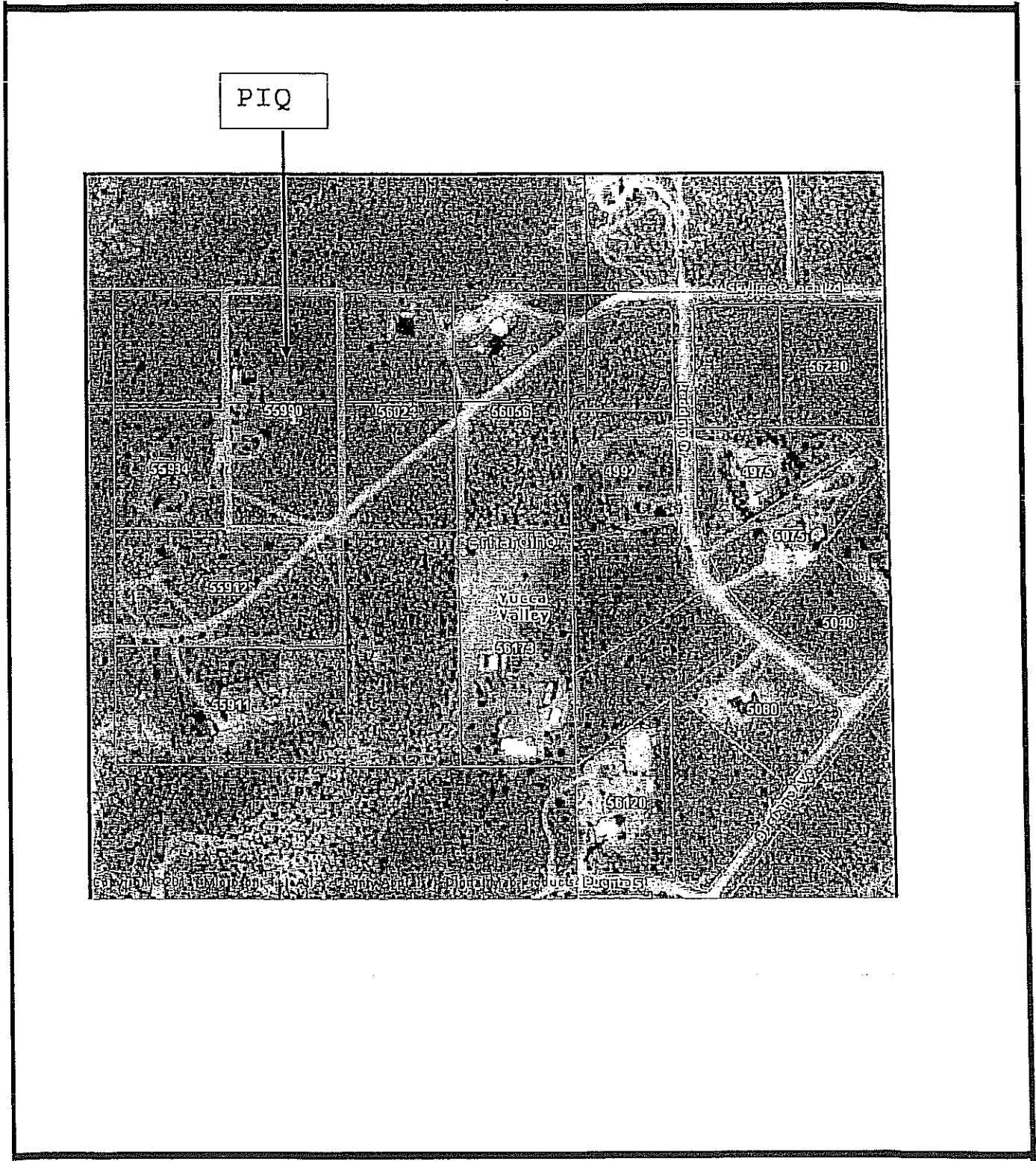
PROJECT NO.: HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI



Assessor's Parcel Map

TOWN OF YUCCA VALLEY

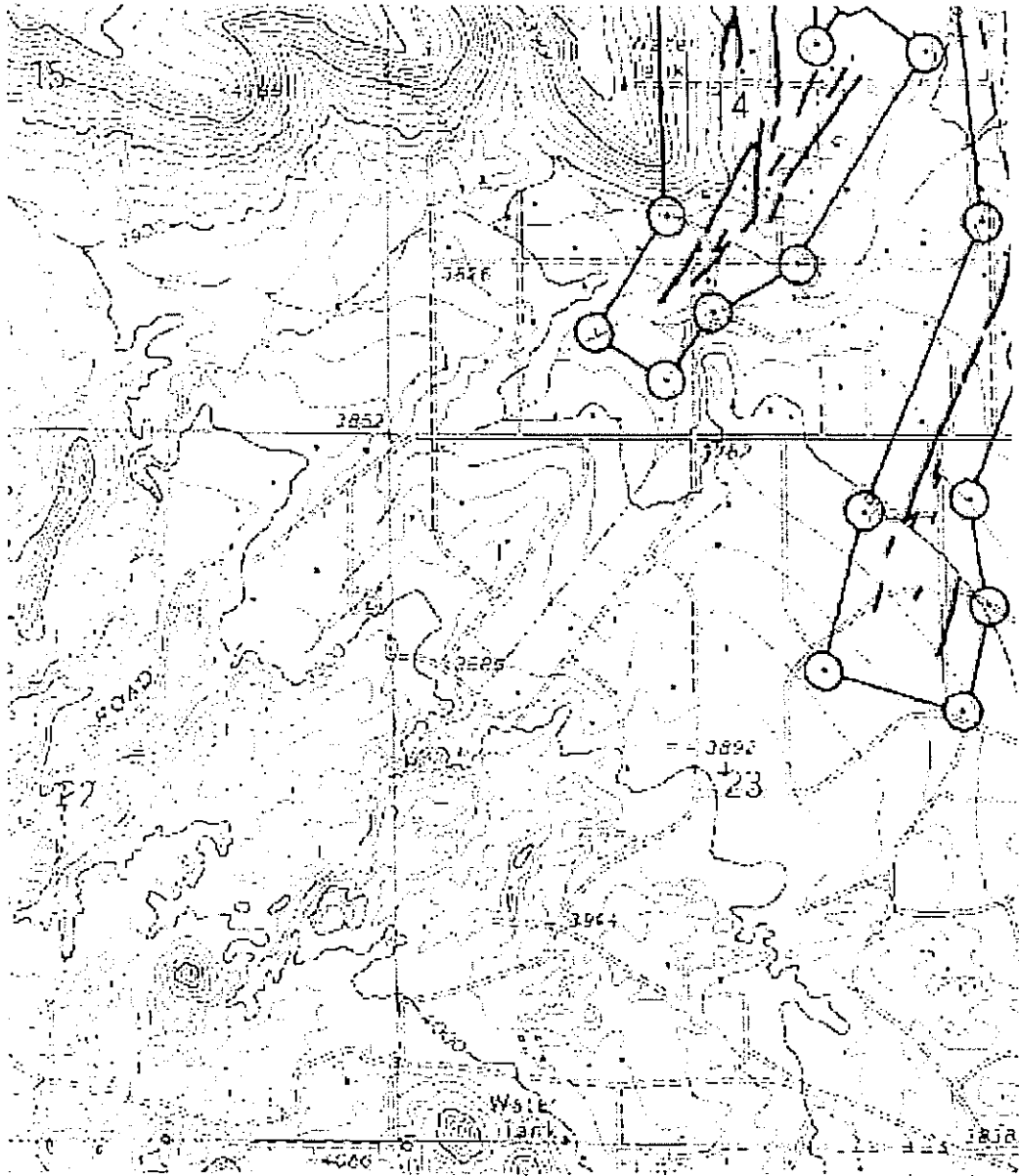
PROJECT NO.: HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI



AERIAL PHOTO

TOWN OF YUCCA VALLEY

PROJECT NO.: HOME OCCUPATION PERMIT, HOP 01-11 ZORAWICKI



YUCCA VALLEY NORTH QUADRANGLE

Alquist-Priolo Map

ORDINANCE NO. 178

AN ORDINANCE OF THE TOWN COUNCIL OF
THE TOWN OF YUCCA VALLEY, CALIFORNIA,
AMENDING TITLE 8, DIVISION 4, CHAPTER 6
SECTION 84.0615 OF THE SAN BERNARDINO
COUNTY CODE AS ADOPTED AND AMENDED BY
THE TOWN OF YUCCA VALLEY RELATING TO
HOME OCCUPATIONS (DCA-06-05)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Title 8, Division 4, Chapter 6 Section 84.0615 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read in its entirety as follows:

"84.0615

Home Occupations

84.0615

(a) **PURPOSE AND INTENT:**

The purpose and intent of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in multi-family zoning and in multi-family units, including duplexes, tri-plexes, and apartment units.

(b) No person shall engage in a home occupation without first obtaining a special use permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

(c) The Director of the Community Development Department, or his designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of subsection 84.0615 (j). If all standards are met after complying with the notice provisions of this subsection, the Community Development Director shall make the following findings prior to issuance of the permit:

- (1) That the proposed use is not prohibited;
 - (2) That the proposed use will comply with all applicable standards;
 - (3) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;
 - (4) That the proposed use will be consistent with any applicable specific plan.
 - (5) That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.
- (d) (1) In accordance with Section 83.010330 *Notice of Pending land Use Decision*, notice shall be given, except that such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the Town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Community Development Director may elect not to hold a formal hearing.
- (2) Home Occupation Permits are subject to review by the Community Development Director annually, or as a result of any written complaint.
- (3) Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customer to site, employees, or any structural alteration are exempt from permitting requirements.
- (e) Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Planning Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.
- (1) There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

- (2) There are no displays, for sale, or advertising signs on the premises;
- (3) There are no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
- (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
- (5) The home occupation does not encroach into any required parking, setback, or open space area;
- (6) Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
- (7) There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
- (8) No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;
- (9) The Home Occupation has a current business registration certificate;
- (10) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a Home Occupation Permit;
- (11) The garage has not and shall not be altered externally;
- (12) The Home Occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (13) There are no sales of products on the premises.
- (14) No customers or clientele may visit the residence.
- (15) All employees shall be members of the resident family and shall reside on the premises.
- (16) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.
- (17) No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

- (f) Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Planning Commission for consideration.
- (1) There may be sales of products on the premises.
 - (2) Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Land use Districts.
 - (3) All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.
 - (4) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to thirty-five percent (35%) or five hundred (500) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.
 - (5) Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.
- (g) **Prohibited Home Occupations.** The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:
- (1) Animal hospitals;
 - (2) Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;
 - (3) Junk yards;
 - (4) Medical and dental offices, clinics, and laboratories;
 - (5) Mini-storage;
 - (6) Storage of equipment, materials, and other accessories to the construction trades;
 - (7) Welding and machining.
 - (8) Cabinet shop.

- (9) Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.
- (h) The Home Occupation Permit may be revoked by the Community Development Director if any one of the following findings can be made that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Planning Commission.
- (1) That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;
 - (2) That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;
 - (3) That the use for which the permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;
 - (4) That the use is not being conducted in a manner consistent with applicable operating standards described in Section 84.0618 *Operating Standards*, of this Chapter;
 - (5) That the permit was obtained by misrepresentation or fraud;
 - (6) That one (1) or more of the conditions of the Home Occupation Permit have not been met;
 - (7) That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;
 - (8) That the home occupation is in violation of any statute, law, ordinance, or regulation;
 - (9) That two (2) or more valid complaints from at least two (2) different parties have been filed against the home occupation within any six (6) month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.
 - (10) That the applicant has not obtained a current business registration certificate from the Town.
 - (11) That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities.

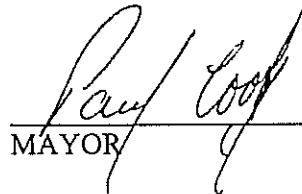
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community Development Director shall schedule the matter on the agenda for the next possible regular Planning Commission meeting. The Planning Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following the Commission action.
- (j) **General Standards.** All home occupations shall comply with all of the following operating standards at all times:
- (1) There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;
 - (2) There shall be no displays, sale, or advertising signs on the premises;
 - (3) There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
 - (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
 - (5) The home occupation shall not encroach into any required parking, setback, or open space area;
 - (6) There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
 - (7) There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
 - (8) No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;
 - (9) No home occupation shall be initiated until a current business registration certificate is obtained;
 - (10) A Home Occupation Permit shall not be transferable;

- (11) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit;
- (12) The garage shall not be altered externally;
- (13) No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (14) The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

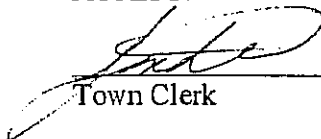
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of January, 2006.



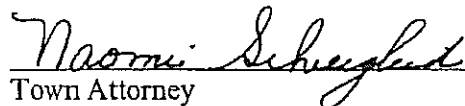
 MAYOR

ATTEST:



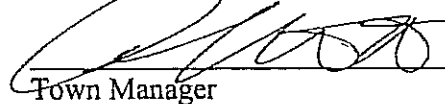
 Town Clerk

APPROVED AS TO FORM:



 Town Attorney

APPROVED AS TO CONTENT:



 Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 178 as duly and regularly introduced at a meeting of the Town Council on the 8th day of December, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of January, 2006, by the following vote, to wit:

Ayes: Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook

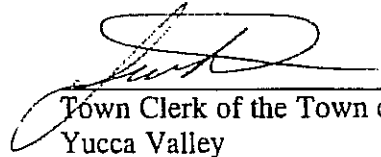
Noes: None

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17th day of January, 2006.

(SEAL)


Town Clerk of the Town of
Yucca Valley

1.2 Section 84.0310 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby repealed.

1.3 Section 84.0320 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read as follows:

“Section: 84.0320 Rural Living (RL) District.

The Rural Living (RL) District shall be located as specified by the Town of Yucca Valley General Plan.

- (a) **GENERAL PROVISIONS:** The specific purposes of the Rural Living District regulations are to:
- (1) Provide appropriately located areas for single family dwellings that are consistent with the General Plan and the standards of public health and safety established by the Yucca Valley Municipal Code;
 - (2) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
 - (3) Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and
 - (4) Insure the provisions of public services and facilities needed to accommodate planned population densities.
- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter “P” designate use classifications permitted in the RL District, the letters “PD” designate use classification allowed on approval of a Planned Development, the letters “LSP” designate use classification allowed on approval of a Livestock Permit, the letters “CUP” designate use classification allowed on approval of a Conditional Use Permit.

<p>Public Hearing</p> <p>Use Districts</p>	<p>Pennington</p> <p>Use Districts</p> <p>Development Code</p>
<p>Abbeville District</p> <p>Use Districts</p> <p>Development Code</p>	<p>Abbeville</p> <p>Use Districts</p> <p>Development Code</p>

Residential:

Family Day Care Homes:		Refer to Additional Uses Section of Development Code
Large	CUP	
Small	P	
Home Occupations	HOP	Refer to HOP Section of Development Code
Institutional Uses	CUP	Refer to Additional Uses Section of Development Code
Manufactured Housing	P	Refer to Single Residential Design Standard Section of the Development Code
Planned Residential Dev.	PD	
Single Family Dwellings	P	Refer to Single Residential Design Standard Section of the Development Code
Second Dwellings	CUP	Refer to Accessory Uses Section of Development Code
Mobile Home Parks	CUP	Not to exceed the underlying land use density on minimum parcel size of twenty (20) acres
Animal raising of densities greater than those specified by Section 84.0560	LSP	
Commercial Kennels & Catteries	CUP	Two (2) acre minimum parcel size

Row, field, tree, and nursery
crop cultivation

P

Any structure associated with
this activity is limited to 10,000
Sq. Ft. on parcels of 5 acres or
less.

(c) **DEVELOPMENT STANDARDS:** The following schedule prescribes development regulations for the Rural Living Residential District:

Rural Living (RL) Property Development Regulations		
Use	Zoning District	
	RL-1, 2, 5, 10, 20 ac	
Lot Size (acres)	see map suffix	Lot area measured in gross acres
Minimum Lot Dimension (width/Depth in ft.)	150/150	
Maximum Lot Dimensions (Width to depth ratio)		
Less than 10 ac	1:4	
Greater than 10 ac	1:3	
Yards (setbacks):		
Front	50'	(1), (2)
Side	15'	
Arterial/Collector Street Side	50'	
Local Street Side	25'	
Rear	15'	
Maximum Structure Height:	35'	
Maximum Lot Coverage	20%	
Minimum District Size (Acres)	30	

- (1) The setbacks delineated in this table shall be the standard unless a different setback is delineated on said Final Map, Parcel Map, or Composite Development Plan.
- (2) Reduced setbacks may be allowed pursuant to Section 87.0510 unless otherwise stated in this Section.

(d) **ACCESSORY STRUCTURES REGULATIONS:** Residential accessory structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, and similar structures.

- (1) Any new accessory building requiring a building permit shall be subject to the following standards:

- (A) Any accessory structure shall be architecturally compatible with the primary structure.
 - (B) Any accessory building, excluding any authorized dependant housing or second unit as approved under a Conditional Use Permit, shall not have a floor area in excess of fifty (50%) percent of the footprint of the primary building nor shall the cumulative floor area of accessory buildings have a floor area in excess of one hundred (100%) percent of the footprint of the primary building.
 - (C) Lots in the RL land use district which are ten (10) acres in size or greater are exempt from the area requirements for accessory structures.
 - (D) All building setback standards of the land use district shall apply.
 - (E) Any accessory structure must be on the same parcel as the primary building.
 - (F) The maximum number of detached accessory structures shall be two, regardless of any requirement of a building permit.
 - (G) The maximum height of any accessory structure shall not exceed 20 feet.
- (2) USE OF CARGO CONTAINERS: As storage for construction clean-up or construction material, a cargo container used as a temporary storage device may be located anywhere on the property, except in the "clear sight triangle" during the duration of the construction activity associated with an active building permit subject to the approval of a Temporary Use Permit."

Policy 4

Participate and represent the Town's interests in circulation-related regional planning activities, and encourage acceptance of Town policies regarding regional transportation issues.

Program 4.A

Establish and maintain a liaison with SANBAG, SCAG and Caltrans and pro-actively represent itself in transportation planning meetings to assure that Town policies and programs/strategies are given priority consolidation in resolving regional transportation issues affecting the community.

Responsible Agency: Town Council; Community Development Department; SANBAG; SCAG; Caltrans

Schedule: 1995; Continuous

Policy 5

Encourage expansion of ridership and the mass transit systems operated by the Morongo Basin Transit Authority within the Town and greater Morongo Basin.

Program 5.A

Consult and coordinate with the Morongo Basin Transit Authority and assure vocal representation on the Authority Board and its decision making process.

Responsible Agency: Town Council; Community Development Department; Morongo Basin Transit Authority
Schedule: 1995; Continuous

Program 5.B

When reviewing development proposals, consult and coordinate with the Morongo Basin Transit Authority and solicit comments and suggestions on how bus stops and other public transit facilities and design concepts should be integrated into project designs.

Responsible Agency: Town Council; Community Development Department; Morongo Basin Transit Authority
Schedule: 1995; Continuous

Program 5.C

When reviewing the development proposals, consult and coordinate with the Morongo Basin Transit Authority to encourage the development of rideshare and other alternative, high occupancy transit programs for employers with sufficient numbers of employees.

Responsible Agency: Town Council; Community Development Department; Morongo Basin Transit Authority
Schedule: 1995; Continuous

Policy 6

As a means of reducing traffic associated with work-related out-mitigation, make every reasonable effort to achieve a jobs/housing balance in the community.

Program 6.A

In order to locate jobs and housing near each other to produce shorter work commutes, make a concerted effort to encourage mixed-use development with a residential component contiguous with employment centers, encourage relocation of appropriate industries; adopt a home occupation ordinance; and encourage major employers to evaluate telecommuting opportunities, either home-based or at local centers, as at least part-time options for employees.

Responsible Agency: Community Development Department; Redevelopment Agency; Chamber of Commerce
Schedule: 1995-1996; Continuous

Policy 7

Promote the use of multi-occupant modes of transportation, and the shifting of employment-related trips out of current peak traffic periods.

Program 7.A

Facilitate provision of an information network among employers and facilitate the provision of technical assistance to develop rideshare programs compatible with requirements of Regulation XV of the Mojave Desert Air Quality Management District.

Responsible Agency: Community Development Department; Morongo Basin Transit Authority
Schedule: 1995-1996; Continuous

Program 7.B

To the extent practical, prepare a rider share plan for Town employees to serve as an example for area employers. This plan should include meaningful incentives for employees to walk, bike or rideshare to complete their work commutes.

Responsible Agency: Community Development Department
Schedule: 1995-1996; Continuous

Program 7.C

To the extent practical, the Town and the MBTA shall encourage employers to provide 4-day-40 hour and 9-day-80 hour work weeks, and/or provide start/end times outside of the 6-8 AM and 4-6 PM peak periods of traffic.

Responsible Agency: Community Development Department; Morongo Basin Transit Authority
Schedule: 1995-1996; Continuous

Subject to the limitations set forth in the Town's Animal/Horse/Livestock regulations, as set forth in the Development Code, agriculture and animal keeping is permitted. Allowed animals include but are not limited to horses, cattle, sheep, llamas, goats and raites. Also possibly allowed subject to issuance of a specific discretionary permit are other animals not herein identified.

FUTURE DIRECTIONS

As the Town of Yucca Valley continues to grow, its mix of land uses and its needs can be expected to change. While the Land Use Element helps to provide a degree of predictability in how the community will develop, there will be a periodic need to reevaluate the land use plan for the Town and make adjustments. State law provides for regular amendments to the General Plan and its Elements, including the Land Use Map. As future needs change, the community will have the opportunity to adjust and fine tune the Land Use Element and Map to address changing circumstances, take advantages of emerging opportunities and remedy potential land use conflicts.

Putting the Land Use Element into effect is accomplished by enforcing the Town's Development Code, Subdivision, use of Specific Plan and other applicable Ordinances, requiring that development proposals meet certain criteria in the General Plan and undergo development plan review, which may be subject to public hearings. The following are general policies and programs for land use, followed by discussions of and more detailed policies and programs for each land use designation.

GENERAL LAND USE GOALS, POLICIES AND PROGRAMS

GOAL 1

A balanced mix of functionally integrated land uses which meet general social and economic needs of the community through compatible and harmonious land use and zoning designations.

GOAL 2

A well-rounded community of desirable neighborhoods, a strong employment base and a variety of community facilities.

Policy 1

Establish and maintain a master land use map designating the appropriate land uses which preserves the desert rural neighborhood character.

Program 1.A

Adopt and maintain a Master Land Use Map which shows the general location and extent of the uses of land for, but not limited to, residential, commercial, industrial, open space, public buildings and grounds.

Responsible Agency: Town Council; Planning Commission; Community Development Department

Schedule: Immediately; annual review and update every five years

Policy 2

Establish a user friendly Development Code designating appropriate zoning regulations, which implement the Land Use Element and act to retain the rural atmosphere and character of the community.

Program 2.A

Adopt and maintain a Development Code which shows the general location and extent of the various zoning districts and guides and regulates development consistent with the General Plan.

Responsible Agency: Town Council; Planning Commission; Community Development Department

Schedule: Immediately, review on an annual basis.

Policy 3

Utilize master facility and similar plans to address the Town's recreation, airport, flood control, infrastructure, utility management, traffic control, and other facility needs.

Program 3.A

Develop master facility plans to identify the need for and availability of funding for additional public services and facilities. Master plans should also include schedules for phased implementation.

Responsible Agency: Town Council; Community Development Department

Schedule: 1995-1996; as required by development.

Policy 4

As an essential part of land use planning, the Town shall continuously assess business and employment opportunities for an expanding economic base.

Diane Olsen

From: Porter, James [jporter@sbcisd.org]
Sent: Tuesday, February 15, 2011 12:13 PM
To: Diane Olsen
Subject: RE: Town of Yucca Valley HOP application

I discussed this matter with Captain Miller and Lieutenant Boswell and we see no issues with this business. So long as the applicant complies with Federal Firearms Licensing laws and whatever security measures the Town may request of him, the Sheriff's Department has no formal objections to this business.

Sergeant James Porter
Morongo Basin Station, Administrative Sergeant
6527 Whiteleather Road
Joshua Tree, CA 92252
(760) 366 5705
FAX (760) 366 4 169

From: Diane Olsen [mailto:dolsen@YUCCA-VALLEY.ORG]
Sent: Monday, February 14, 2011 2:10 PM
To: Porter, James
Subject: Town of Yucca Valley HOP application

Sgt. Porter,
The Town of Yucca Valley has received an application for a Home Occupation Permit requesting to assemble firearms that are purchased in kit form and to buy and sell firearms to the public from a single family dwelling. Attached is a copy of the application. Please review the documents and provide any feedback. Also, it is my understanding that the Sheriff's Dept has a map of locations where shooting is permitted within the county. Could you please provide me with a copy of the map and a copy of the regulations for discharging firearms on private property? Please contact me if you have any questions.

Thank you,
Diane Olsen
Planning Technician
Town of Yucca Valley
760 369-6575 ext 317

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Diane Olsen

From: Porter, James [jporter@sbcisd.org]
Sent: Tuesday, February 15, 2011 9:29 AM
To: Diane Olsen
Subject: RE: Town of Yucca Valley HOP application

Good Morning, We got the legal shooting map from the county. I will see if I can get another for you guys. Legal shooting locations are regulated at the local government level so the rules in YV would be based on the Town Code. You may want to check with Hart Ponder to see what the Town's current code level regulations are. Let me know if you need me to do some research on private property shooting rules within YV and, if I can, I will. I will review the HOP package and get back to you with any concerns.

Sergeant James Porter
Morongo Basin Station, Administrative Sergeant
6527 Whitefeather Road
Joshua Tree, CA 92252
(760) 366 5705
FAX (760) 366 4169

From: Diane Olsen [mailto:dolsen@YUCCA-VALLEY.ORG]
Sent: Monday, February 14, 2011 2:10 PM
To: Porter, James
Subject: Town of Yucca Valley HOP application

Sgt. Porter,
The Town of Yucca Valley has received an application for a Home Occupation Permit requesting to assemble firearms that are purchased in kit form and to buy and sell firearms to the public from a single family dwelling. Attached is a copy of the application. Please review the documents and provide any feedback. Also, it is my understanding that the Sheriff's Dept has a map of locations where shooting is permitted within the county. Could you please provide me with a copy of the map and a copy of the regulations for discharging firearms on private property? Please contact me if you have any questions.

Thank you,
Diane Olsen
Planning Technician
Town of Yucca Valley
760 369-6575 ext 317

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POIST

4138 Grand Ave
Yucca Valley, Ca 92284

[REDACTED]
loupoist@gmail.com

February 18, 2011

Shane Stueckle
Deputy Town Manager
58928 Business Center Dr
Yucca Valley, Ca 92284

Re: Home Occupation Permit HOP 01-11 Zorawicki

Dear Shane,

We are writing in response to the hearing on February 22, that you will preside over. We believe this HOP permit should go forward to be reviewed before the Planning Commission. Our thoughts are that most people would like more information on this permit. Residents in the area would be able to obtain additional information and express their concerns. The applicant would be able to present his information on the permit in a open public forum. It could be that some residents may change their position on the permit. Also it would be held at time when most people would be available to attend. Thank you for your time and hope you will consider our request

Best Regards,

Lou & Mardee Poist

Claudia & Danny Sall
54919 Skyline Ranch Rd
Pioneertown, CA 92268

Diane Olsen, Planning Technician
Community Development Department
Town of Yucca Valley
Yucca Valley, CA 92284
dolsen@yucca-valley.org

February 17, 2011

Dear Diane

Re: Home Occupation Permit, HOP 01-11 Zorawicki

We are adjacent to the Town's boundary and close to the Zorawicki property. We are opposed to this kind of home based business dealing in the sale and manufacturing of firearms and believe that the Town Home Occupation Permit [HOP] ordinance does not permit it.

Specifically "The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods". Clearly, the manufacture and sale of firearms that requires a federal license with background check are not common residential activities. Moreover, the ordinance prohibits sale of products and denies that customers or clientele visit the residence.

Properties around the Zorawicki properties are rural residential with even less traffic, crime, security and safety issues than more developed residential neighborhoods. The fact that our roads are unpaved is always a concern: commercial activities generate more traffic and more dust and wear and tear on our roads. Additionally, properties west of the Zorawicki properties are generally conservation lands that were set aside by the original San Bernardino County General Plan as open spaces for protection of the biological and cultural features. The proposed HOP is a commercial activity and is not consistent with a conservation land use. Finally, enforcement of the HOP would be complaint driven and as such, places the burden on the neighborhood to monitor violations.

We ask that the permit be denied because the following findings cannot be made:

- the permit will not be "detrimental to the public health, safety and general welfare;
- that the proposed use will not alter the character of the neighborhood and will not induce physical and socioeconomic changes to the neighborhood".

Respectfully,
Claudia and Danny Sall

Diane Olsen

From: Clyde or Donna Geeslin [clydon2@msn.com]
Sent: Thursday, February 17, 2011 9:30 AM
To: Diane Olsen
Subject: Letter Received From (The Neighborhood preservation committee)

We are concerned about the letter we received from the Neighborhood preservation committee, as it has in-correct information being sent out to those of us who supported them over the Burrtec situation. It would be helpful if they contacted the persons involved and were better informed before sending out the information.

We fully support this permit for the selling and kit manufacturing of guns at this location. We know the persons involved, they are up-standing and honest and will follow all the laws that are required in this hobby business. They have gone to great length to get all the permits required to operate this endeavor. We do own property right next door and do not see a problem with this request for a permit.

Yours truly,
Clyde & Donna Geeslin
clydon2@verizon.net

DATE: February 17, 2011

TO: Diane Olsen, Planning Technician, Yucca Valley Community Development Department,
58928 Business Center Drive, Yucca Valley, California 92284, (760) 369-6575

FROM: Bill Dahl and Cynthia Anderson, 5524 Grand Ave., Yucca Valley, CA 92284, 760-228-
9062

Re: Home Occupation Permit, HOP 01-11 Zorawicki Buy/Sell/Build Guns in RL-5 area

We are opposed to the Town approving the proposed HOP 01-11 for the following reasons:

1. The applicant for HOP 01-11 intends not only to buy and sell small caliber handguns and rifles from his home, but also to build AR-15 assault rifles from kits. The Town has never before approved a home-based gun business that combines buying, selling, and building guns to the general public. There is currently only one home-based gun business in Yucca Valley: a gun repair shop where the owner picks up guns from his customers, repairs them, then returns them to his customers. Customers do not come to his home and he does not buy, sell, or build guns. A former resident of Canton Rd. operated a buy/sell (not build) gun business out of his home, but his only customers were police officers. This business has been defunct since 2008.
2. HOP 01-11 would allow up to 10 customers a day to enter an established, remote, rural neighborhood zoned RL-5 between the hours of 7 am and 8 pm to buy and sell guns, any day of the week. There is no way the Town can effectively enforce the provisions of this permit (hours, number of customers, types of guns bought/sold/built) due to the remote location. This business could very likely change the established character of the neighborhood forever.
3. We believe that a buy/sell/build gun business in this location has the potential to attract crime and compromise the safety of both people and wildlife.
4. There is nothing specifically stated in the permit about whether guns can be fired at this location. Even though Planning staff have said that this business's guns will be tested at the gun range in 29 Palms, it is hard to believe that every gun bought, sold and built will be tested at a place that is so far away. In addition, the applicant owns a vacant 2.5 acre parcel adjacent to the 5-acre parcel where the gun business is proposed to be located. Will the vacant parcel be used for testing, target practice, etc.? Any firing of guns at either parcel would be unacceptable to us.
5. According to a home-based gun business in 29 Palms, the applicant can expect to pay from \$5,000-\$8,000 in fees to meet ATF, DOJ and Town regulations for a resale gun business. The build/manufacturing part of the operation would require additional fees. After making that kind of investment, the applicant cannot reasonably be expected to ever move his business to a commercial location; this home-based business would be a permanent business, and we believe it is not an appropriate business for this residential neighborhood.
6. Do the requirements for this business include night lighting? If so, how much lighting and how would it affect the neighborhood's dark skies? Also, what type of fencing would be required, and what type of security measures for the guns on the property?
7. We believe that a gun business allowing 10 customers a day belongs in a bona fide commercially zoned area. 10 customers a day (with the highest concentration of customers likely to be on weekends) will bring an unacceptable increase in traffic along Skyline Ranch Rd.
8. This HOP does not fit with the Town's Home Occupation Ordinance which states that its purpose and intent is to ensure that home occupations do not "create impacts or activities that are not typically and commonly associated within residential neighborhoods."

9. This HOP sets a bad precedent and is the first step down a wrong road. Will buy/sell/build gun businesses be allowed in any residential neighborhood, including Sky Harbor, Western Hills, and Paradise Valley? We urge the Community Development Dept. to reject this HOP application.

Diane Olsen, Planning Technician
Community Development Department
Town of Yucca Valley
Yucca Valley, CA 92284
dolsen@yucca-valley.org

February 17, 2011

Dear Diane

Re: Home Occupation Permit, HOP 01-11 Zorawicki

I am writing to you to express a concern regarding the above permit. The Wildlands Conservancy is a non-profit 5013(3) that owns and manages land as nature preserves and for open space. We are adjacent to the Town's boundary and close to the Zorawicki property.

Since properties to the west of the Zorawicki properties, including ours, are conservation lands that were set aside by the original San Bernardino County General Plan as open spaces for protection of the biological and cultural features. The proposed HOP is a commercial activity and is not consistent with a conservation land use. Finally, enforcement of the HOP would be complaint driven and as such, places the burden on the neighborhood to monitor violations. This is of great concern because it is possible that the business will result in illegal target shooting and no shooting is allowed on TWC lands in this region.

I am concerned with this kind of home based business dealing in the sale and manufacturing of firearms and believe that the Town Home Occupation Permit [HOP] ordinance does not permit it. Specifically "The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods". Clearly, the manufacture and sale of firearms that requires a federal license with background check are not common residential activities. Moreover, the ordinance prohibits sale of products and denies that customers or clientele visit the residence.

Thank you for the opportunity to comment.

Sincerely,

April Sall
Conservation Director, TWC

Diane Olsen

From: Julie Guevara [mijulit@yahoo.com]
Sent: Thursday, February 17, 2011 12:42 PM
To: Diane Olsen
Subject: Home business proposal hearing date 2-22-11

After hearing mention of a proposal for a home business that involved the selling of guns on Z107.7 Tuesday morning on my way to work, I decided to do some investigating into what the business would be and not just believe what was being said on the radio. After reviewing the actual proposal with the town of Yucca Valley and talking to the man that would be operating the business, I am definitely in support of the proposed business. Here is a man that has gone through all legal channels to properly run a business involving the selling and making of guns - I say "Thank you, it is about time." There is no difference in him running the business out of his home then having a store front in town. I have heard other people complaining about the "kind of people" it will bring into this area - are you kidding me. At least thirty percent of the people in this town are criminals. The "people" that would be buying this man's guns will have to go through the same background checks and qualifications as any other customer buying from a store such as Yellowmart. Why don't people in the Morongo Basin focus on all the illegal activity going on within our community and putting a stop to it...drug buying-selling-making, child abuse, domestic violence, burglary, vandalism, just to mention a few. Come on people, focus on what is important. Why are we trying to stop the proposal of a legal business in which a responsible citizen of our own community is trying to supplement his own retirement. We should be congratulating him on being financially responsible for his own future instead of holding his hand out waiting for the government to give him money. If only there were more people willing to WORK for their paychecks.

Diane Olsen

From: Jim Lopez [jimlopez67@yahoo.com]
Sent: Thursday, February 17, 2011 2:59 PM
To: Diane Olsen
Subject: approval of small gun shop business in yv

I heard on the local radio that this new business was getting alot of grief for trying to open a new home based gun shop. I thought this was still The USA were we have the right to bear arms. These people have been approved by the ATF. So they are legal. They are no were near a school so they are ok by me.

Diane Olsen

From: newmydesert@verizon.net
Sent: Thursday, February 17, 2011 1:20 PM
To: Diane Olsen
Subject: Home gun business

To the Town of Yucca Valley, I am a proud card holding member of the NRA and I am in full support of my fellow man operating a gun selling business out of his home. I too live on the Mesa and am happy to hear that a neighbor has been approved by all required agencies to operate a business involving the selling and making of guns. That is not any easy thing to accomplish.

To know that a person has done all that he can to make sure that everything he does is on "the up and up" is commendable. Not too many people bother anymore. They just do as they please with no accountability for their actions. I say, "Bravo" to this upstanding American for all the work he has done in making his dream come true.

Diane Olsen

From: Deb Pedersen [pedersen5292@roadrunner.com]
Sent: Thursday, February 17, 2011 5:11 PM
To: Diane Olsen
Subject: JOHN ZORAWICKI

Dear Diane Olsen,

I would like to give my concerns for the way people in this town have taken a mans dream of a small business and blown it out proportion to seem like he is going to build and sell mass amounts of weapons. He is not a arms dealer like in the movies, he wants to build guns from kits, one a a time, not mass production, one, I emphasize, one at a time.

The man has to pass all kinds of back round checks, and is monitored very strickley by the Federal Bureau, Alcohol, Tobacco and Firearms, and is trying to do everything legally and my concern would be someone doing it illegally.

If some of these concern citizens that have been voicing their opinions around this town, giving out addresses and half truths, look time and energy in other areas of this town, like cleaning up areas of blight, drug dealers and gangs, instead of harassing a man who is trying to start a small home business to eventually supplement his retirement.

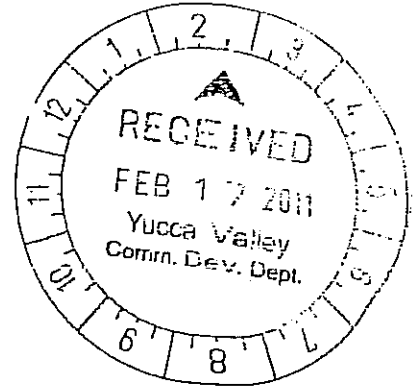
Jon Zorawicki is a very responsible person, has been at the same employment for over the 28 years and is well liked by many. I have personally known Jon for over 29 years and believe he is a very kind, personable, responsible, and a caring person.

I have no problem with him opening this business and would have been at the meeting to support him, if it hadn't been on a work day. There are alot of people that would also like to have been there to support Jon, if only the meeting had been scheduled at a more suitable time for the working individuals.

Sincerely

Debbie Pedersen
Yucca Valley

Steve & Pam Naylor
55411 Skyline Ranch Road
PO Box 98
Pioneertown, CA 92268



February 16, 2011

Town of Yucca Valley
Community Development Department
Attn: Diane Olsen
58928 Business Center Drive
Yucca Valley, CA 92284

Re: Home Occupation Permit, HOP 01-11 Zorawicki

We are residents within the Town of Yucca Valley and in close proximity to the above mentioned applicant for the home occupation permit. We are opposed to a home based business within the city limits that deals in the sale and manufacturing of firearms. We feel that the application violates the "safety and general welfare" intent of Ordinance 178.

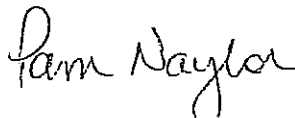
We feel a business that requires a Federal License, requires background checks for customers and deals with weapons doesn't belong in a residential area.

The remote nature of the applicant's residence is of additional concern. The applicant resides in a rural area within the town limits on a dirt road. This area is understandably seldom patrolled by law enforcement. We have experienced slow response times from law enforcement due to our location. We have had guns stolen from our home on two separate occasions since we have lived in this location.

We feel a commercial location that can be patrolled by law enforcement and has quicker access would be safer for the public. We request you deny this home occupation permit.

Sincerely,


Steve Naylor


Pam Naylor

Diane Olsen

From: shawn kilpatrick [shawnaroooney@gmail.com]

Sent: Wednesday, February 16, 2011 1:47 PM

To: Diane Olsen


Subject: Mr Zowricki Gun Sales HOP

Hi Diane,

I live in Rancho Mesa and fully support the applicants desire to sell and manufacture firearms from his home. Please keep me posted if there will be a need for public hearing.

Sincerely.

Shawn Kilpatrick


Yucca Valley Ca 92284

Diane Olsen

From: John Terfehr [jterfehr@gmail.com]
Sent: Wednesday, February 16, 2011 1:56 PM
To: Diane Olsen
Subject: Fwd: FYI: Application for new gun business on Skyline Ranch Rd.
Attachments: HOP request Skyline Ranch Rd.PDF

Diane,

I am absolutely in favor of approving this permit. However for the record I do not live in this immediate area. If I did I would still be in favor. :)

John Terfehr

Sent from my mobile phone

Pro Security Systems
Burglar & Fire Alarm Systems

24 hour office and central station: 760.365.4349 or 888.365.4349

California C10 Contractors License: 706516
California Alarm License: ACO 6020

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From: Rancho Mesa <rmhoainfo@yahoo.com>
Date: Fri, Feb 11, 2011 at 4:14 PM
Subject: FYI: Application for new gun business on Skyline Ranch Rd.
To: rmhoainfo@yahoo.com

Dear Friends and Neighbors, it has come to our attention that a resident of Skyline Ranch Rd. has filed an application with the Town for a Home Occupation Permit (HOP) to build guns and sell them to the public out of his home. We know that this HOP will not be an issue for some people—we are sending this email simply to keep you informed.

Here are some of the details from the permit application:

1. The individual would be buying, selling, and manufacturing legal firearms from kits.

55611 Skyline Ranch Road
Yucca Valley, CA 92284

15 February 2011

Diane Olsen, Planning Technician
Yucca Valley Community Development Department
58928 Business Center Drive
Yucca Valley, CA 92284

Re: Home Occupation Permit HOP 01-11 Zorawicki, permit to buy, assemble, and sell firearms from residence.

Dear Ms. Olsen:

We are writing to oppose the granting of permits for the assembly and sale of firearms in residential neighborhoods in the Town of Yucca Valley.

The town's Home Occupation Ordinance states that its purpose and intent is to ensure that home occupations do not "create impacts or activities that are not typically and commonly associated within residential neighborhoods". Surely, manufacture and sales of firearms with potential for use and misuse of deadly force are not "typically and commonly associated within residential neighborhoods". On the contrary, residents expect their neighborhoods to be safe and secure.

There are also issues of storage of hazardous materials, noise, and other activities associated with test firing the assembled firearms. Even if disturbances from test firing could be controlled on the business's residential premises, there is potential for these activities to "migrate" to nearby neighborhoods to cause problems for those residents.

We encourage the Community Development Department to consider carefully the public's concerns at the Public Hearing scheduled for 22 February 2011 and to reject this permit application.

Sincerely,

James E. Monson

Julie C. Monson

Diane Olsen

From: mojaveac@verizon.net
Sent: Tuesday, February 15, 2011 3:03 PM
To: Diane Olsen
Subject: Proposed Home Business, Gun Sales
To Whom It May Concern:

I am writing to extend my support for the small business proposal submitted for the residential address of 55990 Skyline Rd., Yucca Valley, CA. During these tough economic times it is imperative that we encourage the growth of small business in our community. I have spoken to Mr. Zorawicki regarding his proposed home business. Mr. Zorawicki has been a denizen of our community for over two decades. He is person of good character who enjoys his hobby of collecting antique guns and seeks to promote his interest into a small, hobby business run out of his home to supplement his income. I have been assured that this business primarily involves the occasional sale of an antique or used gun/rifle including the possibility of selling an assembled gun/rifle if ordered by a customer. There are many concerns addressing the operation of a home based business and the answered supplied by Mr. Zorawicki were satisfactory. The answers to questions of concern are listed as followed:

(1) Environmental Factors: There will be no adverse affects on the environment due to the operation of this business. The only hazardous material involved in the business will include gun cleaning solvent which will be safely disposed of at hazardous waste collection site in Joshua Tree. No weapons will be fired on site. Any testing of product will occur safely at the 29 Palms Gun Range.

(2) Traffic: Traffic on Skyline Road will not be affected as the business will involve only preapproved prospective clients who meet federal and state qualifications for purchase of firearms. The proposed business is intended for only a small, select clientele and sales are projected to be approximately \$1500. per year to protect the business owner from excessive tax responsibilities.

(3) Community Safety: As addressed in the-previous answer, potential clientele will be required to make an appointment and will be screened to assess federal and state qualifications prior to being invited to the business property. No persons of dubious character will be provided with an appointment nor will the business be available to drop-by unscreened clients. Also as addressed previously, no weapons will be fired for testing purposes on the property. Product will be retained within a safe, securely locked safe and not easily accessible.

Again, I extend my support for a the proposal of this home-based business and hope others will foster the growth of small business in our community.

Linda R. Moffitt
Yucca Valley Resident

Diane Olsen

From: scuttlebutt1@verizon.net
Sent: Tuesday, February 15, 2011 3:26 PM
To: Diane Olsen
Subject: Gun Business
February 15, 2011


Please accept this letter as my approval of the business offering gun sales within the Mesa area of Yucca Valley. There are other businesses of this nature in our community and no negative influences appear to be associated. We have too few businesses in our area and any prospects should be seriously considered as long as they are run by safe competent people. There are many folks who enjoy target shooting and collecting guns. These people are responsible gun owners who are aware of safety when using guns. Unfortunately, there are many people who do not understand the rights of our citizens to bear arms in this country and consider all guns a danger to society. People have the right to their opinion in our country but also should respect the rights of responsible gun owners. I have heard that a vigilante group headed by property owners connected with the Burteck proposal to develop land and a disgruntled person (Marge Sturges) and her cronies are writing en mass to try to stop this business from receiving their city permit. If they have justifiable concerns, so be it, but to simply want to stop a business due to their anti-gun political views is irresponsible and should be discouraged. I hope the city officials have the backbone to stand up to those whose opinions are based on ignorance or those seeking to keep their name in front of the public for their own selfish political ambitions and strive to support the honest, hard working potential business owners of our town. Thanks for your consideration.

James Anderson

Diane Olsen

From: beararmsyv@roadrunner.com
Sent: Monday, February 14, 2011 5:33 AM
To: Diane Olsen
Subject: Margo ranting

I have no objection to any one selling or doing gun smithing at home. If any One should object it would be me. Gunsmithing is a lost art. In this economy let citizens earn money anyway they can. You always have one person who must have a cause to object to bring attention to herself. Margo is trying to run our town don't let her get away with it. Most people know you cannot sell guns without an ffl. and if they have an ffl then they are legal and do it by the book.

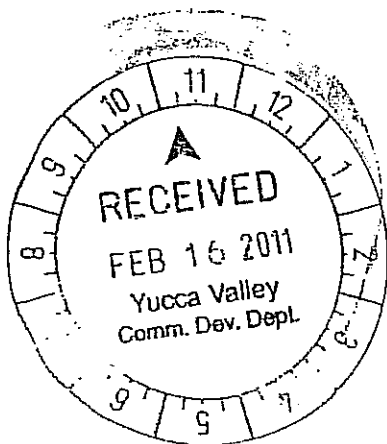
Ann Mistal
owner of Bear Arms


2-14-11

Yucca Valley Community Dev. Dept.
58928 Business Ctr Drive.
Yucca Valley, ca.

Dear Sirs

Relative to the HOP 01-11
pending permit, I would like
to go on record as adamantly opposed
to you issuing a permit to sell guns
in a residence. This could open
the door to even more crime in our
community.



Sincerely,
James Hanson
[Redacted]
Yucca Valley, Ca.
92284
[Redacted]

Diane Olsen

From: Barbara Panullo [bp@lasrink.com]
Sent: Monday, February 14, 2011 9:27 AM
To: Diane Olsen
Subject: HOP 01-11 Zorawicki

I feel strongly against Mr. Zorawicki being allowed to sell fire arms out of his residential property. I'm concerned that the neighborhood will be at risk. More traffic, guns in the wrong hands. If Mr. Zorawicki wants to open a business, he should open in a business area of Yucca Valley.

Barbara Panullo

Diane Olsen

From: Bill Souder [bzybill@gmail.com]
Sent: Sunday, February 13, 2011 11:07 AM
To: Diane Olsen
Subject: Home Occupation Permit issues

Sorry, hit the wrong key & sent an unfinished email.

Diane,

The following are some of my concerns about the Home Occupation Permit Application HOP 01-11 ZORAWICKI.

- 1) In general, I am opposed to any business activities in a home in residential zoning.
- 2) The assembly of guns could involve cutting and grinding operations that would create unacceptable noise.
- 3) The hours of operation to the public are longer than normal business hours. It seems that 9 to 5 would be more acceptable to minimize traffic in "off-hours" .
- 4) It would be more difficult for authorities to monitor potential criminal activities in the relatively remote area on Skyline Ranch Road.
- 5) This type of business could have the effect of attracting criminals to the area.

Please keep me informed on confirmation of the hearing date and any other activity about this permit application.

Thanks,
Bill Souder

[REDACTED]
Beaumont CA 92223
[REDACTED]

Diane Olsen

From: Nesbil [nessi92000@yahoo.com]
Sent: Sunday, February 13, 2011 6:56 AM
To: Diane Olsen
Subject: Dear Ms Olsen,

There is NO way any consideration should be given to anyone wanting a HOP (home operational permit) to make or sell guns. Or if it does, can I have a permit to SHOOT guns in my neighborhood when my neighbors make noise from their ORVs?
Would that be okay, then? WHO is in charge of this town anyway, the 3 Stooges? I thought I left a gang infested city before moving here...
WHAT is wrong with the people who run YV? Are they retarded?

Diane Olsen

From: Nesbit [nessi92000@yahoo.com]
Sent: Sunday, February 13, 2011 6:22 AM
To: Diane Olsen
Subject: NO to gun activity in residential neighborhoods!

As a resident of Yucca Valley since 1998, after moving here from NYC, I say NO to any gun activity in residential neighborhoods in a place who calls themselves a 'town!'

I have spoken to people who used to live in Paradise Valley on the edge of YV and they tell me of dangerous gang activities there. What are the 'town' managers doing to stop this?

Keep all gun activity at gun shops or gun shows.

Sincerely,

YV resident

Diane Olsen

From: Olivia [olivia.solemate@gmail.com]
Sent: Saturday, February 12, 2011 5:55 PM
To: Diane Olsen
Cc: Shane Stueckle
Subject: Permit to sell Guns in Residential area

Importance: High

I'M ABSOLUTELY AGAINST THIS PLAN. I CAN'T BELIEVE ANYONE IS FOR IT!!!! PLEASE RECONSIDER

O de Haulleville, C.Ht, CATS - Holistic Consultant CATS - Holistic Consultant

Diane Olsen

From: Cecilia Dighero [cdighero@sbcglobal.net]
Sent: Saturday, February 12, 2011 5:32 PM
To: Diane Olsen
Subject: Terrible idea!!

Let's educate our people, our children- teach them theatre, dance, drawing, painting, foreign languages, cooking, gardening BUT NOT GUNS!! After the tragic incident in Arizona, we don't want to sell guns, to sell hate, crime & violence, especially in residential neighborhoods where there are children. Don't we have ENOUGH violence as it is????

Cecilia Dighero
P.O. Box 481
Pioneertown, Ca. 92268

Diane Olsen

From: larallo@verizon.net
Sent: Saturday, February 12, 2011 4:57 PM
To: Diane Olsen
Subject: Extremely BAD IDEA: Permil to sell Guns in Residential area

Dear Ms. Diane Olsen, Planning Technician:

I vehemently object to the proposed permit to sell, buy and manufacture guns in a residential neighborhood; specifically regarding: Home Occupation Permit: HOP 01-11 Zorawicki. Permit Application to buy, sell and manufacture guns in a residential neighborhood.

Please see below - the letter, comments, and questions submitted by Margo Sturgess, which I agree with word for word. I could not write it better.

Re: Home Occupation Permit, HOP 01-11 Zorawicki
Permit application to buy, sell and manufacture guns in residential neighborhood.

Ps. See you at the Public Hearing on Feb. 22nd at 9:00 am.

COPY OF LETTER Addressed to: Diane Olsen, Planning Technician:

Re: Home Permit, HOP 01-11 Zorawicki

Permit to buy, sell and manufacture guns from residence. 7AM-8PM, in residential neighborhood, 55990 Skyline Ranch Road, Yucca Valley.

Dear Ms. Olsen:

I firmly object to the Town of Yucca Valley permitting the sales of guns in any residential neighborhood in Yucca Valley.

There are several questions I have for you and Staff:

1. Where did you advertise this notice of Public Hearing?
2. I DID NOT receive any email regarding this application. I have a standing request to be noticed for any and all meetings, public hearings, press releases, etc. Why was I not notified?
3. Your letter of Feb. 3, 2011 states "Advertising for Notice of Public Hearing" and there IS NO publish date. Only a "Posted and mailed Thursday, February 3, 2011," comment on your letter? Posted where? Mailed to whom?

Please note my objection to this application and the manner that Staff is proceeding on this matter. There has not been ample noticing to the citizens of Yucca Valley, in my opinion, giving the appearance this a a hush-hush arrangement trying to fly under the radar.

Your letter states, "If there are no responses received five (5) days prior to the hearing date and the applicant has no objections to the Conditions of Approval, staff may elect to NOT hold a formal hearing."

Are you kidding me? When is the last date to respond? February 15th?

Let's see, you are closed on Saturday and Sunday.....oh yes, on Friday by appointment only, and will your office be closed on President's Day 21st?

There are only 19 days from the date of your letter to the proposed Public Hearing on the 22nd, of which, 9 or 10 of those days your office is closed.

Objections listed below for future court challenge:

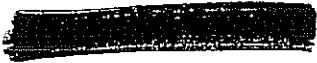
- A. Improper noticing to all residents of Rancho Mesa and all Yucca Valley residents.
- B. Lack of sufficient time to respond to Notice. Threat of no formal hearing if no response 5 days prior to Feb. 22nd. Public Hearing held at 9 AM, denying citizens opportunity to ~~participate~~ due to conflict with their hours of employment.

Diane Olsen

From: Ronald House [ronaldhouse@sbcglobal.net]
Sent: Saturday, February 12, 2011 4:44 PM
To: Diane Olsen; Shane Slueckle
Subject: Gun Sale

I strongly object to gun sale in Yucca valley, let alone in residential areas.
Is not the gifford case a wake up call.

Ron House
Pioneertown



Diane Olsen

From: MargoSturgesYV@aol.com
Sent: Saturday, February 12, 2011 1:12 PM
To: Diane Olsen
Cc: Shane Stueckle; Mark Nuaimi; Robert Kirschmann; MargoSturgesYV@aol.com
Subject: Home Occupation Permit to sell Guns in Residential area? NO-Bad idea.
February 12, 2011

Town of Yucca Valley
Community Development
Yucca Valley, California 92284
Attn: Shane Stueckle, Deputy Town Manager
Mark Nuaimi, Town Manager

Addressed to: Diane Olsen, Planning Technician

Re: Home Permil, HOP 01-11 Zorawicki

Permit to buy, sell and manufacture guns from residence. 7AM-8PM, in residential neighborhood, 55990 Skyline Ranch Road, Yucca Valley.

Dear Ms. Olsen:

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There are several questions I have for you and Staff:

1. Where did you advertise this notice of Public Hearing?
2. I DID NOT receive any email regarding this application. I have a standing request to be noticed for any and all meetings, public hearings, press releases, etc. Why was I not notified?
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There are only 19 days from the date of your letter to the proposed Public Hearing on the 22nd, of which, 9 or 10 of those days your office is closed.

Objections listed below for future court challenge:

A. Improper noticing to all residents of Rancho Mesa and all Yucca Valley residents.

B. Lack of sufficient time to respond to Notice. Threat of no formal hearing if no response 5 days prior to Feb. 22nd. Public Hearing held at 9 AM, denying citizens opportunity to appear due to conflict with their hours of employment.

C. Residential zoning is not compatible with gun purchase, sales or manufacturing.

D. There are an abundance of empty buildings available for lease in the retail section of the Town of Yucca Valley with proper zoning for gun sales.

E. Selling guns in a residential neighborhood will attract the fringe element bringing danger to the residents and create more workload for Sheriff's Department.

F. The residents of Yucca Valley expect the Town Officials to protect their Health, Safety and Welfare to enjoy their place of residence with expected minimum levels of enjoyment.

G. If there is one permit to sell arms in our neighborhood, there will be others. What may come next? Home brew cough medicine, medical marijuana, massage parlors?

H. This permit will open the door to gun sales and purchases in Paradise Valley or other questionable residential areas.

I. There have been several robberies reported at the existing gun retail shop in Yucca Valley. I feel this remote location, among residents and their families, may provide more opportunity for crime.

J. Due to the residential location, what provisions would be put in place to prescreen or prevent "customers" that may show up without any appointment, 7am-8pm or later in the evening? Who will show up desperate to sell a weapon of questionable origin?

K. It will be unsafe for ammunition to be sold and/or warehoused in this residential area.

Final questions: Where is the potential buyer going to fire the new weapon to determine the suitability of the weapon's fire power? Where will the gun be fired to test the weapon brought in for purchase?

I am forwarding this email to other citizens to list their concerns with you.

See you at the Public Hearing on February 22, 2011, at 9:00 AM. At the Community Development Office, 58928 Business Center Drive, Yucca Valley.

Margo Sturges
Yucca Valley Citizen

Diane Olsen

From: raintreerancho@aim.com
Sent: Saturday, February 12, 2011 1:07 PM
To: Diane Olsen
Cc: adkdoria@AOL.com; choctawprudholm@msn.com; oldbunny32@hotmail.com;
loupoist@gmail.com; bairoilkid@aol.com; reobarkle@verizon.net; pro4badger@yahoo.com
Subject: HOP for the Mfg of Guns on Sky Line Ranch Road in Yucca Valley

I am against the issuance of any HOP or any Permits to build and construct any facility for the Mfg of Guns in a Residential area located in and around private residences.

The following questions come to mind:

- (1). How and where do they propose to Test Fire these weapons to verify the Mfg Process?
- (2). To prove the Mfg Process, that will require Ammunition to be used to verify the machining process!
- (3). That would mean a lot of gun fire (noise) in a residential area with the possibility of explosive chemicals in the buildings. That could mean a Fire Hazard and a Safety problem for the employees and surrounding neighbors.

I PROTEST the issuance of any HOP or Permits to allow this project to proceed for any Commercial Enterprise in this location.

Sincerely,

Richard Boyer

[REDACTED]
Yucca Valley, CA 92284

Diane Olsen

From: Claudia Sall [sallwildlands@gmail.com]
Sent: Wednesday, February 16, 2011 3:07 PM
To: Diane Olsen
Subject: Home Occupation Permit 01-11 Zorawicki
Attachments: TownofYV_HOP_Request-for-denial_Sall.DOC

d
attached is our written response.

claudia sall

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Planning Commission
From: Robert Kirschmann, Associate Planner
Date: March 16, 2011
For Commission Meeting: March 22, 2011

Subject: Discussion of Wind Generator Regulations
Draft Ordinance
Review and Feedback to Staff

Prior Commission Review: The Planning Commission has not previously discussed this item.

Recommendation: That the Planning Commission reviews the draft ordinance and information presented and provides direction to Staff.

Executive Summary: The Town of Yucca Valley has no regulations for the installation of renewable energy systems, such as wind generators. The Town has recently received a number of inquiries for the installation of both roof mounted and freestanding wind generators. Since the Town has no regulations for these systems, Staff is seeking Planning Commission feedback and direction on the Draft regulations as attached to this Staff Report.

Discussion: The Town has recently received inquiries from property owners and companies looking to install wind generators on single family residences throughout the Town. The continued growth in the use of alternative energy technology drives the need to develop regulations for these types of technology within the community. The intent of the regulations and standards contained in the Draft Ordinance is to ensure compatibility with building architecture, the neighborhood, and community appearance, and to minimize the visual appearance of WECS within neighborhoods and the community. Additionally, the regulations and standards ensure proper design, placement, construction and operational standards to promote the health, safety and welfare of the community.

The Draft Ordinance establishes standards and regulations for the installation of wind energy conversion systems (WECS) within the Town. The following information outlines the general standards as drafted.

Approval Authority: As currently drafted, WECS must be approved through a land use compliance review process. As defined in the Draft Ordinance, the Planning Commission is the review authority for all WECS applications.

Noticing: The Draft Ordinance establishes the requirement to provide notice to all property owners within 1,000 feet of the site proposed for installation of a WECS.

Minimum Lot Size: A minimum lot size of 2 acres is required in order to install WECS on any property within the Town.

Maximum Height: The Draft Ordinance requires WECS to conform to the maximum height permitted within the existing zoning classifications.

Design Standard: The Draft Ordinance establishes minimum design standards, which are intended to ensure that the WECS do not significantly detract from existing views. The WECS cannot be constructed of reflective materials and guyed wires to support free standing poles are discouraged.

Location: WECS must be located to the rear of the primary structure on the property. Additionally, WECS cannot be located in a required set back or easement.

Fall Zone: WECS must be located to provide an adequate fall zone, which is defined as 110% of the structure height. A graphic example of this standard is provided in the Draft Ordinance.

Noise Standards: The Draft Ordinance establishes noise standards for two different time periods, those being 7:00 AM to 10:00 PM and 10:00 PM to 7:00 AM. The standards require a lower noise level during the 10:00 PM to 7:00 AM time frame.

Number of WECS Allowed: The Draft Ordinance establishes a maximum of one WECS per parcel. Where more than one WECS is desired, the Draft Ordinance defines that as a Wind Farm, which is subject to a Conditional Use Permit application.

Ancillary Equipment: The Draft Ordinance establishes standards for ancillary support equipment for WECS. Ancillary support equipment cannot be located in required setbacks,

Electrical Wiring: The Draft Ordinance requires that all electrical wiring necessary for WECS installation be placed below ground.

Abandonment: The Draft Ordinance defines a WECS that has not been operated for a continuous period of six months as abandoned, and removal of abandoned WECS is required.

Removal: The Draft Ordinance requires that when the WECS is removed, all support and ancillary equipment shall also be removed from the site.

Accessibility: The Draft Ordinance requires that access ladders be un-climbable by design for the first twelve feet of height in order to discourage or prevent unauthorized access.

Recent discussions with property owners have identified the desire to install both roof mounted and free standing (pole) WECS. The following information is provided as background information for the Commission's consideration of the Draft Ordinance.

ROOF MOUNTED:

One option available is for roof mounted WECS. These would be installed near the peak of the roof in order to be placed to receive the highest wind speeds. Though exact specifications can vary from model to model, recent discussions have identified models with a blade diameter of approximately 60" and mounted approximately 24" above the roof for an overall height of 7'. There may be multiple WECS proposed or required to obtain the best overall system performance.

Since these structures are considerably larger (60" blade diameter mounted 24" above roof) than most roof mounted equipment the Planning Commission may wish to discuss if

roof mounted WECS are appropriate for the Town. If the Commission feels that these are appropriate then a discussion should take place in regards to limiting the number of units that can be installed

POLE MOUNTED:

Another option that is available is a pole mounted or tower WECS. The design of pole mounted WECS can vary from having one fan to three fans mounted on a single pole. The height of freestanding systems commonly start at 25', though the majority have tower heights of 33' (or larger) plus 6' blades, bringing the total height to 39'

The Town's residential Land Use Districts all have a maximum height limitation of 35' for the primary structure. Pursuant to Section 87.0405, Permitted Structural Height Increases, maximum structure height may be increased by 50% subject to the approval of a Land Use Compliance Review. Section 87.0405(C) (18) is the only reference to wind mills found in the Development Code. This section would allow the tower to be increased in height to 52.5'.

Staff has had discussions with several contractors regarding pole mount windmills that are manufactured at a height of 33' plus the height of the blades, bringing the overall height to 39'. In order for these poles to meet the height limitation of 35' would require the pole to be specially constructed and engineered.

As the Commission is reviewing and discussing the Draft Ordinance, the following policy questions are design to assist the Commission in its policy deliberations.

Should WECS be allowed within the Town?

Should free standing/pole mounted and/or roof mounted WECS be allowed?

Should WECS be allowed on any property or should a minimum lot size be established?

If allowed, at what review level should WECS be reviewed, including staff level or Planning Commission?

Staff has attached a copy of San Bernardino County code sections relating to wind energy.

The following table identifies basic regulations from a few jurisdictions that staff was able to review.

Residential Wind Energy Systems	Roof mounted	Min lot size	Tower height	setbacks	# of towers
Town of Yucca Valley	No Standards	No standards	35'	Per building code	No standards
San Bernardino County	No discussion	1 acre	Varies from 52.5' to 120'	Equal to height of system	1
Town of Apple Valley	Yes, not to exceed residential height limit	2 acres	No maximum	110% of height	1 per developed lot

City of 29 Palms	No standards	none	35', 52.5 subject to Minor Use Permit	1 ¼ times the height	1
City of Palmdale	No standards	1 acre	60'	Per zoning code	No standards
City of Hemet	No regulations, likely to follow zoning district standards				
City of San Jacinto	No regulations				
City of Chino	No standards	1 Acre	Not to exceed max building height for zone	1' for every 1' in height	Not specified

Alternatives: N/A

Fiscal impact: N/A

Attachments:

1. Draft Ordinance
2. Photos/ background material on WECS
3. San Bernardino County Code Section 84.26.010
4. City of 29 Palms, page 8-4 of Ordinance 229
5. City of Palmdale, Section 99.01, Chapter 4, Article 4.1
6. City of Chino, Chapter 20.10

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 4, SECTION 84.0410 OF THE COUNTY OF SAN BERNARDINO DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO WIND ENERGY CONVERSION SYSTEMS (WECS).

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1 Code Amended

Title 8, Division 4, Chapter 4, Section 84.0410 of the San Bernardino County Development Code as adopted by the Town of Yucca Valley is hereby amended as follows:

"CHAPTER 4"

ADDITIONAL USES

SECTIONS:

84.0410 LIST OF ADDITIONAL USES.

- (f) Wind Energy Conversion Systems (WECS)
 - 1. Purpose
 - 2. Administration
 - 3. Definitions
 - 4. Private, Non-commercial , WECS
 - 5. General Requirements for the Installation of WECS

1. PURPOSE

This Chapter is intended to establish regulations and procedures for the review of any WECS proposed for installation within the Town of Yucca Valley that are not otherwise permitted or regulated in this Development Code. It is intended to provide a mechanism to take advantage of renewable, green energy while minimizing potential adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.

A. APPLICABILITY

No WECS shall be erected, placed, displayed, or maintained in any district within the Town of Yucca Valley, except as specifically allowed by this Chapter. The number, design, type and size of such WECS, as outlined in this Chapter, are intended to be minimum standards

which do not necessarily ensure compatibility with building architecture, the neighborhood, and community appearance. Therefore, in addition to these standards, consideration shall be given to a WECS relationship to the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity and effectiveness, and conformance to the design guidelines provided by Section 88.0101, Single Residential Design Standards, and Commercial Design Guidelines approved by the Town Council, are to be used in determining approvals.

A Land Use Compliance Review approved by the Planning Commission, as provided in Section 83.030305 of this Code shall be required prior to the installation of any and all WECS. The Commission may approve, conditionally approve, modify or deny requests for the installation of WECS. The Commission may establish conditions and limitations necessary to minimize detrimental effects on surrounding property and/or the general public.

A Land Use Compliance Review allows for the architectural/aesthetic review of structures permitted by this Code for the various zoning districts. A Land Use Compliance Review is not required if a Conditional Use Permit has been submitted and approved where the Commission has addressed the aesthetics and site design issues required under a Land Use Compliance Review.

2. ADMINISTRATION

A. Administration. The Director is authorized to administer and enforce the provisions of this Chapter, unless otherwise provided in this Chapter. The Director may designate a representative to act in his/her place.

B. Interpretation

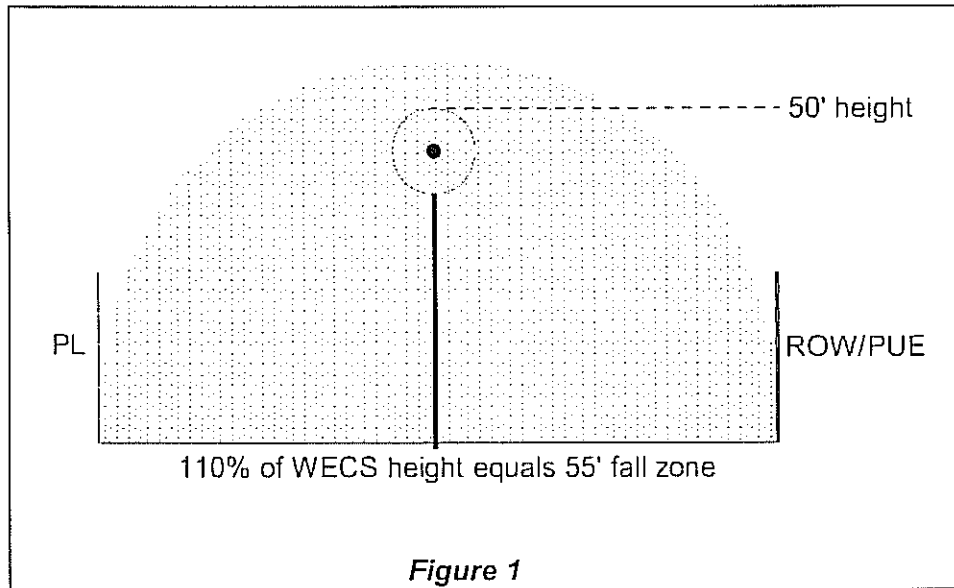
1. This Chapter shall be interpreted in a manner which best fulfills the intent of its provisions.
2. Questions arising from the application of the Chapter shall be interpreted by the Director. If any inconsistency still exists in the interpretation, an appeal application shall be referred to the Planning Commission for its determination.

C. Appeals

1. Any decision or determination by the Director may be appealed to the Planning Commission in accordance with the provisions of this Development Code.
2. Any decision of the Planning Commission may be appealed to the Town Council in accordance with the provisions of this Development Code.

3. DEFINITIONS

Fall Zone. The potential fall area for the wind energy conversion system. The fall area is measured by using 110 percent of the total height as the radius around the center point of the base of the tower. (Figure 1)



Height. The vertical distance from ground level to the top of the WECS, including the blade when at its highest point.

Net-Metering Service. A service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period. Net Metering does not allow the sale of power back to the electric company or into the wholesale electricity market.

Over-Speed Control. A mechanism used to limit the speed of blade rotation to below the safe design limits of the WECS.

Private, Non-Commercial WECS. A single WECS installed on a developed property for the purposes of providing energy for on-site consumption.

Wind Energy Conversion System (WECS). A device designed or used for the purpose of converting wind energy into electrical or mechanical power, including all interconnection and auxiliary equipment.

Wind Farm. Multiple WECS installed at a single property or area for the purpose of generating larger quantities of electrical or mechanical power for transmission to a public or private utility.

4. PRIVATE, NON-COMMERCIAL, WECS

The installation of a private, non-commercial, WECS is permitted as an accessory use within any zoning designation upon approval of a Land Use Compliance Review by the Planning Commission. The Land Use Compliance Review process grants the Planning Commission authority to modify these requirements based upon neighborhood compatibility.

A. Lot Size. WECS shall not be installed upon a lot or recorded parcel of less than two (2) net acres in size.

B. Setback Requirements.

1. WECS must be located behind the rear of the primary structure.
2. WECS shall be setback a distance equal to the fall zone from any property line, overhead utility lines, utility easement or right-of-way.

C. Height. Free-standing and Roof-top mounted WECS are subject to the maximum height permitted within the applicable zoning designation.

D. Noise. No WECS shall generate a sound level in excess of 50 dBA, as measured at the nearest property line, during the hours of 7:00 a.m. to 10:00 p.m., nor a level in excess of 40 dBA during the hours of 10:00 p.m. to 7:00 a.m. except during extreme weather conditions.

E. Design Standards.

1. During the Land Use Compliance Review process, each WECS shall be reviewed by the Planning Commission to ensure the WECS are installed in a manner that will not significantly detract from existing views.
2. WECS must consist of non-reflective materials.
3. Monopole mounted WECS are preferred.
4. WECS requiring the use of guyed wires are discouraged; however, guyed wires may be permitted based upon neighborhood compatibility.

F. Net-Metering. Private, noncommercial WECS may be net-metered with written authorization provided by the utility company.

G. Only one (1) WECS shall be permitted per developed lot. Any additional WECS, or any WECS located on a vacant parcel, will be considered a "wind farm" and subject to the Planning Commission's review and approval of a Conditional Use Permit.

H. Each WECS shall be operated and maintained in sound working order in conformance with the manufacturer's specifications at all times. This maintenance shall include the physical appearance of the device so it does not present an unsightly appearance. A copy of the manufacturer's specifications and use instructions shall be submitted with any application for review by the Planning Commission and/or Town Council and shall be retained within the public hearing record/file for that application.

I. Any WECS that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such WECS shall remove the same within thirty (30) days of receipt of written notice from the Town notifying the owner of such abandonment. If the owner does not remove the equipment, along with all associated and ancillary equipment, devices, structures or support for that WECS, or does not request a hearing before the Planning Commission on the issue of whether the equipment is abandoned and subject to removal, the Town may require removal of the equipment and store it in a secure location. The owner shall have fourteen (14) days from the date the Town provides the owner with written notice of removal of the equipment, and notification of the current location of equipment, to reclaim the equipment. If the equipment is not reclaimed in accordance with this section, the Town may dispose of the equipment in accordance with the Town's existing policy for disposal of abandoned or lost property.

Failure to remove an abandoned WECS within said thirty (30) days shall be grounds to remove the device at the owner's expense.

J. A Building Permit, issued by the Town of Yucca Valley, shall be obtained prior to the installation of a WECS system.

K. Every WECS shall be installed strictly per the Manufacturer's Installation specifications, or as modified and certified by an Engineer licensed by the State of California.

L. The Commission may impose Conditions of Approval that are necessary to address health, safety, community welfare and community aesthetic issues or concerns raised during the Land Use Compliance Review process

M. Noticing of the Land Use Compliance Review shall include all properties within 1,000 feet of the site requesting the installation of a WECS.

N. No WECS, or associated and ancillary equipment, batteries, devices, structures or support(s) shall be located within any required front, side or rear yard setback area.

O. No wiring between a WECS and the main or accessory structure on site, or any associated and ancillary equipment, batteries, devices, structures or support(s) for any WECS, shall be located above ground level.

P. When a WECS system is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed.

5. GENERAL REQUIREMENTS FOR THE INSTALLATION OF ANY WECS

A. The safety of the design and construction of all WECS, including towers and associated equipment, shall be certified by the manufacturer or by an Engineer Licensed by the State of California.

B. Safety wires shall be installed on the turnbuckles on guy wires of guyed WECS towers.

C. All WECS towers shall be equipped with manual and automatic over-speed controls. The rotor and over-speed control design and fabrication shall conform to good engineering practices and shall be certified by the manufacturer or by an Engineer Licensed by the State of California.

D. All installations shall conform to the requirements of the latest adopted version of the National Electrical Code, adopted by the Town of Yucca Valley.

E. The compatibility of the tower structure with the rotors and others components of the WECS shall be certified by the manufacturer or by an Engineer Licensed by the State of California.

F. All WECS towers or facilities shall either have tower climbing apparatus located not closer than twelve (12) feet to the ground or be un-climbable by design for the first twelve (12) feet.

G. WECS sited on top of, or attached to and extending above the roof line of, an existing structure shall comply with all applicable provisions of the latest version of the Uniform Building Code, as adopted buy the Town of Yucca Valley. Certification by an Engineer Licensed by the State of California shall be required. Any device located in such a manner shall be subject to the height limitations of the underlying zoning.

H. No part of a WECS tower or facility shall be located upon, within or extend over a drainage, utility or other established easement(s). No portion or part of the WECS shall be located on or over any property line(s). The base of any WECS or the guy wire anchors of a guyed WECS tower shall not be located in any required minimum front, side or rear setback area. No such WECS shall be located between the main structure on site and any existing or planned public right-of-way.

I. Clearance between any WECS and existing or planned electrical lines shall be in compliance with the requirements of the most recently adopted edition of the National Electrical Safety Code.

J. Efforts should be made to site WECS to reduce the likelihood of blocking or reflecting television or other communications signals and from blocking established views. If signal interference occurs, the WECS owner shall make all reasonable efforts to resolve the problem. If the problem(s) cannot be eliminated or reduced to an acceptable level by the individual experiencing the interference, then the WECS owner shall shut down and remove the source of interference within thirty (30) days from the date of receiving official notice from the Town of Yucca Valley.

K. Nothing within this Chapter shall be construed to allow the infringement of the enjoyment rights of a property owner by another by the installation, maintenance or use of a WECS.

L. The owner of any WECS shall provide, as part of the submission for review by the Planning Commission of a Land Use Compliance Review, proof of liability insurance that specifically addresses the installation, use and maintenance of the WECS.

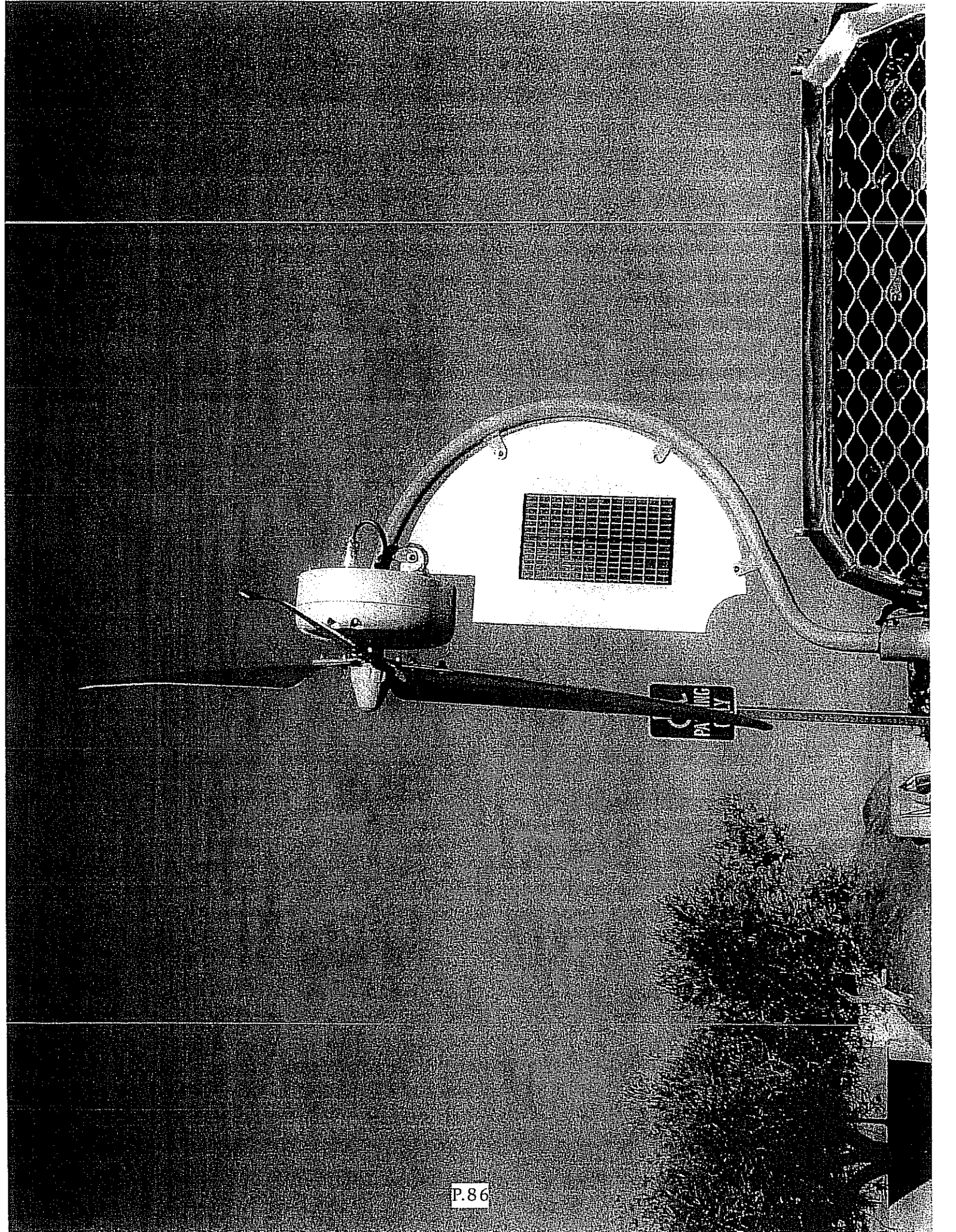
M. Homebuilt, experimental and prototype WECS shall be allowed provided they comply with all applicable regulations detailed within this Chapter.

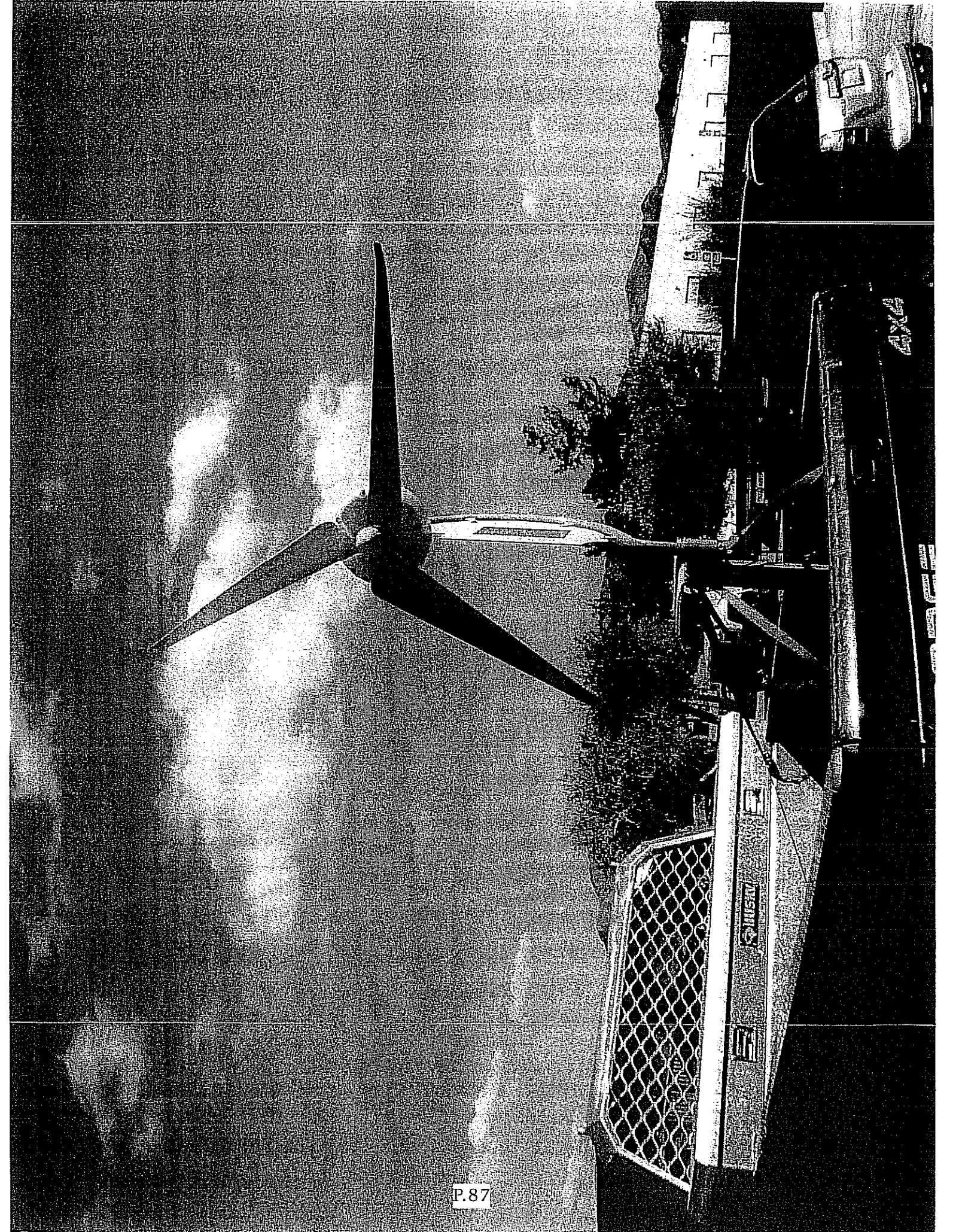
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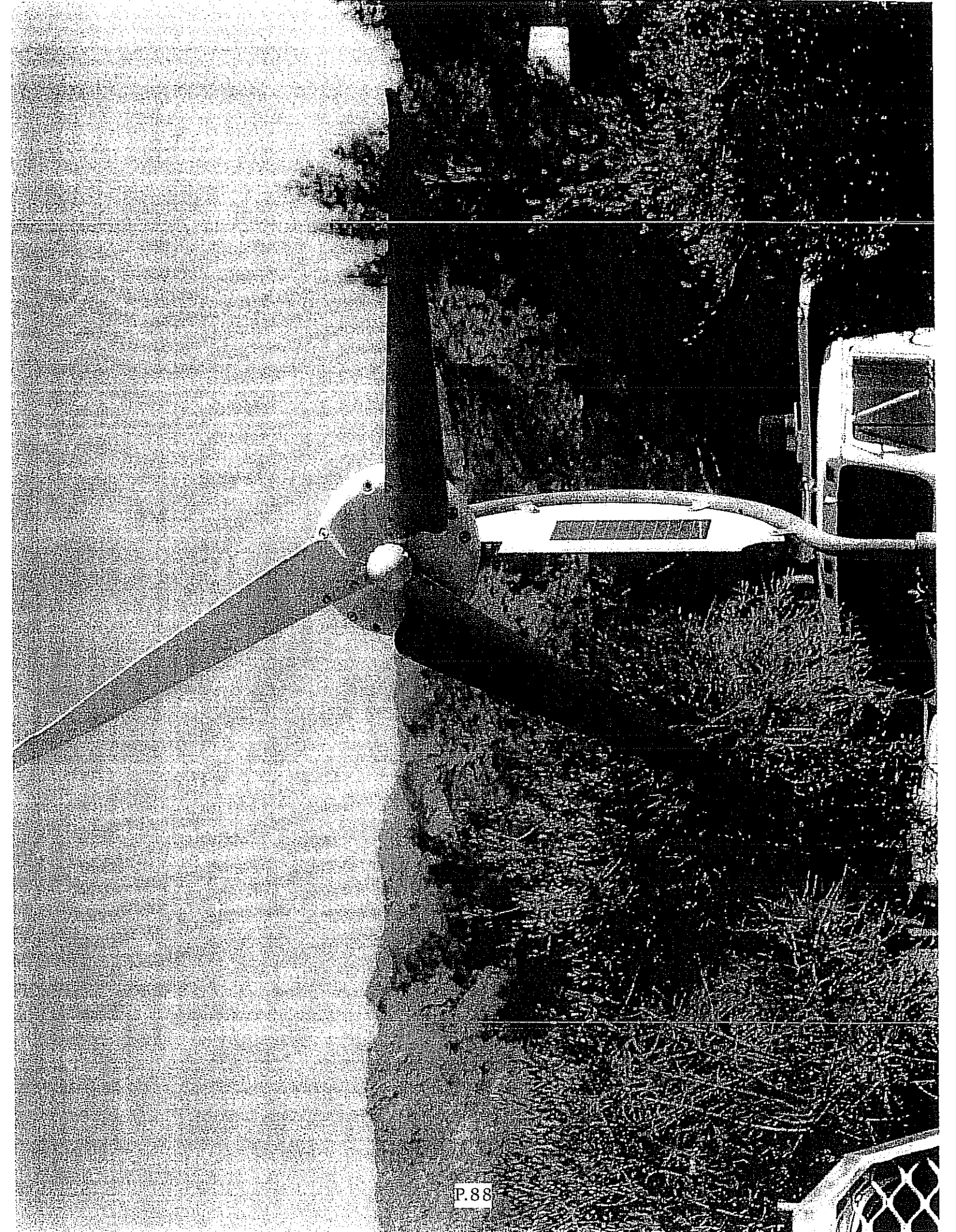
O. The interconnections between a wind turbine and the electric utility shall be in compliance to the most recently adopted edition of the National Electrical Safety Code and all Federal regulations. Certification shall be submitted in writing by the owner that the WECS will automatically disconnect from the utility when there is no power input from the utility.

P. Battery storage units associated with a WECS shall be in compliance with the latest adopted edition of the National Electric Code or other applicable Codes and shall be inspected by an inspector for the Town of Yucca Valley.

Q. The safety of structural components of reconstructed or reconditioned WECS, and the compatibility of the rotors of reconstructed or reconditioned WECS, shall be certified by an Engineer Licensed by the State of California. The safety of electrical components of reconstructed or reconditioned WECS shall be certified by an Engineer Licensed by the State of California. The safety of all modifications to any WECS shall be certified by an Engineer Licensed by the State of California. Certification of safety is required before any Building Permit for a WECS is issued for modifications made prior to installation. Certification of the safety of modifications made after the WECS has been installed shall also be subject to the requirements of a Building Permit. Failure to have the safety of any modifications certified either prior to installation, or prior to use of a system modified after installation, shall result in the revocation of the Building Permit and any discretionary approvals granted for the WECS until such certification has been obtained and provided to the Town of Yucca Valley.

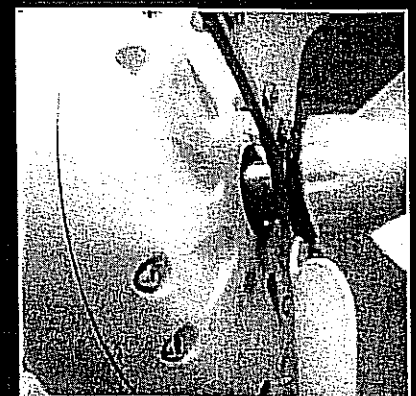
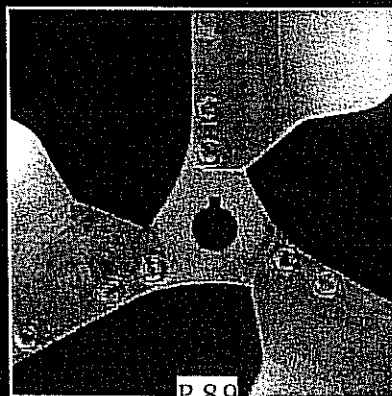
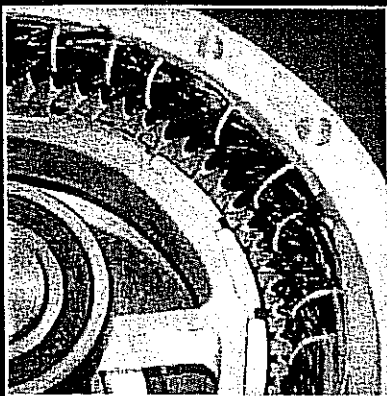
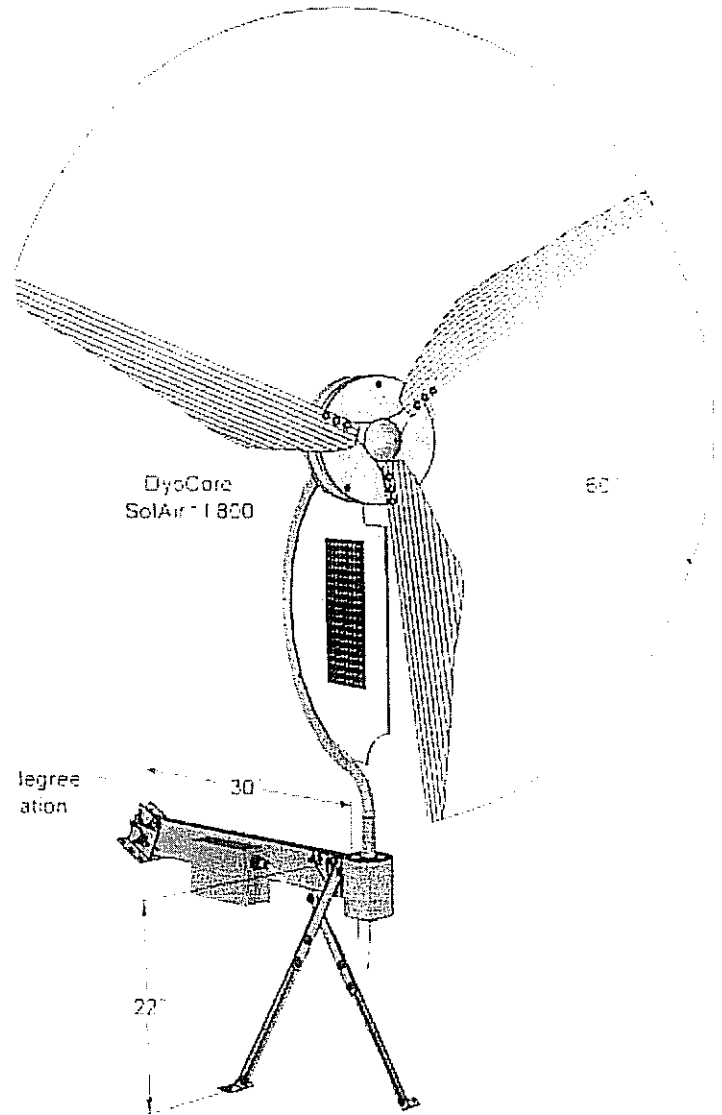


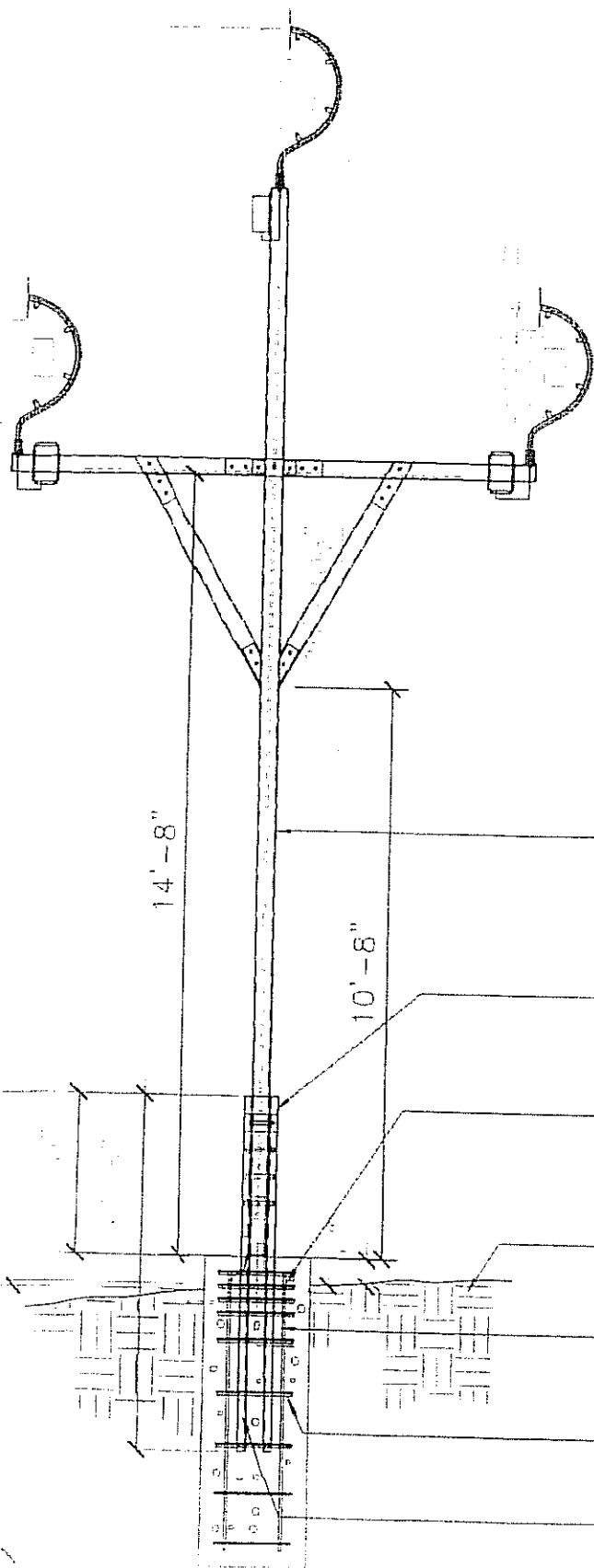




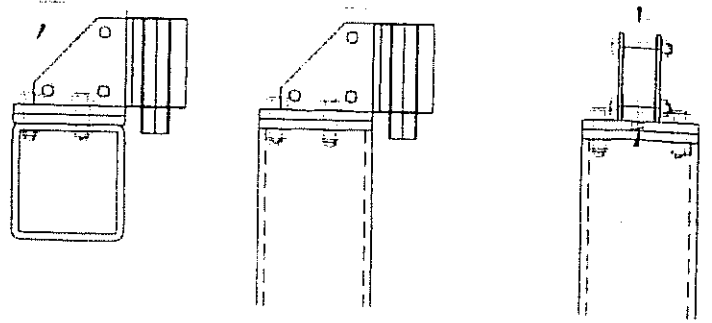
TECHNICAL SPECS

- Residential / Light Commercial surface mount
- On-grid or off-grid – combined DC solar/wind output for simple plug and play
- No maintenance / 5 year warranty
- Easy installation
- Weighs 69lbs., fully assembled with rectifier box
- Height of SolAir™ from it's mount bracket surface to the blade at it s highest point is only 67"
- Blade diameter is 60"
- Number of blades - 3 (Aluminum)
- Maximum output is approximately 2.2kW (26 – 30mph winds)
- Average power is approximately 400watts (12 – 14mph winds)
- It's whisper quiet, with no vibration
- Optimal install height is along the roofline or approximately 20'
- SolAir™ units can be stacked when more energy generation/storage power is needed
- CEC Approved and Listed:
1.6kW at 18mph
- Federal 30% tax credit

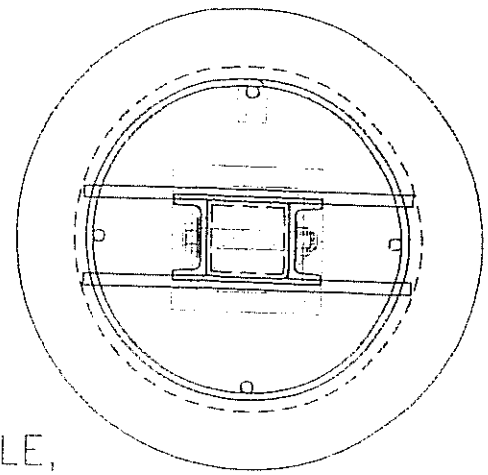




— 1" PLATE —



SLOT WELD — — —



14'-8"

10'-8"

20'-0" POLE,
TS 4x4x1/4

C4x7.25 POLE SUPPORTS (2)
SET INTO CONCRETE BASE

3 #3 TIES IN TOP 5"
OF CONCRETE BASE

TOP OF FINISH GRADE

4 #5 BARS EQUALLY SPACED

#3 TIES @ 12" o.c.

P.90 24"Ø CONCRETE
POST FOOTING

65891.8. (Added by Stats. 2000, Ch. 80; Amended by Stats. 2003, Ch. 501; Repealed January 1, 2009 by terms of Section 65791.12)

65891.9. (Added by Stats. 2000, Ch. 80; Repealed January 1, 2009 by terms of Section 65791.12)

65891.10. (Added by Stats. 2000, Ch. 80; Repealed January 1, 2009 by terms of Section 65791.12)

65891.11. (Added by Stats. 2000, Ch. 80; Repealed January 1, 2009 by terms of Section 65791.12)

65891.12. (Amended by Stats. 2003, Ch. 501; Repealed January 1, 2009 by its own terms.)

65892.13. (Added by Stats. 2001, Ch. 562; Added by Stats. 2002, (Title 7, Div. 11, Ch. 4, Art. 2.11, heading (Sec. 65892.13 et seq.)) Ch. 664; Amended by Stats. 2002, Ch. 328; Amended by Stats. 2002, Ch. 664; Inoperative July 1, 2005; Repealed January 1, 2006; Heading Repealed January 1, 2010 by Stats. 2009, Ch. 404.)

Article 2.11 Wind Energy

(The heading of Article 2.11, commencing with Section 65892.13 is Repealed. Article 2.11, commencing with Section 65893 is Added by Stats. 2009, Ch. 404.)

65893. Findings and declarations

(a) The Legislature finds and declares all of the following:

(1) Wind energy is an abundant, renewable, and nonpolluting energy resource.

(2) Wind energy, when converted to electricity, reduces our dependence on nonrenewable energy resources, reduces air and water pollution that result from conventional sources burning fossil fuels, and reduces emissions of greenhouse gases.

(3) Distributed generation small wind energy systems also enhance the reliability and quality of electricity delivered by the electrical grid, reduce peak power demands, increase in-state electricity generation, diversify the state's energy supply portfolio, and make the electricity supply market more competitive by promoting consumer choice.

(4) Small wind energy systems designed for onsite home, farm, and small commercial use are recognized by the Legislature and the State Energy Resources Conservation and Development Commission as an excellent technology to help achieve the goals of increased in-state electricity generation, reduced demand on the state electrical grid, increased consumer energy independence, and nonpolluting electricity generation.

(5) It is the intent of the Legislature to encourage local agencies to support the state's ambitious renewable energy procurement requirements by developing and adopting

ordinances that facilitate the installation of small wind energy systems and do not unreasonably restrict the ability of homeowners, farms, and small businesses to install small wind energy systems in zones in which they are authorized by local ordinance.

(6) It is the intent of the Legislature to facilitate the implementation of consistent statewide standards to achieve the timely and cost-effective installation of small wind energy systems.

(Added by Stats. 2009, Ch. 404.)

65894. Definitions

For purposes of this article, the following terms shall have the following meanings:

(1) "Energy Commission" means the State Energy Resources Conservation and Development Commission.

(2) "Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 50 kilowatts per customer site, consistent with the requirements of paragraph (3) of subdivision (b) of Section 25744 of the Public Resources Code, and that will be used primarily to reduce onsite consumption of utility power.

(3) "System height" means the higher of either the height of the tower and the system measured to the top of the blade at the highest point of the system extended above the existing grade when being operated.

(4) "Tower height" means the height above grade of the fixed portion of the tower, excluding the wind turbine.

(5) "Urbanized area" means either of the following:

(A) An urbanized area as defined in paragraph (2) of subdivision (d) of Section 65944.

(B) A city as defined in Section 56023.

(Added by Stats. 2009, Ch. 404.)

65895. Ordinances passed before January 1, 2011

(a) A county that has not adopted an ordinance providing for the installation of small wind energy systems located outside an urbanized area, but within the county's jurisdiction, by January 1, 2011, may adopt such an ordinance at a later date, but the ordinance shall be in accordance with Section 65896. Ordinances adopted prior to January 1, 2011, are exempt from this article.

(b) A county may establish a process for the issuance of conditional use permits for small wind energy systems located outside an urbanized area, subject to all of the following conditions:

(1) A county shall review an application for a small wind energy system pursuant to the timelines established in the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

(2) Fees charged by a county to review an application for a small wind energy system shall be determined in accordance with Sections 66014 and 66016.

(3) An application for the installation of a small wind energy system submitted between January 1, 2011, and the date of the county's adoption of an ordinance that meets the requirements and conditions of subdivision (b) of Section 65896 shall be approved through a ministerial permit by the county meeting the requirements and conditions of subdivision (b) of Section 65896.

(Added by Stats. 2009, Ch. 404.)

65896. Small wind energy ordinance

(a) A county may adopt an ordinance that provides for the installation of small wind energy systems outside an urbanized area, but within the county's jurisdiction.

(b) The ordinance may impose conditions on the installation of small wind energy systems that include, but are not limited to, notice, tower height, setback, view protection, aesthetics, aviation, and design-safety requirements. However, the ordinance shall not require conditions on notice, tower height, setback, noise level, visual effects, turbine approval, tower drawings, and engineering analysis, or line drawings that are more restrictive than the following requirements and conditions:

(1) The parcel where the system is located shall be at least one acre in size and located outside an urbanized area.

(2) Tower heights of not more than 80 feet shall be allowed on parcels between one and five acres. Tower heights of not more than 100 feet shall be allowed on parcels above five acres. All tower heights shall not exceed the applicable limits established by the Federal Aviation Administration. An application shall include evidence that the proposed height of a tower does not exceed the height recommended by the manufacturer or distributor of the system.

(3) Minimum setbacks for the system tower shall be no farther from the property line than the system height, unless a greater setback is needed to comply with applicable fire setback requirements set forth in Section 4290 of the Public Resources Code.

(4) Decibel levels for the system shall not exceed the lesser of 60 decibels (dBA), or any existing maximum noise levels applied pursuant to the noise element of a general plan for the applicable zoning classification in a jurisdiction or applicable noise regulations, as measured at the nearest property line, except during short-term events, such as utility outages and severe windstorms.

(5) Notice of an application for installation of a small wind energy system shall be provided to property owners within 300 feet of the property on which the system is to be located, except that the county may, if it deems it necessary due to circumstances specific to the proposed installation, require the applicant to provide notice by placing a display advertisement of at least one-eighth of a page in at least one newspaper of general circulation within the county in which the installation is proposed.

(6) The system shall not substantially obstruct views of adjacent property owners and shall be placed or constructed below any major ridgeline when visible from any scenic

highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code or any scenic highway corridor designated by a county in its general plan.

(7) The system shall use a wind turbine that has been approved by the Energy Commission as qualifying under its Emerging Renewables Program pursuant to Section 25744 of the Public Resources Code or has been certified by a national program recognized and approved by the commission.

(8) The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the current version of the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. A wet stamp, however, shall not be required if the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a county.

(9) The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code). A system that complies with this subdivision shall be deemed to meet the applicable health and safety requirements regarding civil aviation.

(10) The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

(11) If required by the county, the applicant shall provide information demonstrating the system will be used primarily to reduce onsite consumption of electricity. The county may also require the application to include evidence, unless the applicant does not plan to connect the system to the electricity grid, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.

(12) If a county receives an application to install a small wind energy system on a site that is within 1,000 feet of a military installation, within special use airspace, or beneath a low-level flight path as defined by Section 21098 of the Public Resources Code, then the county shall promptly comply with Section 65944. If the governing authority of any military installation, special use airspace, or low-level flight path provides written comments regarding that application, the county shall consider those comments before acting on the application.

(13) If a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the county shall take reasonable steps, concurrent

with other notices issued pursuant to this subdivision, to notify pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agricultural Code.

(14) Tower structure lighting shall be prohibited unless otherwise required by another provision of law or pursuant to paragraph (13).

(15) No climbing apparatus attached to the system shall be located less than 12 feet above the ground, and the system shall be designed to prevent climbing within the first 12 feet.

(16) No sign shall be attached to the system if visible from a public road, except for signs that identify the manufacturer, installer, or owner of the system, or public health and safety signs applicable to the installed system, but the signs shall neither be larger than four square feet, unless approved by the county, nor located at the base of the system within 10 feet of the ground surface.

(17) A small wind energy system shall not be allowed where otherwise prohibited by any of the following:

(A) A local coastal program and any implementing regulations adopted pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(B) The California Coastal Commission, pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(C) The regional plan and any implementing regulations adopted by the Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact (Title 7.4 (commencing with Section 66800)).

(D) The San Francisco Bay Plan and any implementing regulations adopted by the San Francisco Bay Conservation and Development Commission pursuant to the McAteer-Petris Act (Title 7.2 (commencing with Section 66600)).

(E) A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.

(F) The Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code).

(G) A local ordinance to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code or pursuant to scenic highways designated in the local general plan.

(H) The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.

(I) The terms of an open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5).

(J) The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act (Division 10.2 (commencing with Section 10200) of the Public Resources Code).

(K) The terms of a contract entered into pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5).

(L) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

(c) A county may impose, as a condition of approval, a requirement that a small wind energy system be removed if it remains inoperable for 12 consecutive months, and at that time the small wind energy system shall be subject to nuisance codes and code enforcement action.

(d) (1) Nothing in this article interferes with or prevents the exercise of authority by a county to carry out its programs, projects, or responsibilities.

(2) Nothing in this article affects requirements imposed under any other law.

(Added by Stats. 2009, Ch. 404.)

65897. State policy for use of distributed renewable energy systems

It is the policy of the state to promote and encourage the use of distributed renewable energy systems and to limit obstacles to their use, and it is the intent of the Legislature that local agencies encourage the installation of distributed renewable energy systems by removing obstacles to, and minimizing costs of, permitting distributed renewable energy systems.

(Added by Stats. 2009, Ch. 404.)

65898. Reporting

On or before January 1, 2016, the State Energy Resources Conservation and Development Commission shall submit to the Assembly Committee on Local Government, the Senate Committee on Local Government, and the Assembly Committee on Utilities and Commerce a report that contains all of the following:

(a) The number of ordinances adopted on or after January 1, 2011, by counties pursuant to Section 65895.

(b) The number of applications to install small wind energy systems received by those counties on or after January 1, 2011.

(c) The number of applications to install small wind energy systems approved by those counties on or after January 1, 2011.

(d) The tower heights, system heights, parcel sizes, and generating capacities of the small wind energy systems approved by those counties on or after January 1, 2011.

(e) Any recommendations to the Legislature by the State Energy Resources Conservation and Development

Commission for the continuation, modification, or termination of this article.

(Added by Stats. 2009, Ch. 404.)

65899. Repealer

This article shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

(Added by Stats. 2009, Ch. 404.)

Article 3. Administration

65900. Creation of administrative body

The legislative body of a city or county may, by ordinance, create and establish either a board of zoning adjustment, or the office of zoning administrator or both. It may also, by ordinance, create and establish a board of appeals. Members of a board of zoning adjustment and members of a board of appeals may receive compensation for their attendance at each meeting of their respective boards in a sum to be fixed by the legislative body by which they are appointed. In addition, they may also receive reasonable traveling expenses to and from the usual place of business of such board to any place of meeting of the board within the county or city.

(Added by Stats. 1965, Ch. 1880.)

65901. Powers

(a) The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefore and establishes criteria for determining those matters, and applications for variances from the terms of the zoning ordinance. The board of zoning adjustment or the zoning administrator may also exercise any other powers granted by local ordinance, and may adopt all rules and procedures necessary or convenient for the conduct of the board's or administrator's business.

(b) In accordance with the requirements for variances specified in Section 65906, the legislative body of the city or county may, by ordinance, authorize the board of zoning adjustment or zoning administrator to decide applications for variance from the terms of the zoning ordinance without a public hearing on the application. That ordinance shall specify the kinds of variances which may be granted by the board of zoning adjustment or zoning administrator, and the extent of variation which the board of zoning adjustment or zoning administrator may allow.

(Amended by Stats. 1984, Ch. 1009; Amended by Stats. 1985, Ch. 1199.)

65902. Administration by planning commission

In the event that neither a board of zoning adjustment or the office of a zoning administrator has been created and established, the planning commission shall exercise all of the functions and duties of said board or said administrator.

The legislative body of a county may provide that an area planning commission shall exercise all of the functions and duties of a board of zoning adjustment or a zoning administrator in a prescribed portion of the county.

(Amended by Stats. 1971, Ch. 462.)

65903. Board of appeals

A board of appeals, if one has been created and established by local ordinance, shall hear and determine appeals from the decisions of the board of zoning adjustment or the zoning administrator, as the case may be. Procedures for such appeals shall be as provided by local ordinance. Such board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as should be made, and such action shall be final.

(Added by Stats. 1965, Ch. 1880.)

65904. Appeals to legislative body

If a board of appeals has not been created and established the local legislative body shall exercise all of the functions and duties of the board of appeals in the same manner and to the same effect as provided in Section 65903.

(Added by Stats. 1965, Ch. 1880.)

65905. Public hearing: Use permits, variances, or equivalent

(a) Except as otherwise provided by this article, a public hearing shall be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications.

(b) Notice of a hearing held pursuant to subdivision (a) shall be given pursuant to Section 65091.

(Repealed and Added by Stats. 1984, Ch. 1009.)

65906. Variances

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Section

84.26.010 Purpose.

84.26.020 Applicability.

84.26.030 Development Standards.

§ 84.26.010 Purpose.

As allowed by Government Code § 65892.13, the purpose of this Chapter is to provide a uniform and comprehensive set of standards for the placement of accessory wind energy systems on parcels in unincorporated areas of the County in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

(Ord. 4011, passed - -2007)

§ 84.26.020 Applicability.

This Chapter provides development standards for accessory wind energy systems.

(Ord. 4011, passed - -2007)

§ 84.26.030 Development Standards.

(a) *Number of Units and Required Separation.* Normally, only one unit per parcel shall be allowed. However, additional units may be allowed at the rate of one unit for every ten acres to a maximum of three units. The acreage requirement may be met by one parcel or the total acreage of multiple parcels held under common ownership. Units shall be installed with at least 240 feet separation from each other. If the units are to 50 feet in height, a maximum of two units may be installed per five acres. For every additional five acres, one additional unit may be added not to exceed a maximum of five units. Additionally, the separation between the units may be reduced to twice the height of the systems.

(b) *Maximum Tower Height.* The tower height limitations in Table 84-17 (Maximum Tower Heights for Accessory Wind Energy Systems) shall apply to all accessory wind energy systems, provided that the application for a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. Variances to the tower height limitations may be approved in compliance with Chapter 85.17 (Variances).

Table 84-14			
Maximum Tower Heights for Accessory Wind Energy Systems			
	Region		
Land Use Zoning District (parcel size within zoning district)	Valley	Mountain	Desert

AG	80 feet	80 feet	120 feet
RC	80 feet	80 feet	120 feet
RL (1 acre to less than 2.5 acres)	65 feet	65 feet	80 feet
RL (2.5 acres to less than 5 acres)	65 feet	65 feet	80 feet
RL (5 acres or greater)	80 feet	80 feet	100 feet
RM (minimum 1 acre)	52.5 feet	52.5 feet	52.5 feet
RS (minimum 1 acre)	52.5 feet	52.5 feet	52.5 feet
All other land use zoning districts	65 feet ⁽¹⁾	65 feet ⁽¹⁾	80 feet ⁽¹⁾
Note:			
(1) Or the maximum structure height specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) for the land use zoning district in which the system is located, whichever is greater.			

(c) *Setbacks.* The minimum setback from any property line shall be equal to the system height.

(d) *Climbing Apparatus.* Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.

(e) *Lighting.* Tower structure lighting shall be prohibited unless required by another Code or regulation.

(f) *Noise.* The noise performance standards in § 83.01.080 (Noise) shall apply, except during short-term events (e.g., utility outages, windstorms, etc.).

(g) *Visual Effects.* An accessory wind energy system shall not substantially obstruct views of adjacent property owners.

(h) *Location.*

(1) An accessory wind energy system shall be placed or constructed below any major ridgeline when viewed from any designated scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).

(2) An accessory wind energy system shall not be:

(A) Located within a scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).

(B) Allowed where otherwise prohibited by any of the following:

(I) The Alquist-Priolo Earthquake Fault Zoning Act.

(II) The terms of any easement.

(III) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

(i) *Turbine Certification.* The system's turbine shall be approved or shall have been approved by the California Energy Commission or certified by a national program (i.e., National Electrical Code (NEC), American National Standards Institute (ANSI), and Underwriters Laboratories (UL)).

(j) *Engineering Analysis.* The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC) or the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by the State. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the:

- (1) UBC requirements for wind exposure D;
- (2) UBC requirements for Seismic Zone 4;
- (3) Requirements for a soil strength of not more than 1,000 pounds per square foot; or
- (4) Other relevant conditions normally required by a local agency.

(k) *Compliance with Aviation Law.* The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code §§ 21001 *et seq.*).

(l) *Compliance with Electrical Code.* The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the installation conforms to the National Electric Code.

(m) *Reduction in Onsite Electricity Consumption.* The system shall be used primarily to reduce onsite consumption of electricity.

(Ord. 4011, passed - -2007; Am. Ord. 4098, passed - -2010)

Use	RS-4	RS-3	RS-2	RS-1	RS-E	Notes
	P	P	P	P	P	Subject to permits and requirements specified in Chapter 19.36 <i>Home Occupations</i> .
Second units	P	P	P	P	P	Pursuant to the requirements specified in Chapter 19.53, <i>Second Units</i> .
Windmills and solar energy collectors, non commercial, up to thirty-five (35) feet in height.	P/M*	P/M*	P/M*	P/M*	P/M*	Structures shall be set back from all property lines at least 1 1/4 times the height of the structure, measured to the highest element of the structure. * One windmill Permitted per parcel. Minor Use Permit required for additional windmills.
Up to a fifty percent (50%) increase, to 52 1/2 feet, may be approved subject to Minor Use Permit.	M	M	M	M	P	
<u>C. Institutional Uses</u>						
All institutional uses shall be accessible from an Expressway, Arterial or Collector Street, or have an adequate, improved private drive.						
Cemeteries	C	C	C	C	C	
Churches, synagogues, temples, and other religious facilities	C	C	C	C	C	
Conference centers and organizational camps	C	C	C	C	C	
Governmental facilities	C	C	C	C	C	Including public service facilities, such as libraries, museums, parks, recreation facilities, and civic uses.
Hospitals	C	C	C	C	C	
Schools	C	C	C	C	C	
<u>E. Cultural Activities</u>						
Art Galleries and studios	M	M	M	M	M	
<u>F. Transient Lodging Facilities</u>						
Bed and Breakfast Uses	C	C	C	C	C	Subject to the limitations, regulations and standards in Chapter 19.54, <i>Bed and Breakfast Inns</i> .
<u>G. Transportation and Communication Facilities, and Utilities</u>						

CHAPTER 9 ARTICLE 99
RENEWABLE ENERGY

ARTICLE 99 RENEWABLE ENERGY

(Zoning Ordinance Amendment 09-02, adopted by City Council November 4, 2009.)

Section 99.01 Co-located Small Wind Energy Systems (CSWES)

A. Purpose and intent

It is the intent of these regulations to permit Co-located Small Wind Energy Systems (CSWES) as an accessory use in the C-2 (Office Commercial), C-3 (General Commercial), C-4 (Commercial Center), C-5 (Service Commercial), M-1 (Light Industrial), M-2 (General Industrial), M-3 (Airport Industrial), and M-4 (Planned Industrial) zone districts. It is the purpose of these regulations to ensure that alternative energy systems are available in the City of Palmdale, and that they are installed and co-located in a manner that avoids hazards to public health and safety, minimizes adverse aesthetic impacts, and ensures compatibility with the surrounding neighborhood.

B. Definitions

Co-located Small Wind Energy System (CSWES) shall mean a wind energy conversion system that is located on a pole with site lighting below the turbine, which has a rated capacity of 8kW or less.

Temporary Meteorological Tower (met tower) shall mean a temporary structure which includes the tower, base plate, anchors, guy cables and hardware, anemometers, (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at any given location.

Co-Located Wind Energy System Height shall mean the vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

**CHAPTER 9 ARTICLE 99
RENEWABLE ENERGY**

C. Development Standards

Installation of Co-located Small Wind Energy Systems (CSWES) where permitted as an accessory use subject to administrative review by a Minor Modification application, shall be constructed in the following manner:

1. Minimum parcel size. Developments of a minimum of 20 acres or more with parking lot light fixtures at a minimum of 25 feet in height.
2. Setbacks. Co-located Small Wind Energy Systems shall meet the following setbacks:
 - a. A distance equal to the tower height from any abutting private properties that are not part of the development.
 - b. A distance equal to the tower height from any overhead utility lines, unless written permission is granted by the affected utility.
 - c. A distance equal to 150 feet from any property that is residentially used or designated.
3. Noise. Co-located Small Wind Energy Systems shall meet the following criteria with respect to noise:
 - a. A site-specific noise study or the manufacture's engineered sound studies shall be submitted for review and the decibel level shall comply with the Noise Element of the General Plan.
 - b. Decibel levels for each unit shall not exceed 65 decibels (dBA) as measured at the property line except during short-term events such as utility outages and severe windstorms.

**CHAPTER 9 ARTICLE 99
RENEWABLE ENERGY**

4. Aesthetics. Co-located Small Wind Energy Systems shall meet the following criteria with respect to aesthetics:
 - a. All proposed replacement poles for a CSWES system shall be of the same design, shape and color as the remaining light poles throughout the parking lot.
 - b. The wind turbine housing and the blades of the CSWES system shall not be brightly colored. The turbine housing should be white, sky colored, or should coordinate with the color palette approved for the project buildings.
 - c. The physical size of the turbine shall not extend beyond 36 inches from the center of the pole.
 - d. The maximum diameter of the blades shall not exceed 16 feet.

5. Access.
 - a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - b. The pole shall be designed and installed so as to not provide step bolts or a ladder.

6. Lighting.
 - a. A Co-located Small Wind Energy System (CSWES) shall not be illuminated unless such lighting is required by the Federal Aviation Administration. A light temporarily used to inspect a turbine, tower and associated equipment is permissible, providing said light is only used for inspection purposes and not left on for an extended period of time. All sites that are part of a CSWES shall comply with Section 86.03.
 - b. The height of the light fixture on the structure itself shall not be altered from its original height as previously permitted or as permitted by the reviewing authority when co-locating a CSWES in a parking lot.

**CHAPTER 9 ARTICLE 99
RENEWABLE ENERGY**

- c. All light fixture poles, including collocated poles, shall be consistent in design and color throughout the development.
 - d. A revised photometric plan shall be submitted for review for compliance with Section 86.03(K) of the Zoning Ordinance when modifications to existing site lighting is proposed.
- 7. Height. Co-located Small Wind Energy Systems shall meet the following criteria with respect to height:
 - a. The maximum CSWES Height shall be sixty (60) feet at the highest point with one of the blades at its highest vertical point.
 - b. The maximum height of the center of the turbine shall not exceed 53 feet.
 - c. The maximum diameter of the blades from the lowest point to the highest point shall not exceed 16 feet.
- 8. Temporary meteorological (Met) towers shall be permitted under the same standards as those for a CSWES facility. Approval for a temporary met tower shall be valid for a maximum of 30 days.
- 9. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs shall be prohibited.
- 10. Building Permit. Applicable building permits shall be required for a CSWES.
- 11. The system shall comply with all applicable Federal Aviation Administration requirements, including but not limited to Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports. These regulations apply to any installation within 20,000 feet of an airport and exceeding specific heights based on specific FAA and airport parameters.

**CHAPTER 9 ARTICLE 99
RENEWABLE ENERGY**

12. If the CSWES use has been determined by the Planning Director or his or her designee to be inoperative or abandoned for a period of six (6) months, the CSWES shall be removed, unless a new application to re-establish the use is filed with the City. The City may remove an abandoned facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as in appropriate to be in compliance with applicable code at any time: 1) after ninety (90) days following a notice of abandonment, or 2) following a notice of decision by the Director of Planning, subject to the owner/operator's right of appeal under the City of Palmdale Municipal Code. The City may, but shall not be required to, store the removed facility, or any part thereof. The owner of the premises upon which the abandoned facility was located, and all prior operators of the facility, shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the City promptly after demand therefore is made. The City may, in lieu of storing the removed facility, convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.

D. Review Process

Co-located Small Wind Energy Systems (CSWES) shall be permitted as an Accessory Use when permitted in the zoning district subject to Administrative Approval pursuant to Zoning Ordinance Section 26.04, Minor Modification or as permitted by the reviewing authority when co-locating a CSWES in a parking lot.

A temporary meteorological tower shall be permitted subject to Administrative Approval pursuant to Zoning Ordinance Section 26.04, Minor Modification for a period not to exceed 30 days as stated in Section 99.01 (C) 7.

E. Submittal Requirements

The applicant shall submit the information required by the appropriate application form, including but not limited to the following information.

**CHAPTER 9 ARTICLE 99
RENEWABLE ENERGY**

Applications for a CSWES shall include the following items:

1. Site Plan
 - a. Property lines and physical dimensions of the subject property;
 - b. Location, dimensions, and types of existing major structures on the property;
 - c. Location of the proposed CSWES units including, foundations and associated equipment;
 - d. Proposed CSWES elevation drawings,
 - e. The right-of-way of any public road that is contiguous with the property;
 - f. Any overhead utility lines;
 - g. A site specific noise study; and
 - h. A photometric plan if existing lighting is being modified.
2. A perspective rendering from any abutting public way if the CSWES is visible from said public way.
3. Specifications of the CSWES including manufacturer and model, rotor diameter, and proposed pole height.
4. Typical pole foundation specifications or drawings from the wind turbine manufacturer.

**CHAPTER 4 ARTICLE 41
SINGLE FAMILY RESIDENTIAL (ZONE R-1)**

9. Tool houses, storage sheds, greenhouses, tack rooms and feed storage facilities. *(Zoning Ordinance Amendment 02-03, adopted by City Council July 9, 2003.)*
10. Vertical antennae and satellite dishes, in accordance with Sections 95.02 and 95.03.
11. Water wells, water reservoirs, and storage tanks.
12. Windmills, and or wind generators on lots a minimum of one (1) acre. *(Zoning Ordinance Amendment 02-03, adopted by City Council July 9, 2003.)*

Section 41.08 Similar Uses Permitted by Planning Director Determination

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the R-1 zone, pursuant to Section 24.12.

Section 41.09 Standards of Development

Premises in Zone R-1 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

A. Lot area

Each lot or parcel of land created in the R-1 Zone shall have a minimum lot area of not less than 7,000 square feet net, or the number following the zone symbol (if any), whichever is greater.

Alternative energy structures.

Alternative energy structures shall comply with the following regulations:

A. *Solar panels.*

1. All photovoltaic solar panel systems shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and other accredited testing laboratories and, where applicable, rules of the public utilities commission regarding safety and reliability.
2. Solar panels shall only be permitted as an accessory use with and administrative approval.
3. Solar panel systems servicing multifamily residential and nonresidential uses shall comply with the following standards:
 - a. Ground-mounted solar panels may not be located in a front setback area and shall not exceed eight feet in height above the ground.
 - b. Roof-mounted solar panels may extend six feet above the height requirements of the applicable zoning district.
 - c. Roof-mounted solar energy systems shall be located to ensure emergency access to the roof and provide emergency egress from the roof.
4. Solar panel systems servicing a single-family residential home shall comply with the following standards:
 - a. All equipment except for solar panels and conduit shall be screened from view along the front elevation.
 - b. Solar energy equipment shall be installed in the location that is least visible from adjacent streets so long as this does not significantly decrease energy performance or significantly increase cost.
 - c. Solar panels shall be integrated into the design of the structure as an architectural element to the greatest extent possible.

B. *Wind turbines.*

1. Turbines shall only be allowed on parcels one acre or larger in size.
2. Turbines shall be painted a neutral, nonreflective color, such as beige or white.
3. Power lines shall be placed underground when feasible.
4. A turbine shall be designed and appropriately sized to serve the needs of a home, small business or farm.
5. The turbine and tower shall not exceed the maximum building height for the zone in which they are located, as measured when rotor blades are in vertical (or highest) position.
6. The wind energy system structure or anchoring system shall be set back from all property lines by one foot in distance for every one foot in height of turbine tower.
7. Appropriate warning signs shall be placed on or near wind turbines.
8. Noise levels resulting from normal operation of the wind turbine shall not exceed forty decibels.
9. When appropriate or necessary, climb lock or prevention measures should be taken to avoid potential safety hazards.
10. The turbine shall be placed and oriented to avoid casting shadow or causing "flicker" on any buildings of adjacent landowners, especially windows.