

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
March 22, 2011**

Chair Lombardo called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m.

Commissioners Present: Alberg, Graham, Humphreville and Chair Lombardo

Pledge of Allegiance was led by Chair Lombardo

APPROVAL OF AGENDA

Commissioner Alberg moved to approve the agenda. Commissioner Humphreville seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

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.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Kirschmann presented the project discussion to the meeting. A PowerPoint presentation was projected on the screen during the discussion, a printed copy of which is preserved in the meeting file.

On February 22, 2011 the application was reviewed by Deputy Town Manager Stueckle at a staff level hearing. Based upon the amount of communication received from the public and those in attendance at the permit hearing, the item is being forwarded to the Planning Commission for review. Prior to the hearing the Town had received eleven responses in support of the project, fifteen in opposition and one response requesting the application be forwarded to the Commission. The objections raised dealt with concerns of safety and firing of weapons for tests.

Jonathan Zorawicki, Applicant, advised his request is for a small quiet business in his home assembling small rifles. He has submitted his application to the ATF and will be on an appointment only basis. His immediate neighbors have been notified and have no objections, as well as the Sheriff's Department.

Commission Humphreville moved to approve the Home Occupation Permit, HOP 01-11 based upon the information contained within the staff report and findings. Commissioner Graham seconded. Motion carried unanimously on a voice vote.

DEPARTMENT REPORTS:

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

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Kirschmann presented the project discussion to the meeting. A PowerPoint presentation was projected on the screen during the discussion, a printed copy of which is preserved in the meeting file. At this time the Town 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, and since there are no regulations, staff is seeking feedback and direction on the draft regulations.

Deputy Town Manager Stueckle advised that there are examples of several of these generators between here and Apple Valley mounted on poles as high as 50 to 60 feet, noting if we have these on every parcel in Town it will have an impact.

Commissioner Alberg questioned the 2 acre lot size limitation and whether or not the units are loud. Planner Kirschmann advised the concern would be of height and the appearance of the systems on every residence in small lot areas. He noted the units are generally fairly quiet.

Commissioner Graham questioned how many inquiries the Town has had, expressed concern regarding the term "fall zone" noting there is no such requirement for cell towers or flag poles. He noted he feels it should be required that a Civil Engineer design the foundation and mounting. He also questioned the height restriction of 35'. Deputy Town Manager Stueckle advised there have been between 10-50 requests, and advised that engineering calculations would be necessary for both the roof and pole mounted systems, and the fall zone requirement is designed to insure that a pole mounted design would not fall on someone else's property. It is an additional safety element built into a number of ordinances in other jurisdictions. With regard to height, Planner Kirschmann advised that the Town's maximum height limitation is 35' and note that generally the poles are 33' plus the height of the blades would bring the height to 39' so the poles would have to be cut to accommodate the Town's requirement.

Commissioner Humphreville stated the footing should be engineered so that a fall zone isn't

necessary, and expressed concern about eliminating the ability of owners with smaller properties to install a system. He recommended looking at limiting the size and height of the system to the size of the property. He also questioned what the permit fee would be. Planner Kirschmann advised the fees would not be established in the ordinance, but determined by Building and Safety. Deputy Town Manager Stueckle advised the two types of fees would be WECS permit application and building permit based on valuation. Commissioner Humphreville recommended that there needs to be discussion regarding what is necessary to make the system useful, rather than talking about limiting height.

Chair Lombardo expressed concern about the number of units, noting he wants the systems to be effective and useful to those wanting to do it. The concern about overpopulation is understandable, however it is important to look at alternative energy forms and make them available for as many people as easily as possible. He is in favor of maybe allowing a larger quantity of them if appropriate, noting it should be based on lot size. The minimum lot size might be dropped so more people can participate, and the Commission should look at the possibility of allowing only roof mounted systems for smaller parcels. He also thinks that a fall zone may not be necessary if the foundation is well engineered.

Commissioner Graham expressed concern regarding the requirement to place the systems in the rear of the property noting there are many variables in the community and many lots don't have enough rear property area. He suggested requiring the rear half of the property and keep them out of the front setback. He also expressed concern about the recommendation for underground wiring, noting that is fine for pole mounted but there should be a variance for roof mounted units.

Commissioner Alberg shared the other Commissioners concern regarding lot size.

John Wright, and Andy Canada, Yucca Valley, distributed information regarding the units that will be retained in the file and answered questions of the Commissioners.

Larry Calendar, Yucca Valley, spoke in favor of allowing these systems on ½ acre or more lots.

Chair Lombardo requested Commissioner input regarding the impact of these units on the community.

Commissioner Alberg commented this is a green energy alternative and will be a benefit.

Commissioner Graham commented regarding the need to get as much public input as possible.

Commissioner Humphreville stated it is important to get plenty of public input noting the Commission can look at limiting the height of the structure on smaller lots but he would hate to limit it to people who have an acre or more.

Chair Lombardo commented there is consensus to receive more public input, lot size needs to be reviewed with the possibility of those with smaller lots having the option to install the units. With regard to allowing multiple units on one pole, the consensus was that multiple units may be ok especially if the lot size is bigger.

Deputy Town Manager Stueckle stated that, potentially Lancaster's ordinance provides for units on smaller residential lots.

Chair Lombardo questioned the ability of allowing a variance. Deputy Town Manager Stueckle advised that it is desirable to set standards by lot size etc., noting that ordinances call out precise measurements but they can be written with some flexibility. Commissioner consensus was to add flexibility in the language.

Dana Collins, Joshua Tree, expressed concern about the visual impact of allowing the units on smaller properties and the view shed on surrounding properties. She likes the 2 acre minimum lot size and the 110% setback.

Mary Ann Hill, Yucca Valley, expressed concern about the visual aspect on surrounding property, they should not be any more than 35' and the fall zone is very important.

Andy Canada, Yucca Valley, advised the units are designed to be small so they are not obtrusive.

Sarann Graham, Yucca Valley, commented there have been a lot of good points made tonight and the suggestions about getting public input would be recommended. She noted the number of units required to be useful changes the whole nature of the issue.

Commissioner Alberg advised he is looking forward to what staff brings back for review.

Chair Lombardo questioned if property owners have the ability to construct these units at this time. Planner Kirschmann advised there are several potential applications that may come in but there is the ability to apply for a conditional use permit.

Deputy Town Manager Stueckle have heard all commissions comments this evening in terms of way to look at standards will bring back and notice public hearing

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.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Kirschmann presented the project discussion to the meeting. A PowerPoint presentation was projected on the screen during the discussion, a printed copy of which is preserved in the meeting file.

With regards to Condition of Approval E1 Commissioner Graham questioned if the Town is only concerned about height not length. Planner Kirschmann stated it is evaluated on a case by case basis.

Commissioner Humphreville commented regarding the shelf life of special studies. Deputy Town Manager Stueckle advised that many of the timeframes are set by state and federal law, noting that information will be included in our application materials. Commissioner Humphreville commented that appraisals cost more than the actual park fee, and advised of the need to add a Condition of Approval to stop extortion payments to special interest groups, noting that he heard that such a group is suing Granite Construction on one of their projects. Deputy Town Manager Stueckle advised that issue is on the staff, Town Attorney discussion list.

Commissioner Graham questioned if it would be appropriate to flag fees so we can see what the estimated fees are. Deputy Town Manager Stueckle advised that one change staff is making to all application forms, primarily in area of Planning and Engineering, is including application fees specific to those for a plat map.

Commissioner Humphreville commented that frequently we have people stand in front of us and tell us he Town hinders development, noting we actually have very little to do with the requirements, they are mainly State and Federal requirements.

Deputy Town Manager Stueckle stated that the Commission has provided enough additional feedback so staff will be finalizing the application, bring back a flow chart and will return to the Commission one more time for discussion.

CONSENT AGENDA

None

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

STAFF REPORTS AND COMMENTS

None

COMMISSIONER REPORTS AND REQUESTS

Commissioner Alberg – None

Commissioner Graham - questioned if review of the antenna ordinance is still on the Commission's to do list. Deputy Town Manager Stueckle advised that it is.

Commissioner Humphreville – None

Chairman Lombardo – None

ANNOUNCEMENTS

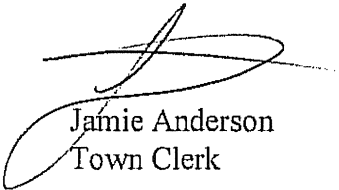
Time, date and place for the next Planning Commission Meeting.

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, April 12, 2011 at 6:00 p.m. in the Yucca Valley Community Center.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,



Jamie Anderson
Town Clerk