

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
JUNE 28, 2011**

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

Commissioners Present: Alberg, Bridenstine, Hildebrand, 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. CONDITIONAL USE PERMIT, CUP 01-11 NEILSON

A request for approval to install two 25' tall towers, one with three, five foot tall wind turbines and one with two five foot tall wind turbines. The applicant proposed to place the towers in the rear of the property, 40' from the rear property line and 68' from the eastern property line. The towers will be approximately 30' in overall height, less than the maximum permitted in this land use district but taller than the surrounding trees and homes.

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 the meeting of June 14, 2011 the Commission reviewed the application and directed staff to return with findings and Conditions of Approval of the application as submitted. Condition of Approval P4 requires WECS to be removed if the property, or any abutting properties, are subdivided.

Commissioner Alberg questioned the need to remove the towers if abutting properties are subdivided. Associate Planner Kirschmann explained the reasoning regarding fairness and the fact that surrounding properties would not be able to install the towers if they were subdivided.

Commissioner Humphreville commented that it appears to be moving the “goal post”, noting the property owner has no control if their neighbor subdivides. Commissioner Hildebrand and Bridenstine agreed. Consensus was that the question of subdividing should only apply to the lot where the towers are located.

Deputy Town Manager Stueckle commented, from the perspective of fairness in terms of the ordinance, if all surrounding properties subdivided to a level where they are not allowed to have freestanding towers, the question of fairness and equity comes into play.

Commissioner Bridenstine commented that people don’t necessarily have to use wind energy to be green, they can also put in solar, so they are not precluded from participating in green energy.

Chair Lombardo opened the Public Hearing.

Charla Shamhart, Yucca Valley, spoke in favor of this type of project in Town, and the possibility of getting off the higher portions of the electrical grid.

Kyle Jarvis, Yucca Valley, commented in favor of the project.

David Ziggler, Yucca Valley, Spoke in favor, noting that anything someone can do to lower their electricity bill and be green at same time is win/win situation.

Dana Collins, Joshua Tree, commented in opposition to wind energy systems noting they are visual pollution and emit low frequency sounds that are a proven health hazard.

There being no one else wishing to speak, Chair Lombardo closed the public hearing.

Commissioner Alberg moved to determine that the project is categorically exempt from CEQA under Section 15332, Class 32, Infill Development, approve Conditional Use Permit, CUP 02-11, for the construction of two 25’ tall towers, one tower with three, five foot diameter wind turbines, the second tower with two five foot diameter wind turbines and amend Condition of Approval P4 to read “should the subject property be subdivided the WECS shall be removed or brought into compliance with any Town adopted regulations in place at time of subdivision approval”. Commissioner Humphreville seconded. Motion carried 5-0 on a voice vote.

2. CONTINUATION OF PUBLIC HEARING ON THE REGULATION OF WIND ENERGY CONVERSION SYSTEMS (WECS) AND PRESENTATION OF A DRAFT ORDINANCE.

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

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. The draft ordinance requires a Land Use Compliance Application with 300' property owner notification. Roof mounted units are allowed on any residential lot, the maximum height is 35' from grade to the top of the WECS, but no higher above the roof line than is necessary for blade clearance, and a maximum of 5 turbines are allowed. Requirements for freestanding units are as follows: 20,000 square foot net; parcels zoned RS-2 or lower densities; allows units to be installed on lots zoned lower densities than RS-2, however all surrounding properties must meet the requirements to install WECS on their property; project will be conditioned that if the site or an abutting lot is subdivided, and no longer meets the requirements to have a WECS, the system will be removed; shall be located behind the front of the primary structure; shall meet setbacks as required by Land Use District, Tract Map, Specific Plan, Composite Development Plan, etc.; height not to exceed 52.5' unless a variance is approved; One WECS is allowed between 20,000 square feet net and 5 acres gross; the fall zone is removed. The noise requirements have been modified to be consistent with the Development Code and shall not exceed 55 dBs.

Deputy Town Manager Stueckle commented that in the single family residential district the maximum height for residential structures is 35' under the code, and accessory structures is a maximum of 20', so the commission will want to spend some time discussing the height between the standard maximum height of 35' and what is provided by this section.

Commissioner Bridenstine expressed concern regarding the total number of turbines allowed to be roof mounted, stating she thinks that 5 is going to be unsightly and seems excessive. She stated she didn't see where the Town would only allow one turbine per freestanding tower, or allow multiples as was just passed in the previous item. Deputy Town Manager Stueckle advised that currently the definition is one turbine with associated blades. Commissioner Bridenstine expressed concern about the noise level and questioned if a turbine at 60 dB's would have to be shut down. Deputy Town Manager Stueckle explained if there is some problem with the turbine staff will work to

get it resolved. Commissioner Bridenstine stated she has concerns with the fall zone and noted by putting the turbine towards the center of the property the noise abatement happens naturally, but if you allow the turbine to be within 5' of the property line she doesn't see how sound abatement could happen.

Commissioner Alberg commented regarding the removal of the fall zone. Associate Planner Kirschmann stated the industry standard is typically 100% of height. Commissioner Alberg questioned which land use district takes precedence, Land Use District, Tract Map, Specific Plan or Composite Development Plan. Associate Planner Kirschmann advised that existing code states any land use district is subject to a LUCR. Deputy Town Manager Stueckle explained the difference between each of the various uses. Commissioner Alberg stated that a 35' level cannot be put in town wide. Deputy Town Manager Stueckle recommended the Commission discuss 35' height vs. 52' height as the base code.

Commissioner Humphreville stated, when talking about height, consideration should be taken on property size, noting that 52' on 5 acres is not very intrusive, but on 1/2 acre it is. Commented he no longer feels that 5-6 of these turbines on the roof line is appropriate, and would rather see a 30' tower with one larger prop than several small units on a roof. He would also prefer just one pole. Regarding noise, the ordinance should be worded so that decibels are measured at the property line.

Chair Lombardo stated he feels a 35' height limit is practical and reasonable, but does not want to see a pole at 53'. He feels that setting standards on what we are willing to accept as far as height, power requirement, noise level etc., will cause the industry to start building toward those standards. He doesn't like the idea of 5 units on a roof line but understands the need for total wattage production necessary to make sense, and would rather see 5 on the roof than 3 poles, or more units on a pole than multiple poles. He also feels the Commission should look at power production, not the number of units, noting that there has to be a certain wattage to receive funding.

Chair Lombardo opened the public hearing

Andy Canada, Yucca Valley, commented that there is a need for multiple towers for about 5 turbines, noting there are hundreds of manufactures making units under 10 kw. The large turbines are very noisy and would probably not pass the decibel requirements.

Malinda Allen, Yucca Valley, commented the larger turbines that generate 10 kw requires a much taller pole and stronger winds. The power generated causes the meter to run backwards so you come out of the higher tiers.

Monty Finefrock, Yucca Valley, commented he has not been able to find any real good economic information on these units, and stated he is surprised they would be considered without a setback. In addition, 5 units on a roof line will not be maintenance free.

Charla Shamhart, Yucca Valley, encouraged the Commission not to lose sight of the fact that putting up a home has already made more of imprint than these would make, are questioned if there are any variances allowed on this ordinance.

Paula Finefrock, Yucca Valley, spoke in opposition noting that multiple units will be an eyesore cause noise issues.

Dave Ziegler, Yucca Valley, spoke in favor of allowing the windmills noting they will help people on fixed incomes.

Dana Collins, Joshua Tree, spoke in opposition stating that multiple units are going to affect noise levels.

Jim Zing, Yucca Valley, expressed concern regarding obstruction of the view shed.

Terry Courtney, Yucca Valley, commented regarding the need to do research regarding how much someone is going to save.

Nicholas Lombardo, Yucca Valley, spoke in favor of a lower number of units even if all it does is help pay the electric bill.

Ernie Goodlander, Yucca Valley, commented he is not a proponent of looking at windmills but it is progress.

Discussion ensued regarding rebates for a minimum of 10 kw systems.

Chair Lombardo commented that there is a lot of wind here and we are not densely populated so there is a need to allow them if practical.

Commissioner Bridenstine stated this is a great application for ½ acre lots or greater but not for the small or denser properties.

Upon discussion consensus was to allow a pole height of 25' on ½ acre lots, 30' on ¾ acres, 35' on 1-5 acre lots, and 52.5' maximum height on lots of 5 acres or more. The setback should be related to the height of the pole plus the extension of the unit on the

pole. Noise standard of 55 dB at property line is appropriate. It was suggested that one pole be allowed on a ½ acre lot, 1 pole and a couple of roof mounted units on a ¾ acre lot and a maximum of 2 poles should be allowed on an 1 or more. There should be no more than 12 kw generation allowed. There is a limit of 2 roof mounted units allowed.

With regard to allowance on lots smaller than ½ acre, Commissioner Bridenstine and Commissioner Humphreville agreed they should not be allowed. Chair Lombardo commented that those are the people who want the help on their bills. Commissioner Hildebrand questioned if approval can be left to staff for the smaller lots.

Commissioner Bridenstine commented the Commission is working on an ordinance that is basically the law for our Town and should do it as we see best for long term future of our Town.

Commissioner Alberg moved to recommend that the Town Council review the WECS Ordinance with the Planning Commission at their earliest convenience. Commissioner Humphreville seconded. Motion carried 5-0 on a voice vote.

DISCUSSION ITEM:

3. SELECTION OF PLANNING COMMISSION CHAIRMAN AND VICE-CHAIRMAN

Associate Planner Kirschmann advised that the Municipal Code and Commission rules of procedure require the members to annually select one of its members to serve as the Chairman and one as the Vice Chairman.

Deputy Town Manager Stueckle added that with all the changes that have been occurring on the Council and Commission there has not been a Vice Chair for quite some time.

Commissioner Humphreville moved to nominate Commissioner Lombardo to continue serving as Chair for the next 12 months. Commissioner Hildebrand seconded. Motion carried unanimously.

Commissioner Alberg moved to nominate Commissioner Humphreville as Vice Chair for the next 12 months. Commissioner Bridenstine seconded. Motion carried unanimously.

CONSENT AGENDA

4. MINUTES

A request that the Planning Commission approve as submitted the minutes of the regular meetings held on May 12, 2011, May 24, 2011 and June 14, 2011

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

FUTURE AGENDA ITEMS:

SPR 02-08, Yucca Plaza, Extension of time

Associate Planner Kirschmann advised the utility undergrounding ordinance will also be returning to the Commission for discussion.

STAFF REPORTS AND COMMENTS

None

COMMISSIONER REPORTS AND REQUESTS

Commissioner Humphreville commented that he will be out of the area in July. Deputy Town Manager Stueckle advised he anticipates there will not be a meeting on July 12th.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, July 26, 2011 at 6:00 p.m. in the Yucca Valley Community Center.

PUBLIC COMMENTS

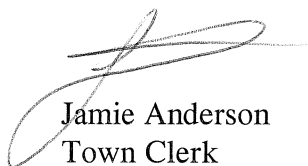
Ernie Goodlander, Yucca Valley, commented regarding ongoing work at the animal shelter site.

Deputy Town Manager Stueckle advised that the general biological survey was conducted on the site and is available, staff will be following up in writing to Mr. Goodlander. Additionally there is a native plant plan that did go through standard approval process.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,



Jamie Anderson
Town Clerk