I. CALL TO ORDER: Chairman Escandel

➤ Pledge of Allegiance: Commissioner Hawkins

➤ Roll Call: Chairman Escandel, Commissioner Arterberry; Commissioner Barsh; Commissioner Hawkins; Commissioner Siva

II. PUBLIC COMMENTS:

At this time, the general public is invited to address the Planning Commission concerning any items that are not listed on the agenda, which are not public hearings or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to three (3) minutes in accordance with City policy.

III. CONSENT CALENDAR ITEMS:

Note: All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

1. Approval of the December 1, 2010 Planning Commission Minutes
IV. PUBLIC HEARINGS

1. Initial Study/Negative Declaration and Zone Text Amendment No. 10-97506; Amendment to the Banning Municipal Code to adopt development standards and guidelines to allow the installation of Small Wind Turbines as a conditionally permitted use in the Open Space (OS), Public Facilities-Airport (PF-A), Public Facilities-Schools (PF-S), Public Facilities-Hospitals (PF-H), Ranch Agriculture (R/A), Rural Residential (RR), Very Low Density Residential (VLDR), Professional Office (PO), Industrial (I), Airport Industrial (AI), Business Park (BP), and Industrial-Mineral Resources (IMR) zoning districts; and, the installation of small wind turbines permitted by right in Public Facilities-Government (PF-G), and Public Facilities-Fire (PF-F).

Page 4

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. City Council Actions from previous meetings on Planning-Related Items (Oral Report)

2. East Ramsey Street Monumentation & Beautification Presentation

VII. TENTATIVE PROJECTS SCHEDULED FOR FEBRUARY 1, 2011

VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of February 1, 2011 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II]
City of Banning

PLANNING COMMISSION MINUTES

December 1, 2010

A regular meeting of the City of Banning Planning Commission was held on Wednesday, December 1, 2010 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Escandel
                           Commissioner Arterberry
                           Commissioner Barsh
                           Commissioner Siva

Commissioners Excused: Commissioner Hawkins

Staff Present: Community Development Director Abu Bakar
              Assistant City Attorney Laymon
              Assistant Planner Guillot
              Recording Secretary Sorenson

I. CALL TO ORDER

II. PUBLIC COMMENT

   No one came forward.

III. CONSENT CALENDAR

   1. Review of Minutes (November 3, 2010)

      ACTION (BARCH / ARTERBERRY): A motion was moved, seconded and carried that item 1 be approved as presented.

      (Motion carried 4 – 0) (Commissioner Hawkins was excused)
IV. PUBLIC HEARINGS

1. Initial Study/Negative Declaration and Zone Text Amendment No. 10-97505; Amendment to the Banning Municipal Code to adopt development standards and guidelines for Tattoo and Body Piercing Parlors, Hookah and Smoking Lounges, Fortune Telling, Mobile Vending and Code Cleanup.

Assistant Planner Guillot presented the staff report and stated that last May the City Council adopted urgency Ordinance No. 1423 prohibiting the above mentioned uses on a temporary basis until regulations could be prepared by staff for Planning Commission and City Council consideration. In response to public inquiries, staff identified that there is no provision for these uses in our Zoning Code. One of the purposes of the establishment of land use districts as defined in our Zoning Ordinance is to improve the livability of residential neighborhoods while encouraging economic development that supports commercial and industrial businesses. This in part is accomplished by permitting or conditionally permitting some uses and prohibiting other uses in any given land use zone. Proposed Ordinance No. 1434 will allow the subject uses, subject to the approval of a conditional use permit, by the Planning Commission.

Mr. Guillot pointed out the amended Ordinance that was given to the Commissioners this evening and discussed the substantial changes on pages 18, 19 and 20. The definitions and findings were also discussed. The Commissioners had many questions regarding mobile vendors and people who provide services at your home, such as a mobile dog groomer. Mr. Guillot explained that “Technical Staff Review” would be in place of “City Manager designee”. He also went over the requirements and prohibitions and there was discussion of the regulations regarding public and private property and schools.

Chairman Escandel inquired about carnivals, fairs and Stagecoach Days and vendors being on an “improved surface”. Mr. Guillot responded that the chairman / coordinator for the event would be responsible to apply for a temporary use permit and in their plans they would show where the vendors would be placed. This permit would cover the entire event and all the people who are included in it.

Staff recommended approval of Resolution No. 2010-13 that recommends the draft ordinance to City Council as amended.

Commissioner Siva inquired about smoking lounges and Mr. Guillot responded that they would need to obtain a conditional use permit. Commissioner Siva also inquired about oxygen bars. Assistant City Attorney Laymon responded that they are not connected with tobacco products and Mr. Guillot answered that this is not a land use issue and through the business license process, it would be inspected by the Fire Department.
Commissioner Arterberry inquired about the Code Clean Up and Mr. Guillot explained about Table 17.12.020 and that used car establishments would no longer be required to have 50% new products.

**ACTIONS (BARSH / SIVA):** A motion was moved, seconded and carried that the Planning Commission:

1. Recommend to the City Council adoption of a Negative Declaration in compliance with the California Environmental Quality Act Section 15000 et seq.;

(Motion carried 4 – 0) (Commissioner Hawkins was excused)


(Motion carried 4 – 0) (Commissioner Hawkins was excused)

V. **TENTATIVE PROJECTS SCHEDULED FOR JANUARY 5, 2011**

   No discussion on these items.

VI. **PLANNING COMMISSIONER COMMENTS**

   No comments at this time.

VII. **COMMUNITY DEVELOPMENT DIRECTOR’S REPORT**

   Nothing to report at this time.

VIII. **ADJOURNMENT**

   There being no further business to come before the Planning Commission, the meeting was adjourned at 7:10 p.m. to the Planning Commission meeting on January 5, 2011 at 6:30 p.m.

Respectfully submitted,

Gini Sorensen
Recording Secretary
DATE: January 5, 2011

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department, Planning Division

SUBJECT: ZONE TEXT AMENDMENT #10-97506: STANDARDS AND GUIDELINES FOR SMALL WIND TURBINES

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following actions:

1. Recommending that the City Council adopt a Negative Declaration in compliance with the California Environmental Quality Act Section 15000 et seq.; and,

2. Adopt Planning Commission Resolution No. 2010-10 recommending approval of Ordinance No. 1432 to City Council amending the “Zoning Ordinance” for Small Wind Turbines.

APPLICANT INFORMATION

Applicant: City of Banning
99 E. Ramsey Street
Banning, CA 92220

BACKGROUND/ANALYSIS

This item was continued from the November 3, 2010, Planning Commission meeting. Staff has considered the comments from the Planning Commission and public hearing and incorporated changes into this report.

Planning Commission requested that the following items be directly addressed:

- Research other technologies to see how the proposed regulations may be affected.
Staffs response,

It is difficult to address future technologies as these continue to change and advance as progress is made in systems and materials used in products and services. The regulations proposed herein are presented in response to the availability of small wind turbines for local use as an existing technology. As technologies develop and it becomes necessary to add or modify land use regulations, any proposed changes would be presented to Planning Commission for review and approval. The regulations proposed herein apply to all ground mounted or building mounted (roof) installations for wind generated energy systems producing not more than 50kW. At this time, small wind energy systems take on various designs such as spherical, wheel, or the more typical blade design. Accept for limited government installations, all small wind turbine installations/projects, no matter the design, shall be presented to Planning Commission for review and approval.

- Why are small wind turbines proposed as a permitted use in Public Facilities – Government (PF-G) and Public Facilities – Fire station (PF-F) land use designations (zones)?

Staffs response,

Local regulations such as land use regulations do not apply to government agencies such as the State of California and the Federal government. Attempts by a local agency to regulate state and federal agencies may be viewed as interfering with their rights. For example, the construction of a new high school does not involve permitting by the Building and Safety Department for the City of Banning as the Division of the State Architect’s (DSA) office provides all design services, permitting, and inspection for state projects. This type of oversight is typical for most local, state, and federal government projects.

- What is the cost for the average small wind turbine installation?

Staffs response,

In a report prepared by KEMA for the California Energy Commission dated July 2009, it was related that two clear price trends were seen in their research: $7,500 per kW for systems under 3 kW and approximately $5,000 per kW for 9 kW to 10 kW systems. For example it is estimated that a 10kW system would cost $50,000 for the complete installation. A copy of the full report may be viewed at the Planning Secretary’s office or by going to the California Energy Commission website (http://www.energy.ca.gov/wind/overview.html).
In the year 2004, wind energy in California produced 4,258 million kilowatt-hours of electricity, about 1.5 percent of the state's total electricity. More than 13,000 of California's wind turbines, or 95 percent of all of California's wind generating capacity and output, are located in three primary regions: Altamont Pass east of San Francisco, Tehachapi south east of Bakersfield, and the San Gorgonio Pass. In 1995, these areas produced 30 percent of the entire world's wind-generated electricity.\(^1\)

According to the *Electric Power Research Institute*, the cost of producing wind energy has decreased nearly fourfold since 1980. The levelized cost of energy from wind turbines in 1993 was about 7.5 cents per kilowatt-hour. With current wind research and development efforts, the Energy Commission estimates that newer technologies can reduce the cost of wind energy to 3.5 cents per kilowatt-hour.\(^1\) Wind energy also creates jobs. The *American Wind Energy Association* estimated that through the early 1990s, 1,200 direct jobs in California’s wind industry, with as many as 4,000 indirect jobs, were created.\(^1\)

Small wind turbines can be used by farms, homes, and businesses in windy locations, such as the Pass area. They can also be used (like solar cells) in areas where it is not feasible to run power lines because of the cost.

An example of a small wind turbine is installed at the City Yard, 176 E. Lincoln Street, as a test unit. The turbine is a new generation “Energy Ball” manufactured by Home Energy Americas, LLC and is rated at 2.5 kW (2500 W). The height of the turbine is approximately 50 feet mounted on a single steel pole (refer to Attachment 4 for photographs). After several more months of data is collected on this installation, the Electric Department will evaluate whether installing this type of system on other municipal buildings is cost effective.

Presently, the “Zoning Ordinance” for the City of Banning does not permit the installation of small wind turbines. The purpose of this “Zoning Ordinance” amendment is to allow the installation of small wind turbines that have a rated capacity of not more than 50kW and are intended primarily to reduce on-site consumption of utility power. The installation of large wind turbines and wind farms is outside the scope of this proposal and would require more detailed review in accordance with the California Environmental Quality Act (CEQA). Additionally, the City owned electric utility is not providing any incentives at this time for wind turbine installations.

The regulations as proposed in the subject Zone Text Amendment are modeled after State of California Assembly Bill (AB) 45 that sets forth guidelines for the installation of small wind energy systems. The Bill is limited to installations outside of urbanized areas on a parcel of land of at least 1 acre in size.

Specific requirements for the proposed City of Banning Ordinance include the following:

1. Amend the Banning “Zoning Ordinance” to allow installation of small wind turbines as a conditionally permitted use in the Open Space (OS), Public Facilities-Airport (PF-A), Public Facilities-Schools (PF-S), Public Facilities-Hospitals (PF-H), Ranch Agriculture (R/A), Rural Residential (RR), Very Low Density Residential (VLDR), General Commercial (GC), Highway-Serving Commercial (HSC), Professional Office (PO),
Industrial (I), Airport Industrial (AI), Business Park (BP), and Industrial-Mineral Resources (IMR) zoning districts; and, the installation of small wind turbines permitted by right in Public Facilities- Government (PF-G), and Public Facilities-Fire (PF-F).

2. The parcel where the small wind turbine is located shall be at least one acre in size.

3. The small wind turbine or related structures shall not be located on any building, unless approved by the Planning Commission.

4. The small wind turbine shall be setback from the property lines and street at least equal to the height of the tower.

5. The maximum overall height for a ground mounted small wind turbine shall be eighty feet above grade for one acre to five acre parcels, and one-hundred feet above grade for parcels greater than five acres; or, as stipulated by the airport land use plan or Federal Aviation Administration requirement.

6. Access to the small wind turbine shall be restricted from the public right-of-way by a wall/fence; or, restricted by locating any climbing apparatus greater than 12 feet from the ground.

7. No sign or advertising shall be attached to the small wind turbine structure, except for signs that identify the manufacturer, installer, or owner, or public health and safety signs related to the small wind turbine installation or operation.

8. Decibel levels for small wind turbine installations in residential zones shall not exceed the outdoor one-hour average of 45 dBA as measured from the nearest property line; or, as provided for in the City’s Noise Ordinance.

The purpose of the setback requirement is that sound levels tend to lessen as you move away from the generator and the setback requirement will help ensure that the noise generated from the small wind turbine installation does not disturb neighbors. Please note that the proposed Ordinance would only permit small wind turbine installations in the Ranch Agriculture (R/A) residential zoning district because of the minimum lot size. All other proposed zoning districts where small wind turbines may be installed are outside residential zones.

The installation of small wind turbines provides the opportunity for development and utilization of local renewable energy resources, which could reduce dependence on less environmentally friendly energy resources. The City Council has adopted goals and policies to encourage local on-site generation of electrical power. These include the Clean & Green Report & Recommendations accepted in June 2008; along with the policies of the General Plan, specifically those listed in the Environmental Resources Element as follows:

Policy 2 states that the City “promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaics, and other clean energy systems, directly into building design and construction”. Permitting the installation of small wind
turbines by amending the “Zoning Ordinance” effectively promotes the integration of alternative energy systems. Small wind turbines are clean energy systems that utilize local renewable resources (wind). Further, Policy 4 states that the City “support public and private efforts to develop and operate alternative systems of wind, solar and other electrical production, which take advantage of local renewable resources”. The adoption of proposed standards and guidelines for small wind turbines support private efforts to develop and operate alternative systems of electrical production in the appropriate zone districts in accordance with the setback, height, and other stated development standards as listed in the “Zoning Ordinance” and proposed amendments.

If approved, the cost of obtaining a conditional use permit in the City of Banning for a small wind turbine installation in a commercial zone is $4,779.00 plus the cost associated with the environmental review. In a report prepared by KEMA for the California Energy Commission dated July 2009, it was related that the cost for permitting in Riverside County averaged $4,000 to $12,000.²

ENVIRONMENTAL DETERMINATION

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Department as provided in the Staff Report dated November 3, 2010, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **California Environmental Quality Act (CEQA):**

   CEQA: The Planning Commission has analyzed this proposed project and has determined that a Negative Declaration is required per the California Environmental Quality Act (“CEQA”) under Section 15070(a) regarding negative declarations, Section 15268 regarding ministerial projects, and Section 15378 regarding the definition of “project” of the CEQA Guidelines, which provide that the adoption of an ordinance by a city is considered a project which requires the preparation of an Initial Study. However, the Project (the adoption of an ordinance amending the City of Banning “Zoning Ordinance”) does not have negative impacts on the environment. A Negative Declaration is proposed for adoption.

2. **Multiple Species Habitat Conservation Plan (MSHCP):**

    The amendment to the “Zoning Ordinance” does not relate to any one physical project and is not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.
PUBLIC COMMUNICATION

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on October 15, 2010. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

1 Information obtained from the California Energy Commission website http://www.energy.ca.gov/wind/overview.html

2 Emerging Renewables Program Small Wind Incentives Study KEMA 2009

Prepared by:  
Brian Guillot  
Assistant Planner

Approved by:  
Zai Abu Bakar  
Community Development Director

PC Attachments:

1. PC Resolution No. 2010-10 (including a copy of Draft Ordinance No. 1432)
2. Copy of Government Code Section 65893-65899
3. Photographs - City Yard installation, 176 E. Lincoln Street
4. Initial Study/Negative Declaration
Attachment 1
(PC Resolution No. 2010-10)
RESOLUTION NO. 2010-10

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BANNING, CALIFORNIA
RECOMMENDING THAT THE CITY COUNCIL
APPROVE ZONE TEXT AMENDMENT NO. 10-97506, TO
ADOPT DEVELOPMENT STANDARDS AND
GUIDELINES FOR SMALL WIND TURBINES IN THE
CITY OF BANNING

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance
update in 2006; and

WHEREAS, the Municipal Code allows for Zone Text Amendments consistent with the
goals and policies of the General Plan; and

WHEREAS, the City desires to amend the “Zoning Ordinance” to permit small wind
turbines in accordance with the proposed development standards and guidelines; and

WHEREAS, on the 15th day of October, 2010, the City gave public notice as required
under “Zoning Ordinance” Chapter 17.68 by advertising in the Record Gazette newspaper of the
holding of a public hearing at which the amendment to the “Zoning Ordinance” would be
considered; and

WHEREAS, on the 3rd day of November, 2010, the Planning Commission held the
noticed public hearing at which interested persons had an opportunity to testify in support of, or
opposition to, the proposed Zone Text Amendment and at which time the Planning Commission
considered the Zone Text Amendment; and

WHEREAS, at this public hearing on the 3rd day of November, 2010 the Planning
Commission considered and heard public comments on the proposed Zone Text Amendment;
and continued the public hearing off-calendar to allow staff to address the Planning
Commission’s comments; and

WHEREAS, on the 24th day of December, 2010, the City gave public notice as required
under “Zoning Ordinance” Chapter 17.68 by advertising in the Record Gazette newspaper of the
holding of a public hearing at which the amendment to the “Zoning Ordinance” would be
considered; and

WHEREAS, on the 5th day of January, 2011, the Planning Commission held the noticed
public hearing at which interested persons had an opportunity to testify in support of, or
opposition to, the proposed Zone Text Amendment and at which time the Planning Commission
considered the Zone Text Amendment; and
WHEREAS, at this public hearing, the Planning Commission has analyzed this proposed project and has determined that it is not exempt from the California Environmental Quality Act ("CEQA") Sections 15070(a) regarding negative declarations, 15268 regarding ministerial projects, and 15378 regarding the definition of "project" of the CEQA Guidelines and a Negative Declaration is recommended for adoption by the City Council.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby find, determine, and resolve as follows:

SECTION 1 ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Department as provided in the Staff Report dated January 5, 2011, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

   The Planning Commission has analyzed this proposed project and has determined that a Negative Declaration is required per the California Environmental Quality Act ("CEQA") under Section 15070(a) regarding negative declarations, Section 15268 regarding ministerial projects, and Section 15378 regarding the definition of "project" of the CEQA Guidelines, which provide that the adoption of an ordinance by a city is considered a project which requires the preparation of an Initial Study. However, the Project (the adoption of an ordinance amending the City of Banning Municipal Code) does not have negative impacts on the environment. A Negative Declaration is proposed for adoption.

2. Multiple Species Habitat Conservation Plan (MSHCP).

   The amendment to the "Zoning Ordinance" does not relate to any one physical project and is not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2 REQUIRED FINDINGS.

Finding No. 1:
The proposed Amendment is consistent with the goals and policies of the General Plan.

Facts:
Zone Text Amendment No. 10-97506 is consistent with the goals and policies of the General Plan. First, the proposed Ordinance regulating small wind turbines will not result in any changes to the General Plan text or land use map which will maintain internal consistency. Second, the proposed standards and guidelines in proposed Zone Text Amendment No. 10-
97506 will permit compliance with the policies of the Environment Resources Element of the General Plan as follows:

Policy 2 states that the City “promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaics, and other clean energy systems, directly into building design and construction”. Permitting the installation of small wind turbines by amending the “Zoning Ordinance” effectively promotes the integration of alternative energy systems. Small wind turbines are clean energy systems that utilize local renewable resources (wind). Further, Policy 4 states that the City “support public and private efforts to develop and operate alternative systems of wind, solar and other electrical production, which take advantage of local renewable resources”. The adoption of the proposed standards and guidelines for small wind turbines supports private efforts to develop and operate alternative systems of electrical production in the appropriate zone districts in accordance with the setback, height, and other stated development standards as listed in the “Zoning Ordinance” and proposed amendments.

Finding No. 2:
The proposed Amendment is internally consistent with the “Zoning Ordinance”.

Facts:
Zone Text Amendment No. 10-97506 is consistent with the provisions of the “Zoning Ordinance” in that the proposed amendment will establish specific development and operational standards, and land use regulations for reviewing and processing small wind turbine installations in the City. It is the intent of the “Zoning Ordinance” to provide specific development standards for a variety of land use types in the City of Banning, and small wind turbines will be permitted in the appropriate zoning districts similar to antennae installations.

Finding 3:
The Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Facts:
The Planning Commission has analyzed this proposed project and has determined that a Negative Declaration is required per the California Environmental Quality Act (“CEQA”) under Section 15070(a) regarding negative declarations, Section 15268 regarding ministerial projects, and Section 15378 regarding the definition of “project” of the CEQA Guidelines, which provide that the adoption of an ordinance by a city is considered a project which requires the preparation of an Initial Study. However, the Project (the adoption of an ordinance amending the City of Banning “Zoning Ordinance”) does not have negative impacts on the environment. A Negative Declaration is proposed for adoption.

SECTION 3 PLANNING COMMISSION ACTIONS.
The Planning Commission hereby takes the following actions:
1. Recommending that the City Council adopt a Negative Declaration in compliance with the California Environmental Quality Act Section 15000 et seq.; and,

2. Adopt Planning Commission Resolution No. 2010-10 recommending approval of Ordinance No. 1432 (as shown in Exhibit “A”) to City Council amending the “Zoning Ordinance” for Small Wind Turbines as follows:

Add the following code section:

17.24.065 – Small Wind Turbine, design standards.

All small wind turbines, which have a rated capacity of not more than 50kW and are intended primarily to reduce on-site consumption of utility power, shall be installed in the following manner:

A. The location shall conform to all development standards of the zoning district in which it is proposed.

B. The parcel where the small wind turbine is located shall be at least one acre in size.

C. The small wind turbine or related structures shall not be located on any building, unless approved by the Planning Commission.

D. The small wind turbine shall be setback from the property lines and street at least equal to the height of the tower.

E. The maximum overall height for a ground mounted small wind turbine shall be eighty feet above grade for one acre to five acre parcels and one-hundred feet above grade for parcels greater than five acres; or, as stipulated by the airport land use plan or Federal Aviation Administration requirement.

F. Access to the small wind turbine shall be restricted from the public right-of-way by a wall/fence; or, restricted by locating any climbing apparatus greater than 12 feet from the ground.

G. No sign or advertising shall be attached to the small wind turbine structure, except for signs that identify the manufacturer, installer, or owner, or public health and safety signs related to the small wind turbine installation or operation.

H. Decibel levels for small wind turbine installations in residential zones shall not exceed the outdoor one-hour average of 45 dBA as measured from the nearest property line; or, as provided for in the City’s Noise Ordinance.

Add the following row to the “Miscellaneous” category of Table 17.44.010:

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<tr>
<th>Miscellaneous:</th>
<th>Community Development Director</th>
<th>Planning Commission</th>
<th>City Council</th>
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<tr>
<td>Antennae</td>
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<tr>
<td>Small wind turbine</td>
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<td></td>
</tr>
<tr>
<td>Fence and Walls</td>
<td>X</td>
<td></td>
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</table>
Add the following row to the "Other Uses" category of Table 17.20.020 "Permitted, Conditional and Prohibited Open Space Uses":

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>OS-R</th>
<th>OS-PA</th>
<th>OS-P</th>
<th>OS-H</th>
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</thead>
<tbody>
<tr>
<td>Antennae and communications</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Small wind turbine</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

Add the following row to the "Other Uses" category of Table 17.16.020 "Permitted, Conditional and Prohibited Public Facilities Uses":

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>PF-A</th>
<th>PF-G</th>
<th>PF-F</th>
<th>PF-S</th>
<th>PF-H</th>
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</thead>
<tbody>
<tr>
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<td>Small wind turbine</td>
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<td>P</td>
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<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

Add the following row to the "Accessory Uses" category of Table 17.08.020 "Permitted, Conditional and Prohibited Residential Uses":

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<thead>
<tr>
<th>Accessory Uses</th>
<th>R/A</th>
<th>R/A/H</th>
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<th>RR/H</th>
<th>VLD</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Small wind turbine</td>
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<td>C</td>
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<td>X</td>
<td>X</td>
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</tbody>
</table>

Modify the following row in Table 17.08.030 "Residential Development Standards":

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<thead>
<tr>
<th>Maximum Height (stories/feet)</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLD</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
</tr>
</thead>
</table>

*9 Not including control towers, communications towers, small wind turbines, bell towers, steeples and similar architectural treatments.

Add the following row to the "Other Uses" category of Table 17.12.020 "Permitted, Conditional and Prohibited Commercial and Industrial Uses":

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial or telecommunications antennae</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Small wind turbine</td>
<td>X</td>
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<td>C</td>
</tr>
</tbody>
</table>
PASSED, APPROVED AND ADOPTED this 5th day of January, 2011.

____________________________________
Bill Escandel, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

____________________________________
Lona N. Laymon
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

ATTEST:

____________________________________
Virginia Sorenson, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2010-10, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of January, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

____________________________________
Virginia Sorenson, Recording Secretary
City of Banning, California
ORDINANCE NO. 1432

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING ZONING TEXT AMENDMENT NO. 10-97506 TO ADOPT DEVELOPMENT STANDARDS AND GUIDELINES FOR SMALL WIND TURBINES IN THE CITY OF BANNING

WHEREAS, the proposed Zoning Text Amendment #10-97506 was duly initiated by the City of Banning; and

WHEREAS, the Municipal Code provides for “Zoning Ordinance” amendments consistent with the goals and policies of the General Plan; and

WHEREAS, on June 10, 2008, the City Council accepted the Clean & Green Report & Recommendations that stated, along with other recommendations, that the City adopt regulations that encourage local on-site generation of electrical power; and

WHEREAS, the installation of small wind turbines provides the opportunity for development and utilization of local renewable energy resources, which could reduce dependence on less environmentally friendly energy resources; and

WHEREAS, the City’s current “Zoning Ordinance” does not address small wind turbines; and, therefore does not provide for the development of the same; and

WHEREAS, on January 5, 2011, the Planning Commission held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to Zoning Text Amendment No. 10-97506 and at which time the Planning Commission considered the proposed Zoning Text Amendment and recommended approval of Ordinance No. 1432 to City Council amending the “Zoning Ordinance” for Small Wind Turbines; and

WHEREAS, on ______________, the City published a public hearing notice for Zoning Text Amendment No. 10-97506 in the Record Gazette newspaper in compliance with state law and Chapter 17.68 of the Banning Zoning Ordinance; and

WHEREAS, on ______________, the City Council held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to Zone Text Amendment No. 10-97506; and

WHEREAS, at said public hearing on ______________, the City Council considered and heard public testimony and comments regarding Zoning Text Amendment No. 10-97506; and
WHEREAS, at this public hearing, the City Council analyzed the proposed project and has determined that it is not exempt from the California Environmental Quality Act ("CEQA") Sections 15070(a) regarding negative declarations, 15268 regarding ministerial projects, and 15378 regarding the definition of "project" of the CEQA Guidelines and a Negative Declaration is recommended for adoption by the City Council.

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on ______.

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Banning as follows:

SECTION 1 ENVIRONMENTAL FINDING.

The City Council, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Department as provided in the Staff Report dated ________________ and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):
The City Council has analyzed this proposed project and has determined that a Negative Declaration is required per the California Environmental Quality Act ("CEQA") under Section 15070(a) regarding negative declarations, Section 15268 regarding ministerial projects, and Section 15378 regarding the definition of "project" of the CEQA Guidelines, which provide that the adoption of an ordinance by a city is considered a project which requires the preparation of an Initial Study. However, the Project (the adoption of an ordinance amending the City of Banning Municipal Code) does not have negative impacts on the environment. A Negative Declaration is proposed for adoption.

2. Multiple Species Habitat Conservation Plan (MSHCP).
The amendment to the "Zoning Ordinance" does not relate to any one physical project and is not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2 REQUIRED FINDINGS.

Finding No. 1:
The proposed Amendment is consistent with the goals and policies of the General Plan.

Facts:
Zoning Text Amendment No. 10-97506 is consistent with the goals and policies of the General Plan. First, the proposed Ordinance regulating small wind turbines will not result in any changes to the General Plan text or land use map which will maintain internal consistency. Second, the proposed standards and guidelines in proposed Zoning Text Amendment No. 10-97506 will permit compliance with the policies of the Environment Resources Element of the General Plan as follows:

Policy 2 states that the City “promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaics, and other clean energy systems, directly into building design and construction”. Permitting the installation of small wind turbines by amending the “Zoning Ordinance” effectively promotes the integration of alternative energy systems. Small wind turbines are clean energy systems that utilize local renewable resources (wind). Further, Policy 4 states that the City “support public and private efforts to develop and operate alternative systems of wind, solar and other electrical production, which take advantage of local renewable resources”. The adoption of the proposed standards and guidelines for small wind turbines supports private efforts to develop and operate alternative systems of electrical production in the appropriate zone districts in accordance with the setback, height, and other stated development standards as listed in the “Zoning Ordinance” and proposed amendments.

Finding No. 2:
The proposed Amendment is internally consistent with the Zoning Ordinance.

Facts:
Zoning Text Amendment No. 10-97506 is consistent with the provisions of the “Zoning Ordinance” in that the proposed amendment will establish specific development and operational standards, and land use regulations for reviewing and processing small wind turbine installations in the City. It is the intent of the “Zoning Ordinance” to provide specific development standards for a variety of land use types in the City of Banning, and small wind turbines will be permitted in the appropriate zoning districts similar to antennae installations.

Finding 3:
The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Facts:
The City Council upon recommendation of the Planning Commission has analyzed this proposed project and has determined that a Negative Declaration is required per the California Environmental Quality Act (“CEQA”) under Section 15070(a)
regarding negative declarations, Section 15268 regarding ministerial projects, and Section 15378 regarding the definition of "project" of the CEQA Guidelines, which provide that the adoption of an ordinance by a city is considered a project which requires the preparation of an Initial Study. However, the Project (the adoption of an ordinance amending the City of Banning Municipal Code) does not have negative impacts on the environment. A Negative Declaration is proposed for adoption.

SECTION 3 ZONING ORDINANCE AMENDMENT.

Title 17 of the Banning Municipal Code (Zoning Ordinance) is hereby amended as follows:

*Add the following code section:*

17.24.065 – Small Wind Turbine, design standards.

All small wind turbines, which have a rated capacity of not more than 50kW and are intended primarily to reduce on-site consumption of utility power, shall be installed in the following manner:

A. The location shall conform to all development standards of the zoning district in which it is proposed.

B. The parcel where the small wind turbine is located shall be at least one acre in size.

C. The small wind turbine or related structures shall not be located on any building, unless approved by the Planning Commission.

D. The small wind turbine shall be setback from the property lines and street at least equal to the height of the tower.

E. The maximum overall height for a ground mounted small wind turbine shall be eighty feet above grade for one acre to five acre parcels, and one-hundred feet above grade for parcels greater than five acres; or, as stipulated by the airport land use plan or Federal Aviation Administration requirement.

F. Access to the small wind turbine shall be restricted from the public right-of-way by a wall/fence; or, restricted by locating any climbing apparatus greater than 12 feet from the ground.

G. No sign or advertising shall be attached to the small wind turbine structure, except for signs that identify the manufacturer, installer, or owner, or public health and safety signs related to the small wind turbine installation or operation.
H. Decibel levels for small wind turbine installations in residential zones shall not exceed the outdoor one-hour average of 45 dBA as measured from the nearest property line; or, as provided for in the City's Noise Ordinance.

Add the following row to the “Miscellaneous” category of Table 17.44.010:

<table>
<thead>
<tr>
<th>Miscellaneous:</th>
<th>Community Development Director</th>
<th>Planning Commission</th>
<th>City Council</th>
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<tr>
<td>Antennae</td>
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<tr>
<td>Small wind turbine</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Fence and Walls</td>
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</table>

Add the following row to the “Other Uses” category of Table 17.20.020 “Permitted, Conditional and Prohibited Open Space Uses”:

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>OS-R</th>
<th>OS-PA</th>
<th>OS-PU</th>
<th>OS-H</th>
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<tbody>
<tr>
<td>Antennae and communications towers</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Small wind turbine</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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</tbody>
</table>

Add the following row to the “Other Uses” category of Table 17.16.020 “Permitted, Conditional and Prohibited Public Facilities Uses”:

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>PF-A</th>
<th>PF-G</th>
<th>PF-F</th>
<th>PF-S</th>
<th>PF-H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antennae and communications towers</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Small wind turbine</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

Add the following row to the “Accessory Uses” category of Table 17.08.020 “Permitted, Conditional and Prohibited Residential Uses”:

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<th>Accessory Uses</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLD</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
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<td>Telecommunications Antennae</td>
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<td>X</td>
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<td>X</td>
<td>X</td>
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Modify the following row in Table 17.08.030 "Residential Development Standards":

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<tr>
<th></th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
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<th>VLDR</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
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<tbody>
<tr>
<td>(stories/feet) 9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>

9 Not including control towers, communications towers, small wind turbines, bell towers, steeple and similar architectural treatments.

Add the following row to the “Other Uses” category of Table 17.12.020 “Permitted, Conditional and Prohibited Commercial and Industrial Uses”:

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial or telecommunications antennae</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Small wind turbine</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

SECTION 4 SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5 EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after its 2nd reading in accordance with California law.
PASSED, APPROVED, AND ADOPTED this ___ th day of __________, 2011.

________________________
Barbara Hanna, Mayor
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT:

________________________
David J. Aleshire, City Attorney
Aleshire & Wynder, LLP
City of Banning, California

ATTEST:

________________________
Marie A. Calderon, City Clerk
City of Banning
CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1432 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ______ day of __________________, 2011, and was duly adopted at a regular meeting of said City Council on the ______ day of ______, 2011, by the following vote, to wit:

AYES:

NOES:

ABSEN:

ABSTAIN:

______________________________
Marie A. Calderon, City Clerk
City of Banning
Banning, California
Attachment 2

(Copy of Government Code Section 65893-65899)
GOVERNMENT CODE
SECTION 65893-65899

65893. (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.

65894. 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.

65895. (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.

65896. (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.

65897. 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.

65898. 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.

65899. 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.
Attachment 3

(Photographs City Yard Installation-176 E. Lincoln Street)
Attachment 4

(Initial Study/Negative Declaration)
CITY OF BANNING
Initial Study/Negative Declaration
for
Zone Text Amendment # ZTA 10-97506
Small Wind Turbines

October 11, 2010

City of Banning
Community Development Department
99 E. Ramsey Street
Banning, California 92220

Zai Abu Bakar
Community Development Director
(951) 922-3131
<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>1</td>
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<tr>
<td>1. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>2. EVALUATION OF ENVIRONMENTAL IMPACTS</td>
<td>1</td>
</tr>
<tr>
<td>3. ENVIRONMENTAL DETERMINATION</td>
<td>3</td>
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<tr>
<td>4. PROJECT DESCRIPTION</td>
<td>4</td>
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<tr>
<td>5. ENVIRONMENTAL ANALYSIS CHECKLIST</td>
<td>5</td>
</tr>
<tr>
<td>6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM</td>
<td>14</td>
</tr>
<tr>
<td>7. INCORPORATION BY REFERENCE</td>
<td>17</td>
</tr>
<tr>
<td>8. LIST OF PREPARERS</td>
<td>19</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

This Initial Study assesses the potential environmental impacts of Zone Text Amendment, ZTA# 10-97506, an amendment to the Banning "Zoning Ordinance" to establish the zoning districts in which small wind turbines may be installed conditionally and by right in the City. The purpose of the project is to allow the installation of small wind turbines of less than 50 kW only for the purpose of reducing consumption of on-site utility power.

The project adds Section 17.24.065 and modifies various portions of the Banning "Zoning Ordinance" to allow the installation of small wind turbines as a conditionally permitted use in the Open Space (OS), Public Facilities-Airport (PF-A), Public Facilities-Schools (PF-S), Public Facilities-Hospitals (PF-H), Ranch Agriculture (R/A), General Commercial (GC), Highway Serving Commercial (HSC), Professional Office (PO), Industrial (I), Airport Industrial (AI), Business Park (BP), and Industrial-Mineral Resources (IMR) zoning districts; and, the installation of small wind turbines permitted by right in Public Facilities-Government (PF-G), and Public Facilities-Fire (PF-F). Previously, the installation of small wind turbines was not permitted in the "Zoning Ordinance".

The results of the Initial Study show that there is no substantial evidence that the Project would have a significant effect on the environment. A Negative Declaration is being recommended for adoption.

1. INTRODUCTION

Purpose and Scope

This Initial Study serves as the environmental review of the proposed Project, as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the State CEQA Guidelines, and the City of Banning Local Guidelines for Implementing CEQA.

In accordance with Section 15063 of the State CEQA Guidelines, the City is required to prepare an Initial Study to determine if the Project may have a significant effect on the environment. This Initial Study is intended to be an informational document providing the Planning Commission, City Council, other public agencies, and the general public with an objective assessment of the potential environmental impacts that could result from the implementation of the Project.

Incorporation by Reference

This Initial Study is based in part on the information and analysis contained in other environmental and planning documents. These documents are hereby incorporated by reference in their entirety into this Initial Study, as authorized by Section 15150 of the State CEQA Guidelines. All of the documents incorporated by reference are listed in Section 8 of this Initial Study.

2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form (Form) has been used to evaluate the potential environmental impacts associated with the proposed Project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Banning, in complying with the requirements of the Statutes and Guidelines for implementing the California Environmental Quality Act.
The Form has been used by the City of Banning to review the effects of the proposed Project with respect to the following environmental factors. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact". Based on the analysis contained in this Initial Study, the following environmental factors are affected by the proposed project.

☐ Aesthetics ☐ Hydrology/Water Quality ☐ Population/Housing
☐ Agriculture Resources ☐ Hazards & Hazards Materials ☐ Public Services
☐ Air Quality ☐ Land Use and Planning ☐ Recreation
☐ Biological Resources ☐ Mineral Resources ☐ Transportation/Traffic
☐ Cultural Resources ☐ Noise ☐ Utilities/Service Systems
☐ Geology/Soils

In the Form, a series of questions is asked about the Project for each of the above-listed environmental factors. A brief explanation is then provided for each question on the Form.

There are four possible responses to each question:

A. Potentially Significant Impact.

This response is used when the Project has the potential to have an effect on the environment that is considered to be significant and adverse.

B. Potentially Significant Unless Mitigation Incorporated.

This response is used when the Project has the potential to have a significant impact, which is not expected to occur because:

a. Mitigation measures have been incorporated into the Project design in order to reduce the impact to a less than significant level; or,

b. Adherence to existing policies, regulations, and/or design standards would reduce the impact of the Project to a less than significant level.

C. Less Than Significant Impact.

This response is used when the potential environmental impact of the Project is determined to be below known or measurable thresholds of significance and thus would not require mitigation.

D. No Impact.

This response is used when the proposed Project does not have any measurable impact.
3. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation, I find that:

☐ The proposed Project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

☐ Although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures, described in Exhibit C (attached), have been added to the Project. A Mitigated Negative Declaration will be prepared.

☐ The proposed Project may have a significant effect on the environment, and an Environmental Impact Report is required.

☐ The proposed Project may have a potentially significant impact unless mitigation is incorporated, but at least one of the impacts has been: 1) adequately analyzed in an earlier document pursuant to applicable legal standards and 2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An Environmental Impact Report is required, but it is to analyze only those impacts that have not already been addressed.

☐ Although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or in a Negative Declaration pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Approved for distribution by:

Signature: Zai Abu Bakar, Community Development Director

Prepared by: Zai Abu Bakar, Community Development Director

Date: October 5, 2010

Public Review: October 15, 2010 through November 3, 2010
4. PROJECT DESCRIPTION

Project Title: Zone Text Amendment #ZTA 10-97506 - An amendment to the Banning "Zoning Ordinance" to adopt development standards and guidelines for small wind turbines in the City of Banning.

Applicant: City of Banning
99 E. Ramsey Street
Banning, California 92220

Project Description: Zone Text Amendment 10-97506 is an amendment to the Banning "Zoning Ordinance" to allow installation of small wind turbines as a conditionally permitted use in the Open Space (OS), Public Facilities-Airport (PF-A), Public Facilities-Schools (PF-S), Public Facilities-Hospitals (PF-H), Ranch Agriculture (R/A), General Commercial (GC), Highway Serving Commercial (HSC), Professional Office (PO), Industrial (I), Airport Industrial (AI), Business Park (BP), and Industrial-Mineral Resources (IMR) zoning districts; and, the installation of small wind turbines permitted by right in Public Facilities- Government (PF-G), and Public Facilities-Fire (PF-F).

Approvals Required:

In order to complete and approve the Project, the City of Banning would need to take the following actions:

- Approval of a Negative Declaration;
- Approval of Zone Text Amendment ZTA #10-97506 and adoption of an Ordinance;
- Issuance of Conditional Use Permits and issuance of Building and Safety permits.
### 5. ENVIRONMENTAL ANALYSIS CHECKLIST

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<tr>
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<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
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<tr>
<td>b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
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<tr>
<td>d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
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<table>
<thead>
<tr>
<th>II. AGRICULTURAL RESOURCES: Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
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<tr>
<td>c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
<td>☐</td>
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<tr>
<th>III. AIR QUALITY: Would the Project</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Potential Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
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<td>ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?</td>
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<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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<tr>
<td>IV. BIOLOGICAL RESOURCES: Would the Project:</td>
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<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td></td>
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<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
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<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
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<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
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<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
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<td>f) Conflict with the provisions of an adopted Habitat Conservation</td>
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<tr>
<td>Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<td>V. CULTURAL RESOURCES. Would the Project:</td>
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<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>VI. GEOLOGY AND SOILS. Would the Project:</td>
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<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>☐</td>
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<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
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<tr>
<td>iv) Landslides?</td>
<td>☐</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral</td>
<td>☐</td>
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<td></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
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<td>spreading, subsidence, liquefaction or collapse?</td>
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<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?</td>
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<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?</td>
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<td>VII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:</td>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
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<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<tr>
<td>d) Be located on a site included on the list of hazardous materials sites compiled per Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
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<tr>
<td>e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would it result in a safety hazard for people residing or working in the project area?</td>
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<td>f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the area?</td>
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<td>g) Impair implementation of, or physically interfere with, an adopted emergency response plan</td>
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<tr>
<td>Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<td>or emergency evacuation plan?</td>
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<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
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VIII. HYDROLOGY AND WATER QUALITY. Would the Project:

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<tr>
<th>Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned land uses for which permits have been granted)?</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e) Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g) Place housing within a 100-year floodplain?</td>
<td>☐</td>
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<tr>
<td>h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
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<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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**IX. LAND USE AND PLANNING. Would the Project:**

<table>
<thead>
<tr>
<th>a) Physically divide an established community?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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**X. MINERAL RESOURCES. Would the Project:**

<table>
<thead>
<tr>
<th>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
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**XI. NOISE: Would the Project:**

<table>
<thead>
<tr>
<th>a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>b) Expose persons to a generation of excessive groundborne vibration or...</td>
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<tr>
<td>Question</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<tr>
<td>c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>d) Create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
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<td>☑</td>
</tr>
<tr>
<td>e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

XII. POPULATION AND HOUSING: Would the Project:

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
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</tr>
</tbody>
</table>

XII. PUBLIC SERVICES: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant Environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Police protection?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<tr>
<td>c) Schools?</td>
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<tr>
<td>d) Parks?</td>
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<td></td>
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<tr>
<td>e) Other public facilities?</td>
<td></td>
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</tbody>
</table>

**XIV. RECREATION:**

<table>
<thead>
<tr>
<th>a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</td>
<td></td>
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</tbody>
</table>

**XV. TRANSPORTATION/TRAFFIC: Would the Project:**

<table>
<thead>
<tr>
<th>a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td></td>
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</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
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<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
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<td></td>
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<tr>
<td>f) Result in inadequate parking capacity?</td>
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<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting</td>
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<tr>
<td>XVI. UTILITIES AND SERVICE SYSTEMS. Would the Project?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<tr>
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<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g) Comply with federal, state and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE

| a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☐ |

| b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?) | ☐ | ☐ | ☐ | ☐ |

| c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☐ |

6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM

Checklist Item I Aesthetics.

a-d No Impact (Scenic Vista, Scenic Resources-State Scenic Highway, Visual Character, Light/Glare). The project is an amendment to the Banning "Zoning Ordinance" for a use that will have a less than significant impact on aesthetic resources, visual character or light/glare. Any use involving new construction or expansion of an existing use will be evaluated as a conditional use at the appropriate time when more information is known. Additionally, the City adopted zoning regulations for "Hillside" and "Open Space" areas that includes development standards to preserve natural hillsides and ridgelines in accordance with the General Plan goals and policies.

Checklist Item II Agricultural Resources.

a-c No Impact (Farmland Conversion, Zoning, Land Use) The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on agricultural resources. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.
Checklist Item III  Air Quality.

a-e No Impact (Air Quality Plan, Air Quality Standards, Cumulative Considerable Net Increase/Criteria, Sensitive Receptors, Pollutant Concentrations, Odors, Global Climate Change). The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on air quality. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item IV  Biological Resources.

a-f No Impact (Listed Species, Riparian Habitat, Natural Communities, Wetlands, Wildlife Movement, Local Policies – Tree Preservation, Conservation Plans). The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on biological resources. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item V  Cultural Resources.

a-d No Impact (Historic Resource, Archeological Resources, Paleontological Resources, Disturbance of Human Remains). The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on cultural resources. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item VI  Geology and Soils.

a-e No Impact (Alquist-Priolo Zone, Seismic Ground Shaking, Seismic Ground Failure, Liquefaction, Landslide, Soil Erosion, Loss of Topsoil, Unstable Geologic Unit, Expansive Soil, Septic Tank Suitability) The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on geology and soils. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item VII  Hazards and Hazardous Materials.

a-h No Impact (Transport, Use, Disposal of Hazardous Materials, Upset and Accident Conditions Involving Hazardous Materials, Emit if Handle Hazardous Materials within 1/4 mile from a School, Identified Hazardous Site, Within Airport Plan Area, Safety Hazard from Private Airstrip, Impair Emergency Evacuation Plan, Wildland Fire Hazard). The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on hazard and hazardous materials. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known. As a conditional use any new or expansion of an existing use within the airport land use plan area would require review and approval of the Riverside County Airport Land Use Commission and Federal Aviation Administration review and approval and conditioned accordingly.

Checklist Item VIII  Hydrology and Water Quality.

a-j No Impact (Water Quality, Waste Discharge, Groundwater, Drainage Patterns Flooding, Storm Drains, Water Quality, Housing in 100-Year Flood Hazard Area, Flood Levee or Dam, Seiche, Tsunami, or Mudflow). The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on hydrology and water quality. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.
Checklist Item IX  Land Use and Planning.

a-c No Impact (Physical Division, Land Use Plans, Conservation Plans) The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on land use and planning. Guidelines and regulations which provide standards for use is proposed in the Municipal Code as part of this Zone Text Amendment to ensure that there is no land use impacts. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item X  Mineral Resources.

a-b No Impact (Loss of Mineral Resources, Site Delineated as Mineral Resource Site) The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on mineral resources. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item XI  Noise.

a-f No Impact (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip) The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on noise. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item XII  Population and Housing.

a-c No Impact (Population Growth, Displace Housing) The project is an amendment to the Banning "Zoning Ordinance" for a use that will not have an impact on population and housing. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item XIII  Public Services.

a-c No Impact (Fire Services, Police Services, Schools, Parks, Other Public Facilities) The project is an amendment to the Banning "Zoning Ordinance" for a use and will not create a direct demand for public services. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item XIV  Recreation

a-b No Impact (Existing Facilities, New or Altered Facilities) The project is an amendment to the Banning "Zoning Ordinance" for a use and will not create a direct demand for recreation services. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item XV  Transportation/Traffic.

a-g No Impact (Roadway Capacity and Level of Service, Congestion Management Program (CMP), Air Traffic Patterns, Roadway Design Hazards, Emergency Access, Parking, Alternative Transportation) The project is an amendment to the Banning "Zoning Ordinance" for a use and will not create an increase in traffic. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.
Checklist Item XVI. Utilities and Service Systems

a-g No Impact (RWQCB Wastewater Treatment, New Water and Wastewater Facilities, New Stormwater Drainage Facilities, Water Supplies, Wastewater, Landfill, Solid Waste)  The project is an amendment to the Banning "Zoning Ordinance" for a use and will not create a demand for new utility service or the construction of new facilities. Any use involving new construction or expansion of an existing building will be evaluated at the appropriate time when more information is known.

Checklist Item XVII. Mandatory Findings of Significance

a. No Impact (Environment and Habitat)  Based on the analysis contained in this Initial Study, the proposed project will not impact Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utility/Services Systems. Thus the project would have no impact on the environment.

It will not degrade the quality of the environment and no habitat, wildlife populations, and plant and animal communities would be impacted. The purpose of the project is to provide zoning districts in which small wind turbines may operate by conditional use and by right. Any use involving construction or expansion of a building will be evaluated at the appropriate time when more information is known.

b. No Impact (Cumulatively Considerable)  Based on the analysis contained in this Initial Study, the project's purpose is to allow the installation of small wind turbines that have a rated capacity of not more than 50kW and are intended primarily to reduce on-site consumption of utility power utilizing renewable energy resources (wind). The amendment addresses standards and guidelines for the installation of the same as conditional uses in specific zoning districts. The project does not create environmental impacts. Any use involving construction or expansion of a building will be evaluated at the appropriate time when more information is known.

c. No Impact (Human Beings)  The implementation of the project amends the City's "Zoning Ordinance" as identified in this Initial Study and compliance with mandatory City requirements, proposed standards and guidelines, would not result in significant impacts to human beings, either directly or indirectly. Any use involving construction or expansion of a building will be evaluated at the appropriate time when more information is known.

7. INCORPORATION BY REFERENCE

This Initial Study is based in part on the information and analysis contained in the documents listed below. These documents are hereby incorporated by reference in their entirety into this Initial Study. Copies of all documents incorporated herein are available for review in the Community Development Department at the Banning Civic Center, 99 E. Ramsey Street, Banning, and California, 92220.

A. City of Banning General Plan

This document provides a vision for the future development of the community. It is the official policy statement of the City Council intended to guide the private and public development of the City. The General Plan was adopted March 2006.

B. Environmental Impact Report (EIR) for the City of Banning General Plan and Zoning Ordinance

This document was prepared to review the environmental constraints and opportunities associated with the adoption of the Banning Comprehensive General Plan and Zoning Ordinance that was adopted March 2006. The EIR is designed to be used as an information database to facilitate the streamlining of, or tiering of the environmental review process for subsequent projects for the City.
C. City of Banning Municipal Code

The Municipal Code contains various regulations and development standards that govern use and development of properties within the City. The Zoning Ordinance was adopted in March 2006.

D. City of Banning Local Procedures for Complying with CEQA

These procedures identify how the City implements CEQA and the State CEQA Guidelines. These local procedures were put into effect in order to comply with Section 15022 of the State CEQA Guidelines.

8. LIST OF PREPARERS

Listed below are the persons who prepared or participated in the preparation of the Initial Study:

Project Manager:
Brian Guillot, Assistant Planner

Reviewed by:
Zai Abu Bakar, Community Development Director