

ORANGE COUNTY ASTRONOMERS

MEMBER OBSERVATORY POLICIES AND PROCEDURES

Procedures And Standards For Member Observatory Approval And Maintenance Of Observatory Licenses

Revised May 15, 2011

Approved by the OCA Board of Trustees May 15, 2011

APPROVAL OF NEW OBSERVATORIES AND MODIFICATIONS OF EXISTING OBSERVATORIES AND RELATED STRUCTURES:

Plans for initial construction of any member observatory or related structure at the Orange County Astronomers (OCA) Anza site and for any significant modification, addition or improvement to any member observatory or related structure on the Anza site *must* be approved by the OCA Board of Trustees (“Board”) before construction can begin. “Significant modification” includes any modification that changes the outside dimensions of the structure, or changes the structural integrity of the structure; it does not include standard repair or maintenance of the structure, including painting.

Failure to obtain the necessary Board approval will result in sanctions imposed on the offending party and/or corrective action on the structure in issue, to be determined at the discretion of the Board. Such sanctions can include a monetary penalty, removal of the unauthorized construction at the expense of the offending party, loss of the license rights held by the offending party, or any additional actions or penalties that the Board determines are appropriate under the circumstances.

After obtaining Board approval for the proposed observatory site and plan, the member seeking to build an observatory needs to pay the applicable observatory license fee and the appropriate share of the grading, electrical and other costs associated with preparing the area where the observatory will be located for observatory construction, at which point he or she will become an Observatory License Holder (“Licensee”). If a building permit is required for the proposed structure, the Licensee will have to obtain it before construction can begin.

1. SUBMISSION OF PLANS FOR BOARD APPROVAL

Plans can be submitted for Board consideration at any Board meeting by asking the current president in advance of the meeting to have consideration of the plans added to the agenda. If the agenda for a particular meeting is already full, consideration of the plans may have to be scheduled for a later meeting. If the Board determines that further information is needed before a final decision is reached or that the proposed plans need to be modified to meet the appropriate standards for approval, consideration of the proposed plans may be postponed to a later Board meeting. The Board has to see and approve the final version of the plans before construction can begin, and will not approve plans based on a promise that certain

modifications will be made. A copy of the final plans must be provided to the Board for its records.

New Observatories:

A member seeking approval of a new observatory must provide plans that are sufficiently detailed that the Board can determine all relevant dimensions, the nature of the intended construction and how the building is to be placed on the proposed site. In considering the plans, the Board's main concerns are:

- a. Is the proposed site an appropriate building site for an observatory? How well does the proposed building fit on the proposed site? Are drainage, parking, traffic patterns and access all adequately addressed? Please note that, if there is a dispute between two members who want to submit plans for an observatory and want the same location, the Board will make the ultimate decision as to which observatory, if any, is authorized to be built at that location.
- b. How will the proposed building affect sightlines of the sky from other areas of the site? This is a major issue, and the member seeking approval needs to show by pictures and any other appropriate means that the proposed construction will not interfere with sky view of any other area on the site, or, if it does, that the interference is minimal, has been discussed with pad holders or other observatory holders who would be affected and they have no objection to the construction in spite of the interference. In the event that the area that would be interfered with is the Football Field, the RV area, or other general use area, the Board itself will have to assess the level of the interference and determine if the construction should be allowed. If the member seeking the approval feels that any interference with sightlines is minimal but cannot obtain cooperation from the affected members and can show that there is no modification to the plans that would result in less interference with the sightlines without impairing the effectiveness of the proposed observatory, the Board has the ultimate authority to balance the interests of the members on both sides and decide on the fairest resolution of the issue. The Board's decision on such a dispute is final and binding on the affected parties as a condition of their licenses.
- c. How sturdy is the proposed construction? Any construction has to comply with the appropriate building codes and structural standards. The Board's concern here is that the building needs to be able to withstand the harsh conditions at the Anza site for the long term, including heat, cold, high winds and intense rains. The Board is also interested in how easy the building will be to maintain, how any moving parts (such as roll-off roofs) will be anchored in open and closed positions to withstand high winds, and whether operation of the observatory as designed will cause undue noise or other problems to other users of the site or nearby observatories (some dome designs, for example, are very noisy in operation).

- d. Are there aesthetic concerns with the proposed construction? This includes how easy the structure will be to maintain, color, how it fits in with other structures on the site.
- e. What kind of resources will the new construction require from the club? In particular, the Board is concerned about excessive power usage, and the Board may require that any new construction includes a separate power meter to allow adequate monitoring of power usage and allocation of power costs.

Modifications to Existing Observatories and Related Structures

The Licensee needs to provide plans of the proposed modifications that are sufficiently detailed that the Board can determine all relevant dimensions from them, and can understand the nature of the changes, how that will affect the building itself, and the potential effects on surrounding areas and adjacent users. The Board's concerns in evaluating proposed modifications are essentially the same as those detailed above for a new observatory. A copy of the final plans must be provided to the Board for its records.

Over time, the Board expects that the separate power meters may be required for existing observatories, and may require such an addition as part of any modifications to the structure. Where there is a concern about power usage for an existing observatory or group of observatories, the Board may require that the observatory holder(s) add a separate power meter(s) as a condition to maintaining the applicable observatory license(s), to allow adequate monitoring and allocation of power costs.

2. COMPLIANCE WITH APPROPRIATE CODES AND PERMIT PROCESS

- a. All new construction has to comply with the applicable building, electrical and other codes as a means of ensuring that it will be sufficiently safe, strong and weather-proof to withstand the harsh local environment. This applies to construction of new observatories as well as proposed modifications to existing observatories and related buildings.
- b. If Riverside County requires permits for the proposed construction due to its size or other considerations, the permit process will have to be followed. The member seeking approval for construction of the observatory or for the modification has the responsibility to obtain the necessary permits; the club itself is not involved in this process.

3. TIME LIMITS FOR BEGINNING AND COMPLETING CONSTRUCTION; PHASED CONSTRUCTION

- a. Construction of a member observatory or any approved modifications must begin within six months after the Board approves the plans. If construction cannot begin

within that time, the Licensee must advise the Board of the reasons for the delay and obtain an extension; it is the policy of the Board that such extensions will not be unreasonably withheld. If construction has not begun within that time and no extension has been requested or an extension has not been granted, the approval of the plans is withdrawn and the Licensee must go through the entire approval process again before construction can begin. Any such additional approval may be conditioned on the Licensee providing the Board with appropriate guarantees that construction will begin and be completed within the allowed time periods, at the discretion of the Board. Alternatively, at the discretion of the Board, the Board may deem that the project has been abandoned and open the site of the abandoned observatory for observatory proposals from other members.

- b. Construction of a new observatory or of modifications to existing observatory structures must be completed within a year after the Board approves the plans or within six months after construction begins, whichever occurs first. If construction cannot be completed within that time, the Licensee must advise the Board of the reasons for the delay and obtain an extension; it is the policy of the Board that such extensions will not be unreasonably withheld. Any extension may be conditioned on the Licensee providing the Board with appropriate guarantees that the work will be completed within the extended time, at the discretion of the Board. If construction is not completed within the allowed time, the Board may deem this to be “unfinished construction” and take such steps as it finds appropriate to address the situation, including but not limited to determining what additional work might be needed to make the building safe and usable in some form and limiting further construction to that work only, taking the necessary steps to make the building safe and usable in some form at the expense of the Licensee, withdrawing approval of the plans and removing the partially built structure at the expense of the Licensee, terminating the observatory license, and/or any other action the Board finds necessary or appropriate to address safety, aesthetic and other concerns of the club and its members as to the unfinished construction.
- c. If construction of a new observatory or modification to an existing observatory structure begins and then stops at any point in the construction process with no substantial progress for a 90 day period, the Licensee must advise the Board promptly of the reason for the halt in construction and the expected schedule for completion of the construction, and must obtain the consent of the Board to the delay and proposed new schedule for construction; it is the policy of the Board that such consent will not be unreasonably withheld. If the Licensee does not do this, or consent to the delay is not granted, the Board may, at its discretion, deem this “unfinished construction” and take the steps indicated in the previous section.
- d. If the Licensee wants to build the proposed observatory in stages, such as enclosing the viewing area but postponing completion of the roof assembly, that needs to be approved by the Board at the time of the original observatory approval. If the Licensee decides at some point after the original approval that he or she wants to postpone building part of the original plans while building other parts, that change

needs to be brought to the Board for approval as soon as possible. If such staged construction is approved by the Board and there is a delay of more than a year before the Licensee is to start construction of the next phase, the plan needs to be brought back to the Board for further consideration and approval before construction of the next phase can begin, as conditions may have changed.

- e. If the Board requires that a separate power panel be installed on an existing observatory (as described in the above section titled **Modifications to Existing Observatory and Related Structures**), that power panel must be installed within 90 days after the Board notifies the Licensee that it is needed. If the Licensee is unable to have the installation completed within that time, he/she must notify the Board of the reasons for the delay, the expected timetable for completing the installation, and obtain the Board's approval of the extension before the 90 day period ends; it is the policy of the Board that such extensions will not be unreasonably withheld. If the required separate power panel has not been installed within what the Board determines to be a reasonable time, the Board may, at its sole discretion, have a separate power panel installed and assess any and all costs associated with the installation to the Licensee of that observatory.

4. MAINTENANCE OF OBSERVATORY LICENSES IN GOOD STANDING AND RESPONSIBILITIES OF LICENSEES

Observatories on the OCA Anza site are held by license issued by the club. As a condition of the license, the club owns the permanent structure or structures; these are structures that are permanently fixed to a foundation, slab or the ground and/or cannot be removed without substantial damage to the structure, such as standard building construction done on site. Structures that are designed to be broken down to separate components that can be reassembled elsewhere with minimal damage to the overall structure are not considered "permanent" within this definition, and remain the property of the Licensee. Structures that are built to be easily released from their attachment to a foundation or slab and moved as a unit to a different location with minimal damage to the structure, such as many Tuff Sheds, are not considered "permanent" under this definition and remain the property of the Licensee unless they have been incorporated into a permanent structure, in which case they become "permanent" and become the property of the club. The Licensee owns the removable contents of the licensed structure(s), including any pier, mount or telescope.

To keep the license in good standing and to continue to enjoy the privileges associated with holding an observatory license, the Licensee must comply with the following:

- a. The Licensee's club membership must be kept current, and, unless the Licensee is a Life Member, the annual club membership fee must be paid within 90 days after the date it becomes due. The Licensee must also pay the annual observatory license fee within 90 days after it becomes due. In addition, within 90 days after receiving notice, the Licensee must pay any assessments for undue use of resources (such as excessive power use) or for work the Board has to do to or around the Licensee's observatory or related structures because the Licensee has failed to fulfill his or her

responsibilities as the Licensee for that observatory as set out below. If payment of these amounts as a lump sum will cause the Licensee undue financial hardship, a payment plan can be worked out with the club's Treasurer, but the Licensee must contact the Treasurer to work out such a plan within 30 days after the amounts payable become due or notice is given of an assessment. If the payments are not made within these timeframes or payments on the payment plan are not made within 15 days after they are due under the plan, the Board will impose sanctions as it finds appropriate under the circumstances, including but not limited to revocation of the Observatory License.

- b. If the Observatory License for an observatory is revoked, the Licensee loses the right to use the observatory and the Board may take such steps as it finds appropriate to transfer the license rights to the observatory to another member in good standing on such terms as it finds reasonable under the circumstances at the time and considering the condition of the observatory. If the new Licensee for that observatory pays an amount to obtain the license, the Board will pay the net amount from that fee to the Licensee whose license was revoked after deducting its reasonable costs related to revoking the license and finding a new Licensee, and deducting any outstanding membership fees, license fees and/or assessments.
- c. The other duties of the Licensee to maintain the Observatory License in good standing are that the Licensee must keep the area around the observatory and related structures clear of weeds and must repair damage to the adjacent roads and walking areas caused by burrowing and other animals, by water runoff and other causes. The deadline for initial weed clearance each year is May 31, due to fire danger. If weeds are not cleared within 15 days after the May 31 annual deadline for initial weed clearance or within 15 days after notice is given to the Licensee that a weed problem or damage to the adjacent roads or walking areas exists around the Licensee's observatory or related structures, the Board may at its discretion have that work done and assess the Licensee for the costs of doing that work.
- d. The Licensee must also maintain the observatory and related structures in a safe, structurally sound and, where the structures are roofed, weather-tight condition when closed. The Licensee must also keep the exterior of the observatory and related structures painted and free of dry rot, rust or other deterioration.
- e. It is the responsibility of the Licensee to create and maintain a defensible fire perimeter around the observatory and related structures. The club assumes no liability for creating such a perimeter or for any fire damage or other damage that may occur to the observatory, related structures, and/or their contents at any time, whether that be from wind, rain, earthquakes, vandalism, burglary or other criminal action, or other causes.
- f. If the Licensee wants insurance coverage for the observatory or any of its contents, it is the responsibility of the Licensee to obtain that insurance. The club's insurance will not cover buildings, equipment or other losses of individual members.

- g. The Licensee must provide the club Treasurer with a copy of any key to the observatory and related structures, and with the combination to any combination lock on the observatory and related structures within 30 days after installation of the locks or any changes of the locks.
- h. The Licensee must notify the club Treasurer of any change of license holder within 30 days of the change.
- i. All Licensees must have a current acknowledgement of receipt of these Policies and Procedures on file with the club Treasurer, and must provide a current acknowledgment within 30 days of a request for one from the Treasurer.