

**ORDINANCE NO. 87**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING ARTICLE 3 OF CHAPTER 2 OF DIVISION 3 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY AND AMENDING TITLE 8, DIVISION 3, CHAPTER 3 OF THE SAN BERNARDINO COUNTY DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY BY ADDING A NEW ARTICLE 13 ESTABLISHING REQUIREMENTS AND PROCEDURES FOR SPECIFIC PLANS.**

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

**SECTION 1. MUNICIPAL CODE AMENDED**

1.1 Article 3 of Chapter 2 of Division 3 of Title of the San Bernardino County Code as adopted by the Town of Yucca Valley relating to specific plan adoption amendment is hereby repealed, operative as of the effective date of this ordinance.

1.2 Title 8, Division 3, Chapter 3, of the San Bernardino County Development Code as adopted by the Town of Yucca Valley is amended by adding thereto a new Article 13 to read as follows:

**“Article 13. Requirements and Procedures for Specific Plans**

**Sections:**

83.031305	Purpose
83.031310	General Plan Consistency
83.031315	General Provisions for a Specific Plan District
83.031320	Application Procedure Required Findings
83.031325	Specific Plan Approval, Denial and Modifications
83.031330	Approval by Ordinance
83.031335	Dedication and Maintenance of Open Space
83.031340	Fees for Subsequent Development Approvals
83.031345	Specific Plan Consistency
83.031350	Environmental Exemption for Subsequent Development

**83.031305 Purpose**

The purpose of these specific plan provisions are:

- (a) To establish procedures for adoption, maintenance and administration of specific plans as allowed in accordance with the provisions of Sections 65450, et seq., of the California Government Code and as may be required for the systematic execution of the General Plan;

- (b) To provide a planning framework to guide future public and private developments and to promote flexibility while insuring economic viability and coherent community design;
- (c) To encourage the planned development of discrete neighborhoods and to permit comprehensive site and infrastructure planning and building design;
- (d) To encourage creative approaches to the use of land, through variation in the siting of buildings and the appropriate mixing of land uses, activities and dwelling types;
- (e) To promote and create public and private open space as an integral part of land development design;
- (f) To reduce, through clustering and master planning, the amounts of public and private improvements normally required by developments;
- (g) To maximize the choice in types of housing and living environments available to Town residents; and
- (h) To allow for the nonsequential development of more remote areas in Yucca Valley provided community facilities, services, and infrastructure are supplied.

### **83.0301310 General Plan Consistency**

The General Plan provides for the adoption of specific plans in the Town where remoteness, environmental constraints or unique land use concerns require specific land use and/or design controls. All specific plans shall be consistent with the provisions of the adopted General Plan. Any proposed specific plan which is not consistent with the existing adopted General Plan designation may only be adopted concurrent with the adoption of the appropriate amendments to the General Plan necessary to maintain consistency.

### **83.0301315 General Provisions For A Specific Plan District**

The following provisions shall apply to the designation of a Specific Plan District. All other applicable provisions of the Town Development Code shall also apply. Where conflicts in regulations occur, the regulations specified in this Article shall supersede and apply.

- (a) Upon approval of a specific plan, the Specific Plan zoning designation shall be applied to the Zoning District Map for the properties included in the specific plan.
- (b) Specific plan districts may provide innovative design and development standards that may vary from adopted Town standards and between Specific Plan Districts.
- (c) Specific plans may combine several land uses in the development plan. Mixed uses may include any combination of residential, commercial, industrial, open space, and agricultural

uses, and may occur among or within buildings as long as the uses are not incompatible with each other and with existing and potential uses surrounding the Specific Plan zone.

- (d) Standards for building coverage, height, orientation, as well as light and air, sign placement and design, site planning, street furniture placement and design, setback requirements, open spaces, off-street parking, screening for specific plan uses, and other specified standards, shall be governed by the development standards set forth in the specific plan and other applicable codes and ordinances. Standards in an adopted Specific Plan may supersede the same or similar standards in other Town codes and ordinances. Where no standards are provided in a specific plan, adopted Town codes and standards shall apply.
- (e) The specific plan shall contain criteria providing for any required public and/or private open space and performance standards for the improvement and maintenance of such open space.
- (f) In accordance with Town ordinances, all electrical and telephone facilities, fire alarm conduits, street light wiring, cable television, and other wiring, conduits or facilities shall be placed underground. Underground electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

### **83.0301320 Application Procedure**

- (a) **General Requirements for a Specific Plan Proposal.** Property that is held in single or multiple ownership may be considered for a Specific Plan. The Town, property owner(s), or owner's representative, may initiate the Specific Plan.
- (b) **Pre-Submittal and Preparation of Specific Plans.** A pre-submittal application, and a draft specific plan shall be submitted to the Planning Section before filing a formal specific plan application. A pre-application conference with Planning Section representatives is required prior to the filing of the formal specific plan application.
- (c) **Draft Specific Plan.** A draft specific plan application shall contain text and diagrams which contain all of the elements outlined in State Government Code Sections 65451 and 65452. In addition, specific plans shall include an inventory of natural resources that are deemed to be significant to the project area and environmentally sensitive habitat areas, an analysis of existing infrastructure, and a proposal for detailed land uses, regulations, conditions, and programs as are necessary or convenient for the systematic implementation of the General Plan and its various elements as may be appropriate. The Town's Planning Section shall make available detailed guidelines for the preparation of Specific Plans. Specifically, a draft specific plan shall include the following information:
  - (1) A survey of the property, showing existing features including trees, structures, fences and walls, streets, easements, utility lines, land uses, existing zoning, and existing ownership;
  - (2) An illustrative plan and conceptual site plan of the development of the entire specific plan area delineated on one or more maps showing:

- (A) Project land use, densities, existing and proposed streets, public use areas (schools, parks, fire stations, etc.), and open space and major landscape features;
  - (B) General Plan, regional and subregional or area plan land use designations; and
  - (C) Where appropriate, a slope analysis, including the number of acres in each slope category.
- (3) A general outline of the specific plan text describing the goals, objectives, and policies/concept; a tabulation of the land area to be devoted to various uses, including open space; a calculation of the overall density and the average densities per net residential acre of the various residential areas; and a summary of development standards for residential, commercial and/or industrial uses when those uses are proposed;
- (4) The text shall include development standards to be implemented as performance standards for the specific plan, including:
- (A) A statement proposing the method of maintaining common open areas and facilities;
  - (B) A description of the proposed grading program including a topographic map showing areas of major grading;
  - (C) Identification of proposed future ownership and maintenance of streets, driveways, sidewalks, pedestrian ways and open space areas;
  - (D) A brief discussion of the project as it relates to each of the General Plan elements, including Land Use, Circulation, Housing, Open Space/Conservation, Public Facilities, Noise, and Safety. If a regional, sub-regional, or area plan is adopted or pending that includes the project site, the relationship to that plan should also be briefly discussed; and
  - (E) Proposed standards for height, open space, building intensity and public improvements.
  - (F) A statement and detailed description for the method of financing for the installation of any public infrastructure.
- (5) After reviewing the draft specific plan, the Community Development Director shall furnish the applicant with written comments regarding the review conference(s), including appropriate recommendations to inform and assist the applicant prior to preparing the final specific plan.

- (d) **Final Specific Plan.** The final specific plan shall contain the information contained in the draft specific plan and other additional information as determined to be necessary by the Director, Planning Commission, or Town Council. This additional information may include, but shall not be limited to, the following:
- (1) Copies of legal documents required for dedication or reservation of public or private open space, for the creation of homeowners' associations for open space maintenance, or for the creation of financing districts;
  - (2) A fiscal impact analysis as may be required by the Director,
  - (3) A market study discussing the viability of the proposed project as may be required by the Director.

### **83.0301325 Required Findings**

Before taking any action to approve a specific plan, the Planning Commission and Town Council shall find that the proposed specific plan conforms to the following criteria:

- (a) The proposed specific plan meets all of the following content criteria:
- (1) Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; and
  - (2) Specifies through text and/or diagrams, the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; and
  - (3) Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; and
  - (4) Specifies a program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out Findings (a)(1), (a)(2) and (a)(3) above; and
  - (5) Includes a statement of the relationship of the specific plan to the General Plan, Development Code, and any other applicable plan or ordinance; and
  - (6) Addresses any other subjects which are necessary for implementation of the General Plan.
- (b) The location and design of the proposed development will be consistent with the goals and

policies of the General Plan and with any other applicable plan or policies adopted by the Town and with any other applicable provisions of the Development Code.

- (c) The proposed location will allow the development to be well integrated with or adequately buffered from its surroundings, whichever may be appropriate.
- (d) All vehicular traffic generated by the development, either in phased increments or at full build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.
- (e) The final specific plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.
- (f) In accordance with the requirements of the *California Environmental Quality Act (CEQA)*, environmental impacts have been reduced to a level of nonsignificance; or in the case where such impacts remain, a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.
- (g) The proposed specific plan should contribute to a balance of land uses so that local residents may work and shop in the community in which they live.
- (h) The proposed specific plan will not be detrimental to the public health, safety, or welfare of the Town.

### **83.0301330 Specific Plan Approval, Denial And Modifications**

- (a) Upon receipt in proper form of a specific plan application, or direction of the Town Council, and following Planning Section review as provided for in this Article, public hearings shall be set before the Planning Commission and Town Council.
- (b) The Planning Commission may recommend to the Town Council approval or denial of a proposed specific plan, or may recommend approval subject to specified modifications or conditions.
- (c) The Town Council may approve, approve with modifications or conditions, or deny the final specific plan provided that, in overruling a Planning Commission recommendation for denial, the Town Council shall make the findings listed in Section 83.0301325 of this Article, *Required Findings*.
- (d) Minor changes to an approved final specific plan may be made by the Director, provided that such changes are nonsignificant and consistent with all of the purposes and character of the approved final specific plan. Minor changes shall not include:

- (1) Changes in the densities established in the approved final specific plan;
  - (2) Changes to the boundaries of the subject property, or any use as shown on the approved final specific plan;
  - (3) Substantial changes in the locations or amounts of land devoted to specific land uses.
- (e) All modifications or amendments to an approved final specific plan, other than minor changes as provided for in Subsection 83.0301330(d) above, shall be processed as a specific plan amendment and shall be subject to all specific plan procedures.

### **83.0301335 Approval By Ordinance**

Approval of the final specific plan and the establishment of Specific Plan (SP) zoning shall be by ordinance. Approval of zoning to the SP district shall include, but not be limited to, the following stipulations:

- (a) Unless otherwise specified in the final specific plan, the regulations provided in the Town Development Code shall apply. Approval of the specific plan shall not be interpreted as waiving compliance with other provisions of the Town Development Code, except in those instances where the specific plan expressly regulates a use.
- (b) The approved final specific plan shall be filed in the office of the Town Clerk and in the office of the Planning Section.
- (c) No building within the boundaries of an approved specific plan shall be constructed, maintained or used other than for the purpose specified in the approved final specific plan.

### **83.0301340 Dedication And Maintenance Of Open Space**

- (a) The Planning Commission and Town Council, in conjunction with the Yucca Valley Recreation Division, may as a condition of approval, require that suitable areas for parks be dedicated or in-lieu fees be paid as determined for the entire specific plan area, and in compliance with applicable ordinances and requirements.
- (b) The Planning Commission and Town Council, in conjunction with the Morongo Unified School District, may as a condition of approval, require that land for schools and other public uses be reserved for public use, or be reserved for the owners and residents in the development by deed restrictions.
- (c) Whenever group or common open space is provided, whether required or not, the Planning Commission or Town Council shall, as a condition of approval, require that some provision be made for applicable perpetual maintenance of such open space.
- (d) The form of any instrument used to assure open space maintenance shall be approved by the Town Attorney and Director as to form and content. Agreements and covenants running

with the land shall include provisions for charges to be levied for carrying out the specified functions and administrative expenses of such perpetual maintenance. The Town may be party in interest in any such development for purposes of enforcing the provisions of this Chapter, including bringing of any enforcement actions deemed appropriate by the Town.

- (e) To assure that open space is provided within specific plan areas, public and open space sites shall be dedicated in advance of development (prior to the issuance of building permits) whenever such dedication is so required, even in those cases when a subdivision map is not required. Other appropriate dedications for street, utility and flood control rights-of-way and for easements and other public purposes may also be required before the issuance of the first building permit, or when otherwise determined to be appropriate by the Council.

### **83.03001345 Fees For Subsequent Development Approvals**

When the Town prepares a specific plan for an area, the Town Council may establish a special fee upon applicants seeking approval of development projects which are located within said specific plan area. The fees shall be sufficient, in the aggregate, to recover the costs of preparation, adoption, and administration of the specific plan. The fees to each applicant shall be a prorated amount in accordance with the applicant's relative benefit derived from the plan.

### **83.0301350 Specific Plan Consistency**

No land use application may be approved, no public works projects may be approved, and no land use designation within an adopted specific plan may be amended unless it is consistent with the adopted specific plan.”

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

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

APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this \_\_\_\_day of \_\_\_\_\_, 1998.

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MAYOR

ATTEST:

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Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Town Attorney

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Town Manager