PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Diane Olsen, Planning Technician
Date: May 22, 2014
For Commission Meeting: May 27, 2014

Subject: Workshop on Home Occupation Permit Regulations
Development Code Update Project

Prior Commission Review: The Planning Commission discussed Home Occupation Permits at the meetings of August 27, 2013 and March 11, 2014 and held a public hearing on May 13, 2014.

Recommendation: That the Planning Commission holds the public workshop and takes public comment at the conclusion of the workshop.

Executive Summary: A proposed amendment to Title 9, adding Section 9.08.050 of Article 2, and adding Chapter 9.75 of Article 4, of the Yucca Valley Development Code, establishing development regulations and permitting procedures for the operation of Home Occupation Permits.

Order of Procedure:

Request Staff Report
Open the Public Workshop
Request Public Comment
Commission Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Voice Vote)

Discussion: As part of the Development Code Update project, the Planning Commission is reviewing regulations for home occupations or home based businesses. Chapter 9.08.050 establishes regulations for the operation of Home Occupations in single family and multi-family land use districts. The intent of these regulations is to allow for certain business activities within residential neighborhoods without altering the character of the neighborhood or creating impacts or activities that are not commonly associated with residential neighborhoods.

While staff has made suggested modifications to the regulations, there are several policy areas that the Commission should review and discuss to ensure the regulations address

___ Department Report	___ Ordinance Action	___ Resolution Action	___ Public Hearing
___ Consent	___ Minute Action	___ Receive and File	X Workshop

the Commission's intended outcome for the process and standards for home based businesses.

As staff has reviewed the existing regulations in detail, there are areas within the existing regulations that are either "vague" or that "conflict" with other provisions. Therefore staff proposes the following Commission discussion points to assist in finalizing the regulations at the May 27, 2014 Planning Commission meeting.

Approval Authority: Modifications have been made that provide for two levels of approval authority including Director and Planning Commission. Planning Commission review applies to those home based businesses which propose sales activities from the home, customers visiting the residence, and for uses which propose outdoor screened business activity. A conditional use permit application may be filed for Planning Commission consideration for any proposed home based business which exceeds the standards identified.

Renewal Authority: Renewal authority is recommended to be retained by the approval authority.

Period of Approval: Historically, approvals have been given for one year. Consideration should be given to modifying the time period to 2 or 3 years, unless a complaint is received and violations of requirements/standards have been verified by a field investigation.

Prohibited Uses: The Commission may desire to identify if additional prohibited uses should be added to the list.

Exemptions: Telecommuting, No Customers, Business Conducted Off-Site: Additional language has been added to this section that further clarifies what home based business activities are exempt from obtaining a permit.

Outside Storage: The current Ordinance identifies that outside storage is allowed, but the Ordinance does not provide sufficient details or standards. Modifications have been made which prohibit outside storage on smaller lots in the RS and RM zoning districts, while allowing "some" outside storage on lots larger than one acre in the RL and R-HR zoning districts.

Percentage of Structures that may be used for business activities: Current standards identify 25% and 35%, or 250 square feet or 500 square feet, as maximum areas for conducting home based businesses. The Commission may desire to discuss modifications to these standards.

Where Are Business Activities To Be Conducted: The current Ordinance identifies inside the primary structure, accessory structures, as well as storage and other associated activities outside of an enclosed structure. The Commission should discuss these

standards and direct staff as to the allowable locations for home based business activities.

Hours of Business Operation: Current regulations establish business operating hours between 7:00 am and 8:00 pm. Modifications have been made to the regulations for home based businesses which have sales on the premises or customers to the site to 9:00 am to 5:00 pm. All other homes based business would be limited to between 7:00am and 7:00 pm. The Commission may desire to discuss the necessity for hours of operation where no customers visit the site, and when the business activity is in compliance with Town regulations.

Chapter 9.75 establishes the application submittal requirements, the permitting procedures and the required findings for the issuance of Home Occupation Permits.

Alternatives: The Planning Commission may provide direction to staff as deemed necessary.

Fiscal impact: This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

Attachments:
Section 9.08.050, Home Occupation Permit Regulations-track changes
Section 9.08.050, Home Occupation Permit Regulations-changes accepted
Chapter 9.75, Home Occupation Permit Permitting Procedures-track changes
Chapter 9.75, Home Occupation Permit Permitting Procedures-changes accepted
Ordinance 178, Home Occupation Permits
Ordinance 54, Home Occupations Permits
Planning Commission minutes from March 11, 2014
Planning Commission minutes from August 27, 2013
General Plan Land Use Policies-Residential

ORDINANCE NO. .

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 2, CHAPTER 9.08, SECTION 9.08.050, HOME OCCUPATIONS AND REPEALIING SECTION 84.0615 THRU 84.0622, CHAPTER 6, DIVISION 4 OF TITLE 8.

The Yucca Valley Town Council does ordains as follows.

Section 1:

9.08.050 Home Occupations

A. **Purpose.** The purpose of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated with residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in the Multi-Family Zoning District and in multi-family units, including duplexes, tri-plexes, and apartment units.

B. Applicability. The provisions in this Section shall apply to home occupations as defined in Article 7 and where allowed in compliance within this Article and the following standards. A home occupation shall only be allowed as an accessory use on a parcel with a legal residential dwelling unit.

C. **Prohibited Home Occupations.** The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:

1. Animal hospitals;
2. Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;
3. Junk yards;
4. Medical and dental offices, clinics, and laboratories;
5. Mini-storage;
6. Storage of equipment, materials, and other accessories to the construction trades;
7. Welding and machining.
8. Cabinet shop.

9. Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.

D. Exemptions

Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customers to the site, employees, or any structural alteration are exempt from permitting requirements.

In addition, no permit is required for home based businesses where no business activity takes place other than the scheduling of appointments or paperwork, there are no customers received at the residence, the exterior of the property is not modified for the business and there is no outdoor storage of materials or vehicles, except as normally associated and allowed in a residential area. These business activities include but are not limited to ~~a~~ contractors, ~~or similar occupation~~, housecleaning, carpet cleaning, mobile carwash or gardeners. ~~which utilizes the home as an office where~~.

E~~D~~. Conditions of Approval. ~~Operating Standards.~~ All home occupations shall comply with all of the following conditions of approval ~~operating standards~~, at all times:

1. ~~1.~~ There shall be no visible or external evidence of the home occupation. No dwelling or accessory structure shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

2. There shall be no displays, sale, or advertising signs on the premises;

3. There shall be no signs other than one unlighted identification sign containing the name and address of the owner attached to the building not exceeding two square feet in area per street frontage;

4. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;

5. The home occupation shall not encroach into any required parking, setback, or open space area and required covered parking shall not be altered for the purpose of conducting the home occupation.

6. There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises, except as approved by the Commission. ~~visible from surrounding properties or public rights of way~~. Any storage of

hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;

7. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;

8. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;

9. No home occupation shall be initiated until a current business registration certificate is obtained;

10. A Home Occupation Permit shall not be transferable to another person or property;

~~11. If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit; .~~

~~12. The garage shall not be altered externally;~~

13. No use shall create or cause noise in excess of noise standards established for residential zoning districts~~land use districts~~, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, ~~fluctuations in the line voltage outside the structure,~~ or other hazards or nuisances;

~~14. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.~~

15.e. Operating hours of a home occupation in which there are sales on the premises or customers visiting the site shall be between the hours of 9:00 a.m and 5:00 p.m.. Operating hours of all other home occupations requiring a permit shall be between the hours of 7:00 a.m. and 7~~8~~:00 p.m.~~.~~

16. The home occupation activity shall be confined to an enclosed primary or accessory structure for lots in the Residential Single Family (RS) and Residential Multi-Family (RM) zoning districts ~~land use districts~~ or for lots less than one acre in size in the Rural Living (RL) or Hillside Reserve (R-HR) zoning districts.

17. Lots in the Rural Living (RL) and Hillside Reserve (R-HR) zoning ~~land use~~ districts that are one acre or larger shall be permitted outdoor business activity or screened outdoor storage of materials subject to review and approval ~~of a Conditional Use Permit~~ by the Commission.

18. Public advertising shall only list phone number, operators name, post office box and description of business. Busines address or location shall not be included in any public advertising.

19. Home occupations in the Residential Single Family (RS) and Residential Multi-Family (RM) zoning ~~land use~~ districts may employee one individual other than family members.
Home occupations in the Rural Living (RL) and Hillside Reserve (R-HR) zoning ~~land use~~ districts may employee two individuals other than family members.
The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.

20. Up to 25 percent or 250 square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for the operation of the home occupation and for the storage of material and supplies related to the home occupation in all RS and RM zoning ~~land use~~ districts. Up to 35 percent or 500 square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for the operation of the home occupation and for the storage of material and supplies related to the use in all RL and R-HR zoning ~~land use~~ districts.

F~~E~~. **Tiering/Levels of Review Required.** No person shall engage in a home occupation without first obtaining a Home Occupation Permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt. In addition, the operator of the home occupation shall procure a Business Registration ~~License~~ in compliance with Municipal Code Chapter 5.20 (Business Registration Certificate).

~~1. No Permit Required.~~

1.~~2~~. No Hearing Required. Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.

~~a.~~ ~~There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;~~.

~~b. There are no displays, for sale, or advertising signs on the premises.;~~

~~c. There are no signs other than one unlighted identification sign containing the name and address of the owner attached to the building not exceeding two square feet in area per street frontage;.~~

~~d. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;.~~

~~e. The home occupation does not encroach into any required parking, setback, or open space area;.~~

~~f. Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;.~~

~~g. There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;.~~

~~h. No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;.~~

~~i. The home occupation has a current business registration certificate;.~~

~~j. If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a home occupation Permit;.~~

~~k. The garage has not and shall not be altered externally;.~~

~~l. The home occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;.~~

a.~~m~~. There are no sales of products on the premises.

b.~~n~~. No customers or clientele may visit the residence.

c.~~o~~. All employees shall be members of the resident family and shall reside on the premises.

~~p. Up to 25 percent or 250 square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation~~.

e.~~q~~. No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

2.~~3.~~ Public Notice and Hearing Required. Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Commission ~~Community Development Director~~, is the review authority, and the Commission ~~Director~~ may forward the application to the Council ~~Commission~~ for consideration.

a. There may be sales of products on the premises.

b. Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Zoning Districts.

~~c. All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on site.~~

~~d. Up to 25 percent or 250 square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to 35 percent or 500 square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.~~

~~e. Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.~~

3. Conditional Use Permit.

a. Home Occupations which may exceed the standards provided in (E) or (F) (1) or (2) may be approved subject to the review and approval of a Conditional Use Permit by the Commission.

~~b. Lots in the Rural Living (RL) and Hillside Reserve (R-HR) land use districts that are one acre or larger may be permitted outdoor business activity subject to review and approval of a Conditional Use Permit by the Commission.~~

G~~F~~. **Review**. The Review Authority ~~Director~~. shall review all applications for a Home Occupation Permit to determine if the proposed use is consistent with the provision of Section 9.08.050. ~~meets all of the general development standards Section 9.XX.XXX (J).~~ If all standards are met after complying with the noticinge provisions of this Section 9.75 ~~subsection~~, the review authority ~~Director~~. shall make the following findings prior to issuance of the permit;

1. That the proposed use is not prohibited;

2. That the proposed use will comply with all applicable standards;

3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;

4. That the proposed use will be consistent with any applicable specific plan.

5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

~~6. In accordance with Section 9.XX.XXX (Notice of Pending Land Use Decision), notice shall be given, except that such notice will be given at least 15 days prior to the scheduled hearing date. If no response has been received by the Town five days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Director may elect not to hold a formal hearing.~~.

H. **Home Occupation Permit Renewal.**

Home Occupation Permits are approved for a period of three (3) years. ~~shall be renewed on an annual basis~~ The applicant is responsible for the initiation of renewal of a Home Occupation Permit ~~s are subject to review by the Director annually, or as a result of any written complaint.~~ The Director shall be the review authority for permits that were approved by the Director. The Commission shall be the review authority for permits that were approved by the Commission.

I. Home Occupation Permit Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments

~~J~~G. **Home Occupation Permit Revocation.**

Refer to Article 5, Chapter 9.84 Permit Revocation

~~The Home Occupation Permit may be revoked by the Director if any one of the following findings can be made that there exists a violation of a condition, regulation or limitation of the permit and said violation is not corrected within 10 days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Commission.~~

~~1. That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;~~

~~2. That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;~~

~~3. That the use for which the permit was granted has ceased or was suspended for six or more consecutive calendar months;~~

~~4. That the use is not being conducted in a manner consistent with applicable operating standards described in Section 9.XX.XXX(D) (Operating Standards), of this Chapter;~~

~~5. That the permit was obtained by misrepresentation or fraud;~~

~~6. That one or more of the conditions of the Home Occupation Permit have not been met;~~

~~7. That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;~~

~~8. That the home occupation is in violation of any statute, law, ordinance, or regulation;~~

~~9. That two or more valid complaints from at least two different parties have been filed against the home occupation within any six month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.~~

~~10. That the applicant has not obtained a current business registration certificate from the Town;~~

~~11. That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities.~~

K~~G~~. Appeal.

Refer to Article 5, Chapter 9.81 Appeals

~~Any affected person may appeal a decision of the Director to the Commission. Appeals shall be filed with the Community Development Department within 10 calendar days following the date of the action appealed. Upon receipt of the notice of appeal, the Director shall schedule the matter on the agenda for the next possible regular Commission meeting. The Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Commission may be appealed to the Council within 10 calendar days following Commission action.~~.

Section 2: Repeal of County Code as Adopted and Amended by the Town: The Town Council hereby repeals Sections 84.0615 thru 84.0622, Chapter 6, Division 4 of Title 8.

Section 3. Severability: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. Certification; Publication: The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

Section 5. Effective Date: This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this .

MAYOR

ATTEST:

TOWN CLERK

ORDINANCE NO. .

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 2, CHAPTER 9.08, SECTION 9.08.050, HOME OCCUPATIONS AND REPEALIING SECTION 84.0615 THRU 84.0622, CHAPTER 6, DIVISION 4 OF TITLE 8.

The Yucca Valley Town Council does ordain as follows.

Section 1:

9.08.050 Home Occupations

A. Purpose. The purpose of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated with residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in the Multi-Family Zoning District and in multi-family units, including duplexes, tri-plexes, and apartment units.

B. Applicability. The provisions in this Section shall apply to home occupations as defined in Article 7 and where allowed in compliance within this Article and the following standards. A home occupation shall only be allowed as an accessory use on a parcel with a legal residential dwelling unit.

C. Prohibited Home Occupations. The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:

1. Animal hospitals;
2. Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;
3. Junk yards;
4. Medical and dental offices, clinics, and laboratories;
5. Mini-storage;
6. Storage of equipment, materials, and other accessories to the construction trades;
7. Welding and machining.
8. Cabinet shop.

9. Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.

D. Exemptions

Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customers to the site, employees, or any structural alteration are exempt from permitting requirements.

In addition, no permit is required for home based businesses where no business activity takes place other than the scheduling of appointments or paperwork, there are no customers received at the residence, the exterior of the property is not modified for the business and there is no outdoor storage of materials or vehicles, except as normally associated and allowed in a residential area. These business activities include but are not limited to contractors, , housecleaning, carpet cleaning, mobile carwash or gardeners..

E. Conditions of Approval. All home occupations shall comply with all of the following conditions of approval . at all times:

1. There shall be no visible or external evidence of the home occupation. No dwelling or accessory structure shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

2. There shall be no displays, sale, or advertising signs on the premises;

3. There shall be no signs other than one unlighted identification sign containing the name and address of the owner attached to the building not exceeding two square feet in area per street frontage;

4. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;

5. The home occupation shall not encroach into any required parking, setback, or open space area and required covered parking shall not be altered for the purpose of conducting the home occupation.

6. There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises, except as approved by the Commission. .. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;

7. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;

8. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;

9. No home occupation shall be initiated until a current business registration certificate is obtained;

10. A Home Occupation Permit shall not be transferable to another person or property;

13. No use shall create or cause noise in excess of noise standards established for residential zoning districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, or other hazards or nuisances;

14. Operating hours of a home occupation in which there are sales on the premises or customers visiting the site shall be between the hours of 9:00 a.m and 5:00 p.m.. Operating hours of all other home occupations requiring a permit shall be between the hours of 7:00 a.m. and 7:00 p.m.

15. The home occupation activity shall be confined to an enclosed primary or accessory structure for lots in the Residential Single Family (RS) and Residential Multi-Family (RM) zoning districts or for lots less than one acre in size in the Rural Living (RL) or Hillside Reserve (R-HR) zoning districts.

16. Lots in the Rural Living (RL) and Hillside Reserve (R-HR) zoning districts that are one acre or larger shall be permitted outdoor business activity or screened outdoor storage of materials subject to review and approval by the Commission.

17. Public advertising shall only list phone number, operators name, post office box and description of business. Business address or location shall not be included in any public advertising.

18. Home occupations in the Residential Single Family (RS) and Residential Multi-Family (RM) zoning districts may employee one individual other than family members.
Home occupations in the Rural Living (RL) and Hillside Reserve (R-HR) zoning districts may employee two individuals other than family members.
The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.

19. Up to 25 percent or 250 square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for the operation of the home occupation and for the storage of material and supplies related to the home occupation in all RS and RM zoning districts. Up to 35 percent or 500 square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for the operation of the home occupation and for the storage of material and supplies related to the use in all RL and R-HR zoning districts.

F. **Tiering/Levels of Review Required.** No person shall engage in a home occupation without first obtaining a Home Occupation Permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt. In addition, the operator of the home occupation shall procure a Business Registration in compliance with Municipal Code Chapter 5.20 (Business Registration Certificate).

1. No Hearing Required. Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.

    a. There are no sales of products on the premises.
    b. No customers or clientele may visit the residence.
    c. All employees shall be members of the resident family and shall reside on the premises. e.. No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

2. Public Notice and Hearing Required. Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Commission is the review authority, and the Commission may forward the application to the Council for consideration.

    a. There may be sales of products on the premises.
    b. Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Zoning Districts.

3. Conditional Use Permit.

a. Home Occupations which may exceed the standards provided in (E) or (F) (1) or (2) may be approved subject to the review and approval of a Conditional Use Permit by the Commission.

G. **Review**. The Review Authority shall review all applications for a Home Occupation Permit to determine if the proposed use is consistent with the provision of Section 9.08.050. If all standards are met after complying with the noticing provisions of Section 9.75, the review authority shall make the following findings prior to issuance of the permit;

1. That the proposed use is not prohibited;

2. That the proposed use will comply with all applicable standards;

3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;

4. That the proposed use will be consistent with any applicable specific plan.

5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

H. **Home Occupation Permit Renewal.**
Home Occupation Permits are approved for a period of three (3) years. The applicant is responsible for the initiation of renewal of a Home Occupation Permit The Director shall be the review authority for permits that were approved by the Director. The Commission shall be the review authority for permits that were approved by the Commission.

I. Home Occupation Permit Amendment
Refer to Article 5, Chapter 9.83 Permit Amendments

J. **Home Occupation Permit Revocation**
Refer to Article 5, Chapter 9.84 Permit Revocation

K. **Appeal.**
Refer to Article 5, Chapter 9.81 Appeals

Section 2: **Repeal of County Code as Adopted and Amended by the Town:** The Town Council hereby repeals Sections 84.0615 thru 84.0622, Chapter 6, Division 4 of Title 8.

Section 3. **Severability:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. **Certification; Publication:** The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

Section 5. **Effective Date:** This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2014.

_____
MAYOR

ATTEST:

_____
TOWN CLERK

ORDINANCE NO. .

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 4, CHAPTER 9.75, SECTIONS 9.75.010 THRU 9.75.080, HOME OCCUPATIONS.

Section 1:

9.75.010 – Purpose
9.75.020 – Applicability
9.75.030 – Procedures
9.75.040 – Application Submittal Requirements
9.75.050 – Application Fee
9.75.060 – Investigation and Report
9.75.070 – Required Findings
9.75.080 – Development of Property Before Final Decision

9.75.010 – Purpose

The Home Occupation Permit review procedure allows the Town to evaluate proposed Home Occupations to determine consistency with the General Plan, Development Code and applicable Town ordinances. The Home Occupation Permit review procedure is intended to protect and enhance the visual appeal, environment and property values of the Towns residential neighborhoods. Review of such uses is necessary to ensure that the uses are developed, operated and located properly with respect to . surrounding properties, and so that any and all potentially adverse impacts are mitigated.

9.75.020 – Applicability

The provisions of this Chapter are applicable to all single family residential and multi-family residential zoned property.

9.75.030 – Procedures

A. Home Occupation Permits subject Section 9.08.050 (E)(1).

Procedure: Staff Review without Notice
Reviewing Authority: Director

B. Home Occupation Permits subject to Section 9.08.050 (E)(2).

Procedure: Public Hearing
Reviewing Authority: Commission

C. When necessary, the Director may forward any request for a Home Occupation Permit to the Commission for review and the Commission may forward any request to the Council for review.

D. Notice shall be given in accordance with Chapter 9.85, *Public Notices and Hearings*.

E. In approving an application for a Home Occupation Permit, the review authority .may impose necessary conditions to ensure compliance with this Code.

F. Revocation of a Home Occupation Permit. Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any Home Occupation Permit in accordance with Chapter 9.84, Permit Revocation. The reviewing authority shall give notice of such an action to the permittee. The permittee may appeal such a decision by filing an Appeal as allowed and specified in Chapter 9.81, Appeals.

9.75.040 – Application Submittal Requirements

Applications for Home Occupations Permits shall be filed on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the application submittal packed or by other applicable ordinances or by the Town in order for the review authority to make the required findings.

If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit; .

9.75.050 – Application Fee

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter.

9.75.060 – Investigation and Report

The Director shall cause an analysis of each application for a Home Occupation Permit to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Planning Division. The analysis shall examine the applications consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. As a result of the analysis, the Planning Division may include a list of proposed conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

9.75.070 – Required Findings

The review authority shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of Section 9.08.050. If all standards are met after complying with the noticing provisions of Chapter 9.85 ., the review authority shall make the following findings prior to the issuance of the permit:

A. That the proposed use is not prohibited;

B. That the proposed use will comply with all applicable standards;

C. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety and general welfare;

D. That the proposed use will be consistent with any applicable specific plan;

E. That the proposed use will not alter the character of the neighborhood and will not induce physical and socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

9.75.080 – Development of Property Before Final Decision

No person shall engage in a Home Occupation without first obtaining a Home Occupation Permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

Section 2. Severability: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 3. Certification; Publication: The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

Section 4. Effective Date: This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2014.

_____
MAYOR

ATTEST:

_____
TOWN CLERK

ORDINANCE NO. .

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 4, CHAPTER 9.75, SECTIONS 9.75.010 THRU 9.75.080, HOME OCCUPATIONS.

Section 1:

9.75.010 – Purpose
9.75.020 – Applicability
9.75.030 – Procedures
9.75.040 – Application Submittal Requirements
9.75.050 – Application Fee
9.75.060 – Investigation and Report
9.75.070 – Required Findings
9.75.080 – Development of Property Before Final Decision

9.75.010 – Purpose

The Home Occupation Permit review procedure allows the Town to evaluate proposed Home Occupations to determine consistency with the General Plan, Development Code and applicable Town ordinances. The Home Occupation Permit review procedure is intended to protect and enhance the visual appeal, environment and property values of the Towns residential neighborhoods. Review of such uses is necessary to ensure that the uses are developed, operated and located properly with respect to . surrounding properties, and so that any and all potentially adverse impacts are mitigated.

9.75.020 – Applicability

The provisions of this Chapter are applicable to all single family residential and multi-family residential zoned property.

9.75.030 – Procedures

A. Home Occupation Permits subject Section 9.08.050 (E)(1).

Procedure: Staff Review without Notice
Reviewing Authority: Director

B. Home Occupation Permits subject to Section 9.08.050 (E)(2).

Procedure: Public Hearing
Reviewing Authority: Commission

C. When necessary, the Director may forward any request for a Home Occupation Permit to the Commission for review and the Commission may forward any request to the Council for review.

D. Notice shall be given in accordance with Chapter 9.85, *Public Notices and Hearings*.

E. In approving an application for a Home Occupation Permit, the review authority .may impose necessary conditions to ensure compliance with this Code.

F. Revocation of a Home Occupation Permit. Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any Home Occupation Permit in accordance with Chapter 9.84, Permit Revocation. The reviewing authority shall give notice of such an action to the permittee. The permittee may appeal such a decision by filing an Appeal as allowed and specified in Chapter 9.81, Appeals.

9.75.040 – Application Submittal Requirements

Applications for Home Occupations Permits shall be filed on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the application submittal packed or by other applicable ordinances or by the Town in order for the review authority to make the required findings.

If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit;

9.75.050 – Application Fee

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter.

9.75.060 – Investigation and Report

The Director shall cause an analysis of each application for a Home Occupation Permit to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Planning Division. The analysis shall examine the applications consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. As a result of the analysis, the Planning Division may include a list of proposed conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

9.75.070 – Required Findings

The review authority shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of Section 9.08.050. If all standards are met after complying with the noticing provisions of Chapter 9.85 ., the review authority shall make the following findings prior to the issuance of the permit:

A. That the proposed use is not prohibited;

B. That the proposed use will comply with all applicable standards;

C. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety and general welfare;

D. That the proposed use will be consistent with any applicable specific plan;

E. That the proposed use will not alter the character of the neighborhood and will not induce physical and socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

9.75.080 – Development of Property Before Final Decision

No person shall engage in a Home Occupation without first obtaining a Home Occupation Permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

Section 2. **Severability:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 3. **Certification; Publication:** The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

Section 4. **Effective Date:** This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2014.

_____
MAYOR

ATTEST:

_____
TOWN CLERK

CURRENT ORDINANCE

ORDINANCE NO. 178

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 6 SECTION 84.0615 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO HOME OCCUPATIONS (DCA-06-05)

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

SECTION 1. Development Code Amended.

1.1 Title 8, Division 4, Chapter 6 Section 84.0615 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read in its entirety as follows:

"84.0615

Home Occupations

84.0615

(a) **PURPOSE AND INTENT:**

The purpose and intent of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in multi-family zoning and in multi-family units, including duplexes, tri-plexes, and apartment units.

(b) No person shall engage in a home occupation without first obtaining a special use permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

(c) The Director of the Community Development Department, or his designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of subsection 84.0615 (j). If all standards are met after complying with the notice provisions of this subsection, the Community Development Director shall make the following findings prior to issuance of the permit:

(1) That the proposed use is not prohibited;

(2) That the proposed use will comply with all applicable standards;

(3) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;

(4) That the proposed use will be consistent with any applicable specific plan.

(5) That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

(d) (1) In accordance with Section 83.010330 *Notice of Pending land Use Decision*, notice shall be given, except that such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the Town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Community Development Director may elect not to hold a formal hearing.

(2) Home Occupation Permits are subject to review by the Community Development Director annually, or as a result of any written complaint.

(3) Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customer to site, employees, or any structural alteration are exempt from permitting requirements.

(e) Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Planning Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.

(1) There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

(2) There are no displays, for sale, or advertising signs on the premises;

(3) There are no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;

(4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;

(5) The home occupation does not encroach into any required parking, setback, or open space area;

(6) Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;

(7) There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;

(8) No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;

(9) The Home Occupation has a current business registration certificate;

(10) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a Home Occupation Permit;

(11) The garage has not and shall not be altered externally;

(12) The Home Occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;

(13) There are no sales of products on the premises.

(14) No customers or clientele may visit the residence.

(15) All employees shall be members of the resident family and shall reside on the premises.

(16) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.

(17) No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

(f) Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Planning Commission for consideration.

(1) There may be sales of products on the premises.

(2) Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Land use Districts.

(3) All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.

(4) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to thirty-five percent (35%) or five hundred (500) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.

(5) Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.

(g) **Prohibited Home Occupations.** The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:

(1) Animal hospitals;

(2) Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;

(3) Junk yards;

(4) Medical and dental offices, clinics, and laboratories;

(5) Mini-storage;

(6) Storage of equipment, materials, and other accessories to the construction trades;

(7) Welding and machining.

(8) Cabinet shop.

(9) Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.

(h) The Home Occupation Permit may be revoked by the Community Development Director if any one of the following findings can be made that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Planning Commission.

(1) That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;

(2) That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;

(3) That the use for which the permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;

(4) That the use is not being conducted in a manner consistent with applicable operating standards described in Section 84.0618 *Operating Standards*, of this Chapter;

(5) That the permit was obtained by misrepresentation or fraud;

(6) That one (1) or more of the conditions of the Home Occupation Permit have not been met;

(7) That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;

(8) That the home occupation is in violation of any statute, law, ordinance, or regulation;

(9) That two (2) or more valid complaints from at least two (2) different parties have been filed against the home occupation within any six (6) month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.

(10) That the applicant has not obtained a current business registration certificate from the Town.

(11) That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities.

(i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community Development Director shall schedule the matter on the agenda for the next possible regular Planning Commission meeting. The Planning Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following the Commission action.

(j) **General Standards.** All home occupations shall comply with all of the following operating standards at all times:

(1) There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

(2) There shall be no displays, sale, or advertising signs on the premises;

(3) There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;

(4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;

(5) The home occupation shall not encroach into any required parking, setback, or open space area;

(6) There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;

(7) There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;

(8) No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;

(9) No home occupation shall be initiated until a current business registration certificate is obtained;

(10) A Home Occupation Permit shall not be transferable;

(11) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit;

(12) The garage shall not be altered externally;

(13) No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;

(14) The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.

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 and attested by the Town Clerk this 5th day of January, 2006.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

APPROVED AS TO CONTENT:

Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 178 as duly and regularly introduced at a meeting of the Town Council on the 8th day of December, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of January, 2006, by the following vote, to wit:

Ayes: Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook

Noes: None

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17th day of January, 2006.

(SEAL)

Town Clerk of the Town of
Yucca Valley

PREVIOUS, NOW REPEALED ORDINANCE

Ordinance No. 54

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 84.0615 OF THE TOWN OF YUCCA VALLEY DEVELOPMENT CODE REGARDING HOME OCCUPATIONS/COTTAGE INDUSTRY BY AMENDING SUBSECTION 84.0615 (a), AND 84.0615 (b) AND ADDING NEW SUBSECTIONS 84.0615(e), 84.0615(f), 84.0615(g), AND 84.0615(h)

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

SECTION 1. SECTION 84.0615 AMENDMENTS

Section 84.0615 of the Yucca Valley Development Code is hereby amended as follows:

1.1 Subsection (a) of Section 84.0615 of the Town of Yucca Valley Development Code is hereby amended to read as follows:

"(a) Home Occupations and Cottage Industries are businesses, professions or trade activities of a non-residential nature which is accessory to a residential land use. The home occupation is performed by the resident within that residential dwelling unit for purposes of generating income or gainful employment by means of the manufacture, provision and/or sale of goods and/or services, where this activity is purely incidental to the use of the dwelling for residential purposes. Home Occupations and Cottage Industries conducted in accordance with the provision of this chapter shall be permitted in residential zones, and in areas where residential uses are allowed, provided that the occupation is clearly incidental to the use of the dwelling for residential purposes and does not alter the character nor the appearance of the residential environment. No home occupation shall be established until an application for a Home Occupation Permit has been submitted to and approved by the Director of the Community Development Department as being consistent with the requirements of this Chapter. Home Occupations and Cottage Industries shall be permitted as an accessory use to a residential land use, subject to a Special Use Permit and to the following standards:

Home Occupation and Cottage Industry Standards are divided into three (3) groups of provisions:

(1) General standards applying to both Home Occupations and Cottage Industries.

(2) Home Occupation standards for properties within land use districts which allow residential uses.

(3) Cottage Industry standards for land use districts which require a minimum parcel size of two and one-half (2 1/2) acres and where the lot size is at least one (1) acre."

SUMMARY OF STANDARDS

TOPIC	REGULATORY INTENT	STANDARDS
Location	To minimize unsightly conditions from disturbing surrounding neighbors.	The home occupation shall be confined to an enclosed structure The home occupation may be conducted in the garage to the dwelling unit but shall not use any space required for off-street parking. All employees. partners or operators of the home occupation. shall be members of the resident family and shall reside on the premises. All employees, partners or operators of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises (Cottage Industry)
Sales Activity	Restrict scope of business activity to ensure that residential use remains primary	Direct sales of products or merchandise shall be limited to seven (7) customers per week. Operating hours of a Home Occupation shall be between the hours of seven (7:00) a.m. and eight (8:00) p.m. (Cottage Industry).
Appearance	Maintain visual character of the existing structure as a primary residence.	The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises and vibrations. The use shall not involve storage of materials outside any structures, nor shall merchandise be visible from outside of the home.

TOPIC	REGULATORY INTENT	STANDARDS
Traffic	A home occupation shall not create pedestrian/automobile or truck traffic, or parking demand above normal levels for that zone.	Pedestrian and vehicular traffic will be limited to that normally associated with residential districts. The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
Utilities	Maintain residential scale of utility services to limit business activity to an incidental use and avoid TV/radio interference.	The uses of utilities and community facilities shall be limited to that normally associated with the use of property for residential purposes. No equipment or process shall be utilized that causes electrical or reception interference to televisions or radios of neighboring residences.
Business Vehicle	Restrict number, size and keeping of vehicles to reduce parking demand and maintain residential streetscapes.	Parking shall comply with the parking requirements specified by Division 7, Chapter 6 of this Title. One additional on-site parking space shall be provided for each non-resident employee. The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
Storage	Ensure that stored material do not take up required parking space or accumulate in yards	Up to twenty-five percent (25%) or two hundred fifty (250) square feet, whichever is greater, of the total floor area of the dwelling unit and related accessory structures, may be used for storage of materials and supplies related to the home occupation. Up to thirty five percent (35%) of the total floor area of the dwelling unit and related accessory structures or five hundred (500) square feet, whichever is greater, of the home may be used for storage of materials, supplies and equipment related to the cottage (Cottage Industry).
Cumulative Effects	Ensure that home occupation at a site does not exceed single-activity performance levels	The Director of the Community Development Department may impose such additional conditions as deemed necessary to safeguard the health, safety, and general welfare of the neighborhood, and carry out the intent of this section..

1.2 Subsection (b) of Section 84.0615 of the Town of Yucca Valley Development Code is hereby amended to read as follows:

"(b) GENERAL STANDARDS.

All home occupations and cottage industries shall adhere to the following standards:

(1) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(2) The home occupation shall be confined to an enclosed structure.

(3) The home occupation shall be limited to one type of occupation per residence.

(4) The home occupation may be conducted in the garage to the dwelling unit but shall not use any space required for off-street parking.

(5) The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.

(6) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises and vibrations.

(7) The use shall not involve storage of materials outside any structure. Merchandise shall not be visible from outside of the home.

(8) Direct sales of products or merchandise shall be limited to seven (7) customers per week.

(9) The uses of utilities and community facilities shall be limited to that normally associated with the use of property for residential purposes.

(10) No equipment or process shall be utilized that causes electrical or reception interference to televisions or radios of neighboring residences.

(11) If the business operation is to be operated by a tenant of the property, written permission from the property owner for the use of the property for the home occupations shall be submitted.

(12) All required permits from other agencies and departments shall be submitted with the Home Occupation Permit application.

(13) Noise emanations shall not exceed fifty five (55) dBA as measured at the property lines at all times.

(14) Any activity producing glare shall be carried on so that direct or indirect light from the source shall not cause glare onto an adjacent parcel.

(15) Chemicals, solvents, mixtures or materials which are corrosive, toxic, flammable, an irritant, a strong sensitizer, or other similar materials used in home occupation shall be used and stored in accordance with regulations of the San Bernardino County Department of Environmental Health Services, Hazardous Materials Division

(16) Parking shall comply with the parking requirements specified by Division 7, Chapter 6 of this Title. One additional on-site parking space shall be provided for each non-resident employee.

(17) No merchandise or articles shall be displayed for advertising. Public advertising (e.g. handbills) shall only list: phone number, home occupation operator's name, post office box and description of business. Location information shall be limited to community name only. Business address or location should not be included in any public advertising.

(18) The Director of the Community Development Department may impose such additional conditions as deemed necessary to safeguard the health, safety, and general welfare of the neighborhood, and carry out the intent of this section."

1.3 Section 84.0615 of the Town of Yucca Valley Development Code is hereby amended by adding a new subsection 84.0615 (e) Permitted Home Occupations/Cottage Industry to read as follows:

"(e) PERMITTED HOME OCCUPATIONS/COTTAGE INDUSTRY.

The following home occupations/cottage industry shall be permitted provided they comply with all applicable standards of Section 84.0615(b), (c) and (d):

(1) Office uses when the residence is used for the sole purpose of receiving mail, telephone calls, appointments, and bookkeeping,

(2) Offices for accountant, bookkeeper, insurance agent, real estate broker, typist, notary public, architect, engineer, instructor in arts, crafts, or music, beauty shops, medical services, salesman (where no direct sales occur),

(3) Crafts and hobby uses, such as photography, artwork, jewelry, home crafts, and minor baked goods.

(4) Services, such as gardening, janitorial, typing,

(5) Off premises sales and vending, such as import/export, product distributing, and swap meet vendors,

(6) Any similar use as approved by the Community Development Director."

1.4 Section 84.0615 of the Town Development Code is hereby amended by adding a new subsection 84.0615 (f) Prohibited Home Occupations to read as follows:

"(f) PROHIBITED HOME OCCUPATIONS/COTTAGE INDUSTRY.
The following home occupations are expressly prohibited as home occupations:

(1) The repair, reconditioning, servicing or manufacture of any internal combustion or diesel engine or of any motor vehicle, including automobiles, trucks, motorcycles, or boats,

(2) The repair or construction of motor vehicles and appliances, machine shops, and cabinet shops,

(3) Uses which entail food handling, processing or packing, other than specialized minor cooking or baking.

(4) Uses which may include the services of training, breeding, raising or grooming of dogs, cats or other animals shall be approved only under separate permit pursuant to animal keeping regulations.

(5) Sale of produce, hay or other agricultural product,

(6) Uses which require the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the building, fire code, or other adopted restriction,

(7) Uses which involve commercial vehicles (over a gross weight of 6,000 pounds or greater),

(8) Other uses which the Community Development Director determines to be similar to those listed above or which include activities which the Director deems to be equally or more incompatible with the surrounding land uses as the activities normally found in the uses listed above and which may

adversely affect the health, safety, and general welfare of the neighborhood."

1.5 Section 84.0615 of the Town Development Code is hereby amended by adding a new subsection 84.0615 (g) Reviewing Authority and Enforcement to read as follows:

"(g) REVIEWING AUTHORITY AND ENFORCEMENT

(1) The Director of the Community Development Department, or his or her designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of Section 84.0615. If all standards are met, the Community Development Director shall make the following findings and issue the permit:

(a) That the proposed use is not prohibited under Section 84.0615(f);

(b) That the proposed use will comply with all applicable standards;

(c) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;

(d) That the proposed use will be consistent with any applicable specific plan.

(2) Home Occupation Permits are subject to review by the Community Development Director within one year after issuance, or as a result of any complaint by any person.

The Home Occupation Permit may be revoked by the Community Development Department upon making findings that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations."

1.6 Section 84.0615 of the Town Development Code is hereby amended by adding a new subsection 84.0615 (h) Appeals to read as follows:

"(h) APPEALS

Any affected person may appeal a decision of the Director of the Community Development Department to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Director Community Development shall schedule the matter on the agenda for the next possible regular Commission Meeting and shall cause notice of said appeal hearing to be given to the appellant not less than five (5) days prior to such hearing. The Planning Commission may affirm, revise or modify the action appealed from Town Staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following Commission action. The notice of appeal shall be filed with the Community Development

Department who shall schedule the matter on the agenda for the next possible regular Council meeting and shall cause notice of said appeal hearing to be given the appellant not less than five (5) days prior to such hearing. The Council may affirm, revise, or modify the action appealed from the the Planning Commission. In ruling on the appeal, the findings and action of the Council shall be final and conclusive in the matter."

SECTION 2. PROVISIONS NOT AMENDED TO REMAIN. Except as specifically amended herein, all other provisions of section 84.0615 of the Town of Yucca Valley Development Code shall be and remain in effect.

SECTION 3. 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 4. 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 and attested by the Town Clerk this 20th day of April, 1995.

_____
Mayor

ATTEST:

Sue Iruda
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

APPROVED AS TO CONTENT:

Sue Iruda
Town Manager

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3/21/95

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
MARCH 11, 2014

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

Commissioners present were Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville.

Pledge of Allegiance was led by Chair Humphreville

APPROVAL OF AGENDA

Commissioner Bridenstine moved to approve the agenda. Commissioner Whitten seconded. Motion carried unanimously.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. **CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1PANDA EXPRESS-TACO BELL TENTATIVE PARCEL MAP, TPM 19525 ENVIRONMENTAL ASSESSMENT, EA 04-13 EIR STATE CLEARINGHOUSE #2004071127**

   Proposal to subdivide approximately 26 acres of commercially zoned property into three parcels of 0.84 acre, 0.75 acre and 23.88 acres and to construct a 2,230 square foot Panda Express and a 2,423 square foot Taco Bell. A total of 51 onsite parking spaces are proposed with drive aisles. The property is located at the south east corner of SR 62 and Avalon Avenue and is also described as Assessor Parcel Number 601-201-37.

   The review and approval of the Yucca Valley Retail Specific Plan included a project Environmental Impact Report (EIR), State Clearinghouse #2004071127. The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with project EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

Deputy Town Manager Stueckle gave a staff report and PowerPoint presentation outlining the project. The proposed project involves dividing a 26 acre lot into 3 parcels, two of which will be slightly less than one acre with the Super Wal-Mart retaining a 23.88 acre parcel, and the construction of a 2,230 sq ft Panda Express and a 2,423 sq ft Taco Bell with onsite parking allocated to each of the individual uses. It was the staff's finding that the project is included in the previously completed EIR for the Super Wal-Mart project. It will be attached to the existed Walmart package treatment plat, and the zoning is consistent with the Town's General Plan land use designations.

Deputy Town Manager Stueckle went on to explain that the site plan had be revised based on the discussions with staff. The site plan does not include any direct access to either Twentynine Palms Highway or Avalon Avenue. It does contain the two points of access mandated by the San Bernardino County Fire Department, but due to grade and other constraints, the driveways are located close together on the north side of the site. The revised site plan contains a separate exit for the drive-thru in response to staff's concerns about pedestrian access in the original site plan.

Deputy Town Manager Stueckle also spoke briefly about the proposed architecture. The building height at the top of the parapet for Panda Express is approximately 22ft, and 22ft at top of the tower element for Taco Bell. The one design concern expressed by staff is due to the fact that the trash enclosure is located farther from the buildings than is usual and is in a more visible location. Staff has asked that more additional decorative elements, such a wrought iron, be included than is typically seen around trash enclosures. The applicant also submitted a revised grading and drainage plan in line with the revised site plan.

Staff recommended that the Planning Commission finds the project exempt from further environmental review, and approves both the Conditional Use Permit, CUP 02-04, and the Tentative Parcel Map, TPM 19525, based upon the findings and Conditions of Approval.

Chairman Humphreville invited the representatives of the applicants to speak. Gary Wang of Gary Wang and Associates, the architect for Panda Express, and Charlie Shen from CFT Developments, LLC both offered to answer any of the Commission's questions.

Commissioner Bridenstine asked about the relative lack parking close to the entrance to the Panda Express in comparison to the parking near the Taco Bell. She also asked if there was information about what percentage of Panda Express customers use the drive-thru rather than the dining area.

Charlie Shen replied that the percentage of customers using the drive-thru is usually between 30-60% depending on location and other factors. He said that more detailed information can be provided. Gary Wang also stated that they will include pedestrian crossing hash marks to help protect customers crossing between the parking areas.

Commissioner Whitten commented that in his experience Panda Express tended to have fewer sit down customers than Taco Bell. He also asked about a stop sign at the end of the drive-thru, and speed limit signs.

Gary Wang replied that they were intending to include some kind of traffic control device such as stop signs or speed bumps.

Deputy Town Manager Stueckle stated that the Town does not typically regulated on site driving speeds limits. It is more typical to use stop signs and pedestrian cross walks to regulate on site traffic rather than speed limit signs.

Commissioner Whitten asked about some other options for positioning the drive-thru exit. Mr Wang and Mr. Shen explained that because of a combination of grading issues and issues with Wal-Mart the alternative positions of drive-thru weren't possible.

Commissioner Whitten also asked about the silting basin, and was informed by Mr. Wang that project will be tied into the existing lines.

Chairman Humphreville asked if the applicants intended to include the wrought iron decorative elements on the trash enclosure, and Commissioner Drozd asked what kind of wrought iron décor they intend to include.

Mr. Wang replied that they do intend to include the requested decorative elements, and the décor will fit the theme of the shopping center.

Commissioner Drozd asked for clarification on whether the Environmental Assessment was number EA 04-13 or 05-13. Deputy Town Manager Stueckle replied that the EA 04-13 number was a typo in the packet and EA 05-13 was the correct designation.

Commissioner Lavender asked if the landscaping was being designed with water conservation issues such as permeable surfaces in mind.

Mr. Wang replied that staff had informed them of these concerns and the landscaping is being designed with them in mind.

With no further question for the applicants from the Commission, Chairman Humphreville opened the floor to Public Comment

PUBLIC COMMENTS

Margo Sturges, Yucca Valley, expressed concerned over water usage and how that is being addressed. She wished to know if the Planning Commission has made sure that these issues are being addressed.

Deputy Town Manager Stueckle replied on behalf of staff that both projects are attached to the packaged treatment plant, and that no new facilities will be constructed.

With no further speakers, Chairman Humphreville closed public comments.

Commissioner Whitten moved to find the project exempt from further environmental review, and approve both the Conditional Use Permit, CUP 02-04, and the Tentative Parcel Map, TPM 19525, based upon the findings and Conditions of Approval. Chairman Humphreville seconded the motion. The motion carried unanimously.

2. DEVELOPMENT CODE UPDATE ARTICLE 3

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 3, Chapter 9.30 thru Chapter 9.46, General Development Standards, providing standards for Dedications and Infrastructure Improvements, Landscaping, Parking, Performance Standards, Property Maintenance, Sign Regulations, Soil Erosion and Dust Control, Temporary Special Events, Temporary Uses, Surface Mining and Land Reclamation, Trip Reduction, Accessory Energy Systems, Wireless Communication Facilities, and Cemeteries and repealing Municipal Code Sections 41.151 thru 41.1569 and Development Code Sections 84.0701 thru 84.0740, 87.0201 thru 87.220, 87.0401 thru 87.0405, 87.0505, 87.0601 thru 87.0645, 87.0710 thru 87.07190, 87.0901 thru 87.0940, 88.0805 thru 88.0810, 810.0101 thru810.0135, 810.0201 thru 810.0275, and 9.75.010 thru 9.75.130.

Deputy Town Manager Stueckle presented the staff report. This meeting was intended as a refresher on the issues which need to be addressed by the Planning Commission so that staff can draft final changes for the proposed amendments to Title 9, Yucca Valley Development Code adding Article 3, Chapter 9.30 thru Chapter 9.46, and staff requested a commissioner dialogue on these issues. Staff would also like to put sign regulations on hold during this process as they should be treated as their own item. The Chapters in question and the areas in particular need of discussion are:

- Chapter 9.30 Dedication and Infrastructure Improvements
  - Staff asks that the Commission discuss the issues associated with what lot sizes require paved access roads, as well as non-residential requirements for full access including streetlights.
- Chapter 9.31 General Development Standards
  - Staff asks that the Commission discuss the issues associated with the exemptions to building height restrictions in the standards for the clear sight triangle.
- Chapter 9.32 Landscaping and Water Conservation
  - There is a new state law in effect mandating an update to city and county water ordinances. Staff drafted language that states that as long as the Water District is undergoing the technical analysis of that portion of the law, the town is not going to duplicate that effort. There is a question of how much landscaping, if any, is going to be required for new development.
- Chapter 9.33 Parking and Loading Regulations
- Chapter 9.34 Performance Standards
  - Several elements in this section were based on county codes, and staff is in the process of going over them with the county to ascertain their applicability to this community.
- Chapter 9.35 Property Maintenance Standards
  - There was a previous discussion regarding the need to provide the necessary flexibility without creating an over enforcement problem.
- Chapter 9.36 Sign Regulations
- Chapter 9.37 Soil Erosion and Dust Control
  - Staff has attempted to minimize the number of regulations and to leave the language more general to allow for a more case by case basis.
- Chapter 9.38 Temporary Special Events
  - Commission may wish to consider if there are additional types of special events which need to be included in the regulations, or any changes in the time limits which may need to be made.
- Chapter 9.39 Temporary Uses and Structures
  - There is more staff work to be done in this area
- Chapter 9.40 Surface Mining and Land Reclamation
- Chapter 9.41 Trip Reduction Requirements
- Chapter 9.42 Accessory Solar Energy Systems
- Chapter 9.43 Accessory Wind Energy Systems
- Chapter 9.44 Wireless Communications Facilities
  - Staff has identified some situations where the process may be simplified.
- Chapter 9.45 Cemeteries
- Chapter 9.46 Renewable Energy Generation Facilities

After the conclusion of the staff's report, Chairman Humphreville opened the floor to public comment.

PUBLIC COMMENTS

Margo Sturges, Yucca Valley, commented on Chapter 9.30.050, Delayed Improvements in Bonding. Ms. Sturges stated that it was her belief that the AMPM facility was given certificate of occupancy before all conditions of occupancy were met, and that it is currently an unsafe set up. She objects to the ability to wave or delay requirements, as decisions made may not follow the guidelines requiring that it not effect health or safety.

Deputy Town Manager Stueckle spoke in response the public comments. He stated that there was no waver of requirements of conditions of occupancy for the AMPM. The only improvements that were not completed were Cal-Trans projects. The staff may agree with the public comment in some sections of the code. There is a legal requirement to require more than one kind of performance guarantee.

With no further speakers, Chairman Humphreville closed Public Comments.

Chairman Humphreville opened discussion of Chapter 9.30 with the Commission. There was general Commission consensus on a one acre minimum requirement for paved road access.

Commissioner Whitten asked if this section would be the appropriate section to address the issue of what improvements the Town will and won't make to private roads.

Deputy Town Manager Stueckle replied that this section authorizes the Commission to require easements, but does not go into the specifics of whether they are publicly or privately maintained, and that language is not located anywhere within the draft code at this point. The current system was inherited from San Bernardino County and considers roads that were not constructed up to county standards as private roads and were not accepted into the County's maintained road system. Commissioner Whitten believes that this approach needs to be documented in the code language.

Deputy Town Manager Stueckle also pointed out that there have been several subdivisions of 2.5 acres which have roads on 3 or 4 sides and a requirement of dedication of easements for public purposes, but as the density was less than one unit per acre, there was no requirement to create improvements, and the roads are privately maintained. Previously there has not been the requirement for a formal type of district; there is just a requirement of a map notation that the property owner is responsible for those roads. This may be an issue to be addressed in the code.

Commissioner Whitten expressed concern over the issues raised by the proposed repairs to Blackrock Road, and called for documentation in the code to prevent an all or nothing scenario. Chairman Humphreville asked if this is the section where language addressing this issue could be included.

Deputy Town Manager Stueckle replied that he would need to look at this element more closely, but this is probably the correct section. One issue that has come up before is that it would be nice if there was a way to draw a line in the sand so that we are communicating that the roads outside this line are always going to be privately maintained.

Commissioner Bridenstine raised the issue of streetlights. It was her belief that the commission had agreed that streetlights were necessary in a limited amount for safety at the entrance of subdivision or the intersection of a major arterial. She believes there may need to be a qualifier included in the language.

Chairman Humphreville asked if the current code language would allow a new subdivision to put in street lights if they wanted to. Deputy Town Manager Stueckle replied that under the current code language they would not be allowed to put in street lights. However as far as the spacing issue, implementation is

different than the standards, and that standard may need to be modified to reflect current practice. Chairman Humphreville believes this issue may need further discussion.

Commissioner Lavender stated that putting too many conditions on things may limit community development.

Chairman Humphreville introduced a discussion on Chapter 9.31, General Development Standards. He believes that the Commission had previously had a discussion on the issue of building height issue and agreed upon a standard in which a lot of three quarters of an acre or less would be allowed 10% rather than 25 feet. Deputy Town Manager Stueckle stated that they will go back and read those minutes.

Commissioner Whitten asked if the Clear Sight Triangle standards apply to private roads.

Deputy Town Manager Stueckle replied that under current practice Clear Sight Triangle does not apply because the town does not exercise dominion or control of non-maintained roads. Commissioner Lavender commented that on these roads it is difficult to locate the Clear Sight Triangle because the roads themselves are hard to find.

Commissioner Bridenstine brought up the issue of parking lot exits along busy roads, and asked if the Clear Sight Triangle standards should be applied to parking lot entrances. Deputy Town Manager Stueckle stated that there is language that states that the Clear Sight Triangle standards apply to driveways, but it may need to be expanded. Commissioner Bridenstine said that she believes the language should be expanded to more specifically address the commercial driveway.

Commissioner Bridenstine asked how bushes and the like that obstruct the Clear Sight Triangle are dealt with. Deputy Town Manager Stueckle responded that Code Enforcement addresses some issues, while the Public Works crew addresses others.

Commissioner Drozd commented on Chapter 9.32. Mr. Drozd asked about how the total landscape area as referenced in the code was calculated. Deputy Town Manager Stueckle provided a brief answer and reminded the Commission that the standards the Town uses come from state regulations. He stated that Staff is satisfied with the commercial requirements, but would like the Commission's input on whether or there should be minimum standards for new single family residential subdivisions and for infill single family development.

Chairman Humphreville spoke on the issue of landscaping. He believes that the Hi-Water District does a good job of penalizing landscaping that is not drought tolerant through their tiered rate system. He agrees that standards for commercial landscaping should be in place. It is his feeling that there shouldn't be minimum standards of landscaping for residential lots in small subdivisions. He believes that developers are going to do what is necessary to sell lots, and that they should penalize new home buyers who may not be aware of standards when they change the landscaping.

Commissioner Bridenstine agrees with Chairman Humphreville for the most part, but does have some concerns that where there are issues of erosion control there should be some kind of standards. She also brought up the monotony of the landscaping in the Copper Hills track. Chairman Humphreville agreed that minimum standards might encourage minimum standard landscaping. Commissioner Bridenstine also stated that if you require the developer to provide landscaping it will be the cheapest and easiest option as opposed to a home owner, and perhaps the home owner should be required to do something. She also reiterated that there is a big erosion problem, and that needs to be taken into account.

Commissioner Whitten spoke about sewer project, and asked what the Water District's plans are in regards to reclaimed treated water including the possibility of including a purple pipe system in the Town to tap into treated water for irrigation needs. He also believes that drought tolerance and permeable surfaces are important elements. He said he did not see those terms in the section. He also asked if there were ways we can allow developers to innovate and use newer technologies.

Deputy Town Manager Stueckle responded by explaining that the Water District's plan does not currently allow for the use of treated water for irrigation. There were a number of discussions with the Water District about the feasibility of a purple pipe system, but it was highly cost prohibitive. As far as staff is aware the treated water will be used for recharging the aquifer. He also stated that there is room for language regarding drought tolerance, permeable surfaces, catch basins and the like. Chairman Humphreville added that the Water District quoted five million dollars just for the installation of a purple pipe from the treatment facility to the golf course.

Commission Bridenstine asked if regulations allow for the use of grey water for irrigation. Deputy Town Manager Stueckle believes that state law allows for the use of grey water in irrigation as long as the water does not come above ground, but it was his understanding that the technology did not make it a very effective method for many property owners. Commissioner Bridenstine stated that she believes that the technology has improved.

Chairman Humphreville added that he has installed grey water irrigation systems in homes during new construction and that in the past there have been programs through the Water District that help subsidize those installations, and that funding may still be available. Commissioner Whitten asked if the new water efficient appliances would have any effect on the usefulness of grey water systems. Chairman Humphreville said that washers and showers are the largest generators of grey water, and believes that if the Water District grey water program is still available, other programs should not be mandated. Both Commissioners Bridenstine and Whitten agreed that there should not be mandates put into place, but that the information about options should be made available in the code.

Chairman Humphreville introduced a discussion of Chapter 9.33, Parking and Loading Regulations. He stated that he believed he had had a previous conversation with Deputy Town Manager Stueckle about the number of parking spaces required for golf courses under the current code. He believes that six spaces per hole is excessive.

Commissioner Bridenstine raised the issue that the ordinance does not currently address parking at parks an also asked if there has been a discussion about using shared parking facilities for businesses that can share parking due to situations such as separation of hours. Deputy Town Manager Stueckle replied that staff will look at the parking regulations to make sure that parks are adequately addressed and that staff agrees the shared parking concept should be included and that if there is not adequate language in the code, it should be added.

Commissioner Whitten said that we need to address RV parking and the space calculations of two parking spaces for single family dwellings. Two parking spaces may not be enough given current driving practices.

Deputy Town Manager Stueckle asked that the Commission talk about what they envision for RV parking regulations, both commercial and residential. He also said that it is common for a family to have more vehicles than fit in a two car carport or garage. The Town of Yucca Valley does not have any regulations that limit the number of vehicles which can be parked on a lot outside of the covered spaces. Commissioner Whitten asked for confirmation that minimum two space requirement did not include driveway parking, which Deputy Town Manager Stueckle provided. Commissioner Whitten also stated

that he felt they need to separate non-operational and operational vehicle parking in uncovered spaces in the code.

Commissioner Whitten stated that he felt there should be some kinds of standards for covered RV parking in residential areas. He also said that commercial parking that allows RVs to park in their lots overnight, such as Wal-Mart, should be required to have dedicated parking spaces, rather than allowing the RVs to park across multiple spaces.

Commissioner Bridenstine added that she does not feel that RVs should be required to be kept in a covered parking space. Commissioner Whitten clarified that he didn't think covered parking should be required but given as an option. Commissioner Bridenstine felt that the construction of covered RV parking would fall under an auxiliary structure ordinance rather than a parking ordinance. She felt that the Town should be wary of putting too many restrictions on the parking of RVs. Chairman Humphreville agreed that RV parking should be allowed on lots, but added that it should be restricted on the street. He also expressed concern over square footage restrictions for garages causing bad design elements.

Commissioner Whitten said that he feel that RV parking on smaller lots is problematic. He said in the Copper Hills development there are RV's parked in front yards, not in parking spaces or backyards. He feels that this needs to be addressed for certain sizes of lots. Chairman Humphreville asked if that is something that could be included in the CC&Rs for new subdivision development. Deputy Town Manager Stueckle explained that there are currently subdivisions with CC&Rs in place, but there are no longer homeowner associations enforcing those CC&Rs, and the Town cannot enforce CC&Rs. Deputy Town Manager Stueckle believes that this issue involves multiple code elements, including auxiliary structures and subdivision design. He also said that we need to be looking at what the appropriate lot size is for side yard access for recreational vehicles in subdivisions. Chairman Humphreville suggested that subdivisions with smaller lot sizes include a shared recreational vehicle parking area. Commissioner Whitten agreed that that is something that should potentially be included in the code. Commissioner Whitten also brought up the concern that RV parking in yards can cause damage to septic tanks.

Chairman Humphreville asked for any comments from the commissioners on the Performance Standards section of the code. Receiving none he moved on to the Property Maintenance Standards.

Chairman Humphreville and Commissioner Whitten agreed that Property Maintenance Standards should be complaint driven. Commissioner Whitten asked if there was any way to incorporate some kind of objective severity standards into the code language in cases such as damage to screen doors. Deputy Town Manager Stueckle said that that might be difficult language to draft. Commissioner Whitten also asked how someone was supposed to determine if a roof is leaking from the street. Deputy Town Manager Stueckle explained that that section of the code was usually applied when there are large sections of roofing material missing, or a tarp which has been in place for several months. Commissioner Bridenstine also expressed concern over the lack of severity standards in the case of cracked stucco, given that environmental factors cause a general amount of wear and tear.

Chairman Humphreville reported on the work he had been doing on the sign ordinance issue. He has had multiple meetings with businesses and the Chamber of Commerce, and doesn't think there are any options that will make everyone happy. He had three proposed changes that he would like the Commission to consider. First, for 0 to 7,500 square feet, adding a 10% increase in sign size on buildings. Secondly for 7,500 to 20,000 square feet, adding a 10% increase in signage on the building and/or a second monument sign. Finally, in the larger shopping centers, adding a second monument sign with a spacing requirement would allow more business to have highway frontage signage. The Commission came to a consensus that business community's input is needed on this issue, and that the Commission should hold a workshop on this issue.

Chairman Humphreville called a brief recess, after which the meeting resumed.

Chairman Humphreville introduced a discussion of Chapter 9.37, Soil Erosion and Dust Control. He commented that in his experience the biggest problem with dust is caused by the baseball fields. Deputy Town Manager Stueckle informed the commission that the town mixes clay into its fields to keep the dust down and the clay has currently worn down to a minimal level. Once the clay is reintroduced the dust issue will be greatly reduced. Commissioner Whitten asked if there were any issues with the Mohave Desert Air Quality Management District. Deputy Town Manger Stueckle said that the Mohave Desert Air Quality Management District waves dust control issues when the wind rises above certain speeds.

Chairman Humphreville introduced a discussion of Chapter 9.38, Temporary Special Events. Commissioner Drozd asked about the limited number of church revival events allowed per year compared with some of the other activities. He felt that the number should perhaps be higher. Commissioner Whitten said that he thought that special events were good for the community and there shouldn't be a maximum number imposed. Instead the limit should be dependent on staff time. Deputy Town Manger Stueckle was asked to explain the reasoning behind the current limits. He explained that the goal of the limits was to prevent a semi-permanent activity occurring on a site without any improvements being made. In the current ordinance the number of events is high, and it runs by location rather than the organization involved. Chairman Humphreville asked if a location has ever reached the maximum number of allowed events, and was informed that no location ever has. Chairman Humphreville suggested that instead of a maximum number, it becomes a complaint driven issue, but also suggested waiting until it is an issue. Commissioner Bridenstine suggested that maximum limits could be at the director's discretion.

Commissioner Drozd said he does see a reason to limit the number of yard sale type activities allowed at a location. Deputy Town Manager Stueckle said that the consultant when they were originally drafting this ordinance suggested limiting the number of garages sales and requiring permits, but the Town has so far chosen not to peruse that option. Commissioners Drozd, Humphreville and Whitten do not want to require permits for yard sales

Commissioner Whitten asked what the Yucca Valley Swap Meet was operating as. Deputy Town Manager Stueckle explained that that particular use has been going on for a long period of time, but under current standards it would fall under the code regulating swap meets. Diane Olsen read out the relevant section of code. There was a general consensus among the commission that some form of those regulations should be included in Chapter 9.38. Commissioner Lavender said that he doesn't want to outlaw yard sales. Commissioner Whitten asked if advertised estate sales or auctions would fall under special events or garage sales. Chairman Humphreville asked for and received confirmation that under the current ordinances there are options for code enforcement if there are complaints.

Chairman Humphreville introduced a discussion of Chapter 9.39, Temporary Uses. Commissioner Bridenstine asked if this is the section of the ordinances which should govern temporary storage pods. She provided an example of a business which was denied the use of temporary storage pods while is property was undergoing repairs. Deputy Town Manager Stueckle said that that kind of permit is usually attached to a building permit. Staff agreed to look at the code and see if language needs to be included to cover situations where no building permit is required.

Commissioner Whitten asked about individuals camping on property while it is being built or repaired. Deputy Town Manager Stueckle said that the current practice is that the Town issues a temporary use permit for temporary occupancy on the property as part of the building permit, and that staff will make sure that language is in the code.

Chairman Humphreville asked for any comments on 9.40, Surface Mining and Land Reclamation. Commissioner Drozd asked if that language could be removed from the code. Deputy Town Manager Stueckle said that staff would have to find out if removing that language is allowable under state law.

Chairman Humphreville introduced a discussion on Chapter 9.41, Trip Reduction Requirements, and asked if the current ordinances meet state requirements. Deputy Town Manager Stueckle said that the current ordinances do meet state requirements and that the current standards could be considered minimal. Commissioner Whitten asked if including common storage areas in subdivisions would involve trip reduction requirements. Deputy Town Manager Stueckle, said that it was unlikely except if a large enough subdivision was built. Those kind of improvements are unlikely in smaller subdivisions.

Chairman Humphreville introduced a discussion on Chapter 9.42, Accessory Solar Energy Systems. Commissioner Whitten spoke about solar easements in the case where neighboring building height may block solar panels. Chairman Humphreville suggested that that issue might be taken care of by changing the allowable height increase to 10%. Deputy Town Manager Stueckle said that this issue may be addressed in Article 2. Chairman Humphreville brought up new developments that are being constructed as solar ready, and asked if any kinds of requirement should be added to screen those elements. He also said that it was his understanding that the state limits what kind so restrictions can be put on conversion of existing structures.

Chairman Humphreville introduced Chapter 9.43, Accessory Wind Energy Systems, and said he is happy with the one acre minimum requirement. Commissioner Bridenstine agreed. Commissioner Whitten said that there are systems now that can fit on a parcel smaller than one acre, and do not rise very high above the roof line. Commissioner Bridenstine said that the current regulations are not keeping property owners from using alternative energy sources, they are just stating that some parcels are better suited to wind or solar. Commissioner Whitten said that he believes that the technology for wind generation has improved and that the current ordinance takes away options. Chairman Humphreville brought up the possibility of a limit based on decibel level at the property line, but said that this solution would address the problem of view obstruction. Commissioner Bridenstine agreed that there would still be a problem with view obstruction. Chairman Humphreville suggested leaving the ordinance as it is and returning to it again if the demand for wind turbines increases. Commissioner Whitten believes that there should be some mechanism for exceptions in the code. Commissioner Bridenstine believes that having an ordinance in places gives the Town the tools to protect the viewshed. Commissioner Whitten suggested looking at the Twentynine Palms mechanism as an alternative which might create more flexibility. Commissioner Lavender asked if Building and Safety was involved in determining whether or not solar systems were a scam. Deputy Town Manger Stueckle responded that Building and Safety checks the safety of the connections but does not oversee the efficiency of the systems themselves.

Chairman Humphreville asked for comments on Chapter 9.44, Wireless Communication Facilities, and was informed by Deputy Town Manager Stueckle that the commission take into account that there are some elements that staff would like to make some further changes to, but that the ordinances is mostly solid.

Chairman Humphreville asked if there were any comments on Chapter 9.45, Cemeteries. There were none.

Chairman Humphreville asked if there were any comments on Chapter 9.46, Renewable Energy Generation Facilities. There were none.

Deputy Town Manager Stueckle thanked the Commission, on behalf of the staff, for its input on this issue. Staff will take direction from the Commission's previous minutes, as well as notes from this

meeting, and make revisions. The staff recommends that the Planning Commission continues the public hearing to the March 25, 2014 Planning Commission meeting to allow staff to make final changes for Commission consideration.

Commissioner Whitten moved that the Commission continue the public hearing to the March 25th, 2014 Planning Commission meeting to allow staff to make final changes for Commission consideration. The motion was seconded by Chairman Humphreville and was approved unanimously.

DEPARTMENT REPORTS:

1. **HOME OCCUPATION PERMIT REGULATIONS**

Deputy Town Manager Stueckle provided the staff report. He reminded the Commission that there had previously been a lengthy discussion of the Home Occupation Permit Regulations over what are appropriate types of home based businesses as the result of home based businesses requesting federal and state firearms licenses. He provided an over view of the current ordinance for the three tiers of home based businesses. Staff would like input from the Commission on the issue of whether or not the ordinances address the physical differences between lots of different sizes, and provided the example of a business on a two and a half acre lot, which is far away from any neighboring structures, having a small amount of outdoor storage. He also acknowledged that due to the late hour, the Commission may choose to continue the discussion on this issue at a later date.

After the conclusion of the staff's report, Chairman Humphreville opened the floor to public comment.

PUBLIC COMMENTS

Margo Sturges, Yucca Valley, is concerned over this issue and believes this is a topic that needs to be work shopped. She is feels that selling weapons out of the home in rented locations like apartment complexes may affect the expectation of quiet enjoyment of renters and the liability of a landlord. She believes that the neighborhood dislikes the idea of weapon sales, and it should be limited to large lots.

Chairman Humphreville asked for staff discussion on this issue, and Deputy Town Manager Stueckle said that because this is a complex issue with many elements to be considered, staff believes that this item requires further discussion at a later date.

Chairman Humphreville asked if the ordinance as it is written now gives the town the flexibility to work with the businesses like the earlier example of a home based business on a two and a half acre lot with outside storage. Deputy Town Manager Stueckle replied that under the current ordinances staff was not able to find any way to address this issue, and staff believes there needs to be some modifications to the ordinance.

Commissioner Lavender said that he believes that most Yucca Valley citizens are against residential gun sales.

Commissioner Whitten believes that there should be a workshop, and that regulations need to be changed to reflect the changing climate regarding guns. He also believes that the Town should send a building inspector to make sure a home fits home occupation permit. He also suggest that these permits come to Planning Commission for review, and that permitted operating hours be changed. He believes that 7:00am

is too early and 8:00pm is too late. He also thinks that home animal rescue and home animal care and boarding should be prohibited, and believes that this should be revisited in a workshop.

Commissioner Drozd suggested that arm sales under a certain lot size should prohibit ammunition sales.

There was a consensus among the Commissioners that a workshop in this issue would be appropriate.

Deputy Town Manager Stueckle agreed that this will be revisited at a later date for further discussion.

There was no motion, but there was a consensus to hold a workshop at a later date

CONSENT AGENDA:

1. 2013 GENERAL PLAN ANNUAL REPORT

Government Code Section 65400 mandates that all cities and counties submit to their legislative bodies an annual report on the status of the General Plan and progress on its implementation. The report must then be filed with the state's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). This annual review addresses the January 1, 2013 through December 31, 2013 time period.

2. MINUTES

A request that the Planning Commission approve as submitted the minutes of the meetings held on October 08, 2013, November 12, 2013 and February 11, 2014.

PUBLIC COMMENTS

None

Commissioner Whitten moved that the Commission approve Consent Agenda items one and two. The motion was seconded by Commissioner Bridenstine and was carried unanimously.

STAFF REPORTS AND COMMENTS:

None

FUTURE AGENDA ITEMS:

Development Code Update - Article 3
Site Plan Review 01-24 – Phase 1 Hawks Landing

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd thanked everyone for their participation.

Commissioner Lavender stated that it was a good discussion and he appreciates that.

Commissioner Whitten said that he wanted to know where adult orientated businesses are covered in the code. Deputy Town Manager Stueckle replied that it is covered in Article 2, and that conversation will be coming forward. Commissioner Whitten also stated that the recent rainstorm may have identified some

drainage issues created by the new medians. Deputy Town Manager Stueckle explained that the Highway intersections with Inca and Fox have historically been the high flood points, and the flooding issues preexists the median project. Staff began looking into options to create some better drainage in that area prior to the median project, and this is an ongoing issue.

Vice Chairman Bridenstine had no further comments.

Chairman Humphreville had no further comments.

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, March 25, 2014

ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Allison Brucker
Secretary

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
AUGUST 27, 2013

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m. All commissioners were present.

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Whitten moved to approve the agenda. Vice Chair Bridenstine seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENTS

None

PUBLIC HEARING

1. DEVELOPMENT CODE AMENDMENT, DCA 06-13, ARTICLE 4

Chair Humphreville opened the public hearing for DCA 06-13, Article 4.

Deputy Town Manager Shane Stueckle presented the staff report regarding DCA 06-13. Stueckle explained that as part of the Development Code Update project, the Planning Commission has previously reviewed Article 4 at its meetings of April 9, 2013 and August 13, 2013. Article 4 Permit Procedures establishes the review authority and permit processing procedures for the land use permits established in the Yucca Valley Development Code. Processing applications including, but not limited to, General Plan Amendments, Development Code Amendments, Conditional Use Permits, Site Plan Reviews, and all other land use permits issued by the Town.

With no members of the public wishing to speak, Chair Humphreville closed the public hearing.

Commissioner Whitten moved to:

Find that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Permitting Procedures regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 06-13 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that

there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. And,

Moved to recommend to the Town Council to adopt the Ordinance, and repeals Sections 83.010105 thru 83.0103.15, Sections 83.010325 thru 83.010335, Section 83.010505, Sections 83.020105 thru 83.020210, Sections 83.030805 thru 83.030855, Sections 83.030145 thru 83.030175, Sections 83.030205 thru 83.030230, Sections 83.030310 thru 83.030325, Section 83.030405, Section 83.030505, Section 83.030605 Sections 83.030705 thru 83.030765, Sections 83.030905 thru 83.030955 of Division 3 of Title 8 from the Yucca Valley Development Code and Sections 41.151 thru 41.1569 from Chapter 15, Division 1 Title 4 of the Yucca Valley Municipal Code.

Commissioner Drozd Seconded. Motion carried 5-0 on a voice vote.

DEPARTMENT REPORT

2. HOME OCCUPATION PERMITS

Deputy Town Manager Stueckle presented the staff report, explaining the general findings within Ordinance 178 relating to Home Occupation Permits.

Chair Humphreville opened public comment.

Barry Shaw, Esther Shaw, and Voss Schwartz, all of Yucca Valley spoke in opposition to firearm sales in residential neighborhoods.

Frank Hubbard, Yucca Valley requested the prohibition of firearm sales in residential neighborhoods.

Bonnie Brady, Yucca Valley spoke favorably of Commissioner Lavender's public request for input on neighborhood gun sales using the local newspaper.

With no other members of the public wishing to speak, Chair Humphreville closed public comment.

Commissioner Lavender commented that as a Planning Commissioner he needs to listen to the people and stated that he has received 17 responses, (13 opposed, 4 in favor) of residential gun shops. Lavender recommends revising the ordinance to not allow gun shops in residential neighborhoods.

Commissioner Whitten thanked the public for attending the meeting and providing input.

Whitten commented the language on stamped page 99 relating to public health and safety and questioned what would be considered appropriate for residential neighborhoods. Whitten suggested to allow these types of businesses in more rural areas and suggested that the approval process for HOP's to be brought to the Planning Commission for an extra set of eyes.

Commissioner Drozd inquired about firewood businesses in residential neighborhoods. Drozd explained he understands the interest in gun sales due the recent commission activity and questioned if the ordinance language was changed, how would it affect the current permit holders.

Deputy Town Manager Stueckle explained that just because there is an opposition, it is not always are basis for change. If the application is consistent with the General Plan and the Development Code and all code requirements are met, public input is not always a basis for denial.

Vice Chair Bridenstine stated that it was a difficult decision and there is a need to be careful to not take away people's rights.

Chair Humphreville stated home based businesses are a viable part of a community and inquired on how an HOP is enforced. Deputy Town Manager Stueckle explained that once the permit is approved, the site is inspected but continual monitoring is usually on a complaint driven basis. Humphreville continued by stating from a land use issue, a day care facility has the potential of disrupting a neighborhood due to increased traffic more than many other types of businesses such as a gun shop.

Vice Chair Bridenstine recommended the commission look in defining the term gun shop to bring into perspective.

Chair Lavender stated he often hears gun shots in his neighborhood and that the Planning Commission should not add to the number of guns that are in the people's possession.

Deputy Town Manager Stueckle reminded the Commission that their purpose is to address land use issues, not second amendment issues. Staff will take the comments into consideration and the item will be brought back for public hearing.

No action was taken.

3. **WIND ENERGY CONVERSION SYSTEMS**

Deputy Town Manager Stueckle presented the staff report by explaining past commission discussions on wind energy conversion systems (WECS) and presented different types of

systems that are available. The draft ordinance proposes standards for the installation of WECS.

Chair Humphreville opened public comment. With no members of the public wishing to speak, the public comments were closed.

Vice Chair Bridenstine spoke of prior commission experience with wind energy system use decisions. There is a need to set zoning, parcel size and height restrictions.

Commissioner Drozd spoke of concern with slope between properties and the possibility of blocking the neighbor's views, even though property line setbacks are met.

Commissioner Whitten reported his witnessing of a variety of wind energy systems with little or no noise emitting from them. Whitten asked for clarification that the discussion is for residential use, not commercial use.

Commissioner Lavender spoke of the benefits of alternative energy systems.

Vice Chair Bridenstine requested the inclusion of noise requirements to deter certain systems.

Chair Humphreville spoke favorably on the use of alternative energy systems, but would like to take view shed into consideration. Humphreville stated he would like to see enough flexibility in the code to not limit a certain system if it happens to work on a specific parcel.

No action was taken.

4. UTILITY UNDERGROUNDING

Deputy Town Manager Stueckle opened discussion on utility undergrounding and gave background on the topic by reviewing Town Ordinance 233.

Chair Humphreville opened public comment on the item. With no members of the public wishing to speak, public comments were closed.

Vice Chair Bridenstine inquired about the restrictions relating to in-fill of Single Family and Multi-Family Residential development.

Commissioner Drozd questioned the in-fill cost of overhead lines versus undergrounding.

Chair Humphreville inquired about the effect on remodeling of commercial property.

Commissioner inquired if underground utilities were a requirement in the Old Town Specific Plan.

Chair Humphreville stated a statement of waiver for specific instances should be included, especially for soil or topography conditions.

No action was taken.

CONSENT AGENDA

MINUTES

Vice Chair Bridenstine moved to approve the Yucca Valley Planning Commission minutes of May 14, 2013, June 11, 2013, June 25, 2013 and July 09, 2013 as presented. Commissioner Whitten seconded. Motion carried 5-0 on a voice vote.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle presented a brief update on current commercial projects and noted that the Planning Commission will not be meeting on September 10, 2013 due to staff schedule conflicts.

FUTURE AGENDA ITEMS

None

COMMISSIONER REPORTS AND REQUESTS

Commissioner Drozd thanked staff for their assistance and also thanked the public for attending the meeting and providing input.

Commissioner Lavender thanked the public for their input.

Commissioner Whitten thanked staff and commented favorably regarding the Town Manager Updates being distributed to the community.

Vice Chair Bridenstine also thanked staff and the public for participation in the process.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, September 27, 2013 at 6:00 p.m. in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, Chair Humphreville adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Town Clerk

Residential Policies

Policy LU 1-6 Provide housing opportunities and a variety of residential densities, housing types, and tenure to meet the affordability, life stage, and amenity needs of the Town's diverse population.

Policy LU 1-7 Preserve and enhance the distinctiveness, character, and livability of residential neighborhoods.

Policy LU 1-8 Require adequate exterior housing structure and property maintenance to protect property values, neighborhood quality, and public safety.

Policy LU 1-9 Encourage infill residential development around public facilities and with pedestrian linkages to encourage walkable residential neighborhoods.

Leap-Frog Development: Development that occurs well beyond the limits of existing development and necessary services and facilities such as utilities, roads, parks, and schools.

Policy LU 1-10 Discourage the discontinuous or "leap-frog" development of residential subdivisions by requiring full improvement or payment of necessary fees to construct roadways and infrastructure to serve new development.

Policy LU 1-11 Encourage housing developments to include sites for recreational, open space, or educational uses.

Policy LU 1-12 Preserve the desert character of existing low density residential areas to the greatest extent possible.

Policy LU 1-13 Carefully plan transitions and design interfaces between residential and nonresidential land uses (walls, lighting and landscaping) to ensure compatibility.

Policy LU 1-14 Design new residential subdivisions so pads are above the adjacent street grade and drains to the street frontage of each lot, unless otherwise approved by the Town Engineer. Mass grading of properties designated Rural Residential (1 unit per 2.5 acres) or less intense is discouraged, and cross-lot drainage easements should be aligned with the existing natural topography to the greatest extent feasible.