

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Diane Olsen, Planning Technician
Date: May 29, 2014
For Commission Meeting: June 10, 2014

Subject: Development Code Amendment, DCA-02-14
Title 9, Article 2, Chapter, 9.08, Section 9.08.050, repealing Section 84.0615 thru 84.0622, Chapter 6, Division 4 of Title 8.
Title 9, Chapter 9.75, Sections 9.75.010 thru 9.75.080
Home Occupation Permit Regulations
CEQA Exemption Section 15061(b) (3)

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

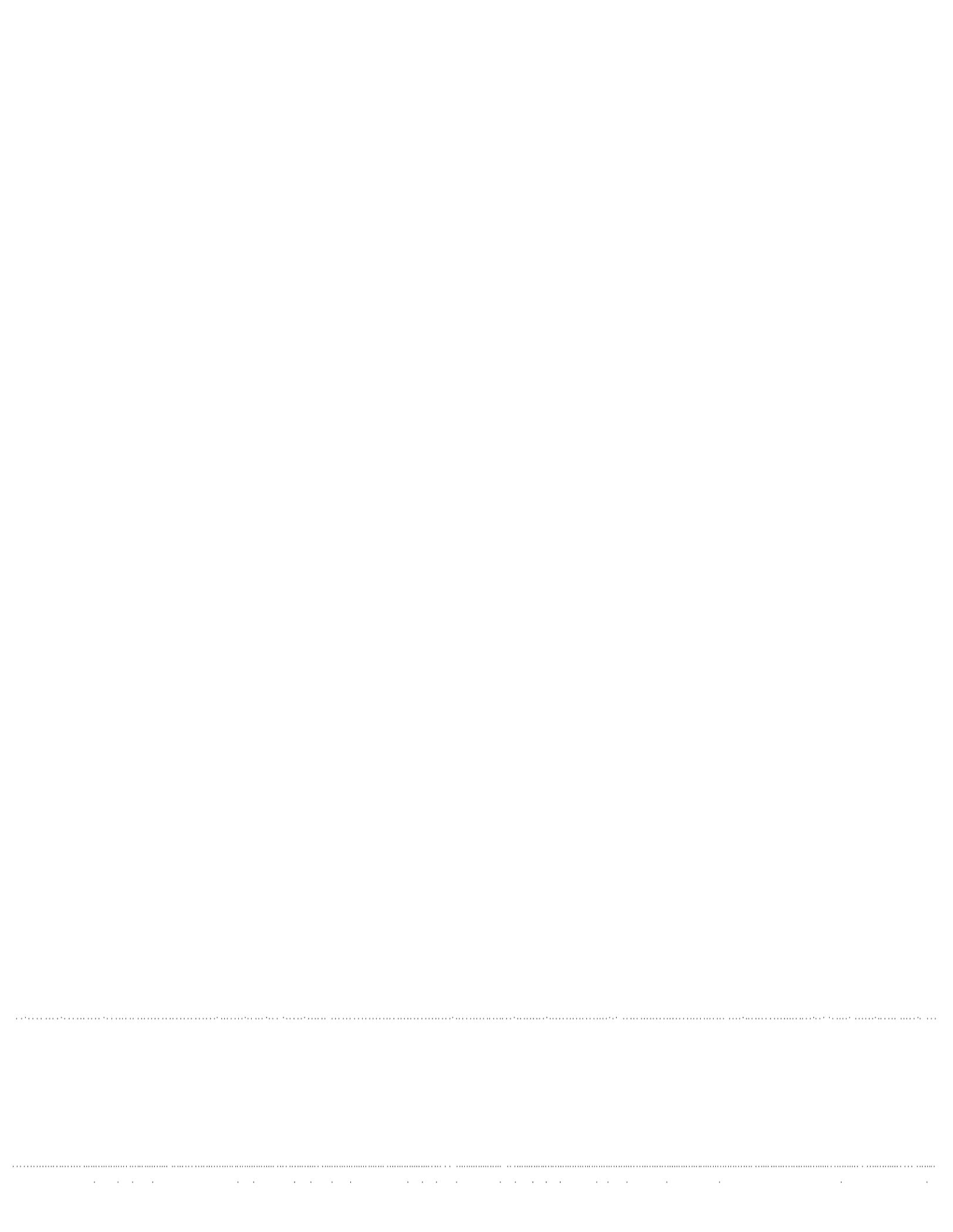
Recommendation: That the Planning Commission reviews the draft regulations, takes public testimony, provides direction to staff and continues the public hearing to the Commission meeting of June 24, 2014.

Executive Summary: This matter was continued from the Planning Commission meeting of May 13, 2014.

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.

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 Home Occupation Permit 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 02-14 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"

_____ Department Report Ordinance Action _____ Resolution Action Public Hearing
_____ Consent _____ Minute Action _____ Receive and File _____ Study Session



Order of Procedure:

- Request Staff Report
- Open the Public Hearing,
- Request Public Comment
- Close the Public Hearing
- Council 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 the Commission's intended outcome for the process and standards for home based businesses.

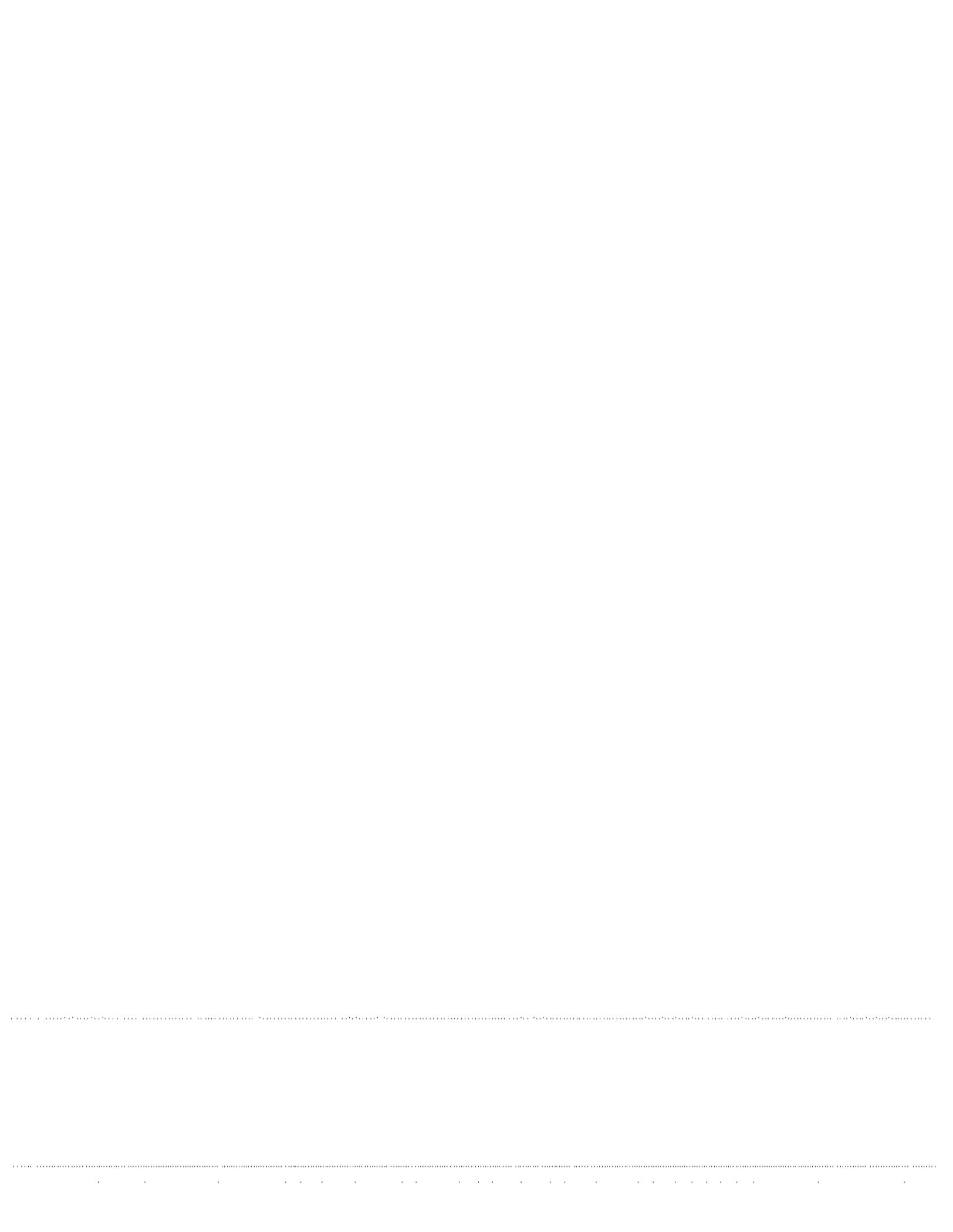
As staff has reviewed the existing regulations in detail, there are areas within the existing regulations that are either "vague" or that "conflict" with other provisions. Therefore staff proposes the following Commission discussion points to assist in finalizing the regulations at the June 10, 2014 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:

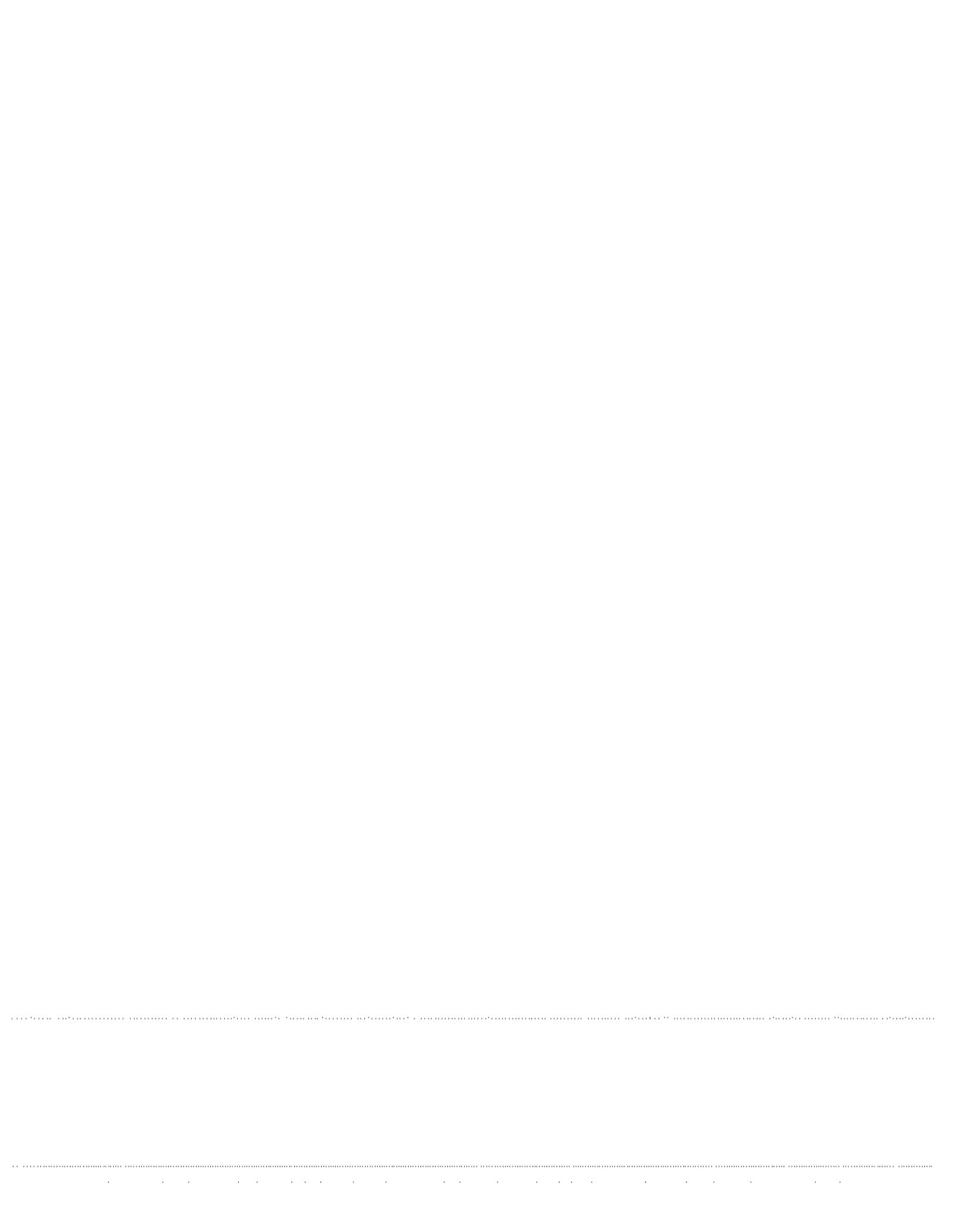
Section 9.08.050, Home Occupation Permit Regulations-track changes

Section 9.08.050, Home Occupation Permit Regulations-changes accepted

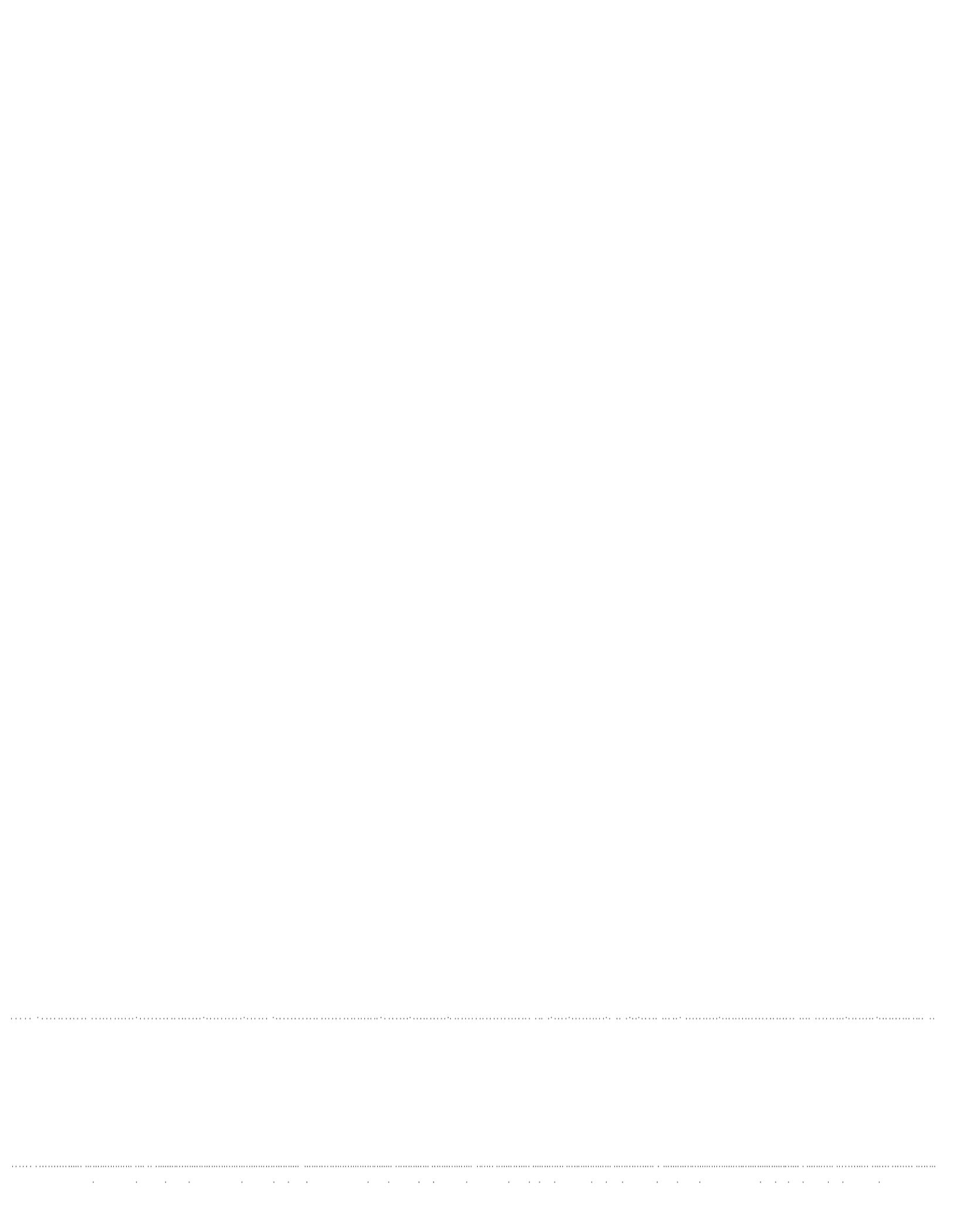
Chapter 9.75, Home Occupation Permit Permitting Procedures-track changes

Chapter 9.75, Home Occupation Permit Permitting Procedures-changes accepted

Ordinance 178, Home Occupation Permits



Ordinance 54, Home Occupations Permits
Planning Commission draft minutes from May 13, 2014 and May 27, 2014
Planning Commission minutes from August 27, 2013 and March 11, 2014
Notice of Hearing
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 REPEALING 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 employ one individual other than family members.
Home occupations in the Rural Living (RL) and Hillside Reserve (R-HR) zoning districts may employ 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.

II. 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 2, CHAPTER 9.08, SECTION 9.08.050, HOME OCCUPATIONS AND REPEALING SECTION 84.0615 THRU 84.0622, CHAPTER 6, DIVISION 4 OF TITLE 8.

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- 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.
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1. Animal hospitals;
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 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.

ED. 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 and ~~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 7:00 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 and 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. Business 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 employ one individual other than family members.
Home occupations in the Rural Living (RL) and Hillside Reserve (R-HR) zoning land-use-districts may employ 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.

EE. 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.~~

- ~~e. 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.g. 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.~~

GF. 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 (F). If all standards are met after complying with the noticing 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

JG. 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.~~

KG. 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 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

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.

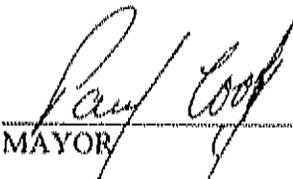
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community 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.

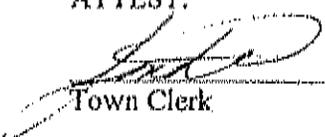
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of January, 2006.



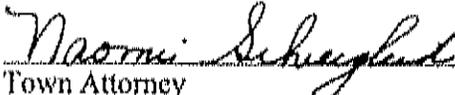
MAYOR

ATTEST:



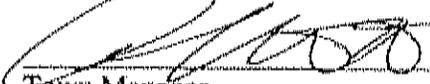
Town Clerk

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

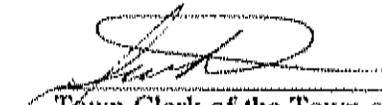
Noes: None

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

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.	<p>The home occupation shall be confined to an enclosed structure.</p> <p>The home occupation may be conducted in the garage to the dwelling unit but shall not use any space required for off-street parking.</p> <p>All employees, partners or operators of the home occupation, shall be members of the resident family and shall reside on the premises.</p> <p>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)</p>
Sales Activity	Restrict scope of business activity to ensure that residential use remains primary	<p>Direct sales of products or merchandise shall be limited to seven (7) customers per week.</p> <p>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).</p>
Appearance	Maintain visual character of the existing structure as a primary residence.	<p>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.</p> <p>The use shall not involve storage of materials outside any structures, nor shall merchandise be visible from outside of the home.</p>

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.	<p>Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.</p> <p>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.</p>
Utilities	Maintain residential scale of utility services to limit business activity to an incidental use and avoid TV/radio interference.	<p>The uses of utilities and community facilities shall be limited to that normally associated with the use of property for residential purposes.</p> <p>No equipment or process shall be utilized that causes electrical or reception interference to televisions or radios of neighboring residences.</p>
Business Vehicle	Restrict number, size and keeping of vehicles to reduce parking demand and maintain residential streetscapes.	<p>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.</p> <p>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.</p>
Storage	Ensure that stored material do not take up required parking space or accumulate in yards	<p>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.</p> <p>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).</p>
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:

Steve Tinsdale
Town Clerk

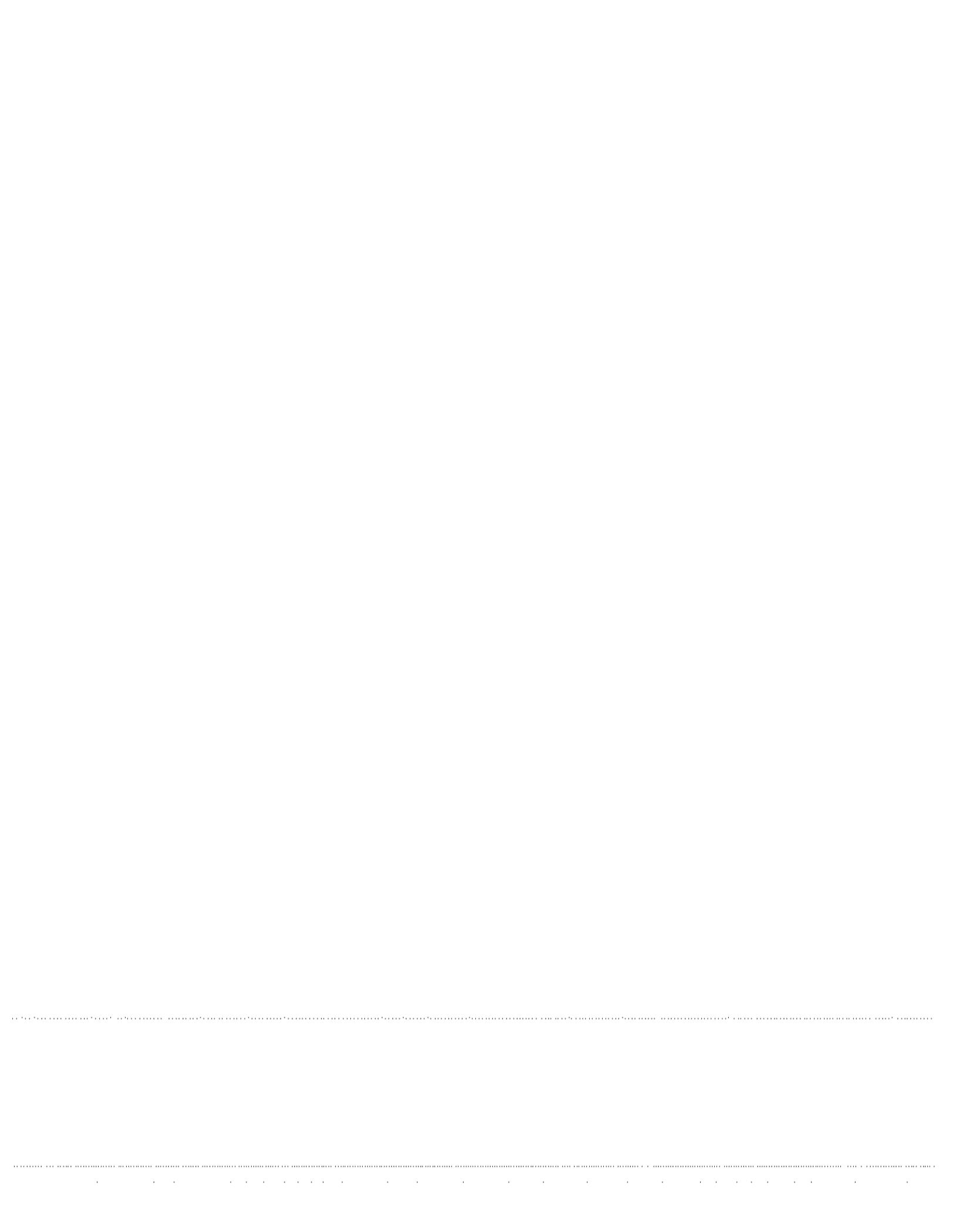
APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney

Steve Tinsdale
Town Manager

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3/21/95



**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
May 13, 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 and Chair Humphreville. Commissioner Whitten was not present (excused).

The Pledge of Allegiance was led by Chair Humphreville.

PUBLIC COMMENTS

1. Margo Sturges, Yucca Valley, spoke and said that she thought that the Planning Commission had intended to hold a workshop on the Home Occupation Permit regulations, and she felt that they should hold a workshop.
2. Fritz Koenig, Yucca Valley, said that the Planning Commission had said that they would hold a workshop on the Home Occupation Permit regulations. He felt that a workshop was necessary as the issue was controversial. He said he would be holding his own workshop and submitted a sign-up sheet to the Commission.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

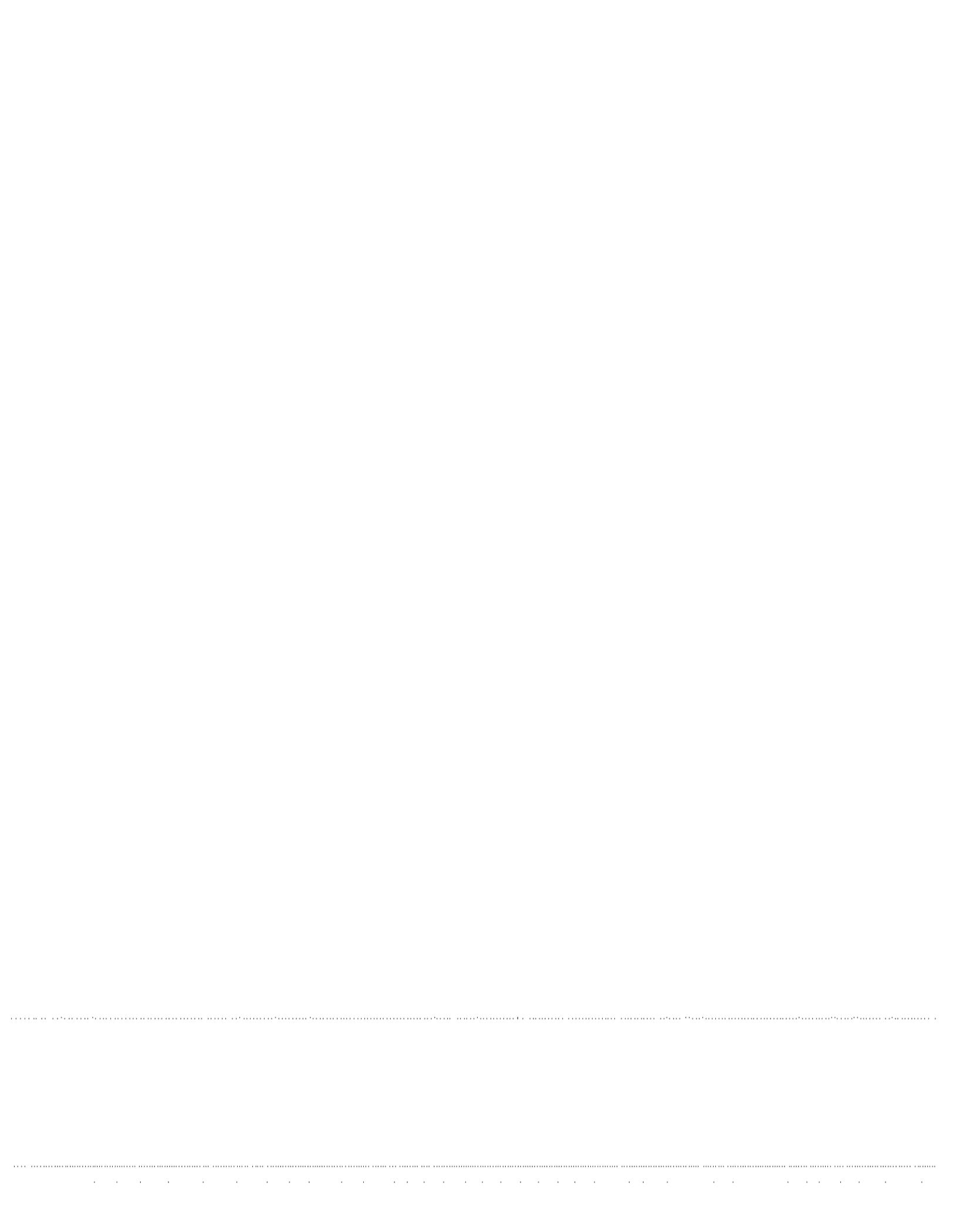
PUBLIC HEARING

1. VARIANCE, V 02-14 BALLINGER DEVELOPMENT

A request to reduce the required 50 foot front yard setback to 30 feet for the construction of a single family residence. The property is located on the north side of Montecello Lane, west of Montecello Rd and is identified as APN 596-361-03.

Planning Technician Olsen presented the staff report. Staff recommended that the Commission find the project exempt from CEQA under section 15305, Class 5, Minor Alterations in Land Use Limitations, and that the Commission grant the Variance based upon the findings contained within the staff report. Staff's findings were as follows:

1. The granting of the variance would not be detrimental to other properties in the area. Several properties in the surrounding areas have been granted variances for a reduction in setbacks. The granting of the variance will have no impact on solar energy systems, either now or in the future.
2. The property would require significant land disturbance to construct a single family residence.



3. The strict application of the land use regulations would require extensive land disturbance on the site, would change the natural appearance of the site and could limit the ability to construct a single family residence on the property.
4. The variance is compatible with the following policies of the General Plan.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

Joanne Ballinger, the applicant, told the Commission that the intent of the project was to avoid disturbing as much of the landscape as possible, and that they were requesting the variance to avoid extensive changes given the limited size of the level portion of the lot.

Commissioner Lavender asked if they had considered alternative configurations which would allow them to build on that location without the variance.

The applicant said that they had looked at alternative options, but found that even a smaller home would require a variance, and that they wanted to keep the grading to a minimum.

Chair Humphreville said that he understood the issues with construction on that property, and that he appreciated their intent to preserve the attractive boulder piles.

Commissioner Bridenstine said that she felt a setback of 30 feet was reasonable given the circumstances.

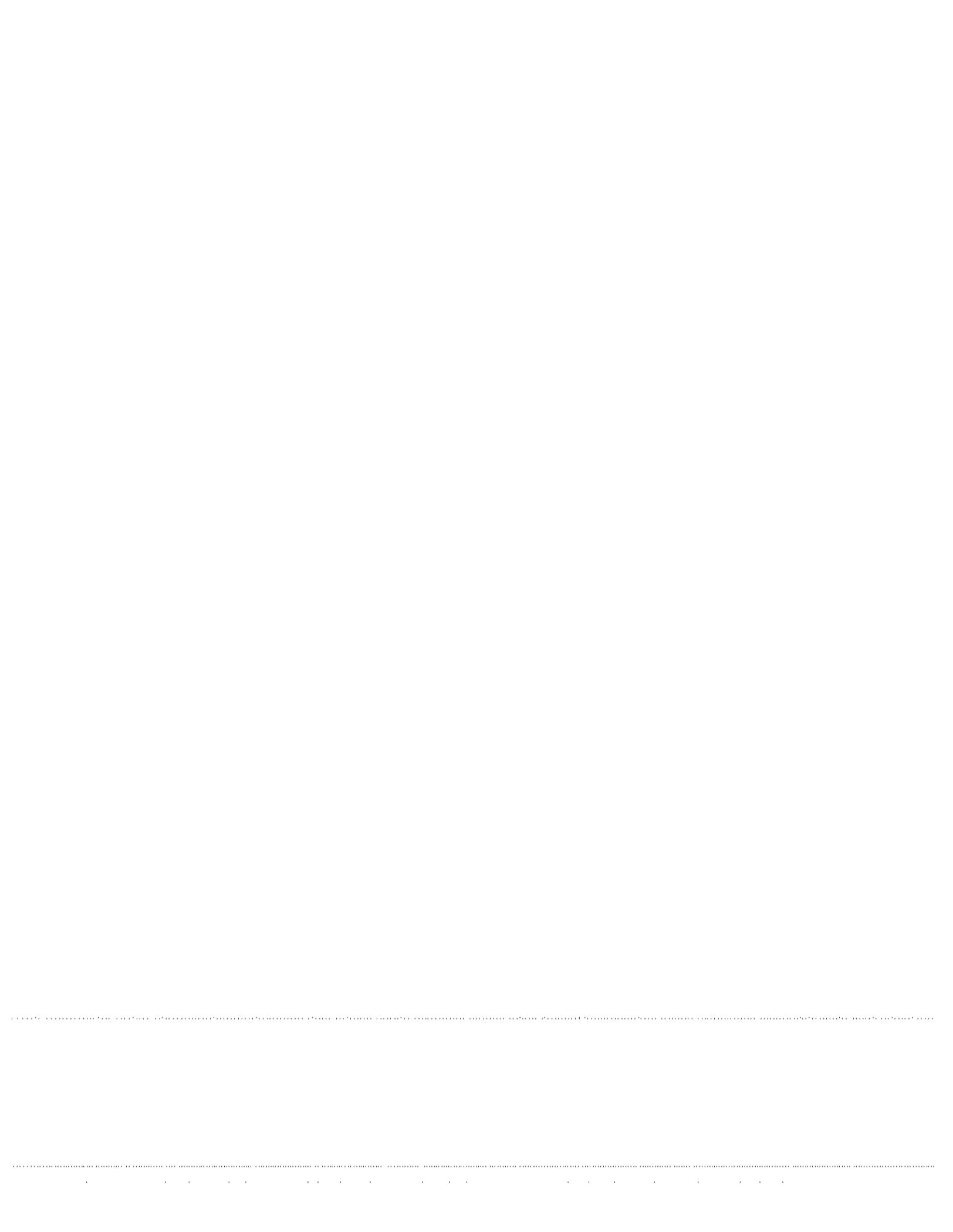
MOTION

Chair Humphreville moved to approve variance, V 02-14. Commissioner Lavender seconded, and it passed unanimously.

2. DEVELOPMENT CODE AMENDMENT, DCA 02-14 HOME OCCUPATION REGULATIONS

Deputy Town Manager Stueckle presented the staff report. Staff presented the Commission with draft regulations for Home Occupation Permits for their consideration. A brief overview of the history of the Town's Home Occupation Permit regulations was provided. Staff stated that Article 4 of the development code was approved by the Town Council in October of 2013, but that the Commission had opted to defer Home Occupation Permits until they had received additional input from the community.

Deputy Town Manager Stueckle said that the Commission had talked about holding a workshop on the Home Occupation Permit regulations, and it was staff's interpretation that the Commission's intent was to receive maximum participation from the public. Staff explained that, in order to receive the maximum participation from the community, notice of the public hearing



on HOP regulations was provide not only through the usual notice of the meeting published in the newspaper and website, but also through the Community Updates, an additional press release, and through the Chamber Commerce. It was staff's opinion that this process met the Commission's intent for maximum participation, and if there are member of the community who are working on the regulations the Commission is always delighted to receive that information.

Staff provided an overview of the current Home Occupation Permit regulations and the changes presented in the draft regulations presented to the Commission. The changes in the draft regulations included:

- Staff recommended changing the approval authority from Director for all Home Occupation Permit's to two levels of approval authority including Director and Planning Commission, where the Planning Commission would be the approval authority for all home occupations involving sales activities from the home, customers visiting the home, or outdoor screened business activity.
- Staff recommended that the renewal authority is the same as the approval authority.
- Staff recommended that approvals be given for 2 or 3 years instead of for one unless a complaint is received and violations have been verified by a field investigation.
- Staff asked that the Commission consider any additional uses which should be added to the prohibited list.
- Staff recommended additional language to clarify what home based businesses are exempt from obtaining a permit.
- Staff said that the language allowing outside storage needed further clarification and standards. Staff recommended modifications which prohibited outside storage in smaller lots and allowed some outside storage on lots larger than one acre.
- Staff stated that the current standards only address the maximum areas for storage which can be used by a business and identify 25% and 35%, or 250 square feet or 500 square feet, as maximum areas for conducting home based businesses. Staff stated that the Commission may desire to discuss modifications to these standards.
- Staff asked that the Commission should discuss the standards regarding where business activities are to be conducted and direct staff as to the allowable locations for home based business activities.
- Staff recommended modifying the allowed business operating hours from between the hours of 7:00 a.m. and 8:00 p.m. to the hours of 9:00 a.m. and 5:00 p.m. for business which have sales on the premises or customers on the site. 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.

PUBLIC COMMENTS

1. John Barnidge, San Deigo, spoke. He stated that he is the attorney for Fritz Koenig. He said that he does not believe the staff's recommendations regarding where business activities are to be conducted were more restrictive. He also objected to allowing people to

apply for a Conditional Use Permit for uses which do not strictly comply with the Home Occupation Permit regulations.

2. Sabrina Peukert, Yucca Valley, asked if the regulations included provisions to make sure that sales tax was correctly paid to the jurisdiction when goods are sold. She said that she can't run the same business as the Fallosi's.
3. Fritz Koenig, Yucca Valley, asked that the public comment period be continued at the next meeting on this subject. He said that he believes the recommended changes presented by staff are less restrictive and that allowing Conditional Use Permits would allow the Planning Commission to permit any business they want, including a brothel. He believes home occupation business activities should be limited to the primary dwelling unit.
4. Margo Sturges, Yucca Valley, said that she believes that the regulations should prohibit more uses including gun sales, brothels, salons and mortuaries. She said that there should be workshop on the issue and that the public hearing wasn't enough.
5. Barry Shaw, Yucca Valley, said that selling guns and/or ammunition in a residential area should be strictly prohibited. He said that no one wants to live in a neighborhood where guns and ammo are sold.
6. Janice Pask, Yucca Valley, spoke in support of the proposed changes to the HOP regulations that take in to account the differences in lot sizes. She is a neighbor of David Fallosi, an artist, and feels that his home business is appropriate to the neighborhood.
7. David Cooper, Yucca Valley, commented on the proposed changes to the HOP regulations. He was on the planning commission when the current regulations were first drafted. He said he didn't have a problem with a properly licensed gun dealer operating a small home based business. He said that home occupation permits are not controversial, and that Yucca Valley is a rural area that doesn't face the same issues as a metropolitan area. He believes the regulations should have a light touch. Rural areas on large parcels should be allowed to do a lot of things that they can't do on small urban parcels. He also said he felt that the 9 to 5 retail hour limit was too restrictive. He also approved of the 2-3 year period for renewal.
8. David Fallosi, Yucca Valley, spoke asking the Commission to consider what is reasonable for artists. He is an artist with a home occupation business and the area has a large community of artists, and that this type of business improves the Town. He said that he doesn't think it is reasonable for a home owner to be discriminated against because they have a Home Occupation Permit. What is allowed for any home owner should not be prohibited simply because they have a HOP.

9. Herb Urban, Yucca Valley, said that he supports some home based businesses, but doesn't think the ordinance should be changed to allow a broader spectrum of home based businesses. He also does not support any home business which would increase traffic or increase crime related activities. He does not support residential gun sales.
10. Dennis Pask, Yucca Valley, spoke. He said he is a neighbor of David Fallosi and that he represents 30 residents of his neighborhood who support the proposed changes. He supports local artists who work out of their homes, and said that many of them may have developed their studios prior to incorporation. He believes the Town should encourage artists. He submitted a document for Commission review.
11. Bonnie Brady, Yucca Valley, said she thinks that any gun based businesses should be prohibited in residential areas. She also agreed with Fallosi about the needs of art based home businesses. She has participated in the art tours and believes they are important.
12. Ed Keesling, Yucca Valley, is a potter in Yucca Valley. He spoke in support for the new rules for rural areas with large lots. He encouraged the Commission to make it easier for artist to work in large areas. He said it wasn't clear to him whether or not the ordinance allowed artists to participate in art tours or open house type events. He also felt that the fee for the applying for a HOP is high.
13. Nora Fraser, said that she is a neighbor of David Fallosi and that his business is successful and should have a commercial space.
14. Marissa Corson, Yucca Valley, said that she felt that it is not fair that someone with a Home Occupation Permit is not allowed to have the same kind of commercial deliveries that someone without a home business would be allowed.
15. Esther Shaw, Yucca Valley, said that gun sales should be prohibited in residential neighborhoods with small lots. She said that gun shops have safety measures in place that residential homes do not have. She also spoke in support of regulations that support local artists.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

END PUBLIC COMMENTS

Chair Humphreville opened the Commission discussion on the Home Occupation Permit regulations.

Commissioner Drozd said that he agreed with the graduated ordinance based upon lot size. The regulations need to take into account both the business owners and the neighbors, and a graduate ordinance is a good way to go. He also stated that, while he understand the concern caused by gun

sales, he does not believe that sale of disassembled, non-operational guns are a problem, particularly when limited to less than ten visits per month, but he does believe that prohibiting ammunition sales on small lots may be a good solution.

Commissioner Bridenstine suggested adding language to make it clear that only legal businesses are allowed. She also said that she thinks that firearm sales should only be allowed in residential lots one acre or larger. She also doesn't think that firearms and ammunition should be allowed to be sold together. She thinks that restricting the number of sales and the licensing requirements for gun sellers both need to be clearly reviewed. She also said that there are extenuating circumstances effecting artist. Art tours and open houses are important for artists, and many artist need to use accessory structures. She suggested either having a separate section addressing artist or liberating the ordinance enough to allow them to fit.

Commissioner Lavender said that he felt there needed to be a workshop on this item, and he didn't feel that there should be a decision in the next meeting. He said that the process needed more informal discussion. He also said that he did some research into the regulations of cities with similar demographics to Yucca Valley, and that most had regulations similar to what is currently in place. He also stated that some other communities go into much greater detail about what is allowed and what isn't allowed than what the Town currently has, and he felt that expanding that may create greater clarity. He also asked if staff has enough time to inspect properties to see if they are complying. Staff informed the Commission that currently inspections occur at the time the permit is granted, and subsequently only if there is a complaint. Commissioner Lavender also said that he felt that gun sales in general should be limited for personal reasons.

Chair Humphreville said that he agreed with Commissioner Bridenstine that language clarifying that only legal businesses are allowed should be included. He said that he doesn't believe that all gun businesses are the same. A legal home occupation business would have the same writ time requirements as a gun shop. He does understand the concerns caused by residential gun sales. He thought that were plenty of restrictions on the Home Occupation Permit previously issued by the Commission, and that gun sales are a legal business. He also said that he felt the Commission should consider prohibiting or restricting Home Occupation Permits in multi-family zones. He asked if there were currently any permits in multi-family zones, and was informed by staff that there are not.

Chair Humphreville called a recess at 7:35 p.m.

RECESS

The meeting resumed at 7:40 p.m.

Chair Humphreville opened a discussion on the exemption requirements. Staff stated that the draft language presented was intended only to clarify not modify what types of business are exempt from Home Occupation Permits. Commissioner Lavender said that he would like the businesses that are currently exempt to remain exempt.

Chair Humphreville opened a discussion on the conditions of approval.

Commissioner Bridenstine asked for clarification of the sign allowance. Staff provided clarification that the intent was that signage not change the character of the residential neighborhood and that sign size was limited to 2 square feet. Commissioner Bridenstine said that she agrees with small signs.

There was discussion on outside storage. Staff clarified that the intent of the proposed language was that all permits involving outside storage would go before the Planning Commission, but said that the language needs some fine tuning.

There was a discussion about the screening of storage. Commissioner Bridenstine and Commissioner Drozd agreed that the standard should be screened from the street level.

Commissioner Bridenstine also stated that she didn't want the rules to eliminate the possibility of having a separate studio. She stated that the rules either need to be permissive enough to allow for it, or there needs to be some kind of exception. She believes that the limit of 25% of the dwelling used for the operation of the business is too restrictive.

Chair Humphreville agreed that the 25% restriction was way too small. He said that he doesn't see any difference between allowing someone to use a barn for equestrian use and allowing them to use it for a home occupation. He stated that he would like to see storage size limited by parcel size.

Commissioner Lavender also agreed that the 25% or 250 square foot limitation is too small.

Chair Humphreville said that the average number of trips per day allowed may need to be modified to match the 12 trips per day which would occur in home daycare business with 6 or fewer clients.

There was a discussion of proposed changes to the sections addressing Review Authority. Staff provided an overview of the current process for Home Occupation Permit approval. Staff also explained that if sales taxes was an element of the business, it is included as part of the permit process. Both Commissioner Bridenstine and Chair Humphreville stated that they liked the change to a tiered approval authority.

There was a discussion of the proposed changes to the section addressing the Home Occupation Permit renewal. There was Commission consensus that the renewal authority should remain as the Director for both proposed tiers, provided that there were no complaints associated with the permit. The Commission also stated that they would like renewal notices be sent out when permits are due for renewal. Commissioner Lavender said that he would like to see inspections at the time of renewal. Commissioner Bridenstine agreed with a 3 year renewal period. Commissioner Lavender said that he would like to see inspections at the time of renewal.

Staff also explained that the language regarding permit revocation had been changed to a reference to Article 5, Chapter 9.84 to avoid duplication of that language.

Chair Humphreville asked if the Commissioners had any general comments regarding Home Occupation Permit Regulations.

Commissioner Drozd said that he thought it was a great process was glad that there was going to be another meeting on the topic.

Commissioner Bridenstine agreed with Commissioner Drozd and said that she hopes to hear more from the public at the next meeting.

Chair Humphreville said that he appreciates people attending the meeting, and that there will be another opportunity for community input, and that there was nothing nefarious on the part of staff to prevent comments.

Deputy Town Manager Stueckle provided a summary of the recommendations provided by the Commission.

Chair Humphreville said that they hadn't had a discussion on restrictions of deliveries. Chair Humphreville stated that he doesn't think that deliveries which would be allowed otherwise should be restricted by a HOP. Commissioner Drozd agreed, and pointed out how many UPS and trash deliveries go through residential areas. Commissioner Bridenstine said that the Commission needs to be careful in how the limit is worded and consideration should be given to the issue of size. There is a big difference between a semi-truck and a UPS truck. Commissioner Lavender thinks that the restrictions need to be relaxed.

Deputy Town Manager Stueckle asked if the Commission wished to hold a workshop on Home Occupation Permits on the 27th and continue the public hearing to the June 10th meeting. The Commission agreed with this approach.

MOTION

Chair Humphreville moved that the Public Hearing on Development Code Amendment, DCA 02-14 Home Occupation Regulations, be continued to the June 10th meeting. It was seconded by Commissioner Bridenstine, and the vote passed unanimously.

RECESS

Chair Humphreville called a recess 8:12

The meeting reconvened at 8:17

3. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3 CEQA EXEMPTION, SECTION 15061

Deputy Town Manager Stueckle spoke on behalf of staff. He stated that this was a continuation of prior meetings on this issue and provided a brief overview. He stated that staff was still waiting for a response regarding whether or not the Town was able to prohibit mining. Staff recommended that, given the lateness of the hour, the Commission continue this issue until the next meeting. Staff also recommended that the Commission wait until the whole code is finished before forwarding their recommendations to the Council.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

MOTION

Chair Humphreville moved that the Public Hearing on Development Code Amendment, DCA 07-13 Article 3 be continued until the May 27th meeting. Commissioner Bridenstine seconded. The motion passed unanimously.

There was Commission consensus that they should complete all sections of the code before forwarding their recommendations to the Council).

Commissioner Lavender stated that he still doesn't like the term unsightly in reference to structure maintenance standards.

Chair Humphreville started a discussion of how the workshop scheduled for May 27th would be structured. After discussion, the Commission requested a process that allowed for group discussion at tables, and written comment form, and a period of individual comments. There was consensus to allow one hour for table discussion and thirty minutes for formal statements.

DEPARTMENT REPORTS**4. DEVELOPMENT CODE AMENDMENT, DCA 01-14 ARTICLE 2 CEQA EXEMPTION, SECTION 15061**

Staff recommended that this discussion was also continued to the May 27th meeting.

MOTION

Chair Humphreville moved that the Department Report on Development Code Amendment, DCA 01-14 Article 2 be continued until the May 27th meeting. Commissioner Bridenstine seconded. The motion passed unanimously.

CONSENT AGENDA**1. MINUTES - A request that the Planning Commission approves as submitted the minutes of the meeting held on April 22, 2014.**

Commissioner Bridenstine moved to approve the minutes of the meeting held on April 22, 2014. Commissioner Drozd seconded. The motion passed unanimously.

STAFF REPORTS AND COMMENTS:

Staff provided an overview of the status of current land development projects.

COMMISSIONER REPORTS AND REQUEST:

1. Commissioner Drozd thanked the staff for their hard work.
2. Commissioner Lavender had no comments

3. Commissioner Bridenstine thanked staff.
4. Chair Humphreville thanked staff for their efforts, and thanked them for bringing out the map visual aids.

ANNOUNCEMENTS:

None

ADJOURNMENT

There being no further business, the meeting adjourned at 8:34

Respectfully submitted,



Allison Brucker
Secretary

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
May 27, 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.

The Pledge of Allegiance was led by Chair Humphreville.

Commissioner Whitten moved to approve the agenda. Commissioner Bridenstine seconded, and the motion passed unanimously.

PUBLIC COMMENTS

1. Margo Sturges, Yucca Valley, said that she likes the Planning Commission using the workshop format.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

1. WORKSHOP – HOME OCCUPATION PERMIT REGULATIONS

Chair Humphreville opened the public workshop on Home Occupation Permit regulations. Deputy Town Manager Stueckle provided background on the Home Occupation Permit regulations and an overview of the purpose of the workshop. Chair Humphreville recessed the meeting for the workshop at 6:09, and one hour was dedicated to round table discussion with members of the public and the Commissioners. At 7:10, after the table discussion, Chair Humphreville resumed the meeting and opened the floor to reports from the table discussions and individual public comments. Posters listing each table's findings were displayed, and forms on which individuals wrote their suggestions were also submitted to the Commission.

PUBLIC COMMENTS

1. Nalini Maharaj, Yucca Valley, said that she would like to see gun sales prohibited as a home occupation.
2. Margo Sturges, Yucca Valley, said that she appreciated the workshop process, and would like the public hearing on the ordinance to be delayed.
3. Mark Miller, Yucca Valley, said that he approves of the changes in the regulation that makes the process of acquiring a home occupation permit easier and clearer. He said that the intent of the revisions should be to make it easier not harder to do business in Yucca Valley. He said that the regulations should be administered equally and without prejudice,

and we shouldn't unfairly discriminate against some businesses just because they are unpopular.

4. Dennis Pask, Yucca Valley, said that he approves of the changes in the draft ordinances. He said that it is unfair that artists with a HOP aren't allowed to display art in their front yard when anyone else in town is able to.
5. James Walker, Yucca Valley, said that he appreciates the workshop process, and that he believes that the process should be directed towards the regulations as whole and not specific cases.
6. Fitz Koneig, Yucca Valley, said that he believes that home business should be limited only to equipment or structures normally found within the home. He also objects the Planning Commission being able to issue Conditional Use Permits. He also doesn't think the noise ordinance is sufficient.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Commissioner Whitten said that he appreciated the public coming out to participate. He said he wants a balanced approach to Home Occupation Permits. Property owners should be able to exercise their rights while respecting the rights of their neighbors. He believes that the Planning Commission need to work to fine tune the ordinance to make it a softer.

Commissioner Lavender said that some of the individuals he spoke with were concerned about the number of deliveries which might be made to some home occupations. He suggested providing some kind of public space for artists to use. He also said he was happy with the ordinance the way it was, but he would like to see gun sales prohibited.

Commissioner Drozd said that it was great to see so many people come out to participate. He asked staff if, under the current complaint driven process, complaints were made anonymously. Staff replied that complaints could be made either anonymously or not. Commissioner Drozd believes that it is important to keep neighborhood character, but also allow business. He said he like the graduated scale for different size lots. He said that home based business have been becoming more popular with the current economy. He also said that while different sized parcels should be treated differently, people on the same size parcels should be treated the same.

Commissioner Bridenstine also thanked everyone for coming out to participate. She agreed that we need a tiered system. Some business would not be appropriate for a multi-family zone, but would be appropriate on a five acre parcel. Someone on a five acre parcel who is operating a legal business, which is not effecting anyone, should be allowed the freedom to do so. She believes that we should be more concerned about illegal guns rather than legal, licensed sales. She also believes that that the concern about deliveries doesn't take into account the fact that trash trucks, which regularly travel these roads, weigh more than delivery trucks. Rather than creating nitpicky regulations, we should rely more on common sense. If you are causing a nuisance in your

neighborhood, your neighbors have the right to complain. There is a procedure in place for those complaints to be investigated and your permit possibly revoked. Having a clear procedure for addressing complaints is more important than a lot of overly specific regulation.

Commissioner Lavender said that plots that do not have maintained roads may create an issue.

Chair Humphreville asked staff to clarify the intent of the language prohibiting the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions. He pointed out that artists and welders use paint and material which may be combustible or toxic. Staff explained that the purpose of that section was to limit the amount of that kind of material to amounts more typically found in residential uses, so that we don't see the type of volume associated with large scale commercial operations. Chair Humphreville suggested further clarification to that language. He also asked about the fee schedule, particularly the \$750 fee for the appeal process. Deputy Town Manager Stueckle explained that the fee structure was based on total cost recovery, but that staff would look at the fees. Chair Humphreville said that he would like to see some kind of language differentiating between commercial welding and art welding. He also thought that allowing artists to display some art in their front yards is something the Commission should discuss. He also said that allowing 6 or 8 deliveries a year is reasonable, and he doesn't think that someone with a Home Occupation Permit should have greater weight restrictions than other property owners. He doesn't think gun sales should be prohibited; it is a legal and regulated business. He also believes that home occupations which are exempt from acquiring a permit are fine in multi-family zones, but an activity requiring a Home Occupation Permit should be prohibited.

RECESS

Chair Humphreville called a five minute recess at 7:45. The meeting resumed at 7:50.

PUBLIC HEARING

2. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3CEQA EXEMPTION, SECTION 15061

Deputy Town Manager Stueckle gave the staff report. He stated that there have been multiple meetings on this public hearing, and that the only outstanding issue is the pending answer from the Town Attorney's office regarding whether or not surface mining can be prohibited and that section removed from the regulations. Staff recommended that, after receiving any public comments, if there were no further questions from the Commission, the Commission not send the item forward to the Town Council until the full draft of the Code has been completed.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Planning Commission finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act, and that the Commission recommends that the Town Council adopts the Ordinance, but delays forwarding that recommendation to the Council until the draft of the complete code is finished. Chair Humphreville seconded. The vote passes unanimously.

DEPARTMENT REPORTS**3. FIVE YEAR CAPITAL IMPROVEMENT PROGRAM**

Project Engineer Qishta presented the staff report. He provided a brief explanation of the purpose of a Capital Improvement Plan. The Capital Improvement Plan is a short-range, five year plan, which identifies capital projects, provides a planning schedule, and identifies options for financing the program. Staff went over the capital projects identified in the plan presented to the Planning Commission.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

Chair Humphreville said that he was concerned about the implications of doing work on Black Rock Canyon road without also putting in flood control measures. Staff explained that the original estimate for repairs was over \$600,000, much of which was due to the cost of the flood control measures. The flooding issue is a serious concern, and engineering is currently working on solutions. Chair Humphreville is concerned that maintaining that road as a gravel road without additional flood control measures will cause problems. Chair Humphreville also said that construction of the Safe Routes to School improvements on only one side of the street is better than nothing.

Commissioner Whitten asked about tiered catch basins at Black Rock Canyon. Staff said that basins are probably not a practical solution in this case. Commissioner Whitten agreed that improving one side of Sage Avenue for Safe Routes to School is better than nothing, but suggested that some money be set aside in the future to improve the upper end of Sage Avenue. He also asked if we had ADA park facilities, particularly playground equipment. Staff replied that Miraele Field is specifically designed for ADA access and that Staff believed that the playground equipment selected for the Brehm Park is ADA accessible. He also suggested that the Town might look into Rino Snot, a soil stabilization and dust abatement product, for use on Black Rock Canyon Road to increase its durability.

Commissioner Bridenstine asked if the Town was actively looking for new grants, particularly any federal grants, to help provide future funding. Staff replied that the Town was.

Commissioner Drozd asked about the signal synchronization project. He asked if signs informing drivers that the lights are synchronized had been considered as part of that project. Staff said that they would look into it.

Commissioner Lavender had no comments on this issue.

MOTION

Chair Humphreville moved that the Commission find the project except from CEQA in accordance with Section 15378(b)(4) and Section 15061 (b)(3), and that the Commission recommends to the Town Council that they adopt the Five Year Capital Improvement Plan for Fiscal Years 2014/2015 through 2018/2019. Commissioner Bridenstine seconded, and the vote passed unanimously.

STAFF REPORTS AND COMMENTS:

Staff provided an overview of the status of current land development projects.

COMMISSIONER REPORTS AND REQUEST:

1. Commissioner Drozd thought it was great that everyone came to the meeting. The process shows that the Town listens to its residents. The Alleyway improvement is an example of something that was brought up by public comment in a meeting. Thanks to everyone for their hard work.
2. Commissioner Lavender thought the meeting was interesting.
3. Commissioner Whitten thanked staff and the Commissioners. He approves of the volunteerism he has seen. In honor of Memorial Day, he thanked the veterans for their service. He also thinks that workshops are great, and that they need to balance the Home Occupation Permit regulations to what is best for the community not just a small group.
4. Commissioner Bridenstine thanked staff and thanked the public for showing up. She said that they may not be able to solve all of the problems associated with Home Occupation Permit regulations, but it is a balancing act to try and solve as many as possible. It is important to have the public bring forth all the issues. The Commission will have to do their best.
5. Chair Humphreville said that a home occupation ordinance is not going to be able to resolve a dispute between two individuals. He believes that the Commission needs to get the Home Occupation Permit regulations done.

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, June 10, 2014.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:34

Respectfully submitted,



Allison Brucker
Secretary