

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



The Mission of the Town of Yucca Valley is to provide a government that is responsive to the needs and concerns of its diverse citizenry and ensures a safe and secure environment while maintaining the highest quality of life.

TUESDAY
JUNE 24, 2014
6:00 p.m.

YUCCA VALLEY COMMUNITY CENTER, YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

* * * *

PLANNING COMMISSION MEMBERS

Tim Humphreville, Chairman
Vickie Bridenstine, Vice Chairman
Jeff Drozd, Commissioner
Warren Lavender, Commissioner
Steve Whitten, Commissioner

AGENDA

MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, JUNE 24, 2014

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's office at (760) 369-7209 at least 48 hours prior to the meeting.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Planning Commission secretary. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

CALL TO ORDER:

ROLL CALL: Vickie Bridenstine, Vice Chairman
Jeff Drozd, Commissioner
Warren Lavender, Commissioner
Steve Whitten, Commissioner
Tim Humphreville, Chairman

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Move by _____ 2nd by _____ Voice Vote _____.

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Planning Commission takes this time to consider your comments on items of concern, which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three minutes or less. Inappropriate behavior, which disrupts or otherwise impedes the orderly conduct of the meeting, will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda.

PUBLIC HEARINGS

1. DEVELOPMENT CODE AMENDMENT, DCA 02-14 HOME OCCUPATION REGULATIONS CEQA EXEMPTION, SECTION 15061

Proposed amendment to Title 9, adding Section 9.08.050 of Article 2, and adding Chapter 9.75, Sections 9.75.010 thru 9.75.080 of Article 4, of the Yucca Valley Development Code, establishing development regulations and permitting procedures for the operation of Home Occupation Permits and repealing Sections 84.0615, Chapter 6, Division 4 of Title 8.

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".

RECOMMENDATION: That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's General Development Standards 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".
- B. Recommends that the Town Council adopts the Ordinances and repeals Development Code Sections 84.0615, Chapter 6, Division 4 of Title 8.

Action: Moved by _____ 2nd by _____ Voice Vote _____

DEPARTMENT REPORT

**2. DEVELOPMENT CODE AMENDMENT, DCA 01-14
ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARD
CEQA EXEMPTION, SECTION 15061**

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 2 Chapter 9.05 thru Chapter 9.22, Zoning Districts and Development Standards. This article establishes the Town's zoning districts and zoning map and provides land use standards and development requirements for the zoning districts and overlay districts.

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 Development Code 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 01-14 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".

RECOMMENDATION: That the Planning Commission reviews Article 2, takes public comment and provides direction to staff.

Action: Moved by _____ 2nd by _____ Voice Vote _____

CONSENT AGENDA: All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Planning Commission instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Planning Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Planning Commission Secretary before the consent calendar is called

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meeting held on June 10, 2014

Action: Moved by _____ 2nd by _____ Voice Vote _____

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd
Commissioner Lavender
Commissioner Whitten
Vice Chairman Bridenstine
Chairman Humphreville

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, July 08, 2014

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Diane Olsen, Planning Technician

Date: June 16, 2014
For Commission Meeting: June 24, 2014

Subject: Development Code Amendment, DCA-02-14
Title 9, Article 2, Chapter, 9.08, Section 9.08.050, repealing Section 84.0615, 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 June 10, 2014 and held a workshop on May 27, 2014

Recommendation: That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's General Development Standards 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".
- B. Recommends that the Town Council adopts the Ordinances and repeals Development Code Section 84.0615, Chapter 6, Division 4 of Title 8.

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

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

<input type="checkbox"/> Department Report	<input checked="" type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

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"

This matter was continued from the Planning Commission meeting of June 10, 2014. At the meeting of June 10, 2014, the Commission requested that the ordinance be revised to reflect a tiered structure for the operation of Home Occupations. The ordinance has been revised to include four classes of Home Occupations, to include Exempt, No Hearing Required, Public Notice and Hearing and Conditional Use Permit.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- 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 24, 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

Chapter 9.75, Home Occupation Permit Permitting Procedures

Ordinance 178, Home Occupation Permits

Ordinance 54, Home Occupations Permits

Planning Commission draft minutes from June 10, 2014

Planning Commission minutes from August 27, 2013, March 11, 2014, May 13, 2014
and May 27, 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 occupation 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 zones 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 that are transparent inside the structure and in which there are no customers or clients visiting the residence, 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, Definitions 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.

A Home Occupation is defined as "a commercial activity conducted in compliance with Section 9.08.050 of this Development Code, carried out by an occupant and conducted as an accessory use within the primary dwelling unit, an accessory structure or approved outdoor activity".

- 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, animal rehabilitation, pet grooming, kennels or catteries;
 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.
10. Sales of firearms in residential zoning districts other than Rural Living (RL) or Hillside Reserve (R-HR)
11. Sales of ammunition
12. Massage establishments
13. Any other use determined by the Director that is not incidental to and/or compatible with residential activities.

D. Classes of Home Occupations Described

1. Home occupations are commercial uses that are accessory and incidental to a residential land use and that do not alter the character or the appearance of the residential environment or neighborhood.
2. 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), including home occupations that are exempt from permitting.

a. Class I, Exempt from Permitting

Class I Home Occupations shall have no impact on the neighborhood in which they are located. Work is performed exclusively by phone and mail, or over the internet, and/or the activity is limited so that there are no impacts on the neighborhood. Class I Home Occupations are allowed in any residential zoning district.

These uses include 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 with—and allowed in a residential area. These business activities

include, but are not limited to, contractors, housecleaning, carpet cleaning, mobile carwash or gardeners.

Class I Development Standards:

1. No customers or clients shall visit the residence
2. All employees shall be members of the resident family and shall reside on the premises.
3. Operating hours shall be limited to the hours of 7 AM to 7 PM.

b. Class II, No Hearing Required.

Class II Home Occupations may have a limited impact on the neighborhood in which they are located. Class II Home Occupations shall be allowed in the Residential Single Family (RS), Rural Living (RL) and Rural Hillside Reserve (R-HR) zoning districts. 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.

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.

Class II Development Standards:

1. There may sales of products on the premises.
2. A maximum of three customers or clientele per day may visit the residence.
3. All employees, except one, shall be members of the resident family and shall reside on the premises.
4. Operating hours of a home occupation in which there are 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.
5. There shall be no outdoor home occupation activity or outdoor storage of material.

c. Class III, Notice and Hearing Required

Class III Home Occupations may have a limited impact on the neighborhood in which they are located but are also slightly more intense than Class II in that they may

involve outdoor storage of material and/or outdoor home occupation activities that do not impact the neighborhood. Class III Home Occupations are permitted in the Rural Living (RL) and Rural Hillside Reserve (R-HR) zoning districts.

Class III Home Occupations 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.

Class III Development Standards:

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 12 trips per day in all zoning districts.
3. All employees, except two, shall be members of the resident family and shall reside on the premises.
4. 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.
5. 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.

d. Class IV, Conditional Use Permit.

Home Occupations which may exceed the standards provided in (D (2) or (3) may be approved subject to the review and approval of a Conditional Use Permit by the Commission.

E. Development Standards ~~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 outdoor side home occupation activity or outdoor-storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises, except as approved by the Commission.
7. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
87. 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;
98. 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;
109. No home occupation shall be initiated until a current business registration certificate is obtained, including home occupations that are exempt from permitting;
110. A Home Occupation Permit shall not be transferable to another person or property;
123. 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.~~
137. 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.~~
- ~~14. Parking shall comply with the requirements of Chapter 9.33. One additional parking space shall be provided for each non-resident employee. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on site.~~
159. 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.
- ~~16. If the home occupation is to be conducted on rental property, written permission from the property owner shall be submitted.~~

~~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.~~
 - ~~e. 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.~~

F.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.

GH. 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 all home occupation permits, that were approved by the Director. The Commission shall be the review authority for permits that were approved by the Commission.

HI. Home Occupation Permit Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments

IJ. Home Occupation Permit Revocation

Refer to Article 5, Chapter 9.84 Permit Revocation

JK. Appeal.

Refer to Article 5, Chapter 9.81 Appeals

DRAFT

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, 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 occupation 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 zones, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit.
- B. Applicability.** The provisions in this Section shall apply to home occupations as defined in Article 7, *Definitions* 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.

A Home Occupation is defined as "a commercial activity conducted in compliance with Section 9.08.050 of this Development Code, carried out by an occupant and conducted as an accessory use within the primary dwelling unit, an accessory structure or approved outdoor activity".

- 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, animal rehabilitation, pet grooming, kennels or catteries
 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.
10. Sales of firearms in residential zoning districts other than Rural Living (RL) or Hillside Reserve (R-HR)
11. Sales of ammunition
12. Massage establishments
13. Any other use determined by the Director that is not incidental to and/or compatible with residential activities.

D. Classes of Home Occupations Described

1. Home occupations are commercial uses that are accessory and incidental to a residential land use and that do not alter the character or the appearance of the residential environment or neighborhood.
2. 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), including home occupations that are exempt from permitting.

a. Class I, Exempt from Permitting

Class I Home Occupations shall have no impact on the neighborhood in which they are located. Work is performed exclusively by phone and mail, or over the internet, and/or the activity is limited so that there are no impacts on the neighborhood. Class I Home Occupations are allowed in any residential zoning district.

These uses include 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.

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 with and allowed in a residential area. These business activities include, but are not limited to, contractors, housecleaning, carpet cleaning, mobile carwash or gardeners.

Class I Development Standards:

1. No customers or clients shall visit the residence
2. All employees shall be members of the resident family and shall reside on the premises.
3. Operating hours shall be limited to the hours of 7 AM to 7 PM.

b. Class II, No Hearing Required.

Class II Home Occupations may have a limited impact on the neighborhood in which they are located. Class II Home Occupations shall be allowed in the Residential Single Family (RS), Rural Living (RL) and Rural Hillside Reserve (R-HR) zoning districts.

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.

Class II Development Standards:

1. There may sales of products on the premises.
2. A maximum of three customers or clientele per day may visit the residence.
3. All employees, except one, shall be members of the resident family and shall reside on the premises.
4. Operating hours of a home occupation in which there are 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.
5. There shall be no outdoor home occupation activity or outdoor storage of material.

c. Class III, Notice and Hearing Required

Class III Home Occupations may have a limited impact on the neighborhood in which they are located but are also slightly more intense than Class II in that they may involve outdoor storage of material and/or outdoor home occupation activities that do not impact the neighborhood. Class III Home Occupations are permitted in the Rural Living (RL) and Rural Hillside Reserve (R-HR) zoning districts.

Class III Home Occupations 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.

Class III Development Standards:

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 12 trips per day in all zoning districts.
3. All employees, except two, shall be members of the resident family and shall reside on the premises.
4. 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.
5. 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.

d. Class IV, Conditional Use Permit.

Home Occupations which may exceed the standards provided in (D (2) or (3) may be approved subject to the review and approval of a Conditional Use Permit by the Commission.

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

1. 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 outdoor home occupation activity or outdoor storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises, except as approved by the Commission.
7. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
8. 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;
9. 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;
10. No home occupation shall be initiated until a current business registration certificate is obtained, including home occupations that are exempt from permitting;
11. A Home Occupation Permit shall not be transferable to another person or property;
12. 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;
13. 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.
14. Parking shall comply with the requirements of Chapter 9.33. One additional parking space shall be provided for each non-resident employee.
15. 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.

16. If the home occupation is to be conducted on rental property, written permission from the property owner shall be submitted.

F. 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.

G. Home Occupation Permit Renewal.

Home Occupation Permits are approved for a period of three (3) years. The Director shall be the review authority for all home occupation permits.

H. Home Occupation Permit Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments

I. Home Occupation Permit Revocation

Refer to Article 5, Chapter 9.84 Permit Revocation

J. Appeal.

Refer to Article 5, Chapter 9.81 Appeals

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

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

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

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

APPROVED AND ADOPTED this _____ day of _____, 2014.

MAYOR

ATTEST:

TOWN CLERK

ORDINANCE NO. .

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

Section 1:

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

9.75.010 – Purpose

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

9.75.020 – Applicability

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

9.75.030 – Procedures

- A. Class II Home Occupations Permits-subject Section 9.08.050 (DE)(21).

Procedure: Staff Review without Notice
Reviewing Authority: Director

- B. Class III Home Occupations Permits subject to Section 9.08.050 (DE)(32).

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

DRAFT

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. Class II Home Occupations subject Section 9.08.050 (D)(2).

Procedure: Staff Review without Notice
Reviewing Authority: Director

B. Class III Home Occupations subject to Section 9.08.050 (D)(3).

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.

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.

DRAFT

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

DRAFT

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.

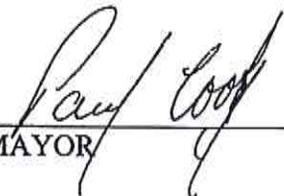
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community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

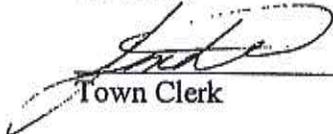
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

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



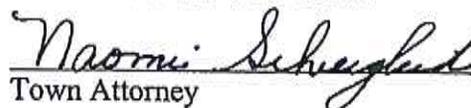
 MAYOR

ATTEST:



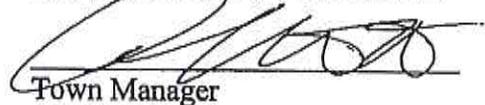
 Town Clerk

APPROVED AS TO FORM:



 Town Attorney

APPROVED AS TO CONTENT:



 Town Manager

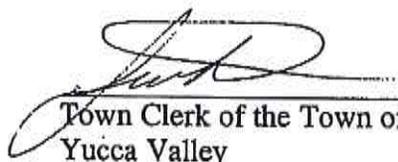
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

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 Tsuda
Town Clerk

APPROVED AS TO FORM:

Town Attorney

c:\data\wpdata\lhopord
3/21/95

APPROVED AS TO CONTENT:

Steve Tsuda
Town Manager

years, expiring on June 10, 2015, unless a request for renewal and related approval are obtained prior to that date. Motion was seconded by Commissioner Bridenstine. Motion carried 4-1 on a roll call vote.

- AYES: Commissioners Bridenstine, Drozd, Whitten and Chair Humphreville.
- NOES: Commissioner Lavender
- ABSTAIN: None
- ABSENT: None

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

Deputy Town Manager Stueckle provided the staff report. He provided a brief summary of the history of this item, noting that there had been a prior public hearing on this issue on May 13, 2014 and a public workshop was held on May 27, 2014. It was staff's understanding that there was Planning Commission consensus that the ordinance should be tiered based upon lot size. Staff asked for direction from the Commission.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- David Cooper, Yucca Valley, said that from a general standpoint he would like to see the Commission relax the standards and extend the time frame for renewal. If all applicants have to go through the process they saw that night, people are either not going to comply or they will choose not move here.
- Margo Sturges, Yucca Valley, said that she believes that Home Occupation Permits should be limited to the home owner. She also said she believed that the requirement that a renter get approval from the landlord had been removed, and that the proposed ordinance would allow large truck signs. She believes that the appeal fee is too high and that multiple houses in the same area should not be allowed to operate the same type of business.
- Fritz Koenig, Yucca Valley, said that he would like agenda items 1 and 2 to be incorporated into the record for agenda item 3. He said that the Town does not inspect Home Occupation Permits each year, and that action is only taken when someone makes a complaint. He also objected to the language allowing the Planning Commission to grant Conditional Use Permits to activities which do not comply with the Home Occupation Permit regulations.

Seeing there were no more individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Chair Humphreville introduced a discussion of firearm sales as a home occupation.

Commissioner Whitten said that a distinction should be made between home occupations and home based businesses. Commissioners Drozd, Bridenstine, Whitten and Chair Humphreville all said that gun sales should be allowed in some residential zones. There was Commission consensus that firearm sales should be prohibited in multifamily zones. Commissioner Whitten said that he felt that firearm sales should be allowed in RL5 zoning, and didn't think ammunition should be sold on site. Chair Humphreville said that he didn't think firearm sales should be limited to five acre lots, and that if the business was legal and meets the criteria, it should be allowed on half acre lots. He also said that he didn't object to ammo sales as long as it was done as drop shipments and not stored on the property, but he would be ok with restricting it. Commissioner Whitten said he thought firearm sales need the buffer provided by RL lot sizes.

Commissioners Drozd, Bridenstine, and Humphreville said that a half acre or greater lot size might be an appropriate lot size for gun sales. Commissioner Bridenstine clarified that she did not approve of allowing firearm sales, or any traffic generating business, in any of the RS zones, and that they should only be allowed in RL or above. Commissioner Lavender asked about the lot sizes in tracks. Commissioner Whitten said that he thought that firearm sales should be prohibited in RS and RN, but allowed in RL zones. He also said that he liked the additional safety features required in the Zorawicki Conditions of Approval. Chair Humphreville said that the Commission should not try to make standards based on gun size. Staff said they would take the Commission's direction to structure new recommended standards.

Chair Humphreville asked the Commissioners for comments on the purpose section of the draft regulations. Commissioner Whitten said he doesn't want to see any Home Occupations strictly prohibited. He also suggested that staff included language in the draft ordinance adding a sunset clause.

There was a discussion about how to address restrictions in multifamily zones. Commissioner Whitten said he would like to see definitions first and a tiered system. Staff asked if the Commission felt that exempt home occupations which are exempt from permitting should be allowed in multifamily zones. Commissioner Whitten said that he was ok with allowing the occupations listed as exempt allowed in multifamily zones, but would like to see a tiered table. Commissioner Drozd suggested having a set of standards rather than a list of exempt home occupations.

Commissioner Whitten said that he thought that the landlord should have to give approval for a renter's home occupation. Staff said that there was no intent to remove that requirement, and while staff may have missed including that language, getting landlord approval is a requirement of law. Staff said they would include that language.

Chair Humphreville asked for clarification from staff that a business which was listed as prohibited, could be allowed through a Conditional Use Permit. He thinks including a list of prohibited occupations helps clarify what is generally allowed.

Commissioner Bridenstine also suggested getting rid of the list of exempt occupations. There was commission consensus that they would like to see a tiered table.

Staff said that they will take the Commission's direction and work on a new draft of the regulations.

Commissioner Drozd suggested the Commission consider something to address allowing artist to participate in the art tours.

Commissioner Bridenstine said that she likes the tiered idea, and that she would prefer not to add more restrictions, and instead see it taken on a more case by case basis for Conditions of Approval.

Chair Humphreville asked if there were any comments on section G, Review. Commissioner Whitten asked staff if a single Commissioner could appeal a decision made at the Director level. Staff said that is not addressed in the code.

Chair Humphreville introduced a discussion of permit renewal. There was Commission consensus on a renewal period of three years. Commissioner Whitten said that he would like to see an option for extensions. Commissioner Bridenstine disagreed, and pointed out that the staff costs for approving an extension would be comparable to approving a renewal. There was Commission consensus that renewals would happen on the Director level provided that there are no complaints. Commissioner Whitten suggested removing the fee for renewal on permits with no complaints.

The Commissioners had no comments on the sections addressing revocation, or appeals.

Chair Humphreville asked the Commissioners for any general comments they had on Home Occupation Permits.

Commissioner Whitten asked if violation of property maintenance standards was included as a reason for revocation of a Home Occupation Permit. Staff said that being in violation of any code would be a reason for revocation.

CONSENT AGENDA

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

- Margo Sturges, Yucca Valley, requested that the minutes submitted to the commission be amended. She felt that the reason for the recess during the May 13, 2014 meeting should be included in the minutes.

CLOSE PUBLIC COMMENT

MOTION

Chair Humphreville moved that the Planning Commission approve the submitted minutes of the meetings held on May 13, 2014 and May 27, 2014. Commissioner Bridenstine seconded. The motion passed unanimously.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd said that it was great seeing everyone at the meeting, but it is difficult to see a divided community. It is important that everyone is heard. He also thanked staff.

Commissioner Lavender apologized for his lack of preparation due to his recent health issues.

Commissioner Whitten thanked the citizens, and he said he appreciates the public coming out. He said that he appreciates what Margo does in the community. He said he would like a public announcement regarding the changed law regarding bicycles. He thanked staff, and said he is looking forward to progressing on the development code.

Commissioner Bridenstine thanked staff for their work, and thanked the public for coming out. She said we are not always going to agree, and that's ok. It take diversity to create a great community. She hopes not to see any more personal vendettas play out in front of the Commission, as it is a misuse of staff and Commission time.

Chair Humphreville thanked staff for their efforts. He said he hopes to complete the Home Occupation Permit regulations.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for June 24, 2014 and 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:04pm.

Respectfully submitted,

Allison Brucker
Secretary

Approved by the Planning Commission on _____, 2014.

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

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

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

DEPARTMENT REPORT

2. HOME OCCUPATION PERMITS

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

Chair Humphreville opened public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No action was taken.

3. WIND ENERGY CONVERSION SYSTEMS

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

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

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

DEPARTMENT REPORTS:

1. HOME OCCUPATION PERMIT REGULATIONS

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

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

PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

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

CONSENT AGENDA:

1. 2013 GENERAL PLAN ANNUAL REPORT

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

2. MINUTES

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

PUBLIC COMMENTS

None

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

STAFF REPORTS AND COMMENTS:

None

FUTURE AGENDA ITEMS:

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

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd thanked everyone for their participation.

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

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

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

Vice Chairman Bridenstine had no further comments.

Chairman Humphreville had no further comments.

ANNOUNCEMENTS:

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

ADJOURNMENT

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

Respectfully submitted,

Allison Brucker
Secretary

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 polices 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 Barriage, 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 a 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 into 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 Orban, 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 an 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 wait 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

**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 Miracle 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,

A handwritten signature in cursive script that reads "Allison Brucker".

Allison Brucker
Secretary

1
**NOTICE OF PUBLIC HEARING
YUCCA VALLEY COMMUNITY CENTER
57090 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

TUESDAY, MAY 13, 2014 - BEGINNING AT 6:00 P.M.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

CASE NUMBER: Development Code Amendment, DCA 02-14
Home Occupation Permit regulations

APPLICANT: Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

PROPOSAL: 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.

LOCATION: Town wide

ENVIRONMENTAL DETERMINATION: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The project is exempt from CEQA under Section 15061(b) (3) since there is no possibility of a significant impact on the environment caused by this amendment.

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".

Any person affected by the application(s) may appear and be heard in support of or opposition to the proposal at the time of the hearing. The environmental findings, along the with proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Planning Commission in its deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Published on April 30, 2014

April 22, 2014
Date

/s/ Lesley R. Copeland
Lesley R. Copeland
Town Clerk

Residential Policies

- Policy LU 1-6 Provide housing opportunities and a variety of residential densities, housing types, and tenure to meet the affordability, life stage, and amenity needs of the Town's diverse population.
- Policy LU 1-7 Preserve and enhance the distinctiveness, character, and livability of residential neighborhoods.
- Policy LU 1-8 Require adequate exterior housing structure and property maintenance to protect property values, neighborhood quality, and public safety.
- Policy LU 1-9 Encourage infill residential development around public facilities and with pedestrian linkages to encourage walkable residential neighborhoods.
- Policy LU 1-10 Discourage the discontinuous or "leap-frog" development of residential subdivisions by requiring full improvement or payment of necessary fees to construct roadways and infrastructure to serve new development.
- Policy LU 1-11 Encourage housing developments to include sites for recreational, open space, or educational uses.
- Policy LU 1-12 Preserve the desert character of existing low density residential areas to the greatest extent possible.
- Policy LU 1-13 Carefully plan transitions and design interfaces between residential and nonresidential land uses (walls, lighting and landscaping) to ensure compatibility.
- Policy LU 1-14 Design new residential subdivisions so pads are above the adjacent street grade and drains to the street frontage of each lot, unless otherwise approved by the Town Engineer. Mass grading of properties designated Rural Residential (1 unit per 2.5 acres) or less intense is discouraged, and cross-lot drainage easements should be aligned with the existing natural topography to the greatest extent feasible.

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

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Date: June 16, 2014
For Commission Meeting: June 24, 2014

Subject: Development Code Amendment, DCA-01-14
Draft Development Code Article 2
Zoning Districts and Development Standards

Prior Commission Review: The Planning Commission discussed this item at the meetings of March 26, 2013, April 22, 2014 and May 13, 2014.

Recommendation: That the Planning Commission reviews the draft article, takes public comment and provides direction to staff.

Executive Summary: As part of the Development Code Update project, the Planning Commission received a presentation on Article 2 at the meetings of March 26, 2013, April 22, 2014 and May 13, 2014.

Article 2 establishes the Town's zoning districts and zoning map and provides land use standards and development requirements for the zoning districts and overlay districts.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

Discussion: Article 2, Zoning Districts and Development Standards, establishes the Town's zoning districts and zoning map and provides land use standards and development requirements for the zoning districts and overlay districts.

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

Eighteen Chapters are established within Article 2, and those Chapters are structured in the following manner:

- Chapter 9.05 Zoning Districts and Zoning Maps
- Chapter 9.06 Land Use Standards and Permit Requirements
- Chapter 9.07 Residential and Hillside Reserve Districts
- Chapter 9.08 Standards and Regulations for Specific Use in Residential and Hillside Reserve Districts

- Chapter 9.09 Commercial Districts
- Chapter 9.10 Industrial Districts
- Chapter 9.11 Mixed Use Districts
- Chapter 9.12 Public/Quasi Public and Open Space Districts
- Chapter 9.13 Specific Plan Districts
- Chapter 9.14 Standards and Regulations for Specific Uses in Non-Residential Districts

- Chapter 9.15 Overlay Districts
- Chapter 9.16 Airport Safety Overlay District
- Chapter 9.17 Fire Safety Overlay District
- Chapter 9.18 Flood Plain Safety Overlay
- Chapter 9.19 Geologic and Seismic Hazards Overlay
- Chapter 9.20 Hillside Overlay District
- Chapter 9.21 Large Animal Overlay District
- Chapter 9.22 Specific Plan Overlay District

Chapter 9.05 Zoning Districts and Zoning Maps

Identifies and establishes the base zoning districts and overlay zones.

Chapter 9.06 Land Use Standards and Permit Requirements

Establishes Town requirements for the approval of proposed development.

Chapter 9.07 Residential and Hillside Reserve Districts

Establishes the permitted uses and development standards for residential zoning districts .

Chapter 9.08 Standards and Regulations for Specific Use in Residential and Hillside Reserve Districts

Provides development standards for specific land uses that are allowed within Residential zoning districts.

Chapter 9.09 Commercial Districts

Provides development standards for land uses that are allowed within Commercial zoning districts.

Chapter 9.10 Industrial Districts

Provides development standards for land uses that are allowed within Industrial zoning districts.

Chapter 9.11 Mixed Use Districts

Provides development standards for land uses that are allowed within the Mixed Use zoning district.

Chapter 9.12 Public/Quasi Public and Open Space Districts

Provides development standards for land uses that are allowed within the Public/Quazi Public and Open Space zoning district.

Chapter 9.13 Specific Plan Districts

Established to provide for flexibility, innovative use of land resources and a variety of housing and other development types for a property or group of properties.

Chapter 9.14 Standards and Regulations for Specific Uses in Non-Residential Districts

Provides development standards for specific land uses that are allowed within Non-Residential zoning districts.

Chapter 9.15 Overlay Districts

Established to supplement the regulations and development standards of the underlying zoning district.

Chapter 9.16 Airport Safety Overlay District

Establishes requirements for land use compatibility for designated areas in close proximity to a public use airport or heliport.

Chapter 9.17 Fire Safety Overlay District

Established to provide greater protect in areas prone to brush fires.

Chapter 9.18 Flood Plain Safety Overlay

Establishes regulations for development and construction within flood prone areas.

Chapter 9.19 Geologic and Seismic Hazards Overlay

Establishes investigation requirements for areas that are subject to potential geologic problems.

Chapter 9.20 Hillside Overlay District

Establishes regulations for development within hillside areas to protect significant features of the natural topography and to discourage development that will increase hazards to public safety.

Chapter 9.21 Large Animal Overlay District

Established to allow properties to have an increased number of animals and allows for reduced setbacks for animal keeping activity.

Chapter 9.22 Specific Plan Overlay District

Established to provide for a coordinated level of site planning for specific properties, to ensure a more precise level of planning than ordinarily possible under the Development Code including land uses, infrastructure, open space and natural resources.

Alternatives: The Planning Commission may elect to make recommended changes to the Article.

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:

Article 2, Zoning Districts and Development Design Standards
Minutes from March 26, 2013, April 22, 2014 and May 13, 2014

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
MARCH 26, 2013**

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

Commissioners Present: Bridenstine, Drozd, Whitten, and Humphreville. Hildebrand was absent. (excused)

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Bridenstine moved to approve the agenda. Commissioner Whitten seconded. Motion carried 4-0-1.

PUBLIC COMMENTS

Yucca Valley Town Manager, Mark Nuaimi spoke with the Planning Commissioners regarding their participation in social media web sites while holding a public position on a Town commission.

DEPARTMENT REPORT:

1. DRAFT DEVELOPMENT CODE

Deputy Town Manager Shane Stueckle presented a staff report and Powerpoint presentation explaining the status of the Development Code Update process and the purpose of the discussion. Stueckle gave an overview of the Town Council's guiding principles and how they are incorporated within the draft document. The updated development code will be easier to use and will address common questions regularly posed by the public.

Stueckle continued to explain that the new document is comprehensive and not a duplication of efforts within Town regulations or a conflict of regulations from other agencies. The document will provide the Town Council and the Planning Commission one resource document which includes Overlay Zone Districts. Stueckle explained the proposed permit procedures designed to push the review and approval to the lowest levels available as appropriate to reduce and eliminate unnecessary review and to reduce process time.

Appropriate infrastructure as a guiding principle was explained by Stueckle. Examples were given to show how the document is being created to address appropriate infrastructure guidelines, yet presented in a way that is comprehensive and user-friendly. Stueckle continued by addressing the continued effort between the General Plan Update and the Development Code Update, evaluating multiple commercial zones. The Draft Development Code includes development and design standards and a new section addressing specific

standards for poorly kept properties and blighted areas. The quality of development and small town atmosphere is also addressed in the draft document. Native plan regulations are included in the draft development code and take an incentive approach versus a regulatory approach to reach the same results as the old document.

Associate Planner Robert Kirschmann read the section in the Draft Development Code regarding architectural standards to give an example of how some of the inconsistencies in current regulations are being addressed.

Commissioner Drozd questioned the type of native plants regulated by the State of California.

Commissioner Whitten spoke in favor of the draft document as a good foundation and questioned the approval timeline.

Commissioner Bridenstine explained that the ease of use can really be seen in the draft document and thanked staff for making this happen. Bridenstine asked for clarification on the approval process of some of the items presented in the staff report and spoke in favor of seeing the native plan restrictions being pulled back a bit.

Chair Humphreville explained that he would like to see smaller sections to review. Humphreville spoke in favor of the Old Town Specific Plan would like to see development and revitalization in this area. A question was asked about the difference between CC&R's and a development code.

Stueckle thanked the Planning Commissioners for the hard work and diligence in reviewing such a detailed and important document.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle gave a brief update on the Super Wal-Mart project, and the Senior Housing project.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Bridenstine spoke of her excitement to read the updated Development Code document and questioned on why the current development code is not available on the Town's website.

Commissioner Drozd thanked staff for their hard work.

Commissioner Whitten mentioned that he would like to see more of the public engaged in the Development Code update process. Thanked staff for their dedication to the project and questioned the new signals being erected in Town.

Chair Humphreville asked about the status of the soon-to- be vacated Walmart building.

ANNOUNCEMENTS

Draft Development Code Review

- April 9, 2013:
- April 23, 2013
- May 14, 2013
- May 28, 2013

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Lesley Copeland
Deputy Town Clerk

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
APRIL 22, 2014**

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

Commissioners present were Drozd, Lavender, Whitten and Chair Humphreville. Commissioner Bridenstine was not present (excused).

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

1. Dennis Pask, Yucca Valley, spoke in support of the Home Occupation Permit renewal for Mr. Falossi, which is currently under consideration. Mr. Pask submitted a list of signatures from families in the neighborhood who supported Mr. Falossi. He said that he believed that the individual bringing the complaint against Mr. Falossi was acting maliciously.

PUBLIC HEARING

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

The staff report was presented by Deputy Town Manager Stueckle and Planning Technician Olsen. Staff anticipated that the Commission should be close to finishing its discussion of Article 3. Staff stated that they had added language on page 3-7 prohibiting real estate signs and sign twirlers from the clear sight triangle. Commissioner Whitten suggested also adding language prohibiting political signs. There was a consensus among the commissioners that that language should be added.

Staff outlined the changes removing the language referring to windmills and solar energy structures from the section addressing permitted structural height increases and the changes to the definition of mass grading. There was Commission consensus that these changes satisfied their previous concerns on these issues.

Staff also changed the number of spaces required for mini storage facilities to 6 plus 2 per caretaker, which is a standard common to other cities. The commission engaged in a discussion on this standard, and there was consensus that language should be modified to include 6 spaces plus 2 per caretaker with the fire department driveway width requirements. It was mentioned that climate controlled storage facilities may have different needs.

Staff modified page 3-32 in the recommended language to separate convalescent hospitals from retirement homes, and set the parking space requirement for convalescent hospitals at 1 space per 4 beds plus 1 per employee on the largest shift and 1 per staff doctor. They also set the requirements for retirement homes at 1 space per 3 beds and 1 per employee on the largest shift. There was Commission discussion on this standard. There was Commission consensus that term convalescent hospital should be changed to facility or care to remove confusion.

Staff modified page 3-53 to add language to clarify what would be considered a public nuisance. There was Commission discussion in this section. Commissioner Lavender and Commissioner Whitten expressed concern over subjective terms like substantial and unsightly. Chair Humphreville asked if the standard would be complaint driven. Staff informed the commission that the standard would complaint driven in part, but for major issues such as structure deterioration there would be proactive action. Current code enforcement tends to be 50 percent reactive and 50 percent proactive, but it varies. Commissioners Whitten, Lavender and Humphreville said that they would like to see more percentage driven standards.

Staff also modified the recommended language on 3-86 to change Soil Erosion Permit to Grading Permit, and modified 3-91 to add the language per location and/or per vendor to table 3-24 regarding special events, and changed the number of circuses or carnivals from 2 to 4. On page 3-96 and 3-98, language was combined to remove duplication. On page 3-100 Certificate of Land Use Compliance was changed to Land Use Compliance Review, and on page 3-124 the language was modified to remove reference to the scenic highway element of the general plan, and on page 3-125 language was modified to replace Conditional Use Permit with Land Use Compliance Review. On page 3-127 language was added to the effect that wireless communication facilities which are disguised may be allowed a reduced setback.

Staff informed the Commission that the State Mining and Geology board would prefer us to go through legal counsel to determine if we are mandated to allow mining activity. The questions on this area are being posed to legal counsel.

Staff recommended that the Commission continue this issue on to the next meeting. The Commission concurred with the staff recommendation.

PUBLIC COMMENTS

None

MOTION

None

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

Staff provided a brief overview of Article 2 and recommended a few areas that the Commission may wish to discuss, particularly accessory structure standards and native plant regulations, and asked that the Commission begin its discussion of Article 2 and provide direction to staff.

Chair Humphreville suggested going through the article by section and allowing public comments after each section. There was Commission consensus to adopt this approach.

Chair Humphreville opened a discussion on sections 9.05, Zoning Districts and Zoning Maps, and 9.06, Land Use Standards and Permit Requirements. Chair Humphreville asked if there had been any changes made to the table on 2-3 addressing Overlay Zoning Districts. Some of the overlay districts were not adopted when the Town adopted the County Code. There have been some new elements added to reflect current practices.

PUBLIC COMMENTS

1. Dennis Pask, Yucca Valley, said that he thought the zoning codes were being misused by individuals maliciously. He stated that he was not familiar with the codes.

Staff clarified that the section of the code relating to the speaker's concern was the section governing Home Occupation Permits and informed the speaker that Planning Commission would be holding a public hearing on the Home Occupation Permits on May 13, 2014.

END PUBLIC COMMENTS

Chair Humphreville introduced a discussion about the issue of a business which has recently opened which is operating a flea market type business in a parking lot. He asked if there was language in the code to address this kind of activity. Commissioners Whitten and Lavender both expressed concern over this kind of activity. Deputy Town Manager Stueckle stated that the Town has not had regulations regarding the outdoor display of merchandise, although such regulations are common in other municipalities, and the Commission may want to consider including some kind of regulation, such as prohibiting that activity in the absence of a Conditional Use Permit. Chair Humphreville said that there was a difference between having a few antiques sitting out and have a trailer full of flea market goods, and that some kind of language was needed to deal with the issue. Commissioner Drozd suggested allowing only a certain percentage of a business's inventory to be displayed outside. Commissioner Whitten said that he thought that it was important that the display be neat and orderly. Chair Humphreville said that small temporary sales are fine but larger ongoing displays should require a Conditional Use Permit.

Chair Humphreville introduced a discussion on 9.07, Residential and Hillside Reserve Districts, and 9.08, Standards and Regulations for Specific Uses in Residential and Hillside Reserve Districts. Commissioner Whitten asked for clarification on the definition of multi-family dwellings, and social care facilities as they are currently addressed in the code, and staff provided the requested information. He also asked if vacation rentals are covered in the section

of the code addressing bed and breakfast, and if not, should they be addressed in the code. Deputy Town Manager Stueckle said that may be a topic for Commission discussion, as vacation rentals for the most part have not been an issue in this community, but it may be an issue in the future. Commissioner Whitten said that he thought it was a discussion the Commission should have. He also stated that because there were not many hotels in the area, vacation rentals may be an untapped market that would benefit the community. Chair Humphreville said he did not know of any current vacation rentals.

Commissioner Whitten also said that he felt the gun ranges and off road vehicle parks should be addressed separately from Sports and Recreational Facilities on page 2-13. The current regulation doesn't specify indoor or outdoor gun ranges and that there are additional hazards associated with gun ranges which should be addressed, particularly in outdoor gun ranges. He also feels that off road vehicle parks should be associated with a trail system. Chair Humphreville asked staff for and received confirmation that a gun range would require a Conditional Use Permit under the current regulations. Commissioner Whitten said that he thought there may be residential zones in which the Town wouldn't want outdoor gun ranges allowed, even with a CUP. There was Commission consensus that outdoor gun ranges shouldn't be allowed in zones RS and RM.

Commissioner Drozd asked if metal carports should be addressed on page 2-16. Deputy Town Manager Stueckle said that metal carports are addressed under the section on accessory structures, and said that the Commission should have a discussion on these standards, particularly the requirement for architectural compatibility. Staff has historically interpreted the current standards to mean that a metal roofed carport is not architecturally compatible with a standard stucco and tile roof construction. Staff believes that the 'architecturally compatible' standard need further definition, and asked that the commission consider what kind of standards they would like to see or if in fact it should just be adherence to the building code.

Chair Humphreville said that he believed that the Commission needs to work on the requirements for percent coverage of the house for accessory structures. The current standard can create unappealing architecture for RV garages, and in some cases prevents them from being constructed at all. Commissioner Whitten said that, when there is proper screening, architectural compatibility doesn't seem to matter. Chair Humphreville said that even on large lot sizes, there are too many limits to square footage. Commissioner Whitten pointed out that there are some structures such as horse stalls, which would not make sense to be required to be architecturally compatible. Commissioner Humphreville thought that the architectural compatibility standard is problematic for residents.

Chair Humphreville thought that, on page 2-24, boats and recreational vehicles should be in the same line. If we require recreational vehicles to be parked in the side or rear area only, there are some locations where they won't be able to be parked at all. Staff provided an overview of the current standards for placement and size of detached garages. Commissioner Whitten asked if staff can verify that the fire department's requirement is within 10 ft. of structures. Chair Humphreville asked if there were any state standards regulating square foot percentages, and was

informed by staff that those standards are up to the individual municipalities. He said he would like to see a recommendation for a greater square footage allowance.

Staff said that the Commission may wish to consider the native plant regulations. There had previously been discussion on these regulations, but the previous Planning Commission recommendations were not ultimately accepted by the Council. In commercial, multi-family, and single family developments of one unit per acre or less, it is anticipated that no native plants will remain in their original location. The California Desert Native Plants Act states that land development activity is exempt unless the plants are being transported off site, at which point those plants must be tagged and permitted. The Commission had flexibility to decide what they want those regulations to be. Staff recommends that the native plant regulations be applied to the Joshua tree and Mojave yucca.

Commissioner Drozd pointed out that two of the plants, the palo verde and the mesquite, are not actually native to the area, and should not be included in the native plant regulations. Chair Humphreville said there had previously been about 10 to 12 meetings on this issue. He believes that the ordinance was fairly balanced. Although there were things he personally disliked, he thought it was well put together. Commissioner Whitten said that he thinks that the regulation is reasonable as written and thinks it may almost be ready. Chair Humphreville said that he likes the use of incentives, and that he thinks including just the Joshua tree and the Mojave yucca is a good compromise, although he wouldn't personally include the yucca.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

Staff provided a brief overview of the regulations regarding animal keeping in residential districts. He said that staff has made no changes to these, and hasn't heard of any issues that might indicate that they aren't working. Chair Humphreville said that he thought they were liberal, but he didn't think they needed to be changed. Commissioner Drozd asked what kind of permit would be required for commercial animal keeping, and was informed that it requires a livestock permit. He also said that he likes seeing these kind of regulations in place to protect animal welfare.

There was a discussion about the regulations governing bed and breakfast uses. Commissioner Whitten said that he did not have issues with this section. Chair Humphreville asked if there were any currently permitted. Staff stated that there had been no recent applications, but there had been two previous applications, neither of which were currently operational.

Chair Humphreville asked how many permits for child day care were currently active. Staff informed him that all currently active daycare facilities are limited to 7 or fewer attendees and are exempt. Staff will also double check that this is the standard mandated by state law.

Chair Humphreville asked if there were any issues regarding permanent yard sale activities. Staff said that those kind of activities were currently dealt with through code enforcement as non-

permitted home occupation activities. Staff had not previously recommended requiring permits for yard sale activities which are not ongoing.

Chair Humphreville asked if there were any proposed changes in the Multi-Family Residential Standards Site Design Guidelines and Architectural Design Guidelines section. Staff said that there were some new standards proposed in this section.

Chair Humphreville comment on second dwelling units, reiterating that he felt the size limitations were too restrictive.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

Staff provided a brief overview of section 9.09, Commercial Districts. This section lays out the permitted land uses and permit requirements, and staff recommended that the Commission consider those uses. Chair Humphreville asked if staff had some specific issues that staff would like to call out. Staff said that they have not yet sat down and gone through all of this section on a technical level.

Commissioner Whitten asked about adult oriented businesses, and asked where they were permitted if they were prohibited in all commercial districts. Staff said that they were permitted in industrial zones. Chair Humphreville asked about the store with the XXX sign visible from the highway. Staff explained that under the current regulations that particular store was not classified as an adult oriented business, as that is determined by the percentage of square footage dedicated to adult oriented merchandise. Chair Humphreville would like to know what kind of zoning regulations other communities have used, and would like to see some recommendations regarding zoning areas. Staff also mentioned that part of the issue relates to the fact that, under the First Amendment, the Town does not have the ability to regulate the content of signage.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Planning Commission continue this item to the next meeting, which will be held on May 13, 2014. It was seconded by Chair Humphreville. The motion carried unanimously.

CONSENT AGENDA

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 Stuckle 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 Stuckle 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 Stuckle 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

DRAFT

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
June 10, 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.

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

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

PUBLIC HEARINGS

- 1. HOME OCCUPATION PERMIT, REQUEST FOR RENEWAL/APPROVAL, HOP 01-11 HOP 02-14, ZORAWICKI EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING FACILITIES 84.0635 (b) SPECIAL USE PERMITS MAY BE ISSUED FOR LIMITED TIME PERIODS. NEW APPLICATIONS MAY BE REQUIRED FOR SPECIAL USE PERMIT RENEWAL.**

The staff report was presented by Deputy Town Manager Stueckle. He provided an explanation of the home occupation and the location of the requested renewal. The request is for the renewal of a Home Occupation Permit for the assembly of firearms that are purchased in kit form, and the buying and selling of firearms to the public from a single family home. The home is located in an area zoned for rural living with a five acre minimum lot size, and the surrounding lots are either single family residences on five or more acres, or vacant land. Clients visit the residence by appointment only. The applicant is requesting to be allowed three client visits a day, which is less than the five visits permitted by the ordinance. The applicant is requesting business hours of 3 to 6PM. The storage area related to the business is 17% of the floor area. The permit was originally approved in March 22, 2011, and the home occupation was issued renewals at the director level in 2012 and 2013. All business registrations and state and federal licensing requirements are current, and there have been no complaints associated with this home occupation. At the time that the staff report was written, no comments on this issue had been submitted, but one comment has been submitted subsequently and distributed to the Planning Commission. There were also additional conditions added to the conditions of approval, including annual proof of an active alarm system, all doors and windows being equipped with glass break alarms, and that the applicant's home address shall not be used in any type of advertising or business promotion.

Staff recommended that the Planning Commission find the project exempt from CEQA, and approve the renewal of the Home Occupation Permit as recommendations A and B. Staff also provided the alternative recommendations that the Planning Commission either approve the continued operation of the Home Occupation Permit until such time as the Town Council acts upon the draft Home Occupation Permit regulations and directs staff to return the project to the Planning Commission following Town Council action on the draft regulations, or that the Planning Commission continue the public hearing based on the need for additional information.

After the presentation of the staff report Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Jonathan Zorawicki, the applicant, said that the security and safety of the Morongo basin were his primary concern with regards to his business. He is selective with his customers, and exceeds all safety requirements. His business has all of the same safety features that large businesses are required to have. Chair Humphreville asked if Mr. Zorawicki had any issues with the additional Conditions of Approval. Mr. Zorawicki said that he did not have any problems with the conditions.
- Mike Reynolds, Yucca Valley, spoke in support of approving the Home Occupation Permit. He said that it is a light use in a rural area, and it is kept clean.
- Susan Simmons, Yucca Valley, said that the Zorawicki Home Occupation Permit is probably fine because it is on a five acre rural lot. She also said that gun sales should not be allowed in smaller lot sizes.
- Margo Sturges, Yucca Valley, said that she thought that gun sales on lots of five acres or more should be allowed but not on smaller lots, and she spoke in support of approving the Zorawicki Home Occupation Permit.
- David Cooper, Yucca Valley, spoke in support of approving the Zorawicki Home Occupation Permit. He also said that there is no reason to limit firearm sales to lots five acres or larger, as smaller lots would still be need to meet the same safety requirements.
- Bonnie Brady, Yucca Valley, said that there is a nationwide problem with firearms. She said that she doesn't see a problem with the renewal of the Home Occupation Permit given the safety measures and its location on a rural five acre lot.
- Fritz Koenig, Yucca Valley, said that firearm sales should not be allowed in residential areas.

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

CLOSE PUBLIC COMMENTS

Commissioner Drozd said that he saw no reason to delay the renewal of the permit, and that he was in favor of accepting staff's recommendations A and B.

Commissioner Lavender said that he doesn't think gun sales belong in residential areas. He believes there are too many guns in America. He also said that some provisions might be made for large parcels such five acre lots.

Commissioner Bridenstine said that the issue was not about gun control, and it wasn't the Commission's place to decide which types of guns are safe. She said it was an issue of a business permit. There is nothing in our current ordinance which would prohibit this home occupation, and given that there have been no complaints and the applicant has agreed to additional conditions to improve safety, she said she supported approving the Home Occupation Permit as described in staff's recommendations A and B.

Commissioner Whitten said they need to look at the application based on its own merit, and it had to be weighed against the current ordinance. The applicant has agreed to additional conditions to enhance security. He also asked staff about the renewal period. Staff said that the renewal period is one year, but that the Commission had discretion to modify that period. Commissioner Whitten said that he was in favor of the renewal of the Home Occupation Permit.

Chair Humphreville said that he respects the anti-gun opinion, but he believes the community feels that we are over regulated at it is. Chair Humphreville also said that, given that the business has had no complaints and that Mr. Zorawicki neighbors support his business, he would recommending renewing the permit for a period of two years.

Commissioners Whitten, Bridenstine, and Drozd said that they would support renewing the permit for a period of two years.

MOTION

Commissioner Whitten moved that the Planning Commission find the project exempt from CEQA pursuant to Section 15301 Class 1, existing facilities, and that the Planning Commission approve the Home Occupation Permit, HOP 02-14 based upon the information contained within the staff report, all evidence presented at the public hearing, and the required findings for a period of two years, expiring on June 10, 2016, unless a request for renewal and related approval are obtained prior to that date. Chair Humphreville seconded the motion. Motion carried 5-0 on a roll call vote.

- AYES: Commissioners Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville.
- NOES: None
- ABSTAIN: None
- ABSENT: None

2. HOME OCCUPATION PERMIT REQUEST FOR RENEWAL/APPROVAL, HOP 11-06 HOP 01-14, FALOSSI EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING FACILITIES 84.0635 (b) SPECIAL USE PERMITS MAY BE ISSUED FOR LIMITED TIME PERIODS. NEW APPLICATIONS MAY BE REQUIRED FOR SPECIAL USE PERMIT RENEWAL

The staff report was presented by Deputy Town Manager Stueckle. This project is a request for a renewal/approval of a Home Occupation Permit for an artist studio within an accessory structure of an existing single family residence. The home occupation will also include outdoor activity within a 53' X 58' screened area that encompasses the studio building. The property in question and its surrounding lots are zoned rural living, five acre minimum, and are signal family residences or vacant land. Staff said that the Home Occupation Permit was first approved in December of 2005. Renewals were issued in 2009 and 2013, and the business registration was kept current. There had been no complaints associated with this property prior to the renewal in November 2013. The Town received its first complaint on this property was received on December 16, 2013.

Staff then provided a brief overview of places in the development code where the language was seeming contradictory, for the Planning Commission to consider. Staff also provided some modified Conditions of Approval for this Home Occupation Permit, which were drafted after the staff report was written. Those changes included:

- modifying COA 1 to include the language “to include outdoor activity within a 53’ x 58’ screened area that also encompasses the workshop building;”
- modifying COA 10 to include the language “except for architectural or similar stone;”
- modifying COA 16 to change the number of customers allowed from five per day to two per week;
- modifying COA 17 to read “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;”
- modifying COA 18 to read “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;”
- modifying COA 20 to change the hours of operation to 8AM to 5PM;
- modifying COA 21 to include “The use of a rental crane or forklift is permitted a maximum of six times per year;”
- and adding COA 22, which will read “The applicant shall be permitted to participate in public art tours as they occur in the Morongo Basin.”

Staff recommended that the Planning Commission find the project exempt from CEQA, and approve the renewal of the Home Occupation Permit for the period of one year as recommendations A and B. Staff also provided the alternative recommendations that the Planning

Commission either approve continued operation of the Home Occupation Permit until such time as the Town Council acts upon the draft Home Occupation Permit regulations, and directs staff to return the project to the Planning Commission following Town Council action on the draft regulations, or that the Planning Commission continue the public hearing based on the need for additional information.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- David Fallosi, the applicant, said that he was there to ask for an update and clarification of his Home Occupation Permit. He said he has had his art studio on their rural two and a half acres lot in Yucca Valley since 1989, and art studios were exempt from permit at that time. The neighborhood has been important to him, and he has been active in helping to maintain neighborhood signs and roads. He also clarified that he does not sell art supplies, and does not have a gift shop, museum or welding shop. He said he participates in a limited number of events a year, exhibiting and delivering his artwork to collectors after these events. He said he completes 95% of his sculptures inside his workshop, but uses the enclosed fence area for assembly, storage and occasional carving. He doesn't use trucking companies to ship his artwork from his home, have scheduled deliveries, or violate the noise ordinance. He uses a rental crane or forklift to move finished large sculptures or stones one or twice a year. Any welding associated with the sculptures is preformed off site. He is requesting reasonable conditions of approval, and is the only artist in town with a Home Occupation Permit.
- Dennis Pask, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He is a neighbor of Mr. Fallosi and said he was speaking on the behalf of other in his neighborhood. He said that Mr. Fallosi is an excellent neighbor and causes no trouble with his business.
- Edward Tucker, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He said that he has been a neighbor of the Fallosi family for over 20 years, and in that time there has never been a problem with excessive noise or traffic. He said that the property was well maintained and that the business was well camouflaged.
- Chris Bolin, Twentynine Palms, spoke in opposition of the approval of the Home Occupation Permit. He believes that there is favoritism and that acid runoff has killed nearby vegetation.
- Adam Fallosi, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He said that the practice of artistry has not had a negative impact on the neighborhood.

- Janice Pask, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. They are neighbors of the Fallosi's, and said that they have had no problems with dirt from vehicles.
- Ernie Saenz, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He has been Fallosi's neighbor for two years and hasn't had any problems.
- Teresa Judd, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. She objected to statements at a prior meeting that said that Fallosi should have a commercial space.
- David Cooper, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He suggested that Fallosi should be grandfathered in given that he started his home studio ten years before the town incorporated.
- John Barriage, San Diego, submitted a written report to the Commission. He said that he believes that there is no specific allowance in the ordinance for outdoor activity or use of an accessory structure in a home occupation. He also believes that the use is an industrial use and not a commercial use, so it should not be allowed.
- Fritz Koenig, Yucca Valley, objected to the procedures of the meeting. He objected to the fact that information was suppressed from release by a court order and not included in the packet and that information was redacted. He also felt that staff had impeded his ability to record the meeting.
- Robert Dunn, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He agreed with Mr. Cooper that it should be grandfathered in.

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

CLOSE PUBLIC COMMENTS

Deputy Town Manager Stueckle clarified that, based upon staff's conversations with the applicant, approximately 95% of the business activity taking place occurred indoors and 5% occurred in an enclosed outdoor area. Since 1989 there have been seven sculptures of a large enough size that they had to be worked on outdoors. Ordinance 178 is clear that accessory structures are included in the calculation of space allowed for storage as the regulations are written today. Staff has previously identified in discussions of the HOP regulations that the ordinance is not completely clear on the intent of outdoor activities. There is language in the ordinance that implies that outdoor activities will be ongoing. Staff did not feel that grandfathering existed in this particular case. He also stated that staff had not impeded the public's ability to record the meeting, and had provided an area for video equipment. He also stated that Mr. Koenig had received information from the Town Attorney regarding the court order, and that the action taken in redacting

information was directed by the Town Attorney's office and based upon court records. He also stated that this is a land use issue and not related to civil matters.

Chair Humphreville asked the applicant, Mr. Fallosi, if he had any objections to the additional conditions provided by staff. Mr. Fallosi said that he had no objections.

Commissioner Bridenstine asked about rumors that Mr. Fallosi intended to enlarge his business and add a gift shop. Mr. Fallosi said that they were false. His business is limited to the amount of art he can generate. He said he had no intent to expand his business or open a gift shop.

Commissioner Whitten asked what his average sales per year were. Mr. Fallosi said that it varies and can be just a few or up to 30. On average he has between 12 to 30 sales per year.

Commissioner Lavender said that they should change the ordinance to make it easier for Mr. Fallosi to do business. He said that what they were doing what creating a double standard, one for artists and one for everyone else. He believes it creates a precedence if we make an exception for artists. Mr. Fallosi said he was currently the only artist with a Home Occupation Permit, and if the Town wants more artist to have Home Occupation Permits, they should streamline the process to make it easier for artists to operate in Yucca Valley. The Planning Commission should not try and regulate the type of art created and instead should just look at the land use and what is decent and reasonable.

Commissioner Lavender said that because Mr. Fallosi is successful and prominent in the community he should have a commercial space. Mr. Fallosi said he could say the same of Mr. Lavender, who runs a successful business from his home.

Commissioner Whitten asked if Mr. Fallosi has participated in the Morongo Valley art tour. Mr. Fallosi replied that he hasn't participated in the past, but he was asking to be allowed to participate in the future. Mr. Fallosi said that he believes the current regulations would keep an artist with a Home Occupation Permit from being able to participate in the art tours.

Mr. Fallosi additionally stated that he had just purchased the property directly to the south of his, so it would not be effected by the land use. He also said that, because of the nature of the area and the need to maintain the roads, people frequently brought in equipment to do work. He submitted a photo of equipment on a nearby property to the Planning Commission.

Chair Humphreville opened the floor for the Commissioners to ask the staff questions. Chair Humphreville asked for clarification on the purpose of having both the Conditions of Approval item 3 and 11, as they seemed repetitive. Staff provided clarification.

Commissioner Bridenstine asked if it was staff's opinion that the outdoor activity that is currently taking place is implied by the current ordinance. Staff said that it was, and that was why staff has asked the commission to consider that issue with regards to Home Occupation Permits.

Chair Humphreville called a recess at 7:41.

RECESS

Chair Humphreville reconvened the meeting at 7:47

Commissioner Drozd stated that this is a complicated issue, but the Commission is just looking at the Home Occupation Permit. He said that it is not an unreasonable request for a Home Occupation Permit, and that he supports it, but there are some issues that need to be discussed.

Commissioner Bridenstine said that it was ironic that rock storage is an issue and Boulder Ridge. She said that we need to take into account the current ordinance. Commissioner Bridenstine said that Commissioner Lavender had stated that the Commission was making special rules for this home occupation, but she doesn't see it. The applicant is requesting fewer visitors and shorter hours than what is currently allowed by the ordinance. She doesn't see any reason to deny this request.

Chair Humphreville said that this type of business was the intent of the ordinance, and individuals who are opposed to a business can always find some kind of language to argue against. Chair Humphreville asked staff the approximate cost of the time and resources staff has spent on this project. Staff replied that approximately \$3,500 to \$3,700 in person hours had gone into this project. Chair Humphreville said that he didn't want to see Home Occupation Permits that do not have legitimate issues creating those kinds of costs for the town. For that reason, he suggested renewing the Home Occupation Permit for three years. He said that he has received dozens of calls in support of this home occupation.

Commissioner Whitten said that he likes this Home Occupation Permit, and it provides culture to our community. He also noted that if this activity was done as a hobby it would be allowed under the current ordinances. He said that he doesn't think that the permit should be approved for a renewal of three years, but would support a renewal for a period of two years.

Commissioner Lavender said he wanted to respond to some comments that had been made about thirty truckloads of rocks being dumped on the road way on a neighboring property. He clarified that only three loads of rocks had be dumped where they encroached on the road intersection, and the rest had been placed further in on the property. He said he would like more time to consider this issue.

Commissioner Drozd said that he would like to clarify that when he said he would approve the permit for one year it was because, while he is all for changing the Town ordinance for Home Occupation Permits to a period of three years, he doesn't want to jump the gun before the ordinance changes.

Commissioner Bridenstine said that she thinks that the Planning Commission set the precedent for a renewal for two years during this meeting.

Chair Humphreville said that he would be fine with a renewal for two years.

MOTION

Chair Humphreville moved that the Planning Commission find the project exempt from CEQA pursuant to Section 15301 Class 1, existing facilities, and that the Planning Commission approve Home Occupation Permit, HOP 01-14 based upon the information contained within the staff report, all evidence presented at the public hearing and the required findings for a period of two

years, expiring on June 10, 2015, unless a request for renewal and related approval are obtained prior to that date. Motion was seconded by Commissioner Bridenstine. Motion carried 4-1 on a roll call vote.

- AYES: Commissioners Bridenstine, Drozd, Whitten and Chair Humphreville.
- NOES: Commissioner Lavender
- ABSTAIN: None
- ABSENT: None

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

Deputy Town Manager Stueckle provided the staff report. He provided a brief summary of the history of this item, noting that there had been a prior public hearing on this issue on May 13, 2014 and a public workshop was held on May 27, 2014. It was staff's understanding that there was Planning Commission consensus that the ordinance should be tiered based upon lot size. Staff asked for direction from the Commission.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- David Cooper, Yucca Valley, said that from a general standpoint he would like to see the Commission relax the standards and extend the time frame for renewal. If all applicants have to go through the process they saw that night, people are either not going to comply or they will choose not move here.
- Margo Sturges, Yucca Valley, said that she believes that Home Occupation Permits should be limited to the home owner. She also said she believed that the requirement that a renter get approval from the landlord had been removed, and that the proposed ordinance would allow large truck signs. She believes that the appeal fee is too high and that multiple houses in the same area should not be allowed to operate the same type of business.
- Fritz Koenig, Yucca Valley, said that he would like agenda items 1 and 2 to be incorporated into the record for agenda item 3. He said that the Town does not inspect Home Occupation Permits each year, and that action is only taken when someone makes a complaint. He also objected to the language allowing the Planning Commission to grant Conditional Use Permits to activities which do not comply with the Home Occupation Permit regulations.

Seeing there were no more individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Chair Humphreville introduced a discussion of firearm sales as a home occupation.

Commissioner Whitten said that a distinction should be made between home occupations and home based businesses. Commissioners Drozd, Bridenstine, Whitten and Chair Humphreville all said that gun sales should be allowed in some residential zones. There was Commission consensus that firearm sales should be prohibited in multifamily zones. Commissioner Whitten said that he felt that firearm sales should be allowed in RL5 zoning, and didn't think ammunition should be sold on site. Chair Humphreville said that he didn't think firearm sales should be limited to five acre lots, and that if the business was legal and meets the criteria, it should be allowed on half acre lots. He also said that he didn't object to ammo sales as long as it was done as drop shipments and not stored on the property, but he would be ok with restricting it. Commissioner Whitten said he thought firearm sales need the buffer provided by RL lot sizes.

Commissioners Drozd, Bridenstine, and Humphreville said that a half acre or greater lot size might be an appropriate lot size for gun sales. Commissioner Bridenstine clarified that she did not approve of allowing firearm sales, or any traffic generating business, in any of the RS zones, and that they should only be allowed in RL or above. Commissioner Lavender asked about the lot sizes in tracks. Commissioner Whitten said that he thought that firearm sales should be prohibited in RS and RN, but allowed in RL zones. He also said that he liked the additional safety features required in the Zorawicki Conditions of Approval. Chair Humphreville said that the Commission should not try to make standards based on gun size. Staff said they would take the Commission's direction to structure new recommended standards.

Chair Humphreville asked the Commissioners for comments on the purpose section of the draft regulations. Commissioner Whitten said he doesn't want to see any Home Occupations strictly prohibited. He also suggested that staff included language in the draft ordinance adding a sunset clause.

There was a discussion about how to address restrictions in multifamily zones. Commissioner Whitten said he would like to see definitions first and a tiered system. Staff asked if the Commission felt that exempt home occupations which are exempt from permitting should be allowed in multifamily zones. Commissioner Whitten said that he was ok with allowing the occupations listed as exempt allowed in multifamily zones, but would like to see a tiered table. Commissioner Drozd suggested having a set of standards rather than a list of exempt home occupations.

Commissioner Whitten said that he thought that the landlord should have to give approval for a renter's home occupation. Staff said that there was no intent to remove that requirement, and while staff may have missed including that language, getting landlord approval is a requirement of law. Staff said they would include that language.

Chair Humphreville asked for clarification from staff that a business which was listed as prohibited, could be allowed through a Conditional Use Permit. He thinks including a list of prohibited occupations helps clarify what is generally allowed.

Commissioner Bridenstine also suggested getting rid of the list of exempt occupations. There was commission consensus that they would like to see a tiered table.

Staff said that they will take the Commission's direction and work on a new draft of the regulations.

Commissioner Drozd suggested the Commission consider something to address allowing artist to participate in the art tours.

Commissioner Bridenstine said that she likes the tiered idea, and that she would prefer not to add more restrictions, and instead see it taken on a more case by case basis for Conditions of Approval.

Chair Humphreville asked if there were any comments on section G, Review. Commissioner Whitten asked staff if a single Commissioner could appeal a decision made at the Director level. Staff said that is not addressed in the code.

Chair Humphreville introduced a discussion of permit renewal. There was Commission consensus on a renewal period of three years. Commissioner Whitten said that he would like to see an option for extensions. Commissioner Bridenstine disagreed, and pointed out that the staff costs for approving an extension would be comparable to approving a renewal. There was Commission consensus that renewals would happen on the Director level provided that there are no complaints. Commissioner Whitten suggested removing the fee for renewal on permits with no complaints.

The Commissioners had no comments on the sections addressing revocation, or appeals.

Chair Humphreville asked the Commissioners for any general comments they had on Home Occupation Permits.

Commissioner Whitten asked if violation of property maintenance standards was included as a reason for revocation of a Home Occupation Permit. Staff said that being in violation of any code would be a reason for revocation.

CONSENT AGENDA

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

- Margo Sturges, Yucca Valley, requested that the minutes submitted to the commission be amended. She felt that the reason for the recess during the May 13, 2014 meeting should be included in the minutes.

CLOSE PUBLIC COMMENT

MOTION

Chair Humphreville moved that the Planning Commission approve the submitted minutes of the meetings held on May 13, 2014 and May 27, 2014. Commissioner Bridenstine seconded. The motion passed unanimously.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd said that it was great seeing everyone at the meeting, but it is difficult to see a divided community. It is important that everyone is heard. He also thanked staff.

Commissioner Lavender apologized for his lack of preparation due to his recent health issues.

Commissioner Whitten thanked the citizens, and he said he appreciates the public coming out. He said that he appreciates what Margo does in the community. He said he would like a public announcement regarding the changed law regarding bicycles. He thanked staff, and said he is looking forward to progressing on the development code.

Commissioner Bridenstine thanked staff for their work, and thanked the public for coming out. She said we are not always going to agree, and that's ok. It take diversity to create a great community. She hopes not to see any more personal vendettas play out in front of the Commission, as it is a misuse of staff and Commission time.

Chair Humphreville thanked staff for their efforts. He said he hopes to complete the Home Occupation Permit regulations.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for June 24, 2014 and 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:04pm.

Respectfully submitted,

Allison Brucker
Secretary

Approved by the Planning Commission on _____, 2014.